

June 16, 2010
5:30 P.M.

Cowles Council Chambers
491 East Pioneer Avenue
Homer, Alaska

WORK SESSION Advisory Planning Commission AGENDA

1. Call To Order, 5:30 P.M.
2. Discussion of Items on the Regular Meeting Agenda
3. Staff Report PL 10-55, Draft Spit Comprehensive Plan *(Please refer to page 21 of the regular meeting packet.)*
4. Public Comments
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
5. Commission Comments
6. Adjournment



**REGULAR MEETING
AGENDA**

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Public Comment**
The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
- 4. Reconsideration**
- 5. Adoption of Consent Agenda**
All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.
 1. Approval of Minutes of June 2, 2010 *Page 1*
 2. Time Extension Requests
 3. Approval of City of Homer Projects under HCC 1.76.030 g.
 4. KPB Coastal Management Program Reports
- 6. Presentations**
- 7. Reports**
 - A. Staff Report PL 10-58, City Planner's Report *Page 5*
- 8. Public Hearings**
Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.
- 9. Plat Consideration**
 - A. Staff Report PL 10-54, W. R. Benson's Moore Replat Preliminary Plat *Page 7*
 - B. Staff Report PL 10-53, AA Mattox 1958 Seldovia Village Tribe No. 2 *Page 13*
- 10. Pending Business**
 - A. Staff Report PL 10-55, Draft Spit Comprehensive Plan *Page 21*
- 11. New Business**
 - A. Staff Report PL 10-56, Rezone Ordinance *Page 47*
- 12. Informational Materials**
 - A. City Manager's Report *Page 65*
 - B. Decision on Appeal, 844 Ocean Drive Loop/June 15, 2009 Enforcement Order *Page 67*
- 13. Comments of The Audience**
Members of the audience may address the Commission on any subject. (3 minute time limit)

14. Comments of Staff

15. Comments of The Commission

16. Adjournment

Meetings will adjourn promptly at 10 p.m. An extension is allowed by a vote of the Commission.
The next regular meeting is scheduled for July 21, 2010 at 7:00p.m. in the Cowles Council Chambers.
There will be a work session at 5:30p.m. prior to the meeting.

Session 10-10, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:10 p.m. on June 2, 2010 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONER DRUHOT, HIGHLAND, KRANICH, MINSCH, BOS, SINN

ABSENT: NONE

STAFF: CITY PLANNER ABBOD
PLANNING CLERK ROSENCRANS

APPROVAL OF AGENDA

KRANICH/BOS – MOVED TO SUSPEND RULES TO CHANGE ORDER OF PENDING BUSINESS TO DISCUSS STAFF REPORT PL 10-49, SPIT COMPREHENSIVE PLAN AS ITEM A.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

Robert Archibald commented on the draft spit comprehensive plan. He stated the city should encourage development and commerce on private land but stressed the importance of keeping the public's best interests at heart with respect to views and land use.

Rick Foster was present to inform the planning commission that he is interested in being reappointed to the Kenai Peninsula Borough planning commission.

RECONSIDERATION

No items were scheduled for reconsideration.

ADOPTION OF CONSENT AGENDA

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

A. Approval of the May 19, 2010 regular meeting minutes.

KRANICH/BOS - MOVED TO REMOVE THE MAY 19, 2010 MINUTES FROM THE CONSENT AGENDA AND PLACED UNDER NEW BUSINESS AS ITEM B.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

PRESENTATIONS

There were no presentations scheduled.

REPORTS

City Planner Abboud summarized the planner's report. It was noted that staff is continuing to work on the spit comprehensive plan, the junk car contract, and has successfully coordinated the seawall meeting. There is a new web site design in the works that will hopefully be more useful and user friendly.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 10-47, Draft Ordinance Amending the Appeal Procedure

City Planner Abboud explained that lines 44-45 of the document were corrected from "**and shall state the number of members of the body hearing the appeal who participated in the appeal, how many voted in favor of the decision, and the number voting in favor of the decision**" to "**and shall state the number of members of the body hearing the appeal who participated in the appeal, how many voted in favor of the decision, and the number voting in favor of opposition of the decision.**"

KRANICH/BOS - MOVED TO AMEND LINE 45 AS RECOMMENDED AND FORWARD TO HOMER CITY COUNCIL.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

PLAT CONSIDERATION

There were no plats.

PENDING BUSINESS

- A. Staff Report PL 10-49, Draft Spit Comprehensive Plan

Pages 14-21 were reviewed, and work will resume on line 599, with the goal being to work through the rest of the document.

Discussion continued from the work session, regarding development while preserving views, areas for residential use, and traffic speed and control. There was discussion about differences between marine commercial and marine industrial, best use of land, and the possibility of residential zoning provided a conditional use permit is obtained.

The commission requested staff make the recommended changes to the document and provide a track changes version for the next meeting on June 16th.

- B. Staff Report PL 10-51, Draft Ordinance Amending Storm Water Requirements and Establishing Standards for Filling Land

City Planner Abboud advised there were a few minor changes recommended by the city attorney. He recommended a public hearing be scheduled for September 1, 2010.

KRANICH/BOS - MOVED TO ADOPT STAFF REPORT 10-51 WITH STAFF RECOMMENDATION TO SCHEDULE A PUBLIC HEARING ON SEPT 1, 2010.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

NEW BUSINESS

- A. Staff Report PL 10-50, **Memorandum 10-74**, from Mayor Hornaday, Re: Refer to Planning Commission for Recommendation of Candidates for the Kenai Peninsula Borough Planning Commission.

BOS/SINN - MOVED TO RECOMMEND DR. RICK FOSTER BE REAPPOINTED AS THE HOMER REPRESENTATIVE TO THE KENAI PENINSULA BOROUGH PLANNING COMMISSION.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

B. Approval of Amended minutes of May 19, 2010

KRANICH/DRUHOT - MOVED TO APPROVE THE MAY 19, 2010 REGULAR MEETING MINUTES AS AMENDED.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

INFORMATIONAL MATERIALS

None.

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

Robert Archibald commented on the number of abandoned boats that are in the harbor taking up space and yet not paying moorage. He complimented the planning commission on doing a fine job, and said that no one has a right to complain unless they are willing to participate.

COMMENTS OF STAFF

There were no comments.

COMMENTS OF THE COMMISSION

Commissioner Highland voiced appreciation for the commission's efforts to balance thoughts of economy and environment in discussing the spit comprehensive plan.

Commissioner Bos thanked Planning Clerk Rosencrans for filling in for the clerk's office, and that it was good to have Commissioner Sinn back.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:08p.m. The next regular meeting is scheduled for June 16, 2010 at 7:00 p.m. in the City Hall Cowles Council Chambers. There is a worksession at 5:30 p.m. prior to the meeting.

Shelly Rosencrans, Planning Clerk

Approved: _____





City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-58

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: June 16, 2010
SUBJECT: Planning Director's Report

June 14th City Council Meeting

Memorandum 10-77, from Mayor, Re: Appointment of Sharon Ford to the Planning Commission, Reappointments of Gretchen Druhot and Ray Kranich to the Planning Commission.

Ordinance 10-31, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.20.040 Regarding Dimensional Requirements in the Town Center District to Increase the Maximum Floor Area of Retail and Wholesale Business Uses Within a Single Building from 75,000 to 100,000 Square Feet, and to Increase the Maximum Footprint Area of a Building Whose Main Use is Retail or Wholesale Business from 75,000 to 100,000 Square Feet. Zak. Recommended dates: Introduction June 14, 2010, Refer to Planning Commission.

Memorandum 10-82, from Mayor, Re: Recommendation of Rick Foster for the Kenai Peninsula Borough Planning Commission.

Decision on Board of Ethics – Complaint #2009-01\ the Board found no violation under HCC Chapter 1.18, HCC 1.79.065(d)

BOA decision on Enforcement Order at 844 Ocean Drive Loup – found in informational materials.

Activities:

Dotti organized the Sea Wall meeting that fulfilled the City's permit requirements. It looks as though at least another meeting is proposed. We are finalizing junk car contract and hope to be in full swing shortly. I will be traveling to the borough planning commission meeting (6/14) and to the assembly meeting ((6/22) to answer question about the comprehensive plan. Someone from planning will attend the EDC and Port and Harbor meetings were they will be discussing the Spit Comprehensive Plan.





City of Homer Planning & Zoning

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STAFF REPORT PL 10-54

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: June 16, 2010
SUBJECT: W.R. Benson's Moore Replat Preliminary Plat

Requested Action: Preliminary Plat approval for the vacation of common lot lines

GENERAL INFORMATION

Applicants:	Kenneth and Roseleen Moore AK Community Property Trust 5140 Kachemak Drive Homer, AK 99603	Ability Surveys 152 Dehel Ave Homer, AK 99603
Location:	East Bunnel Ave and Beluga Place, near Bishop's Beach	
Parcel ID:	177164 08, 09, 10	
Size of Existing Lot(s):	0.17 acres or 7,500 square feet	
Size of Proposed Lots(s):	0.517 acres or 22,500 square feet	
Zoning Designation:	Central Business District	
Existing Land Use:	Office space and parking lot	
Surrounding Land Use:	North: Islands and Ocean Visitor Center South: Vacant East: Bakery/Residential West: Commercial	
Comprehensive Plan:	The 1999 Homer Comprehensive Plan Update states "Improve the attractiveness and usability of the business core to encourage use of the area."	
Wetland Status:	The 2005 wetland mapping shows no wetlands present.	
Flood Plain Status:	Zone X, outside the 500 year floodplain.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available.	
Public Notice:	Notice was sent to 46 property owners of 72 parcels as shown on the KPB tax assessor rolls.	

ANALYSIS:

This subdivision is within the Central Business District. This plat vacates the common lot lines between three lots. The lot meets the dimensional size requirement of the district. City water and sewer service the structure.

Preliminary Approval, per KPB code 20.12.0060 Form and Contents Required. The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

1. Within the title block:
 - a. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a map or plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 - b. Legal description, location, date, and total area in acres of the proposed subdivision;
 - c. Name and address of owner and registered land surveyor;
 - d. Scale.

Staff Response: The plat meets these requirements.

2. North point;

Staff Response: The plat meets these requirements.

3. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines, political subdivision or municipal corporation boundaries abutting the subdivision.

Staff Response: The plat meets these requirements.

4. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams.

Staff Response: The plat meets these requirements. The vicinity map appears to be double layered and needs to be corrected.

5. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision together with the purposes, conditions or limitation of such reservations.

Staff Response: Private parcels are shown. No public use areas other than Rights of Way are noted.

6. The names and widths of public streets and alleys and easements including drainage easements existing and proposed, within the subdivision. [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

Staff Response: The plat meets these requirements.

7. The names of adjacent subdivisions or an indication that the adjacent land is not subdivided.

Staff Response: The plat meets these requirements.

8. Approximate location of areas subject to inundation, flooding or storm water overflow. Indicate if a recognized flood plain is present. Identify and locate the major drainage systems.

Staff Response: The plat meets these requirements. No major drainage systems are present. Not within a mapped flood plain.

9. Approximate locations of areas subject to tidal inundation including the mean high water line.

Staff Response: The plat meets these requirements (not applicable to this area).

10. Block and lot numbering per Section 20.16.110 of the borough subdivision code.

Staff Response: The plat meets these requirements.

11. The general location of existing water and sewer utilities, and the intent and methods of the subdivision to utilize and access such utilities.

Staff Response: The plat meets these requirements. Lot is served by city water and sewer.

12. Provide a contour map of the subdivision and road profiles if road grades exceed 6% on arterial and 10% on other streets.

Staff Response: The plat meets these requirements. No Rights of Way are to be dedicated by this action.

13. Identify and locate on the plat all areas in excess of 20% grade.

Staff Response: The plat meets these requirements.

PUBLIC WORKS COMMENTS:

1. Dedicate the standard right of way radius at the corner of Beluga and Bunnell.
2. Dedicate a 15 foot utility easement along the rights of way.

Planning Staff comment: PW is referring to the geometry between the private land and the right of way at the corner of Bunnell and Beluga. The original subdivision in 1967 dedicated the corner as a 90 degree angle. Modern design calls for that angle to be more rounded. The amount of curve depends on several factors, including design speed. Public Works and the surveyor will work out the radius required in this location.

FIRE DEPARTMENT COMMENTS: No comments received in time for the packet.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission recommend approval of the preliminary plat with the following comments:

1. Correct the vicinity map.
2. Dedicate the standard right of way radius at the corner of Beluga and Bunnell.
3. Dedicate a 15 foot utility easement along rights of way.

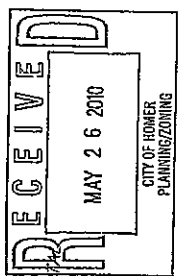
ATTACHMENTS

1. Preliminary Plat
2. Letter from surveyor



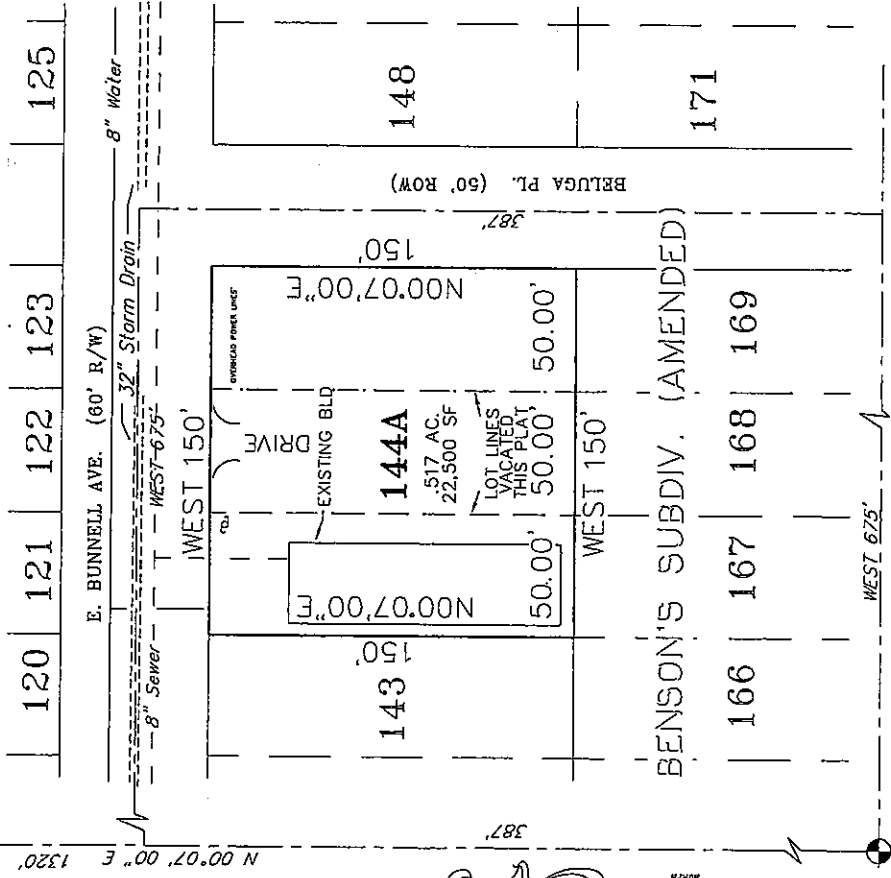
LEGEND

- ⊙ MON AS DESCRIBED
- TELEPHONE PEDESTAL
- ⊕ POWER POLE
- ▣ TV PEDESTAL



W 1/4 PER HM 67-365

933'



CERTIFICATE OF OWNERSHIP

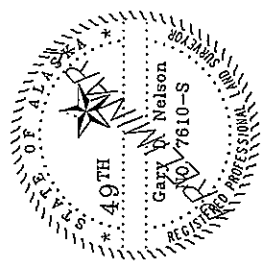
I hereby certify that Kenneth and Roseleen Moore Alaska Community Property Trust is the owner of the real property shown and described hereon, and that Kenneth and Roseleen Moore Alaska Community Property Trust does hereby adopt this plan of subdivision, and by it's free consent dedicates all public rights-of-way and grants all easements to the use shown.

BY _____
 Kenneth and Roseleen Moore
 Alaska Community Property Trust
 5140 Kachemak Drive
 Homer, AK 99603

NOTARY'S ACKNOWLEDGEMENT

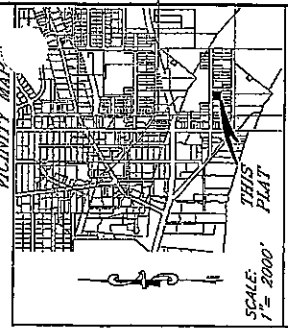
For _____
 Subscribed and sworn to before me this _____ day of _____ 2010.
 Notary public for Alaska My Commission Expires _____
PLAT APPROVAL
 This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____
 KENAI PENINSULA BOROUGH

BY _____
 Authorized Official
 REC DIST _____
 Date _____ 20____ M____
 Time _____
 Requested By _____
 Address _____
 KPB FILE No. 2010-_____



NOTES:

1. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
2. DEVELOPMENT ON THESE LOTS IS SUBJECT TO HOMER MUNICIPAL CODE.
3. WASTEWATER DISPOSAL: PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPT. OF ENVIRONMENTAL CONSERVATION.
4. BASIS OF BEARINGS IS WEST AND ALL LOT DIMENSIONS ARE BASED ON W.R. BENSON'S SUBDIVISION (AMENDED) PLAT HM67-365



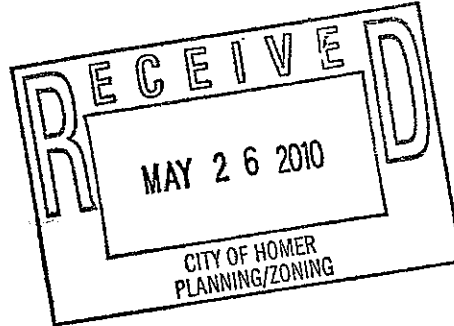
W.R. BENSON'S MOORE REPLAT
 A REPLAT OF LOTS 144, 145, & 146 W.R. BENSON'S SUBDIVISION (AMENDED) (HM67-365) INTO LOT 144A SITUATED WITHIN A PORTION OF THE NW 1/4 SW 1/4 OF SEC 20, T. 13N, S. 3M., CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, HOMER RECORDING DISTRICT, STATE OF ALASKA, CONTAINING .517 ACRES

ABILITY SURVEYS
 GARY D. NELSON, P.L.S.
 (907)235-8440
 157 DFHEL AVE., HOMER, ALASKA

ABILITY SURVEYS

SURVEYING HOMER SINCE 1975

LAND SURVEYING - CONSTRUCTION SURVEYING - DESIGN SURVEYING
152 DEHEL AVE. , HOMER, AK. 99603 PH. 907-235-8440 FAX. 235-8440



5/21/2010

Rick Abboud, City Planner
City of Homer Planning Dept.
491 E. Pioneer Ave.
Homer, AK 99603

Re: Preliminary Plat submittal of **W.R. BENSON'S MOORE REPLAT**

Enclosed herewith are 3 copies of the preliminary plat and a check #4087 in the amount of \$200 for the City of Homer filing fee.

The current owner no longer has a need for this property to be as three separate lots. We are therefore requesting this reversion to acreage or vacation of interior lot lines.

The proposed subdivision is located at E. Bunnel and and Beluga Pl.
The existing Lots are serviced by city water and sewer stubs.

I believe the area is zoned as "Urban Residential".

Exceptions requested;

To HCC 22.10.040(a), subdivision improvement requirements; This is not a subdivision.

To HCC 22.10.051, all lots to be served by a 15 foot utility easement.; all lots shown have underground utilities installed with sufficient easements, no new easements are needed. This plat action is not a subdivision and therefore I believe the City Counsel has recommended that the Subdivision requirements should not prevail.

Thank you for your assistance and consideration in this endeavor. Please don't hesitate to call for any reason.

Sincerely, 
Gary Nelson, PLS



City of Homer Planning & Zoning

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STAFF REPORT PL 10-49

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: June 16, 2010
SUBJECT: AA Mattox 1958 Seldovia Village Tribe Addition No. 2 Preliminary Plat

GENERAL INFORMATION

Applicants: Seldovia Village Tribe Ability Surveys
Crystal Collier 152 Dehel Ave
Drawer L Homer, AK 99603
Seldovia, AK 99663

Requested Action: Recommend approval of the preliminary plat. A common lot line will be vacated creating one large lot
Location: East End Road and Kramer Lane
Parcel ID: 17705150, 17705154
Size of Existing Lot(s): 0.44, 0.79 acres
Size of Proposed Lots(s): 1.222 acres
Zoning Designation: Residential Office
Existing Land Use: professional office/clinic

Surrounding Land Use: North: Residential multifamily
South: Church/vacant
East: Professional office
West: Church/High School

Comprehensive Plan: Continue to encourage infilling of residential areas.
Wetland Status: No wetlands present.
Flood Plain Status: Zone D, flood hazards undetermined
BCWPD: Not within the Bridge Creek Watershed Protection District
Utilities: City water and sewer are present.
Public Notice: Notice was sent to 41 property owners of 55 parcels as shown on the KPB tax assessor rolls.

ANALYSIS:

This lot line vacation plat is within the Residential Office District. This plat creates one large lot from two smaller lots. The lot meets the dimensional size requirement of the district and city water and sewer are available.

The Seldovia Village tribe has development plans for the western portion of the lot. A conditional use permit (CUP) may be required for existing or future development. The applicant is encouraged to contact the Planning and Zoning office. This staff report only addresses the vacation of the common lot line between the two parcels.

Preliminary Approval, per KPB code 20.12.0060 Form and Contents Required. The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

1. Within the title block:
 - a. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a map or plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 - b. Legal description, location, date, and total area in acres of the proposed subdivision;
 - c. Name and address of owner and registered land surveyor;
 - d. Scale.

Staff Response: The plat meets these requirements.

2. North point;

Staff Response: The plat meets these requirements.

3. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines, political subdivision or municipal corporation boundaries abutting the subdivision.

Staff Response: The plat meets these requirements.

4. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams.

Staff Response: The plat meets these requirements.

5. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision together with the purposes, conditions or limitation of such reservations.

Staff Response: Private parcels are shown. No public use areas other than Rights of Way are noted.

6. The names and widths of public streets and alleys and easements including drainage easements existing and proposed, within the subdivision. [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

Staff Response: The plat meets these requirements.

7. The names of adjacent subdivisions or an indication that the adjacent land is not subdivided.

Staff Response: The plat meets these requirements.

8. Approximate location of areas subject to inundation, flooding or storm water overflow. Indicate if a recognized flood plain is present. Identify and locate the major drainage systems.

Staff Response: The plat meets these requirements.

9. Approximate locations of areas subject to tidal inundation including the mean high water line.

Staff Response: The plat meets these requirements (not applicable to this area).

10. Block and lot numbering per Section 20.16.110 of the borough subdivision code.

Staff Response: The plat meets these requirements.

11. The general location of existing water and sewer utilities, and the intent and methods of the subdivision to utilize and access such utilities.

Staff Response: The plat meets these requirements. Lots will be served by city water and sewer.

12. Provide a contour map of the subdivision and road profiles if road grades exceed 6% on arterial and 10% on other streets.

Staff Response: The plat meets these requirements. No Rights of Way are to be dedicated by this action.

13. Identify and locate on the plat all areas in excess of 20% grade.

Staff Response: The plat meets these requirements.

PUBLIC WORKS COMMENTS: No comments by packet time.

FIRE DEPARTMENT COMMENTS: No comments by packet time.

PUBLIC COMMENTS: No comments received.

STAFF COMMENTS/RECOMMENDATIONS:

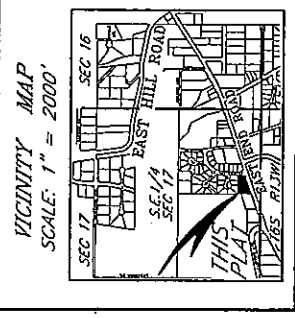
Planning Commission recommend approval of the preliminary plat to Kenai Peninsula Borough Planning Commission.

ATTACHMENTS

1. Preliminary Plat
2. Letter from surveyor



DATE 5/17/10
 SCALE 1" = 50'
 GRID No. AR-69
 DRAWING: 4495
 JOB No. 4495



A. A. MATTOX 1958
 SELDOWIA VILLAGE TRIBE
 ADDITION NO. 2
 WATCHING THE LINE BETWEEN LOT
 9-A, A. A. MATTOX 1958 ADDITION
 NO. 4, (HMG9-3) & LOT 10A, A. A.
 MATTOX SUB. 1958 SELDOWIA VILLAGE
 TRIBE ADDITION, (HMP2004-55)
 LOCATED WITHIN THE SE 1/4, SE 1/4,
 SEC. 17 T15S, R11W, S14N, LOCATED
 WITHIN THE CITY OF HOMER, HOMER
 RECORDING DISTRICT, KENAI
 PENINSULA BOROUGH, THIRD
 JUDICIAL DISTRICT, STATE OF ALASKA
 CONTAINING 1,222 AC.

ABILITY SURVEYS
 GARY NELSON, P.E.
 (907) 215-4440
 152 BEHEL AVE., HOMER ALASKA 99603

NOTES
 1. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 2. DEVELOPMENT ON THESE LOTS IS SUBJECT TO HOMER CITY CODE.
 3. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
 4. REFERENCE IS MADE TO BOOK 186, PAGE 040, FOR "AN AGREEMENT FOR SEWER SYSTEM USE AND FUTURE ASSESSMENTS" AFFECTING FORMER LOT 10.
 5. BASIS OF BEARINGS IS N07°15'10" THIS AND ALL LOT DIMENSIONS ARE BASED ON PLAT #99-3 H.R.D.
 WASTEWATER DISPOSAL PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS, ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

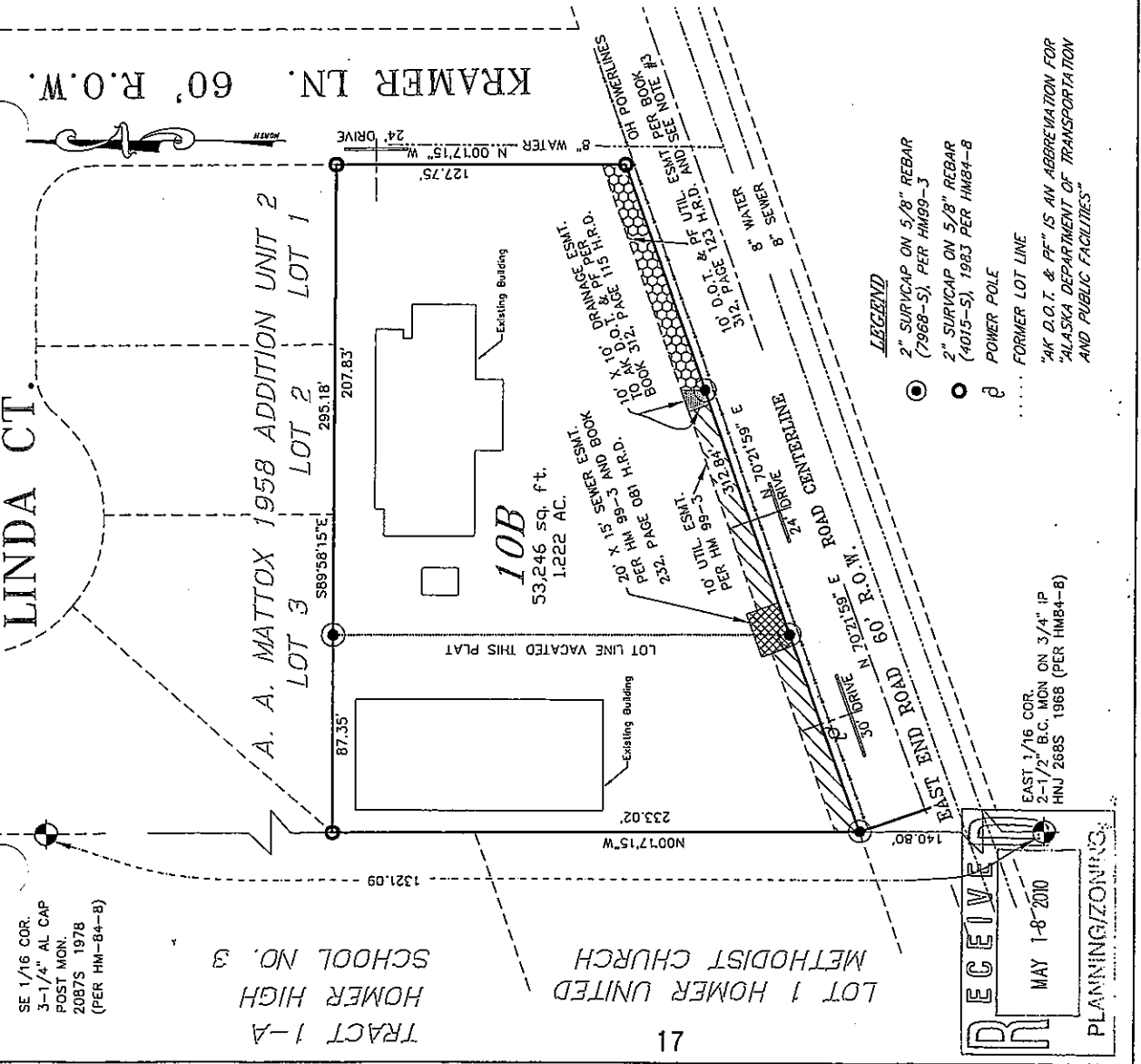
CERTIFICATE OF OWNERSHIP AND DEDICATION
 I HEREBY CERTIFY THAT SELDOWIA VILLAGE TRIBE IRA, (SVT) IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT SVT DOES HEREBY ADOPT THIS PLAN OF SUBDIVISION AND WITH FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

SELDOWIA VILLAGE TRIBE IRA DATE: _____
 CRYSTAL COLLIER, SVT EXECUTIVE _____
 DIRECTOR _____
 SELDOWIA, AK 99663-0250

NOTARY'S ACKNOWLEDGMENT
 FOR CRYSTAL COLLIER, EXECUTIVE DIR. for SELDOWIA VILLAGE TRIBE IRA
 Subscribed and sworn to before me this _____ day of _____ 2010

Notary public for Alaska My Commission Expires _____
PLAT APPROVAL
 This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____ 2010
 KENAI PENINSULA BOROUGH

BY _____
 Authorized Official K.P.B. FILE IN: 2010-



LEGEND
 ● 2" SURVICAP ON 5/8" REBAR (7968-S), PER HMG9-3
 ○ 2" SURVICAP ON 5/8" REBAR (4015-S), 1983 PER HMG9-B
 ⊕ POWER POLE
 FORMER LOT LINE
 AK D.O.T. & PF IS AN ABBREVIATION FOR ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

RECEIVED
 MAY 1-8-2010
 PLANNING/ZONING

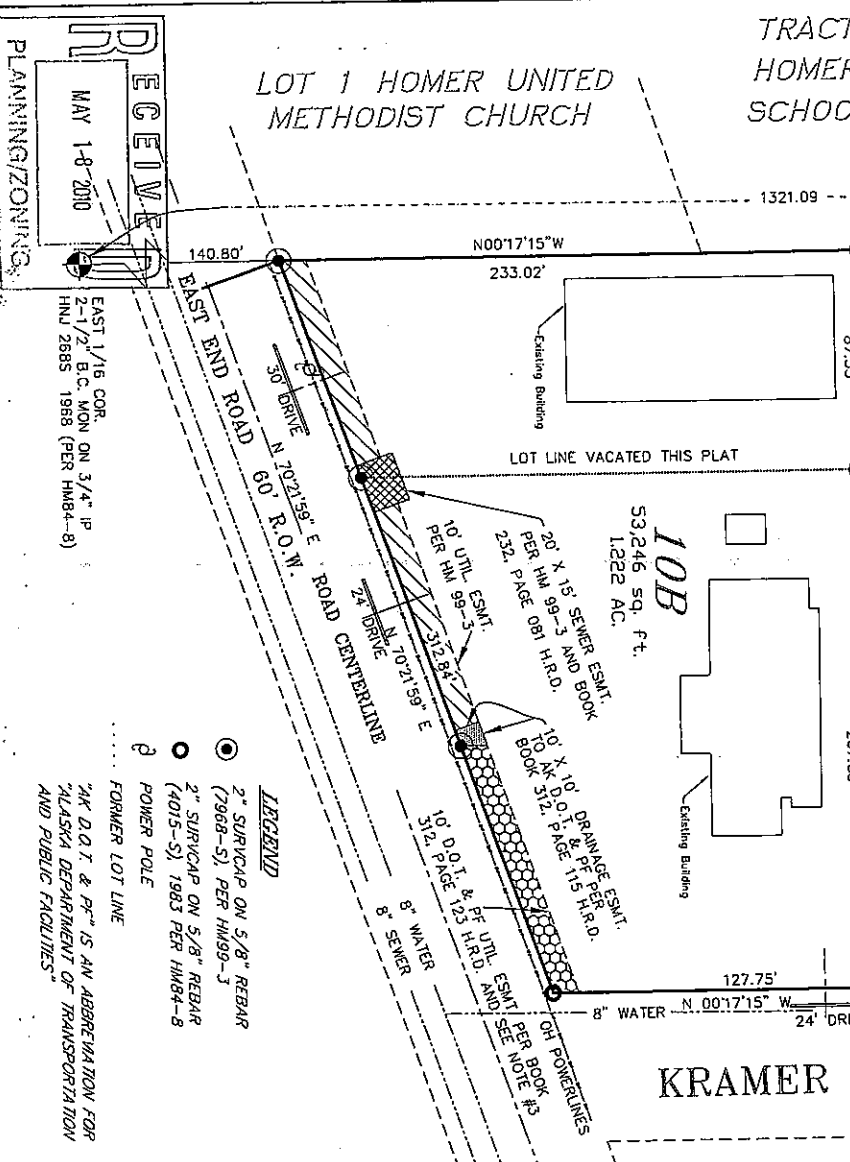
SE 1/16 COR.
3-1/4" AL CAP
POST MON.
20875 1978
(PER HM-84-8)

TRACT 1-A
HOMER HIGH
SCHOOL NO. 3

LINDA CT.

A. A. MATTOX 1958 ADDITION UNIT 2
LOT 3
LOT 2
LOT 1

KRAMER LN. 60' R.O.W.



- LEGEND**
- 2" SURV CAP ON 5/8" REBAR (7968-S) PER HM99-3
 - 2" SURV CAP ON 5/8" REBAR (4015-S), 1983 PER HM84-8
 - POWER POLE
 - FORMER LOT LINE
 - *K.D.O.T. & P.C. IS AN ABBREVIATION FOR ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES*

NOTES

- NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- DEVELOPMENT ON THESE LOTS IS SUBJECT TO HOMER CITY CODE.
- NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- REFERENCE IS MADE TO BOOK 188, PAGE 049, FOR "AN AGREEMENT FOR SEWER SYSTEM USE AND FUTURE ASSESSMENTS" AFFECTING FORMER LOT 10.
5. BASIS OF BEARINGS IS N0715°W. THIS AND ALL LOT DIMENSIONS ARE BASED ON PLAT #99-3 H.R.D.

WASTEWATER DISPOSAL: PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS, ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT SELDOWIA VILLAGE TRIBE IRA, (SVT) IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT SVT DOES HEREBY ADOPT THIS PLAN OF SUBDIVISION AND WITH FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

SUBJECT TO DEEDS 99-3 AND DATE _____ DATE _____

NOTARY'S ACKNOWLEDGEMENT

FOR CRYSTAL COLLIER, EXECUTIVE DIR. for SELDOWIA VILLAGE TRIBE IRA

Subscribed and sworn to before me this _____ day of _____ 2010

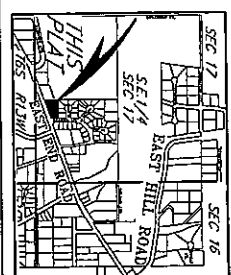
DATE: _____
CRYSTAL COLLIER, SVT EXECUTIVE DIRECTOR
SELDOWIA, AK 99663-0250

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____ 2010

BY _____ KENAI PENINSULA BOROUGH

Notary public for Alaska My Commission Expires _____



VICINITY MAP
SCALE: 1" = 2000'

A. A. MATTOX 1958 SELDOWIA VILLAGE TRIBE ADDITION NO. 2

VACATING THE LINE BETWEEN LOT 9-A, A, A, MATTOX 1958 ADDITION NO. 4 (HM99-3), & LOT 104, A, A, MATTOX SUB. 1958 SELDOWIA VILLAGE TRIBE ADDITION (HM2004-55)

LOCATED WITHIN THE SE 1/4 SEC. 14, T2S, R15E, S11W, 10CLD, WITHIN THE CITY OF HOMER, HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA CONFORMING 1722 AC

ALBERT SURVEYS

GARY HENSON, P.S.
(907) 255-8940
152 DENNY AVE., HOMER ALASKA 99603

RECEIVED
MAY 18 2010
PLANNING/ZONING

EAST 1/16 COR.
2-1/2" B.C. MON. ON 3/4" IP
HNU 2685 1988 (PER HM84-8)

18

ABILITY SURVEYS

SURVEYING HOMER SINCE 1975

LAND SURVEYING - CONSTRUCTION SURVEYING - DESIGN SURVEYING
152 DEHEL AVE. , HOMER, AK. 99603 PH. 907-235-8440 FAX. 235-8440

5/17/2010

Rick Abboud, City Planner,
City of Homer Planning Dept.
491 E. Pioneer Ave.
Homer, AK 99603

Re: Preliminary Plat submittal of **A.A. Mattox 1958 Seldovia Village Tribe No. 2 Interior Lot Line Vacation**

Enclosed herewith are 3 copies of the preliminary plat and a check # **4086** in the amount of \$200 for the City of Homer filing fee.

The current owner no longer has a need for this property to be as two separate lots. We are therefore requesting this vacation of interior lot line.

The proposed subdivision is located on East End Road at the intersection of Kramer LN.

The existing Lots are serviced by city water and sewer stubs.

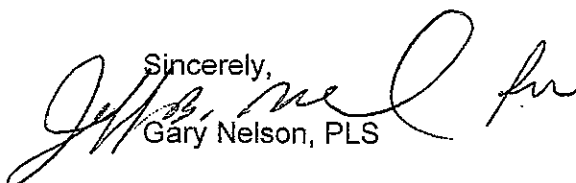
I believe the area is zoned as "General Commercial 2

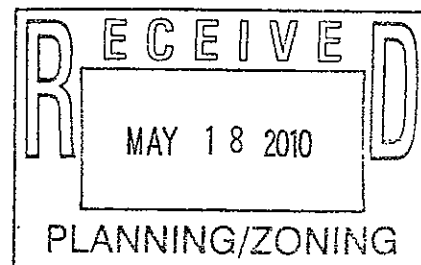
Exceptions requested;

To HCC 22.10.040(a), subdivision improvement requirements.

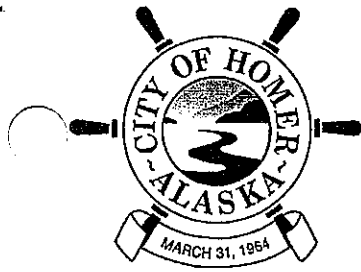
To HCC 22.10.051, all lots to be served by a 15 foot utility easement.; all lots shown have underground utilities installed with sufficient easements, no new easements are needed. This plat action is not a subdivision and therefore I believe the City Counsel has recommended that the Subdivision requirements should not prevail.

Thank you for your assistance and consideration in this endeavor. Please don't hesitate to call for any reason.

Sincerely,

Gary Nelson, PLS







City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-55

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: June 16, 2010
SUBJECT: Spit Comprehensive Plan

Please bring your copy of the plan to the meeting.

RECENT OBSERVATION FOR CONSIDERATION: Every summer, signage directing visitors to businesses on the Spit flourishes. Due to the wide right-of-way, 180 feet in places, and numerous 'huts' on one parcel, compliance with Homer's Sign Code is challenging. The future "look" and design of signage on the Spit should be indentified in the Homer Spit Comprehensive Plan in Land Use and Community Design starting on page 13. Here are two examples:

1. Sandwich boards are limited to one per parcel and must be on the property. In reality, the temporary signs are usually in the AkDOT right-of-way and there are multiple businesses on one property that want a temporary sandwich board.
2. Banners are to be mounted to a permanent frame, HCC 21.60.040. Do we want banners on railings?

GENERAL INFORMATION

At the May 19, 2010 meeting, the Commission reviewed pages 1-14 of the plan. At the June 2, 2010 meeting, the commission worked on pages 14-21. Work will resume starting on line 599 at this meeting. The goal is to work through the rest of the plan.

Staff updated the track changes version of the document. It is not intended for the Commission to review it in any detail. The document is used by staff to keep track of changes the Commission makes, and if a Commissioner misses a meeting, you can see what happened at the last meeting!

What happens next?

- The plan is on the agenda for the Special Meeting scheduled for June 24th.
- The Parks and Recreation, Port and Harbor, and Economic Development Advisory Commissions will review the plans at their June meetings.
- The Commission has decided to revisit some topics, after they have looked at the whole plan. This will probably happen on June 24th/July meeting.
- All comments will be emailed/provided to Commissioners as they are received, and the whole Commission can talk about it at the July 21st meeting.
- The schedule outlined by the consultants is to have a revised draft, with all the Commissions comments and changes, out sometime in August (probably late August). This will allow seasonal business owners/spit users to see and comment on the plan while they are still here.

Att: Track Changes version of Draft Spit Plan, Chapters 1-3.

STAFF COMMENTS/RECOMMENDATIONS:
Planning Commission continue reviewing the draft plan.



HOMER SPIT COMPREHENSIVE PLAN

City of Homer, Alaska

Planning Commission Working Draft

April 30, 2010 ~ USKH



NOTE: This document is intended as a Working Draft for active editing and discussion. It primarily will be used in Planning Commission Work Sessions with opportunities for the public to both listen and provide comments.

For ease of discussion and editing, report graphics are not included. Maps illustrating existing conditions and future framework concepts are provided in separate pdfs.

As the Commission shapes this document through the early part of the summer it is hoped that input, refinements, and edits will help provide a more solid framework for a future draft plan. It is anticipated that by late July a revised draft will be released to the public, and a highly publicized set of public meetings will be held in August, with specific attention to notifying all Spit Vendors.

Table of Contents

Chapter I. Introduction

- Purpose of the Plan
- The Planning Process

Chapter II. Background Data and Existing Conditions

- The Homer Economy
- Land Use
- Natural Environment
- Transportation
- Parking Study and Analysis
- Port and Harbor Commission
- Parks and Recreation

Chapter III. Framework Analysis

1. Land Use and Community Design
 - 1.A Industrial Development
 - 1.B Commercial Development

- 1.C Resort/Residential Development
- 1.D Conservation/Natural Environment
- 1.E. Parks and Recreation

2. Transportation
 - 2.A Marine Transportation
 - 2.B Road and Trail Access
 - 2.C Parking Management

3. Economic Vitality
 - 3.A Harbor and Port
 - 3.B Multi-Seasonal Use

Chapter IV. Goals, Objectives, & Strategies

1. Land Use and Community Design
2. Transportation
3. Economic Vitality

USKH Contact Information:

Dwayne Adams dadams@uskh.com

Sara Wilson Doyle swdoyle@uskh.com

441 W. 5th Ave, Suite 200 Anchorage, Alaska 99524, Phone: (907) 276-5885 Fax: (907) 276-5887

Chapter I. Introduction

1 Goal statement (Perhaps on the cover?): Manage the land and other resources of the Spit to accommodate its
2 natural processes, while allowing fishing, tourism, other marine related development, and open
3 space/recreational uses.

4 The Homer Spit is an intriguing natural phenomenon. It is one of the longest occupied natural sandspits in the
5 world, extending southeast from the City of Homer, approximately 4.5 miles into Kachemak Bay. The Spit is a
6 natural, dynamic system which is constantly being shaped by deposition and erosion of sediments. The Spit is
7 sensitive to changes in the natural environment and to man's activities, both on the Spit itself and in the
8 uplands of the mainland. (ROBERTA to meet with Planning staff to go over conservation stuff and language
9 here)

10 ~~The Homer Spit is a defining natural feature, stretching four and one-half miles into Kachemak Bay. The Spit~~
11 ~~was the site of the town's first settlement and survived the 1964 Good Friday earthquake. In more recent~~
12 ~~times, it has emerged as the centerpiece for Homer's tourism industry.~~

13 The Homer Spit is a lot of things to a lot of different and diverse groups of people. The Spit was the site of the
14 town's first settlement and survived the 1964 Good Friday earthquake. In more recent times, it has emerged
15 as the centerpiece for Homer's tourism industry. It is a working port and harbor, a wildlife refuge, a place for
16 outdoor recreation, and a place for employment and business. An economic engine for the region, it is the
17 center of Homer's thriving fishing industry and has become one of Alaska's most popular tourism destinations.

18 As one enters the City from the north and experiences the view of Kachemak Bay, the surrounding mountains
19 and glaciers, the focus of your attention is naturally drawn to the Spit as a place you have to visit. This update
20 of the City of Homer Spit Comprehensive Plan is similar to that view, focusing attention on current issues,
21 defining a vision, and setting a course of action for the future.

22 The Homer Spit Comprehensive Plan was excluded from the overall city comprehensive plan update which
23 began in 2006. It was determined the Spit was such an important community feature it deserved and required
24 its own planning effort. Some of the issues identified by the City to address in the plan include:

- 25 ● Increasing traffic congestion
- 26 ● Parking
- 27 ● New demands for public services
- 28 ● Future land use, zoning, and development
- 29 ● Encouraging economic development without compromising the unique character and "flavor" of the Spit

30 Future comprehensive planning efforts should integrate the Spit with the rest of the community, rather than
31 separating these geographic areas into different planning documents.

32 Purpose of the Plan

33 The Comprehensive Plan describes existing conditions and defines a preferred future development plan. The
34 Plan recommends public improvements for this unique and special place and addresses future land use and
35 zoning, parking, pedestrian issues and conservation. The Plan will serve to guide the Planning Commission, the
36 City Council and other community leaders and businesses as they make decisions related to the Spit for years
37 to come.

38 The Planning Process

39 The planning process began in April 2009 with a contract for professional services. The planning process has
40 included ongoing public involvement opportunities, including to date four public planning workshops, as well
41 as ongoing input, work sessions, and discussion with the Planning Commission.

42 A project website was established from the project outset to provide information to interested persons. The
43 website, www.homerspitufutureplan.com, provided meeting notices, summaries of community meetings, and
44 draft documents. It also provided an email feedback function that a number of people used to provide
45 comments.

46 In August 2009 public involvement workshops were provided to introduce the project and identify community
concerns, issues, and opportunities.

48 In September a second round of workshops were held, which were well attended by interested citizens,
49 property, and business owners. Back to back workshops on September 10, 2009 featured a time for drop-in
50 informal discussion (3:00 to 5:00 pm) and then a presentation and planning workshop (6:30 pm to 8:30 pm).
51 These open house events included opportunities to comment on maps of the Spit, a presentation about the
52 planning process, and comments/suggestions from participants. In addition, a number of people submitted
53 comments through the project website. These comments and ideas were used as a basis for planning
54 recommendations, and representative quotations are included throughout the report.

55 From the initial phase of public input, a number of major themes and issues emerged from the public
56 comments:

- 57 • A desire to make the Spit a better, year-round destination for locals and visitors alike
- 58 • The Spit has great potential for economic/industrial development and the creation of year-round, family
59 sustaining jobs. Tourism development should not compromise this potential and land should be
60 designated for industrial-type development. Mix, yet balance, maritime industry with tourism.
- 61 • The need for improved transportation alternatives, including bicycles, pedestrians and a shuttle bus.
- 62 • The recognition of the unique coastal bird habitat and sea mammal environment.

- 63 ● Improve access, condition and amenities of existing parks and open places and consider adding more
- 64 parks, open space, a kayak launch, fishing dock, and a community central gathering place
- 65 ● Parking is a major issue
- 66 ● Concern about future residential developments
- 67 ● Reduce pedestrian/vehicle conflicts
- 68 ● There is a desire for more overslope development (boardwalk of shops, restaurants, and services, etc.)
- 69 ● Great opportunities for public art
- 70 ● Consider zoning that is unique to the Spit

71 Over the fall, additional discussions, input and research were completed and a “framework document” was
72 released in January 2010 as a focal point for community discussion and to solicit additional direction from City
73 Planning staff, Planning Commission, and Port and Harbor Advisory Commission. As a result of the ensuing
74 discussion, including discussion at two Planning Commission work sessions (April 7 & 21, 2010), it has become
75 clear that additional time will be needed to develop a solid framework for the draft plan that more fully
76 reflects community needs and concerns. Thus, on April 30, 2010 a Working Draft was created which both
77 revises somewhat the January document, and also reformats for active editing. Although the draft is primarily
78 for use by the Planning Commission, all work sessions focused on revising this document will be held in an
79 open forum, which will feature opportunities for the public to both listen and provide comments.

80 As the Commission shapes this document through the early part of the summer it is hoped that input,
81 refinements, and edits will help provide a more solid framework for a future draft plan. It is anticipated that in
82 late July a revised draft will be released to the public, and a highly publicized set of public meetings will be held
83 in August.

84 In terms of the overall planning process, the Spit Comprehensive Plan process has followed a progression of
85 research, community participation, study and brainstorming. Listed below are the major steps that will lead to
86 a final plan for formal adoption as an element of the Homer Comprehensive Plan:

- 87 ● Gather Information
- 88 ● Research and Analysis
- 89 ● Community Involvement
- 90 ● Parking Study
- 91 ● Future Development Scenarios
- 92 ● Framework Plan
- 93 ● Community Review
- 94 ● Draft Comprehensive Plan

95 • Planning Commission Review

96 • Final Plan

97
98
99
100
101
102
103

Currently, a draft Framework Plan has been completed and is ready for community review. The Framework Plan serves as the basis for community discussion as the community reflects on the goals, objectives, and implementation plan for the Spit. The Homer Spit Comprehensive Plan will be the end product of this planning progression, and strongly reflect input from citizens, the Spit business community, the Planning Commission, and city staff.

104

Chapter II. Background Data and Existing Conditions

105

The Homer Economy

106

The economy of Homer and surrounding region is based upon commercial fishing, government, services and tourism. The area has grown and prospered in recent years due to growth of these sectors. Sales tax revenues were down for the 2009 tax season which was attributed to the downturn in the national economy and the resulting effect on tourism in Alaska.

107

108

109

110

The Homer Spit is a major contributor to the regional economy as the hub for the Kachemak Bay commercial fishing industry, and as one of Alaska's premier tourism destinations.

111

112

The recently drafted Homer Comprehensive Plan addressed the community's economy, as summarized below:

113

~~• Homer's demographics are changing. Many out-of-town and out-of-state retirees are coming to Homer, changing land prices and expectations about public services and facilities.~~

114

115

• Homer needs room to grow, in a way that respects the community's character, as well as addresses concerns such as sprawl and climate change. The plan should designate locations and patterns for new growth, considering related needs like expanded water and sewer service.

116

117

118

~~• Housing prices are being driven up by new demands and an influx of residents with wealth difficult to match in Homer. Maintaining a stock of quality housing for middle and low income households will be important for Homer's future.~~

119

120

121

• The natural environment is important to Homer's economy and way of life. The community clearly desires to maintain the natural environment. New strategies will be needed to protect this environment as the community grows – particularly regarding drainage, erosion, and open space.

122

123

124

• Homer has a diverse, vibrant economy that builds from the community's strengths and character. The community will need to work to enhance and preserve economic opportunity.

125

126

• Tourism is likely to stay strong and grow.

127

• Lastly, it is likely these trends will continue, and Homer will face new forms of challenges and opportunities tied to growth.

128

129

Land Use

130

A variety of land uses have evolved over time on the Homer Spit and created a unique sense of place. Uses include marine-related industrial and commercial, including fishing and fish processing, the harbor and harbor related business, the marine highway terminal, port facilities, fuel storage, retail-commercial, lodging, camping, parking, recreational, conservation and public land uses.

131

132

133

134

RV and tent camping is a major land use. Camping opportunities include tent camping on the beach and several public and private campgrounds.

135

136 In recent years the last decade, new residential
 137 condominium residential units have been developed near
 138 the end of the Spit. Combined with the a hotel Lands
 139 End Resort Hotel, resort/residential is a significant land
 140 use on the Spit.

141 A map showing locations of existing land uses can be
 142 found in a separate pdf (2010-04-30 Spit Plan Existing
 143 Conditions Maps). The table and pie chart above also
 144 show the approximate distribution of land uses on the
 145 Homer Spit.

146 Within the City of Homer's existing zoning code there are
 147 currently only four designations. These include Marine
 148 Commercial (MC), Marine Industrial (MI), Open Space-
 149 Recreational (OSR), and Conservation (CO).

Homer Spit Land Usage Summary, 2009			
#	Usage	Acreage	Percentage
0	Conservation	189.7	34.6%
1	Residential	8.19	1.5%
2	Commercial	14.67	2.7%
3	Industrial	62.64	11.4%
4	Campground	114.14	20.8%
5	Park	18.26	3.3%
6	Recreational	2.18	0.4%
7	Parking	33.34	6.1%
8	Harbor	74.31	13.6%
9	Resort/Residential	7.25	1.3%
10	Marine Industrial	23.35	4.3%

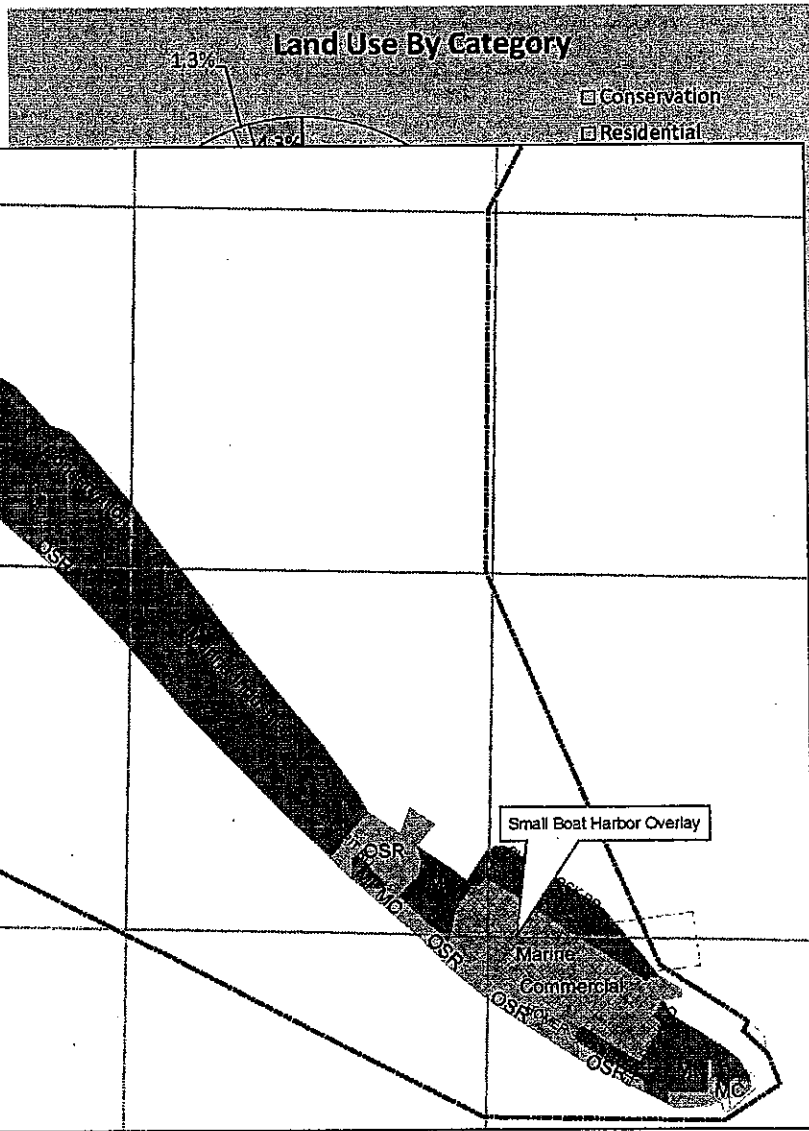
150 **MC (MARINE COMMERCIAL)**

TOTAL:	548.03	100%
--------	--------	------

151 Intent - Provide adequate space for the commercial
 152 needs which service and support water-dependent industries and facilities; encourage adequate separation
 153 between allied but potentially incompatible commercial and industrial uses while providing proximate
 154 locations for mutual benefit of such water-oriented commercial and water dependent industrial uses.
 155 Commercial enterprise permitted to the extent that it services and supports the water-dependent industries
 156 which are important to Homer's economic base (e.g., fishing, marine transportation, off-shore energy
 157 development, recreation and tourism) and to the extent that location elsewhere creates unnecessary hardship
 158 for the users of such commercial services. Performance standards are required to minimize the impact of
 159 commercial development on the natural features on which it depends.

160 **MI (MARINE INDUSTRIAL)**

161 Intent - Provide adequate space for those
 162 industrial uses that require direct marine
 163 access for their operation and



164

165 **Figure 1 - City of Homer Zoning Map, October 27, 2009**

166 to encourage the most efficient utilization of land. Promote marine-dependent industries important to
167 Homer's economic base (e.g., fishing, fish processing, marine transportation, off-shore oil development, and
168 tourism); give priority to those uses, and minimize conflicts among industrial, commercial and recreational
169 uses.

170 **OSR (OPEN SPACE – RECREATIONAL)**

171 **Intent** - Promote public recreational opportunities while protecting natural and scenic resources. Give priority
172 to pedestrian uses over motor vehicle uses and preserve public access to tidelands. All development proposals
173 in the district will be evaluated in terms of their compatibility with natural hazard and erosion potential and
174 their effect on scenic vistas and public access.

175 **CO (CONSERVATION)**

176 **Intent** - The conservation district is applied to sensitive public and some instances private lands that are critical
177 to the maintenance of fish and wildlife resources, serve important watershed protection areas, or serve other
178 key environmental functions. These lands are to be maintained in an undisturbed and natural state, except for
179 enhancement projects. Private landowners may agree to have this designation on their property.

180 **Natural Environment**

181 The coastal area of the Spit is a marine and tidal environment, attracting numerous shore birds and marine
182 animals. The Spit is a nationally recognized birding area, and the Mud Bay and Mariner Lagoon areas are part
183 of the Western Shorebird Reserve Network (WSRN). Tides on the Kachemak Bay that can range more than 26
184 feet have created expansive tidal flats and a rich shore environment for wildlife. The Bay is also a state
185 designated Critical Habitat Area.

186 Much of the Spit's upland environment has been altered over time. The Spit was severely impacted by the
187 1964 earthquake as the elevation significantly dropped, and areas of the Spit actually disappeared. Some of
188 that displacement has rebounded since that time. Material from the subsequent excavation of the existing
189 boat harbor and annual dredging have been used to fill the Spit and raise the elevation of the land to the
190 present level.

191 **Tsunami**

192 Kachemak Bay is situated in an active seismic area of Alaska. A tsunami analysis entitled "Tsunami Hazard
193 Maps of The Homer and Seldovia Areas, Alaska" was published by the State of Alaska Department of Natural
194 Resources, Division of Geological & Geophysical Surveys, in 2005. This report considered two earthquake
195 scenarios and estimated tsunami inundation for Homer and Seldovia, but did not model the inundation by
196 waves that might be generated by local submarine or sub aerial landslides, or the inundation from a debris
197 avalanche generated by eruption of nearby Augustine Volcano.

198 The summary of the study concludes "neither of the modeled scenarios results in inundation of the entire
199 Homer Spit. However, it is important to note that the Border Ranges fault scenario results in flooding of a

200 portion of the Spit and the road for a distance of approximately 0.3 mi (0.5 km) near the head of the Spit.
201 Because this flooding may occur repeatedly during a tsunami, it is possible that the road may be washed out,
202 cutting off the evacuation route from the Spit. Even though our numerical modeling does not show inundation
203 of the entire spit for the scenarios we used, we recommend that evacuation of the Spit be a mandatory part of
204 any tsunami evacuation plan.”

205 The report ends with the statement “because of the uncertainties inherent in this type of modeling, these
206 results are not intended for land-use regulation.” Thus, common sense must prevail in developing plans for
207 the Homer Spit. Tsunami warning sirens and evacuation signs are currently in place and consideration should
208 be given to provide additional warning siren locations and evacuation plans.

209 **Flood Hazard**

210 In 2003, the City of Homer joined the National Flood Prevention Program, and adopted regulations for
211 development in flood zones. In general, the Federal Insurance Rate Maps identifies the Spit as a Coastal High
212 Hazard Area. The Spit’s shoreline is in the “Velocity Zone” which is characterized by coastal wave action with
213 tidal surges and high energy, wind-generated wave action.

214 The Flood Standards aim to minimize exposure to flood damage while protecting the functions of the coastal
215 zone. For example, these standards require that all new construction be built to:

- 216 • Withstand a 100-year flood event
- 217 • Be elevated on pilings to a level of one foot above the base flood elevation
- 218 • Be landward of the mean high tide
- 219 • Resist hydrostatic and hydrodynamic loads and the effects of buoyancy
- 220 • Prevent flotation with tie down, or have openings around the floor to allow for water flow or
221 watertight flood proofing

222 Meeting these development standards is costly. Buildings and boardwalks must be designed and certified by
223 an engineer or surveyor indicating that the pilings will withstand a 100-year event and that the structures are
224 elevated properly. In order to provide this assurance the required engineering analysis often includes wave run
225 ups, wave forces, and datum changes which add costs to the development. Additionally, engineers and
226 surveyors have disputed the elevations on the Flood Insurance Rate Maps; ~~therefore~~ FEMA intends to resolve
227 the inconsistencies with a new comprehensive coastal restudy of the Homer Spit starting in 2010, that may
228 result in new flood plain mapping.

229 **Climate Change**

230 Alaska is experiencing the impacts of global climate change. It is predicted that general warming of the oceans
231 and potential melting of the Greenland and Antarctic ice sheets will impact coastal areas around the world, by
232 raising water levels ~~as much as 2 meters~~ by the end of this century. Experts predict more frequent and severe
233 storms, accelerating erosion of the shoreline. This forecasted effect of climate change will greatly impact the
234 low lying Homer Spit and should be considered in planning efforts. The City of Homer’s Climate Action Plan is

235 ~~an excellent resource. This forecasted effect of climate change will greatly impact the Homer Spit and should~~
236 ~~be considered in planning efforts. Experts also predict more frequent and severe storms, accelerating erosion~~
of the shoreline.

238 ~~While current water levels present no major limitations to development at this time, the impacts of climate~~
239 ~~change on the Spit must be continuously monitored and evaluated.~~

240 Transportation

241 The Spit is served by the two-lane Sterling Highway (Homer Spit Road). The highway is under the jurisdiction
242 of the Alaska Department of Transportation (ADOT). A map showing transportation facilities on the Spit can be
243 found in a separate pdf (2010-04-30 Spit Plan Existing Conditions Maps).

244 A June 2009 traffic count indicates an average daily traffic (ADT) total of 3540 vehicles for the month. Annual
245 traffic data from 2007 indicates an annual ADT of 4125 vehicles. The 2007 monthly ADT data ranges from a
246 low of 1636 vehicles in January to a high of 8959 vehicles in July. The highest daily traffic counts occurred on
247 several consecutive days in May of 2007 and were in excess of 10,500 vehicles. The next highest daily counts
248 occurred in July and were in excess of 10,000 vehicles.

249 The State Highway Marine Terminal is located adjacent to the Pioneer Dock. Ferry service provides access to
250 Prince William Sound and Kodiak Island.

251 A separated bike and walking path parallels the highway from the mainland to just west of the Freight Dock
252 Road. The City is currently planning the continuation of the bike and pedestrian path from its current terminus
to the end of the Spit.

254 Parking Study and Analysis (PC more discussion next draft)

255 With vehicular parking a primary issue on the Spit, a parking study was conducted as part of the planning
256 process. The goal of the parking analysis is to address these parking issues:

- 257 • Pedestrian safety
- 258 • Short and long-term recommendations
- 259 • Signage
- 260 • Parking lot design
- 261 • Parking policies, such as free vs. charge, time limitations, etc.

262 ~~Parking for vehicles is a major land use on the Homer Spit, occupying 6% of the available land. Parking is also a~~
263 ~~primary community concern as expressed by public comments at planning workshops and email feedback from~~
264 ~~the project website.~~

265 **Existing Parking Facilities and Policies**

266 The Port and Harbor Commission is responsible for management of parking on the Homer Spit. A map
267 showing existing parking facilities is included on the following page.

268 Public parking facilities consist primarily of gravel open areas. Most parking is located around the harbor area,
269 and at the fishing lagoon. In recent years, several parking areas located near the marina ramps have been
270 paved and designated as fee parking.

271 Portions of public and private parking areas are located within the DOT right-of-way (ROW). The City is
272 currently negotiating an agreement with the DOT for management of the parking areas located in the ROW.

273 Organizing the gravel open areas for an efficient parking pattern and traffic flow is a challenge. Temporary
274 pylons and rope are often used as an attempt to guide and organize parking. There is no signage identifying
275 parking areas, except for the paved fee parking sites.

276 There are no existing parking areas for the large number of RVs and other large vehicles that visit the Spit,
277 resulting in sometimes chaotic parking patterns.

278 Other than the few paved areas designated for fee parking, all other areas are designated as free parking for
279 up to seven (7) days. Thus, areas considered prime parking for day users and retail customers are used
280 extensively by long-term parkers.

281 There are no areas designated for short-term parking and delivery/service vehicles for commercial areas.

282 **Parking Users**

283 Parking facilities on the Homer Spit serve a number of different groups and needs. Listed below are the users
284 identified:

- 285 • Vessel owners, crewmen, and clients
- 286 • State Park taxi boat customers
- 287 • Shop owners/ employees
- 288 • Tourists and residents
- 289 • Fish dock employees & commercial truck traffic for fish industry
- 290 • Commercial delivery trucks
- 291 • Ferry dock customers/crewman and commercial trucks
- 292 • Residents from across the bay
- 293 • Load and launch customers, trailers
- 294 • Vessels parked on the uplands

- 295 • Fishing lagoon fishermen
- 296 • Campers and RVs
- 297 • Federal, State & City employees
- 298 • People selling boats and vehicles

299 **Parking Analysis**

300 An important part of the parking study was creating a one day “snapshot” of parking utilization. This included
 301 estimating parking lot capacity and counting all parked vehicles in all public parking areas on an hourly basis.
 302 Following is an overview summary of the one day parking count study and analysis:

- 303 • The parked vehicle count was made on Friday, July 10, 2009 between 7 am and 4 pm
- 304 • Considered a busy, typical summer day
- 305 • About 1,343+/- parking spaces were inventoried and counted every hour all day
- 306 • 1023 vehicles or 76% of the parking was occupied at the peak hour (2 pm)
- 307 • Up to 92% of all parking was occupied in retail and ramp areas at the peak hour
- 308 • 330 parking spaces, or 24.5% of all parking, was occupied by the same vehicle all day in various locations

309 Parking behavior observations were made during the count. The gravel parking surface creates inefficiencies
 310 as parkers have difficulty lining up. In addition, RVs require a larger parking space and can partially block
 311 driving lanes. There were people obviously camping in parking areas as well.

312 **Port of Homer**

313 The City of Homer is the major property owner on the Spit. A map showing all City-owned lands and areas that
 314 are leased by the City for income can be found in a separate pdf (2010-04-30 Spit Plan Existing Conditions
 315 Maps).

316 The City also owns and operates port and harbor facilities. Harbor facilities serve a number of shipping,
 317 commercial fishing and recreational users and interests, as well as stimulate the local economy by providing
 318 facilities that support these major industries.

319 Facilities include:

- 320 • Small Boat Harbor: The Small Boat Harbor has 893 reserved stalls, 6000 feet of transient mooring, a five
 321 lane boat launch and fish cleaning stations.
- 322 • Fish Dock and Ice Plant: The Fish Dock operates for a nine month season. The dock has eight cranes. The
 323 ice plant has 200 ton of ice storage.
- 3 • Deep Water Dock: 245 face with 40 feet of depth.

- 325 ● Pioneer Dock: 469 face with 40 feet of depth. The Pioneer Dock serves the Alaska Marine Highway
326 Terminal located adjacent to the dock.

327 Parks and Recreation

328 The City Public Works Department operates parks and recreation facilities on the Homer Spit including two
329 campgrounds, public restrooms, and a RV dump station. ~~A key consideration for this planning effort is the~~
330 ~~City's responsibility for parks extending well beyond the Spit.~~ Although there are many recreational needs and
331 opportunities on the Spit, these must be balanced within the overall context of the existing City of Homer
332 Comprehensive Plan Parks and Recreation priorities, currently planned CIP projects, and staff and maintenance
333 resources and capacity.

334
335 (P&R to comment at June 17th mtg. or email.)

Chapter III. Framework Analysis

338 The framework provided in this section is intended as a platform for further discussion to help the broader
 339 community define its goals, objectives and future actions desired as a foundation for the final Homer Spit
 340 Comprehensive Plan. To date, we have heard the beginnings of a direction and key issues relating to what the
 future Homer Spit is desired to be.

341 It is clear that the Homer Spit is a defining physical and social element of the larger Homer community and of
 342 Southcentral Alaska. Visitors and residents treasure this "jewel" of Alaska and its unique mix of art, culture,
 343 sport, recreation, and environmental assets. The community wishes to protect and continue this mix, but at
 344 the same time wishes to promote commercial and maritime? industrial vitality. See also line 609 and go back
 345 after reviewing plan. Also, the community wishes to provide better connections for pedestrians and non-
 346 motorized users to improve access and safety.

347 Ongoing citizen participation and community feedback, and additional direction from City Planning staff,
 348 Planning Commission, and Port and Harbor Advisory Commission are now critical to moving forward from this
 349 draft to the final preparation of the new Comprehensive Plan for the Homer Spit. It is intended that over the
 350 next few months this section will be extensively edited and reviewed, with a final outcome provided to the
 351 public for review mid to late summer 2010.

352 The Framework is outlined in terms of three overarching categories with subcategories:

- 353 1. Land Use and Community Design
- 354 2. Transportation
- 355 3. Economic Vitality

356 1. Land Use and Community Design

357 In terms of guiding future development and design on the Spit, zoning regulations are a critical foundation.
 358 Realistically, although four zoning categories are present, development will realistically only be focused into
 359 two districts: MI- Marine Industrial and MC-Marine Commercial. Yet, as described following, there are
 360 currently a number of issues with this zoning, specific to the Spit.

361 The minimum lot sizes are 6,000 square feet in the MI District and 20,000 square feet in the MC District
 362 respectively. These minimums are for new platted lots. The uniform size and grid pattern that this promotes
 363 does not make sense for all development on the Spit given the underlying curvilinear land form and the
 364 premium value of land. Allowing a more site- responsive and variable approach would help enhance the more
 365 eclectic, compact development pattern that has historically evolved, and that gives the Spit its interesting
 366 character. Buildings should also be designed to maintain the human scale and preserve views of the
 367 surrounding bay and mountains. A combination of lower building height regulations and conditional use
 368 allowances for buildings up to 35 feet should be considered.

369
 370 Another set of zoning issues on the Spit relate to what uses are permitted, or are conditional use:

- 371 • Currently, resort and resort/residential land uses are conditionally permitted in the MC-Marine
372 Commercial District as a planned unit development.
- 373 • A caretaker residence is a conditional use in the MI-Marine Industrial District.
- 374 • Several commercial uses are conditional uses in the MI-Marine Industrial uses, such as restaurants.

375 Although these existing measures help limit the potential overexpansion of commercial and residential
376 development, more carefully tailored tools are desired that better address the demand for these uses, while
377 preserving the waterfront and other fishing and marine transportation and economic uses.

378 Another issue relates to existing parking requirements. ~~All uses are subject to parking requirements, although
379 some required parking has been waived for new developments. There should be a clear policy on required off-
380 street parking. Should scarce and valuable land be used for parking, when considerable parking resources
381 already exist on the Spit?~~ Separate, private, off-street parking facilities can create more traffic and detract
382 from the pedestrian environment. An alternative is to waive parking requirements in lieu of a onetime parking
383 system contribution or assessment, or requiring annual permit purchases.

384 A final zoning consideration relates to the current required setbacks. Do these make sense and contribute to
385 the desired development pattern, and are they necessary for health and safety reasons, such as fire
386 protection?

387 Beyond zoning, each future land use has a number of key issues, opportunities, and consideration that need to
388 be considered within the final comprehensive plan. These are addressed separately, followed by broad
389 overarching goals for Land Use and Community Design.

390 START of WS for June 2, 2010

391 **1.A Industrial Development**

392 The Spit has great potential for future industrial development related to the fishing, marine and shipping
393 industries. Key issues include the need to:

- 394 • Better utilize the limited land available for industrial and economic development
- 395 • Reserve sufficient land by the deep water dock for future industrial development.
- 396 • Encourage development related to the fishing, fish processing, and boating industries.

397 Future industrial development should be clustered in specific locations as designated on the land use plan.
398 However, it is important that industrial activities can have deleterious impacts to scenic resources that are
399 valued by the public. Carefully considered screening of industrial land use should be considered where
400 industrial activity takes place adjacent to other existing development and transportation routes. However,
401 care must be exercised to ensure that screening does not then restrict views to scenic resources.

402 The existing fish dock, ice plant, and processing plant are key economic generators on the Spit but they are
403 potentially threatened by inappropriate development/incompatible land uses. Further the mix of land uses in

404 the area and the undefined circulation sometimes creates hazards to pedestrians and others that pass through
405 the area.

407 The area ~~north-east~~ of the harbor basin by the deep water dock is a bright spot in industrial activity on the Spit
408 and receives high use. However, competing uses and traffic patterns may encroach into the activity in this
409 area and create safety hazards in the future. This area requires attention to provide for separation of uses and
reservation of land for future industrial development.

410 **1.B Commercial Development**

411 ~~The generally unconstrained~~ Some commercial development on the Spit has ~~added to its interesting character~~
412 ~~but also has had deleterious effects to views and has contributed to a haphazard and "temporary" character,~~
413 ~~and blocked the view shed.~~ to development. As more commercial opportunities are desired, the Overslope
414 area at the harbor basin offers excellent opportunities for commercial growth and a ~~more~~ controlled and
415 established character to the Spit. These opportunities are available in particular on the ~~south-north~~ and west
416 sides of the harbor basin as noted on the development Framework Plan map 3. The development plan shows
417 a proposed configuration of approximately 60,000 square feet of new ~~retail space~~ overslope development. This
418 level of ~~retail-leaseable~~ square footage devoted to small shops, restaurants, ~~and service businesses or other~~
419 uses space should be sufficient to meet demands well into the future.

420 While this opportunity has tremendous economic opportunities, the character of that development must be
421 carefully considered. The City of Homer should consider developing appropriate standards and design
422 guidelines for new development to maintain the character of the Homer Spit, ~~and to avoid the haphazard~~
423 ~~character for which many members of the public have voiced concern, and at the same time, retain the~~
424 ~~eclectic and interesting character of development at the Spit that residents and visitors value.~~

426 Buildings should be no more than one or two stories to maintain a human scale and to preserve views of the
427 surrounding bay and mountains.

428 One issue that is sometimes found difficult to address is the issue of how to regulate commercial versus
429 industrial development. More definition is needed with respect to commercial use to address the character of
430 commercial development as it has occurred on the Homer Spit. (go back and talk about 'visitor related
431 commercial' land use

432 **1.C Resort/Residential Development**

433 Both formal permitted lodging facilities and campgrounds, and informal, unpermitted lodging and camping are
434 present on the Spit. While there may be community concern about additional lodging, camping and residential
435 uses, the uses are already there. A clear policy is needed and appropriate regulations created and enforced to
436 meet public health and safety concerns.

437 A lodging facility, the existing Land's End Resort, has been located on the Spit for many years. In recent years,
438 a new residential condominium development was constructed adjacent to Land's End, creating a large
439 resort/residential and lodging facility, as a planned unit development. (no paragraph break)

440 Community concerns over additional residential development were expressed at planning workshops.
441 Concerns included the height of buildings blocking views, safety related to tsunami and flooding. Although
442 some of these concerns and objections may be overcome through design, ~~the~~ The concern over tsunami and
443 severe flood/weather events is real. There are presently people living on the Spit above retail businesses, in
444 RVs and vehicles, and staying in tents at campgrounds. A residential option should be considered as part of the
445 planning process.

446 Additional lodging on the Spit does have a positive impact in reduction of traffic. Lodging and nightly rental
447 bed and breakfast facilities can be located above existing and future commercial developments. By permitting
448 these activities, the City can better regulate them and ensure facilities meet building, health, and safety codes.

449 ~~A residential option should be considered as part of the planning process. It is already an existing~~
450 ~~development, the Spit is served by public utilities, and various forms of residential use is occurring.~~

451 The future land use plan identifies several locations where resort/residential may be appropriate See maps 1
452 and 2 for the areas marked "opportunity area". Development of these sites for resort/mixed residential use
453 would be compatible near Land's End. The site presently occupied by the lease campground is adjacent to the
454 existing residential units at Land's End. The current land use is not the highest and best use of the property. A
455 resort/residential development at this location would complement the existing Land's End development and
456 the retail, restaurants, and service businesses. That s That said, many residents would like to see that
457 opportunity site left open for uses that better preserve views and public enjoyment of the end of the Spit.

458 These opportunity areas could be used for many things to add to the visitor industry or for other
459 commercial/industrial uses. They are areas that merit broader thinking about what would be in the long term
460 interests of community and the economy, while balancing property rights and environmental concerns.

461 ~~Another possible location for residential land use is the property owned by the English Bay Tribal Corporation,~~
462 ~~adjacent to the ice arena.~~

463 **1.D Conservation/Natural Environment**

464 The public clearly indicated its recognition of the value of the tidal habitat, beaches, and views available on the
465 Homer Spit. These areas are not just important as habitat for a myriad of shorebirds, waterfowl, fish,
466 mammals, and plant life, but are important to the identity of the community of Homer. Protection of these
467 areas is endemic to any development or use that is allowed on the Homer Spit.

468 This planning effort recognizes the value of the natural environment of the Homer Spit by recommending
469 continued preservation of this unique marine tidal habitat as conservation areas. In addition, public access to
470 important use and viewing areas should be preserved, and where required, improved.

471 **1.E Parks and Recreation**

472 A new community park and gathering area was a priority identified during the planning workshops. A possible
473 site identified in the public process is a portion of the city campground west of the harbor basin and Freight
474 Dock Road. This site would seem to be appropriate and would require reconfiguration of the road and the

475 existing boat launch area. A proposed reconfiguration would create more space for overslope and commercial
476 development.

478 A concept plan was prepared for the proposed park area showing a pavilion, amphitheater, kayak launch,
children's play area, walkways and beach volleyball courts.

479 Other improvements for existing parks are noted on the Framework Plan including:

480 **End of the Road Park:** storm watch pavilion, restrooms, a fishing dock, better definition of the parking
481 area and an improved turn around for vehicles.

482 **Seafarer's Memorial Park:** It is suggested this park be expanded slightly to give it more prominence. This
483 is another excellent location for a multi-seasonal storm watch pavilion and public restrooms.

484 **Coal Point Park:** The existing small park located adjacent to the fish dock has a parking area that is too big
485 and a small, but wonderful green space with excellent views of the harbor and fish dock. Shrink the parking lot
486 and expand the green space. The park could be connected to the vacant lot next to the Pioneer Dock along the
487 beach, providing additional open space.

488 In addition, the City of Homer Capital Improvement Plan (2010) includes the following Parks and Recreation
489 projects:

490 **Fishing Lagoon Improvements:** The Nick Dudiak Fishing Lagoon (also known as the "Fishing Hole") is a
491 man-made marine embayment approximately 5 acres in size, stocked to provide sport fishing harvest
492 opportunity. It is extremely popular with locals and visitors alike. During the summer when salmon are
493 returning, approximately 100 bank anglers may be present at any one time between 7 a.m. and 10 p.m.

494 The lagoon embayment itself ~~is in need of~~ requires ongoing maintenance work. ~~Including including~~ removal of
495 a gravel bar at the entrance, lengthen and increase the height of the northern-most terminal groin using rip-
496 rap armor stone from the City's small stockpile, rebuild the north berm using beach nourishment methods
497 dredge the lagoon approximately 3 feet to remove deposits from tidal action, and to plant wild rye grass sprigs
498 to stabilize the inner basin slope.

499 **Mariner Memorial Park Improvements:** As one of Homer's most popular recreation areas, Mariner
500 Park attracts campers, beach walkers, kite-flyers, trail users, birders, people with dogs, and others who come
501 to enjoy the views and open-air recreation opportunities. Homer's growing population and tourist visitation
502 are placing greater demand on Seafarer's Memorial Park Mariner Park, increasing the need for recreation and
503 safety enhancements.

504 The following have been identified as specific areas for improvement in the next six years:

- 505 • Construct a plumbed restroom facility
- 506 • Develop a bike trail from "Lighthouse Village" to Seafarer's Memorial Park
- 507 • Expand the park and move the vehicle entrance to the north
- Construction of a tunnel under the Spit Road to provide safe access to the Homer Spit Trail

- 509 • Fee camping sites
- 510 • Picnic/barbeque area

511 At the base of the Spit, adjacent to the ~~Seafarer's Memorial~~ Mariner Park, is a tidal area already impacted by
512 ~~dike construction~~ coastal sediment transport. Historically, this area was permitted for fill, but never was
513 completely implemented. This area should be considered for expansion of the city campground.

514 **Goals for Land Use and Community Design (prioritize in future?)**

515 **1.1** Maintain the variety of land uses that establish the unique "Spit" character and mix of land uses.

516 **1.2** Improve the permanence and character of new commercial development.

517 **1.3** Provide public facilities that attract residents and visitors to the Spit for recreational purposes.

518 **1.4** All development should recognize, value, and complement the unique natural resources on the Homer
519 Spit.

520 **1.5** Respond to seasonal land use demand fluctuations.

521 **1.6** Protect public access to and enjoyment of the Spit's unique natural resources.

522 **2. Transportation**

523 ***2.A Marine Transportation***

524 Comprehensive Planning for the Spit must take care as it addresses land issues to remember that the Spit is a
525 critical regional marine transportation link. Maintaining infrastructure, and enhancing and expanding the port
526 facilities, freight capacity, and multi-modal access links are critical. Multi-modal refers to the ability to move
527 people and cargo by more than one method of transportation, such as barge, truck, air and rail. These will
528 provide for improved transportation of goods and materials in and out of Homer, and also help move people
529 both regionally and along the Alaska's Pacific Coast.

530 ***2.B Road and Trail Access***

531 The City of Homer should continue to work with DOT on use and management of the Sterling Highway right-of-
532 way through the Spit commercial area. A concept has been prepared as part of this planning process that
533 shows the realignment of several highway segments. Moving Homer Spit Road may be too expensive cost
534 prohibitive but ~~This concept needs~~ could be further developed, ~~but~~ it has potential to provide substantial
535 benefits, including consolidation of parking areas, reduction of pedestrian conflicts, and traffic calming.
536 Potential issues result from moving the road closer to the beach, such as storm spray and erosion concerns.
537 The proposed bike path extension was originally conceptualized to be located along the harbor basin.
538 However, this concept creates conflicts with proposed overslope development, and safety issues with mixing
539 bicycles, pedestrians, shoppers, and marina users. An alternative concept would locate the bike path along the
540 highway, with sufficient separation for the comfort and safety of pedestrians. The bike path, situated in a

541 median of sawgrass, would add natural green space and create the opportunity to define specific driveway
542 locations for the large parking area.

2.C Parking Management

544 Parking Management Ideas and Recommendations

545 The framework plan recommends a number of actions to organize and manage parking on the Spit. These
546 ideas focus on parking management, separating as much as possible different long and short term parking
547 uses, redefining parking areas, and charging a fee for long-term parking. A large, fold-out map (#3) is located at
548 the end of this document and provides the general Framework Plan for future parking on the Homer Spit.

549 Free Parking:

550 Free parking for 4 hours should be provided in key locations to support retail and commercial business on the
551 Spit. The free parking areas should be patrolled during peak periods to enforce compliance and parking tickets
552 issued for violations.

553 Permit Parking for Slip Rentals and Employees:

554 Seasonal slip customers and employees should be issued permits for designated areas. The idea is to not
555 necessarily charge a fee for this parking but rather to manage where this parking occurs. Parking for slip rentals
556 is proposed adjacent to several of the marina ramps.

557 Permits for Long Term Parking:

558 Fee permits for those who need to leave a vehicle on the spit for a longer term should be required. Under the
559 current situation, people can leave a vehicle parked anywhere for up to 7 days, and it is difficult to enforce this
560 term. There is no incentive not to leave a car on the Spit for extended periods of time.

561 Loading Zones and Handicap Parking:

562 The commercial and retail businesses located on the Spit require numerous deliveries. Specific loading zones
563 should be identified and designated.

564 Handicap parking spaces are needed near marina ramps and retail areas. Designate handicap parking on the
565 existing paved parking areas adjacent to the marina ramps.

566 Compress the Existing Boat Trailer Parking Area:

567 Currently, an area larger than required is being used for boat trailer parking. Average daily use is
568 approximately 80 to 100 trailers parked during peak summer season, falling to a peak of 45 during fall and
569 spring months. However, up to 165 trailer parking spaces may be required during the winter king salmon
570 derby.

571 The boat trailer parking area should be compressed for better utilization, enforcement of policies and
572 maintenance. The area should be large enough to accommodate peak use. The land not being used for boat
573 trailer parking can be available for future economic development, but making the area smaller now will help
574 identify exactly how much trailer parking is necessary.

575 **Parking Signage:**

576 Parking users need guidance and information to know where and how to park. Currently, parking areas are
577 not clearly identified and policies are not well communicated. Clear identification of parking areas, occupancy
578 rules and fees through an attractive, informative and consistent signage system will help resolve many of the
579 parking problems.

580 **Create Specific Parking Lot Entrances:**

581 The large parking area that borders the south side of the harbor is wide open and vehicles can enter the
582 parking area anywhere. This creates unsafe turning movements and chaos in the parking lot. RVs are prone to
583 hang up on the elevation change present alongside the Spit Road. To improve safety & efficiency, specific
584 driveways should be created at key locations related to layout and traffic flows.

585 **Parking Management:**

586 Parking facilities and land are valuable assets, especially on the Homer Spit, where land resources are limited.
587 Public parking must be managed to balance the needs of the many different parking user groups. Consider
588 creating a parking subcommittee to develop parking policies and improvement projects.

589 **Goals for Transportation on the Homer Spit:**

590 **2.1** Enhance and protect the Spit's critical role in regional marine transportation.

591 **2.2** Improve traffic flow and safety on the Sterling Highway.

592 **2.3** Provide adequate and safe facilities for pedestrians and bicyclists.

593 **2.4** Provide improved multi-modal transportation on and to the Spit.

594 **2.5** Improve organization, wayfinding, and management of parking.

595 **3. Economic Vitality**

596 **3.A ~~Harbor and Port and Harbor~~ Harbor**

597 The City of Homer ~~and its Port and Harbor Commission~~ has been attempting to secure funding for a major
598 expansion project. The Corps of Engineers conducted an economic feasibility study of the project, funded by
599 the State of Alaska, the Corps and the City of Homer. The results of this study do not look favorable for a
600 harbor expansion in the short term future. ~~However, the Port and Harbor Commission has other capital needs~~
601 The Port is a economic major asset to the Community and continued efforts should be made to maintain the

602 port and incrementally improve it. A long range plan for the port and harbor facilities is warranted; the last
603 plan was completed in 1984. Significant improvements have been made since then, and it is time to look
604 forward to the next 25 years of port operations, regardless of the success of the expansion project. and
605 projects to maintain and improve the existing harbor facilities, listed below:

606 ~~Deep Water Dock Expansion, Phase 1~~

607 ~~• Harbor Entrance Erosion Control~~

608 ~~• Port & Harbor Building~~

609 ~~• Public Restroom Fish Dock~~

610 ~~• Harbor Float Replacement~~

611 ~~• Ramp 3 Gangway and Approach Replacement~~

612 ~~Passenger Ship Gangway~~

613 **3.B Multi-Seasonal Use**

614 As a winter city, Homer should create more opportunities to make the Spit a year round destination for both
615 locals and visitors. The maritime climate does limit winter possibilities for activities like outdoor ice skating
616 and cross country skiing. However, walking, running, storm watching, beach combing, and bird and mammal
617 watching are all activities that can be enhanced with access and facilities designed for all season use.

618 **Goals for Economic Development on the Homer Spit**

619 **3.1** Improve the local economy and create year-round jobs by providing opportunities for new business and
620 industrial development appropriate for the Homer Spit.

621 ~~There is a draft land use plan, which supports the goals outlined in this chapter. Supportive of the goals~~
622 ~~outlined in this chapter is a draft land use plan. Two large fold-out maps (#1 & #2) supplement this draft~~
623 ~~document and provide the general Framework Plan for future land use on the Spit. The plan does not making~~
624 ~~make sweeping changes to the existing development pattern or use of the Spit. It does address future use of~~
625 ~~underutilized property, designates specific areas for economic development, and provides for reorganization~~
626 ~~of land to create a community park and gathering place.~~

627
628 **Start of WS 6/16/2010**





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STAFF REPORT PL 10-56

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: June 16, 2010
SUBJECT: Rezone Ordinance

Introduction

Rezoning:

I have been asked to refine our regulations for the incorporation of specific requirements that could be spelled out in code to better define conditions for review. Our policy and procedures manual has some criteria for the subject of the review, but really does not offer much in the way of a guide to measure the review.

Current Review Standards – review to determine:

1. *The public need and justification for the proposed change;*
2. *The effect on the public health, safety and welfare;*
3. *The effect of the change on the district and surrounding property; and*
4. *The relationship to the Comprehensive Plan and purposes of the zoning regulations.*

The decision should not be arbitrary, have legitimate public purpose, and be consistent with the Comprehensive Plan.

After researching the culmination of codes and cases I find that the paramount consideration for a rezone is a justification in the comprehensive plan. The themes below represent legitimate criteria on which a sound decision can be based. Much of the codes that were research resembled ours in the fact that the code did not provide much guidance on review standards. While the current review standards that we use are reflected in the lists below, the list further describes the conditions that should be addressed.

The rezone should:

- Indicate how the rezone (change) would further the goals and objectives and better implement the comprehensive plan (why is it needed?)
 - This could include evidence of how the area has changed
 - Evidence of a error or improper designation
- Demonstrate suitability of how authorized principle and conditional uses are compatible with the newly designated area in consideration of the existing zone and surrounding areas

- o Consider the potential effects on nearby uses and structures
- o Consider the ability of infrastructure to serve the new designation
 - Water
 - Sewage
 - Transportation
- o Consistency with intent and wording of other provisions in this title
- o Evaluate existing and proposed permitted and conditional uses
- Constitute an expansion of an existing district or be at least 2 acres.

Spot Zoning

I believe that the proposed ordinance addresses concerns regarding spot zoning. I do believe that the following information should be familiar with all planning commissioners.

Griswold v. Homer (10/25/96), 925 P 2d 1015

- A. Claim of Spot Zoning The classic definition of spot zoning is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners . . . ; Anderson, supra, sec. 5.12, at 359 (quoting Jones v. Zoning Bd. of Adjustment of Long Beach, 108 A.2d 498 (N.J. Super. 1954)). Spot zoning is the very antithesis of planned zoning; Id. (EN6) Courts have developed numerous variations of this definition. Id. These variations have but minor differences and describe any zoning amendment which a small parcel in a manner inconsistent with existing zoning patterns, for the benefit of the owner and to the detriment of the community, or without any substantial public purpose; Anderson, supra, sec. 5.12, at 362. Professor Ziegler states:

Faced with an allegation of spot zoning, courts determine first whether the rezoning is compatible with the comprehensive plan or, where no plan exists, with surrounding uses. Courts then examine the degree of public benefit gained and the characteristics of land, including parcel size and other factors indicating that any reclassification should have embraced a larger area containing the subject parcel rather than that parcel alone. **No one particular characteristic associated with spot zoning, except a failure to comply with at least the spirit of a comprehensive plan, is necessarily fatal to the amendment. *Spot zoning analysis depends primarily on the facts and circumstances of the particular case.*** Therefore the criteria are flexible and provide guidelines for judicial balancing of interests.

3 Edward H. Ziegler Jr., Rathkoph's The Law of Zoning and Planning sec. 28.01, at 28-3 (4th ed. 1995). In accord with the guidance offered by Professor Ziegler, in determining whether Ordinance 92-18 constitutes spot zoning, we will consider **(1) the consistency of the amendment with the comprehensive plan; (2) the benefits and detriments of the amendment to the owners, adjacent landowners, and community; and (3) the size of the area;**

1. **Consistency with the comprehensive plan** Just as an ordinance which complies with a comprehensive plan may still constitute an arbitrary exercise of a city's zoning power, *Watson v. Town Council of Bernalillo*, 805 P.2d 641, 645 (N.M. App. 1991), nonconformance with a comprehensive plan does not necessarily render a zoning action illegal. *Anderson*, supra, sec. 5.06, at 339-40. However, consistency with a comprehensive plan is one indication that the zoning action in question has a rational basis and is not an arbitrary exercise of the City's zoning power. Homer's comprehensive plan divides the city into several zoning areas. By its own terms, Homer's comprehensive plan is not intended to set specific land use standards and boundaries; specific standards and boundaries are instead implemented through the City's zoning ordinance.
2. **Effect of small-parcel zoning on owner and community** Perhaps the most important factor in determining whether a small-parcel zoning amendment will be upheld is whether the amendment provides a benefit to the public, rather than primarily a benefit to a private owner. See *Anderson*, supra, sec. 5.13- 5.14; *Ziegler*, supra, sec. 28.03, sec. 28.04, at 28-19 (calling an amendment intended only to benefit the owner of the rezoned tract the classic case of spot zoning). Courts generally do not assume that a zoning amendment is primarily for the benefit of a landowner merely because the amendment was adopted at the request of the landowner. *Anderson*, supra, sec. 5.13, at 368. If the owner's benefit is merely incidental to the general community's benefit, the amendment will be upheld. *Ziegler*, supra, sec. 28.04, at 28-19 to 28-20.
3. **Size of rezoned area** Ordinance 92-18 directly affects 7.29 acres. (EN11) The size of the area reclassified has been called more significant [than all other factors] in determining the presence of spot zoning; *Anderson*, supra, sec. 5.15, at 378. The rationale for that statement is that it is inherently difficult to relate a reclassification of a single lot to the comprehensive plan; it is less troublesome to demonstrate that a change which affects a larger area is in accordance with a plan to control development for the benefit of all; *Id.* at 379. We believe that the relationship between the size of reclassification and a finding of spot zoning is properly seen as symptomatic rather than causal, and thus that the size of the area rezoned should not be considered more significant than other factors in determining whether spot zoning has occurred. A parcel cannot be too large per se to preclude a finding of spot zoning, nor can it be so small that it mandates a finding of spot zoning. Although *Anderson* notes that reclassifications of parcels less than three acres are nearly always found invalid, while reclassifications of parcels over thirteen acres are nearly always found valid, *id.*, as *Ziegler* notes, the relative size of the parcel is invariably considered by courts. *Ziegler*, supra, sec. 28.04, at 28-14. One court found spot zoning where the reclassified parcel was 635 acres in an affected area of 7,680 acres. *Chrobuck v. Snohomish County*, 480 P.2d 489, 497 (Wash. 1971). Nor does the reclassification of more than one parcel negate the possibility of finding spot zoning. *Ziegler*, supra, sec. 28.04, at 28-15. In this case, there was some evidence that the reclassified area may have been expanded to avoid a charge of spot zoning. Other courts have invalidated zoning amendments after finding that a multiple-parcel reclassification was a subterfuge to obscure the actual purpose of special treatment

for a particular landowner. Id. See *Atherton v. Selectmen of Bourne*, 149 N.E.2d 232, 235 (Mass. 1958) (holding that the amendment is no less 'spot zoning' by the inclusion of the additional six lots than it would be without them; where proponents of a zoning change apparently anticipated a charge of spot zoning and enlarged the area to include the three lots on either side of the lot in question).

Notable Changes

21.95.010 Amendment initiation

Citizen Petition

I suggest that we measure support in terms of area rather than parcels or number of owners (33-37). In my research, I found a cohesive statement that I recommend for use with all petitions for rezoning (38-43). This will clear up the understanding and commitment of the petitioners.

21.95.020 Restrictions

(57- 60) – This basically addresses the possibility of spot zoning. Currently 1 acre is a standard. I suggest at least 2 (if not contiguous with present classification).

21.95.060 Standards

This is the wording recommended by our attorney. It addresses the concepts presented in introduction to this report.

Recommendation

Review and suggest date for public hearing(s) or schedule time for further review.

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**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 10-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, REPEALING AND REENACTING HOMER CITY CODE CHAPTER 21.95, LEGISLATIVE PROCEDURES AND AMENDMENTS, REGARDING THE STANDARDS AND PROCEDURES FOR AMENDING TITLE 21 OF THE HOMER CITY CODE AND AMENDING THE OFFICIAL ZONING MAP.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.95, Legislative Procedures and Amendments, is repealed and reenacted to read as follows:

CHAPTER 21.95

LEGISLATIVE PROCEDURES AND AMENDMENTS

21.95.010	Amendment initiation
21.95.020	Restrictions on amendment proposals
21.95.030	Review by City Planner
21.95.040	Review by Planning Commission
21.95.050	Review by City Council
21.95.060	Standards for zoning map amendment

21.95.010 Amendment initiation. a. Any of the following may propose an amendment to this title or to the official zoning map:

1. A member of the City Council or the Planning Commission.
2. The City Manager or the City Planner.

b. An amendment to the official zoning map may be proposed by a petition representing lots having an aggregate area that is greater than fifty percent of the total area (excluding rights-of-way) that is the subject of the proposed amendment, A lot is represented on the petition only if all owners of the lot sign the petition. The petition shall include the following information:

1. The signature, and the printed name and address, of each person signing the petition. Each signature shall appear beneath the following statement. "Each person signing this petition represents that the signer owns the lot whose description accompanies the signature; that the signer is familiar with the proposed zoning map amendment, the current zoning district of the lot, and the zoning district to apply to the lot under the proposed amendment; and that the signer supports the City Council's approval of the amendment."

2. The name of the record owner, the legal description and the Borough tax parcel number of each parcel that is the subject of the proposed amendment.

46 3. A map showing the area that is the subject of the proposed amendment
47 and all parcels contiguous to the boundary of that area, and the present zoning and proposed
48 zoning of each such parcel.

49 4. A description of the justification for the proposed amendment.

50 c. An amendment to this title may be proposed by a petition signed by 50 qualified
51 City voters. The petition shall include the signature, and the printed name and address, of each
52 person signing the petition.

53
54 21.95.020 Restrictions on amendment proposals. a. A property owner proposal to
55 amend the zoning map shall not be submitted to the Planning Commission or the Council unless
56 either:

57 1. The proposed amendment would reclassify an area to a zoning district that
58 is contiguous to the area or separated from the area only by a street or alley right-of-way; or

59 2. The area that is the subject of the proposed amendment is not less than two
60 acres, including the half-width of any abutting street or alley right-of-way.

61 b. No proposal by property owners to amend the official zoning map, or by qualified
62 voters to amend this title, shall be submitted to the Planning Commission or the Council if it is
63 substantially the same as any other amendment that was rejected by the Council within the
64 previous nine months.

65
66 21.95.030 Review by City Planner. Each proposal to amend this title or to amend the
67 official zoning map shall be submitted to the City Planner. Within 30 days after determining that
68 an amendment proposal is complete and complies with the requirements of this chapter, the City
69 Planner shall present the amendment to the Planning Commission with the City Planner's
70 comments and recommendations.

71
72 21.95.040 Review by Planning Commission. a. Each proposal to amend this title or to
73 amend the official zoning map shall be reviewed by the Planning Commission before it is
74 submitted to the City Council.

75 b. The City Planner shall schedule one or more public hearings before the Planning
76 Commission on an amendment proposal, and provide public notice of each hearing in accordance
77 with HCC Chapter 21.94.

78 c. After receiving public testimony on an amendment proposal and completing its
79 review, the Planning Commission shall submit to the City Council its written recommendations
80 regarding the amendment proposal along with copies of minutes of its consideration of the
81 proposal and all public testimony on the proposal, the City Planner's report on the proposal, and
82 all written comments on the proposal.

83
84 21.95.050 Review by City Council. a. After receiving the recommendations of the
85 Planning Commission regarding an amendment proposal, the City Council shall consider the
86 amendment proposal in accordance with the ordinance enactment procedures of the Homer City
87 Code. The City Council may adopt the proposed amendment as submitted or with amendments,
88 or reject the proposed amendment.

88 Code. The City Council may adopt the proposed amendment as submitted or with amendments,
89 or reject the proposed amendment.

90
91 21.95.060 Standards for zoning map amendment. The City Planner, Planning
92 Commission and City Council shall apply the following criteria in considering a proposed
93 amendment to the zoning map:

94 a. Whether the amendment is consistent with the goals and objectives of the
95 comprehensive plan, and the comprehensive plan land use recommendations map.

96 b. Whether the zoning map amendment is in the best interest of the public,
97 considering the following factors:

98 1. The effect of development under the amendment, and the cumulative
99 effect of similar development, on property in the vicinity of the area subject to the amendment
100 and on the community, including without limitation effects on the environment, transportation,
101 public services and facilities, and land use patterns; and

102 2. The supply of land in the economically relevant area that is in the same or
103 similar districts to the district that would be applied by the amendment, in relation to the demand
104 for that land.

105
106 Section 2. This Ordinance is of a permanent and general character and shall be included
107 in the City Code.

108
109 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
110 _____ 2010.

111
112 CITY OF HOMER

113
114
115 _____
116 JAMES C. HORNADAY, MAYOR

117
118 ATTEST:

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120
121 _____
122 JO JOHNSON, CMC, CITY CLERK

123
124 YES:

125 NO:

126 ABSTAIN:

127 ABSENT:

128
129 First Reading:

130 Public Hearing:

131 Second Reading:

132 Effective Date:

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135 Reviewed and approved as to form:

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137

138

139 Walt E. Wrede, City Manager

140 Date: _____

Thomas F. Klinkner, City Attorney

NOTES AND RESEARCH ON REZONING 6/10/10

This represents a collection of research on other rezoning practices. Most codes are very similar to our own and do not contribute much guidance. Here is a sample of code and concept.

Bethel Alaska

Chapter 18.76 AMENDMENTS TO THE OFFICIAL MAP AND LAND USE CODE

Sections:

18.76.005 Status of actions.

18.76.010 Initiation of text amendments and land use map modifications.

18.76.020 Application.

18.76.030 Hearing and notification.

18.76.040 Staff review.

18.76.050 Planning commission hearing.

18.76.060 City council hearing.

18.76.005 Status of actions.

Requests for amendments to the text of the land use code or amendments to the official map are requests for legislative actions. The actions of the planning commission in recommending for or against requested amendments is legislative and policy-making in nature. An applicant who is a property owner does not have a right to a requested amendment, but has only the right to have the application heard by the planning commission and, if a timely request is filed upon a rejection by the planning commission, to have an ordinance that would implement the requested amendment transmitted to the city council for its consideration for rejection or introduction and hearing. The requirement for planning commission hearings is to provide an opportunity for broad public input and does not create a due process right in the applicant or a property owner. The requirements for findings, support and reasons is for the purpose of communicating the commission rationale for the policy decision it made or followed in taking its action on the applications. The lack of findings, support or reasons does not invalidate a planning commission action under this chapter. The requirements for hearings, findings, support and reasons do not

change the nature or substance of the proceeding under this chapter from legislative to quasi-judicial or quasi-administrative. [Ord. 01-05 § 8.]

18.76.010 Initiation of text amendments and land use map modifications.

An amendment to any portion of the text of this title or of the official land use map may be initiated by application from any of the following:

- A. The city council;
- B. The planning commission;
- C. Any citizen, group of citizens, firm or corporation residing, owning, or leasing property in the city;
- D. The manager. [Ord. 01-05 § 8.]

18.76.020 Application.

A. An application for an amendment to any portion of the text of this title shall be made by filing a written request with the planning department. The application shall request the planning commission review the proposed change in this title. The application shall specifically state the proposed change and the rationale for the change including how the change would further the goals and objectives and better implement the comprehensive plan. The application shall also include the fee as established by resolution by city council.

B. An application for an amendment to the official land use map to change a district designation or boundary shall contain:

1. A description of the land area to be redesignated, the requested new designation, along with the existing designation of the area proposed for redesignation and of the areas on all adjacent sides of the area proposed for redesignation;
2. **A written statement of justification for the redesignation setting out the facts that show that the redesignation proposed is consistent with the comprehensive plan and furthers its goals and objectives, and showing that one (1) or more of the following conditions exist:**
 - a. **Changing area conditions;**
 - b. **Error in original land use designation;**
 - c. **Demonstrated suitability of the area for the uses that would be authorized as principal and conditional uses under the new designation and the compatibility of the potential new uses with established uses within the existing district and property abutting the area proposed for redesignation;**

3. A description of the structures and uses within three hundred (300) feet of the boundary of the proposed area of change, in all directions, and the effects of the potential uses upon the adjacent areas;

4. The fee as established by resolution of the city council.

C. A request by the city council, the planning commission or the manager for an amendment to the text or map need not meet the fee or content requirements of subsections A and B of this section but must clearly describe the amendment requested. [Ord. 01-05 § 8.]

18.76.030 Hearing and notification.

A. Upon receipt of a complete application for an amendment to the text of this title or to the official map, the land use administrator shall set a date for a public hearing before the planning commission. The public hearing shall be scheduled no sooner than twenty (20) calendar days and no later than fifty (50) calendar days from the date of acceptance of a complete application.

B. Notice of the public hearing on a proposed text or map amendment shall be published once a week for at least two (2) consecutive weeks preceding the public hearing in a newspaper of general circulation in the city or posted at City Hall and in at least three (3) public places at least two (2) weeks before the public hearing. If notice is published in a newspaper, the last publication shall be on the day of the hearing or any day that is within fourteen (14) days of the hearing. The notice shall also be delivered to a local radio station five (5) days prior to the scheduled hearing for use on public announcements. The notice shall include a brief description of the amendment or redesignation. Failure to provide one (1) or more of the forms of notice does not invalidate action of the planning commission on the matter so long as there is substantial compliance with either the posting or the publication requirement.

C. If an amendment of the official map is involved and the area proposed for redesignation is small or involves only a few lots, the planning administrator should, but is not required to, send written notice of the hearing to owners of land that is within three hundred (300) feet of the boundaries of the area proposed for redesignation and may send notice to owners of land beyond the three-hundred- (300-) foot boundary. [Ord. 01-05 § 8.]

18.76.040 Staff review.

A. The planning department shall evaluate the application for amendment to the text of this title and shall conduct such investigations as may be relevant. The planning department may only make a recommendation for approval with the following findings:

1. The proposed amendment will be consistent with the comprehensive plan and will further specific goals and objectives of the plan;

2. The proposed amendment will be fair and reasonable to implement and enforce;

3. The proposed amendment will enhance the stated purpose of this title of promoting the public health, safety and welfare of the present and future inhabitants of the city;

4. The proposed amendment will be consistent with the intent and wording of the other provisions of this title.

B. The planning department shall make such investigations as are relevant and evaluate the proposed amendments to the official map. The department shall submit its analysis and recommendations to the planning commission along with findings consistent with its recommendations. The department may only recommend approval of the map amendment if it makes and supports the following findings:

1. The proposed redesignation will be consistent with and further the goals and objectives of the comprehensive plan;

2. If applicable, that the proposed redesignation is better suited to the area because either the conditions have changed in the area to be redesignated since the present designation was assigned, or the area was previously assigned an inappropriate zoning district designation;

3. The principal and conditional uses permitted in the proposed redesignated area will be compatible with the principal and conditional uses permitted in the surrounding area for a one-thousand- (1,000-) foot radius considering factors such as distance, topography, materials, screening, actual and potential development, comprehensive plan designations, and other relevant factors;

4. The area proposed to be redesignated either constitutes an expansion of an area of the same designation or is at least two (2) acres in size;

5. The existing or proposed water, sewage and transportation systems are adequate to serve the principal and conditional uses permitted in the proposed redesignation. [Ord. 01-05 § 8.]

18.76.050 Planning commission hearing.

A. The land use administrator or other representatives of the planning department and interested persons shall be heard at the hearing on the amendment application. The planning commission may adjourn the hearing from day to day. After the hearing is closed, the commission shall consider the merits of the application. The commission shall only consider:

1. The application for text or map amendment and accompanying materials submitted by the applicant;

2. The planning department's report which shall include the analysis, findings and recommendation of the planning department;

3. Written comments and material submitted prior to the public hearing; and

4. Verbal comments made and written materials received at the public hearing.

B. The planning commission may approve the application, modify and approve the application, or deny the application. Notwithstanding other quorum or voting requirements that may apply to planning commission actions, a commission approval or recommendation of approval of a text or map amendment application is effective only if the motion receives the number of affirmative votes equal to a majority of the authorized membership of the commission.

C. If the planning commission approves the application without modifications it shall set out its findings and the factual support for its findings. For this purpose, it may adopt, or modify and adopt, the findings and support of the planning department as its own findings and support. The commission findings must meet the requirements of BMC 18.76.040(A) or (B), as appropriate, if it recommends approval of the application.

D. The planning commission may modify the application and approve the application as modified. If it approves the application as modified, it shall set out its findings and the factual support for its findings. It may incorporate from the planning department's findings and support those findings and support that are appropriate to the modified application approved by the commission. The commission findings must meet the requirements of BMC 18.76.040(A) or (B), as appropriate, if it recommends approval of a modified application.

E. If the planning commission approves the application or a modified application, the planning department shall draft and forward to the manager for introduction at the next regular city council meeting an ordinance making the amendments as approved by the commission. If the approved application was for a map amendment, there shall be included as an attachment or exhibit to the ordinance a map or drawing that accurately depicts the area that is subject to the redesignation. The application and all reports, recommendations, maps, correspondence and other documentary evidence shall be provided to the city council with the application and the planning commission's findings and support.

F. If the planning commission denies the application, the members of the commission that voted against the proposal shall set out the deficiencies and negative factors of the proposal that they believe justify the denial.

G. If the planning commission recommends denial of any proposed text or map amendment (including a failure to recommend), the denial will be considered a final decision of the planning commission. Within ten (10) days of the date of the decision, the applicant may file a written application with the city clerk requesting that the proposed amendment be considered by the city council. The city clerk shall then request the land use administrator to submit an ordinance that would effect the proposed amendment and any additional application materials for the proposed amendment, including the written record before commission and the commission decision and findings. The ordinance and materials shall be forwarded to the city council which may, in its discretion, take such action on the ordinance as it believes appropriate. [Ord. 01-05 § 8.]

18.76.060 City council hearing.

An ordinance transmitted to the city council pursuant to this chapter may be rejected by the council or introduced and set for a public hearing. The ordinance is subject to the procedural requirements of other ordinances. [Ord. 01-05 § 8.]

Themes from Portland Oregon's code - rezone

Compliance with eth Comprehensive Plan Map. The zone change is to a corresponding zone of the Comprehensive Plan Map.

- Show that the proposed zone is the most appropriate – considering the purposes of each zone and the zoning pattern of surrounding land.
- Must be expansion of abutting zone **
- Must have adequate public services
- Must address a specific situation – why is it needed/not-needed
- Must be consistent with goals and policies of Comp plan
- Can correct a mapping mistake with evidence of mistake

Others

- Not less than 2 acres
- Findings for need and justification
- Findings as to the effect a change or amendment would have on the objectives of the comprehensive plan
- Findings for needs and justification, including finds as to the effect the proposed change would have on the objective of the comprehensive plan

Eagar Arizona – No review standards

18.80.020 General criteria.

In deciding whether to adopt a proposed amendment to this title, the central issue is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant and excluded. The commission and council may consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. (Ord. 99-8 Exh. A (part), 1999; Ord. 89-2 § 301(B), 1989)

18.80.030 Application-Content.

A. Petitions for change of district boundaries or amendment of regulations shall be filed with the zoning administrator by an owner of real property within the area proposed to be changed, or by the council, commission or zoning administrator. In the case of a petition filed by a party other than the council or commission requesting a zoning district change which includes other property in addition to that owned by the petitioner, the petition shall include the signatures of the real property owners representing at least fifty-one percent of the lots and real property in the area proposed to be changed. All such petitions shall be filed on a form provided by the zoning administrator for this purpose.

B. The petition shall be filed with the zoning administrator and shall include the following:

1. A map showing the particular property or properties for which the change of zone is requested and substantially the adjoining properties and the public streets and ways within a radius of three hundred feet of the exterior boundaries thereof;

2. The name, address and phone number of the applicant;

3. A description of the land affected by the amendment if a change in zoning district classification is proposed;

4. A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this title;

5. Stamped envelopes containing the names and addresses of all of those whom notice of the public hearing must be sent pursuant to Section 18.80.070;

6. Any information the zoning administrator deems necessary.

C. Whenever a request for amendment is initiated, the zoning administrator may present it to the commission so that a date for public hearing may be set, or set a date for a public hearing without presenting it to the commission first, if the zoning administrator feels it has merit. (Ord. 2004-2 Atth. A, 2004; Ord. 99-8 Exh. A (part), 1999; Ord. 89-2 § 301(C), 1989)

Auburn Georgia

17.170.030 Standards governing exercise of the zoning power.

The city council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power:

A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property;

B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property;

C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned;

D. Whether the proposed rezoning will result in a use which will or could cause an excessive or

burdensome use of existing streets, transportation facilities, utilities or schools;

E. Whether the proposed rezoning is in conformity with the policy and intent of the land use plan; and

F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning. (Ord. 265A (part), 2001)

the link between the zoning resolution and the comprehensive plan must be stronger than a mere conclusory statement that such a connection exists.

A. Findings as to need and justification for a change or amendment;

B. Findings as to the effect a change or amendment would have on the objectives of the comprehensive plan;

Anchorage AK

21.20.090 Standards for approval.

A. *Conformity to comprehensive plan.* The comprehensive plan establishes goals and policies for the development of the community. The land use and residential intensity classifications of the land use element of the comprehensive plan correspond generally to one or more of the use districts established in Chapter 21.40. When adopted, the comprehensive plan took into account development patterns established by existing zoning, but departed from existing zoning where appropriate to implement its goals and policies. In accordance with these functions of the comprehensive plan, a zoning map amendment may be approved only if it furthers the goals and policies of the comprehensive plan and conforms to the comprehensive plan in the manner required by Chapter 21.05.

B. *Conditions of approval.* A zoning map amendment may be approved only if it is in the best interest of the public, considering the following factors:

1. The effect of development under the amendment, and the cumulative effect of similar development, on the surrounding neighborhood, the general area and the community, including but not limited to the environment, transportation, public services and facilities, and land use patterns, and the degree to which special limitations will mitigate any adverse effects;

2. The supply of land in the economically relevant area that is in the use district to be applied by the amendment or in similar use districts, in relation to the demand for that land;

3. The time when development probably would occur under the amendment, given the availability of public services and facilities, and the relationship of supply to demand found under subsection 2 of this subsection; and

4. The effect of the amendment on the distribution of land uses and residential densities specified in the comprehensive plan, and whether the proposed amendment furthers the allocation of uses and residential densities in accordance with the goals and policies of the plan.

(GAAB 21.05.090.A; AO No. 85-58)

Juneau

49.75.120 Restrictions on rezonings.

Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall not allow uses which violate the land use maps of the comprehensive plan.

(Serial No. 87-49, § 2, 1987)



MANAGERS REPORT
JUNE 14, 2010

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

1. **Jean Keene Memorial Sculpture:** This meeting agenda contains a resolution sponsored by Councilmember Wythe which amends Resolution 10-45. The primary change is to designate another location for the sculpture other than the one originally approved next to the Seafarer's Memorial. You will see that the new location site has been left blank. The reason for that is that at the time the resolution was drafted, the City, the sculptor, and the family of Jean Keene were still discussing the pros and cons of various alternative locations. The short list of options being discussed and evaluated is contained in the resolution. We anticipate that there will be a recommendation forwarded to the sponsor for Council consideration by meeting time. In the meantime, the public can see the alternatives in play by reading the resolution and will have the ability to comment on them at the Council meeting.
2. **Library Energy Efficiency Ordinance:** This meeting agenda contains an ordinance that proposes to spend funds to implement some of the energy efficiency recommendations we have received. There is a back-up Memorandum from the Public Works Director that provides some detail and context for the ordinance. We had a pretty good internal debate about where to get the money for this proposed work. The ordinance proposes that the funds come from the Library Project Fund, which is basically money left over from various old accounts dedicated to library construction and capital projects. However, this funding could just as easily come from the Revolving Energy Fund. There are pros and cons to each approach. Using the Library Project Fund seems appropriate because it is being used to do work that perhaps should have been done during construction. It is not money that would have to be paid back. And, it leaves REF funding to do more work in other City facilities. On the other hand, this work is exactly what the REF was intended to fund, and using it would leave more money in the Library Project Fund to do other capital project work, like fix parking lot drainage problems or designing and building a new more energy efficient entry way. Perhaps Council will want to weigh in on this one.
3. **Community Schools Program in Jeopardy!** The Facility Use Agreement between the City and the Kenai Peninsula School District expires at the end of June. The City and the School District have been negotiating the terms of a new agreement over the past month or two. The City thought things were going reasonably well and that a new agreement could be reached. However, this week, very unexpectedly, we received an e-mail which stated that the District had chosen to not renew the contract. If this decision stands, the Community Schools Program could be out by the end of this month. At the time this was written, we were still seeking clarification from the District and attempting to restart the discussion. The District's primary issues appear to be money, security, and control over programs and the facility. I hope to have more to say about this at the meeting.
4. **Seawall Meeting:** As you know, the City sponsored a meeting last week that brought together scientists, agency regulators, property owners, and other interested parties to discuss what impacts the seawall may be having on Spit infrastructure, sediment transport, coastal erosion, and other ocean processes. The City sponsored this meeting in order to come into compliance with Special Condition Number 5 contained in the Corps of Engineers Permit for construction of the seawall. I can talk about this much more at the meeting, but to summarize, the group concluded that there is not enough evidence to determine what impacts, if any, the wall might be having. Everyone agreed that the most important thing right now is maintenance, repair, and improvements to be sure the wall does not fail and create a real problem. Another meeting was scheduled for June 17 to discuss how to move ahead and hopefully, each agreement on how to design and finance improvements to the wall that might increase its strength and durability and also dissipate some of the wave energy. All in all, I think this was a very positive and productive meeting.
5. **Enstar and Natural Gas:** As you might imagine, there has been a great deal of discussion over the past week about what can be done (and what should be done) with the \$550,000 that remains in the capital budget for the gas pipeline. I have a meeting scheduled with Enstar representatives on Friday the 11th. I also hope to speak

with the Governor and/or his staff to get a better sense of what his intent might be when he vetoed the rest of the money. I will have more to say at meeting time. Also, I have asked the mayor to schedule Representative Paul Seaton as a visitor for the meeting. He will provide you with his take on what the next steps out to be.

6. **Drinking Water:** I would like to use about 5 minutes of the manager's report to allow Carey and the new Water and Sewer Treatment Superintendent to brief you on several water issues that I know you are concerned about. Carey will give an update on the old water treatment plant building. Todd will talk about water quality, the water quality report, and how the new plant is working.

ATTACHMENTS

1. City Employee Anniversaries / May
2. City Employee Anniversaries / June
3. Final Juneau trip cost tally
4. Pratt Museum Correspondence
5. Letter to DOT/PF regarding Spit parking
6. Article on Homer and adaptation to Climate Change
7. Memorandum from Port and harbor Commission re: Restroom Grant

**CITY OF HOMER
BOARD OF ADJUSTMENT**

In the Matter of)
)
844 OCEAN DRIVE LOOP)
)
JUNE 15, 2009 ENFORCEMENT)
)
ORDER)
_____)

DECISION ON APPEAL

INTRODUCTION AND SUMMARY OF PROCEEDINGS

Mike Kennedy appealed to the Board of Adjustment (“Board”) from the December 11, 2009 decision of the Homer Advisory Planning Commission (“Commission”) (R. 39-43) affirming an enforcement order dated June 15, 2009 (R. 7-8).¹ The enforcement order stated that Mr. Kennedy’s property at 844 Ocean Drive Loop (the “Property”) “is currently being used to store inoperative vehicles, scrap material, discarded objects, and other ‘junkyard’ items in violation of HCC 21.12.020” (R. 7). The Commission found that there were inoperable or unregistered vehicles, and other items defined as “junk” in HCC 21.03.040 on the Property (R. 40-41); that the storage of junk on the Property was “not clearly incidental to the permitted uses of the rural residential district or to the primary residential use which characterizes the property” (R. 41); and the storage of the items at issue “constitutes a salvage operation that is clearly prohibited” (*Id.*).

¹ The Commission held its hearing on the appeal on October 21, 2009. In his argument before the Board, Mr. Kennedy stated that he notified the Commission chair that he would not attend the Commission hearing, and requested that the hearing be continued. The ground for Mr. Kennedy’s request was an alleged ex parte contact with a Commission member, which Mr. Kennedy believed to be a violation of the City’s ethics code. Mr. Kennedy apparently believed that the alleged ethics code violation should be resolved before the Commission heard his appeal. However, the Commission member who had the ex parte contract with Mr. Kennedy disclosed the contact on the record and recused himself from participating in this matter (R. 35). Because of this recusal, the issue of the ex parte contact became moot. Nonetheless, the Board asks that in the future the Commission give serious consideration to any showing by a party of good cause for granting a continuance.

The City Clerk prepared the record on appeal consisting of 43 pages. Mr. Kennedy and City Planner Rick Abboud filed briefs with the Board. Pursuant to notice to the parties, the Board convened on May 13, 2010. The Board members present were Mary E. (Beth) Wythe, Kevin Hogan, David Lewis and Francie Roberts.² City Attorney Thomas Klinkner was present as counsel to the Board. Mr. Kennedy and Mr. Abboud each appeared and spoke on his own behalf.

STANDARD OF REVIEW

In reviewing the Commission's decision, the Board may exercise its independent judgment on legal issues raised by the parties. HCC 21.93.540(d). The Board will not consider allegations of new evidence or changed circumstances and will make its decision based solely on the record. HCC 21.93.510(a). The Board shall defer to the findings of the Commission regarding disputed issues of fact. HCC 21.93.540(e). Findings of fact adopted expressly or by necessary implication by the Commission shall be considered as true if they are supported by substantial evidence. *Id.* If the Commission fails to make a necessary finding of fact and substantial evidence exists in the record to enable the Board to make the finding of fact, the Board may do so in the exercise of its independent judgment, or, in the alternative, the Board may remand the matter for further proceedings. *Id.* Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Id.*

DISCUSSION

The Governing Law.

HCC 21.03.040 defines the terms "junk" and "junkyard" as follows:

"Junk" means any worn out, wrecked, scrapped, partially or fully dismantled, discarded, or damaged goods or tangible materials. Junk includes, without limitation, motor vehicles that are inoperable or not currently registered for operation under the laws of the State and machinery, equipment, boats, airplanes, metal, rags, rubber, paper, plastics, chemicals, and building materials that cannot, without further alteration or reconditioning, be used for their original purpose.

² Mayor James Hornaday was excused from participation in the hearing and the Board's deliberations. Council member Bryan Zak was excused from attending the hearing, but later reviewed a recording of the hearing and the appeal record, and participated in the Board's deliberations and decision.

“Junkyard” means any lot, or portion of a lot, that is used for the purpose of outdoor collection, storage, handling, sorting, processing, dismantling, wrecking, keeping, salvage or sale of junk.

A junkyard is not among the permitted uses in the RR district that are listed in HCC 21.12.020. However, HCC 21.12.020(j) though (l) permit the following uses in the RR district:

j. Storage of personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to residential use;

k. As an accessory use incidental to residential use, the private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, and not more than one recreational vehicle in a safe and orderly manner and separated by at least five feet from any property line, provided no stored equipment, boat or vehicle exceeds 36 feet in length;

l. Other customary accessory uses incidental to any of the permitted uses listed in the RR district, provided that no separate permit shall be issued for the construction of any detached accessory building prior to that of the main building.

The Enforcement Order Provided Adequate Notice to Mr. Kennedy.

Mr. Kennedy argues that the enforcement order was deficient for failing to state a date on which his alleged violation occurred. The enforcement order is dated June 15, 2009 (R. 7). The order states that “the Property is currently being used to store inoperative vehicles, scrap material, discarded objects, and other ‘junkyard’ items in violation of HCC 21.12.020” (*Id.*). The use of the term “currently” in the enforcement order indicates that the violation existed on the date of the order. Thus the enforcement order adequately identified the date on which the violation occurred.

Mr. Kennedy also argues that the enforcement order was deficient for failing to identify specific items on the Property as “junk.” The enforcement order did not identify specific items on the Property as “junk.” However the enforcement order stated that the Property “is currently being used to store inoperative vehicles, scrap material, discarded objects, and other “junkyard” items...” (R. 7). The enforcement order also quoted the definition of “junk” in HCC 21.03.040 (*Id.*). The enforcement order thus provided Mr. Kennedy with adequate notice of the nature of the violation with which he was charged.

The Storage on the Property Is Not a Permitted Accessory Use.

Mr. Kennedy argues that the storage of materials on the Property is a permitted accessory use in the RR zoning district. HCC 21.12.020(j) permits the storage of personal commercial

fishing gear as an accessory use incidental to residential use. Some of the items stored on the Property as shown in the photographs of the Property in the record appear to be fishing gear (R. 19, 20). For the purpose of this decision, the Board assumes that the enforcement order was not directed at the storage of commercial fishing gear on the Property.

HCC 21.12.020(k) permits as an accessory use incidental to residential use, the private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, and not more than one recreational vehicle in a safe and orderly manner. The Commission found that the items stored on the Property are not clearly incidental to the residential use of the Property. The photographs of the Property in the record (R. 17-24) show a quantity of vehicles, boats and equipment stored on the Property that is disproportionately large for any residential use of the Property. The Board concludes that the Commission's finding that the storage on the property is not incidental to residential use of the Property is supported by substantial evidence.

HCC 21.12.020(l) permits other customary accessory uses incidental to any of the permitted uses listed in the RR district. The Commission found that the items stored on the Property are not clearly incidental to the permitted uses of the rural residential district (R. 41). The permitted uses in the RR district are essentially residential, agricultural and open space/recreational type uses. As the Commission's decision states, "Black's Law Dictionary defines incidental use, 'In zoning, use of premises which is dependent on or affiliated with the principal use of such premises'" (*Id.*). The photographs of the Property in the record (R. 17-24) show the large-scale storage of items that are not dependent on or affiliated with any principal permitted use in the RR district. The Board concludes that the Commission's finding that the storage on the property is not incidental to the permitted uses of the rural residential district is supported by substantial evidence.

The Use of the Property at Issue in this Appeal Is Not "Grandfathered."

Zoning regulations in the RR district were adopted in Ordinance 82-15 (R. 29-33). Those regulations did not permit the storage of junk or a salvage operation in the RR district (R. 29-31). Mr. Kennedy did not purchase the Property until 1984 (R. 27), and provided no evidence that the storage of junk or a salvage operation existed on the Property prior to the enactment of Ordinance 82-15. The Commission correctly concluded that those uses were not "grandfathered."

The Record Does Not Establish that Vehicles on the Property were "Junk."

HCC 21.03.040 defines "junk" to include "motor vehicles that are inoperable or not currently registered for operation under the laws of the State." Under this definition a vehicle is defined as junk if it is either (i) inoperable, or (ii) not currently registered. At the appeal hearing, Mr. Kennedy asserted that a vehicle was not junk under HCC 21.03.040 unless it was both inoperable and not currently registered. This argument misstates the governing Code provision. A registered vehicle may be junk if it is not operable.³

The Commission found that "No evidence was presented that the vehicles on the site are registered or operable" (R. 40), and on that basis determined that the vehicles were junk that must be removed from the Property (R. 40, 42). As Mr. Kennedy argued, the Commission incorrectly assigned the burden of proof on this issue to Mr. Kennedy. The City, as issuer of the enforcement order, should have had the burden of proving that vehicles on the Property were either unregistered or inoperable. The City presented no evidence regarding the vehicles' registration. While the enforcement order asserts that there were inoperable vehicles on the Property (R. 7), the only evidence in the record of the condition of the vehicles on the Property is the photographs of the Property (R. 17-24). It is not possible to determine from these photographs whether the vehicles on the Property are operable. Therefore, the Board concludes that the Commission's finding that vehicles on the Property are "junk", as defined in HCC 21.03.040, is not supported by substantial evidence.

The Record Supports the Commission's Finding that other Items on the Property Are "Junk."

HCC 21.03.040 defines "junk" to include, in addition to unregistered or inoperable vehicles, "any worn out, wrecked, scrapped, partially or fully dismantled, discarded, or damaged goods or tangible materials." The Commission found that items defined as "junk" were stored on the Property (R. 41-42). Mr. Kennedy argued that the City provided no evidence that identified specific items on the Property as junk. However, three witnesses testified at the Commission hearing that Mr. Kennedy stored junk on the Property, operated a salvage business,

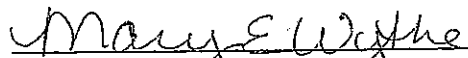
³ At the appeal hearing, Mr. Kennedy offered copies of registration certificates that he had obtained for vehicles on the Property. Under HCC 21.93.510(a), the Board may not consider allegations of new evidence or changed circumstances and shall make its decision based solely on the record. Therefore, the Board declines to consider the registration certificates in making its decision.

and recently had received a delivery of barrels containing unidentified substances (R. 35-36). In addition, the City submitted photographs at the Commission hearing that showed scrap metal and lumber stored on the Property (R. 19, 20, 22, 23). The testimony at the Commission hearing and the photographs constitute substantial evidence that material that constituted junk as defined in HCC 21.03.040 was stored on the Property.⁴

DECISION AND ORDER

For the reasons stated above, the decision of the Commission affirming the enforcement order is modified to require the removal from the Property of only "worn out, wrecked, scrapped, partially or fully dismantled, discarded, or damaged goods or tangible materials" other than vehicles, and as so modified, the decision is affirmed. This decision and order is without prejudice to the City establishing in the future by sufficient evidence that vehicles on the Property are inoperable and therefore subject to removal from the Property as "junk."

ADOPTED by the Board of Adjustment by a vote of 4 in favor and 2 opposed.



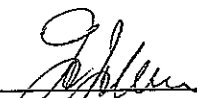
Mary E. (Beth) Wythe, Chair

NOTICE OF APPEAL RIGHTS

This is the final decision of the Board of Adjustment in this matter. Pursuant to Homer City Code 21.91.130, an appeal may be taken directly to the Superior Court for the State of Alaska by any party to this appeal. An appeal to the Superior Court shall be filed within thirty days of the date of distribution of this decision indicated below. A notice of appeal must be filed with the Superior Court and conform to the applicable requirements of the Rules of Appellate Procedure promulgated by the Alaska Supreme Court.

CERTIFICATE OF DISTRIBUTION

I certify that a copy of this Decision was sent by first class mail to Mike Kennedy on June 9, 2010. A copy was also delivered to the City of Homer Planning Department, City Attorney, and City Manager.



Jo Johnson, City Clerk

⁴ Mr. Kennedy argued that material stored on vehicles should not be considered "junk" stored on the Property, but cited no authority in support of this argument. The definition of "junk" is not limited to items stored on the ground, but can extend to items stored on vehicles and in structures located on the Property.

CITY OF HOMER

2010 PUBLIC SIGN IN SHEET

Planning Commission Regular Meeting June 16, 2010 ** Check one of the following:

PRINT YOUR NAME!!! ADDRESS CITY RESIDENT NON RESIDENT
example:

- | | | | |
|-------------------|-----------------------|-------------------------------------|--------------------------|
| 1. JAMES HORNADAY | 491 E. PIONEER AVENUE | <input type="checkbox"/> ✓ | <input type="checkbox"/> |
| 2. Gary Nelson | 152 Debel Rd | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. | | <input type="checkbox"/> | <input type="checkbox"/> |
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**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 10-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, REPEALING AND REENACTING HOMER CITY CODE CHAPTER 21.95, LEGISLATIVE PROCEDURES AND AMENDMENTS, REGARDING THE STANDARDS AND PROCEDURES FOR AMENDING TITLE 21 OF THE HOMER CITY CODE AND AMENDING THE OFFICIAL ZONING MAP.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.95, Legislative Procedures and Amendments, is repealed and reenacted to read as follows:

CHAPTER 21.95

LEGISLATIVE PROCEDURES AND AMENDMENTS

21.95.010	Amendment initiation
21.95.020	Restrictions on amendment proposals
21.95.030	Review by City Planner <u>Planning Department</u>
21.95.040	Review by Planning Commission
21.95.050	Review by City Council
21.95.060	Standards for zoning map amendment

21.95.010 Amendment initiation. a. Any of the following may propose an amendment to this title or to the official zoning map:

1. A member of the City Council or the Planning Commission.
2. The City Manager or the City Planner.

b. An amendment to the official zoning map may be proposed by a petition representing lots having an aggregate area that is greater than fifty percent of the total area (excluding rights-of-way) that is the subject of the proposed amendment, A lot is represented on the petition only if all owners of the lot sign the petition. The petition shall include the following information:

1. The signature, and the printed name and address, of each person signing the petition. Each signature shall appear beneath the following statement. "Each person signing this petition represents that the signer owns the lot whose description accompanies the signature; that the signer is familiar with the proposed zoning map amendment, the current zoning district of the lot, and the zoning district to apply to the lot under the proposed amendment; and that the signer supports the City Council's approval of the amendment."

45 2. The name of the record owner, the legal description and the Borough tax
46 parcel number of each parcel that is the subject of the proposed amendment.

47 3. A map showing the area that is the subject of the proposed amendment
48 and all parcels contiguous to the boundary of that area, and the present zoning and proposed
49 zoning of each such parcel.

50 4. A description of the justification for the proposed amendment.

51 c. An amendment to this title may be proposed by a petition signed by 50 qualified
52 City voters. The petition shall include the signature, and the printed name and address, of each
53 person signing the petition.

54
55 21.95.020 Restrictions on amendment proposals. a. A property owner proposal to
56 amend the zoning map shall not be submitted to the Planning Commission or the Council unless
57 either:

58 1. The proposed amendment would reclassify an area to a zoning district that
59 is contiguous to the area or separated from the area only by a street or alley right-of-way; or

60 2. The area that is the subject of the proposed amendment is not less than two
61 acres, including the half-width of any abutting street or alley right-of-way.

62 b. No proposal by property owners to amend the official zoning map, or by qualified
63 voters to amend this title, shall be submitted to the Planning Commission or the Council if it is
64 substantially the same as any other amendment that was rejected by the Council within the
65 previous nine months.

66
67 21.95.030 Review by City Planner/Planning Department. a. Each proposal to amend this
68 title or to amend the official zoning map shall be submitted to the City Planner. Within 30 days
69 after determining that an amendment proposal is complete and complies with the requirements of
70 this chapter, the City Planner shall present the amendment to the Planning Commission with the
71 City Planner's comments and recommendations, accompanied by proposed findings consistent
72 with those comments and recommendations.

73 b. The Planning Department shall evaluate each proposal to amend this title, and
74 may recommend approval of the amendment only if it finds:

75 1. The proposed amendment is consistent with the comprehensive plan and
76 will further specific goals and objectives of the plan.

77 2. The proposed amendment will be reasonable to implement and enforce.

78 3. The proposed amendment will promote the present and future public
79 health, safety and welfare.

80 4. The proposed amendment is consistent with the intent and wording of the
81 other provisions of this title.

82 c. The Planning Department shall evaluate each proposal to amend the official
83 zoning map, and may recommend approval of the amendment only if it finds:

84 1. The proposed amendment is consistent with the comprehensive plan and
85 will further specific goals and objectives of the plan.

86 2. The zoning district or districts that would be applied by the amendment
87 are better suited to the district or districts that the amendment would replace, because either

88 conditions have changed since the adoption of the current district or districts, or the current
89 district or districts were not appropriate to the area initially.

90 3. The principal and conditional uses permitted in the zoning district or
91 districts that would be applied by the amendment will be compatible with the principal and
92 conditional uses permitted in the area lying within 1,000 feet outside the boundary of the area
93 that is the subject of the amendment, considering factors such as proximity, topography,
94 vehicular and pedestrian traffic circulation, materials, screening, actual and potential
95 development, comprehensive plan designations, and other relevant factors.

96
97 21.95.040 Review by Planning Commission. a. Each proposal to amend this title or to
98 amend the official zoning map shall be reviewed by the Planning Commission before it is
99 submitted to the City Council.

100 b. The City Planner shall schedule one or more public hearings before the Planning
101 Commission on an amendment proposal, and provide public notice of each hearing in accordance
102 with HCC Chapter 21.94.

103 c. After receiving public testimony on an amendment proposal and completing its
104 review, the Planning Commission shall submit to the City Council its written recommendations
105 regarding the amendment proposal along with copies of minutes of its consideration of the
106 proposal and all public testimony on the proposal, the City Planner's report on the proposal, and
107 all written comments on the proposal.

108
109 21.95.050 Review by City Council. a. After receiving the recommendations of the
110 Planning Commission regarding an amendment proposal, the City Council shall consider the
111 amendment proposal in accordance with the ordinance enactment procedures of the Homer City
112 Code. The City Council may adopt the proposed amendment as submitted or with amendments,
113 or reject the proposed amendment.

114
115 ~~21.95.060 Standards for zoning map amendment. The City Planner, Planning~~
116 ~~Commission and City Council shall apply the following criteria in considering a proposed~~
117 ~~amendment to the zoning map:~~

118 ~~a. Whether the amendment is consistent with the goals and objectives of the~~
119 ~~comprehensive plan, and the comprehensive plan land use recommendations map.~~

120 ~~b. Whether the zoning map amendment is in the best interest of the public,~~
121 ~~considering the following factors:~~

122 ~~1. The effect of development under the amendment, and the cumulative~~
123 ~~effect of similar development, on property in the vicinity of the area subject to the amendment~~
124 ~~and on the community, including without limitation effects on the environment, transportation,~~
125 ~~public services and facilities, and land use patterns; and~~

126 ~~2. The supply of land in the economically relevant area that is in the same or~~
127 ~~similar districts to the district that would be applied by the amendment, in relation to the demand~~
128 ~~for that land.~~

130 Section 2. This Ordinance is of a permanent and general character and shall be included
131 in the City Code.

132
133 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
134 _____ 2010.

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CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager
Date: _____

Thomas F. Klinkner, City Attorney



Kachemak Bay Conservation Society

3734 Ben Walters Lane, Suite 202
Homer, AK 99603
907-235-8214

•Email: kbayconservation@gmail.com

The Kachemak Bay Conservation Society's mission is to protect the environment of the Kachemak Bay region and encourage sustainable use and stewardship of local natural resources through advocacy, education/information, and collaboration.

June 3, 2010

To: Homer Planning and Zoning Commission

Re: Review of Planning Commission Working Draft - Homer Spit Comprehensive Plan

Dear Commissioners,

Thank you for the opportunity to participate in the development of the Homer Spit Comprehensive Plan. As you deliberate the future outcomes for the Homer Spit, we hope you will give great thought to more than filling every space of land with development. The Homer Spit Comprehensive Plan (Spit Plan) should treat the Spit as more than an 'economic engine,' encouraging additional commercial and marine industrial development with the caveat phrase 'without compromising the unique character and "flavor" of the Spit.' The Spit Plan should be clear in how strategies will protect its unique character, and one should not be left guessing what that phrase means or what is to be compromised with no guiding principles set forth in the plan.

We propose that you adopt the following Guiding Principles:

- A. **World Class Natural Resource.** The Kachemak Bay ecosystem is the true engine driving the Spit's economy. The Homer Spit Comprehensive Plan is an important guiding and controlling document that must carefully protect a significant marine ecosystem and public resource. The Kachemak Bay Critical Habitat Area including Mud Bay, Mariners Lagoon intertidal area, and other intertidal areas associated with the Spit should be protected from the cumulative effects of development.
- B. **Landform and Open Vista Protection.** The Spit's unique landform and outstanding vistas give it character and attraction. Protecting the open space character, key viewing points, unblocked vistas, and open public access should guide any development considerations.
- C. **Limited and Effective Development.** Marine related industrial and commercial development is centered on key development nodes or clusters to achieve a low profile appearance, ease of access, and unity of character and design. Consolidating land to achieve well-designed and smart development is more important than haphazard, random, overdevelopment. Pedestrian and traffic flow should guide the form and function of development.

- D. Cumulative Effects. There is a cumulative effect to development that can slowly erode away key values that make the Spit so unique – its significant ecosystem, open space, and vistas. Land use and zoning will define standards to continue to protect those values while accommodating development.

Relation to the City Comprehensive Plan

While the Spit Plan was excluded from the overall city comprehensive plan the ties of the Spit Plan to the City's Comprehensive Plan should be identified. For example, the need for residential development, the importance of a strong downtown commercial core, the identity of a town center as a gathering place with commercial attractions, the design of the historic district of Old Town as a tourist destination, and the overall design character and pedestrian flow of downtown Homer. One aspect missing from the Spit Plan is the ability to diversify tourist attractions away from the Spit thus relieving some of the development pressure and competition for limited or inappropriate land use on the Spit. How the Spit is developed can have a bearing on how the downtown core may be revitalized with uses that are not marine related or by having satellite marine related functions in the downtown core.

The key recommendations from the City's comprehensive plan and the relation to the Spit should be given more detail in the analysis of the Spit Plan.

Purpose of Plan (pg. 2)

Throughout the Spit Plan there is a lack of specificity and design detail. The plan speaks to a critical need to redefine the existing zoning code and design standards but provides no recommended revisions to the code or site design or architectural standards. It would be useful to see how architectural design standards have been applied in other cities with harbor developments. ..

More attention should be given to guiding this process rather than punting it away by saying a task force should be created.

Research and Analysis (pg. 4)

It is not always clear how research and analysis helped shape the plan. The consultant's analysis regarding impacts from tsunami and tidal waves seemed to reach a conclusion that development could occur with some engineering constraints, yet it is unclear if those engineering requirements are in code.

The analysis that since residential and resort development is already a land use on the Spit then more should be encouraged defies logic. That does not make it an appropriate use or protect the unique character and "flavor" of the Spit. The plan fails to recognize the affect that (1) condo or resort development would have on protecting open space and the unique landform vistas, (2) mixing residential use with industrial use is problematic especially within a high marine hazard area, (3) residential/condo development on the Spit does nothing to contribute to low and moderate income housing (condos on the Spit currently sell for ¾ million dollars), and (4) there is already a proposal to build condos and residential/commercial development at the entrance of the Spit (lighthouse area). The plan should recognize that the prevalent community view is that the existing condos on the Spit should

serve as a lesson to guide what is considered 'inappropriate' development and a failure to protect key Spit values.

The plan reserves land for marine industrial growth without any supporting economic data or forecasts for that growth, especially in light of no harbor expansion. Reserving that land for marine industrial development without some consideration for what type of industrial development is short-sighted. Again, the plan should spell out in more detail how the current zoning code would be changed to accommodate a more 'green' and sustainable fisheries. Becoming a trans-shipment port for Pebble Mine or for oil and gas development is not a community priority. The plan should forecast what type of marine industrial development might occur and how it would affect large truck traffic and other related industrial support impacts. Marine industrial pollution and water quality should be addressed in the plan standards for development.

Homer Economy (pg. 5)

The plan fails to address any economic data from the City, the Chamber of Commerce or other forecasting or data sources. Sales tax revenues are down because of a removal of sales tax on food items during the non-summer season. There is no analysis of the overall tourism economy of Homer and how tourism revenue from the Spit competes with a very healthy tourism market from bed and breakfast establishments, the downtown core, Beluga Lake flight services, the Pratt Museum and the art community. The plan treats the Spit as the 'economic engine' when in fact the health of the tourism economy is dependent on not overdeveloping the Spit.

The plan paints a negative picture on "out-of-town" and "out-of-state" retirees coming to Homer as an "influx of residents with wealth" when in fact that is part of Homer's vitality and economic growth. Those types of 'us and them' statements simply create controversy, devalues people who chose to live and work in Homer and contribute to Homer's quality of life, and should be removed from the plan or rewritten. It is unrealistic to say that the Spit will be developed, as the plan suggests, for low and moderate residential housing or that the City will find incentives for developers to provide low and moderate income housing. Those incentives should be for lands within the City of Homer or region. Simply saying there should be maintained a stock of low and moderate income housing does not make it happen. The need for low and moderate residential housing should not be a rationale for residential development on the Spit when there are more appropriate locations within the city with city services, and easy access to medical, food, library, entertainment, schools, and recreational services.

Land Use (pg. 5)

The land use section looks at land use from the viewpoint of what has evolved and uses that as a tool to guide what can further evolve. We believe the plan should step back and analyze land suitability overlay mapping of critical intertidal habitat areas and off-shore marine environment, flood, wave and tsunami hazard mapping, key viewsheds, and open space. The overlay mapping will then define the protection values and constraints to development and guide the land use zone based on suitability. Those values can then be applied to better defining the zoning code and standards for development.

To say (pg. 6) that resort/residential is a "significant land use" (whatever that means?) is not supported by any land use suitability mapping or analysis of the alternatives for residential development of the Spit in Homer.

It is unclear how the brief descriptions of the four zones currently in the zoning code apply to the Spit. What changes in the code are needed to be more compatible for conditions on the Spit?. What is

allowed or not allowed in the existing code that should be given scrutiny? It would be good to have the existing code as part of the discussion as to what specific changes should be applied to the Spit.

Natural Environment (pg. 8)

This section of the plan recognizes the protection of conservation areas without relating how that protection may be jeopardized by increased development and encroachment of human activity. It is important to again map out the significance of the Spit ecosystem.

Tsunami (pg. 8)

What is meant by the 'common sense' approach to tsunami dangers? The approach suggests that evacuations will suffice with no consideration to land use development, transportation loads, services, or encouraging residential development in a hazard zone. The tsunami map should be part of the land use suitability overlay mapping.

Flood Hazard (pg. 8)

The plan states that the City adopted regulations for development in flood zones. How are those regulations incorporated into the zoning code and how do they influence existing development since it appears to apply only to new development? The flood hazard map should be part of the land suitability overlay mapping. How does the tsunami and flood hazard mapping affect marine industrial development such as bulk fuel storage?

Climate Change (pg. 9)

The plan seems to adopt a wait and see approach without detailing areas that could be influenced by higher ocean levels or storm events. Mapping of those high impact areas is an important consideration for designating safety zones, areas that are more appropriate as open space or where careful development standards must apply. Future conditions on the Spit. The Spit Plan should reference the recently adopted City of Homer Climate Action Plan and apply action strategies to the Spit.

Parking Study (pg. 10)

The parking study (a one day study) would be easier to interpret if the study were broken down into defined parking areas with analysis for each area. There is mention of the 'retail and ramp area but no indication how many parking spaces are involved. Further an estimation of the types of users based on the location of the parking area would be helpful. A survey of users as to attitudes about parking would be helpful – willingness to pay, ease of parking, signage, surface conditions, ADA access, traffic flow, and how parking contributes to the overall visitor experience.

Parks and Recreation (pg. 12)

The responsibility of the City to manage parks and recreation is spelled out as a competing interest between the Spit and other recreation areas within the city when in fact the provision of camping at Karen Hornaday Park, upland trail development, city beautification program, and sport fields are a compliment to the Spit. The attraction of the Spit for recreation is a key value – whether private or public provided. Designating land for camping on the Spit fulfills an important need, provides lower intensity development, protects key vistas and public access, and provides an alternative to \$125/night lodging. We dispute the statement (pg. 16) that the site presently occupied by the leased campground is not the highest and best use.

Land Use and Community Design (pg. 13)

The plan suggests considering changing the minimum lot size (without giving any size figures) for new platted lots without given any analysis as to what potential areas of the Spit might be affected by such a change and what type of uses would be allowed. Changing the minimum lot size may result in a series of tiny one-room shacks, giving a flea market look to the Spit. Instead of the 'eclectic' (another way of saying haphazard) so called flexible approach, a more comprehensive approach would be to look at where lots might be combined or property clustered to follow a planned unit development (PUD). A PUD would not be justification however for residential development – the Plan should not zone the Spit for residential development. A PUD approach can then follow a development theme, incorporate design criteria, better address pedestrian and traffic movement, and look at what types of mix use are appropriate.

The plan scoping meetings showed there is widespread agreement with the plan statement (pg. 13): that "more carefully tailored tools are desired" to control resort/residential land uses and commercial development. There is no indication however as to what those tools might entail. The consensus of the public has been that the Spit should not be zoned for residential development.

The concept of a one-time parking system contribution or assessment applied to new permits (or existing development that expands?) has merit but some examples of how it would work need to be addressed in the plan. Perhaps part of the assessment would be an option to pay into an annual shuttle bus system.

What are the 'inappropriate developments' threatening the fish dock, ice plant, and processing plant and how should those threats be addressed?

Screening of industrial waste and storage yards is appropriate as a security and public safety standard as well as an aesthetic guideline. There is a curiosity about the workings of marine industrial settings and opportunities for public viewpoints should be accommodated.

What are the 'competing uses and traffic patterns' encroaching into the area north of the harbor basin? What is meant by "attention is needed to provide for separation of uses and reservation of land?" How is that translated into the land use and zoning regulations?

Some examples of desired footprints, desired outcomes, flexible design approaches, and site profiles would be very helpful in creating a development vision for the Spit.

As part of the community design, greater attention needs to be given to the City of Homer's Sustainable Use Principles Plan and action strategies for the Spit. How can the waste from one industry be used to benefit another industry, e.g. waste heat, fish waste, recycling of bilge water, better use of dredge material, staging area for marine related oil spills, recovery of ocean debris, center for coastal studies?

The Kachemak Bay Research Reserve is a local resource that should be tapped to help guide the environmental protection of the Spit from industrial development.

The home porting of the Coast Guard on the Spit is not addressed in the Spit plan. The plan should also prohibit the use of the Spit for military purposes. The security and prohibitions of public access would be a serious detriment to the free public use of the Spit.

Commercial Development (pg. 15)

We agree with the plan stating there is 'unconstrained commercial development' and the negative effects of that approach, and the need to have a 'more controlled and established character.' What is not understood is how the plan arrives at the need for 60,000 square feet of new retail space (what kind of retail?) and why the overslope area of the harbor basin is the target. What would the footprint of a 60,000 square foot overslope development look like? What new retail uses would it attract or would it simply be one more shop selling t-shirts and knickknacks? Would the development be a planned unit development? Who owns the overslope area and controls the land use? Is the overslope area affected by Corps of Engineers and Coast Guard regulations? It would be very helpful to have a map of the harbor basin with site specific detail as to public access, key viewpoints, industrial uses and safety zones, services and fire access, pedestrian flow, proximity to parking, and affects on future uses of the harbor or harbor expansion.

Some photo and site plan examples as to how harbors have developed in other locales would be informative and help guide development standards.

Resort/Residential Development (pg. 15)

The logic that resort/residential development are appropriate because 'the uses are already there' is an insult to the prevalent community view that the condominium development at the terminus of the Spit has destroyed part of the unique character of the Spit. We do not believe that additional resort/residential development is appropriate on the Spit, and such development can more easily be accommodated within the City of Homer following the City comprehensive plan. There is no evidence that additional resort development is supported by market demand..

The statement that encouraging additional lodging on the Spit 'would have a positive impact on reduction of traffic' is nonsensical and no justification for that type of development and is suspect as to any positive effect on traffic, especially parking requirements. Likewise the statement that 'by permitting lodging above commercial developments, the City can better regulate them' makes no sense. It simply implies that the City currently does not enforce zoning restrictions/violations. Why any additional lodging on the Spit is needed must be balanced against the, services required, health and safety concerns, mix use and conflicts. The scale of lodging and residential development will be overwhelming the character and land availability of the Spit. The end result may be that every little commercial establishment will want a loft above it to rent out further exasperating the haphazard development pattern. The plan fails to look at the vibrant bed and breakfast inventory within Homer and the more appropriate level of services that industry provides. Increasing bed and breakfast sites on the Spit will simply encourage a greater volume of repeat traffic trips, specialized parking, restricted public space, and a demand for special public services.

Conservation/Natural Environment (pg. 16)

The plan falls short (very short) in addressing the natural resource values of the Homer Spit.

Included in the Spit plan should be the following maps and designations:

Kenai wetland mapping

Kachemak Bay Critical Habitat Area

Homer Spit Important Bird Area

Western Hemisphere Shorebird Reserve Network

Kachemak Bay Conservation Society Shorebird Monitoring Project - Research Protocols and Final Report of Findings.

Field Observations of Birds Utilizing the Lighthouse Village wetlands.

Audubon Species Watch List – Spit related birds

The Natural Environment section should recognize the natural resource significance of Kachemak Bay and how the health of Kachemak Bay is related to the Spit. Marine uses associated with the Spit have impacts to the Bay. Marine traffic has a disturbance factor to birds. Fish waste attracts eagles and allows this apex predator to congregate and increase incidences of prey depredation. A major mortality of sea otters is from boat strikes. The Steller's Eider is on the threatened and endangered species list, the Yellow Billed Loon is a species in decline and is now listed as a candidate species for threatened and endangered status. The coastal wetland area east of Mud Bay is an important feeding and roosting area for Lesser Sandhill Cranes and the wetland. The inter tidal area between Mariner Park and Lighthouse Village supports a wide variety of wetland/tidal mudflat dependent and upland birds. A Lesser Sandhill Crane pair nests here annually.

The Homer Spit is an important site for migratory shorebirds during the spring and fall, but also during the winter (e.g., Rock Sandpiper). The spit is also used by shorebirds during the summer breeding season.

In addition to shorebirds, the Spit is important to resident and migratory grassland bird species that could be affected by development such as the Snow Bunting, Lapland Longspur, American Pipit, Song Sparrow. Eagles are a major attraction to visitors and photographers. A healthy natural eagle population is the goal rather than an unnatural congregation of eagles resulting from feeding or human activity. Dumpsters, fish cleaning stations, fish waste from processing, and food waste should be managed to avoid an unnatural attractant to eagles. The Spit plan should reinforce the prohibition on feeding of eagles.

It should be recognized in the plan that the City is obligated to conduct a study to determine the effects on the tidal mudflats and wetlands and beach nourishment activity from building a sea wall along Oceanview drive properties. That study was recently completed. Further, the private property lines extend well out into the wetlands (see property map) and consideration should be given for incentives to establish a conservation easement on the properties.

Parks and Recreation (pg. 16)

Creating a community park as a gathering area has merit depending on how the park will be used. What size of group will the amphitheatre and pavilion accommodate? What type of special events might be planned and how would parking handle the event? Would there be the flexibility to also design in small scale spaces for small group/family/individual use? Would a volleyball court get used given the windy conditions of the Spit? How would grass lawns/activity areas be maintained? Would tent camping in a grassy area be accommodated? Would the park tie in to the bicycle pathway and other pedestrian connections? Is justifying the park to allow for more space for overslope and commercial development appropriate?

Seafarer's Memorial Park – expanding the park to give it more prominence – what is meant by that statement? Why not incorporate better site design? We are opposed to any expansion into the beach zone.

Coal Point – more green and compacted parking is desirable but is parking needed? Why not make the park accessible by footpath as part of a walking tour route?

Fishing Lagoon – the planting of wild rye is a desirable restoration option but favorable site conditions must be in place to be successful. Greater attention should be given to the site design of the parking area with the addition of some rock island plantings, public use sites such as picnic pads, benches with small gathering plazas, and consider the use of the north end for a pavilion or group use site.

Mariner Park

The Spit plan fails to review the history of restoration work that was supposed to be completed as part of the Exxon Valdez oil spill (See attached documents). The entrance to the inter tidal area was blocked to prevent oil from contaminating the sensitive intertidal area. The goal should be to restore and enhance the inter tidal area; not to fill in a portion of the area to expand the park. We are strongly opposed to any fill being placed in the inter tidal area. The historical permitted fill permit – whatever that means does not justify any new permit conditions and is just that history. Likewise connecting Mariner Park via a bike path to Lighthouse Village is not justified. We do not believe that the expense of a tunnel under the road can be justified.

Instead of expanding Mariner I Park it would be more desirable to develop a site plan as to how to better utilize the site through landscape design, designate parking and campsites, and separate pedestrian uses.

An important consideration under Parks and Recreation is the effects of off-road motorized vehicles on the sensitive marine inter tidal environment. All the beaches and intertidal areas of the Spit should be closed to motorized activity, except by special permit.

Road and Trail Access

The statement that realigning of several segments of the Spit Road will have 'substantial benefits' is questionable without a comparison to other less intrusive and less costly options for parking management and traffic calming.

The plan calls for establishing a parking subcommittee. That subcommittee should have the benefit of hiring a landscape architect with experience with traffic calming design methods to create some design options such as eliminating parallel parking along the Spit road, better defined entry and exit points to parking areas, bump out islands that connect pedestrian well marked crosswalks, experimenting with design elements of street lights, rock and driftwood berms, colorful banners marking key points, wider pedestrian boardwalks, a full assessment and ADA transition plan, and use of different textures in the roadway to announce crosswalks or entryways.

A separated bike path is desirable but further landscape design should be considered beyond just planting a median of sawgrass. A schematic cross profile of highway, bike path, pedestrian pathway should be presented in a visual design format displaying design elements for crossings, signage, and surface materials.

Parking Management

It would be very helpful to show a footprint of how the various parking areas would be located and connected. The need for loading zones is discussed but no design solution is presented. If overslope development occurs, how would loading zones be accommodated? How is loading zones being accommodated now for the existing commercial retail establishments?

Land Use Goal 1.1 (pg. 22)

A key strategy is to 'encourage' clustering and reservation of land. What is the form of that encouragement – City ownership of a block of land, incentives for planned unit development, change in minimum lots size when lots are consolidated, relax height restrictions when open space and key vistas are protected? What are the planning tools, new zoning regulations, and design standards?

We are strongly opposed to a strategy that identifies the expansion of 'appropriate' residential uses on the Spit.

Greater site detail, an example of a footprint, architectural design standards, relation to parking and pedestrian flow, open space and views, and market need must be given to increasing the overslope commercial use on south and west sides (we assume the south and west sides refers to the harbor and not the west side of the Spit?). We applaud the plan goal for minimal development of the west side of the Spit. However an 'Opportunity Map' shows the west side of the Spit as a development opportunity. We hope this does not means structural buildings.

It is unclear what is meant by promote low impact use for the west side of the Spit but we encourage the development of zoning regulations that preserve the open space character and recognize the hazard of building in a high energy beach wave activity zone.

The recommendation to appoint a task force to identify concerns and language to address conflicts between marine commercial and visitor related commercial? What are those concerns and what will guide the task force?

Goal 1.2 (pg. 23)

Develop standards for public property development – why are standards limited to public property? The strategy is to 'revisit' design guidelines. What are the current design guidelines?

Allocate 1% of new construction to landscaping - what is considered new construction? What is defined as landscaping – use of rock and driftwood, signage, screening, landscape art? Why not trigger the landscaping requirement for any existing building construction that expands the building or changes the land use or function of the building.

Require engineer's approval for any large addition – what is a large addition?

Provide enhanced recreation facilities – include in this strategy "Close all beaches and inter tidal areas of the Spit to off-road motorized vehicle traffic, except by permit."

Goal 1.4 include in the strategy "develop a restoration strategy for the inter tidal area north of Mariner Memorial Park."

Goals 1.6 obtain public ownership of key sites – what are those key sites? Public access for traditional uses should be by non-motorized means. There are many other options for gathering of coal from

Homer beaches via motorized vehicle in areas west of Bishop's Beach and east of the boat repair yard access points.

Goal 2.2 what would be the details of a Memorandum of Agreement with ADOT/PF for use of the state right-of-way? Those details should be spelled out in the plan for public review and compatibility to Spit plan goals.

Goal 3.1 what is considered 'value added' growth? Give some examples and incentives. The process should include a discussion of low impact industries, position Homer as a green industry, complimenting the use of waste into viable products, positioning Homer as a staging area for spill response/Coast Guard port, and a center for coastal research.

In summary, the Planning and Zoning Commission is charged with a very important task in making sure there is more than zoning lines and a color coded zoning map as a final product. Your charge is how to apply new zoning regulations, develop design standards, provide incentives for cluster development, give careful analysis of parking needs and pedestrian design, define appropriate uses, position the Port of Homer as a green industry with innovative energy efficiency, support services, and by-product utilization, and preserve key open space, vistas, and sensitive ecosystems.

Thank you for protecting Kachemak Bay and the Spit.

Sincerely,

Kachemak Bay Conservation Society
Board of Directors



<http://kachemakbaybirders.org/>

City of Homer Planning Department
491 E. Pioneer Avenue
Homer, Alaska 99603

June 21, 2010

Dear Planning Department and Commission:

The Kachemak Bay Birders, a loosely organized group of birders who reside in the Homer area, would like to submit the following comments and information regarding the April 30, 2010 version of the Homer Spit Comprehensive Plan.

General Comments

Key general concerns of the Kachemak Bay Birders, relative to the Homer Spit Comprehensive Plan, are:

- Recognizing that the ecological values of the Homer Spit provides important bird habitat, particularly for shorebirds. While the Plan does mention bird and marine mammal habitat, we think this could be underscored by adding to the appendix a bird checklist (see <http://www.birdinghomer.alaska.org/>).
- Recognizing that the Spit is nationally recognized for its bird life and that this attracts numerous birders to the Homer area at all seasons of the year - not just during the Kachemak Bay Shorebird Festival. Although there have not been any studies on the economic impact of birding to the Homer area, studies in other areas show that birding can create significant economic opportunity. Birders tend to make more use of expensive activities, like charters, than most tourists.
- Recognizing and mentioning that both the Homer Spit and Kachemak Bay have a number of important conservation designations, such as critical habitat areas. The Plan makes no mention of this other than stating city zoning codes. Protecting habitat could place conditions on some types of Spit based development projects. For instance, if a project were to impact the shallow areas just to the west of the Spit, it might have to contend with the Endangered Species Act. This area provides winter habitat for many sea ducks, including the Steller's Eider which is on the Threatened and Endangered species list.

We also want to highlight two of our recent activities; the Kachemak Bay Shorebird Monitoring Project and our efforts to update the description and assessment of the Kachemak Bay area as a

Western Hemisphere Shorebird Reserve Network site. Both efforts are of importance to the Homer Spit Comprehensive Plan.

Kachemak Bay Shorebird Monitoring Project

When the Kachemak Bay Birders first formed in 2008, it decided that one of its objectives would be to learn more about the status of the local shorebird population during spring migration. Although the Kachemak Bay Shorebird Festival has documented shorebird migrations for the past 17 years, this weekend event covers only a portion of the migratory period. Accordingly, it was decided to use volunteers to monitor the entire spring migration (mid April through late May) every five days at seven sites on or near the Homer Spit using a modified version of the International Shorebird Survey protocol. The data would then be compared to the seven years of data captured by George West from 1986 and 1989-1994 in order to provide some indication of shorebird population trends.

So far we have completed two spring surveys; the report for the 2009 is attached and can be obtained online at <http://kachemakbaybirders.org/>. This website also has the protocol for the 2010 survey, which was recently completed.

Relative to the Homer Spit Comprehensive Plan, our observations are:

- All undeveloped parts of the Homer Spit are being used by shorebirds.
- While shorebird foraging in the intertidal areas is obvious, what is less obvious is their need for supratidal habitat, particularly for roosting.
- Shorebird use the Homer Spit occurs most months of the year, not just during the Shorebird Festival.
- Alaska's birding community, via social networking, is keenly aware of the status of Homer Spit bird populations and habitat.

We ask that consideration of any undeveloped areas of the Homer Spit take the points made above into account.

Western Hemisphere Shorebird Reserve Network

Last fall, the Kachemak Bay Birders was asked by the Manomet Center for Conservation Sciences, which manages the Western Hemisphere Shorebird Reserve Network (WHSRN), to assist in updating its assessment of the two WHSRN sites in Kachemak Bay that are of international significance to shorebirds; MudBay/Mariner Park Lagoon and Fox River Flats. While a WHSRN designation creates no legal mandate, it does highlight for Western Hemisphere conservation agencies and NGO's, areas that are especially important relative to shorebird management. Also, a WHSRN designation can attract tourists and, accordingly, should be mentioned in the Plan.

We enlisted the assistance of the City of Homer Planning Department, the Kachemak Bay Research Reserve, and the Department of Fish and Game in taking on this task. The updated site

profile for Kachemak Bay/Homer Spit can be read at <http://www.whsrn.org/site-profile/kachemak-bay>.

Part of this effort was to complete a comprehensive and detailed site assessment following a scientifically accepted protocol. This assessment provides a lot of information that could bolster the technical quality of the Homer Spit Comprehensive Plan. A copy is attached.

Specific Concerns

We are especially concerned about the Plan with respect to Mariner Park. The Plan states the following (in italics):

Mariner Memorial Park Improvements:

As one of Homer's most popular recreation areas, Mariner Park attracts campers, beach walkers, kite-flyers, trail users, birders, people with dogs, and others who come to enjoy the views and open-air recreation opportunities. Homer's growing population and tourist visitation are placing greater demand on Seafarer's Memorial Park, increasing the need for recreation and safety enhancements.

- *The following have been identified as specific areas for improvement in the next six years:*
- *Construct a plumbed restroom facility*
- *Develop a bike trail from "Lighthouse Village" to Seafarer's Memorial Park*
- *Expand the park and move the vehicle entrance to the north*
- *Construction of a tunnel under the Spit Road to provide safe access to the Homer Spit Trail*
- *Fee camping sites*
- *Picnic/barbeque area*

At the base of the Spit, adjacent to the Seafarer's Memorial Park, is a tidal area already impacted by dike construction. Historically, this area was permitted for fill, but never was completely implemented. This area should be considered for expansion of the city campground.

First of all, the Plan seems to confuse Seafarer's Memorial Park and Mariner Park.

Aside from that, as previously stated, our observations are that the Mariner Park supratidal and intertidal areas provide important bird habitat. Any development other than within the existing footprint of already disturbed area would contradict other parts of the plan, namely:

The public clearly indicated its recognition of the value of the tidal habitat, beaches, and views available on the Homer Spit. These areas are not just important as habitat for a myriad of shorebirds, waterfowl, fish, mammals, and plant life, but are important to the identity of the community of Homer. Protection of these areas is endemic to any development or use that is allowed on the Homer Spit.

The consultants suggestion to build a tunnel under the Spit Road, which could be routinely subject to high tides and storm surges, does not appear to be a well thought out idea - and would probably be prohibitively expensive. Furthermore, construction could impact not only Mariner Park Lagoon, but Mud Bay.

Also, there is no way that another Spit bike trail, presumably on the west side of the Spit, or having entrance to Mariner Park from the north starting at the Lighthouse Village could occur without significant fill and disturbance to Mariner Park Lagoon. Apparently, as with the tunnel suggestion, the consultant is not aware that the east side, where there already is perfectly adequate bike trail, is more favorably because it is not as subject to strong winds and high waves.

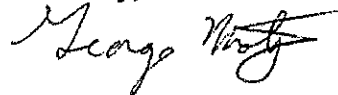
What may be the most questionable statement in this section of the Plan is the consultant alluding to the idea that building a road and bike trail in the intertidal area of Mariner Park Lagoon is already "permitted for fill." Besides being unprofessional by not stating exactly what permit is being referred to or whether it is even valid anymore, the Plan provides a false impression of viability. For one, it should be obvious that filling in critical habitat may require more than one permit. This area is part of the State of Alaska Kachemak Bay Critical Habitat Area. Also, given the environmental importance of this intertidal area, the NEPA process may apply and require more thorough analysis than most fill permits. More importantly, the suggestion ignores a previous commitment by the City of Homer to maintain Mariner Park Lagoon as a WHSRN site. Attached is the 1994 application from the City of Homer, which is after suggestions about filling in Mariner Park Lagoon and was, to some degree, stimulated by these suggestions. The cover letter states: "We believe that the designation of city owned lands important to migrating birds as part of the WHSRN will enhance the festival and bring increased attention to the critical nature of our wetlands."

Given that this section of the Plan is fraught with error and speculation, we recommend deleting it entirely and replacing it with improvements that stay within the existing footprint. The present random parking arrangement wastes a lot of space that could be better utilized by camping and other activities if vehicles weren't able to drive everywhere. We suggest designated parking spaces and covering a much of the existing gravel with grass. This would be more conducive to non-vehicle use.

We understand that city ordinance does not allow the use of motorized vehicles in Mariner Park Lagoon. It isn't clear whether this applies to just the intertidal areas or other beach areas as well. Although there are some signs to let visitors know that there are restrictions, more signs and a map on the bulletin board, which clearly shows areas off-limits to motorized vehicles, would be helpful.

We thank you for this opportunity and look forward to further drafts of the Plan.

Sincerely,



George Matz

cc USKH

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF FISH AND GAME
HABITAT AND RESTORATION DIVISION

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JUNEAU ALASKA 99802-5526
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FAX: (907) 465-4759

March 30, 1994

Ms. Julie Sibbing, Program Manager
Western Hemisphere Shorebird Reserve Network
P.O. Box 1770
Manomet, MA 02345

Dear Ms. Sibbing:

Fox River Flats Critical Habitat Area, located at the head of Kachemak Bay in Southcentral Alaska, is a major staging area for thousands of waterfowl and at least 100,000 shorebirds which annually stop to rest and feed during spring and fall migration. Western sandpipers are the most numerous shorebird, with dunlins and dowitchers also abundant. The Fox River Flats Critical Habitat Area was established in 1972 and the overlapping Kachemak Bay Critical Habitat Area was established in 1974. Both were established to protect and preserve habitat especially crucial to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose. The areas are managed in accordance with the recently completed Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan. I would like to nominate state lands within intertidal portions of Fox River Flats Critical Habitat Area and Kachemak Bay Critical Habitat Area at the head of Kachemak Bay to be designated as an International Site in the Western Hemisphere Shorebird Reserve Network. Enclosed is a map and a site identification questionnaire.

If nominated by the City of Homer we would endorse the inclusion of Mud Bay, located within Kachemak Bay Critical Habitat Area at the base of Homer Spit, as a regional site in the Western Hemisphere Shorebird Reserve Network. Mud Bay hosts tens of thousands of shorebirds annually and is a popular site for bird watching. Although located within the boundary of the Kachemak Bay Critical Habitat Area, the major portion of this important shorebird habitat is owned by the City of Homer.

Ms. Julie Sibbing

-2-

March 30, 1994

Our department contact for designation of these sites is Debra Clausen, Special Areas Program Coordinator, Alaska Department of Fish and Game, Habitat and Restoration Division, 333 Raspberry Road, Anchorage, AK 99518-1599; telephone (907) 267-2284; FAX (907) 349-1723.

Thank you for your consideration of these important shorebird habitats.

Sincerely,



McKie Campbell
Deputy Commissioner

Enclosures

cc: F. Rue, ADF&G/H&R
D. Clausen, ADF&G/H&R
H. Noah, DNR/DOF
G. West
H. Gregoire, Mayor, City of Homer

WESTERN HEMISPHERE SHOREBIRD RESERVE NETWORK
SITE IDENTIFICATION QUESTIONNAIRE

Name of Site: Fox River Flats Unit of the Western Hemisphere Shorebird Reserve Network

Location: United States, Alaska, Kenai Peninsula Borough; 59° 45' to 59° 49' north and 150° 53' to 151° 05' west (see attached map).

Description: The Fox River Flats Unit of the Western Hemisphere Shorebird Reserve Network is proposed to include the intertidal portions of the following area located at the head of Kachemak Bay:

1. Sections 25-36, Township 4 South, Range 10 West, Seward Meridian.
2. Sections 3-9, Township 5 South, Range 10 West, Seward Meridian.
3. Sections 1-3, 9-11; Township 5 South, Range 11 West, Seward Meridian.

Size of Area: Approximately 7,100 acres (11 square miles).

Contact Name: Debra Clausen, Habitat and Restoration Division, Alaska Department of Fish and Game, 333 Raspberry Road, Anchorage, AK 99518-1599.

Ownership: State of Alaska

Management: The area is managed by the Alaska Department of Fish and Game (ADF&G) as the Fox River Flats Critical Habitat Area and the Kachemak Bay Critical Habitat Area under the Special Areas Program to protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose. The Fox River Flats and Kachemak Bay Critical Habitat Areas Management Plan, December 1993, guides management of the area.

Disturbance: Major potential causes of disturbance include cattle grazing in the Fox River Valley wetlands. The ADF&G will be reviewing a grazing lease in the Fox River Valley for renewal in the coming year. Impacts to ducks, geese, cranes, and shorebirds that depend on the flats, especially in spring, will be a consideration.

Threats: There are no additional known threats to the shorebird habitat.

Development: There are no known plans for development of the area. The Alaska Power Authority recently completed the Bradley Lake Hydroelectric Facility on the eastern boundary of the area (with docking facilities in an inholding of the critical habitat area), but development did not negatively impact shorebirds or their habitat, and there are no plans to further develop or disturb the area.

Shorebirds Using the Area: It appears that this area is used by over 100,000 shorebirds during spring migration each year. The predominant species in spring migration on the Fox River Flats in order of abundance are Western Sandpipers, Dunlin, and Short-billed Dowitchers. Because of the inaccessibility of this area by vehicle or on foot, or even easily by boat because of the extensive shallow mud flats, specific identification of shorebirds on the flats is not easy. The species composition of shorebirds utilizing Mud Bay, approximately 15 miles southwest of the Fox River Flats, probably reflects the composition of shorebirds on the Fox River Flats. Following is a list of shorebirds regularly found in Mud Bay and on the Homer Spit during spring migration: Black-bellied Plover, American Golden-Plover, Semipalmated Plover, Wandering Tattler, Whimbrel, Bristle-thighed Curlew, Hudsonian Godwit, Bar-tailed Godwit, Marbled Godwit, Ruddy Turnstone, Black Turnstone, Surfbird, Red Knot, Semipalmated Sandpiper, Western Sandpiper, Least Sandpiper, Pectoral Sandpiper, Baird's Sandpiper, Rock Sandpiper, Dunlin, Long-billed Dowitcher, and Short-billed Dowitcher.

Number of Shorebirds: It appears that this area is used by over 100,000 shorebirds during spring migration each year. Only a few surveys have been taken of the Fox River Flats, and these are from the air. In 1976, Erickson reported the following: April 30: 8,000 small shorebirds; May 3: 5 large shorebirds, 10 yellowlegs, 4,058 small shorebirds; May 15: 35 medium shorebirds, 1,022 small shorebirds. Ballard estimates that there were 1 - 2 million shorebirds on the Fox River Flats on May 11, 1976. In 1981, Krasnow and Halpin estimated 50,000 Western Sandpipers on May 1, and 10,000 daily from May 2 to 6. In the spring of 1992, Del Frate and Sinnott reported the following: May 5: 22,000+ shorebirds; May 8: 35,000+ shorebirds; May 14: 7,900+ shorebirds. Gill flew over the Fox River Flats on May 5, 1993, and estimated 98,703 small sandpipers. In 1977, Erikson surveyed the Fox River Flats in fall and found 420 small shorebirds on September 22, and a few medium shorebirds and whimbrel from August 17 to October 2. It is probable that Semipalmated Plover, Spotted Sandpiper, and Least Sandpiper use the adjacent supratidal upland for nesting.

