



# AGENDA ITEM REPORT

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**Ordinance 23-21, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 22.10.050 to Specify that Preliminary Plats Approved by the City Shall Include all Development Commitments made to the City, and that a Final Plat for the City of Homer Shall be an As-Built Survey. Davis/Erickson.**

**Item Type:** Ordinance  
**Prepared For:** Mayor Castner and Homer City Council  
**Meeting Date:** 10 April 2023  
**From:** Council Members Davis and Erickson

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The intent of this ordinance is to address the phenomenon of new subdivisions coming into existence in Homer that do not include various development commitments (e.g. sidewalks, trails, easements, drainage routes & infrastructure) that were made to the City during the approvals process for the subdivision, but were never implemented.

The proposed solution is to a) require that all development commitments made to the City be included on the preliminary plat prior to its approval by the City and transmittal to the Kenai Peninsula Borough, and b) to require that the final plat issued by the Borough be an as-built survey showing completion of all the commitments included on the preliminary plat.

Our intent in introducing this ordinance now is not that it be passed immediately, but that it be referred to the Planning Commission for comment and input.

**Recommendation:**

Introduce Ordinance 23-21 and refer to the Planning Commission, schedule public hearing and second reading on May 22, 2023.

**Attachments:**

Ordinance 23-21

1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

Davis/Erickson

3  
4 **ORDINANCE 23-21**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AMENDING HOMER CITY CODE SECTION 22.10.050 TO SPECIFY  
8 THAT PRELIMINARY PLATS APPROVED BY THE CITY SHALL  
9 INCLUDE ALL DEVELOPMENT COMMITMENTS MADE TO THE CITY,  
10 AND THAT A FINAL PLAT FOR THE CITY OF HOMER SHALL BE AN  
11 AS-BUILT SURVEY.  
12

13 WHEREAS, The City of Homer has a responsibility to its residents to ensure that new  
14 subdivisions are designed and built with necessary infrastructure for the health and safety of  
15 its citizens and the protection of the environment; and  
16

17 WHEREAS, Developers of new subdivisions often make development commitments to  
18 the City related to sidewalks, trails, sewer connections, drainage, storm water controls,  
19 grading, slope, setbacks, protection of wetlands, preservation of existing watercourses and/or  
20 mitigation of potential downstream impact of watercourse alteration, and other subdivision  
21 improvements that may be required by code, or which may not be required by code but may  
22 arise in consultations with city staff or in response to public testimony related to the  
23 development; and  
24

25 WHEREAS, The public hearing that is included in the preliminary plat approval process  
26 is the primary opportunity for public engagement in the process of developing new  
27 subdivisions, and this public engagement sometimes results in additional development  
28 commitments being made to the city; and  
29

30 WHEREAS, In the past there have been instances where development commitments  
31 that were made to the City were not implemented as promised; and  
32

33 WHEREAS, Current city code envisions a final plat to be issued by the Borough on the  
34 basis of an agreement to carry out certain commitments, rather than on the basis of those  
35 commitments actually having been carried out; and  
36

37 WHEREAS, A policy requiring all development commitments to be included on the  
38 preliminary plat, and requiring the final plat to be an as-built survey showing completion of all  
39 the elements included on the preliminary plat would appear to be an effective means of  
40 ensuring all commitments undertaken by a subdivider have been implemented.  
41

42 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

43            Section 1. Homer City Code Chapter 22.10.050 entitled “Improvement requirements -  
44 General” is hereby amended as follows:

45  
46 22.10.050 Improvement requirements - General

47 a. **The final plat for a subdivision in the City shall be an as-built survey showing**  
48 **completion of all elements of the previously-approved preliminary plat.** The Kenai  
49 Peninsula Borough shall not release any final plat for a subdivision in the City for filing at the  
50 State Recorder’s office until the subdivider or developer of the subdivision ~~either enters a~~  
51 ~~subdivision agreement for, or~~ constructs and obtains written City approval of, the following  
52 improvements, according to the standards and procedures required under HCC Title 11:

- 53
- 54            1. Streets in all rights-of-way dedicated by the plat;
  - 55            2. All other utilities and public improvements to be constructed in the rights-of-way and  
56 easements dedicated by the plat, including water, sewer, electric, communications,  
57 and gas lines, and applicable means for non-motorized transportation; and
  - 58            3. Abandonment or relocation of existing water or sewer service lines required due to  
59 conflict with new or relocated property lines, as required by the Public Works  
60 Department.

61

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

64

65 c. The subdivider shall be required to dedicate street rights-of-way according to the standards  
66 and specifications of Chapter 11.04 HCC and the City of Homer Design Criteria Manual. The  
67 subdivider shall be required to dedicate ROW or easements required to support non-motorized  
68 transportation facilities required by HCC 11.04.120. Beyond a minimum of 60 feet, the  
69 subdivider may agree to a note attached to said subdivision plat providing sufficient setback  
70 to allow future expansion of the right-of-way without removal of improvements. Horizontal  
71 alignments are subject to City review; the City may require realignment of streets on proposed  
72 plats if the alignments do not conform to Chapter 11.04 HCC and the Design Criteria Manual.  
73 Final plat approval shall thus be subject to the approval of horizontal alignments by the City  
74 Public Works Engineer.

75

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

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81 **e. Any development commitments made by a subdivider to the City shall be shown on the**  
82 **preliminary plat prior to its transmittal by the City to the Kenai Peninsula Borough. Any**  
83 **plat notes provided in lieu of drawings shall be specific and promissory. Such**  
84 **development commitments may be related to sidewalks, trails, sewer connections,**

85 **drainage, storm water controls, grading, slope, setbacks, protection of wetlands,**  
86 **preservation of existing watercourses and/or mitigation of potential downstream impact**  
87 **of watercourse alteration, and any other subdivision improvements, whether required**  
88 **by code, or which may not be required by code but may arise in consultations with city**  
89 **staff or in response to public testimony related to the development.**

90  
91 e **f.** All streets constructed as part of a subdivision improvement project shall be monumented  
92 according to the procedures of Chapter [11.20](#) HCC (HCC [11.20.090](#)(d)).

93  
94 Section 2. This ordinance is of a permanent and general character and shall be included  
95 in the City Code.

96  
97 ENACTED BY THE HOMER CITY COUNCIL this \_\_\_\_ day of \_\_\_\_, 2023.

98  
99 CITY OF HOMER

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103 \_\_\_\_\_  
104 KEN CASTNER, MAYOR

105  
106 ATTEST:  
107  
108  
109 \_\_\_\_\_  
110 MELISSA JACOBSEN, MMC, CITY CLERK

111  
112 YES:  
113 NO:  
114 ABSENT:  
115 ABSTAIN:  
116  
117 First Reading:  
118 Public Hearing:  
119 Second Reading:  
120 Effective Date: