

September 21, 2011
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 11-99, Draft Sign Code Amendments (*Please refer to page 18 of the regular meeting packet.*)
4. Staff Report PL 11-100, Kachemak Drive Bike Path (*Please refer to page 29 of the regular meeting packet.*)
5. Staff Report PL 11-102, Draft Flood Insurance Study (*Attached, Page 1*)
6. 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).
7. Commission Comments
8. Adjournment



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, AK 99603

Telephone (907) 235-3106
Fax (907) 235-3118
Web Site www.ci.homer.ak.us

September 16, 2011

Dear Homer Spit property owner,

The purpose of this letter is to inform Homer Spit property owners that the Federal Emergency Management Agency (FEMA) has submitted preliminary Flood Insurance Rate Maps for the Homer Spit which revise the areas designated flood plain.

The new Digital Flood Insurance Rate Maps (DFIRMs) reflect a study that used standard hydrologic and hydraulic study methods to determine new Flood Elevations based on a 1% chance of a flood hazard. Insurance companies, financial institutions and the City's Planning and Zoning Office use the Flood Maps to determine if a structure is in a flood zone. Structures in the designated flood zones are required to be engineered and/or elevated to meet adopted regulation for the particular designation depicted on the maps. Flood insurance rates are based on the building's height, flood proofing design and location. Flood insurance is available for all structures within the City of Homer and grandfathering rights may apply to your structure. More details will be available at the public presentation and at www.floodsmart.org.

Our goal is to have a public presentation with FEMA representatives this fall, but no date has been set. In the meantime, the draft maps are available for review at the Planning and Zoning Office which is temporarily located in the old Middle School Building near Pioneer Avenue and the Sterling Highway. The maps and supporting documents are also posted on the City's website: <http://www.cityofhomer-ak.gov/planning>

Currently FEMA is taking comments on draft maps. Scientific and/or technical information should accompany a request refuting the proposed designation and the current submittal deadline for these comments is December 19th. I strongly urge anyone making such comment to get them in as early as possible. Comments and suggestions may be sent to the City of Homer, Planning and Zoning Office.

Respectfully submitted,

Dotti Harness-Foster
Certified Flood Plain Manager
City of Homer, Planning and Zoning Office
491 E. Pioneer Avenue, Homer, AK 99603
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907-235-3106

DRAFT

FLOOD INSURANCE STUDY



CITY OF HOMER, ALASKA

KENAI PENINSULA BOROUGH



PRELIMINARY: AUGUST 19, 2011



Federal Emergency Management Agency

**FLOOD INSURANCE STUDY NUMBER
020107V000B**

NOTICE TO FLOOD INSURANCE STUDY USERS

Communities participating in the National Flood Insurance Program have established repositories of flood hazard data for floodplain management and flood insurance purposes. This Flood Insurance Study (FIS) report may not contain all data available within the Community Map Repository. Please contact the Community Map Repository for any additional data.

The Federal Emergency Management Agency (FEMA) may revise and republish part or all of this FIS report at any time. In addition, FEMA may revise part of this FIS report by the Letter of Map Revision process, which does not involve republication or redistribution of the FIS report. Therefore, users should consult with community officials and check the Community Map Repository to obtain the most current FIS report components.

Selected Flood Insurance Rate Map (FIRM) panels for this community contain information that was previously shown separately on the corresponding Flood Boundary and Floodway Map (FBFM) panels (e.g., floodways, cross sections). In addition, former flood hazard zone designations have been changed as follows:

<u>Old Zone(s)</u>	<u>New Zone</u>
A1 through A30	AE
V1 through V30	VE
B	X
C	X

Initial FIS Effective Date: June 16, 1999

Revisions: September 25, 2009 – Redelineate coastal flooding extents within the City of Homer

TBD – 8 miles of revised Coastal Hazard Analysis

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EXHIBITS

Exhibit 1 – Flood Insurance Rate Map Index Flood Insurance Rate Map	
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Homer. This information was compiled at a scale of 1:24,000 during the period of 1993-2008. The coordinate system used for the production of the FIRM is Universal Transverse Mercator Zone 5, North American Datum of 1927, CLARKE1866. Differences in the datum and spheroid used in the production of FIRMs for adjacent counties may result in slight positional differences in map features at the community boundaries. These differences do not affect the accuracy of information shown on this FIRM.

1.3 Coordination

An initial Consultation Coordination Officer's (CCO) meeting is held typically with representatives of FEMA, the community, and the study contractor to explain the nature and purpose of a FIS and to identify streams to be studied by detailed methods. A final CCO meeting is held typically with the same representatives to review the results of the study.

The results of the September 25, 2009 revision were reviewed at the final CCO meeting held on December 11, 2008, and attended by representatives of FEMA and the City of Homer. All problems raised at that meeting have been addressed.

For this revision, the final CCO meeting was held on _____, and attended by representatives of _____. All problems raised at that meeting have been addressed.

2.0 **AREA STUDIED**

2.1 Scope of Study

This FIS covers the incorporated area of the City of Homer, Kenai Peninsula Borough, Alaska.

The areas studied by detailed methods were selected with priority given to all known flood hazards and areas of projected development or proposed construction through October 1996.

For the September 25, 2009 revised FIS, previously issued Letters of Map Revision (LOMRs) were incorporated, Special Flood Hazard Areas (SFHAs) were changed, corporate limits were updated, map format was updated, roads and road names were updated, and elevations were converted to the North American Vertical Datum of 1988 (NAVD88). The method of conversion was digital capture of effective flooding and redelineation utilizing new topography data. NHC used five foot contour topography developed by the City of Homer to redelineate coastal flooding extents within the City and to add Beluga Lake to the SFHA.

For this revision, STARR conducted 8 miles of revised Coastal Hazard Analysis that included the collection of storm surge data (coastal hydrology) and conduct overland wave height analysis (coastal hydraulics), in addition of computing wave runup. STARR utilized 25 transects in this study.

No LOMRs were recorded for this study.

2.4 Flood Protection Measures

At the southern end of the spit, near the State Ferry Terminal, the State has constructed a reinforced earthen and timber wall to protect the ferry terminal building (Reference 2). The USACE has constructed several rock revetments at the southern tip to protect buildings and surrounding roads (Reference 3).

3.0 ENGINEERING METHODS

For the flooding sources studied by detailed methods in the community, standard hydrologic and hydraulic study methods were used to determine the flood hazard data required for this study. Flood events of a magnitude that are expected to be equaled or exceeded once on the average during any 10-, 2-, 1-, or 500-year period (recurrence interval) have been selected as having special significance for floodplain management and for flood insurance rates. These events, commonly termed the 10-, 2-, 1-, and 500-year floods, have a 10-, 2-, 1-, and 0.2-percent-annual-chance, respectively, of being equaled or exceeded during any year. Although the recurrence interval represents the long-term, average period between floods of a specific magnitude, rare floods could occur at short intervals or even within the same year. The risk of experiencing a rare flood increases when periods greater than 1 year are considered. For example, the risk of having a flood that equals or exceeds the 1-percent-annual-chance (100-year) flood in any 50-year period is approximately 40 percent (4 in 10); for any 90-year period, the risk increases to approximately 60 percent (6 in 10). The analyses reported herein reflect flooding potentials based on conditions existing in the community at the time of completion of this study. Maps and flood elevations will be amended periodically to reflect future changes.

3.1 Hydrologic Analyses

Hydrologic analyses were carried out to establish peak discharge-frequency relationships for each flooding source studied by detailed methods affecting the community.

The stillwater elevation for the base flood was determined by considering the effects from tide and storm surges (Reference 4). The annual tide curve follows an 18.6-year cycle, with high-tide elevations for any 1 year closely approximating that for the 18.6-year cycle. In determining the stillwater elevation, the probability of the simultaneous occurrence of a high tide and a storm event was first determined. The design condition is based on the probability of a high tide and major storm occurring simultaneously. The probabilities of these two independent events are combined so that there is a 1-percent chance of occurrence in a given year (base flood event). For this analysis, it was assumed that storms are independent of tides. A storm is also assumed to last 12 hours, thereby capturing a high-tide event. This is a conservative assumption based on wave records collected at the site. The analysis can be modeled as a Binomial Distribution Function, in which one storm of three will combine with a tide exceeding the critical tide. The critical tide is defined as the tide stage with a 0.4-percent chance of being exceeded and was determined based on tide records collected at Homer Spit. The critical tide corresponds to 18.7 feet NAVD88. Note that because the tide data are observed, storm surge is included in the tide record.

Storm-surge data for the City of Homer were not found. However, the report entitled "Storm Surge Climatology and Forecasting in Alaska," published by the Arctic Environmental Information and Data Center, and dated August 1981 (Reference 5),

For those study reaches subject to tidal inundation, the flood profiles were extended downstream to the limit of the coastal velocity zone or to where the mean high tide exceeded normal depth from a riverine only flood, whichever occurred farthest upstream.

All elevations shown on the Flood Profiles and FIRM (Exhibits 1 and 2) are referenced to the NAVD88.

3.3 Wave Height Analysis

The City of Homer is subjected to waves and resulting wave runup from Cook Inlet and Kachemak Bay. The wave climate for both Cook Inlet and Kachemak Bay was determined using methodology outlined in the 1984 version of the USACE "Shore Protection Manual (SPM)" (Reference 6). The under-water and above-water topography were determined using the National Geodetic Data Center Homer 1 arc-second DEM (Reference 7) and Light Detection And Ranging (LiDAR)-derived topography produced by Aero-Metric, Inc. (Reference 8). Because Cook Inlet and Kachemak Bay do not share the same storm exposure, an analysis of the wave climate was performed for each water body (Reference 4).

Wave conditions in Kachemak Bay are based on wind-generated waves traveling down the main axis of the bay. The wave growth is limited by the available fetch length. The wind data used to predict the wave conditions are taken from wind velocity-duration curves developed from 8 partial years of measurements at Homer Spit. Because the data sample is drawn from a short record, the velocity values were adjusted upwards by 10 percent. The 1-hour sustained wind speed having a 1-percent chance of being equaled or exceeded in any given year was used. Kachemak Bay is highly irregular in shape; therefore, the fetch length was developed using the restricted fetch methodology. The effective fetch length for the bay was determined to be approximately 8.5 miles. Using Figure 3-24 from the USACE SPM, in conjunction with the effective fetch length and 1-hour wind duration-wind speed, results in a wave height of 8.5 feet and an associate wave period of 5.25 seconds.

For Cook Inlet, extensive wind and deep-water wave analyses were performed by the USACE, Coastal Engineering Research Center (Reference 9). These analyses yielded a wave height of 30 feet associated with a wave having a 1-percent chance of being equaled or exceeded in any given year. These deep-water conditions cannot reach Homer Spit due to the shallowness of the area. This site is depth limited for extreme events. The largest wave that could reach the site is the breaking wave. The breaking-wave height depends on the wave period and depth. Field measurements and observations show that the wave period ranges from 7 to 9 seconds. A 10-second wave period was assumed to be the upper limit and was used in the wave-runup calculations.

Figure 1 is a profile for a hypothetical transects showing the effects of energy dissipation on a wave as it moves inland. This figure shows the wave elevations being decreased by obstructions, such as buildings, vegetation, and rising ground elevations and being increased by open, unobstructed wind fetches. Actual wave conditions may not necessarily include all of the situations shown in Figure 1, "Transect Schematic".

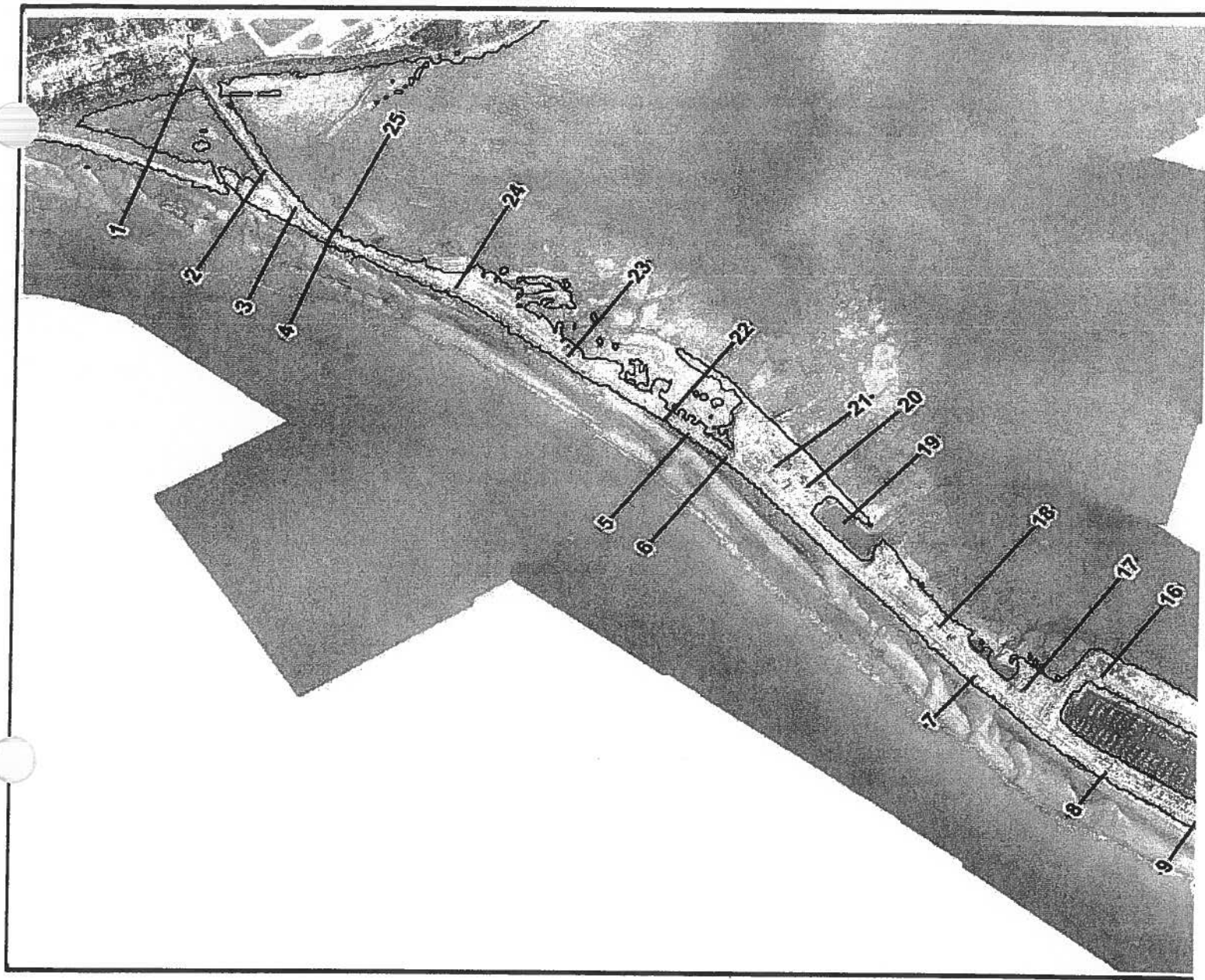


FIGURE 2

FEDERAL EMERGENCY MANAGEMENT AGENCY

CITY OF HOMER, AK
(KENAI PENINSULA BOROUGH)

TRANSECT LOCATI

Table 2 – Transect Descriptions (Continued)

<u>Transect</u>	<u>Description</u>	ELEVATION (feet NAVD88)	
		<u>1-Percent- Annual-Chance Stillwater Elevation</u>	<u>1-Percent- Annual-Chance Maximum Runup</u>
12	Lodges at Land's End condominiums, left; approximately 21,100 feet from the intersection of Homer Spit Road and Kachemak Drive.	19.7	37
13	Lodges at Land's End condominiums, right; approximately 22,300 feet from the intersection of Homer Spit Road and Kachemak Drive.	19.7	30

FLOODING EFFECTS FROM KACHEMAK BAY:

14	Behind Land's End Restaurant; approximately 22,500 feet from the intersection of Homer Spit Road and Kachemak Drive.	19.7	25
15	Ferry Terminal; approximately 21,800 feet from the intersection of Homer Spit Road and Kachemak Drive.	19.7	28
16	Port of Homer; approximately 17,300 feet from the intersection of Homer Spit Road and Kachemak Drive.	19.7	34
17	Pier One Theater; approximately 16,600 feet from the intersection of Homer Spit Road and Kachemak Drive.	19.7	23
18	Heritage RV Park; approximately 14,900 feet from the intersection of Homer Spit Road and Kachemak Drive.	19.7	25
19	North Star Terminal & Stevedore Co LLC (2); approximately 12,600 feet from the intersection of Homer Spit Road and Kachemak Drive.	19.7	31
20	North Star Terminal & Stevedore Co LLC (1); approximately 11,800 feet from the intersection of Homer Spit Road and Kachemak Drive.	19.7	33
21	Kevin Bell Ice Arena; approximately 11,200 feet from the intersection of Homer Spit Road and Kachemak Drive.	19.7	23
22	Embayment labeled "Coal Bay" in effective FIRM; approximately 9,500 feet from the intersection of Homer Spit Road and Kachemak Drive.	19.7	35

Table 3 – Transect Data (Continued)

<u>Flooding Source</u>	<u>1-Percent-Annual-Chance Stillwater Elevation (feet NAVD88)</u>	<u>Zone</u>	<u>Base Flood Elevation (feet NAVD88)</u>
COOK INLET (Continued)			
Transect 12	19.7	VE	25
		AE	20
Transect 13	19.7	VE	25
		AE	20
KACHEMAK BAY			
Transect 14	19.7	VE	25
		AE	20
Transect 15	19.7	VE	25
		AE	20
Transect 16	19.7	VE	25
		AE	20
Transect 17	19.7	VE	25
		AE	20
Transect 18	19.7	VE	25
		AE	20
Transect 19	19.7	VE	25
		AE	20
Transect 20	19.7	VE	25
		AE	20
Transect 21	19.7	VE	25
		AE	20
Transect 22	19.7	VE	25
		AE	20
Transect 23	19.7	VE	21
Transect 24	19.7	VE	21
Transect 25	19.7	VE	21

All qualifying benchmarks within a given jurisdiction that are catalogued by the NGS and entered into the National Spatial Reference System (NSRS) as First or Second Order Vertical and have a vertical stability classification of A, B or C are shown and labeled on the FIRM with their 6-character NSRS Permanent Identifier.

For additional information regarding conversion between the NGVD29 and NAVD88, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov>, or contact the National Geodetic Survey at the following address:

Vertical Network Branch, N/CG13
National Geodetic Survey, NOAA
Silver Spring Metro Center 3
1315 East-West Highway
Silver Spring, Maryland 20910
(301) 713-3191

Temporary vertical monuments are often established during the preparation of a flood hazard analysis for the purpose of establishing local vertical control. Although these monuments are not shown on the FIRM, they may be found in the Technical Support Data Notebook associated with the FIS report and FIRM for this community. Interested individuals may contact FEMA to access these data.

To obtain current elevation, description, and/or location information for benchmarks shown on this map, please contact the Information Services Branch of the NGS at (301) 713-3242, or visit their website at <http://www.ngs.noaa.gov>.

4.0 **FLOODPLAIN MANAGEMENT APPLICATIONS**

The NFIP encourages State and local governments to adopt sound floodplain management programs. Therefore, each FIS provides 1-percent-annual-chance (100-year) flood elevations and delineations of the 1- and 0.2-percent-annual-chance (500-year) floodplain boundaries and 1-percent-annual-chance floodway to assist communities in developing floodplain management measures. This information is presented on the FIRM and in many components of the FIS report, including Flood Profiles and Floodway Data Table. Users should reference the data presented in the FIS report as well as additional information that may be available at the local map repository before making flood elevation and/or floodplain boundary determinations.

4.1 Floodplain Boundaries

To provide a national standard without regional discrimination, the 1-percent-annual-chance flood has been adopted by FEMA as the base flood for floodplain management purposes. The 0.2-percent-annual-chance flood is employed to indicate additional areas of flood risk in the community. For each stream studied by detailed methods, the 1- and 0.2-percent-annual-chance floodplain boundaries have been delineated using the flood elevations determined at each cross section. Between cross sections, the boundaries were redelineated using LiDAR generated contours with a horizontal accuracy of 60 centimeters, a vertical accuracy of 30 centimeters, and a contour interval of 5-feet (Reference 10).

The 1- and 0.2-percent-annual-chance floodplain boundaries are shown on the FIRM. On this map, the 1-percent-annual-chance floodplain boundary corresponds to the boundary of the areas of special flood hazards (Zones A, AE, AO, and VE), and the 0.2-percent-annual-chance floodplain boundary corresponds to the boundary of areas of moderate flood hazards (Zone X). In cases where the 1- and 0.2-percent-annual-chance floodplain boundaries are very close together, only the 1-percent-annual-chance

all new construction be elevated such that the first floor, including basement, is elevated to or above the BFE in AE and VE Zones.

4.4 Velocity Zones

The USACE has established the 3-foot wave height as the criterion for identifying coastal high hazard zones (Reference 11). This was based on a study of wave action effects on structures. This criterion has been adopted by FEMA for the determination of VE zones. Because of the additional hazards associated with high-energy waves, the NFIP regulations require much more stringent floodplain management measures in these areas, such as elevating structures on piles or piers. In addition, insurance rates in VE zones are higher than those in AE zones.

The location of the VE zone is determined by the 3-foot wave as discussed previously. The detailed analysis of wave heights performed in this study allowed a much more accurate location of the VE zone to be established. The VE zone generally extends inland to the point where the 1-percent-annual-chance stillwater flood depth is insufficient to support a 3-foot wave.

5.0 INSURANCE APPLICATIONS

For flood insurance rating purposes, flood insurance zone designations are assigned to a community based on the results of the engineering analyses. These zones are as follows:

Zone A

Zone A is the flood insurance risk zone that corresponds to the 1-percent-annual-chance floodplains that are determined in the FIS by approximate methods. Because detailed hydraulic analyses are not performed for such areas, no (1-percent-annual-chance) BFEs or base flood depths are shown within this zone.

Zone AE

Zone AE is the flood insurance risk zone that corresponds to the 1-percent-annual-chance floodplains that are determined in the FIS by detailed methods. In most instances, whole-foot BFEs derived from the detailed hydraulic analyses are shown at selected intervals within this zone.

Zone AO

Zone AO is the flood insurance risk zone that corresponds to the areas of 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between 1 and 3 feet. Average whole-foot base flood depths derived from the detailed hydraulic analyses are shown within this zone.

Zone VE

Zone VE is the flood insurance risk zone that corresponds to the 1-percent-annual-chance coastal floodplains that have additional hazards associated with storm waves. Whole-foot BFEs derived from the detailed hydraulic analyses are shown at selected intervals within this zone.

9.0 **BIBLIOGRAPHY AND REFERENCES**

1. U.S. Department of the Army, Corps of Engineers, Waterways Experiment Station, Technical Report H-74-3, Vicksburg, Mississippi, May 1974.
2. Peratrovich, Nottingham and Drage, Inc., Geotextile Retaining Wall Plan and Sections, State Ferry Terminal, Homer, Alaska, August 1991.
3. U.S. Department of the Army, Corps of Engineers, Alaska District, Typical Drawings and Specifications for Armored Revetments, February 1996.
4. U.S. Department of the Army, Corps of Engineers, Alaska District, Homer Spit Flood Level Determination, October 1996.
5. Arctic Environmental Information and Data Center, Storm Surge Climatology and Forecasting in Alaska, August 1981.
6. U.S. Department of the Army, Corps of Engineers, Coastal Engineering Research Center, Shore Protection Manual, 1984.
7. NOAA Center for Tsunami Research (2010) Homer 1 arc-second DEM. Retrieved 17 Nov 2010. www.ngdc.noaa.gov/mgg/inundation
8. Aero-Metric, Inc. (2008)
9. U.S. Department of the Army, Corps of Engineers, Coastal Engineering Research Center, Technical Letter 87-15.
10. TerraPoint, Inc., "Project Report Kenai Alaska" Soldotna, Alaska, January 2005.
11. U.S. Department of the Army, Corps of Engineers, Hydraulic Laboratory, Waterways Experiment Station, Technical Report H-75-17, Type 16 Flood Insurance Study: Tsunami Predictions for Monterey and San Francisco Bays and Puget Sound, A. W. Garcia and J. R. Houston, Vicksburg, Mississippi, November 1975.
12. Federal Emergency Management Agency, Flood Insurance Study, Lake and Peninsula Borough (And Incorporated Areas), Alaska, February 3, 2010.
13. Federal Emergency Management Agency, Flood Insurance Study, Matanuska-Susitna Borough (And Incorporated Areas), Alaska, March 17, 2011.

U.S. Army Corps of Engineers, Guidelines for Identifying Coastal High Hazard Zones, Galveston District, Galveston, Texas, June 1975.

Federal Emergency Management Agency, Flood Insurance Study, City of Homer, Kenai Peninsula Borough, Alaska, June 16, 1999.

PRELIMINARY SUMMARY OF MAP ACTIONS
AUGUST 19, 2011

Community: HOMER, CITY OF

Community No: 020107

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs)) that will be affected by the preparation of the enclosed revised FIRM panel(s).

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below have been reflected on the Preliminary copies of the revised FIRM panels. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below have not been reflected on the Preliminary copies of the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Preliminary copies of the revised FIRM panels because they are being superseded by new detailed flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
102	99-10-205P	08/25/1999	LAND'S END OF HOMER SPIT	4

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.

