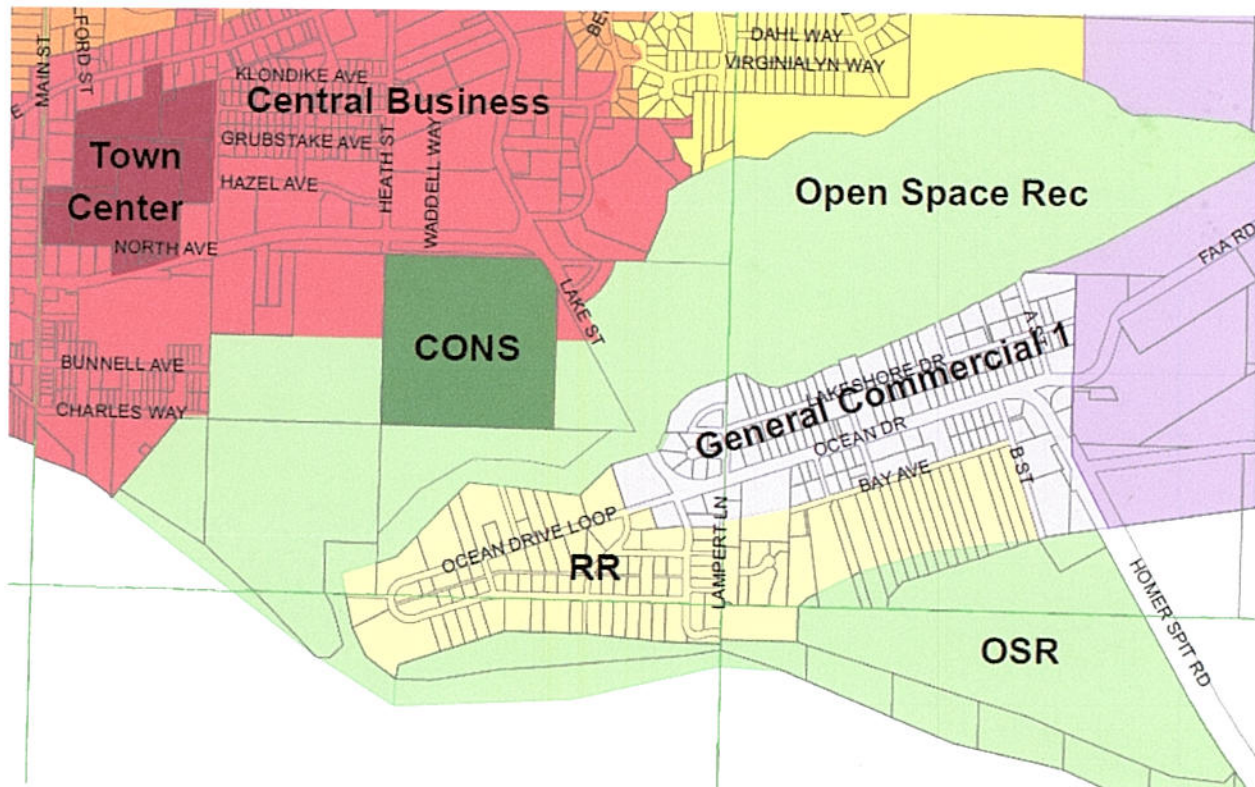


## BISHOP BEACH

City zoning map: [http://www.cityofhomer-ak.gov/sites/default/files/fileattachments/zoning\\_map\\_2.pdf](http://www.cityofhomer-ak.gov/sites/default/files/fileattachments/zoning_map_2.pdf)



City Comprehensive Plan:

**GOAL 7:** Support public beach access.

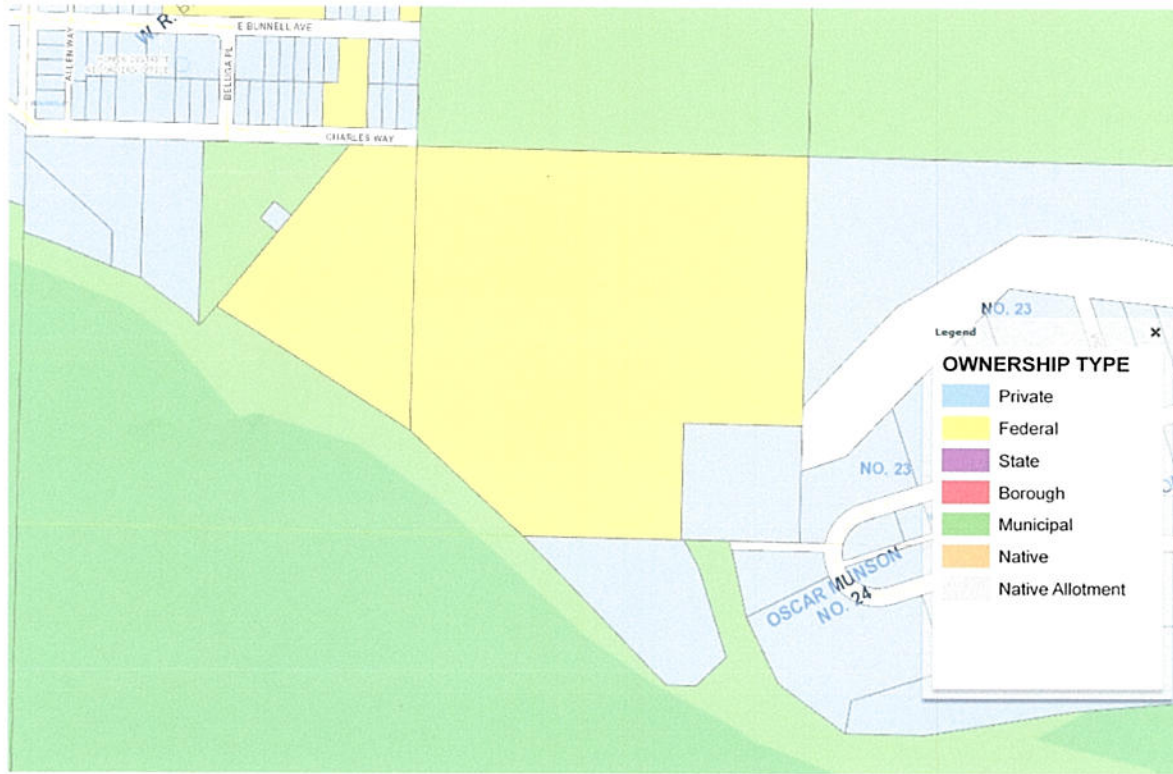
**Objective A:** Support citizen efforts to maintain environmental quality and public use of beaches through the current Beach Policy.

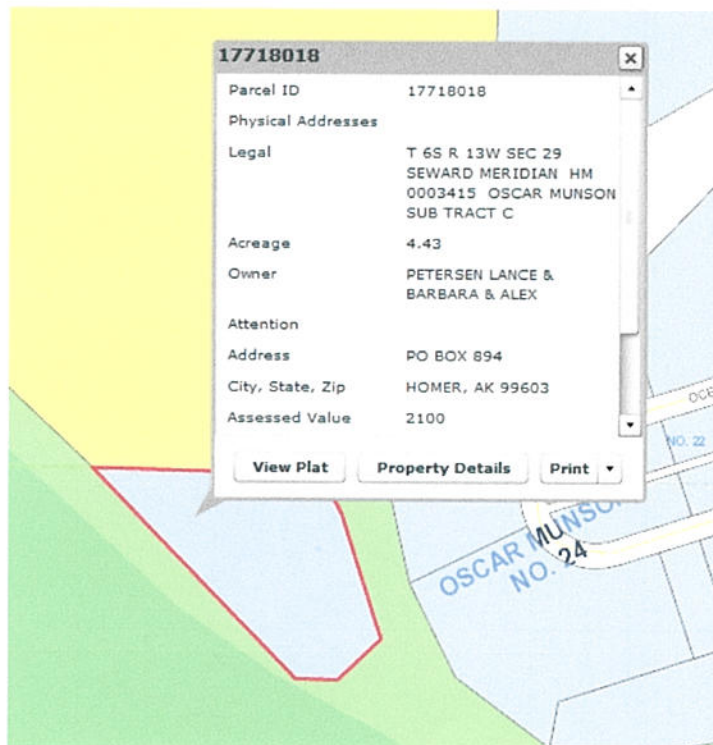
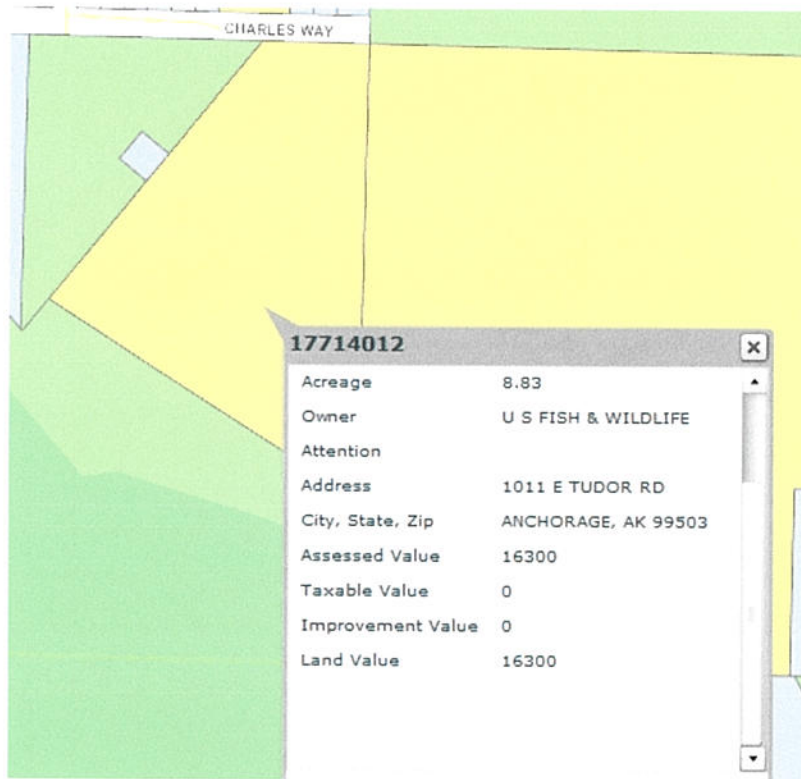
The City of Homer has an adopted beach policy. As new challenges and opportunities arise, this document will need to be updated and the city will need to fund any plan implementation strategies. The Parks and Recreation Advisory Commission is the advisory body which makes recommendations to the City Council on beach issues. This objective is intended to empower Homer citizens to work with the Commission to make recommendations to the City Council on how to manage problems.

### Implementation Strategies

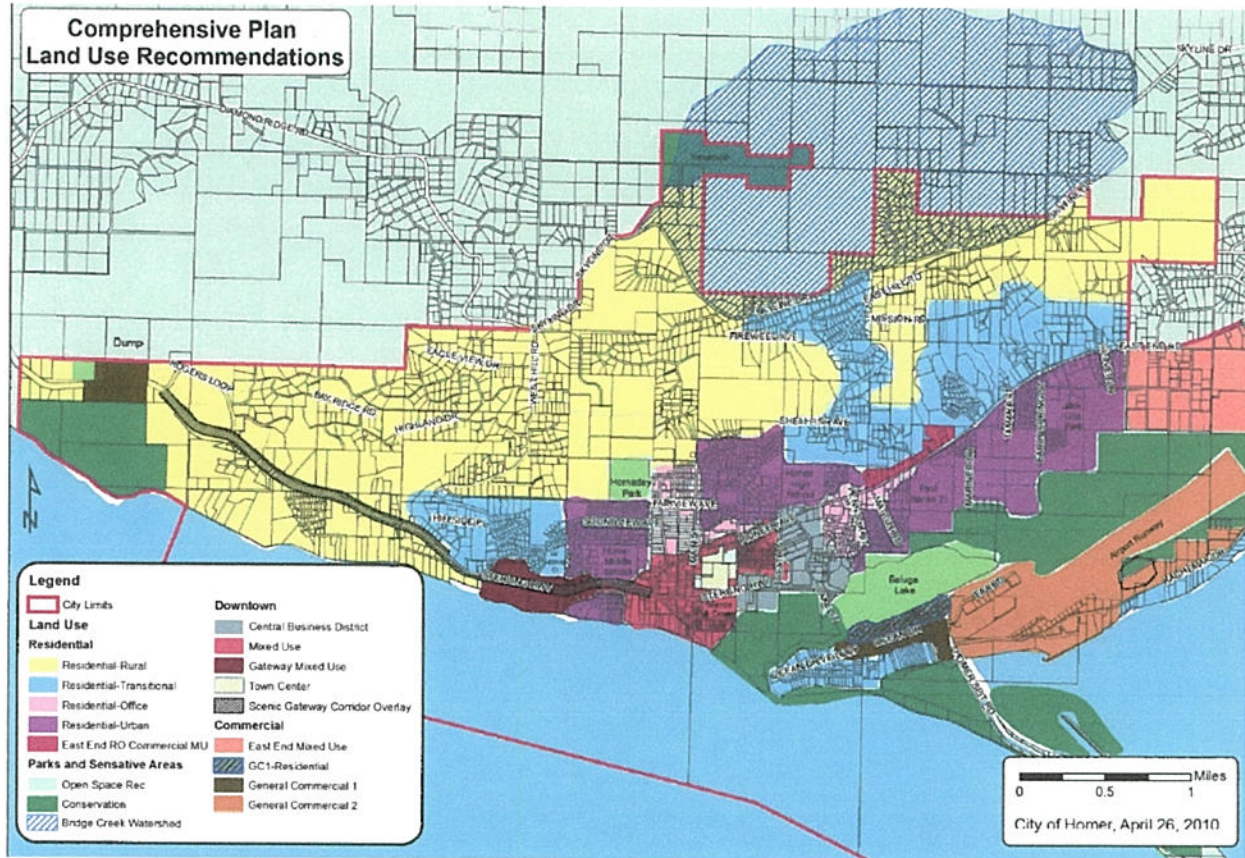
1. Support the policies and recommendations of the Beach Policy document.
2. As the need arises, update the beach policy and implement the recommendations.

# Land Ownership:





Comp Plan Recommendations:



## Chapter 21.32 OSR OPEN SPACE – RECREATION DISTRICT

Sections:

- [21.32.010](#) Purpose.
- [21.32.020](#) Permitted uses and structures.
- [21.32.030](#) Conditional uses and structures.
- [21.32.040](#) Site development standards.
- [21.32.050](#) Site and access plan.

### 21.32.010 Purpose.

The purposes of the [Open Space](#) – Recreation District are primarily to promote public recreational opportunities while protecting and preserving the natural and scenic resources of the area and public access to tidelands. Generally, pedestrian [uses](#) are given priority over motorized [uses](#). [Ord. [08-29](#), 2008].

### 21.32.020 Permitted uses and structures.

The following [uses](#) are permitted outright in the [Open Space](#) – Recreation District:

- a. Marine recreation activities such as fishing and boating;
- b. Open space, such as park, playground and related recreation activities;
- c. Marine-life raising or production for recreational purposes, but not for commercial fishing purposes;
- d. Marine-life and wildlife sanctuary or preserve;
- e. [Recreational vehicle parks](#), provided they shall conform to the standards in Article II of Chapter [21.54](#) HCC. [Ord. [08-29](#), 2008].

### 21.32.030 Conditional uses and structures.

The following [uses](#) may be conditionally permitted in the [Open Space](#) – Recreation District when authorized by conditional [use](#) permit issued in accordance with Chapter [21.71](#) HCC:

- a. Public utility facilities and [structures](#);
- b. Any [structures](#) used for [uses](#) permitted outright in the district;

- c. Fishing gear and boat storage;
- d. Campgrounds;
- e. Pipelines and railroads;
- f. Parking areas;
- g. Other [open space](#) and recreation [uses](#);
- h. Indoor recreational facilities;
- i. Outdoor recreational facilities. [Ord. [14-49\(A\)](#) § 10, 2014; Ord. [08-29](#), 2008].

### **21.32.040 Site development standards.**

Site [development](#) in this district must comply with the level one [site](#) development standards set forth in HCC [21.50.020](#). The [uses](#) and [structures](#) allowed in this district are also subject to the following standards:

- a. The [development](#) shall not adversely affect the natural resources such as the littoral drift pattern and the estuarine environment;
- b. The [development](#) shall preserve all pedestrian [easements](#) and rights-of-way to the tidelands. Any application for a [new development](#) shall include a [site plan](#) showing these and any other proposed [easements](#) and their dimensions. The [Planning Commission](#) may require additional [easements](#) depending on the design, scale and location of existing public access points;
- c. All [structures](#) shall be designed in terms of their height, bulk, scale and orientation to minimize the interruption of scenic views;
- d. The [development](#) shall be compatible with adjacent and nearby properties;
- e. The [development](#) can be served by existing public services or facilities;
- f. The [development](#) shall not be contrary to the City's [Comprehensive Plan](#) or the [State](#) Coastal Management Program;
- g. The [development](#) shall not be inconsistent with the purposes of the district. [Ord. [08-29](#), 2008].

## **Chapter 19.16 VEHICLES ON HOMER SPIT BEACH<sup>1</sup>**

Sections:

<a href="#">19.16.010</a>	General.
<a href="#">19.16.020</a>	Definitions.
<a href="#">19.16.030</a>	Use of vehicles prohibited.
<a href="#">19.16.040</a>	Violation – Penalty.

Prior legislation: Ord. 77-10.

### **19.16.010 General.**

It is the intent of this chapter to preserve and [protect](#) certain beach areas of the Homer Spit from the [uncontrolled and ever increasing use of such areas by persons driving wheeled, motorized vehicles thereon](#).

[Code 1967 § 12-600.1].

### **19.16.020 Definitions.**

For the purposes of this chapter, "[beach area](#)" shall include the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form.

"[Berm](#)" means a natural, linear mound or series of mounds of sand or gravel, or both, generally paralleling the water at or landward of the line of ordinary high tide.

"Storm berm" means a berm formed by the upper reach of storm wave surges or the highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and other waterborne materials. A beach may have more than one storm berm. [Ord. [02-14\(A\)](#) § 2, 2002. Code 1967 § [12-600.2](#)].

#### **19.16.030 Use of vehicles prohibited.**

a. No person shall operate a recreational vehicle, motorcycle, motor bike, or motor scooter within or upon that beach area as defined in HCC [19.16.020](#) located from a line bisecting the Homer Spit at the centerline of the mouth of the Fishing' Hole to the tip of the Spit.

b. For the purpose of this section, recreational vehicle is defined as a self-propelled vehicle having wheels, tracks or rollers that may be operated on land areas located off the public roads. Use of vehicles engaged in commercial activity, as opposed to recreational, is exempted from this prohibition.

c. No person shall operate any motorized vehicle upon a storm berm on any beach within the City limits of Homer except in designated areas.

d. No person shall operate any motorized vehicle upon the following beach or tidal areas:

1. Mud Bay;
2. Louie's Lagoon;
3. Mariner Park Lagoon;
4. Beluga Slough.

e. The official "Beach Policy Map of the City of Homer" is enacted by reference and declared to be part of this chapter in its exact form as it exists on the date that the ordinance codified in this chapter is adopted by the City Council. [Ord. [02-14\(A\)](#) § 2, 2002; Ord. [01-39](#), 2001; Ord. [78-16](#) § 1, 1978. Code 1967 § [12-600.4](#)].

#### **19.16.040 Violation – Penalty.**

The violation of any provision contained in this chapter shall be punished as follows:

- a. First offense: \$25.00 fine;
- b. Second offense: \$250.00 fine;
- c. Third and subsequent offenses: \$499.00 fine. [Ord. [02-14\(A\)](#) § 1, 2002. Code 1967 § [12-600.6](#)].

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For provisions regarding the impounding of vehicles on Homer Spit Beach, see Chapter [7.08](#) HCC.

## **Chapter 19.20 PARKS AND RECREATIONAL FACILITIES**

Sections:

<a href="#">19.20.010</a>	Definitions.
<a href="#">19.20.020</a>	General rules.
<a href="#">19.20.030</a>	Park closure.
<a href="#">19.20.040</a>	Park use agreements.
<a href="#">19.20.050</a>	Campground host program.
<a href="#">19.20.060</a>	Regulations.
<a href="#">19.20.070</a>	Remedies and penalties.

#### **19.20.010 Definitions.**

In this chapter:

"Camp" means using an outdoor area or motor vehicle for sleeping or temporary living quarters, including without limitation erecting a tent or other temporary shelter.

"Park" means an area designated as a park, reservation, playground, beach, or recreation area, owned or managed by the City and devoted to active or passive recreation. [Ord. [12-24\(A\)](#) § 2, 2012].

#### **19.20.020 General rules.**

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The following general rules govern the public use of parks:

- a. No person may deface, disfigure, damage, tamper with, or displace or remove any building, structure, table, bench, fireplace, sign, notice, vegetation, or placard in a park.
- b. No person may cut, pick or damage trees, flowers or other vegetation in a park.
- c. No person may camp in a park except in an area and at a time designated for that purpose by the City Manager.
- d. No person may light, build, use or maintain an open fire or portable camp stove in a park except in a receptacle or area designated for that use. No person may leave an open fire or operating portable camp stove unattended. No person may use a flammable liquid other than charcoal lighting fluid to start or accelerate a fire.
- e. No person may operate, or stop, stand or park, a motorized vehicle in a park except:
  1. In an area designed for the use, and in a manner permitted by the designation; or
  2. Construction, enforcement, maintenance or emergency vehicles operated by the State, the Kenai Peninsula Borough, the City or their respective contractors.
- f. Where the operation of motor vehicles is permitted in a park, motor vehicles shall be operated in accordance with posted speed limits, in a prudent and safe manner, and at a speed not exceeding 10 miles per hour in parking areas.
- g. A person having control or supervision of an animal that excretes feces in a park shall immediately collect and properly dispose of the feces.
- h. No person may dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash, or water, sewage or effluent from sinks, portable toilets or other plumbing fixtures, directly upon the surface of land or water in a park.
- i. Dumpsters provided at park facilities are intended for park use only. [Ord. [12-24\(A\)](#) § 2, 2012].

#### **19.20.030 Park closure.**

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- a. The City Manager may designate times during which a park is closed to the public.
- b. The City Manager shall notify the public of times during which a park is closed to the public by the placement of signs at entrances to the park or within the closed area. No person may enter or remain in a park during the hours of closure designated on such a sign. [Ord. [12-24\(A\)](#) § 2, 2012].

#### **19.20.040 Park use agreements.**

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The Council by resolution may authorize an agreement between the City and an organization providing for the organization's use, operation and maintenance of facilities within a park. The agreement will address such issues as scheduling, litter, sanitary facilities, damage, crowd control, traffic control, noise, insurance and public notice. [Ord. [12-24\(A\)](#) § 2, 2012].

#### **19.20.050 Campground host program.**

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The Council by resolution may authorize the City Manager to establish a campground host program for designated City parks, under which volunteers will provide campground host services to park users. [Ord. [12-24\(A\)](#) § 2, 2012].

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### 19.20.060 Regulations.

The City Manager is authorized to promulgate regulations, in addition to the rules stated in this chapter, to regulate the use of park and recreational facilities. [Ord. [12-24\(A\)](#) § 2, 2012].

### 19.20.070 Remedies and penalties.

Remedies and penalties for violations of this chapter are as provided in Chapter [1.16](#) HCC. [Ord. [12-24\(A\)](#) § 2, 2012].

## Chapter 21.34 CO CONSERVATION DISTRICT

### Sections:

<a href="#">21.34.010</a>	Purpose.
<a href="#">21.34.020</a>	Permitted uses.
<a href="#">21.34.030</a>	Conditional uses.
<a href="#">21.34.040</a>	Dimensional requirements.
<a href="#">21.34.050</a>	Site development standards.

### 21.34.010 Purpose.

The Conservation District is applied to sensitive public lands that are critical to the maintenance of fish and wildlife resources, protect important [watershed](#) areas, or serve other key environmental functions. Private lands meeting the same criteria also may be included in the district with the consent of the owner. These lands are to be [maintained in an undisturbed and natural state, except for parks with passive recreation activities and facilities](#) (e.g., wildlife viewing, nature walks, educational and interpretive uses) and other [uses](#) that do not change the character of the land or disrupt fish and wildlife. [Passive recreation activities are secondary to habitat protection and enhancement.](#) [Ord. [11-32](#) § 1, 2011; Ord. [08-29](#), 2008].

### 21.34.020 Permitted uses.

The following [uses](#) are permitted outright in the Conservation District:

- a. Fish and wildlife habitat protection and enhancement.
- b. Marine-life and wildlife sanctuary or preserve. [Ord. [11-32](#) § 2, 2011; Ord. [08-29](#), 2008].

### 21.34.030 Conditional uses.

The following [uses](#) are conditionally permitted in the Conservation District when authorized by conditional [use](#) permit issued in accordance with Chapter [21.71](#) HCC:

- a. Pedestrian trails, including boardwalks and viewing platforms.
- b. Educational and interpretive displays and [signs](#).
- c. Public utility facilities and [structures](#) that cannot be reasonably located in another district.
- d. Parking [lots](#) incidental to a permitted or conditionally permitted [use](#).
- e. Other conservation [uses](#) that will enhance the Conservation District, approved by the [Planning Commission](#), provided, however, a finding of no [adverse impact](#) to the integrity of the fish and wildlife resources and habitat must be found. [Ord. [11-32](#) § 3, 2011; Ord. [08-29](#), 2008].

### 21.34.040 Dimensional requirements.

- a. Lot Width. [Lot width](#) is unrestricted.
- b. Lot Area. [Lot area](#) is unrestricted. [Ord. [08-29](#), 2008].

### 21.34.050 Site development standards.

All [development](#) in this district shall comply with the level one [site](#) development standards contained in HCC [21.50.020](#). [Ord. [08-29](#), 2008].



## City of Homer

### Beach Policy

2007

<http://www.cityofhomer-ak.gov/cityclerk/beach-policy>

#### 2. Definitions

**a. Berm** means a natural, linear mound or series of mounds of sand or gravel, or both, generally paralleling the water, at or landward of, the line of ordinary high tide.

**b. Storm berm** means a berm formed by the upper reach of storm wave surges or the highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and other water-borne materials. A beach may have more than one storm berm.

**Example:** Grassy areas of Mariner Lagoon and Beluga Slough where highest tides and storm deposit logs and driftwood. Tall grasses grow there most of the time, and only at the highest tides and largest storms are logs thrown up on the beach.

