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**CITY OF HOMER
HOMER, ALASKA**

Davis/Erickson

ORDINANCE 22-42(S-3)

AN ORDINANCE OF THE CITY OF HOMER ALASKA AMENDING
HOMER CITY CODE SECTIONS 11.04.120, 22.10.050 AND 22.10.051
TO SPECIFY WHEN NEW STREETS ARE REQUIRED TO PROVIDE
FOR NON-MOTORIZED TRANSPORTATION.

WHEREAS, The Homer Non-Motorized Trails and Transportation Plan states that *“All new road construction projects will include facilities designed for non-motorized transportation,”* which *“may include sidewalks, safe crossings, separated/shared pathways, wide outside lanes, paved shoulders and striped, signed bikeways...”*; and

WHEREAS, The City of Homer has not been consistently requiring pedestrian access when new streets are being approved, in part because city code as currently formulated, does not clearly require sidewalks, but rather only easements for sidewalks, and even then only on certain streets specified in a long-outdated map; and

WHEREAS, Numerous new roads have been built in town in the past several years that lack any type of non-motorized transportation facility; and

WHEREAS, the City Council desires to implement its current policy declarations regarding standards for non-motorized transportation in new developments; and

WHEREAS, The City is in the process of updating the Master Transportation Plan and a Non-Motorized Transportation Plan, which will address standards regarding non-motorized transportation in new developments more comprehensively; and

WHEREAS, Any new standards will not be applied retroactively to the projects already approved by the City of Homer; and

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. HCC 11.04.120 Sidewalks and non-motorized transportation corridors is hereby amended to read as follows:

11.04.120 Sidewalks and non-motorized transportation corridors.

41 a. **Purpose.** The purpose of this section is to enhance public safety, convenience and mobility
42 through the development of non-motorized transportation routes for access to places of
43 public assembly, recreational, cultural, civic, educational and business activities.

44
45 b. **Non-motorized routes required.** A new street to be accepted by the City for maintenance
46 shall be required to include dedicated facilities, within the property over which the street will
47 traverse and at the developer's cost, for non-motorized transportation, such as a sidewalk,
48 path or trail, unless specifically exempted, where any of the following conditions exist:

49 1. There is an existing non-motorized transportation facility on an adjacent
50 property, ROW or easement that could be extended to, and along, the new street.

51 2. The new street connects to, or comes within 100 linear feet, of an existing
52 destination, which provides recreational, cultural, civic, educational services or
53 business activities.

54 3. The Homer 1986 Master Streets & Roads Plan, the 2005 Homer Non-Motorized
55 Trails and Transportation Plan (NMTTP), or the City of Homer Non-Motorized
56 Transportation and Trails 2022 Implementation Plan (2022 TIP), shows a non-
57 motorized route connected to, or along, the new street.

58 4. The new street lies within an Area of Interest, as shown in the 2022 TIP or its
59 successor documents.

60 6. The new street lies within the Central Business District, Urban Residential Zone
61 or Residential Office District.

62
63 c. **Exceptions.** Exceptions to the requirements of this Chapter may be approved by the City
64 Manager or designee for good cause shown including, but not limited to, the following
65 circumstances:

66
67 1. The topography or other pre-existing physical conditions do not allow a non-
68 motorized transportation route to be constructed per the Homer Design Criteria Manual, if a
69 sidewalk, or the Homer Trails Design Manual, if a path or trail.

70 2. A means of non-motorized transportation is not warranted because:

71 a. There is no route for non-motorized transportation that would connect
72 to any recreational, cultural, civic, educational services or business activities.

73 b. The existing and projected population density, for the property through
74 which the new street will traverse is, pursuant to the most recent version of the Homer
75 Comprehensive Plan, lower than the population densities projected for the Central
76 Business District, Urban Residential Zone or Residential Office District.

77 3. No alternative non-motorized transportation route is possible.

78
79 d. **Drainage or Utility Easements.** Non-motorized transportation routes may be installed in
80 utility or drainage easements, so long as the Public Works Director determines that sufficient
81 space, topography and other physical conditions allow for joint use.

82
83 e. **Design/Construction Standards.** Any non-motorized facility developed under this Chapter
84 shall be designed and constructed in accordance with the Trail Level Design Parameters, set
85 forth in the current version of the City of Homer Trail Manual – Design Criteria and constructed
86 in accordance with the applicable provisions of the current version of the City of Homer
87 Construction Standards. The Trail Level shall be (i) appropriate for the site-specific
88 application, considering the nature of the destinations that will be connected by the route,
89 expected usage, topography, drainage, and maintenance, and (ii) subject to the City’s
90 approval.