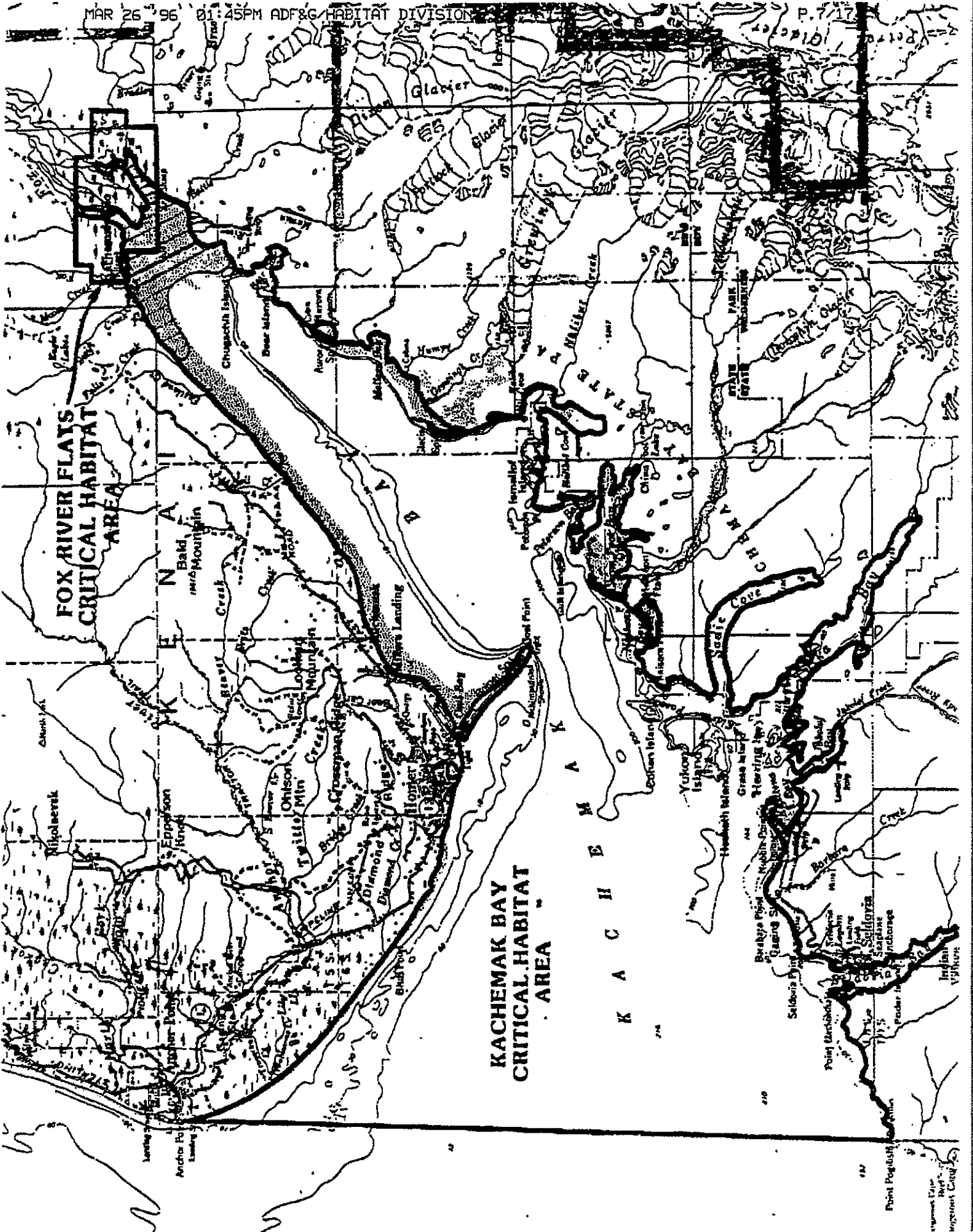
Critical Importance to Other Wildlife: We know that large numbers of Canada Geese, Swans, many species of dabbling ducks, and Sandhill Cranes utilize this area during early spring migration. It is probable that some of these individuals nest on the upland flats.

Habitat Description: The area important to spring migrating shorebirds is an extensive intertidal mud flat at the head of Kachemak Bay. The invertebrates in the mud are fed from nutrients from the biologically rich marine waters of Kachemak Bay and the fresh waters coming from numerous clear and glacially fed rivers that pour over the flat to the Bay. The great tidal range (up to 30 feet) brings nutrients over many square miles of mud which must support small clams and worms eaten by the shorebirds (as is the case in Mud Bay where samples have been taken). Grasses and sedges border the tidal areas and are grazed by cattle and horses. The upland consists of willow and alder, Sitka spruce forests, and stands of Balsam Poplar and Kenai Birch.

Management Issues: Continue to explore the impact of livestock grazing on the avian habitats and the birds depending on the area. Continue to restrict activities incompatible with the perpetuation of fish and wildlife.

References: ADF&G. December 1993. Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan.

Local Contacts: Dave Erikson, Gino Del Frate, Robert Gill, Debra Clausen, George West.



**FOX RIVER FLAYS
CRITICAL HABITAT
AREA**

**KACHEMAK BAY
CRITICAL HABITAT
AREA**

K A C H E M A K
B A Y

GLACIER

N A
Bald
Mtn

H O M E R

N I L O S A R E K

E P I S O N

T W I T T I E M T N

D I A M O N D

H O M E R

Y U K O N

H O M E R

S E L O W I T A

P O I N T

B A R R O W

I N D I A N

Point Barrow
Indian Village



Office of the Mayor
Harry E. Gregoire

Homer City Hall 491 E. Pioneer Avenue Homer, AK 99603 (907) 235-8121 Fax - 235-3140

April 14, 1994

Ms. Julie M. Sibbing, Program Manager
Western Hemisphere Shorebird Reserve Network
P. O. Box 1770
Manomet, MA 02345

Dear Ms. Sibbing,

The City of Homer is pleased to nominate city owned property in Mud Bay and Mariner Park Lagoon at the base of the Homer Spit for inclusion in the Western Hemisphere Shorebird Reserve Network. Enclosed is a resolution to this effect along with a completed questionnaire, map of the area, and a list of the shorebirds that regularly utilize these intertidal wetland habitats each spring.

I understand that you will be coming to Homer to participate in our second annual Kachemak Bay Shorebird Festival on May 6, 7, and 8. We believe that the designation of city owned lands important to migrating shorebirds as part of the WHSRN will enhance the festival and bring increased attention to the critical nature of our wetlands. We look forward to seeing you in Homer next month.

Sincerely,


Harry E. Gregoire, Mayor

Enclosures

Sponsored by Councilmember Cushing

CITY OF HOMER
HOMER, -ALASKA

RESOLUTION 94 - 32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, SUPPORTING INCLUSION OF MARINER PARK LAGOON AND MUD BAY INTO THE WESTERN HEMISPHERE SHOREBIRD RESERVE NETWORK (WHSRN)

WHEREAS, the Mariner Park Lagoon and Mud Bay areas attract several hundred shorebirds; and,

WHEREAS, the Western Hemisphere Shorebird Reserve Network promotes awareness of shorebird areas at the international level; and,

WHEREAS, there are no binding treaties or formal obligations involved with joining the WHSRN; and,

WHEREAS, it would benefit the City to be a member of the WHSRN.

NOW, THEREFORE, BE IT RESOLVED, by the Homer City Council that:

The City of Homer supports inclusion of Mariner Park Lagoon and Mud Bay into the Western Hemisphere Shorebird Reserve Network.

ADOPTED AND APPROVED by the Homer City Council this 11th day of April, 1994.

CITY OF HOMER


HARRY E. GREGOIRE, MAYOR

ATTEST:

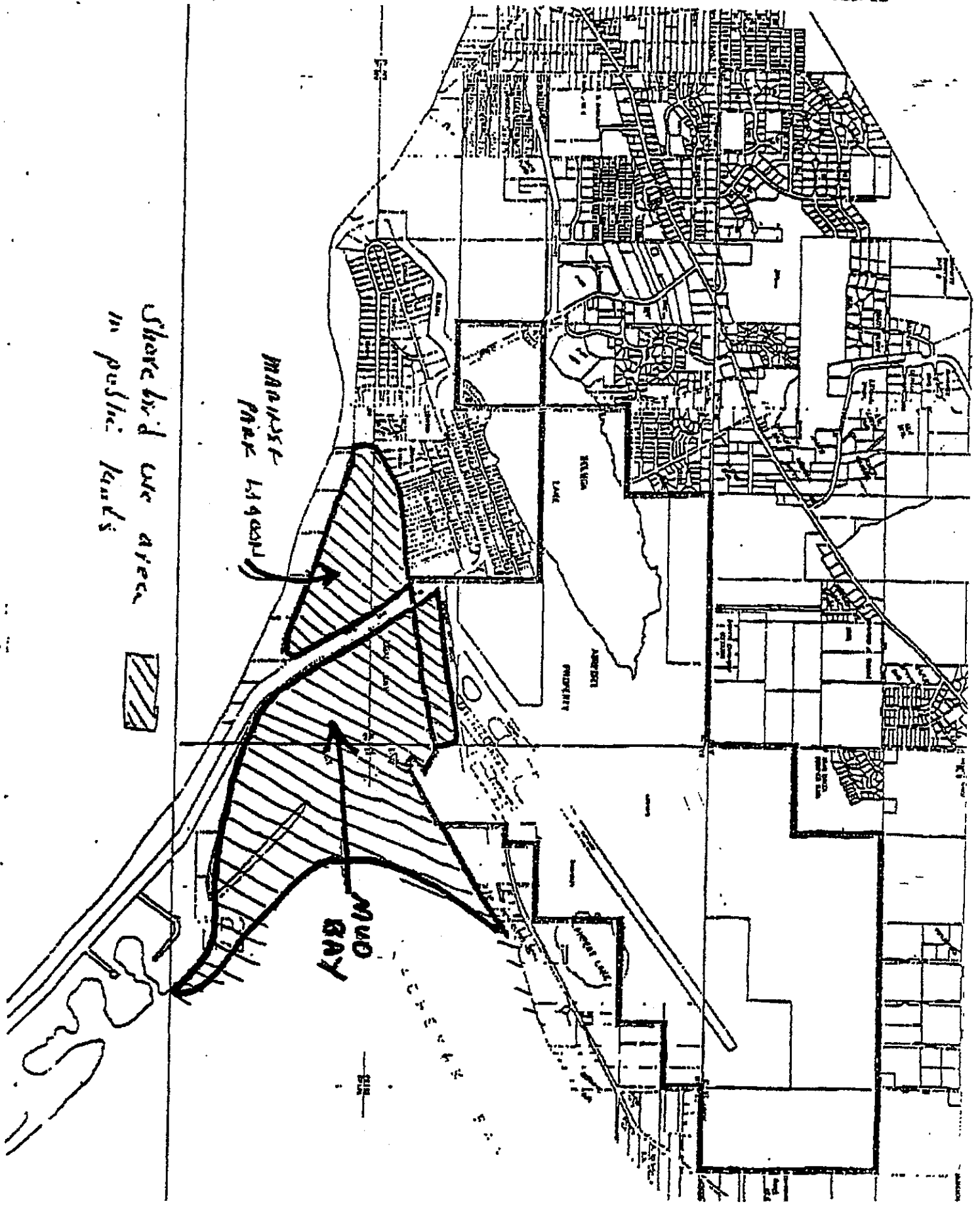

MARY J. CALHOUN, CITY CLERK

Shorebird use area
in public lands



MANLYST
PARK 4340011

MUD
BAY



WESTERN HEMISPHERE SHOREBIRD RESERVE NETWORK
SITE IDENTIFICATION QUESTIONNAIRE

Name of Site: Mud Bay and Mariner Park Lagoon

Location: United States, Alaska, Kenai Peninsula Borough; more specifically, the tidelands at the base of the Homer Spit on both sides of the Sterling Highway (Homer Spit Road).

Geographic Coordinates: Approximately from 59°38'N x 151°29'W to 151°30'W. The Reserve would consist of tidelands owned by the City of Homer and the State of Alaska:

- (1) Assessor's Map, Kenai Peninsula Borough 181-01, Block Numbers 25, 26, 27, 28, 29, that portion of 30 south of Kachemak Drive, that portion of 32 south of Kachemak Drive (Mariner Park Lagoon is included totally within 25, 26, and 27; the northern 1/3 of Mud Bay is included in 28 through 32);
- (2) Mud Bay, which has no Assessor's designation is defined as the tidal area between the east side of the Homer Spit Road and the north boundary of private properties on the north side of the Homer Spit Road, east to a line joining the spit projecting from the north side of Mud Bay (below the road from the old airport long term parking area) to the western end of the spit projecting northwestward from Green Timbers. This area is within Sections 27 and 28, Township 6 S, Range 13 W, Seward Meridian.

Size of Area: Approximately 160 acres

Map: see attachment

Name: City of Homer, 431 E. Pioneer Avenue, Homer, AK 99603; Division of Aviation, Department of Transportation, and Department of Natural Resources, State of Alaska, Juneau, AK 99801.

Ownership: 1. Assessor's Parcels 25 and 26 are owned by the State of Alaska, Department of Natural Resources, P. O. Box 7-005, Anchorage, Alaska 99510; 27, 28, and 29 are owned by the State of Alaska, Department of Transportation, Division of Aviation, P. O. Box 196900, Anchorage, Alaska 99519; 30 and 32 are owned by the City of Homer, 491 E. Pioneer Avenue, Homer, Alaska 99603; the tidelands in the balance of Mud Bay are also owned by the City of Homer.

2. Would the Owner Nominate? - The concept will be presented to the City Council through its commissions and City of Homer administration; and to the State of Alaska, Department of Natural Resources and DOT, Aviation Division. Neither party has shown willingness to dedicate lands to conservation, but because of the special nature of the shorebird reserve, i.e. that it does not preclude future development or use, the parties may agree.

3. **Current Management** - The area is held in part by DOT, Aviation Division as it is the approach to the Homer airport runway. Avigational aids are located on the property. There is no active management of the State property other than maintenance of the avigational aids. The City of Homer which owns the bulk of Mud Bay also has not managed the property in any way.
4. **Disturbance** - Major causes of disturbance include air traffic, both fixed wing and helicopter, on the approach to the Homer airport that unsettles shorebirds on occasion, but is not a major problem. Also there is nothing that can be done to change this disturbance. A second cause of disturbance is the uncontrolled access to the tidelands by ATV (all terrain vehicle) traffic. People occasionally race over the mud flats at low tide in both Mud Bay and Mariner Park Lagoon disturbing shorebirds from spring to fall. An attempt to control this was introduced but not passed by the Homer City Council in 1993 and may be proposed again in 1994.
5. **Threats** - The City of Homer had requested approval to expand the Mariner Park campground at the southern end of Mariner Park Lagoon northward into the lagoon by filling in more of the intertidal area. A Corps of Engineer permit would be required.
6. **Plans** - There are no publicly known plans for development of the area other than the campground extension mentioned in 5. above.
7. **Shorebirds using the area:** Censuses of spring migrating shorebirds have been conducted in 1986, and 1988 - 1993 in Mud Bay, Mariner Park Lagoon, and on the Spit (see Table). What is not reflected in the table is the use of the area by summer, fall, and winter shorebirds. In summer, we estimate that there are about 3,000 shorebirds in Mud Bay and the Spit from the end of June to the end of August and a decreasing number into October. Species not listed in the table that utilize the area include: Black Oystercatcher; Greater Yellowlegs; Lesser Yellowlegs; Spotted Sandpiper; Rufous-necked Stint; Long-billed Dowitcher; Sharp-tailed Sandpiper; Stilt Sandpiper; and Red-necked Phalarope.
8. **Number of shorebirds:** The average number of shorebirds using the area in spring is over 90,000 individuals (see Table). In summer, the same individuals return and during July and August, we estimate about 3,000 birds on the flats each day. In fall, the number diminishes to a few hundred by the end of September. In winter, from 500 to over 2,000 Rock Sandpipers feed on the flats when there is no ice covering Mud Bay. These birds begin to arrive in early September and leave in March or April.

9. Critical importance to other wildlife: Large numbers of dabbling ducks, including Mallard, Green-winged Teal, Northern Pintail, Northern Shoveler, and American Wigeon feed on the flats in spring and fall. In winter, at high tide, large flocks of Greater Scaup and Common Mergansers often feed and rest in Mud Bay when the ice is out. Other species known to utilize this area include: Great Blue Heron; Bald Eagle; Northern Harrier; Merlin; Peregrine Falcon; Sandhill Crane; Bonaparte's Gull; Mew Gull; Glaucous-winged Gull; Sabine's Gull; Arctic Tern; Short-eared Owl; Belted Kingfisher; Tree Swallow; Violet-green Swallow; Bank Swallow; Cliff Swallow; Black-billed Magpie; Northwestern Crow; Common Raven; American Pipit; Savannah Sparrow; Snow Bunting; McKay's Bunting; and Rusty Blackbird.
10. Habitat description: The area includes tidal mud flats and adjacent intertidal vegetated areas of critical importance to spring migrating shorebirds. The invertebrates in the mud are fed from nutrients from the biologically rich marine waters of Kachemak Bay. The great tidal range (up to 30 feet) brings nutrients over many acres of mud which supports small clams (*Macoma balthica*) and worms eaten by the shorebirds.
11. Management issues: Convince the City of Homer to designate Mud Bay as a wildlife reserve or to give management authority to the Alaska Department of Fish and Game, to be managed as part of the Kachemak Bay Critical Habitat Area, off limits to any future development and abuse (such as by ATV traffic) in mitigation for the dredging of the Small Boat Harbor at the end of the Spit. This concept was discussed informally with members of the City Council in 1992 and 1993, but no formal proposal has been made.
12. References: articles in Kachemak Bay Bird Watch, a quarterly newsletter published by the Birchside Studios and the Pratt Museum in Homer.
13. Local contacts: Dave Erikson (Dames and Moore, Inc.), G. Vernon Byrd (U.S. Fish and Wildlife Service), Rich Kleinleder (Pratt Museum), Willy Dunne (U.S. Fish and Wildlife Service), Poppy Benson (U.S. Fish and Wildlife Service), Gino Del Frate (Alaska Department of Fish and Game), JoAnne Popham (Pratt Museum), and George West (Birchside Studios).

Prepared by George West 4 April 1994

Table 1. Census of Shorebird Migration in Mud Bay, Mariner Park Lagoon, and the Homer Spit from 25 April to 18 May

Species	1988	1989	1990	1991	1992	1993	5 year Average
Black-bellied Plover	2,000	7	221	148	3,094	250	953
American Golden-Plover	0	30	24	48	72	7	30
Semipalmated Plover	40	30	4	39	90	184	61
Wandering Tattler	0	0	0	15	6	13	6
Whimbrel	2	9	3	15	82	28	23
Bristle-thighed Curlew	0	0	0	7	0	0	1
Hudsonian Godwit	0	0	0	0	1	3	1
Bar-tailed Godwit	0	0	0	5	5	0	2
Marbled Godwit	0	4	0	3	3	2	2
Ruddy Turnstone	5	3	5	13	38	4	11
Black Turnstone	3,053	1,338	7,097	3,378	6,306	3,374	4,092
Surf Scoter	6,450	1,355	18,449	3,908	40,478	6,000	12,440
Red Knot	0	0	0	5	0	11	3
Sanderling	0	0	0	0	0	3	1
Semipalmated Sandpiper	0	0	0	0	3	12	3
Western Sandpiper	72,325	58,000	29,745	74,971	94,154	55,830	64,171
Least Sandpiper	164	80	0	23	78	112	76
Pectoral Sandpiper	18	0	0	1	1	0	3
Baird's Sandpiper	0	1	0	0	1	5	1
Rock Sandpiper	0	0	0	0	42	4	8
Dunlin	2,325	7,275	1,520	4,097	12,849	4,457	5,442
Short-billed Dowitcher	3,100	2,805	327	728	7,712	2,153	2,771
Total Species	11	13	10	17	19	19	15
Total Individuals	89,487	70,737	85,895	87,405	164,811	72,462	90,100
Days in Census	14	21	20	17	23	27	20
Individuals/Day	6,392	3,368	2,785	5,141	7,166	2,684	4,431

Dr. George C. West
P. O. Box 841
Homer, Alaska 99603
(907) 235-7095

February 23, 1996

Ms Molly McCannon
Executive Director
Exxon Valdez Trustee Council
645 G Street, Suite 401
Anchorage, Alaska 99501-3451

RECEIVED
FEB 29 1996

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Re: Small Parcel - Kenai 261

Dear Ms McCannon:

For the past 10 years I have been observing and surveying the shorebird populations around Kachemak Bay, and especially on the Homer Spit. With the increase in industrial development on the Spit, came an awareness among many in Homer that habitat critical to the survival of shorebird populations migrating through Kachemak Bay was in jeopardy and needed protection. The Western Hemisphere Shorebird Reserve Network (WHSRN) identifies and designates critical shorebird habitats throughout North, Central, and South America in order to call attention to threats to habitats critical to the survival of migratory shorebird populations. Two years ago, I wrote nominations for the Fox River Flats at the head of Kachemak Bay and Mud Bay at the base of the Homer Spit for inclusion in the network. The Alaska Department of Fish and Game (ADF&G), which controls the Fox River Flats, and the City of Homer, which owns Mud Bay, submitted the nominations to WHSRN. Network officials in reviewing the data decided that the whole of Kachemak Bay was worthy of designation as an international site in WHSRN. The site will be dedicated at a ceremony at the Fourth Annual Spring Shorebird Festival in Homer, May 10 - 12, 1996.

Two years ago, Herndon and Thompson, Inc. (HTI), was awarded a Corps of Engineers permit to construct a barge basin and maritime industrial area about half way down the Homer Spit. One stipulation of the permit is that at least a two-acre shorebird reserve be retained on the property. Working with me, HTI, agreed to modify a two-acre parcel at the northwest corner of the property as shown on the enclosed map for shorebird habitat. We approached the City of Homer which owns Government Lot G adjacent to HTI land and encouraged them to set aside some 20 acres of prime shorebird habitat on the north side of their property. This matter has been discussed with commissions and the City Council over the past six months and a decision is due soon from the Council on if and how they will protect that property (shown on the map). The Cape Lynch has already been moved and HTI will open a channel between the City property and their reserve to allow tidal waters to flood their reserve habitat. If all of this goes according to plan, we will have about 22 acres of shorebird habitat preserved half way down the Spit.

With the foregoing as background, I am requesting the Trustee Council to take another look at Small Parcel - Kenai 261 which is about 800 feet northwest of the City of Homer property mentioned above. I believe that the scoring for that parcel omitted several points that would have moved the parcel up in the rankings. Kenai 261 is at the tip of Green Timbers, perhaps the last vegetated piece of

property available to upland shorebirds on the Homer Spit. It is a prime area for recreational bird watching and also a popular spot for both sport fishing for silver salmon in the fall and for access to personal use gill net sites along the north shore of the Spit. It is also regularly used for general recreation such as picnics, walking dogs, and kite flying. On this and adjacent properties, we find Pacific and American Golden-Plover, Whimbrel, Baird's and Pectoral Sandpiper, and rarely, Bristle-thighed Curlew along with the more abundant Western, Least, and Semipalmated Sandpipers and Dunlin during spring migration - and throughout the long summer and fall migration period. Semipalmated Plovers nest here. Canal 261 also serves as a concentration point for rare gulls and terns that come to Homer - last year we found five Caspian Terns on this spot and occasionally, the rare Black-tailed Gull was seen here.

The habitat of Canal 261 consists of gravel beach on the outside (north), and vegetated mud flats on the inside (south). The intertidal area on the north side of the parcel support populations of resources injured in the Exxon Valdez spill - small clams, mussels, barnacles, and other mollusks that serve as primary food for Black Turnstones and Surfbirds. Other mud-dwelling invertebrates live on the south side of this parcel where other shorebirds feed.

Therefore, in the scoring of the parcel, I would add checks of "yes" in IA for Bald Eagles (which hunt from and roost here) and Intertidal/Subtidal as there are small clams, barnacles, and gastropods that are eaten by shorebirds at low tide and ducks (including occasional Harlequins and eiders) at high tide. Under IC, IIA, IIB, IIC, and IID, I would add checks of "yes" for Intertidal/Subtidal, and under ID, IIB, IIC, IID, IIA, and IIB, I would add "yes" for Recreation/Tourism. If Subsistence includes personal use fishing, then several "yes" marks could also be entered.

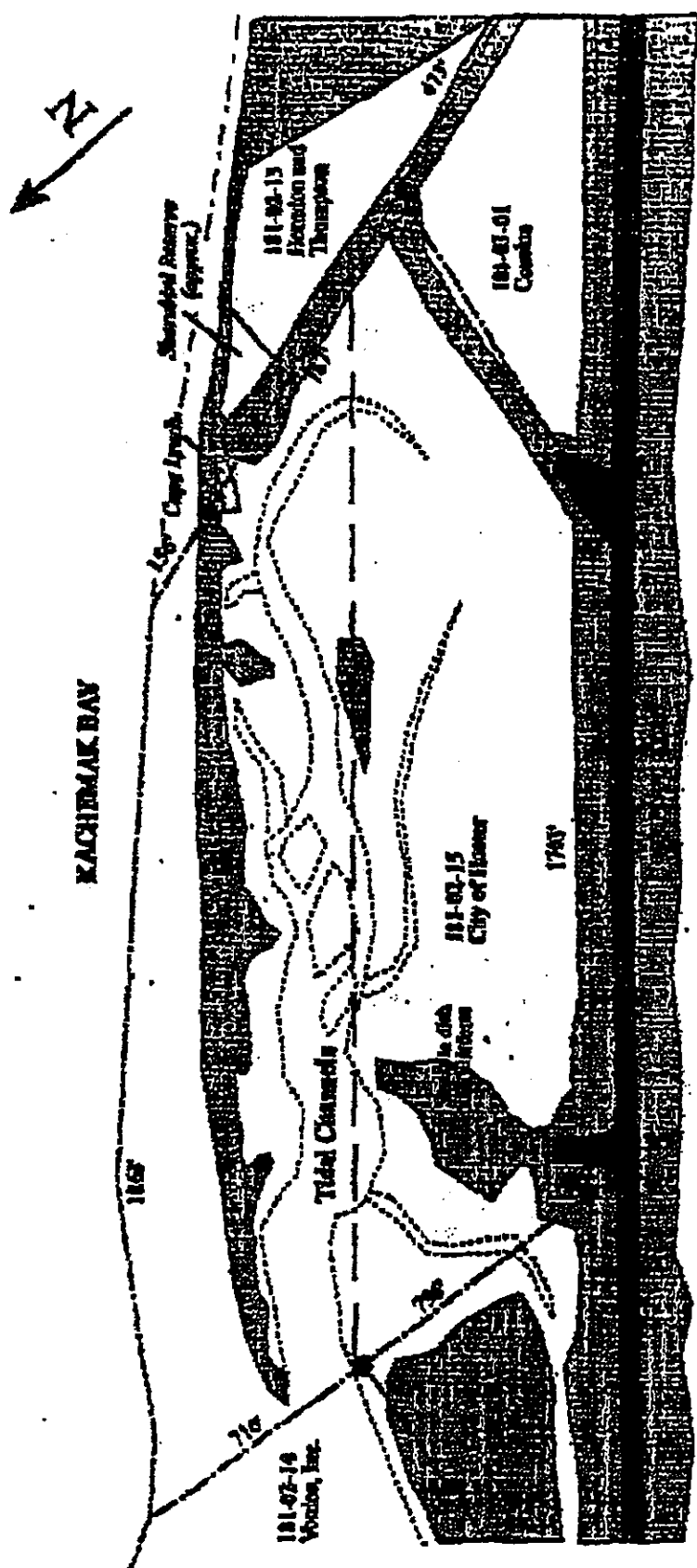
Acquisition of the Canal 261 parcel would increase the area along the Homer Spit available for the recreational and tourist potential of Homer and increase areas under protection for shorebirds. Existing wetland protection laws have not been sufficient to protect nearby wetlands parcels (e.g., the 67-acre HTI property) and will not protect the few remaining acres of publicly and privately owned wetland parcels along the Homer Spit. At high tides that flood most of the Canal 261 property, it is within the Kachemak Bay Critical Habitat Area as designated by ADF&G, but at low tide, it is just private property which could be filled and developed as other nearby properties. I urge you to submit a reevaluation of this parcel to the Trustee Council for acquisition and then recommend it be turned over to ADF&G for management. With the dedication of Kachemak Bay as part of WHSRN and the potential reclassification of City of Homer land for shorebird use, this seems a particularly opportune time to acquire and protect adjacent lands along the Homer Spit for wildlife and human use.

If you have questions or require further information, please let me know. For the next few months I can be reached at: 909 S. Clark Vista Circle, Green Valley, AZ 85614 (520)648-3743.

Sincerely,



George C. West



Approximate lot lines

A Map was from the northwest corner of lot 09 (734' due north of the 3rd Road) parallel to the 3rd Road and measured to intersect with the road and Thompson's property line (also 734' north of the 3rd Road) would result in about 21.7 Acres between the road and the line, and about 28.9 acres south of the line for wind belts, storm barns, and the beach into Kachimak Bay.

Western Hemisphere Shorebird Reserve Network
SITE ASSESSMENT TOOL - Version 2.1 - 2008



WHSRN Executive Office, Manomet Center for Conservation Sciences P.O.
Box 1770, Manomet, Massachusetts 02345 USA

A tool that makes the network better for shorebird conservation by understanding each site's problems and solutions

Help to evaluate and monitor the status of WHSRN sites, key sites for shorebird and biodiversity conservation. The information submitted here will be used for a comprehensive and systematic analysis of the conservation status of all WHSRN sites, threats, issues related to their management and conservation actions. The assessment will be crucial in setting priorities for shorebird conservation in the Americas by having an overview of the problems and issues facing the most important sites for shorebirds. The goal is to carry out these assessments every 3 years to monitor progress and changes at the sites.

Many organizations are engaging in efforts to monitor and evaluate conservation activities around the world, and the effectiveness of protected areas is one of main areas of concern. The science of these assessments is still evolving, with frameworks being tested and refined in different areas. The WHSRN Site Assessment Tool has been built by incorporating approaches constructed by IUCN, BirdLife, TNC and WWF with feedback from our network and site partners, thus contributing to develop this critical aspect of conservation science and fill the gap of monitoring the state of protected areas around the world. The WHSRN assessments will contribute directly to the monitoring of Important Bird Areas (IBAs) in the Americas promoted by BirdLife International and to the evaluation of the status of Ramsar sites, an important synergy since many of our sites share those designations as well. We also expect the assessments to be useful for government protected area agencies. The integration of the existing approaches has been carefully designed to avoid unnecessary duplication.

The assessment itself is a very useful tool for each site, because it provides an overview of the status of the area that can be easily used to establish management priorities, report achievements and successes, identify research and data collection priorities and provide facts and figures for educational, awareness, management, fundraising and advocacy activities. The assessment is designed to be built upon the consensus of site managers, experts and stakeholders interested in the conservation of the site, which makes its findings strong and reliable. In addition the ability to summarize the results from the many sites in the Network will allow the first comprehensive look at the state of shorebirds at key sites across the Americas. The more sites that contribute, the better the results will be!

STRUCTURE OF THE ASSESSMENT

There are 5 worksheets (Management Effectiveness, State, Threats, Conservation Actions, and Basic Info) to be filled in, plus a Scoring Guidance and a Glossary section. Underlined terms are listed in the glossary. The worksheets have been designed so that it is easy to complete them electronically during a workshop while projecting onto a screen; but printing each of them is also possible. We encourage the WHSRN Site points-of-contact to read the background document entitled "WHSRN Site Assessment Framework". In order to have a better picture of the whole process, including objectives, rationale, background, timeline, limitations, and references. However, all the instructions that are needed are reflected on this Excel workbook.

The site assessment is based on BirdLife's Global IBA Monitoring Framework and WWF's Tracking Tool for Assessing Management Effectiveness in Wetland Protected Areas, both of which follow the framework for evaluating management effectiveness of protected areas from IUCN's World Commission on Protected Areas. The Five-S Framework for Site Conservation by The Nature Conservancy is an important source for some aspects of the assessment as well.

The IBA monitoring uses the widely adopted Pressure-State-Response (PSR) framework, with a standardized way to assign scores for the status and trends of IBA biodiversity ('state'), threats ('pressure') and conservation actions ('response'). The tracking tool qualifies the many elements of management of protected areas, categorized by the World Commission on Protected Areas framework in criteria of Context, Planning, Inputs, Processes, Outputs and Outcomes. The Five-S framework was used as a model for the evaluation of the state component of the assessment through the concepts of conservation targets and ecological integrity.

The assessment uses a qualitative scoring system and asks sparingly for quantitative data. The scoring system involved makes it possible to integrate a wide range of information, which may often be qualitative rather than quantitative. The breadth of the topics is large, but such an approach is needed to better understand the problems and issues at the site scale and network scale. Further instructions on the scoring system are found in the Scoring Guidance section.

COMPLETING THE SITE ASSESSMENT

The assessment relies on the available information site partners have at the time and does not require additional information to be collected. In that sense, it should not constitute an unrealistic or overwhelming task for site partners and one that can be sustainable in time.

The WHSRN Site point-of-contact is requested to coordinate the completion of the assessment, involving stakeholders interested in the conservation of the site, from scientists to managers to local authorities and communities. The assessments are built on the principle that site monitoring and evaluation is participatory. The goal is to build consensus around the answers and the scoring and arrive at a final accepted version. The assessment can be carried out in several ways:

1. A whole-day workshop (estimated time) where different participants (site managers and stakeholders interested in the conservation of the site) discuss and agree on the answers. This is a useful format for sites that do not have a wealth of information to begin with, so the assessment can serve as a knowledge inventory as well.
2. Several experts and people knowledgeable about the site carry out an information review and fill out the assessment independently. These individual assessments are later compiled, i.e. by the site manager. The compiled version is then presented to and validated by a larger group of stakeholders during a workshop or if that is not possible, by sending the document electronically for review and comment. This is a useful format for sites that already have a large amount of information, where it is more effective for a small group of people to review the existing information at first and reflect it on the assessment. It is also appropriate for sites where due to location problems it is hard to convene people physically.
3. A variation of the latter, where several experts convene in a workshop and fill out the assessment as a group. This is later validated by a larger group of stakeholders as mentioned in the former option. This option is recommendable when experts themselves can easily convene physically.
4. The assessment is filled by the site manager/site point of contact independently and then it is validated by stakeholders. This is the least desirable of the options because it is the least participatory.

In any case, workshops need a facilitator who is familiar with the content of the Site Assessment Tool and can lead the participants through it. The facilitator can be the WHSRN Site Point of Contact.