**4. Encourage better enforcement of applicable existing state and local laws.** Examples of applicable laws include: HCC 19.08 Campgrounds, HCC 19.16 Vehicles on Homer Spit Beach, HCC 18.28.200 Waste or injury to land, and Alaska State Traffic Regulations regarding: DWI, Reckless Driving, Negligent Driving, Basic Speed, and Littering.

A) More evening enforcement in City campgrounds, and encourage/post quiet hours.

B) More enforcement of city driving laws on city beaches.

**7. Area 7 - Beluga Slough Outlet to Bishops Beach Park access.** This is a heavily used area, and has the greatest potential for conflicts between user groups. We do not wish to prohibit vehicle use, but would rather encourage a separation to enhance user experiences.

A. Support Fish & Wildlife efforts to protect berm and promote rye grass and driftwood buildup.

B. Support Fish & Wildlife work to develop a plan to maintain the ecological integrity of their educational reserve, including possible conservation zoning.

C. Increase parking at Bishop's Beach Park.

D. Signage at Bishop's Beach access:

1. "Pedestrian Zone, please limit vehicle use East to outlet of Beluga Slough."

2. "Unauthorized vehicles are prohibited on the storm berm and in the Beluga Slough area."

## **8. Area 8 - West from Bishops Beach Park Access to City Limits**

A. Construct a kiosk with interpretive signage (Visitor information, berms, driftwood, private property, compass rose), encourages courtesy to pedestrians, and that vehicles are permitted to the west towards Anchor Point.

B. Provide and maintain signage requesting:

- Please do not remove driftwood from storm berms and private property

C. Develop Charles Way as a footpath for better pedestrian flow. Do not develop for vehicle access as the bluff is eroding and it is not worth the expense to the public to build a road that will have near future erosion problems. Improve erosion control and access at Crittenden Drive and at Main Street.

D. Improve access at Main Street. Construct a stairwell to the beach. Use the right of way at the end of Main Street for an erosion control project, using seeding, native grasses and other low impact techniques. Develop a stairway so people may access the beach without treading on the eroding bluff face.

## **5. History**

The original Beach Policy Task Force was established in 2000 and completed the beach policy in 2001. The City adopted it on June 25, 2001. In 2003, Ordinance 03-27, the city was awarded a \$75,000 Coastal Impact Assessment grant to fund beach access restriction improvements, regulatory signage, a GIS coastal erosion and beach habitat information mapping project and funds for the 2004 United States Geological Survey sediment transport study camera operation.

The Task Force made further recommendations in 2005, in Memorandum 2005-78, and concluded their work. In 2007, the City Council added advising on public beaches to the duties of Parks and Recreation Advisory Commission (Ordinance 2007-01(A)). The Commission formed a Beach Committee to update the Beach Policy, which resulted in this document.

## ACTION OPTIONS

1. Document destructive activities and illegal behavior occurring – meet with City Police Chief to strategize on existing laws that can be enforced and new or updated ordinances, e.g. posted parking or illegal parking, curfews, camping on the beach, traffic operated in an unsafe manner, destruction of natural resources, threats and harassment to wildlife, pollutants, protection of private property, cooperative agreement with the US F&W Service.
2. Existing or potential regulations or enforcement or assistance to the City that the US F&W Service can provide as a landowner?
3. Park & Recreation authority to recommend updates to the Beach Policy and process to effect changes to the policy.
4. Petition by local property owners, interested citizens, Old Town Coalition.
5. Time and Space Management  
West of Bishop Beach Access – open access with updated beach policy to protect private property and resources, no camping or fires, dogs off-leash area, collection of coal, seasonal restrictions for beach protection, no motorized vehicles within the low, low tide areas.  
East of Bishop Beach Access – close to vehicular access, pets on a leash, no camping or fires, access to private property allowed, special use permits for management activities.
6. Is recreational parking and beach driving on the beach necessary – East or West of Bishop Beach Access? Continue to allow motorized access for certain activities?