PRELIMINARY SUMMARY OF MAP ACTIONS

Community: HOMER, CITY OF

Community No: 020107

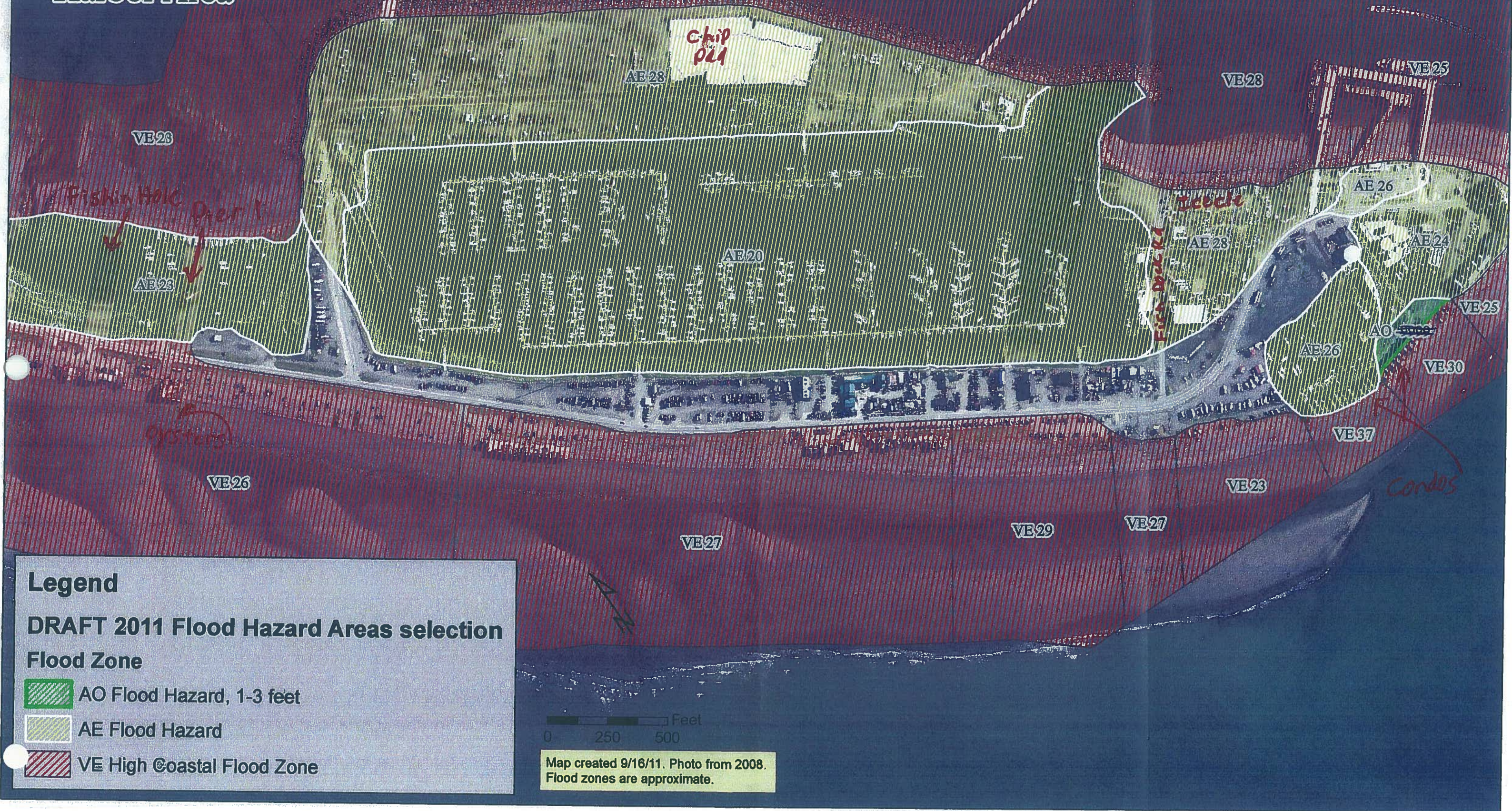
4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures has changed, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

Draft Spit Floodmap with Base Flood Elevations

- Harbor Area



Draft Spit Floodmap with Base Flood Elevations - Upper Spit





HOMER ADVISORY PLANNING COMMISSION
491 E. PIONEER AVENUE
HOMER, ALASKA

SEPTEMBER 21, 2011
WEDNESDAY AT 6:30 P.M.
COWLES COUNCIL CHAMBERS

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 September 7, 2011
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g.
4. KPB Coastal Management Program Reports

Page 1

6. Presentations

7. Reports

- a. Staff Report PL 11-101, City Planner's Report

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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.

- A. Staff Report PL 11-96, CUP 11-12, 182 E Pioneer Avenue, Portion of Lot 6 Tract A Nils O Svedlund Subdivision Amended, Request for more than one building containing a permitted principle use on a lot.

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9. Plat Consideration

10. Pending Business

- A. Staff Report PL 11-99, Draft Sign Code Amendments

Page 35

11. New Business

- A. Staff Report PL 11-100, Kachemak Drive Bike Path

Page 57

12. Informational Materials

- A. City Manager's Report dated September 9, 2011

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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 9:30 p.m. An extension is allowed by a vote of the Commission. The next regular meeting will be held on October 21, 2011 at 6:30p.m.

Session 11-13, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:01 p.m. on September 7, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, DOLMA, ERICKSON, HIGHLAND, MINSCH, SONNEBORN, VENUTI

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

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).

There were no public comments.

RECONSIDERATION

- A. Reconsideration by Commissioner Dolma on the motion to amend HCC 21.60.095 electoral signs may not exceed 16 square feet.

DOLMA/HIGHLAND MOVED TO RECONSIDER THE MOTION TO AMEND HCC 21.60.095 ELECTORAL SIGNS MAY NOT EXCEED 16 SQUARE FEET.

Commissioner Dolma said he wants to make sure everyone understands the effects this ordinance will have and consider the enforcement issues that might be involved.

VOTE: YES: MINSCH, HIGHLAND, SONNEBORN, DOLMA
NO: BOS, VENUTI, ERICKSON

Motion carried.

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 the August 17, 2011 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g
4. KPB Coastal Management Program Reports
5. Draft Decision and Findings for A Request for a Conditional Use Permit for the Homer Transfer Facility to Construct a ne 9600 sf building at the Borough solid waste site at 3300 Sterling Highway to Consolidate and Bale Solid Waste in Preparation to Transfer to the Central Peninsula

The Consent Agenda was approved by consensus of the Commission.

