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**CITY OF HOMER
HOMER, ALASKA**

Davis/Erickson

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ORDINANCE 23-21(S)(A)

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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.~~

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

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

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

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

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

WHEREAS, A policy requiring all development commitments to be **captured in the form of a contractual subdivision agreement that would be signed prior to issuance of** ~~included on the preliminary plat, and requiring the final plat to be an as-built survey showing completion of all the elements included on the preliminary plat~~ would appear to be an effective means of ensuring all commitments undertaken by a subdivider have been implemented.

43 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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

46
47 22.10.050 Improvement requirements – General

48
49 a. ~~The final plat for a subdivision in the City shall be an as-built survey showing~~
50 ~~completion of all elements of the previously approved preliminary plat.~~ The Kenai
51 Peninsula Borough shall not release any final plat for a subdivision in the City for filing at the
52 State Recorder’s office until the subdivider or developer of the subdivision either enters a
53 subdivision agreement for, or **either enters into a subdivision agreement and** constructs and
54 **or** obtains written City approval of, the following **all agreed to** improvements **therein,**
55 **including those made** according to the standards and procedures required under HCC Title
56 11:

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

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

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

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

84

85 **e. Any development commitments made by a subdivider to the City shall be shown on the**
86 **preliminary plat prior to its transmittal by the City to the Kenai Peninsula Borough. Any**
87 **plat notes provided in lieu of drawings shall be specific and promissory. Such**
88 **development commitments may be related to sidewalks, trails, sewer connections,**
89 **drainage, storm water controls, grading, slope, setbacks, protection of wetlands,**
90 **preservation of existing watercourses and/or mitigation of potential downstream impact**
91 **of watercourse alteration, and any other subdivision improvements, whether required**
92 **by code, or which may not be required by code but may arise in consultations with city**
93 **staff or in response to public testimony related to the development.**

94
95 e **f.** All streets constructed as part of a subdivision improvement project shall be monumented
96 according to the procedures of Chapter [11.20](#) HCC (HCC [11.20.090](#)(d)).
97

98 Section 2. This ordinance is of a permanent and general character and shall be included
99 in the City Code.

100
101 ENACTED BY THE HOMER CITY COUNCIL this ____ day of ____, 2023.

102
103 CITY OF HOMER

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105
106 _____
107 KEN CASTNER, MAYOR

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109
110 ATTEST:
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112
113 _____
114 MELISSA JACOBSEN, MMC, CITY CLERK

115
116 YES:
117 NO:
118 ABSENT:
119 ABSTAIN:
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121 First Reading:
122 Public Hearing:
123 Second Reading:
124 Effective Date: