

**NOTICE OF MEETING
SPECIAL MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. AGENDA APPROVAL**
- 3. PUBLIC COMMENT UPON MATTERS ALREADY ON THE AGENDA** *(Three minute time limit)*
- 4. VISITORS** *(Visitors normally have 10 minutes for their presentation.)*
 - A. Marianne Aplin, Islands and Ocean Visitor Center, Bishop's Beach
- 5. RECONSIDERATION**
- 6. ADOPTION OF CONSENT AGENDA** *All items on the consent agenda are considered routine and non-controversial by the Parks & Recreation Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Parks & Recreation Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.*
 - A. Minutes for the regular meeting on September 18, 2014 **Page 3**
- 5. STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS**
- 6. PUBLIC HEARING**
- 7. PENDING BUSINESS**
 - A. Memorandum from Deputy City Planner re: Bishops Beach Issues **Page 11**
- 8. NEW BUSINESS**
 - A. Memorandum from the City Clerk re: 2015 Regular Meeting Schedule **Page 61**
- 9. INFORMATIONAL MATERIALS**
 - A. Commission Annual Calendar **Page 67**
 - B. Commissioner Attendance Schedule At Council Meetings **Page 69**
- 10. COMMENTS OF THE AUDIENCE**
- 11. COMMENTS OF THE COUNCILMEMBER** *(If one has been assigned)*
- 12. COMMENTS OF STAFF MEMBERS**
- 13. COMMENTS OF THE COMMISSION**
- 14. COMMENTS OF THE CHAIR**
- 15. ADJOURNMENT THE NEXT REGULAR MEETING IS SCHEDULED FOR NOVEMBER 20, 2014 at 5:30pm in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer Alaska**

Session 14-09 a Regular Meeting of the Parks and Recreation Advisory Commission was called to order on September 18, 2014 at 5:30 pm by Chair Matt Steffy at the Cowles Council Chambers City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS LOWNEY, ARCHIBALD, STEFFY, MACCAMPBELL, AND LILLIBRIDGE

STUDENT REP: PEDRO OCHOA

TELEPHONIC: COMMISSIONER BRANN

ABSENT: COMMISSIONER ROEDL (EXCUSED)

STAFF: CAREY MEYER, PUBLIC WORKS DIRECTOR
JULIE ENGBRETSSEN, DEPUTY CITY PLANNER
RENEE KRAUSE, CMC, DEPUTY CITY CLERK

APPROVAL OF THE AGENDA

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

Adele Persons, city resident, reported on the actions taken at the recent Public Arts Committee meeting in support of the placement of the Loon Sculpture in Bishop's Beach Park.

Asia Freeman, resident, Bunnell Arts Center is providing this sculpture as a gift to the city, she described the construction process and materials, explained that the artist has been working over 10 years using and improving this process of Ferro concrete over steel mesh with steel armatures, the paint can be power-washed to remove any graffiti, easily mitigating the instances of vandalism. Ms. Freeman assured the commission of the integrity of the sculpture and noted that the Bunnell Arts Center will be donating \$1000 towards maintenance costs.

Michele Miller, speaking on behalf of the Public Arts Committee stated that the committee voted unanimously for acceptance the second time and Asia Freeman and Michael told the committee about the maintenance commitment of the sculpture but the committee left the placement to the experts.

Bill Ostwald, city resident, commented on the wonderful work and changes that have been implemented. Mr. Ostwald spoke about the improvements and enjoyment living in Old Town. He spoke in support of placing the sculpture at Bishops Beach. He expressed concern that vandalism would be a deterrent to the placement of the sculpture or any improvements. Mr. Ostwald stated he believe changes for good will change the environment. He further suggested changes to the environment to create good will chase away the bad guys and making changes to the rules regarding the parks will be needed otherwise you will end up with the monkeys running the zoo.

Tom Zitzman, city resident, commented on the beauty of the area and stated that the sculpture would add enhancement. There are many uses that do lend to compatibility but unfortunately there are uses that are incompatible. Do not be fearful of vandalism. This is making a statement of what we are trying to encourage in the community.

Lori Zitzman, city resident, commented on the art that has been placed and was in favor of placing the sculpture in the park. She wanted the commissioners to think about protecting the art and the park in that area so everyone can enjoy it. What is going on now on the beach with the trash, trespassing and the noise she believes it is time for a curfew and a gate. What is happening on the beach now is not compatible.

VISITORS

A. Beth Cumming, Trail Connections

Ms. Cumming presented a request to the commission to build trail connections and include these in the 2015 Budget Request. Following is a summary of her request and reasons:

- Connecting Bartlett and Hohe using a dedicated but undeveloped street right of way on Danview
- connect Lee Street and Pioneer Avenue using a dedicated but partly undeveloped street right of way of Shelford
- Both connections would be Level 1 Trails
- use HART funding for construction
- Both connections could be completed in minimal time frames
- These connections would allow pedestrians to bypass busy streets such as Bartlett and Main
- would offer a way to travel by foot to businesses on Pioneer Avenue

There was a brief discussion regarding motion for the request and determination of the amount to request could be done under Pending Business. Staff has provided a map in the memorandum that will be addressed under pending business.

RECONSIDERATION

There were no items for reconsideration.

ADOPTION OF THE CONSENT AGENDA

A. Minutes for the regular meeting of August 21, 2014

Chair Steffy requested a motion for adoption of the consent agenda.

LILLIBRIDGE/LOWNEY - MOVED TO ADOPT THE CONSENT AGENDA.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

A. Staff Report - Julie Engebretsen, Deputy City Planner

Ms. Engebretsen stated that Ms. Marianne Aplin, manager of Islands & Ocean Visitor center has requested to be a visitor for the next meeting regarding Bishop's Beach, habitat restoration and a bit about what has been commented on tonight. She wanted to give the commission a heads up so it is not a surprise. Problems at Bishop's Beach will be brought up during the City Manager's Report at the Council meeting on Monday.

Moving forward with the PARC Needs Assessment, she will email Commissioner Lowney with some facts to report to Council. They are working on the survey and some advertising and have targeted the week of October 6th they will go live. A public meeting has been scheduled for November 13th at Islands and Ocean Visitor Center, no time has been designated yet for the event but it will be in the evening hours.

Commissioner Lowney inquired about incentives and Ms. Engebretsen commented that is later on the agenda under new business.

B. Parks Maintenance - Angie Otteson

Ms. Otteson was not in attendance.

C. Community Recreation - Mike Illg

Mr. Illg was unable to attend in person. He contacted the Clerk via email and has recommended the commission schedule a "Recreation Walk Through" for a Monday night.

PUBLIC HEARING

There were no items scheduled for this meeting.

PENDING BUSINESS

A. Budget 2015

Chair Steffy read over the approved budget requests. Ms. Engebretsen explained the new request for the trails and that they will need to make a motion.

Discussion ensued and covered the following points:

- funding sources
- Safety Issues with proximity to Kharacters and no lighting
- Current use of trails by the community
- Removal of an existing fence across Shelford from current project
- Improved safety to pedestrians along Bartlett and Main streets

Chair Steffy requested a motion to add Shelford Trail and Danview Trail connections.

MACCAMPBELL/LOWNEY - MOVED TO APPROVE THE SHELFORD AND DANVIEW TRAIL CONNECTIONS AND ADD TO THE 2015 BUDGET REQUEST

There was a brief discussion.

VOTE. YES. LOWNEY, MACCAMPBELL, ARCHIBALD, BRANN, LILLIBRIDGE, STEFFY

Motion carried.

Student Commissioner Ochoa voted in favor of the action.

NEW BUSINESS

A. Donation from Bunnell Street Art Center of a Loon Sculpture Created by Rachelle Dowdy for Bishop's Beach Park

Chair Steffy brought the item to the floor and asked for comments or concerns from the commission.

Commissioner Archibald commented on the sculpture noting his previous concerns and seeing it completed has changed his opinion somewhat but that he favored support for the sculpture being placed in the park.

Commissioner MacCampbell concurred.

Chair Steffy requested a motion to approve the placement of the sculpture in Bishop's Beach Park.

MACCAMPBELL/LOWNEY - SO MOVED.

Commissioner Archibald asked for a report from Carey Meyer, Public Works Director/City Engineer on his findings regarding soil conditions in the preferred locations within the park. Mr. Meyer stated that there were two test holes dug. He followed with the conditions found at each hole. The first one was unsuitable due to water. He expressed confidence that they will be able to construct a foundation that will disperse the load on the fill in the preferred area.

Commissioner Lillibridge showing an aerial view of the area requested Mr. Meyer to indicate where he is recommending the installation. Commissioner MacCampbell opined that the farther away from the parking lot the better commenting that vandals typically want access to a quick get-a-way. Commissioner Lowney reported that she has re-visited the Anchorage museum to view previous works of art from the artist and supported the location recommended by staff.

VOTE. YES. BRANN, ARCHIBALD, LILLIBRIDGE, STEFFY, MACCAMPBELL, LOWNEY

Motion carried.

Student Commissioner Ochoa voted in favor of the action.

B. Establishing a Fall Park/Recreation Walk through Date & Time

Chair Steffy introduced the item for discussion recommending the commission select a Monday at Mr. Illg's recommendation. Suggestions by the commissioners were the following Mondays: October 6th, 13th, and 20th.

It was agreed by consensus of the commission to schedule a recreation walk through for Monday, October 20th since the majority of the commission will be available. Commissioner MacCampbell will be out of town after the 11th but Commissioner Brann will be arriving in town that day however he could not commit his attendance.

Staff will contact Mr. Illg to confirm the best time and starting location for the visits.

C. Elections

Chair Steffy introduced the item and there was a brief commentary from several commissioners on the necessity to hold elections. Staff provided direction.

LOWNEY/LILLIBRIDGE - MOVED TO KEEP COMMISSIONER STEFFY AS CHAIR AND COMMISSIONER BRANN AS VICE CHAIR.

There was a brief discussion and compliments on the efforts of Commissioner Steffy and Brann.

VOTE. YES. LILLIBRIDGE, ARCHIBALD, MACCAMPBELL, LOWNEY, STEFFY, AND BRANN

Motion carried.

Student commissioner Ochoa voted in favor of the action.

D. Establishing a Karen Hornaday Park Fall Clean up Date & Time

Chair Steffy introduced the item to the floor for discussion and requested clarification from the Clerk on clean up. Ms. Krause explained that a year or two ago the commission established the annual fall cleanup for the park to "put it to bed for the winter."

Chair Steffy called for recommendations.

After a brief discussion on availability the commission agreed with Saturday, October 11, 2014 at 10:30 a.m. until 2:00 p.m. Staff will contact Angie Otteson to determine what the volunteers should plan to focus their energy on at the park.

Commissioner MacCampbell offered Angie the use of trailers and 4 wheelers if needed to contact him at her convenience.

E. Budget 2014: Discussion on Expenditures for the Remaining Balance of Commission Funds

Chair Steffy read the title into the record and inquired what the fund balance was at this time. Ms. Engebretsen stated that it was \$1634.

LOWNEY/ARCHIBALD - MOVED THAT AN AMOUNT NOT TO EXCEED \$800 BE EXPENDED FROM THE COMMISSION FUNDS TO PURCHASE DOOR PRIZES AND INCENTIVES FOR PUBLIC PARTICIPATION REGARDING THE NEEDS ASSESSMENT.

There was a brief discussion regarding funding for advertising in the paper, on the radio and postcards.

VOTE: YES. BRANN, STEFFY, LILLIBRIDGE, MACCAMELL, ARCHIBALD, LOWNEY

Motion carried.

Student Commissioner Ochoa voted in favor of the commission action.

The commissioners discussed additional expenditures they would like see for the remainder of the year as follows:

- Thank yous to volunteers - City has note cards that are suitable - No expenditure needed.
 - Need listing of names and organization but this can be on the October agenda
- Signage for parks as recommended from staff
 - Coal Point has a new sign
 - Which parks are in high need of signage
 - would like to do two signs if possible
 - Staff will contact Angie Otteson and have further information for the October meeting
- Interpretive signage at Coal Point Park
 - Staff will contact Carey Meyer regarding budget allowances from Spit Trail project and other sources of funding
- Providing Lunch to volunteers and staff at the park clean-up day

ARCHIBALD/LILLIBRIDGE - MOVED TO APPROVE EXPENDING UP TO \$150 AT SUBWAY FOR SANDWICH PLATTERS FOR THE FALL PARK CLEAN-UP ON OCTOBER 11, 2014

There was a brief discussion on the expenditure for sandwiches over pizza.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

A. Commission Annual Calendar

Chair Steffy noted that they have scheduled the KHP fall clean up, they will be approving the annual meeting schedule for 2015 and will be finalizing the thank yous at the next meeting.

B. Commissioner Attendance Schedule at Council Meeting

There was a brief discussion on commissioner attendance at council meetings for the remainder of the year.

Commissioner Lowney will attend Monday, September 22nd

Commissioner Steffy will attend Monday October 13th

Commissioner Archibald will attend Monday October 27th

Commissioner Lillibridge will attend Monday November 24th
Commissioner MacCampbell will attend Monday December 8th

Commissioner Lillibridge left the meeting at 7:15 p.m. after she made her comments for the record.

COMMENTS OF THE AUDIENCE

Ms. Person commented on the proximity of the trail to Kharacters and the benefits to getting people off of Main Street.

Beth Cumming, commented on the purpose for creating the two short connective paths. She described the connection of trails from Reber Trail to Pioneer Avenue and then to the library and the banks.

Tom Zitzman thanked the commission for serving and commented on the vandalism potential and related the terrible problems that are experienced from trash, loud parties and trespassers. He described that they endure each night from loud noise from parties to discharging of firearms. Today the characters that are enjoying the beach are such that the residents are too afraid to approach them. He has been told that he would have to press charges. He asked for the commissions help in dealing with this problem. He wants intervention and he hopes that something can be done to help with this matter. Thank you. Mr. Zitzman also commented on the signage he has installed and was taken down by those trespassers in response to Commissioners Lowney and MacCampbell statements/responses about posting signage and whose responsibility it would be regarding private beach property.

Chair Steffy asked for the Clerk to invite the Chief or his representative since he doesn't want to attempt to address these issues without some guidance. Commissioner MacCampbell commented in favor of the discussion also. Commissioner Lowney brought up the issue of access trails and do they want to create more spaces like this and if they do what are they going to do to stop this from happening in other areas.

Ms. Engebretsen commented that the commission can work on this issue all winter long and she believed that there are multiple places within City Code that this needs to be addressed. There is an element that is being pushed out of town center and they are going to places like the area by the airport and Bishop's Beach and also the Spit.

There was additional comments and discussion on the problems of vagrants and vandals, neighborhood watches, alternatives to putting up a gate, curfews, inviting neighbors to attend the next meeting or waiting to speak with the Chief and Administration. Staff advised waiting to discuss this before sending out an official invitation but of course the community can attend the meetings at any time.

COMMENTS OF THE CITY STAFF

Ms. Krause reminded the commissioners about the Volunteer Appreciation Party on Thursday September 25, 2014 6-8:00 p.m. and to please RSVP to Melissa or even to her.

Ms. Engebretsen had no additional comments.

COMMENTS OF THE COUNCILMEMBER *(If one is present)*

There were no council members present.

COMMENTS OF THE COMMISSION

Commissioner Lillibridge requested adding to the October agenda Bishop's Beach Park regarding implementing changes to park regulations. She went on to provide a detailed incident involving an abandoned and trashed truck that was left in the parking lot. She added that something can be done. She called and reported this to the police and the truck was gone the next day. She understood the feeling of being afraid she has been in the same situation. They have to discuss this and approach the different parameters of the situation and involve the public in the discussion too. They can make

change happen. It is unbelievable that there are people who think they do not have to follow the rules and there are many who carry weapons.

Commissioner Archibald would like to invite Chief Robl to see what the commission can do to assist them do their jobs better down there. He thanked the audience for coming and commented on Loon and after much review and comment he now believes he is kind of cool. Good job tonight.

Commissioner Lowney encouraged the community to participate and comment on what they think will fix the situation before the next meeting. She requested for the October or the following agenda a discussion on the proposed roads through Town Center. She believed they as a commission should speak on that issue. Commissioner Lowney also stated that the Open House for the Needs Assessment should be on the Events Calendar too.

Commissioner MacCampbell agreed with speaking with the Chief to find out what the regulations are and how they can effectively address the situation. It has been his experience that if you create a law there will be lawbreakers. He also stated that if you put up a gate it will only get torn down, so they need to find out what is happening a determine the best route to solving the problems. He appreciates everything that folks are doing and welcomed Pedro to the table.

Student commissioner Ochoa commented on the sculpture and thinks people will like it. It definitely caught his eye.

Commissioner Brann thanked the audience and believes it is important that the public let the commission know what is going on in the community. He also would like to see on the agenda the expansion of the parking lot on the spit in the grassy area next to Boardwalk Fish & Chips. He would hate to see the last bit of grassy area paved over and quoted a refrain from a popular song. Commissioner Brann also wanted to let folks know that while most Alaskans don't care how they do it down in the Lower 48, where he is at in California they are dealing with the same issues. He is enjoying some really nice trails and paved walk ways too.

COMMENTS OF THE CHAIR

Chair Steffy agreed that the discussion on the Bishop's Beach will be a long one but necessary and agreed also with Commissioner Archibald that they need to review what are the existing rules and boundaries. Then figure out how to best fix or enforce them. He thanked everyone for attending the meeting and providing the comments and suggestions.

ADJOURNMENT

There being no further business to come before the Commission, Chair Steffy adjourned the meeting at 7:38 p.m. The next **REGULAR MEETING IS SCHEDULED FOR THURSDAY OCTOBER 16, 2014** at 5:30 p.m. at City Hall Cowles Council Chambers 491 E. Pioneer Avenue, Homer, Alaska.

Renee Krause, CMC, Deputy City Clerk I

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

To: Parks and Recreation Advisory Commission
From: Julie Engebretsen, Deputy City Planner
Date: October 30, 2014
Subject: Bishop's Beach

The Commission had a work session on October 16th to discuss the problems on the beach in and around Bishop's beach, and further west. Police Chief Mark Robl attended and spoke, as did several members of the public.

There were three suggestions that arose from the meeting, for the Commission to consider. The suggestions do not solve all the problems but they are a starting point. The problems on the beach have been building for a variety of reasons over the past decade; it will take time and several changes to change the behavior.

Additionally, Marianne Aplin from Islands and Ocean will be a speaker at this meeting. The Fish and Wildlife Service owns the land east of Bishop's Beach.

Three suggestions to consider now:

1. Improve lighting at Bishop's Beach Park
2. Consider closing beach access at the park after hours/at night
3. Consider closing the beach to vehicles to the east (left) of Bishop's Beach, roughly between the park and Beluga Slough.

Next Steps:

Staff recommends the Commission advertise in the newspaper and schedule a public hearing, possibly two, on any proposed changes. Items 2-3 above would be amendments to the Beach Policy. Staff recommends a November and January hearing at the regular meeting, if the Commission moves forward. After a hearing, the Commission will forward a recommendation to the City Council for action.



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

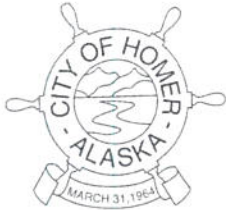
EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

Old Town Statistics

Case Numbers

2009 11
2010 24
2011 35
2012 50
2013 161
2014 263 (To 9-28-14)

Security Checks / Patrol Requests	141
Reddi	13
Found Property	2
Welfare Check	4
Assault IV	1
Suspicious Circumstances	8
Amphetamine Possession	1
Suspicious Vehicle	7
Domestic Dispute	2
Traffic	18
Traffic Warning	9
Traffic Hazard	1
Vehicle Tampering	1
Intoxicated Pedestrian	1
Driving Without a License	1
Provide Transport	1
Disturbance	10
Motorist Assist	1
Criminal Mischief	1
City Ordinance	8
Animal Offense	3
MVA Damage	1
Violate Camping Rules	8
Trespass	1
MICS IV (Marijuana Possession)	1
Threats	1
Lost Property	1
Agency Assist	3
Minor Consuming Alcohol	1
Recover Stolen Vehicle	1



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

May 2, 2014

RE: Police responses to the Old Town area of Homer, January 1st to May 1st, 2014

The police department has recorded the following police responses to the old town area in Homer since the beginning of the year. Please note that all of the cases entitled "Security Checks" are directed patrols to the area to help address the local resident's complaints of speeding, reckless driving and suspicious activity. The other types of cases listed are categorized in a manner consistent with the uniform crime reporting statistics. Most of these were self-initiated by officers on routine patrol in the area. Some are in response to calls for service.

Mark Robl
Chief of Police

REDDI Reports	4	Security Checks	84
Domestic Disputes	1	City Ordinance Violations	8
Suspicious Circumstances	4	Traffic	10
Animal Offense	3	Suspicious Vehicle	3
Disturbance	4	MVA-Damage	1
Found Property	2	Lost Property	1
Intoxicated Pedestrian	1	Patrol Request	8
Traffic Warning	9	Assist Fire Department	1
Motorist Assist	1	Drug Investigation	1
Welfare Check	1	Driving without License	1
Vehicle Tampering	1	Provide Transport	1
Traffic Hazard	1		

P.O. Box 2994
Homer AK 99603

October 28, 2014

Homer Parks and Recreation Commission
City of Homer
Homer, Alaska 99603

Dear Commission Members:

I am unable to attend most meetings these days, but would like to share my thoughts regarding the myriad of problems on Bishops Beach that I feel are getting worse. I spend a lot more time on the beach now because I now have a dog and do enjoy walking the shoreline for relaxation. This has given me time to observe many problems.

I have noticed more camping and unattended fires which I have reported to the fire department. Some of the campers have appeared drunk or in a stupor. I recently talked with a naturalist from the Center for Coastal Studies who was leading a group of junior high students on a clean up of the main camping area. She was passing by with a pickup completely overloaded with trash. She told me they cleaned up around 20 syringes in that area. That speaks to the growing drug problem on the beach.

Reckless driving is increasing. I cringe when I see a truck or car loaded with teens and a driver speeding through the parking area into the narrow entrance to the beach and careening around the blind corner onto the beach without slowing down. Often there are toddlers or dogs right around the corner heading back to the parking area. This is a tragedy waiting to happen.

Many dog walkers are not picking up their dogs' messes. It is a minefield of dog manure out there. This constitutes a public health problem and does need to be addressed. Maybe we should implement a fun program like Santa Cruz, CA to remind dog owners that there is no "Poop Fairy" out there cleaning up after their dogs. We each must be our own dog's Poop Fairy. There could be a great Homer variation on this program, I am sure.

On October 25 around 3:15 p.m. I had an encounter with a fellow and his son trashing the wetlands in Beluga Slough. I stopped him, told him it was illegal to ride there, it is wetlands, USFWS land, and important bird habitat. He claimed he did not know. George Matz had a similar encounter the day before with the same party. It is clear voluntary compliance and education has not worked. There is a sign right at the entrance to the beach!

People do need to be educated but for those who ignore the signs, the education, and the pleas from other users, there needs to be an ordinance with penalties to protect these areas. Bishops Beach and the adjacent Beluga Slough habitat are integral and essential for summer programs, starting with the Kachemak Bay Shorebird Festival, that bring thousands of people to watch birds and enjoy outdoor educational programs



offered by USFWS and other local non-profits. This area is a huge attraction for birders, hikers, visitors and residents. It deserves special attention, and it is now obvious it needs additional protection and regulations. Regulations for the most part will not change anything for most folks already sensibly and respectfully recreating. The regulations will help stop the bad behavior and give us a means to end the reckless driving, drug use, loose dogs chasing wildlife and running through nesting areas, destruction of wetlands, and hopefully provide one area solely for pedestrian use.



The beach, berm, boardwalk, and wetlands are ideal for hosting quality educational and recreational programs that could become a highly regarded centerpiece attraction for both residents and visitors. It is a perfect location for on going bird watching programs that also teach etiquette and how birds contribute to the whole

ecology and economy. There are solutions but they require more than voluntary compliance and education. That has not worked. I believe:





1. The City Council has to pass an ordinance making the area east of the beach entrance to the west side of the Slough an official closed to vehicle zone with a means of efficient enforcement and penalties. Cities hire people to enforce parking laws. Maybe the City could hire and train a beach crew to enforce the beach laws. We once had a beach enforcement crew which did help.
2. Dogs walked in this area need to be on a leash as they are supposed to be on the boardwalk. Unofficial off-leashers should go west. Birds are particularly sensitive in summer nesting season, but there are still some shorebirds, gulls, and waterfowl in the slough before and after nesting is over.
3. Create ongoing public education programs that include signs, birding outings, photo opportunities with experts, art celebrations, school groups, and as many other ideas that would further the idea of protecting and interpreting the importance of this storm berm and slough. It is part of an important area for birds and probably would be used even more by birds if dogs and vehicles were not a problem.
4. Make this area a citizen science zone to monitor and document the recovery of the berm's vegetation and the health of the adjacent marsh and slough. Local schools and interested adults or groups could partake in monitoring efforts led by USFWS, KBNERR, Center for Alaskan Coastal Studies, and Pratt Museum. It could be a valuable outdoor lab and demonstration project.

It is time to reclaim a portion of the beach for the birds and quiet recreation. The community is showing its growing pains as more people use these areas and conflicts are increasing. Now is the time to address these issues so our Bishop's Beach does not get a bad reputation as a dangerous, drug-infested, littered, noisy, pooped-over, place not to visit.

Sincerely,

Nina Faust

Nina Faust



P.O. Box 2994
Homer AK 99603

October 13, 2014

City of Homer
Parks and Recreation Commission
Homer, AK 99603

Dear Commission Members:

Bishop's Beach has a myriad of problems that need to be addressed. I would like to focus on the problem of not having a real pedestrian zone.

I hope the business community sees the wisdom for business in having at least one area of Bishops Beach set aside for quiet recreational use. I walk this stretch of Bishop's Beach much more now that I have a dog. I meet many folks visiting from out of town who don't understand why we even let vehicles drive anywhere on the beach. I believe there is a strong constituency for a closed area in this heavily used and very popular beach.

I propose making the voluntary "Pedestrian Zone" into a "No vehicles allowed" zone. A simple ordinance that closes the stretch of beach from the road coming out of the parking lot east to the slough would provide an easily defined quiet recreation zone. I get tired of having to watch out for the speeding cars that are driven at high rates of speed and would enjoy quiet time with the surf and birds. The ordinance must have a stated penalty for violating the closure to be effective.

I am attaching some photographs I took today that also show the struggling vegetation. This stretch of beach appears to have two storm berms. The one furthest from the beach shows significant vegetation recovery. Very few cars go there anymore. The berm closest to the water has struggling vegetation that has been trampled and killed by car wheels. If this stretch of beach were closed to vehicles, the vegetation would recover and we would see a significantly different berm habitat. More vegetation stabilizes the berms and will provide improved interpretive areas for beach walks and a much nicer backdrop for photographers.

If the closure is enacted, enforcement will be needed to educate and train people not to drive in the closure. Natural barriers of large rock would help direct vehicles in the other direction. Signs on the east side of the slough would also be needed to alert any orv drivers coming from the Spit that they cannot cross the slough.

As Bishop's Beach becomes more attractive and popular, the community must grapple with the problems of camping, reckless driving, drug deals, littering, vandalism and more. It is a part of the community and patrolling it must be part of the City's job lest it become a crime ridden beach ghetto where people are afraid to go. It is a very important part of our recreational infrastructure and it must be managed, protected, cared for, and nurtured so that it continues to be the wonderful, rejuvenating place that people enjoy.

Sincerely,

Nina Faust

Nina Faust



The second beach berm has abundant driftwood. Coastal vegetation is thriving there where the cars are no longer driven.

40585 Dorothy Dr
Homer, AK 99603
16 October 2014

Parks and Recreation Advisory Commission
Homer, AK

Dear Parks and Recreation Advisory Commission:

I am writing in regard to your work session topic, "Bishops Beach: How to Mitigate Vandalism, Partying and Trespass Issues". I believe that these issues are encouraged by increased vehicle access to the beach, which may in turn be aided by ongoing geological processes.

Over the past few years the formation of a gravel berm on the beach has made access and travel by vehicles easier. However, this access may not be legal. Ordinance 19.16.030(c) states: "No person shall operate any motorized vehicle upon a storm berm on any beach within the City limits of Homer except in designated areas."

I have been using Bishops Beach recreationally (on foot) for 22 years. Over the past five years or so I have observed the establishment of the secondary storm berm southwest (seaward) of and parallel to the original berm that extends southeast from the parking lot. The secondary berm extends from the protected private property to the northwest of the beach entrance (the Vann property) all the way to the outlet of Beluga Slough, to the southeast. Although seaweed, drift logs, beach rye grass, and other defining elements of a storm berm have been displaced from the area directly in front of the paved parking lot, these elements are all present on the rest of the berm. The berm does exist directly seaward of the paved lot, although it is very compacted by vehicle use. Vehicles cannot access the beach without driving onto the berm.

Perhaps the 1-cm-per-year uplift of the area (relative to sea level rise, see <http://tidesandcurrents.noaa.gov/sltrends/sltrends.html>), which has continued since the area's sudden subsidence during the 1964 earthquake, has played a part in the formation of the new storm berm. While it's also possible that the formation has been caused by changes in storm patterns and that the berm may disappear in the next high-tide winter storm, this has not happened for about the past five years or so.

Since I started using the beach, it has risen about 22 cm (8.7 inches) relative to sea level. Given that the shallow slope of the beach has probably put the water much further than 8.7 inches away from the berm horizontally, it seem plausible that uplift is playing a part in the formation of new uplands on the beach. (If not now, then over the next 100 years, the beach will rise up another meter--surely that will make a difference in what's a berm and what's below the berm.)

If we can keep cars off the new storm berm, there will probably be more beach rye, and logs will continue to accumulate. These sheltering structures will cause sand to collect and build the berm higher. Eventually it may look more like the Vann property—like a mainly vegetated area with sand. The vegetation will help hold the berm in place when the wind blows and if waves occasionally wash over it.

Since cars cannot legally drive on a storm berm, and since a new storm berm now exists at the only vehicle access point, cars cannot legally drive onto Bishop's Beach. Deliberation about preventing beach use such as I have seen--a nearly constant stream of cars onto and off of the beach during busy periods, a lineup of fifteen cars on the new gravel "parking lot" seaward of

Renee Krause

From: Jo Johnson
Sent: Thursday, October 16, 2014 1:52 PM
To: Renee Krause
Subject: FW: Bishop's Beach vehicle use
Attachments: IMG_0149.JPG

Renee,
Please provide this as a laydown for your meeting tonight.

Jo Johnson, MMC
City Clerk

From: Lani Raymond [<mailto:lanir67@alaska.net>]
Sent: Thursday, October 16, 2014 9:44 AM
To: Jo Johnson
Subject: Bishop's Beach vehicle use

Jo,
Please distribute this to the Parks and Rec. Commission. Thank you.

41640 Gladys Ct.
Homer, AK 99603

October 15, 2014

Commission Members,

Bishop's Beach is an important area that many tourists like to visit and many Homer folks enjoy regularly. One of the main problems there is vehicle traffic on the beach. I believe there should be restrictions on vehicle traffic—with penalties imposed—for the reasons listed below. Not a total ban, but some reasonable curbs to this abuse of our beach.

First, the berm area to the left when driving out of the parking area has become terribly degraded, as my photo shows. I believe this whole area is a storm berm, to the left and right of the "road" that has been worn into the berm there (shown in photo). Not much vegetation is growing in this area which should be covered in vegetation as a protection for the wetland area in the slough. With so much traffic, the vegetation does not have a chance to grow. Also wood, which is also a protection, has been removed. There is so much traffic along there now that it may not be obvious that it is a storm berm. There is a City Ordinance which prohibits any driving on a storm berm, so why is this happening?



P.O. Box 2994
Homer AK 99603

October 13, 2014

City of Homer
Parks and Recreation Commission
Homer, AK 99603

Dear Commission Members:

Bishop's Beach has a myriad of problems that need to be addressed. I would like to focus on the problem of not having a real pedestrian zone.

I hope the business community sees the wisdom for business in having at least one area of Bishops Beach set aside for quiet recreational use. I walk this stretch of Bishop's Beach much more now that I have a dog. I meet many folks visiting from out of town who don't understand why we even let vehicles drive anywhere on the beach. I believe there is a strong constituency for a closed area in this heavily used and very popular beach.

I propose making the voluntary "Pedestrian Zone" into a "No vehicles allowed" zone. A simple ordinance that closes the stretch of beach from the road coming out of the parking lot east to the slough would provide an easily defined quiet recreation zone. I get tired of having to watch out for the speeding cars that are driven at high rates of speed and would enjoy quiet time with the surf and birds. The ordinance must have a stated penalty for violating the closure to be effective.

I am attaching some photographs I took today that also show the struggling vegetation. This stretch of beach appears to have two storm berms. The one furthest from the beach shows significant vegetation recovery. Very few cars go there anymore. The berm closest to the water has struggling vegetation that has been trampled and killed by car wheels. If this stretch of beach were closed to vehicles, the vegetation would recover and we would see a significantly different berm habitat. More vegetation stabilizes the berms and will provide improved interpretive areas for beach walks and a much nicer backdrop for photographers.

If the closure is enacted, enforcement will be needed to educate and train people not to drive in the closure. Natural barriers of large rock would help direct vehicles in the other direction. Signs on the east side of the slough would also be needed to alert any orv drivers coming from the Spit that they cannot cross the slough.

As Bishop's Beach becomes more attractive and popular, the community must grapple with the problems of camping, reckless driving, drug deals, littering, vandalism and more. It is a part of the community and patrolling it must be part of the City's job lest it become a crime ridden beach ghetto where people are afraid to go. It is a very important part of our recreational infrastructure and it must be managed, protected, cared for, and nurtured so that it continues to be the wonderful, rejuvenating place that people enjoy.

Sincerely,

Nina Faust

Nina Faust



Berm closest to the water looking east toward the slough. Struggling vegetation cannot thrive with constant vehicular trampling.



Looking west from middle of the proposed vehicular closure area. Most of the vegetation on the crown of the berm is dead or gone.



The second beach berm has abundant driftwood. Coastal vegetation is thriving there where the cars are no longer driven.

City of Homer

Beach Policy

2007



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3. General Policy Recommendations
4. Specific Area Recommendations
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State Attorney General Opinion

Appendix A: Beach Access Notes

Appendix B: Mainland public access points to Kachemak Bay

1. Purpose and Intent

This document is an update to the Beach Policy Task Force Final Recommendations, adopted June 25th 2001. Since 2001, the City of Homer has annexed more land and beaches, and implemented parts of the original plan. The purpose of this document is to update the Beach Policy and make recommendations for future actions. The intent of the Beach Policy is to keep Homer's beaches safe and enjoyable for all users, and preserve natural environment.

Goals

Education

Educate beach users by providing signage and beach information at convenient locations.

Prevention

Limit conflicts between motorized users and pedestrians by encouraging courtesy and common sense.

Protect sensitive beach habitat and wildlife from inappropriate use of beaches – i.e. keep motorized vehicles out of lagoon areas.

Enforcement

Ensure adequate staffing on holiday weekends.

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.



3. General Recommendations for all Homer Beaches

1. Identify and improve beach access points. Heavy impacts are created by a large number of people accessing the beach at a small number of places. By finding, improving and publishing all public beach access points, we will diffuse the impacts and provide a more enjoyable experience to all.

A. Improve Access via: Crittenden Dr., Ocean Dr., Spit, Kachemak Dr.

B. Provide signage at all public access points.

1. Specifically, signage shall be maintained at Bishop's beach park, Ocean Drive Loop, the parking areas on the east side of the Homer Spit, on the Airport Beach Road, and Kachemak Drive.

C. Appendix A documents other public access points and the pros and cons of their development. The appendix should be expanded to include Homer Spit public access points, particularly on the east side of the spit.

2. Signage should be positive and informative.

A. Sign examples for the Mud Flats, Berms & Driftwood

1) Help build our beach berms and protect our critical habitat areas.

2) Please do not drive on or remove any material from the storm berms. The grasses growing here provide habitat and are an important part of berm stabilization. Driftwood plays an important role in building and protecting our berms.

3) The Mud Flats are fragile and important habitat for wildlife. They are hazardous and off-limits to vehicles and foot traffic.

4) Encouraging courtesy to other users.

B. Examples for private property:

1) Please be aware that private property extends 100' or more toward the water from the high tide line.

3. Ask for City Attorney opinion on location of seaward property lines. Although many people believe property lines stop at a water boundary, it has become apparent this is not the case in Kachemak Bay. Normal property lines next to the ocean are established at mean high tide, and slow erosion does change boundaries. The 1964 earthquake caused the sinking of the Spit and Homer area. The sea flowed over the lowered land. This sudden change is called avulsion and legally does not change land boundaries. (See attached opinion by State Attorney General)

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.

5. Develop and distribute brochures with a coordinated public relations campaign. It is important to enlist the public in the campaign to keep our beaches enjoyable for all, to limit the human damage to fragile areas and to minimize friction between user groups. We need everyone's help.

A. Prior to major holiday weekends, advertise beach rules and etiquette in the local newspapers. Consider a public service announcement on local radio stations. Budget at least \$500 annually for this advertising.

B. Budget at least \$500 a year for sign replacement.

C. Provide beach maps and brochures on beach etiquette at city campground facilities.

6. Perform an annual assessment of beach health and developing impacts.

A. City staff & Parks and Recreation Commission representatives prepare an assessment with reports to City Manager, City Council, & City Commissions. The report should be prepared in a timely manner so that items requiring maintenance or ongoing funding may be considered

during the budget process. Include an assessment of the condition of the storm berm at Mariner Park, specifically including pedestrian impacts.

B. Add each annual assessment to the original BPTF report with updated photos to create a continuous record.

7. Driftwood from berm areas should not be removed. Testimony by scientists emphasized the importance of the natural berm building process to protect the spit, lagoon and slough. The berms also provide important wildlife habitat. It was found that driftwood plays an important role in building and stabilizing berms. Thus, it is hoped that providing an alternate source of campfire wood for campers serves the important function of protecting the berms. Driftwood was also described as an important esthetic enhancement to the beach and a material resource.

A. Direct City Administration to investigate providing firewood to beach users or allowing firewood concessions in city campgrounds.

8. Find ways of supporting beach cleanup.

A. Support the efforts of spring clean up day to include Homer beaches. The City should actively continue to support the efforts of volunteers by providing trash bags for the event and dumpsters or trash removal at locations such as Bishop's Beach.

B. Support the efforts of the Center for Alaskan Coastal Studies for their annual CoastWalk and beach trash removal. Support may be in the form of providing trash bags, dumpster service at beach parks, and city funding for newspaper advertising for CoastWalk educational and beach clean up activities.

9. Increase Parking on the Spit

A. We need more parking and areas for people to access the beach. These parking areas distribute the impact of beach users, provide safe off-highway parking for vehicles.