The WHSRN site point of contact is free to choose the people who are to fill out the assessments and participate in the workshop, but careful thought should be given to select a representative group of **stakeholders** interested in the conservation of the site. This has several benefits, as those pointed out by Ervin (2003), because:

- It is likely to generate more accurate and thorough data
- It is likely to have more acceptance by site managers
- Allows greater stakeholder participation
- Participants can negotiate a common interpretation of each question, providing a more consistent and standardized approach to the questionnaire
- It builds and validates participation in management, sense of ownership, sense of responsibility for the site.
- It builds trust providing a means for feedback and encouragement
- It creates new skills and disseminates information.
- It encourages organizations to 'buy in' to the monitoring process and be prepared to institutionalize it.

The WHSRN Executive Office has a limited level of assistance available to enable sites to carry out their assessments. On the other hand, BirdLife Partners (National Audubon Society, Bird Studies Canada, Nature Canada) are also committed to collaborate in the process, as well as the U.S. Fish and Wildlife Service in individual refuges and the Canadian Wildlife Service.

At the least, each site is expected to fill in the **Management Effectiveness** and the **Basic Info** worksheets, which provide a broad picture of multiple issues at the site. However, all sites are strongly encouraged to fill in the **State, Threats and Conservation Actions** worksheets, because these sections provide invaluable insight about the types of pressures affecting the sites, as well as to the actions that need to be taken. Some sites might be concerned about the confidentiality or sensitivity of some of the information they provide. These concerns should be specified in the Basic Information Section in the assessment form so that WHSRN takes the necessary precautions with the use of that information.

MAIN REFERENCES

- Bennun, L.; L. Fishpool, S. Nagy and I. Burfield. 2005. **Monitoring Important Bird Areas: A global framework**. Version 7-19-07-05. BirdLife International. (Unpublished)
- Chatterjee, A., J. Pittcock. 2005. **Assessing Management Effectiveness in Wetland protected Areas. A tracking tool**. Draft version (unpublished)
- Ervin, J. 2003. **WWF: Rapid Assessment and Prioritization of Protected Area Management (RAPPAM) Methodology**. WWF: Gland, Switzerland. http://www.panda.org/about_wwf/what_we_do/forests/our_solution/protection/tools/rappam/index.cfm
- Herrera, Bernal y Corrales, Lenin. 2004. **Midiendo el éxito de las acciones en las áreas protegidas de Centroamérica. Evaluación y Monitoreo de la Integridad Ecológica**. PROARCA/APM, Guatemala de la Asunción, Guatemala. http://www.proarca.org/p_apm.html
- Hockings, M., Stolton, S. and Dudley, N. (2000). **Evaluating Effectiveness: A Framework for Assessing the Management of Protected Areas**. IUCN, Gland, Switzerland and Cambridge, UK. x + 121 pp. <http://www.iucn.org/themes/wcpa/pubs/guidelines.htm#effectiveness>
- IUCN: IUCN Conservation Actions Authority File Version 1.0 <http://www.iucn.org/themes/ssc/sis/authority.htm>
- IUCN: IUCN Threats Authority File Version 2.1. <http://www.iucn.org/themes/ssc/sis/authority.htm>
- Parrish, D., D. Braun and R. Unnasch. 2003. **Are we conserving what we say we are? Measuring Ecological Integrity within Protected Areas**. Bioscience 53:9, 851-860. http://www.iabin.net/binary_docs/meeting_parrish_nov2004/are_we_conserving.pdf
- Salzer, Dan and Nick Salasky. 2005. **Taxonomy of conservation actions (version 13 June 2005)**. Conservation Measures Partnership. http://www.conservationmeasures.org/CMP/Site_Page.cfm?PageID=17
- Salzer, Dan and Nick Salasky. 2005b. **Taxonomy of direct threats (version 13 June 2005)**. Conservation Measures Partnership. http://www.conservationmeasures.org/CMP/Site_Page.cfm?PageID=17
- The Nature Conservancy. 2003. **The Five-S Framework for Site Conservation: A Practitioner's Handbook for Site Conservation Planning and Measuring Conservation Success**. <http://nature.org/aboutus/howwe/cbd/science/art14309.html>
- The Nature Conservancy. 2005. **Conservation Action Planning Workbook, Version 4b**. <http://conserveonline.org/workspaces/cap/toolbox>
- Valencia, J.D. 2005. **WHSRN Sites Assessment Framework**. Western Hemisphere Shorebird Reserve Network (Unpublished). http://www.manomet.org/WHSRN/site_assessment.php

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**Kachemak Bay Shorebird Monitoring Project;
Report for 2009 Spring Survey**



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With support from Kachemak Bay Birders

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Table of Contents

Executive Summary.....	3
Acknowledgements.....	3
Introduction.....	4
Getting Started.....	6
Mission.....	6
Objectives.....	6
Methodology.....	6
Monitoring Sites.....	7
Survey Times.....	7
Monitors.....	9
Results.....	9
Was Anything Missed?	12
Past vs. Present.....	13
What's Next?	16
Appendix	
A. Birds of Kachemak Bay, Alaska Checklist.....	18
B. City of Homer Zoning.....	20
C. Kachemak Bay Agencies and NGO's.....	21
D. Google earth views of monitoring sites.....	22
E. Monitoring report form.....	24
F. Observations for each monitoring site.....	25

List of Tables

Table 1. 2009 Kachemak Bay Shorebird Monitoring Dates, Times and Tides.....	8
Table 2. 2009 Volunteer Monitors.....	9
Table 3. Summary of 2009 Shorebird Observations.....	10
Table 4. Abundance and Diversity of Shorebirds.....	11
Table 5. Abundance by Site.....	12
Table 6. Average Number of Shorebirds Counted in Mud Bay and on the Spit in ..	14
Spring Migration April 22 to May 18 averaged over 7 years.	
Table 7. Comparing 1986-1994 Shorebird Surveys to 2009 Survey.....	15

List of Figures

Figure 1. Homer Spit.....	4
Figure 2. Map of Kachemak Bay Showing Conservation Lands Status.....	5
Figure 3. Species with Count Greater than 1,000.....	11
Figure 4. Top 10 Species with Less than 1000.....	11
Figure 5. Count by Monitoring Site.....	12
Figure 6. Shorebird Migration, Homer, Alaska.....	14
Figure 7. Comparing Shorebird Count by Year.....	15

Executive Summary

Kachemak Bay, located in Alaska's Cook Inlet region, is recognized as an important stopover for migrating shorebirds. Two areas of the Bay (Fox River Flats and Mud Bay/Mariner Park Lagoon on the Homer Spit) have been named Western Hemisphere Shorebird Reserve Network sites of international significance. Other parts of the Bay also have conservation designations. In fact, virtually the entire Bay has been named a State Critical Habitat Area as well as a National Estuarine Research Reserve unit.

Last winter, the Homer-based Kachemak Bay Birders wanted to know more about the status of the local shorebird population during spring migration. Although the Kachemak Bay Shorebird Festival has documented shorebird migrations for the past 17 years, this weekend event covers only a portion of the migratory period. Accordingly, it was decided to use volunteers to monitor the entire spring migration (mid April through late May) every five days at seven sites on or near the Homer Spit using a modified version of the International Shorebird Survey protocol. The data would then be compared to the seven years of data captured by George West from 1986 and 1989-1994 in order to provide some indication of shorebird population trends.

The weather for the 2009 spring was fairly typical for Kachemak Bay. During the monitoring project, 16 volunteers observed a total of 7,406 shorebirds represented by 25 species. No rare or accidental species were seen. Three species had counts greater than 1,000 birds; the Western Sandpiper (3229), Red-necked Phalarope (1630), and Dunlin (1097). The top ten species includes Surf-bird (292), Semipalmated Plover (194), Black-bellied Plover (179), Rock Sandpiper (141), Least Sandpiper (136), Short-billed Dowitcher (125), and Black Turnstone (81). Highest counts were during the second week of May. Mud Bay was the most prolific site.

West reported that during his surveys, the "total number of shorebirds counted in Mud Bay and along the Spit averages almost 100,000 birds per year, most of which are Western Sandpipers." However, he did daily counts. Adjusting his data to match our protocol still showed a significant difference. The 2009 count for the Homer Spit sites is 68% of West's lowest year (1990) and only 13% of his highest year (1992). Obviously, there is need to continue this effort and, hopefully, to expand monitoring to other parts of the Bay.

Acknowledgements

Any study of Kachemak Bay shorebirds needs to begin with a review of the pioneering work by George West during his time in Homer, Alaska. George, who now lives in Arizona, provided me with some of his early records which were essential for making any comparisons between shorebird populations now and over the past decade or two. He also approved my use of material (Figure #1 and 6 and Table 6) from his booklet *Shorebird Guide for Kachemak Bay and Homer, Alaska*.

Michelle Michaud was the spark plug that got Kachemak Bay Birders underway. Although Kachemak Bay Birders prefers to remain an informal gathering of Homer area birders, its occasional meetings demonstrated support for undertaking this project. Without the participation of Betty Siegel, Carla and Wayne Stanley, Carol Harding, Duane Howe, Gary Lyon, Ingrid Harrald, Jason Sodergren, Karl Stoltzfus, Kim Donohue, Lani Raymond, Michelle Michaud, Neal Wagner, Rachel Lord, and Sharon Baur, this project would not have been possible. Each not only showed up to monitor shorebirds every fifth day, regardless of weather, but also contributed to the design of the project protocol.

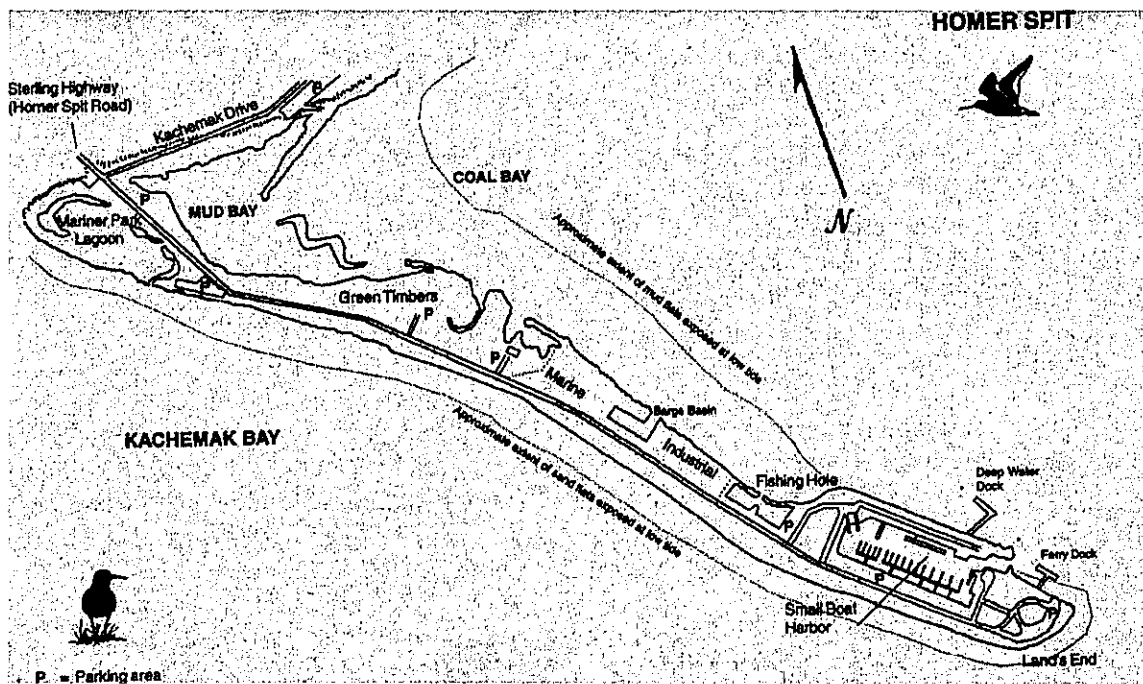
Brad Andres and Rick Lanctot, both with the U.S. F&WS, provided much needed technical advice. Dorothy Melambianakis of the Kachemak Heritage Land Trust provided the map for Figure 2. Carla Stanley took the cover photo. Credit also goes to Homer birders whose enthusiastic interest in shorebirds helps make Kachemak Bay so special.

Introduction

Kachemak Bay is a biologically rich 40 mile long, funnel-shaped fiord in the Lower Cook Inlet region of Alaska and an important stopover for migrating shorebirds. Last winter Kachemak Bay Birders, a recently formed group of birders that live in the Homer, Alaska area, wanted to know more about the status of the 36 species of shorebirds that migrate through Kachemak Bay and the Homer Spit each spring (see Appendix A for a checklist). Although Kachemak Bay Birders is not formally an organization, it was felt it could undertake a volunteer citizen science project that might provide some answers to this question.

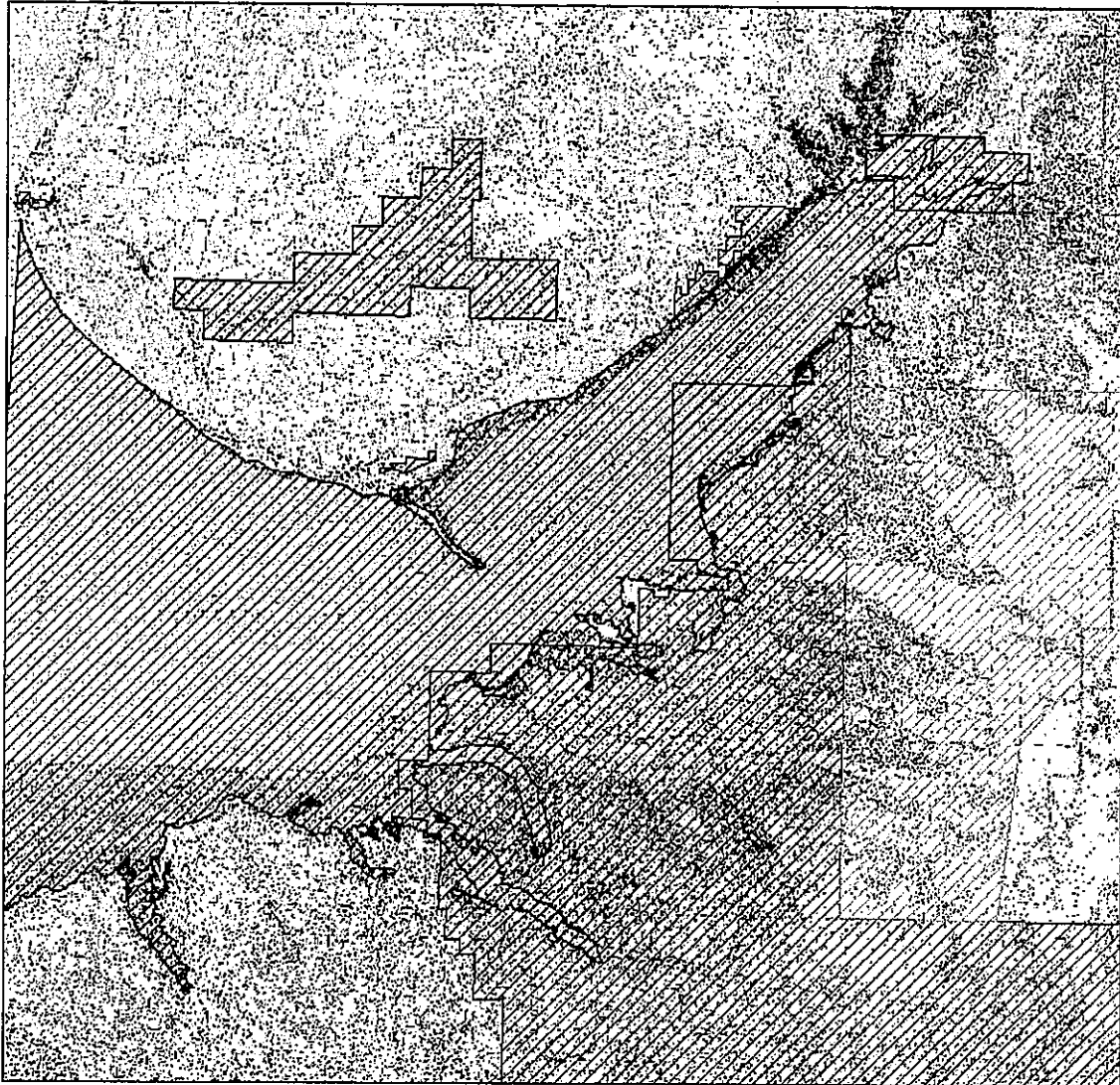
Kachemak Bay Birders were also curious as to how current populations might compare to surveys done by George C. West from 1986 to 1994 at the Homer Spit which he reported on in *Shorebird Guide for Kachemak Bay and Homer, Alaska*. The Homer Spit is a terminal moraine that juts 4.5 miles into Kachemak Bay. While the outer Spit is extensively developed with a boat harbor, fish processing plants, hotel and other tourist facilities, the base (Mud Bay and Mariner Park Lagoon) and some of the mid-section of the Spit are largely undeveloped and provide good shorebird foraging and roosting habitat.




Figure 1
Homer Spit



Kachemak Bay shorebird habitat is not only productive but, for the most part, well protected and studied. Nearly all the tidal and submerged land of Kachemak Bay has been designated both a State of Alaska Critical Habitat Area and a National Estuarine Research Reserve which, at approximately 365,000 acres, makes it the largest Reserve in the System. Also, Sixty-foot Rock, a small islet at the mouth of the Bay is part of the extensive Alaska Maritime National Wildlife Refuge, that is headquartered in Homer. On the Spit, those portions of Mariner Park Lagoon and Mud Bay that are owned by the City of Homer (approximately 160 acres) are not only zoned for either Conservation or Outdoor Space and Recreation (see Appendix B), but also included in the Western Hemisphere Shorebird Reserve Network as a site of international significance. Much

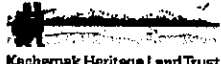

Figure 2
Map of Kachemak Bay Showing Conservation Lands



-  Kenai National Wildlife Refuge
-  State Parks
-  Critical Habitat Areas

0 1 2 4 6 8 10 12 Miles

The information depicted on this map is only a graphical representation of best available source's Kachemak Heritage Land Trust assumes no responsibility for any errors on this map



Kachemak Heritage Land Trust

of the southern shore and uplands and parts of the northern shore of the Bay are protected by the 400,000 acre Kachemak Bay State Park and State Wilderness Park. In addition, 7,100 acres of tidal flats and wetlands in the upper part of the Bay are protected by the Fox River Flats Critical Habitat Area, which is managed by the Alaska Department of Fish and Game. This CHA has also been named as a Western Hemisphere Shorebird Reserve Network site of international significance. Some of the adjoining mountainous areas are in the Kenai National Wildlife Refuge. Kachemak Bay is also considered an Important Bird Area, though this has no legal mandate. All of the agencies mentioned above are involved to some degree in scientific studies of Kachemak Bay (see Appendix C for a list of agency web sites).

Getting Started

An ad hoc committee of Kachemak Bay Birders decided that it needed to organize a citizen's science shorebird monitoring project to answer the two questions posed above. This led to a strategic planning effort last winter where the following mission, objectives and strategies were adopted.

Mission

To better understand population trends associated with migrating shorebirds that stopover in Kachemak Bay and to use this information to advance the conservation of these species both locally, nationally, and internationally.

Objectives

The objectives of this shorebird program are:

1. To monitor the status of the shorebird population that utilizes Kachemak Bay by;
 - Identifying y all shorebird species that use Kachemak Bay during spring migration,
 - Defining the seasonal period and annual timing of when shorebirds migrate through the area in the spring, and
 - Estimating the abundance and distribution of shorebirds in the Kachemak Bay area.
2. To inventory shorebird habitat throughout Kachemak Bay and assess its exposure to risks (e.g. oil spills) and what could be done to reduce risk.
3. To integrate our shorebird monitoring and habitat assessment data into resource management and development plans for the Homer Spit, Kachemak Bay, Cook Inlet, the Alaska Shorebird Conservation Plan and national shorebird conservation efforts.
4. To determine if the relatively pristine environment of Kachemak Bay, its existing protection, and its relative ease of access compared to other pristine environments in the Cook Inlet region can provide a baseline that is of use to gauge overall shorebird population trends.

Methodology

In discussing how we should go about conducting a shorebird survey we contacted Brad Andres, National Coordinator for the U.S. Fish and Wildlife Service Shorebird Conservation Plan. Brad advised using the protocol developed for the International Shorebird Survey (ISS) which uses eBird for data entry. We reviewed the protocol and made some adjustments:

1. The ISS protocol is oriented to individual effort. We planned to use a team effort to simultaneously cover several monitoring sites on the Homer Spit and nearby area. While we wanted to consider each survey collectively, each site has different characteristics. Therefore, when entering data in ISS eBird, observations from each site need to be considered as an individual trip. The monitoring coordinator, for which I volunteered, would organize each survey, collect observations from each team member, correct any problems, and then submit the data to eBird.
2. I didn't want data from the shorebird monitoring project to be comingled with my own eBird account. After some discussion with the Manomet Center for Conservation Sciences, who developed the ISS protocol, it was realized that I can enter data using more than one name.
3. The ISS protocol states that monitoring frequency should be once every 10 days. However, migrating shorebirds tend to spend less time on stopovers in Alaska than in the Lower-48. Studies of migrating shorebirds that stage in the Cooper River Delta found that migrating shorebirds stay 2 to 4 days (Warnock et al, *Birding*, "Spring Migration of Western Sandpipers, Dunlins and Dowitchers in Western North America" July/August 2005). Assuming that the Cooper River Delta is not significantly different than Kachemak Bay, a 10 day cycle would likely miss significant numbers of migrants. Consequently, the protocol for Kachemak Bay was changed to having a survey every five days.

Monitoring Sites

Although our hope is to eventually monitor the entire Kachemak Bay, this clearly was not possible this year given the transportation logistics needed to reach many parts of the Bay. So we concentrated our efforts on the Homer Spit which is easily accessible and previously studied. Thanks to the participation of a charter boat operator (Bay Excursions) who expected to be on the water when we did our surveys, we were able to include the rocky islands and islets on the south side of the Bay across from the Spit. This increased the diversity of habitat and our observations.

Following are the initial sites selected for monitoring, including the mode of observation (stationary, walking, or boat). The Diamond Creek site was dropped after the fifth survey because of lack of shorebirds. Appendix D has Goggle Earth views of each site.

1. Homer Spit - Mud Bay, stationary
2. Homer Spit - Mariner Park Lagoon, stationary
3. Homer Spit - Mid-spit including Louie's Lagoon and Green Timbers area, walking
4. Homer Spit - Outer Spit including boat harbor and Lands End, walking
5. Beluga Slough - Walking
6. Islands and Islets - Sixty-foot Rock, Cohen Island, Lancashire Rocks, and Neptune Bay, boat.
7. Diamond Creek Outlet - Walking

Survey Times:

The ad hoc committee established a policy that surveys would be done every five days, begin after April 12th of each year and be completed by June 5th. Based on previous experience, this should bracket local shorebird migration. Also, the dates selected should avoid conflict with the Kachemak Bay Shorebird Festival.

The most important factor in establishing the time to begin each survey was the tide. At lower tide, shorebirds foraging in the intertidal areas are too far away for good identification. On the other hand, at high tide when

there is less foraging opportunity, we have noticed that shorebirds often disperse and roost on spits of gravel that are not submerged.

Using the Seldovia District tables, the Kachemak Bay tide went from a low of -5.1 feet on May 26th to a high of 20.8 feet on April 10th and 26th and also on May 26th; a range of 25.9 feet. There is a slight correction for Homer which has a high tide that is 10 minutes later and 0.2 feet higher than Seldovia, and a low tide that is 1 minute later and 0.1 feet lower, but the difference was inconsequential for our surveys.

Richard Lanctot, Shorebird Coordinator for the Alaska Region of the US Fish and Wildlife Service, recommended that monitors working adjoining sites make observations at the same time in order to minimize double-counting and assure observations under consistent environmental conditions. He also said that the longer the survey time, the more likelihood of having double-counting.

The first survey (April 16) started around high tide (7:00 am). However, monitors at the mid and end of the Spit said that there was not enough intertidal area for good access or to attract species that are likely to be in these areas (e.g., Black Turnstone). Consequently, the second survey started when the outgoing tide was at 13.0 feet, about an hour and a half after high tide. The decision to use 13.0 feet was based on this being less than the lowest high tide we will encounter during our surveys.

But this also turned out to be unsatisfactory. In Mud Bay and Louie’s Lagoon the tide was too far out to provide adequate observation. It was then decided to set the starting time based on a 15.0 foot tide or at high tide if the high tide is lower than 15.0 feet. This was the best balance between having some intertidal area in the steeper areas, like the breakwater around the harbor, and closer viewing at Mud Bay and Louie’s Lagoon. This also avoids setting the starting time at an extreme high tide when shorebirds tend to roost. Fortunately, we worked out the best timing before many shorebirds began to arrive.

Table 1 provides the starting times that were used as well as the respective tides.

Table 1
2009 Kachemak Bay Shorebird Monitoring Dates, Times and Tides

Date	Starting Time		High Tide	
	Time	Tide (ft.)	Time	Tide (ft.)
Thursday, April 16 th	7:00 am	14.3	6:56 am	14.3
Tuesday, April 21 st	2:30 pm	13.0	12:58 pm	15.0
Sunday, April 26 th	6:14 pm	15.0	4:31 pm	18.7
Friday May 1 st	8:45 am	15.0	7:47 am	15.9
Wednesday May 6 th	3:00 pm	15.0	1:48 pm	16.7
Monday May 11 th	6:15 pm	15.0	5:08 pm	16.7
Saturday May 16 th	7:15 am	15.0	7:33 am	13.3
Thursday May 21 st	1:30 pm	15.0	1:14 pm	15.1
Tuesday May 26 th	6:45 pm	15.0	5:11 pm	18.3

We ended the surveys on May 26th because most of the shorebirds being observed were probably not migrants but breeding in the area.

Inland wetland surveys (Beluga Lake and Beluga Slough) are not be influenced by the tide and can be conducted anytime on the same day that the intertidal areas are being observed.

Monitors

Observations were made over a two hour time period. Monitors noted not only species and abundance, but also when they first observed individual birds or flocks and when these birds leave the monitoring site. The latter information allows the coordinator to eliminate duplicate counting. Monitors also noted the weather conditions and if there were any disturbances to the shorebirds by people or predators. Appendix E shows the form that was used for each survey.

We had 16 volunteers participate in the project. All are fairly experienced amateur birders and familiar with what can be expected in the Kachemak Bay area. Not all could make every survey, which is when we used substitutes. While this might not be the consistency normally desired in monitoring, we felt it was better to use experienced substitutes than to have someone missing. Since we caucused after each survey, there was opportunity to work out any uncertainties.

Table 2
2009 Volunteer Monitors

Monitoring Site	Monitors
Mud Bay - stationary	Jason Sodergren Betty Siegel
Mariners Lagoon- stationary	George Matz Carol Harding
Mid-Spit - walking	Lani Raymond Duane Howe
Boat Harbor - walking	Carla Stanley Wayne Stanley Gary Lyon
Islands and Islets	Karl Stoltzfus
Beluga Slough - walking	Ingrid Harrald Kim Donohue
Diamond Creek -walking	Neal Wagner Rachel Lord
Substitutes	Michelle Michaud Sharon Baur

Results

Weather can have a significant influence on bird migration. However, in 2009 conditions were fairly typical for Kachemak Bay and probably not a factor. Temperatures ranged from near freezing on the first survey (April 26) to the high 50s (May 11 and 26). There were sunny days, cloudy days and rain, but no big storms.

A total of 7,406 shorebirds were counted, represented by 25 species. No rare or accidental species were observed. There was little disturbance by human activity, although shorebirds sometimes took flight when an occasional airplane (usually a single engine plane) flew over the Spit after taking off from the nearby Homer Airport. There are many Bald Eagles in the Homer area and they would make an occasional but unsuccessful attempt to snatch a shorebird. We did observe one incident of a Merlin who seperated a Western Sandpiper from its flock and tried to catch it, but was unsuccessful.

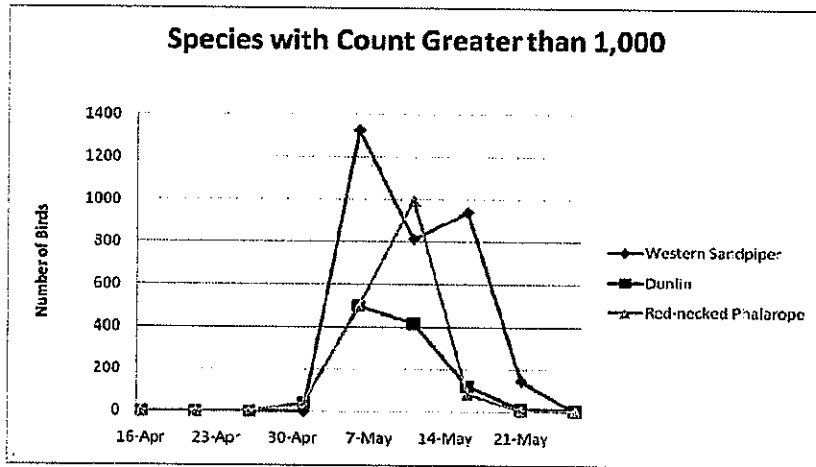
Table 3 summarizes our 2009 observations for all species and sites. A similar table for each site appears in the Appendix F. Data for each site can also be viewed via the attached Excel spreadsheets, which has more information. Some cells in the spreadsheet have tabs which provide detail such as weather conditions, incidents of disturbance, etc.

**Table 3
Summary of 2009 Shorebird Observations**

SITE : Kachemak Bay Summary											
Survey Data											
SPECIES	April			May							Total
	16	21	26	1	6	11	16	21	26		
Semipalmated Plover	0	0	0	0	15	81	34	34	30	194	
Killdeer *	0	0	0	0	0	0	0	0	0	0	
American Golden-Plover (U)	0	0	0	0	0	1	2	0	0	3	
Pacific Golden Plover (U)	0	1	0	0	4	0	0	0	0	5	
Black-bellied Plover	0	2	5	68	37	51	14	2	0	179	
Black Oystercatcher (U)	0	0	0	2	2	4	3	0	0	11	
Greater Yellowlegs	5	0	1	4	2	5	5	1	1	24	
Lesser Yellowlegs	0	0	0	0	0	0	0	0	0	0	
Yellowlegs spp.	0	0	0	0	0	0	0	2	0	2	
Spotted Sandpiper	0	0	0	0	0	0	0	0	3	3	
Whimbrel	0	0	0	1	0	9	0	0	0	10	
Bar-tailed Godwit (U)	0	0	0	0	0	3	0	0	0	3	
Hudsonian Godwit (U)	0	0	0	0	18	0	0	0	0	18	
Marbled Godwit (U)	0	0	0	0	0	1	2	0	0	3	
Wandering Tattler	0	0	0	0	0	1	8	2	2	13	
Surfbird	0	0	0	23	29	4	106	110	20	292	
Ruddy Turnstone (U)	0	0	0	0	0	1	0	0	0	1	
Black Turnstone	0	0	0	7	15	49	10	0	0	81	
Western Sandpiper	0	0	0	0	1326	814	942	146	1	3229	
Least Sandpiper	0	0	0	0	44	49	43	0	0	136	
Semipalmated Sandpiper	0	0	0	0	0	1	0	0	0	1	
LESA/WESA/SESA	0	0	0	1	103	0	0	0	0	104	
Sanderling (U)	0	0	0	0	0	0	0	0	0	0	
Pectoral Sandpiper	0	0	0	0	0	0	0	0	0	0	
Dunlin	0	0	0	40	500	420	120	12	5	1097	
Rock Sandpiper (U)	139	2	0	0	0	0	0	0	0	141	
Baird's Sandpiper *	0	0	0	0	0	0	1	0	0	1	
Red Knot (U)	0	0	0	0	0	0	0	0	0	0	
Short-billed Dowitcher	0	0	0	0	0	119	5	1	0	125	
Long-billed Dowitcher (U)	0	0	0	0	0	0	0	0	0	0	
Dowitcher spp.	0	0	0	0	65	17	17	0	0	99	
Wilson's Snipe	0	0	0	0	1	0	0	0	0	1	
Red-necked Phalarope	0	0	0	40	500	1000	84	6	0	1630	
Total	144	5	6	186	2661	2630	1396	316	62	7406	

More than a 1,000 birds were counted with three species; Western Sandpipers and Dunlin on the Spit and Red-necked Phalarope on the water. Figure 3 illustrates their coming and goings.

Figure 3



There were seven species with counts of about a hundred birds or more. Figure 3 illustrates their appearances. It should be noted that the numbers for LESA/WESA/SESA and Dowitcher spp. are not included.

Figure 4

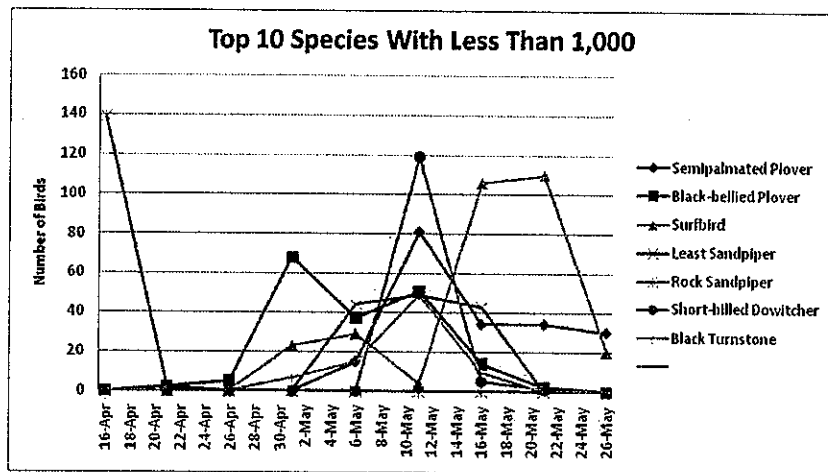


Table 4 illustrates how the number of birds (abundance) and number of species (diversity) changed from survey to survey.

Table 4

Abundance and Diversity of Shorebirds

	16-Apr	21-Apr	26-Apr	1-May	6-May	11-May	16-May	21-May	26-May	Total
Total Birds	144	5	6	186	2,661	2,630	1,396	316	62	7,406
Number of Species	2	3	2	8	13	18	15	10	7	25

Figure 5 and Table 5 illustrates abundance by monitoring site. Obviously, Mud Bay attracts more birds. In addition, with 16 species observed, it also attracted the greatest diversity.