PRESENTATIONS

- A. Proposed Sign Code Changes, Rick Abboud, City Planner

City Planner Abboud made his presentation about the sign code changes. It was a summary preview of the amendments scheduled for the public hearing.

REPORTS

- A. Staff Report PL11-97, City Planner's Report

City Planner Abboud reviewed his staff report.

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 11-93 Draft Sign Code Amendments

City Planner Abboud reviewed the staff report.

Dan Smith, city resident and a barber in town, is new to Homer. He received the notice regarding the sign code amendment and there is a lot he doesn't agree with. When he first started here a year ago he sat and waited. He decided to do what he did in Oregon and had a sandwich board made, and his business increased 50% or more. They had a nicer sign made which has brought in more business. He sees that they are taking things away, but wants to know what they propose replacing it with. He has talked with a friend of his who is in a similar position and they have considered leaving. He sees that the Commission has talked about how sandwich boards are pushing the pedestrians and bicycles into traffic. He has never seen that as an issue, he hasn't heard of anyone being hit because of it. The Legends sandwich board sign is about 4 feet off the sidewalk and disturbs no one. It is well designed, brings in a lot of business, and does not impede pedestrian or bicycle traffic.

Scott Fraley, city resident, appreciates that Commission is made up of reasonable people. He is not upset but would like to voice his opinion. He grew up in Homer and appreciates it a lot. It was mentioned that the sandwich boards are in the way and he doesn't think they are, but could be moved to the side if needed. The idea that it is an eyesore is fairly off base. There are plenty of things in the town that are an eyesore, and sandwich boards are the last on that list, yet the Commission chose to make rules about them. What are we doing about Waddell's place at the corner across the street from McDonalds; it's a big eyesore with all the junk. The Cousin's place on the spit, that is a gigantic eyesore and what are we doing about that. This is punishing businesses. Having grown up in this town he has seen friends he graduated with aspire to start a business and here they are being punished. He is curious to know the Commission's mission and their purpose. He would like to see it written out and have the Commission draw their direction from that. They need to help the community flourish and a big part of the community is its businesses. We have plans and dreams as a city that includes things like the public library, and city hall, but how will we fund it if we are shutting down businesses by limiting signage.

Bob Phillips, city resident, commented the biggest eyesore that he saw today was a voting sign of 42 feet when a business can only have 16. People come to Alaska because it is a place where you have a little bit of freedom. You can enjoy your life, and if you don't like it you should go to New York and play with your signs. He thinks this is totally ridiculous, he doesn't see where sandwich boards have interfered with anybody. We have so many ugly buildings on the main drive. This is a town that brings tourists in and it could be an eye appealing town. There are so many empty stores that need paint, the eyesore is on the spit where the boats are, and he doesn't see tourists complaining about signs on buildings out there. They are coming here to enjoy the city. The people who are complaining are the ones who don't have businesses and drive around drinking their lattes. What about grandfather rights on signs that are already up? Do they have to come down? Does our opinion really matter, or are minds already made up? He sees City signs that are oversized, like the one going into the dog catcher area. So will you take it down and re-do it? We need to make our town presentable and work on the visual problems we have instead of hurting businesses. The country's economy is falling apart and he doesn't think we need to add to the problem.

Adrienne Sweeney, city resident, commented that her family has owned businesses in Homer for over 80 years and her great grandmother would be appalled at the anti business attitude and regulations that keep cropping up in this town. Mrs. Sweeney has 18 employees who depend on her to survive. Over just a few years Homer has succeeded in regulating the canneries and the jobs that went with it out of this town, increased the cost of water to businesses over 100% in one year, and now more federal regulations are hurting our charter boat businesses. She believes that every small business in Homer is struggling right now and with the way our economy is going, things are not looking good. We do not need more sign regulations right now to hurt our businesses. Right now we need the City to help small businesses survive so we can keep providing jobs in this community. In this economy we should be thinking of ways to stimulate growth in the business community, not creating regulations that are going to hinder businesses. She said she checked with the police department and they have not had a single accident, injury, or safety complaint that they can find a record of. She believes that it is an excuse to get rid of sidewalk signs that help bring business into the small businesses. Nor does she see how limiting on or off premise vehicle signage to four hours a day at a time helps the community. Right now our charter boat operators are struggling and those folks have signs on vehicles they park on the spit when they go out on 12 plus hour days. She is ashamed they are punishing a charter boat operator who is trying to make a living and provide jobs for the community. She is ashamed at the proposal and said the Commission did not do their research. She adamantly opposes both of these proposals and supports anything that helps small business.

Chair Minsch acknowledged that the four hour vehicle parking issue relates to parking regulations in the harbor and will look to clarify the vehicle signage information.

Robert Carpenter, city resident, commented that one thing that needs to be looked at with signage is that it is all about business. Without business, Homer can blow away because without business, people don't show up. We can't eat, pay our taxes, or our utilities. Without advertisement, businesses are word of mouth and he doesn't think we are back in the 1800's where everyone talks to everyone about where they got their hair cut. We look at signs, internet, and telephone books because we are looking for the quick and easy way to get there. He agrees that any sign in the roadway causing traffic problems is a safety issue, but if it is in the grass or not in the direct right-of-way, then the driver did the wrong thing by

pulling into the traffic. He found the proposed solution interesting, where sandwich signs are focused on civic events, political advertisements, or for sale or rent sign. He appreciates that for sale or rent signs or civic events do drum up business, but he doesn't see how politician's signs support that. The information says 14 of 90 days are when he can put his sign out. It is .16 of a working quarter and is not very good. There are 14 units in the building he is in so he gets 10 square feet to advertise. Most of the units are empty because they can't advertise. It is something to think about. If you take away advertisement, you take away business, and once again, you take away the people.

Mike Barth, local State Farm agent, commented that he drives the truck with the logos all over it. He acknowledged Chair Minch's comments but the way he reads the information, it seems clear that he can't park his truck in the parking lot of his office for more than four hours. It is completely ridiculous. For him it is a huge objection. He will trust the Commission is going to look at it. He agrees with a lot of people here that the sandwich boards are something we use to drive traffic into our business. He tracks his clients and asks where business comes from and it overwhelmingly comes from the signage out side his building letting people know he is there. It has made an impact for him, as he has only been open three months. For him personally not having the sign would be a detriment to his business. Part of the solution would be state where the signs can be put to avoid safety concerns. He has heard that it cost money and time to regulate it, but he questions what the education has been. He was here three months before he was told what he could do with his sign. It took about five minutes of staff time and the problem was taken care of relatively quickly. He wonders about getting information to new businesses, perhaps something in the chamber welcome packet.