B. Situate the parking close to Spit Road for aesthetic purposes.

C. Better parking further down the spit will allow pedestrians to enjoy to the beach where vehicles are not present.

4. Recommendations by Area (Following the beach line, East to West)

1. Area 1 - Miller's Landing to Airport Access Road.

A. Miller's Landing. Create a public viewing spot in the Beach Access Road Right of Way off of Kachemak Drive, by posting a sign stating the location of the public access. In the future, as use warrants, create a small parking area, and use boulders to discourage trespassing on adjacent properties.

B. Airport Access Road Signage (with diagram of berm-slope-flats).

- No camping
- Please keep vehicles between the storm berm and the mud flats.
- All of the areas above high tide (and much below) are private property and there are no designated camping areas. Voluntary limits to the areas used by vehicles will help protect sensitive areas.

2. Area 2 - Airport Beach Access Road to North End of Berm outside of Louie's Lagoon and Louie's Lagoon.

A. Due to expert testimony, it was agreed by the BPTF that limiting vehicle use in this area was necessary to protect the fragile habitats from Mud Bay to Louie's Lagoon.

B. Signage - identifying access and informing the public as to where vehicles are prohibited.

C. Vehicles should be prohibited in this entire area - outside of access driveways and parking.

D. Conservation zoning is suggested for all public lands in this area. Much of Area 2 already has a conservation easement.

E. Designate the platform area as a park and initiate cleanup of surface debris in Louie's Lagoon. A layer of dredge spoils to cover debris and more grass around the platform is also recommended. Investigate potential as a bird viewing platform.

F. Long term goal: Reconfigure the section line easement. The current section line easement goes across the mud flat in the bird sanctuary. A reconfiguration would provide better access to the beach, and protection for the sanctuary. As designated on attached map.

G. Preserve subsistence fishing access for vehicles, and public access to that part of the Spit. This has traditionally included an access across the northern portion of the English Bay property

I. Budget for rock placement at the Airport Beach Access to discourage travel to the west into Mud Bay. Contract the work out.

3. Area 3 - From Louie's Lagoon - South to end of Homer Spit and then North to City Campground across from Fishing Hole

A. Long range goal: Removal of beached barge on English Bay Corporation property.

B. Encourage the elimination of unsightly waste on properties near the beach by working with owners. Several highly visible properties have allowed the accumulation of waste and

industrial junk. The City has also allowed this to occur on City land, and should lead the way in the cleanup effort.

4. Area 4 - From City Fishing Hole Campground to the Outlet of Mariner Park Lagoon

A. At campground building across from the Fishing Hole, make beach use maps available, as well as information and signage that is interpretive about the berm building process, encourages courtesy to pedestrians, and states where vehicles are permitted.

B. Install signage at a controlled exit from the City Fishing Hole campground to the beach to direct vehicles to the base of the spit, and away from the no recreational vehicle area.

C. Define limits to Mariner Park campground by utilizing logs, rocks or other means to restrain vehicles from entering the lagoon. Similar to Parks & Recreation Advisory Commission Draft Master Plan for Mariner park campground, which extends a revetment to protect berms, grasses and tidal mud, with no additional incursion into the lagoon.

D. Create a cost estimate for placing boulders at Mariner Park to better define the park and places where motorized vehicles are prohibited. Include the project in the annual budget in the near future, and contract the work out.

E. Budget for a new kiosk at Mariner Park. Include a large interpretive map with beach access and user information. Include the project in the annual budget and contract the work out.

5. Area 5 - Mariner Park Lagoon including the storm berm

A. Install and maintain signage stating vehicles are prohibited in the Lagoon and above the high-tide line near the berm. This is a fragile berm.

B. Signage should also indicate the high potential of vehicles getting stuck in this area.

C. Finish transfer of ownership of parcels to City of Homer. Two large parcels in Mariner Park Lagoon were obtained by the City from DNR, but the transfer paperwork was not completed.

D. Enact Conservation Zoning and continue work on the conservation easement. Zoning changes may begin at any time. The land ownership transfer must be complete prior to the conservation easement completion.

6. Area 6 - Mariner Park Lagoon outlet (below the berm) to Beluga Slough outlet.

A. Provide signage discouraging motor vehicle usage and encouraging courtesy to pedestrians. Vehicle prohibition is not necessary, but use of vehicles in this area often leads to driving or parking on the storm berm.

B. Improve and identify with signage the Ocean Drive Loop beach and Beluga Slough access.

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.

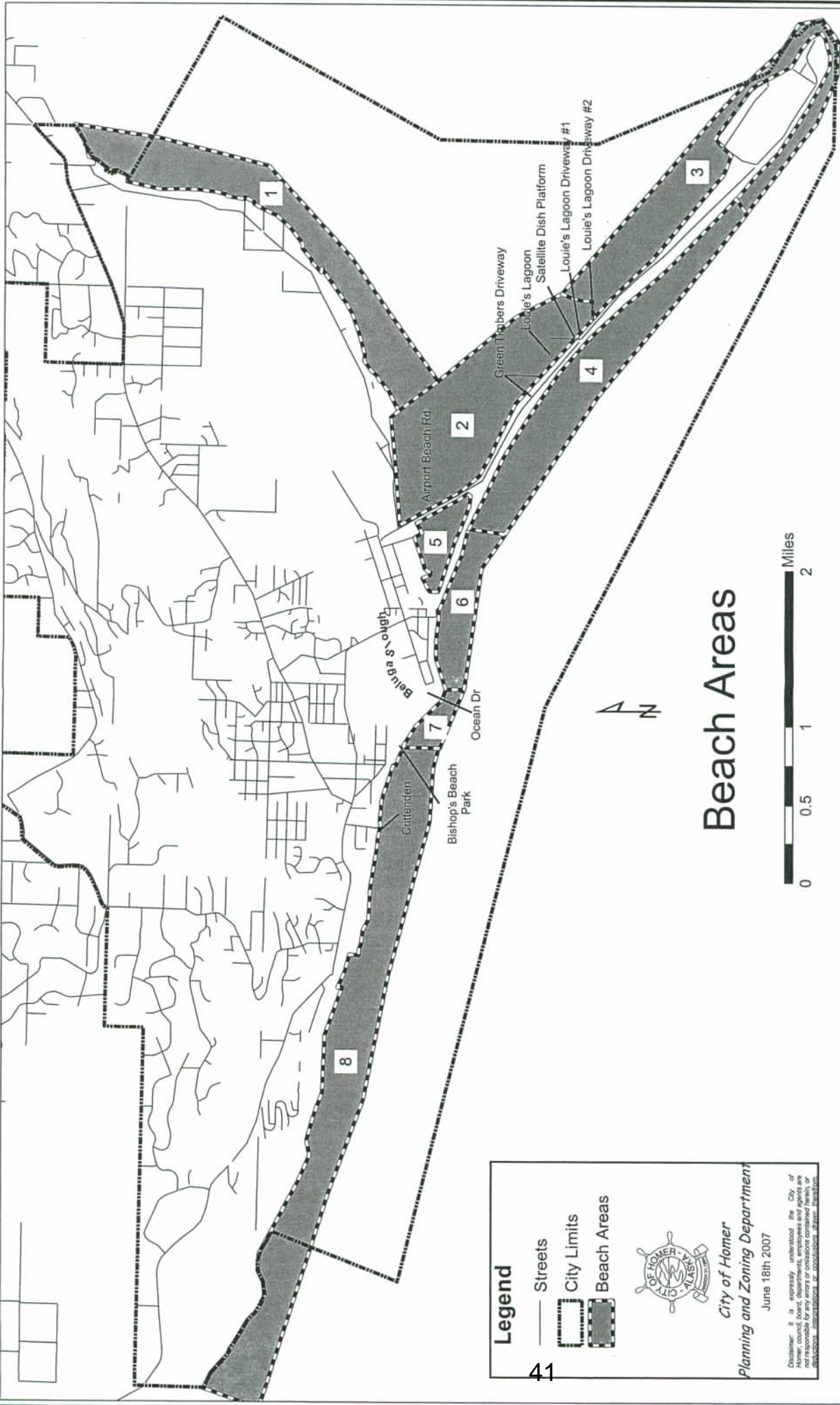
E. Correct the drainage ditch from Crittenden Drive so that the water is not eroding neighboring private property. Extending the culvert system down to the beach may be a solution. Work with adjacent landowners to secure public access easements to the beach, using a route that is sustainable.

F. Work with property owners and interested volunteers to remove the junk cars from the beach near the bottom of West Hill.

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.



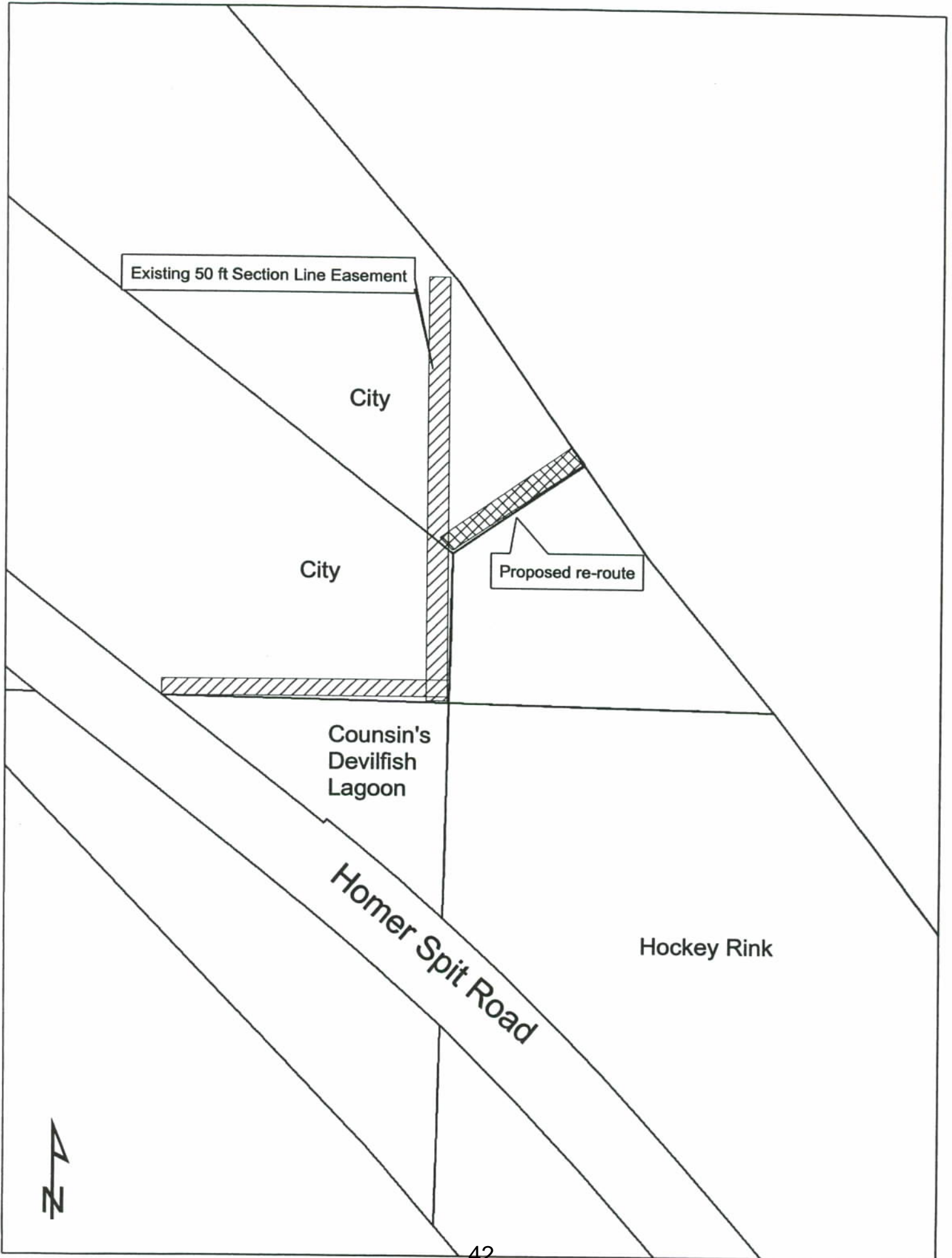
Legend

- Streets
- ▭ City Limits
- ▭ Beach Areas



City of Homer
 Planning and Zoning Department
 June 18th 2007

Disclaimer: It is expressly understood the City of Homer, council, board, departments, employees and agents are not liable for any errors or omissions in this document. UNCORRECTED FOR PRINTING.



TOWNSHIP RANGE
MERIDIAN
SEC SECTION

BIRD
SANCTUARY

612 Meander Line

EASEMENT
PROPOSED

Lot 6-B
Louie's Lagoon

ABANDON THIS
SECTION OF
EASEMENT

Section Line Easement

Lot 1-
Louie's

Lot 6-A
Louie's Lagoon

STAR
OFFR

Note: Section line controls
location of R/W Jcg.

N 88°50'20" W
5.023

Section Line Easement

S 88°50'20" E

STAR
OFFR

Entry Date 4/2/23
Govt. Lot

S 51°28'54" E 132.797

00 996.405 2+900

3+000

3+100

3+200

15.240

Govt. Lot 1

STAR
OFFL

P.C. STA. 3+206

ine

STATE OF ALASKA

WILLIAM A. EGAN, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL / BOX 2170 - JUNEAU

1964 Opinions of the
Attorney General No. 6
September 14, 1964

F. L. L.

RECEIVED

SEP 22 1964

The Honorable Phil R. Holdsworth
Commissioner
Department of Natural Resources
Juneau, Alaska

Re: Effect of Earthquake on Tideland Boundaries

Dear Commissioner Holdsworth:

You have requested our opinion on the ownership of shoreline property enlarged or reduced, gradually or suddenly, the earthquake of March 27, 1964, and its after-effects.

Accretion is the increase of riparian land through the gradual deposit of various materials which create dry land out of that formerly covered by water.^{1/} Erosion is the gradual washing away of land bordering on a body of water by the action of that water.^{2/} Reliction is the uncovering, whether gradual or sudden, of land by the withdrawal of waters previously covering it.^{3/} Avulsion is a sudden and perceptible addition or loss to land by the action of water or otherwise.^{4/}

1/ St. Louis, I. M. and S. R. Co. v. Ramsey, 53 Ark. 314, 13 S.W. 931, 933 (1890)

2/ Oklahoma v. Texas, 268 U.S. 252, 45 S.Ct. 497, 69 L.ed. 937, 943 (1925)

3/ Jefferis v. East Omaha Land Co., 134 U.S. 178, 10 S.Ct. 518, 33 L.ed. 872, 875-6 (1890)

4/ Nebraska v. Iowa, 143 U.S. 359, 12 S.Ct. 396, 36 L.ed. 186, 187 (1892); Barakis v. American Cyanamid Co., 161 F.Supp. 25, 29 (1958)

The Honorable Phil R. Holdsworth
Juneau, Alaska

September 14, 1964

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The means by which the change in shoreline occurs has significant legal consequences. If the location of the boundary of a tract of land at the mean high tide line is gradually and imperceptibly changed by accretion, erosion, or prolonged reliction, the margin of a tract at mean high tide, as so changed, remains the boundary. "Where . . . a boundary bank is changed by these processes, [accretion and erosion] the boundary, whether public or private, follows the change."^{5/} Lands eroded from a tract which, as a result, are below mean high tide are thereby re-vested in the State.^{6/}

On the contrary, if a tract undergoes sudden or violent change by reliction or avulsion, its boundaries remain the same and no change in ownership occurs.

"When land bordering a body of water is increased by accretion, . . . the new land thus formed belongs to the owner of the upland to which it attaches. . . . [Where] land [is] . . . lost by erosion, [it] returns to the ownership of the State. This is not the rule where the loss of the land occurs by avulsion, . . . the effect or extent of which is perceptible while it is in progress. In such cases, the boundaries do not change."^{7/}

In land precipitously lowered by the earthquake, the upland owner would have title out to the old high-water mark, regardless of the fact that the tract may now be partially submerged; if the owner previously owned the tidelands, he would still own the land out to his old low-water mark boundary. The character of the body of water as tidal, non-tidal, navigable or non-navigable is immaterial as respects the application of

^{5/} Oklahoma v. Texas, 268 U.S. 252, 45 S.Ct. 497, 69 L.ed. 937, 943 (1925)

^{6/} AS 44.03.020

^{7/} Arkansas v. Tennessee, 246 U.S. 158, 38 S.Ct. 301, 62 L.ed. 638, 647 (1918); In re City of Buffalo, 206 N.Y. 319, 99 N.E. 850, 852 (1912)

September 14, 1964

-3-

The Honorable Phil R. Holdsworth
Juneau, Alaska

the rules relating to sudden reliction and avulsion. The rules governing changes of boundaries of tidelands and uplands are equally applicable to the State and to private persons.^{8/}

When land shifts occur by earthquake-generated avulsion, then, the element of suddenness creates a situation where no change occurs in the limits of State boundaries or private tracts; the old State and private boundaries, submerged or otherwise, survive.^{9/}

Briefly, then, these are the answers to your specific questions:

(a) Boundaries follow accretion and erosion because the change is gradual; boundaries do not change where land displacement occurs suddenly, as through avulsion or some kinds of reliction.

(b) State ownership of tidelands is measured by the old boundaries where sudden earthquake displacement has occurred.^{10/}

(c) Yes, the boundaries of tidelands set by pre-earthquake survey are fixed. See (a) and (b).

(d) Where old tideland boundaries were surveyed and known, they must be followed. Presumably, unsurveyed tideland

^{8/} Waynor v. Dibciff, 9 Alaska 230, 232 (1937). See also footnote 5, supra.

^{9/} Louisiana v. Mississippi, 282 U.S. 458, 465, 51 S.Ct. 197 (1931)

^{10/} However, boundaries may be changed by State action and Congressional assent. Then, of course, the new mean high tide mark could be used to ascertain the extent of tidelands ownership. U. S. v. Louisiana, 363 U.S. 1, 8-9 (1960). c.f.: 43 U.S.C.A. 1311. Ownership of submerged lands.

Opinion No. 6

The Honorable Phil R. Holdsworth
Nauyas, Alaska

September 14, 1964

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boundaries may now be surveyed and specified according to presently existing land contours, as there are no previously established boundaries to recognize.

We trust this information will be of help to you.

Yours very truly,


WARREN C. COLVER
ATTORNEY GENERAL

WCC/grg

cc: William A. Egan
Governor

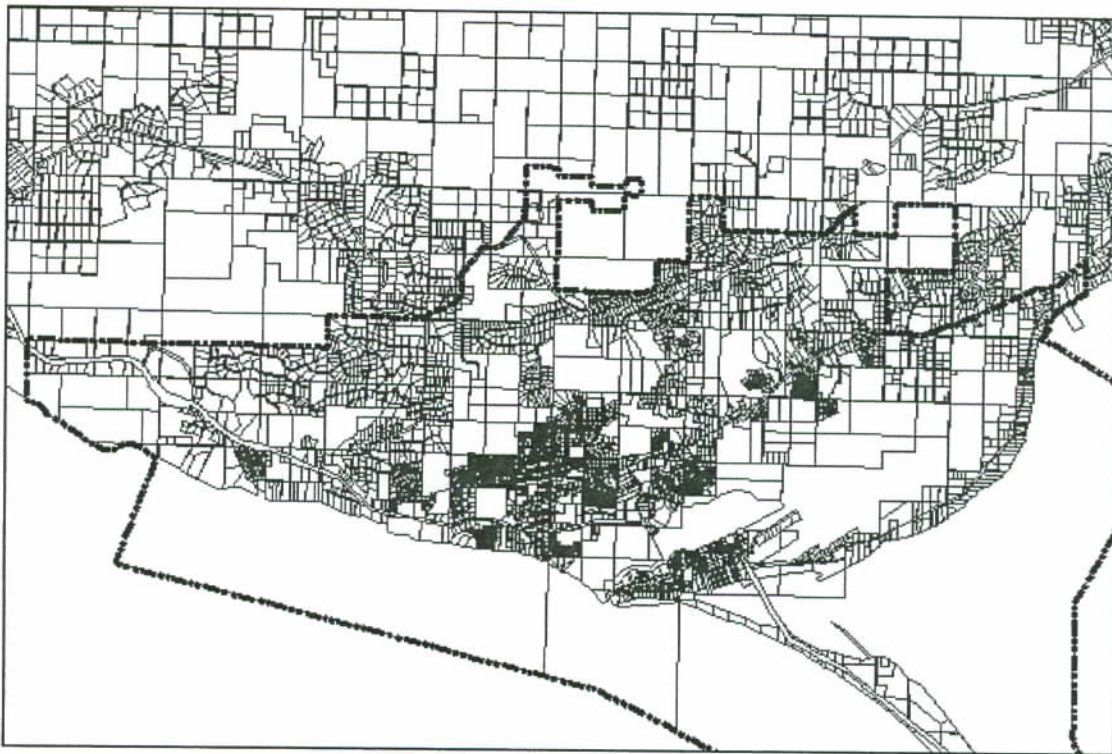
Floyd L. Guertin, Commissioner
Department of Administration

Appendix A: Beach Access Notes

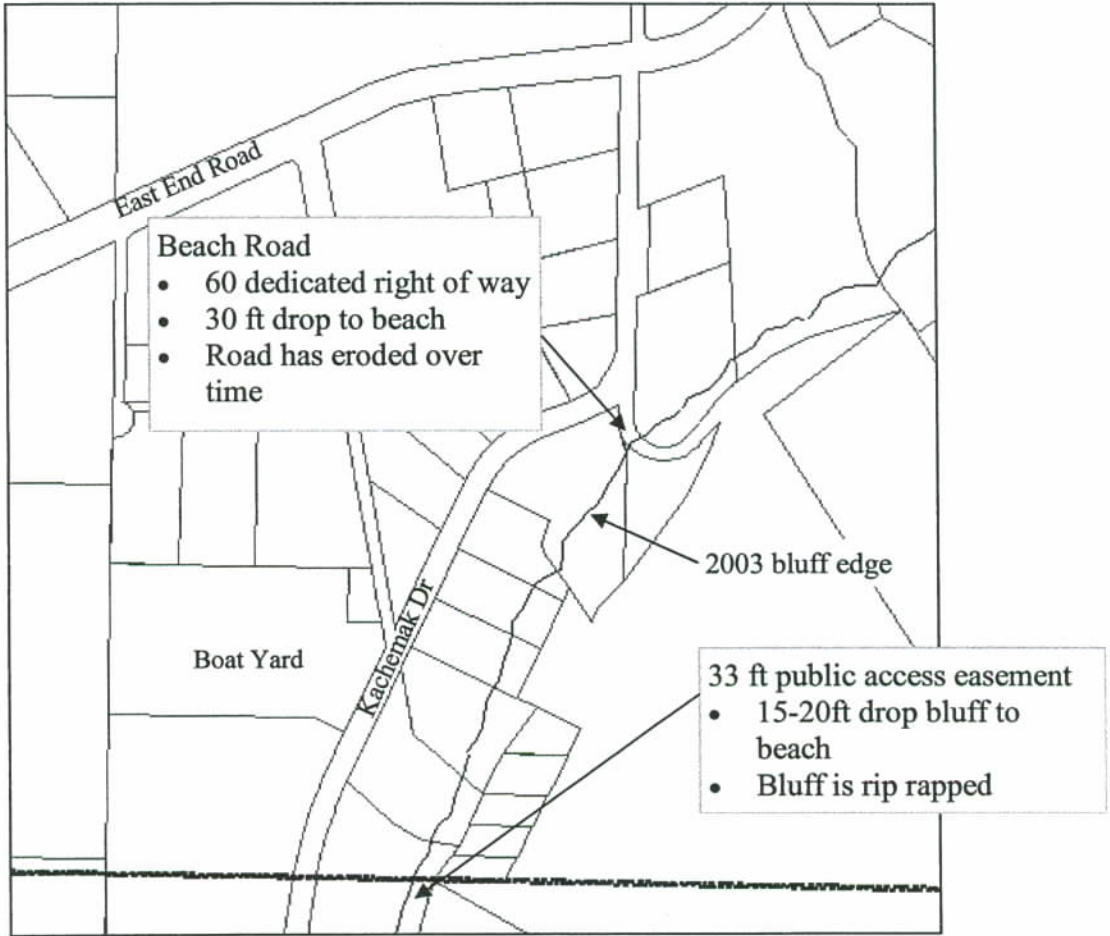
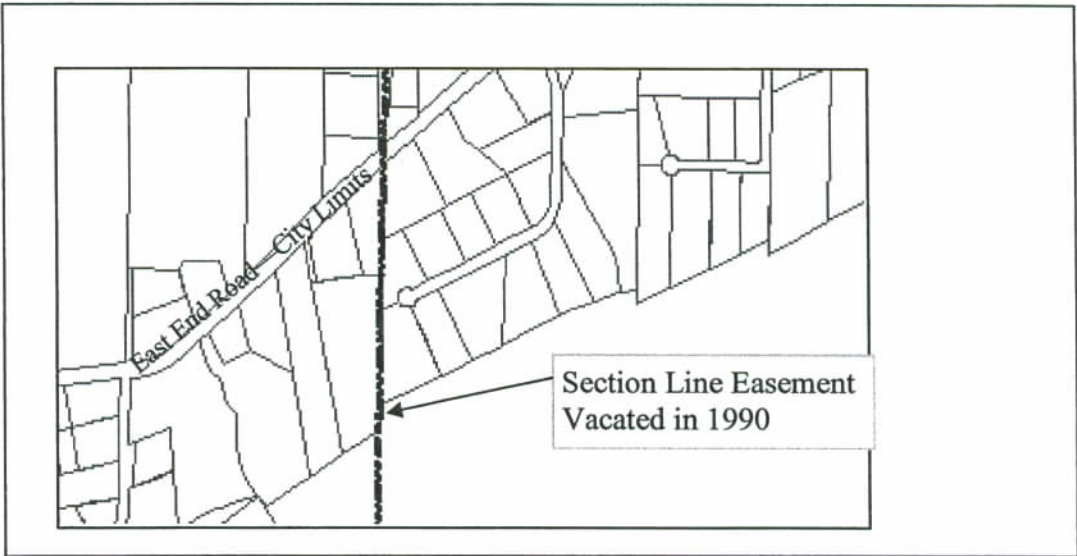
Public access points

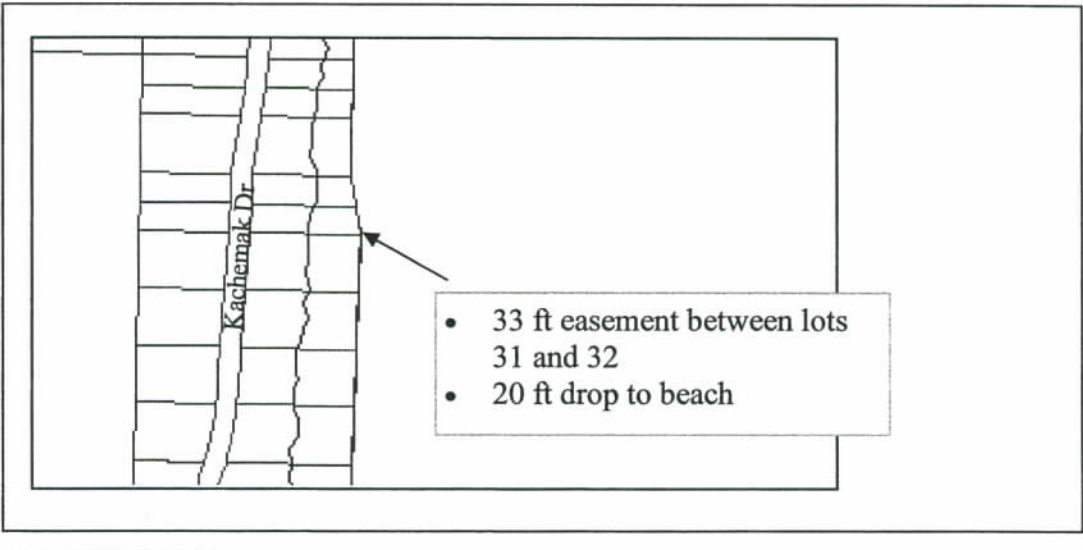
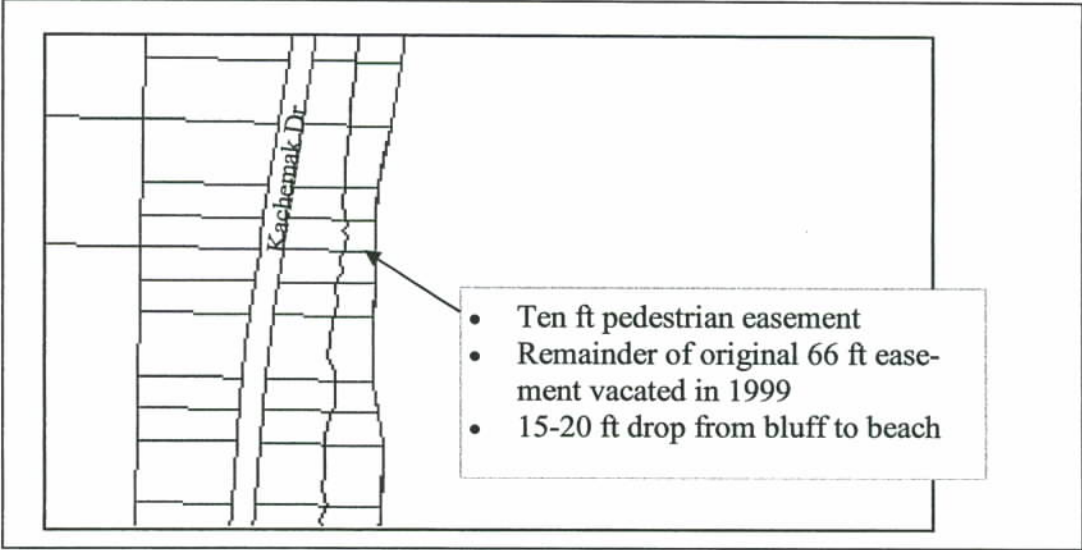
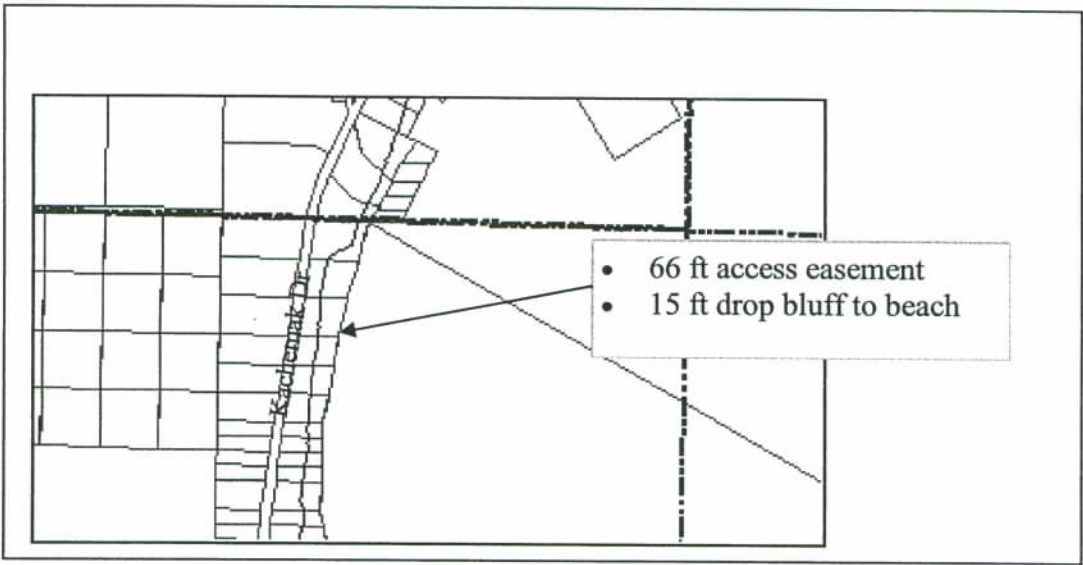
	Pros	Cons	Comments
Miller's Landing beach Road	Nice picnic spot Difficult trek down to the beach	No defined parking area	
Airport Access Road			
Spit			
Mariner Park	Large parking area for campers and day users	Occasionally motor vehicles drive around in the lagoon. There are user conflicts between pedestrians, vehicles and horses	Need more enforcement here Need more education here/kiosk
Lake Street			
Oscar Munson/Bell			Neighborhood Access Point
Bishop's beach	Flat beach access, public parking	High user conflicts	
Main Street	Section line easement access	Highly erosive, very steep trail	
Crittenden	Right of way access	Actual trail is on private property	Landowner allows neighborhood use of his trail to the beach.

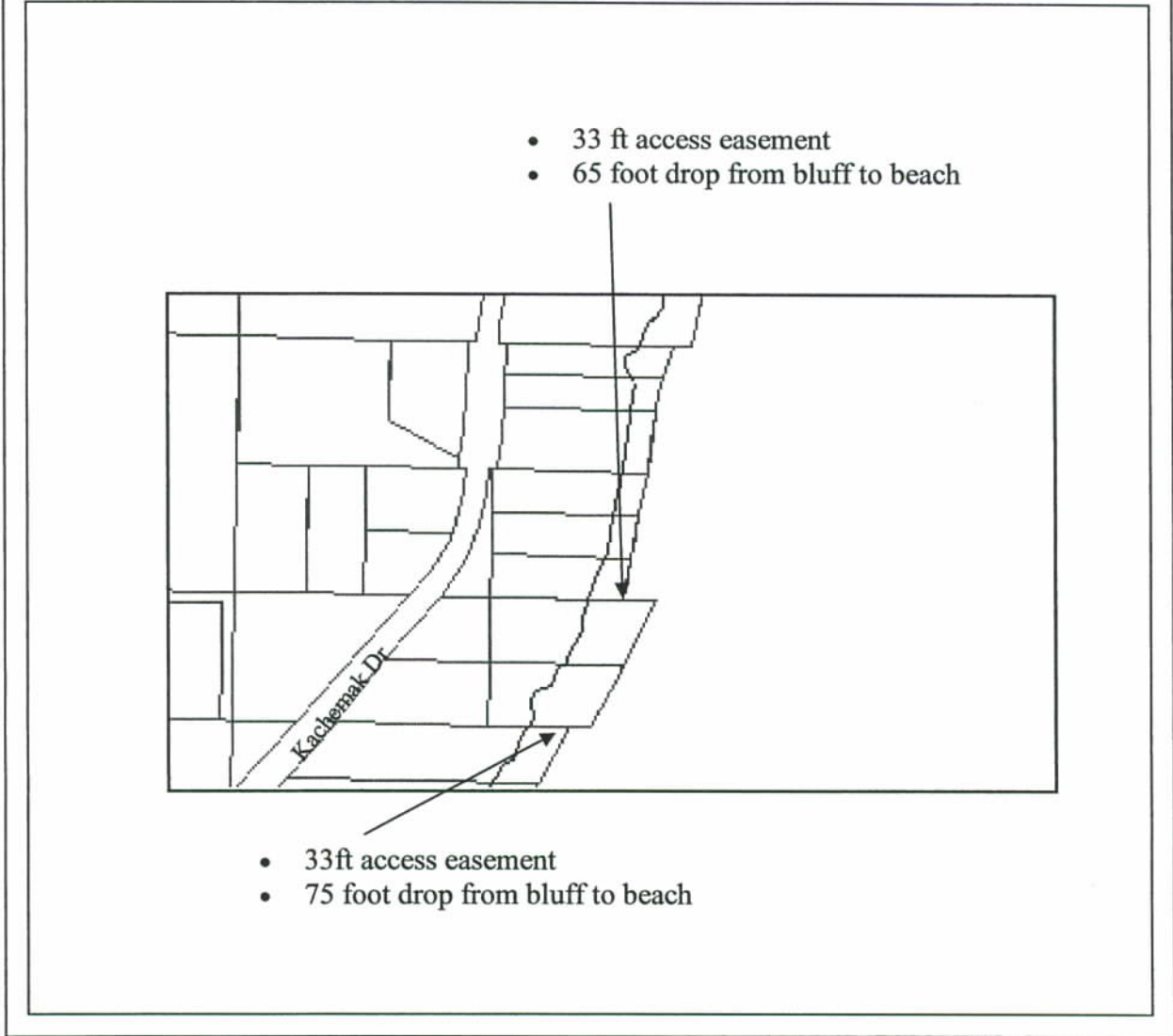
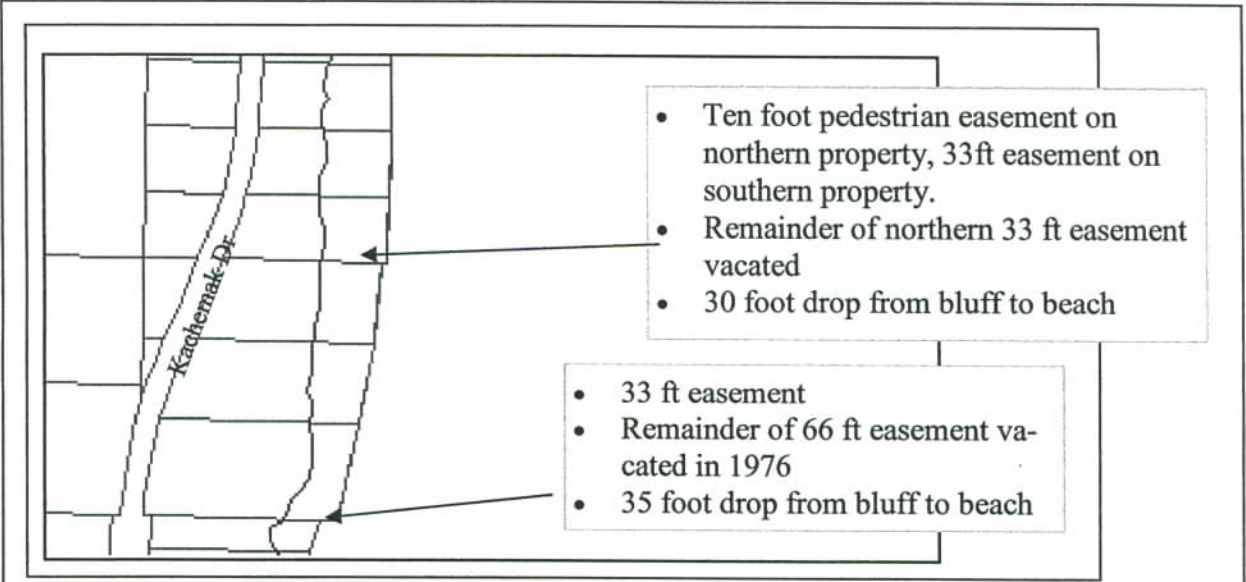
Beach Policy Appendix: B
Mainland Public Access Points to Kachemak Bay
Spring 2007