Figure 5

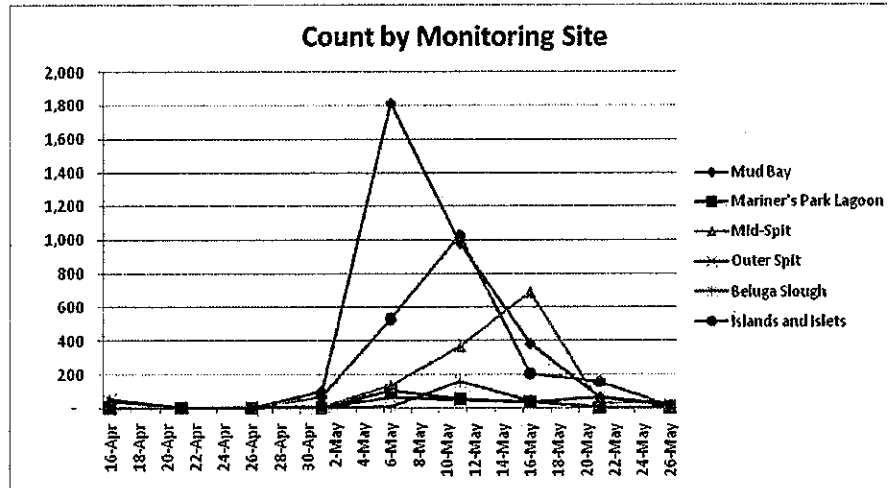


Table 5
Abundance by Site

Site	16-Apr	21-Apr	26-Apr	1-May	6-May	11-May	16-May	21-May	26-May	Total
Mud Bay	39	3	-	101	1,816	978	382	63	5	3,387
Mariner's Park Lagoon	2	-	-	1	107	55	37	2	1	205
Mid-Spit	51	-	5	8	137	369	693	29	21	1,313
Outer Spit	51	2	-	-	66	45	35	65	21	285
Beluga Slough	1	-	1	3	4	158	42	-	-	209
Islands and Islets	-	-	-	72	531	1,025	207	157	14	2,006

Was Anything Missed?

Monitoring for two hours every five days may have missed not only the short peak of the shorebird migration, but some uncommon or rare species. I visited Mud Bay daily during the peak migration and saw more shorebirds between the May 1 and May 6 survey dates than were seen during the surveys. On May 4 there were about 2,500 shorebirds in Mud Bay, about half Western Sandpiper, another half being Dunlins, and 10 Short-billed Dowitchers, 20 Black-bellied Plovers, and 1 Whimbrel.

The Kachemak Bay Shorebird Festival was held this year on May 7-10. This popular event attracts many birders who search the Homer area for all species of birds. The Festival makes an annual effort to record the species seen, but unfortunately no attempt is made at estimating abundance. Nevertheless, shorebird species seen during the Festival but not during the shorebird monitoring project includes;

1. Killdeer
2. Lesser Yellowlegs
3. Red Knot
4. Sanderling
5. Pectoral Sandpiper
6. Long-billed Dowitcher

Some of these birds were observed in areas not visited by the survey.

Past vs. Present

As previously stated, part of our effort in assessing Kachemak Bay shorebird populations was to get some understanding as to how current surveys might compare to previous surveys. The only previous data that followed any protocol that we are aware of was collected by George West when he lived in Homer. Although we now have but one year of data, the availability of West's seven years of data allows us to immediately make initial comparisons to see if there are any significant differences between now and two decades ago.

In *Shorebird Guide for Kachemak Bay and Homer, Alaska* George West says that "Counts of migrating shorebirds were made each spring for seven years (1986, 1989-1994) in Homer. Estimates, or actual counts when possible, of all shorebirds encountered in Mud Bay, Mariner Park Lagoon, and along the north side of the Homer Spit were made daily at or just after high tide from 22 April to 18 May. [Figure 4] lists the average number of individuals of each species that occurred in the count each year. The total number of shorebirds counted in Mud Bay and along the Spit averages almost 100,000 birds per year, most of which are Western Sandpipers. The number of Surfbirds is especially significant because the total world's population of this species is estimated to be near 50,000 individuals."

While there certainly are differences from year to year in shorebird populations, the fact that we observed only about 7,400 individuals, rather than the 100,000 birds that West mentions gives us reason for concern and motive to look more closely at the data.

A review of Figure 6 below reveals an obvious factor; West surveyed every day rather than every fifth day as we did. In addition his total included every count.

In order to arrive at an apple to apples comparison, I contacted George and was able to get his data which is now on an Excel spreadsheet. Via a series of sorts and transposes I was able to make a reasonable match. What I did is use the data for the five dates that overlapped both sets of data, which turned out to be April 26, May 1, 6, 11, and 16. While this eliminated some data from each set, it did give a more direct comparison. Figure 7 and Table 7 provide a summary of this data. The detailed version that has the data for each date can be reviewed in the attached spreadsheet named West Data Reformatted.

Figure 6

Shorebird Migration, Homer, Alaska

Numbers per day, averaged over 7 years

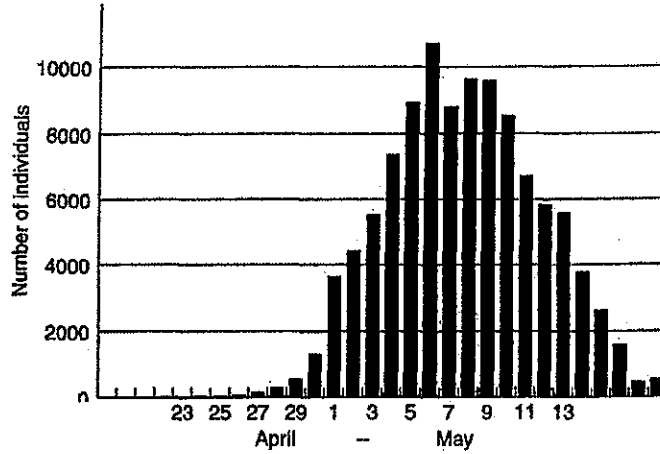


Table 6

Average Number of Shorebirds Counted in Mud Bay and on the Spit in Spring Migration April 22 to May 18 averaged over 7 years

Black-bellied Plover	877
American Golden-Plover	20
Pacific Golden-Plover	11
Semipalmated Plover	73
Wandering Tattler	6
Whimbrel	22
Bristle-thighed Curlew	1
Hudsonian Godwit	1
Bar-tailed Godwit	2
Marbled Godwit	4
Ruddy Turnstone	12
Black Turnstone	3,672
Surfbird	11,403
Red Knot	4
Sanderling	+
Semipalmated Sandpiper	2
Western Sandpiper	66,488
Least Sandpiper	71
Pectoral Sandpiper	3
Baird's Sandpiper	1
Rock Sandpiper	7
Dunlin	5,153
Dowitcher	2,494
Total Species	23
Total Individuals	90,326
Individuals/Day	4,503

Figure 7

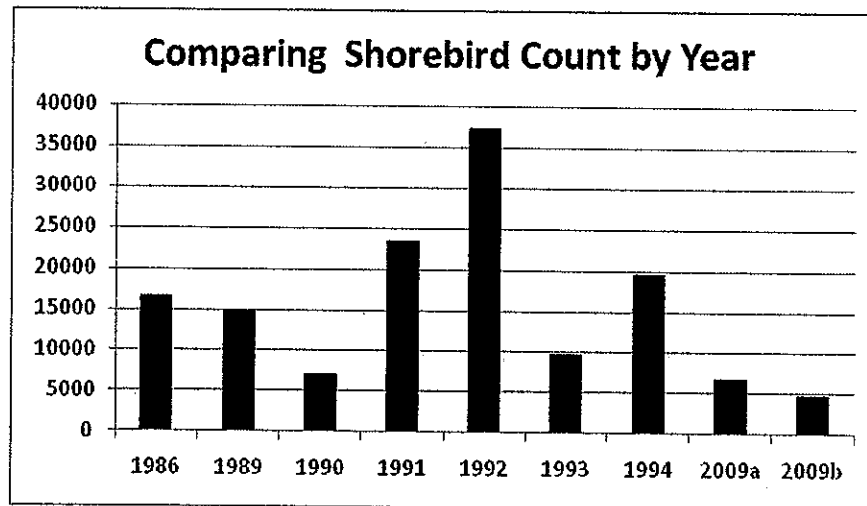


Table 7
Comparing 1986-1994 Shorebird Surveys to 2009 Survey

Comparison of West Shorebird Data (1986-1994) to Kachemak Bay Birds 2009 Data for Kachemak Bay and Just Homer Spit									
Based on using five day intervals									
	1986	1989	1990	1991	1992	1993	1994	Kachemak Bay 2009a	Homer Spit 2009b
SPECIES									
American Golden-Plover			5	26	9		1	3	3
Baird's Sandpiper								1	1
Bar-tailed Godwit				1	2			3	3
Black Oystercatcher								11	
Black Turnstone	600	451	1,812	766	1,730	500	262	81	46
Black-bellied Plover	275	1	86	52	244	51	79	175	170
Dowitcher spp.								99	97
Dunlin	130	1,760	133	1,219	3,271	562	642	1,080	1,079
Greater Yellowlegs					17	4		17	4
Hudsonian Godwit							1	18	18
Least Sandpiper	50			2	21	2	20	136	121
LES/WESA/SESA								104	103
Marbled Godwit		4		1	1		2	3	3
Pacific Golden Plover							7	4	4
Pectoral Sandpiper	2			1	1				
Red Knot						1	2		
Red-necked Phalarope				100			100	1,624	
Rock Sandpiper					6	2			
Ruddy Turnstone	1		3		7	1	8	1	
Semipalmated Plover	6	8	1	9	27	22	28	130	127
Semipalmated Sandpiper								1	1
Short-billed Dowitcher	600	525	58	183	1,354	325	175	124	21
Surfbird	1,000	75	3,015	602	9,980	1,200	830	162	4
Wandering Tattler				5	2	1	2	9	3
Western Sandpiper	14,000	12,000	2,010	20,510	20,725	7,200	17,469	3,082	3,025
Whimbrel				1	9	1		10	2
Wilson's Snipe								1	
Total	16,664	14,824	7,123	23,478	37,406	9,872	19,628	6,879	4,835

It is obvious that even with a better matching of data and that we not only had more observers than West but also monitored a greater area, there still are significant differences between 2009 and the late 1980s and early

1990s. The 2009 count for the Spit is 68% of West's lowest year (1990) and only 13% of his highest year (1992). Needless to say, more effort is needed to hone in on the reasons.

What's Next?

Following is a first effort at a strategic plan for the Kachemak Bay Shorebird Monitoring Project for next year.

1. Monitoring - Citizen science monitoring projects can make a significant contribution to better understanding of Kachemak bay shorebirds.
 - Kachemak Bay Birders plans to continue the Kachemak Bay Shorebird Monitoring Project next year. The 2009 project had no funding, but good volunteer support. Hopefully, support will continue. Since some of protocol uncertainties have been worked out, the effort should be easier.
 - We should use the same protocol in 2010 as we did in 2009, but consideration should be given to having daily monitoring during peak migration, at least at Mud Bay and the Mid-Spit area, in order to fill the gaps. This depends on volunteer support.
 - We should expand the area surveyed. A snap shot of spring migration for the entire Bay would be most useful. The most effective way to survey the entire Bay is by plane. Efforts are beginning to obtain funding for such a project.
 - If funding for an aerial survey is not available, Kachemak Bay Birders should look into surveys during peak migration at some hot spots, like the Fox River Flats and China Poot Bay. The logistics of getting there and covering even a portion of the area will take some planning.
2. Habitat - Although the Kachemak Bay area is relatively pristine, changes have occurred; some natural some human-induced.
 - The deadly 1964 earthquake abruptly changed the Cook Inlet and Prince William Sound area. The Homer Spit was lowered several feet, but is now rising due to isostatic (glacial) rebound. This may be affecting some of the beaches that shorebirds typically use. Mariner Park Lagoon for one is no longer routinely filled by high tides. While still a wetland, it may not have the abundance of marine invertebrates that it once had. A worthwhile investigation would be to determine if Mariner Park Lagoon now attracts as many shorebirds as previously.
 - The shoreline mapping project done by the Kachemak Bay Research Reserve could be a valuable tool for assessing the condition of shorebird habitat throughout the Bay.
 - Studies by the Kachemak Bay Research Reserve regarding marine invertebrates in intertidal areas could help identify beaches that shorebirds use for foraging and should be a priority for protection in the event of an oil spill or some other emergency.
3. Planning - Kachemak Bay Birders needs to be involved in resource planning at the local, state, and national levels to assure proper recognition of Kachemak Bay shorebirds.
 - Kachemak Bay Birders is using its shorebird data to participate in the recent City of Homer Spit Comprehensive Planning process. We need to seek changes where marine industrial zoning is next to conservation zoning.

- Kachemak Bay Birders have been invited to participate in the Alaska Shorebird Group meeting December 7-8 in Anchorage. We will give a short presentation on our efforts.
- The Manomet Center for Conservation Sciences has asked Kachemak Bay Birders to update the description of the Mud Bay and Fox River Western Hemisphere Shorebird Reserve Network web site. Stakeholder agencies and individuals have been contacted regarding participation. A good description of what we know about Kachemak Bay shorebirds and their habitat and the extensive science facilities in the region could help attract support for our efforts.

Appendix A

Birds of Kachemak Bay, Alaska Checklist

Abundance

C - Common: Easily found in small to large numbers in appropriate habitat at the right time of year.

U - Uncommon: Occasionally, but not always, found in small number with some effort in appropriate habitat at the right time of year.

R - Rare: Occurs in very small numbers or in very limited number of sites and may not be found every year or even with concentrated effort. There are more than a few records of these species in appropriate habitats at the right time of year.

A - Accidental: Represents an exceptional occurrence of birds outside their normal range that might not be repeated again for decades.

Status

B - confirmed breeder

b - probable breeder

r - resident

sr - summer resident

wr - winter resident

m - migrant, passing through on way to summer or winter grounds, may only be found in narrow periods of time

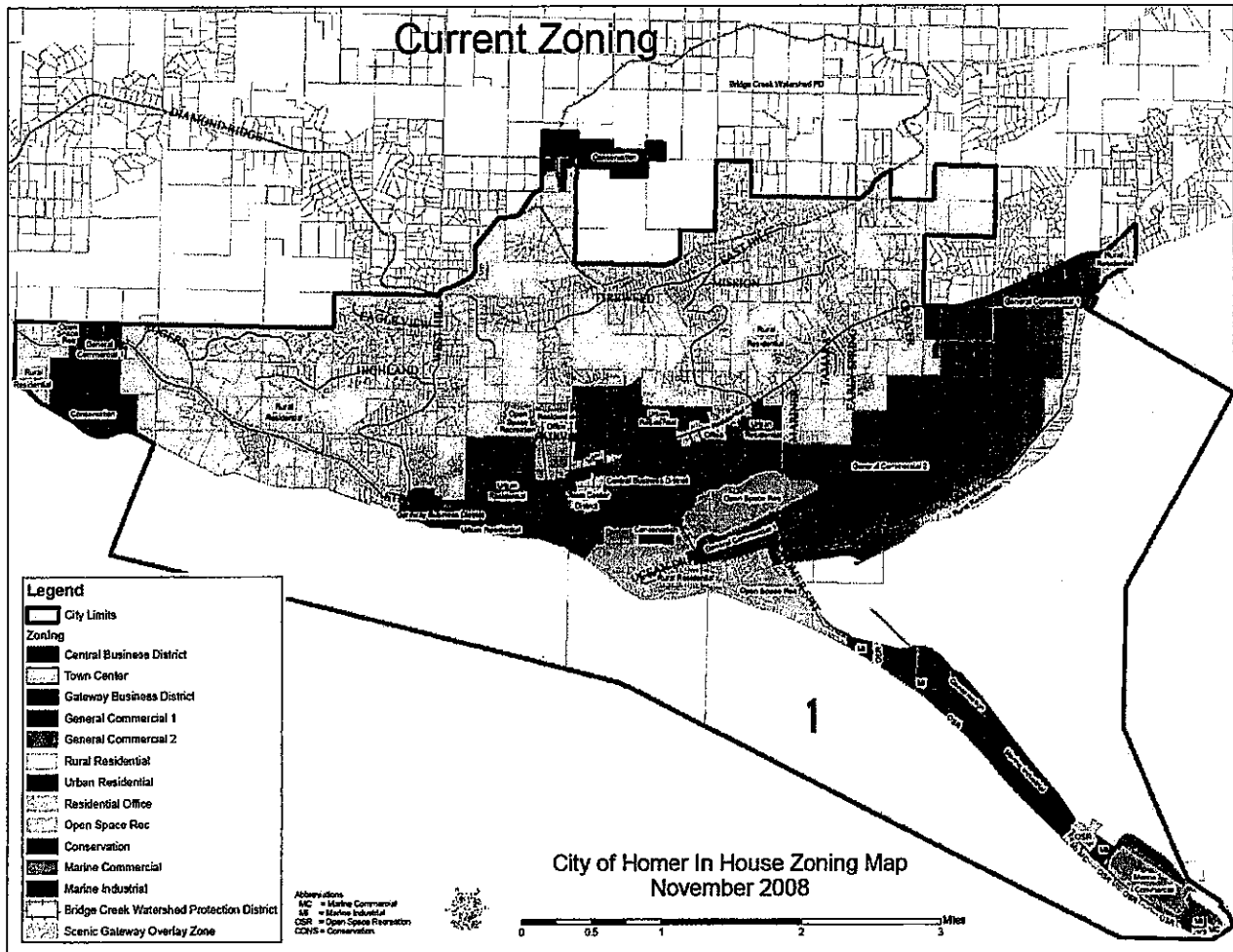
v - visitor, not on normal migration route, may stay for one day or all season

I - irruptive species whose numbers are highly variable from year to year and may not be present every year.

Species	Sp	Su	F	W	Status
Black-bellied Plover	C	C	C	-	m
American Golden-plover	U	U	U	-	m
Pacific Golden-plover	U	R	U	-	m
Semipalmated Plover	C	C	C	-	sr/m B
Black Oystercatcher	U	U	U	R	sr B
Greater Yellowlegs	C	C	C	-	sr B
Lesser Yellowlegs	C	C	C	-	sr b
Wandering Tattler	C	C	C	-	sr
Spotted Sandpiper	C	C	C	-	sr B

Whimbrel	C	C	C	-	sr/m
Hudsonian Godwit	U	A	-	-	m
Bar-tailed Godwit	U	A	A	-	m
Marbled Godwit	U	-	-	-	m
Ruddy Turnstone	U	R	R	-	m
Black Turnstone	C	U	U	-	m
Surfbird	C	C	C	-	sr/m
Red Knot	U	R	R	-	m
Sanderling	U	U	U	A	m
Semipalmated Sandpiper	C	C	C	-	m
Western Sandpiper	C	C	C	-	m
Least Sandpiper	C	U	U	-	sr/m B
Pectoral Sandpiper	C	U	C	-	m
Sharp-tailed Sandpiper	-	-	U	-	m
Rock Sandpiper	C	R	U	C	wr
Dunlin	C	U	U	R	m
Short-billed Dowitcher	C	C	C	-	m b
Long-billed Dowitcher	C	U	U	-	sr/m
Common Snipe	C	C	C	R	sr B
Red-necked Phalarope	C	C	C	-	sr B

Appendix B
City of Homer Zoning



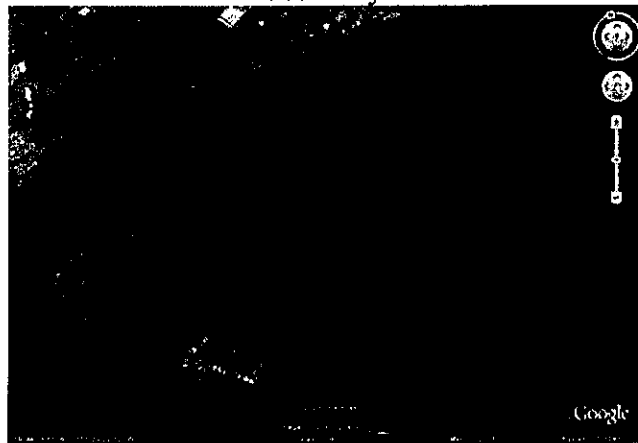
Appendix C
Kachemak Bay Agencies and NGO's

Agency and NGO Web Sites

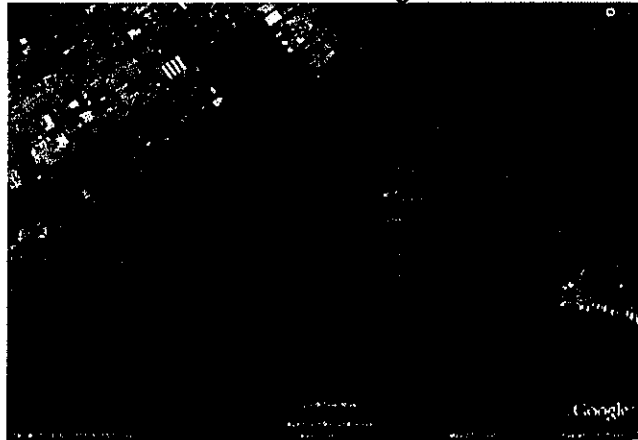
- Alaska Shorebird Conservation Plan
<http://alaska.fws.gov/mbasp/mbm/shorebirds/plans.htm>
- Alaska Maritime National Wildlife Refuge
<http://alaskamaritime.fws.gov/>
- Center for Alaska Coastal Studies
<http://www.akcoastalstudies.org/>
- City of Homer
<http://www.ci.homer.ak.us/>
- Cook Inlet Keeper
<http://www.inletkeeper.org/>
- Critical Habitat Areas managed by the Alaska Dept. of Fish & Game
<http://www.wildlife.alaska.gov/index.cfm?adfg=refuge.main>
- Kachemak Bay Conservation Society
- Kachemak Bay National Estuarine Research Reserve owned by NOAA and AK Dept. of Fish & Game
<http://nerrs.noaa.gov/KachemakBay/>
<http://www.habitat.adfg.state.ak.us/geninfo/kbrr/index.html>
- Kachemak Bay State Park and State Wilderness Park
<http://dnr.alaska.gov/parks/units/kbay/kbay.htm>
- Kachemak Heritage Land Trust
<http://www.kachemaklandtrust.org/>
- Kasitsna Bay Lab - owned by NOAA and operated by the University of Alaska Fairbanks
<http://www.westnurc.uaf.edu/kbay.html>
- Important Bird Area
<http://ak.audubon.org/birds-science-education/important-bird-areas-0>
- International Shorebird Survey (ISS)
www.shorebirdworld.org/
- Manomet Center for Conservation Sciences
<http://www.manomet.org/>
- Western Hemisphere Shorebird Reserve Network
<http://www.whsrn.org/>

Appendix D
2009 Shorebird Monitoring Sites

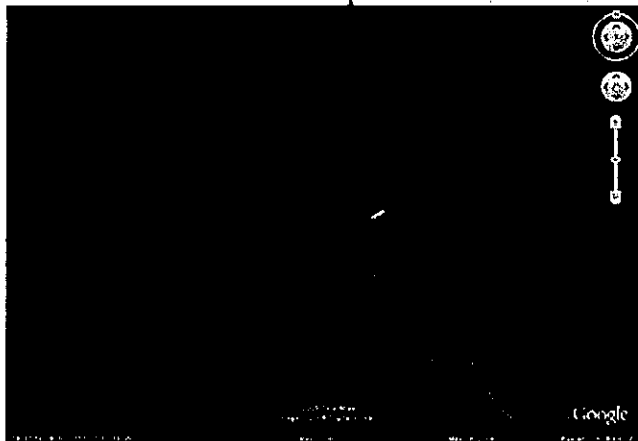
Mud Bay



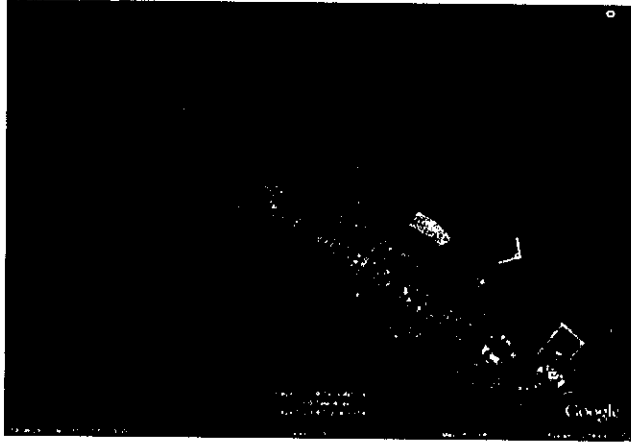
Mariner Park Lagoon



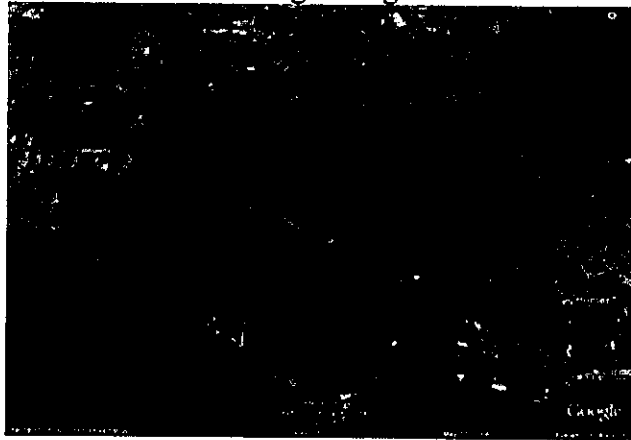
Mid-Spit



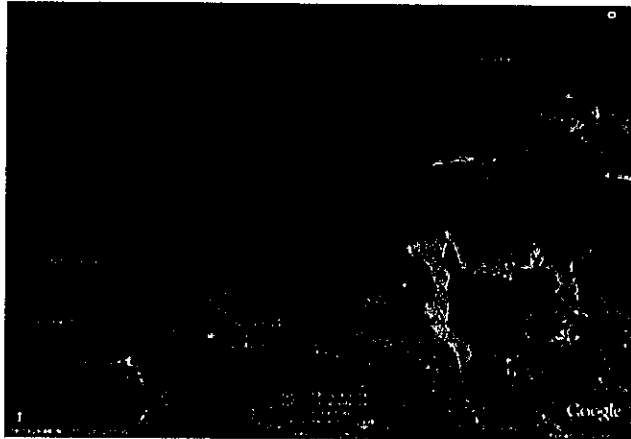
Outer Spit



Beluga Slough



Islands and Islets



Appendix E
Kachemak Bay Birders
2009 Shorebird Monitoring Project

Site:

Date:

Name of Species	Estimate	Actual Count	Total Count & Estimate	Time Observed	Time Left Site
Semipalmated Plover					
Killdeer (R)					
American Golden-Plover (U)					
Pacific Golden Plover (U)					
Black-bellied Plover					
Black Oystercatcher (U)					
Greater Yellowlegs					
Lesser Yellowlegs					
Yellowlegs spp.					
Spotted Sandpiper					
Bristle-thighed Curlew (R)					
Whimbrel					
Bar-tailed Godwit (U)					
Hudsonian Godwit (U)					
Marbled Godwit (U)					
Wandering Tattler					
Surfbird					
Ruddy Turnstone (U)					
Black Turnstone					
Western Sandpiper					
Least Sandpiper					
Semipalmated Sandpiper					
LESAMWESA/SESA					
Sanderling (U)					
Pectoral Sandpiper					
Dunlin					
Rock Sandpiper (U)					
Stilt Sandpiper (U)					
Baird's Sandpiper (R)					
White-rumped Sandpiper (R)					
Red Knot (U)					
Red-necked Stint (R)					
Temmick's Stint (R)					
Ruff (R)					
Short-billed Dowitcher					
Long-billed Dowitcher (U)					
Dowitcher spp.					
Wilson's Snipe					
Red Phalarope (R)					
Red-necked Phalarope					
Other (specify:					

Appendix F

SITE : Mud Bay										
Survey Data	Stationary Count									
	April			May						
SPECIES	16	21	26	1	6	11	16	21	26	
Semipalmated Plover						51	2	17		70
Killdeer *										0
American Golden-Plover (U)						1				1
Pacific Golden Plover (U)		1			4					5
Black-bellied Plover		2		60	31	9				102
Black Oystercatcher (U)										0
Greater Yellowlegs	2									2
Lesser Yellowlegs										0
Yellowlegs spp.								2		2
Spotted Sandpiper										0
Whimbrel				1		1				2
Bar-tailed Godwit (U)						3				3
Hudsonian Godwit (U)					18					18
Marbled Godwit (U)							2			2
Wandering Tattler										0
Surfbird										0
Ruddy Turnstone (U)										0
Black Turnstone										0
Western Sandpiper					1200	550	300	31		2081
Least Sandpiper										0
Semipalmated Sandpiper										0
LESA/WESA/SESA										0
Sanderling (U)										0
Pectoral Sandpiper										0
Dunlin				40	500	350	75	12	5	982
Rock Sandpiper (U)	37									37
Baird's Sandpiper *							1			1
Red Knot (U)										0
Short-billed Dowitcher						13	2	1		16
Long-billed Dowitcher (U)										0
Dowitcher spp.					63					63
Wilson's Snipe										0
Red-necked Phalarope										0
Total	39	3	0	101	1816	978	382	63	5	3387

SITE : Mariner's Park Lagoon										
Survey Data	Stationary Count									
	April			May						
SPECIES	16	21	26	1	6	11	16	21	26	
Semipalmated Plover					1	11	10	1		23
Killdeer *										0
American Golden-Plover (U)										0
Pacific Golden Plover (U)										0
Black-bellied Plover										0
Black Oystercatcher (U)										0
Greater Yellowlegs	2			1	1	1	1	1	1	8
Lesser Yellowlegs										0
Yellowlegs spp.										0
Spotted Sandpiper										0
Whimbrel										0
Bar-tailed Godwit (U)										0
Hudsonian Godwit (U)										0
Marbled Godwit (U)						1				1
Wandering Tattler										0
Surfbird										0
Ruddy Turnstone (U)										0
Black Turnstone										0
Western Sandpiper					25		26			51
Least Sandpiper					10	35				45
Semipalmated Sandpiper						1				1
LESA/WESA/SESA					70					70
Sanderling (U)										0
Pectoral Sandpiper										0
Dunlin										0
Rock Sandpiper (U)										0
Baird's Sandpiper *										0
Red Knot (U)										0
Short-billed Dowitcher						6				6
Long-billed Dowitcher (U)										0
Dowitcher spp.										0
Wilson's Snipe										0
Red-necked Phalarope										0
Total	2	0	0	1	107	55	37	2	1	205

SITE : Mid-Spit Survey Data	Travelling Count										Total
	April		May								
SPECIES	16	21	26	1	6	11	16	21	26		
Semipalmated Plover					14	19	19	14	20		86
Killdeer *											0
American Golden-Plover (U)								1			1
Pacific Golden Plover (U)											0
Black-bellied Plover			5	8	1	37	14				65
Black Oystercatcher (U)											0
Greater Yellowlegs											0
Lesser Yellowlegs											0
Yellowlegs spp.											0
Spotted Sandpiper											0
Whimbrel											0
Bar-tailed Godwit (U)											0
Hudsonian Godwit (U)											0
Marbled Godwit (U)											0
Wandering Tattler								2			2
Surfbird											0
Ruddy Turnstone (U)											0
Black Turnstone					15		2				17
Western Sandpiper					74	224	565	15	1		879
Least Sandpiper					30	3	28				61
Semipalmated Sandpiper						3					0
LESA/WESA/SESA											3
Sanderling (U)											0
Pectoral Sandpiper											0
Dunlin							69	45			114
Rock Sandpiper (U)	51										51
Baird's Sandpiper *											0
Red Knot (U)											0
Short-billed Dowitcher											0
Long-billed Dowitcher (U)											0
Dowitcher spp.							17	17			34
Wilson's Snipe											0
Red-necked Phalarope											0
Total	51	0	5	8	137	369	693	29	21		1313

SITE : Outer Spit Survey Data	Travelling Count										Total
	April		May								
SPECIES	16	21	26	1	6	11	16	21	26		
Semipalmated Plover									4		4
Killdeer *											0
American Golden-Plover (U)								1			1
Pacific Golden Plover (U)											0
Black-bellied Plover					5						5
Black Oystercatcher (U)											0
Greater Yellowlegs											0
Lesser Yellowlegs											0
Yellowlegs spp.											0
Spotted Sandpiper											0
Whimbrel											0
Bar-tailed Godwit (U)											0
Hudsonian Godwit (U)											0
Marbled Godwit (U)											0
Wandering Tattler							1			1	2
Surfbird							4		65	16	85
Ruddy Turnstone (U)											0
Black Turnstone							29				29
Western Sandpiper					27			34			61
Least Sandpiper					4	11					15
Semipalmated Sandpiper											0
LESA/WESA/SESA						30					30
Sanderling (U)											0
Pectoral Sandpiper											0
Dunlin											0
Rock Sandpiper (U)	51	2									53
Baird's Sandpiper *											0
Red Knot (U)											0
Short-billed Dowitcher											0
Long-billed Dowitcher (U)											0
Dowitcher spp.											0
Wilson's Snipe											0
Red-necked Phalarope											0
Total	51	2	0	0	66	45	35	65	21		285

SITE : Beluga Slough Survey Data	Travelling Count										
	April		May								Total
SPECIES	16	21	26	1	6	11	16	21	26		
Semipalmated Plover							3				3
Killdeer *											0
American Golden-Plover (U)											0
Pacific Golden Plover (U)											0
Black-bellied Plover					x	5					5
Black Oystercatcher (U)											0
Greater Yellowlegs	1		1	3	1	4	4				14
Lesser Yellowlegs											0
Yellowlegs spp.											0
Spotted Sandpiper											0
Whimbrel							8				8
Bar-tailed Godwit (U)											0
Hudsonian Godwit (U)											0
Marbled Godwit (U)											0
Wandering Tattler											0
Surfbird											0
Ruddy Turnstone (U)											0
Black Turnstone											0
Western Sandpiper					x	40	17				57
Least Sandpiper							15				15
Semipalmated Sandpiper											0
LESA/WESA/SESA											0
Sanderling (U)											0
Pectoral Sandpiper											0
Dunlin					x	1					1
Rock Sandpiper (U)											0
Baird's Sandpiper *											0
Red Knot (U)											0
Short-billed Dowitcher							100	3			103
Long-billed Dowitcher (U)											0
Dowitcher spp.						2					2
Wilson's Snipe						1					1
Red-necked Phalarope											0
Total	1	0	1	3	4	158	42	0	0	209	

SITE : Islands and Islets Survey Data	Travelling Count										
	April		May								Total
SPECIES	16	21	26	1	6	11	16	21	26		
Semipalmated Plover								2	6		8
Killdeer *											0
American Golden-Plover (U)											0
Pacific Golden Plover (U)											0
Black-bellied Plover								2			2
Black Oystercatcher (U)				2	2	4	3				11
Greater Yellowlegs											0
Lesser Yellowlegs											0
Yellowlegs spp.											0
Spotted Sandpiper									3		3
Whimbrel											0
Bar-tailed Godwit (U)											0
Hudsonian Godwit (U)											0
Marbled Godwit (U)											0
Wandering Tattler											0
Surfbird				23	29		106	2	1		9
Ruddy Turnstone (U)						1		45	4		207
Black Turnstone				7		20	8				35
Western Sandpiper									100		100
Least Sandpiper											0
Semipalmated Sandpiper											0
LESA/WESA/SESA											0
Sanderling (U)											0
Pectoral Sandpiper											0
Dunlin											0
Rock Sandpiper (U)											0
Baird's Sandpiper *											0
Red Knot (U)											0
Short-billed Dowitcher											0
Long-billed Dowitcher (U)											0
Dowitcher spp.											0
Wilson's Snipe											0
Red-necked Phalarope				40	500	1000	84	6			1630
Total	0	0	0	72	531	1025	207	157	14	2006	