Fred Kaatz, owns the business Stay Tan on Lake Street with his wife. When they opened in December they contacted planning staff to ask specifically what they could and could not do. Based on what he was told he spent about \$700 on a professionally made sandwich board. Not too long after he put it out, they were told it couldn't be in the right-of-way, which takes them 15 feet or more off the street. Originally they were told it couldn't be in the sidewalk and it was three feet off that. The only problem they have had with their sign is that the wind blows it over. His point is that without the sign his business would have had a much slower growth than it has. Now they are told they can only have one sign out there at a time, and there are multiple businesses there. The signs aren't in harms way, they are there to promote business which pays the taxes. Businesses produce, government does not produce. We pay the salary of government and without that, we all know the scenario. He was also told the very person that gave the authority to place the sign there and said he had to move the sign didn't have the authority to tell him to put it there in the first place. It is rather upsetting. The bottom line is they have kept the sign there and have waited an opportunity to address this, and as another gentleman pointed out to allow a sign for 14 of 90 days is ridiculous. There is enough to do in running businesses, maintaining organization and supplies, without having to check off how many days the sign has been out front because of some law that business owners feel is cumbersome, silly, and ridiculous. He thinks the Commission could spend their time on things of much more value to the community. In fairness, allowing a sign to be proportionate to a building is very reasonable, but the rest of the stuff is a burden to business owners.

Karen Austermuhl, with Magic Touch Massage, moved to Homer in May, opened her business in June. She had the same business in Fairbanks. She never had a sign when she was there, all she had to do was put a couple websites up as it is a community of young people who look up

message on their cell phones and her website comes up. In Homer more people are middle aged who use signs, which she found out the hard way. In the beginning she couldn't figure out why she wasn't getting much business. She put up a sign and people started coming in. When she would meet people who had come to Fairbanks from Homer and ask why they were there, those young people had to leave Homer and go to Fairbanks for work, which is sad because this is a beautiful place with really nice people. To her it looks like this is being turned into a retirement community, not a thriving place for young people to plan to live their life and raise families. Homer is depending on high taxes, where there were none in Fairbanks. If there were more businesses the city could tax less. When she asks people how they found out about her business, 90% of them say I saw your sign when I drove by. She hopes her business thrives and she makes it here. Political signs should be banned, not small business signs.

Kevin Fraley, city resident, makes signs for a living as he owns Printworks and Alaska Sign Express. He finds more and more that he makes a lot of his living outside of Homer because Homer is very anti-sign. It is bothersome to him in the current economic climate, this is yet another advance on businesses thriving. He knows they are not elected and some own businesses trying to make a living in the community as well. He thanked them for their public service as he knows they are doing this as a service to the community. But what they are doing with the sign restriction is not helping the community. Others have made suggestions about things to enhance the community. It would be refreshing to see a city government work hand in hand with the business to grow a community, and develop resources for the government to exist. This is not what you're doing. This is hindering businesses, it is an anti-business ordinance. It is an infringement and restriction on business owners being able to do what they do, which is to generate revenue, pay employees, pay taxes, and pay our city government that is struggling to fund itself. Deficits and struggling governments seem to be a problem across our nation. It is shocking to him they can't see this is the kind of thing that causes that. We need to think about the trash and vehicles that are piling up in front of homes and businesses. He can understand restricting signs to create certain flavor in a community but a lot of this is not true with the issues of the sandwich boards.

Joan Philips came here in 1950 and homesteaded. Her kids own the Time Bandit, they have the store on the spit and in town. They build Land's End and the first boardwalk. She thinks they should leave the boardwalks alone. They draw a lot of tourists, people expect there to be signs out there and it to be funky looking, because that is what they are coming for. She thinks they are taking away an atmosphere to make it be little tiny signs and things like that. She thinks we came here to be free and not to be over regulated. Her question to the Commission is if they are going to listen and hear what has been said. She appreciates the work they are doing, but they need to hold it in their heart and conscience to listen to what people are saying. She feels kind of tired of Homer when they put things to vote, the people vote, and then a few people in power don't let it happen. That is very wrong. She hopes Homer can be a place that grows, is unique, and not be over regulated. She talks to people from all over the world who love it here and don't say that signs are too big. They say it is unique and wonderful.

Rob Hyslip, owner of a boardwalk on the spit, agrees with some things that have been said about the eyesores on the spit, the old boats and what not. While he doesn't appreciate all the stuff there, he goes down the spit all the time in the summer and there are people constantly taking pictures. They want different; part of it is the scenic beauty of the mountains and glaciers, and part of it a bunch of derelict boats on the spit that is not like

their homes. The signs are not a hazard; the tourists are more of a hazard. It's cool though, it is what they are here for. Many people here in the summer are not the local residents, the locals know where the businesses are, but the people who come here on vacation are depending on signs. He agrees that we don't want a bunch of giant billboards all over the place because we don't want to look like where they are from. It is important to be able to have signs so people can find places. It is good to have regulations, but let's not regulate ourselves into the ground.

Marie Bader, city resident, commented that there is a sticker that says "Homer, were here, because were not all there." She finds a lot of solace in that sticker. The businesses around here that want to put out a little sandwich board, God bless 'em. It's the summer, put them out. It isn't a safety hazard. She gets a little irritated though with temporary fly by night businesses that zoom in for the weekend with four or five sandwich boards, then they are gone. Do they have to go to planning office to find out what the ordinance is? Regarding the flapping banners, she has a banner and she doesn't want it banner to flap. But we have wind here and can't help it if our banners flap. She would hate to get zapped for a flapping banner. Lastly she commented that she would like to paint her building to avoid the signage, with care, like some other buildings have done. She noted the halibut on Bob's Trophy Charters. He probably doesn't have to worry about a sign as his whole wall is one. These are just things to think about. And again, Homer, we e here, because were not all there, and she doesn't want to be a Time Square.