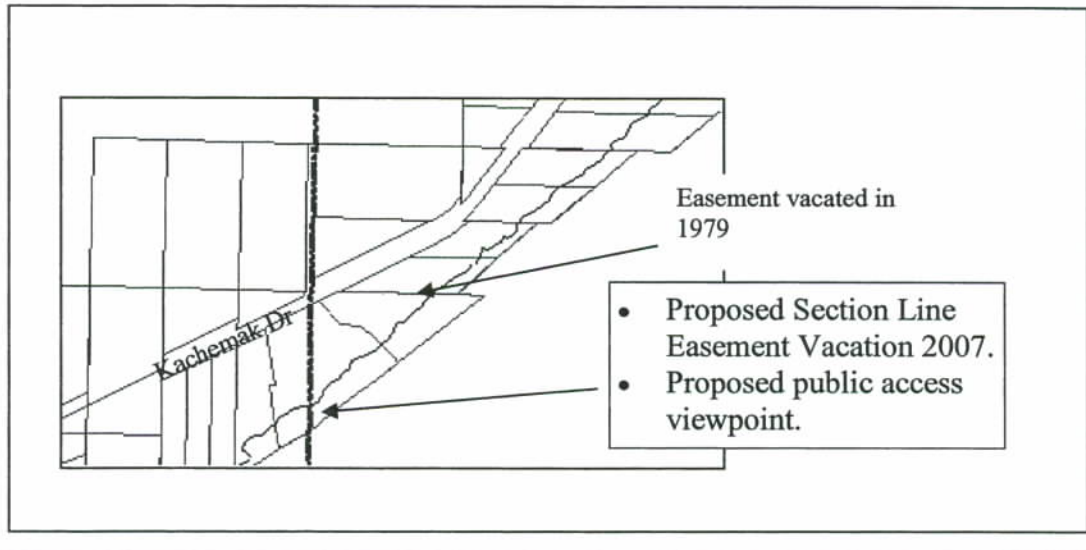
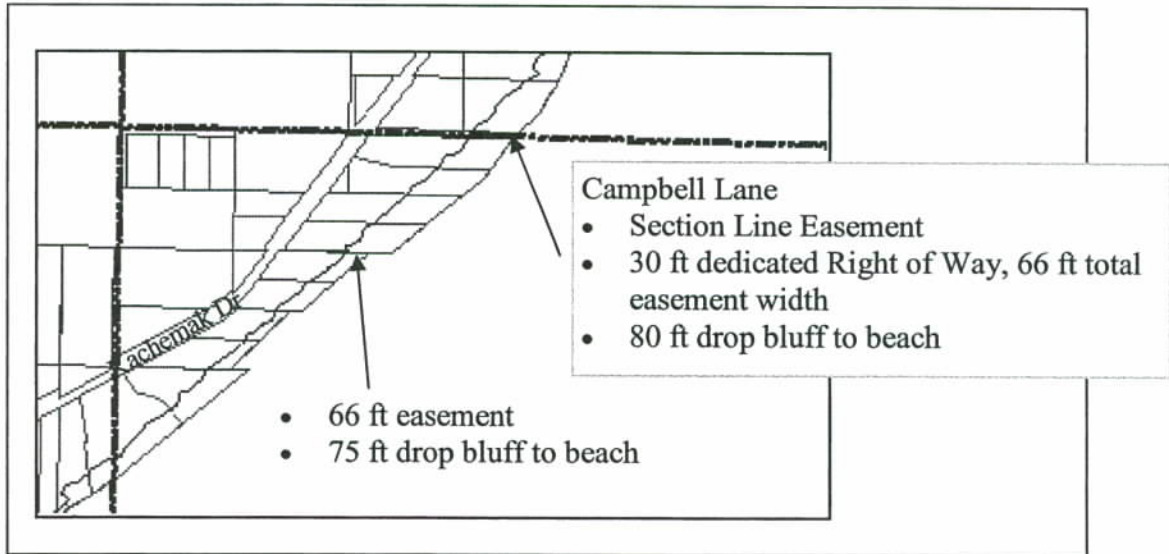
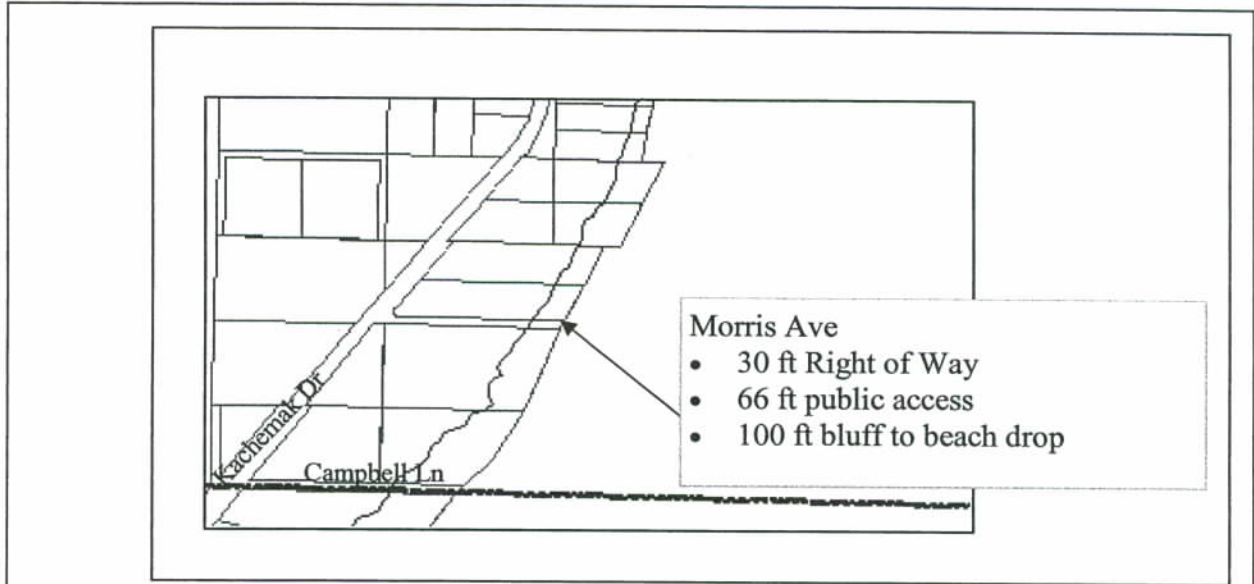


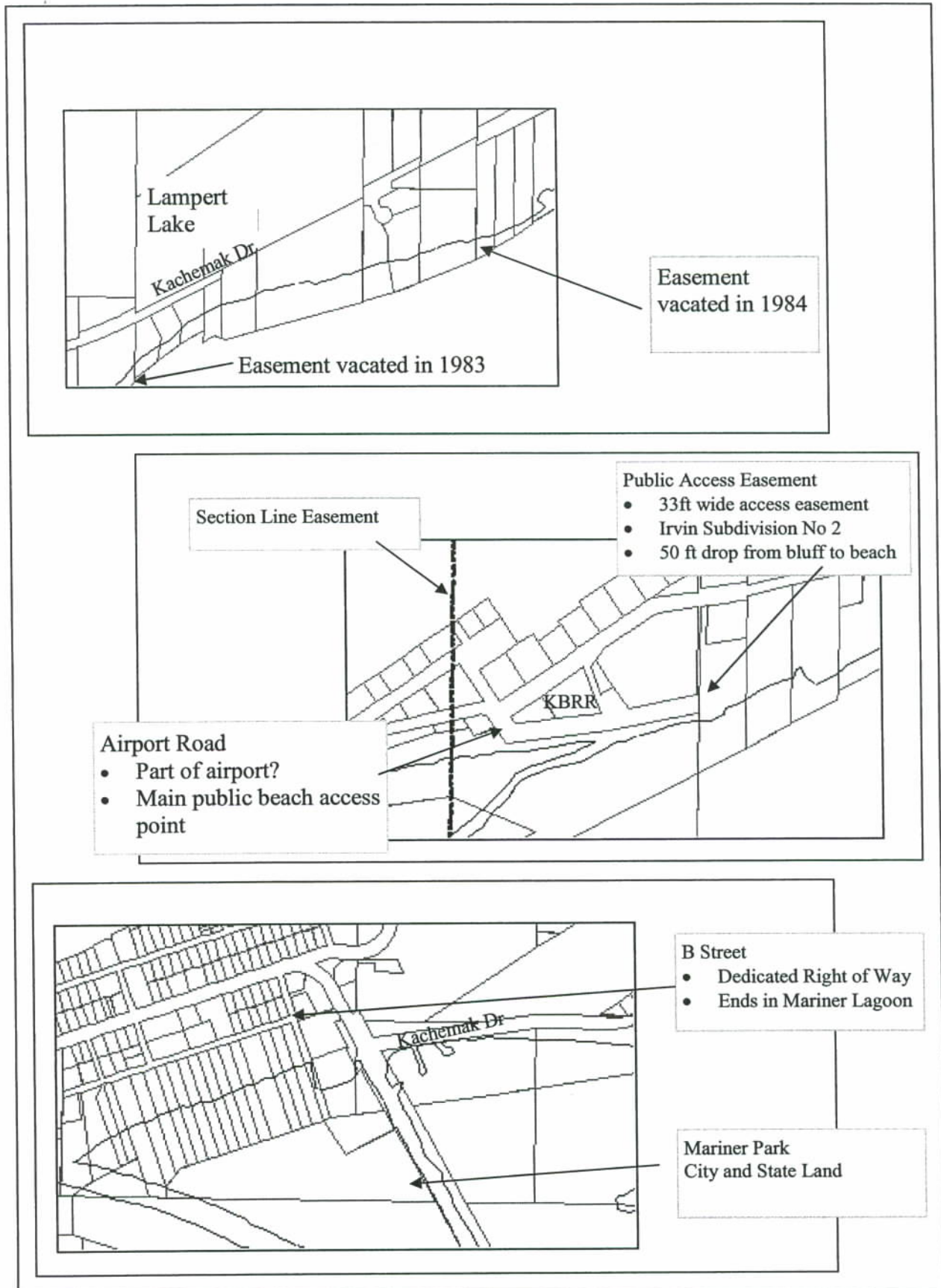
Prepared by the City of Homer Planning and Zoning Office.
Erosion data from KBRR 2004 coastal erosion study. Easement
data from plat research, and from 1982 Homer and Vicinity
orthotopographic map by Walker and Associates.













Lake Street

- Dedicated 60 ft Right of Way
- Sea wall cross the Right of Way

Section Line Easement

- 66 ft wide
- 30 ft drop from bluff to beach

Oscar Munson Subdivision

Victoria Place

- 50 foot Right of Way
- Not constructed

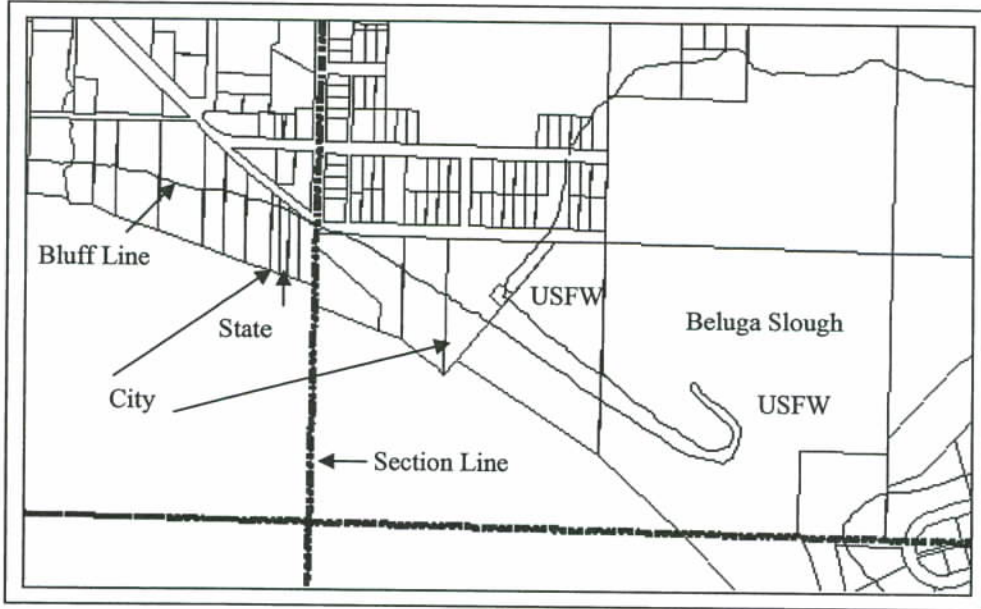
Section Line Easement/Right of Way

- 30 ft Right of Way, 33 ft section line
- Exact width of possible public access not know, but probably about 60 ft



Parson Lane

- 30 ft Right of Way
- About a 30 ft drop from street level to the beach
- Seawall runs along the bluff



Ohlson Lane Property

- 15-20 ft drop from street level to the beach
- City of Homer owns one lot; the state owns another

Section Line Easement

- Main Street is on a section line easement
- 15-20 ft drop from street level to the beach

Bishops Beach

- One of the few easy access point to the beach

This is an area of moderate long term erosion, averaging about 2 and a half feet per year.