91
92 f. **Betterments.** In the event the City desires to provide a non-motorized facility to a design or
93 construction standard that goes beyond what the developer is required to provide, the City will
94 reimburse the developer for the actual, documented cost of the upgrade.

95
96 g. **Developer’s Option.** In the event a developer is not required to provide non-motorized
97 facilities but chooses to do so anyway, the City will accept the non-motorized facilities for
98 maintenance, when the new street is accepted, so long as the non-motorized facilities are
99 designed and built in accordance with the City standards.

100
101 h. **Liberal construction.** The provisions of this chapter shall be construed liberally so as to
102 promote its purpose.

103
104 **Section 2.** Homer City Code Section 22.10.050 Improvement requirements is hereby
105 amended as follows:

106
107 **22.10.050 Improvement requirements – General.**

108
109 a. The Kenai Peninsula Borough shall not release any final plat for a subdivision in the City for
110 filing at the State Recorder’s office until the subdivider or developer of the subdivision either
111 enters a subdivision agreement for, or constructs and obtains written City approval of, the
112 following improvements, according to the standards and procedures required under HCC Title
113 11:

- 114
115 1. Streets in all rights-of-way dedicated by the plat;
116 2. All other utilities and public improvements to be constructed in the rights-of-way and
117 easements dedicated by the plat, including water, sewer, electric, communications,
118 and gas lines, and applicable means for non-motorized transportation; and

119 3. Abandonment or relocation of existing water or sewer service lines required due to
120 conflict with new or relocated property lines, as required by the Public Works
121 Department.
122

123 b. The Commission may exempt a plat from the provisions of subsection (a) of this section as
124 provided in HCC 22.10.040.
125

126 c. The subdivider shall be required to dedicate street rights-of-way according to the standards
127 and specifications of Chapter 11.04 HCC and the City of Homer Design Criteria Manual. The
128 subdivider shall be required to dedicate ROW or easements required to support non-motorized
129 transportation facilities required by HCC 11.04.120. Beyond a minimum of 60 feet, the
130 subdivider may agree to a note attached to said subdivision plat providing sufficient setback
131 to allow future expansion of the right-of-way without removal of improvements. Horizontal
132 alignments are subject to City review; the City may require realignment of streets on proposed
133 plats if the alignments do not conform to Chapter 11.04 HCC and the Design Criteria Manual.
134 Final plat approval shall thus be subject to the approval of horizontal alignments by the City
135 Public Works Engineer.
136

137 d. All street, utility main improvements and means for non-motorized transportation to be
138 constructed as part of a subdivision agreement shall be constructed according to the
139 procedures of Chapter 11.20 HCC. The City shall accept no such improvements unless a
140 subdivision agreement is executed prior to construction of such improvements.
141

142 e. All streets constructed as part of a subdivision improvement project shall be monumented
143 according to the procedures of Chapter 11.20 HCC (HCC 11.20.090(d)).
144

145 **Section 3.** Homer City Code Section 22.10.051 Easements and rights-of-way is hereby
146 amended as follows:
147

148 22.10.051 Easements and rights-of-way.
149

150 a. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement
151 immediately adjacent to the entire length of the boundary between the lot and each existing
152 or proposed street right-of-way.
153

154 b. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer
155 easements that are needed for future water and sewer mains shown on the official
156 Water/Sewer Master Plan approved by the Council.
157

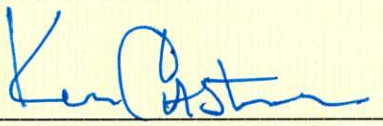
158 c. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or
159 other non-motorized transportation facilities required by HCC 11.04.120.
160

161 d. The City Council may accept the dedication of easements or rights-of-way for non-motorized
162 transportation facilities that are not required by subsection (c) of this section, if the City
163 Council determines that accepting the dedication would be consistent with the adopted plans
164 of the City.

165
166 Section 4. This ordinance is of a permanent and general character and shall be included
167 in the City Code.

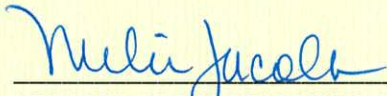
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169 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 14th day of November, 2022.

170
171 CITY OF HOMER

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175 KEN CASTNER, MAYOR

176
177 ATTEST:

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179 

180
181 MELISSA JACOBSEN, MMC, CITY CLERK

182
183 YES: 5

184 NO: 0

185 ABSTAIN: 0

186 ABSENT: 1

187
188 First Reading: 10-24-22

189 Public Reading: 11-14-22

190 Second Reading: 11-14-22

191 Effective Date: 11-15-22