Crittenden Dr



- 60 ft Right of Way
- Existing trail is mostly on private property
- Drainage ditch from the street has an outfall in the ROW and is eroding the bluff
- 60 ft drop from Hidden Way to the beach



- Section Line Easement
- 120 ft drop from bluff to beach

- Section Line Easement
- 230 ft+ drop from bluff to beach



Leber Street

- 30 Right of Way Leber St
- Section Line Easement
- 25 foot drop from upland to beach.



- Section Line Easement, north-south along city limit boundary
- 60 foot bluff from beach to upland plateau
- EVOS and other public lands shown





City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: COUNCIL'S ADVISORY BODIES
FROM: JO JOHNSON, MMC, CITY CLERK
DATE: SEPTEMBER 29, 2014
SUBJECT: 2015 MEETING SCHEDULE

Please review the 2015 meeting schedule for your Advisory Body and approve with or without amendments. The draft resolution includes the entire 2015 meeting schedule. The resolution will be presented to Council on December 8, 2014 for adoption.

A memo or excerpt from the meeting minutes noting the action by your advisory body is requested. Please return this to the City Clerk by December 2, 2014.

Thank you!

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

City Clerk

3
4 **RESOLUTION 14-XXX**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 ESTABLISHING THE 2015 REGULAR MEETING SCHEDULE FOR
8 THE CITY COUNCIL, ECONOMIC DEVELOPMENT ADVISORY
9 COMMISSION, LIBRARY ADVISORY BOARD, PARKS AND
10 RECREATION ADVISORY COMMISSION, ADVISORY PLANNING
11 COMMISSION, PORT AND HARBOR ADVISORY COMMISSION,
12 PERMANENT FUND COMMITTEE, AND PUBLIC ARTS COMMITTEE.
13

14 WHEREAS, Pursuant to Homer City Code Section 1.14.020, the City Council annually
15 sets the schedule for regular and some special meetings, noting the dates, times and places
16 of the City Council, Advisory Commissions, and the Library Advisory Board meetings; and
17

18 WHEREAS, The public is informed of such meetings through the kiosks located at
19 Captain's Coffee, Harbormaster's Office, Redden Marine Services of Homer, and the City
20 Clerk's Office, Clerk's Calendar on KBBI, the City Clerk's Home Page on the Internet, and
21 postings at the Clerk's Office at City Hall, and the Public Library; and
22

23 WHEREAS, HCC 1.14.020 - 040 states that meetings may be advertised in a local paper
24 of general circulation at least three days before the date of the meeting and that special
25 meetings should be advertised in the same manner or may be broadcast by local radio at
26 least twice a day for three consecutive days or two consecutive days before the day of the
27 meeting plus the day of the meeting; and
28

29 WHEREAS, HCC 1.14.010 notes that the notice of meetings applies to the City Council
30 and all commissions, boards, committees, subcommittees, task forces and any sub-unit of
31 the foregoing public bodies of the City, whether meeting in a formal or informal meeting; that
32 the failure to give the notice provided for under this chapter does not invalidate or otherwise
33 affect any action or decision of a public body of the City; however, this sentence does not
34 change the consequences of failing to give the minimum notice required under State Statute;
35 that notice will ordinarily be given by the City Clerk; and that the presiding officer or the
36 person or persons calling a meeting are responsible for notifying the City Clerk of meetings in
37 sufficient time for the Clerk to publish notice in a newspaper of general circulation in the City;
38 and
39

40 WHEREAS, This Resolution does not preclude additional meetings such as emergency
41 meetings, special meetings, worksessions, and the like; and
42

43 WHEREAS, Council adopted Resolution 06-144 on October 9, 2006 establishing the
 44 Regular Meeting site for all bodies to be the City Hall Cowles Council Chambers.

45
 46 NOW, THEREFORE, BE IT RESOLVED by the Homer City Council, that the 2015 meeting
 47 schedule is established for the City Council, Economic Development Advisory Commission,
 48 Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning
 49 Commission, Port and Harbor Advisory Commission, Permanent Fund Committee, and Public
 50 Arts Committee of the City of Homer, Alaska, as follows:

51
 52 Holidays - City Offices closed:

January 1*, New Year's Day, Thursday	February 16*, Presidents' Day, the third Monday	March 31*, Seward's Day, last Monday	May 25*, Memorial Day, last Monday	July 3*, Independence Day, Friday	September 7*, Labor Day, first Monday
October 19*, Alaska Day, Monday	November 11*, Veterans Day, Wednesday	November 26* Thanksgiving Day, Thursday	November 27*, Friday, the day after Thanksgiving	December 25*, Christmas, Friday	

53
 54 *Indicates holidays - City offices closed.
 55 **If on a Sunday, the following Monday is observed as the legal holiday; if on a Saturday, the
 56 preceding Friday is observed as the legal holiday pursuant to the City of Homer Personnel
 57 Rules and Regulations.

58
 59 CITY COUNCIL (CC)

January 12, 26	February 9, 23	March 9, 23	April 14, 28	May 11, 26*	June 8, 22
July 13**, 27	August 10, 24	September 14, 28	October 6 Election	October 12, 26, for Oath of Office 20*	Canvass Board October 9 or 12
November 3 Run- Off Election	November 9**, 23	December 14****	December 21**** if needed		

60
 61 City Council's Regular Committee of the Whole Meetings at 5:00 p.m. to no later than 5:50
 62 p.m. prior to every Regular Meeting which are held the second and fourth Monday of each
 63 month at 6:00 p.m. ***The City Council traditionally reschedules regular meetings that fall on
 64 holidays or High School Graduation days, for the following Tuesday. Council will not conduct
 65 a First Regular Meeting in July.

66

67 AML Annual Conference Week is tentatively scheduled for November 16 – 20, 2015.
 68 *Tuesday meeting due to Memorial Day/Alaska Day.
 69 **There will be no First Regular Meeting in July or November.
 70 **** The City Council traditionally cancels the last regular meeting in December and holds the
 71 first regular meeting and one to two Special Meetings as needed. Generally the second
 72 Special Meeting the third week of December, will not be held.

73
 74 ECONOMIC DEVELOPMENT ADVISORY COMMISSION (EDC)

January 13	February 10	March 10	April 14	May 12	June 9
July 14	August 11	September 8	October 13	November 10	December 8

75
 76 Economic Development Advisory Commission Regular Meetings are held on the second
 77 Tuesday of each Month at 6:00 p.m.
 78

79 LIBRARY ADVISORY BOARD (LAB)

	February 3	March 3		May 5	June 2
July 7		September 1	October 6		December 1

80
 81 Library Advisory Board Regular Meetings are held on the first Tuesday of each month at 5:00
 82 p.m.
 83

84 PARKS AND RECREATION ADVISORY COMMISSION (P/R)

	February 19	March 19	April 16	
May 21	June 18		August 20	
September 17	October 15	November 19		

85
 86 Parks and Recreation Advisory Commission Regular Meetings are held on the third Thursday
 87 of each month at 5:30 p.m. with the exception of January, July, and December.
 88

89 PLANNING COMMISSION (P/C)

January 7, 21	February 4, 18	March 4, 18	April 1, 15	May 6, 20	June 3, 17
July 15**	August 5, 19	September 2, 16	October 7, 21	November 4**	December 2**

90
 91 Advisory Planning Commission Regular Meetings are held on the first and third Wednesday of
 92 each month at 6:30 p.m. **There will be no First Regular Meeting in July or Second Regular
 93 Meetings in November and December.
 94
 95
 96

97 PORT AND HARBOR ADVISORY COMMISSION (P/H)

January 28	February 25	March 25	April 22	May 27	June 24
July 22	August 26	September 23	October 28	November 18	December 16

98

99 Port and Harbor Advisory Commission Regular Meetings are held on the fourth Wednesday of
100 each month at 5:00 p.m., with the exception of May, June, July and August meetings that are
101 held at 6:00 p.m. The Regular Meetings in the months of November and December are
102 traditionally scheduled for the third Wednesday of the month.

103

104 PERMANENT FUND COMMITTEE (PFC)

February 12	May 14	August 13	November 12
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105

106 Permanent Fund Committee Regular Meetings are held quarterly on the second Thursday of
107 the months of February, May, August, and November at 5:15 p.m.

108

109 PUBLIC ARTS COMMITTEE (PAC)

February 12	May 14	August 13	November 12
-------------	--------	-----------	-------------

110

111 Public Arts Committee Regular Meetings are held quarterly on the second Thursday of the
112 months of February, May, August, and November at 5:00 p.m.

113

114 PASSED AND ADOPTED by the Homer City Council this 8th day of December, 2014.

115

116 CITY OF HOMER

117

118

119

120 _____
MARY E. WYTHER, MAYOR

121 ATTEST:

122

123

124

125 _____
JO JOHNSON, MMC, CITY CLERK

126

127 Fiscal Impact: Adverting of meetings in regular weekly meeting ad and advertising of any
128 additional meetings.

**PARKS AND RECREATION ADVISORY COMMISSION ANNUAL CALENDAR
FOR THE 2014 MEETING SCHEDULE**

<u>MEETING DATE</u>	<u>SCHEDULED EVENTS OR AGENDA ITEM</u>
<input type="checkbox"/> FEBRUARY 20, 2014	LAND ALLOCATION PLAN REVIEW & RECOMMENDATIONS TO COUNCIL
<input type="checkbox"/> MARCH 20, 2014	CEMETERY STATUS REPORT
<input type="checkbox"/> APRIL 17, 2014	SELECT SPRING PARK &/ OR BEACH WALK THROUGH ESTABLISH PARK DAY EVENT DATE – COMMISSIONER
ATTENDANCE	
<input type="checkbox"/> MAY 15, 2014	PLANNING PARK DAY OR SIMILAR EVENT SPRING PARK AND/OR BEACHES WALK THROUGH
<input type="checkbox"/> JUNE 19, 2014	COMPLETE ARRANGEMENTS FOR PARK DAY OR SIMILAR EVENT INITIAL BUDGET REVIEW – WHAT DOES THE COMMISSION FOR 2015? THANK YOU ADVERTISEMENT FOR THE FIRST HALF OF THE YEAR REVIEW CAPITAL IMPROVEMENT PLAN PARK DAY
WANT	
<input type="checkbox"/> JULY 17, 2014	NO MEETING SCHEDULED
<input type="checkbox"/> AUGUST 14, 2014	BUDGET REVIEW & RECOMMENDATIONS TO CITY MANAGER & CITY COUNCIL
<input type="checkbox"/> SEPTEMBER 18, 2014	FALL PARK WALK THROUGH AND BEACH WALK; ELECTIONS; SELECT KHP CLEAN UP DAY BUDGET DISCUSSION
<input type="checkbox"/> OCTOBER 17, 2014	KAREN HORNADAY PARK CLEAN-UP REVIEW AND APPROVE THE 2015 MEETING SCHEDULE THANK YOU ADVERTISEMENT FOR 2 ND HALF OF THE YEAR
<input type="checkbox"/> NOVEMBER 20, 2014	STRATEGIC PLAN REVIEW & PLANNING REVIEW OF KAREN HORNADAY MASTER PLAN & PROGRESS
DECEMBER 2014	NO MEETING SCHEDULED HAPPY HOLIDAYS!

PARKS AND RECREATION ADVISORY COMMISSION ANNUAL CALENDAR
FOR THE 2014 MEETING SCHEDULE

2014 HOMER CITY COUNCIL MEETINGS
PARKS AND RECREATION ADVISORY COMMISSION ATTENDANCE

It is the goal of the Commission to have a member speak regularly to the City Council at council meetings. There is a special place on the council's agenda specifically for this. After Council approves the consent agenda and any scheduled visitors it is then time for staff reports, commission reports and borough reports. That is when you would stand and be recognized by the Mayor to approach and give a brief report on what the Commission is currently addressing, projects, events, etc. **A commissioner is scheduled to speak and has a choice at which council meeting they will attend. It is only required to attend one meeting during the month that you are assigned.** However, if your schedule permits please feel free to attend both meetings. Remember you cannot be heard if you do not speak.

The following Meeting Dates for City Council for 2014 is as follows:

Commissioner Archibald will attend as needed depending on his work schedule.

January 13, 27 2014	<u>Commissioner Steffy , Commissioner Brann</u>
February 10, 24 2014	<u>Commissioner Lillibridge, Commissioner Steffy</u>
March 10, 24 2014	<u>Commissioner Lowney</u>
April 14, 28 2014	<u>Commissioner MacCampbell, Commissioner Steffy</u>
May 12, 27 (Tues)	<u>Commissioner Brann, Commissioner Steffy</u>
June 9, 23 2014	_____
July 21 2014	<u>Commissioner Roedl</u>
August 11, 25 2014	_____
September 8, 22 2014	<u>Commissioner Lowney</u>
October 13, 27 2014	<u>Commissioner Steffy, Commissioner Archibald</u>
November 24, 2014	<u>Commissioner Lillibridge</u>
December 8, 2014	<u>Commissioner MacCampbell</u>

Please review and if you will be unable to make the meeting you are tentatively scheduled for please discuss.

PLEASE NOTE: When additional commissioners are appointed the proposed schedule above will reflect those added commissioners.