Jackie Dentz, owner of Frosty Bear Ice Cream Parlor on the spit, said she drove the spit yesterday and found every single business out there, with the exception of Finn's Pizza, is not in compliance according to the rules as they read. The spit is a fairy land of unique businesses and tourist attractions. Why would you want to slap the hand that feeds by making so many rules to further handicap businesses? These brave owners who operate for the city's financial benefit, collecting and paying taxes, have a very limited time frame, experience this reality of economic depression and horrific weather to work around, the recent events of losing 1/3 of our charter fleet, not to mention going to one fish allocation, and living daily with the possibility of a tsunami that would eliminate all business on the spit. The city obviously can not and does not enforce current codes, so why do you want to make more, and why attack the spit, a huge revenue resource in the continuing failing debacle of sign code enforcement. Unless you walk in her shoes, you have no idea what she endures as a business owner in this little man eating hamlet by the sea. They need to know she works very hard to pay her taxes, collect sales tax, be in compliance with state and federal mandates, labor laws, ABC Board regulations, DEC mandates, Workman's comp, all consuming audits, plus insurance after insurance. All these take her money and now they are spending the money she is earning for the city foolishly in the fact that we are even having this meeting. She agrees regulations are important to a point, but they have overstepped their bounds. What she wants to point out is that a very important thing happened this summer that needs to be addressed, a false alarm for a tsunami. Not one person did anything but point fingers. When they thought there was an emergency, no one knew how to evacuate the spit. The city needs an evacuation plan, she lives and works out there and doesn't know what the plan is, but all traffic should become one way off the spit, the police should have put up barricades to stop on going flow. They don't have their priorities in the right place. This is pushing people out of business. And as an aside the DOT should put a turnout for people to take pictures of Cousin's boat.

Cherise Hyslip, boardwalk owner on the spit and also an artist, commented she knows that with art there is a huge opinion of what is and is not an eyesore and she considers her signs

the same. We have thousands of people taking pictures of our quaint little fishing village, it is beautiful. There are times when banners flap, like after the 50 mph winds from the previous night. Their banners flew down, but they are back up straight today. She asked the Commission to please work with the business owners. It is so hard to make a living as a small business owner, so please help us.

Bill Smith commented that in the past the City did erect a sign which was contrary to the height and size limits enacted by City, and after pressure from a specific planning commissioner, the sign was removed. The City is not exempt from its own sign regulations in his opinion. 16 sf for political signs would be great in his opinion. When addressing banners and flapping, they are defining a banner as one that's attached to a rigid structure along the circumference, but don't say that banner material has to be attached. In dealing with building signs on line 48, he thinks it should say it means a sign that is attached to and/or supported by the building. Line 74-76, ground sign basically says when sign people put up a sign they may not put a solid foundation and only a skirting giving the appearance of a solid foundation. That's why he put that original language is in there. The marquee sign language is unclear so they can review it and think about it. Line 96 off premise signs has been discussed before because the real word is premises when you are talking about a building or a place. It is used differentially throughout the document. Public signs, staff suggest retaining the intent and language of public sign, which we put in the sign code to allow the business on Pioneer or Old Town to erect in the public right-of-way a directional sign where certain parts of the community may be located that may otherwise be bypassed going to the spit. Line 116 he likes staff's suggested substitute. He doesn't see a definition for roof signs, and there is code about them. Perhaps not even distinguish between interval roof signs and roof signs at all. The graph addresses free standing sign may not exceed 10 feet in height, and interpretation in other parts the 10 feet calculates from the road grade, which can result in signs exceeding dimensional requirements other businesses are allowed to have.

Al Waddell, city resident, introduced himself as the guy who owns that crazy corner. There are six wonderful acres that his family has owned for 58 years, along with 2.1 acres behind the post office. The rest of it is long gone, sold off to pay taxes and take care of things. He understands the definition of government is to do something for the people they can not do for themselves. "We the people", he firmly believes we all understand where that comes from. He and most here firmly believe we do not need anymore restrictions on our chances to do business in Homer. Signs are a necessary part of business. When he bought his signs, he heard a neat slogan; a sign with no business is a sign of no business. Whether it's a blow up snowman at Christmas, which they were told was illegal after it had been up for 18 years, are they going to be allowed to have Christmas trees or things like that on their property? We don't need anymore government trying to run our business, times are tough enough. Most, if not all, people here try to do business and pay taxes to help pay City of Homer wages to their workers. This year his business's gross is equivalent to the year 2000. Taxes, water bills, light bills, freight, propane, gas, and food bills all have soared in these past 11 years. He and his wife received their 2011 tax bill for \$26,871 for property tax, and guess what? They don't have it. They will have to pay the penalty and huge interest charge this year but will pay their mortgage, probably by melting the jewelry in the store. Do you really think they need more restrictions? After 58 years of ownership of their property, they quit. All the property is for sale.

Michelle Barling, owns Ocean View RV and Gift Shop, and also Jelly Beans with her mother. They have a sandwich sign in front of their business. The RV Park has 100 sites that are full in

June and July with an average 2 day stay. They promote businesses through town and with the sandwich board sign they are able to pull in more business. This new ordinance would hinder their business. We need to pull together and work together as a community, not be hindered and separated, especially with the economy the way it is. She hopes the Commission has listened to everyone and hopes they will take it to heart. We are all in the same boat as one community.

Chip Duggan, city resident, commented that he just bought his third business, and he doesn't know why. He questioned why it is safe to have sandwich boards for political signs and for sale signs, but not safe for anyone else. And how can a Realtor go and advertise all over town with every for sale sign they have. He said he has a lot of realtor friends who won't like that he said that, but oh well.

There were no further comments and Chair Minsch closed the public hearing, with the comment that there will be another one scheduled in the near future.

MINSCH/ERICKSON MOVED TO TAKE THE DRAFT SIGN ORDINANCE BACK TO A WORKSESSION FOR MORE DISCUSSION BEFORE THE NEXT PUBLIC HEARING IS SCHEDULED.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

A. Staff Report PL 11-94, Tietjen Lot F-2 Subdivision Preliminary Plat

City Planner Abboud reviewed the staff report. He corrected that Dmitri D. Kimbrell, RLS is the surveyor for this plat, not Roger Imhoff, RLS.

VENUTI/BOS MOVED FOR ADOPTION OF STAFF REPORT PL 11-94 TIETJEN LOT F-2 SUBDIVISION PRELIMINARY PLAT WITH STAFF FINDINGS AND RECOMMENDATIONS.

There was brief discussion that everything seems to be in order.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 11-95, Anderson 1980 Sub L&J Addition Preliminary Plat

City Planner Abboud reviewed the staff report.

There was discussion that the applicants are trying to correct an issue of the house encroaching onto the next lot and address the utility easement.

BOS/VENUTI MOVED TO ADOPT STAFF REPORT PL 11-95, ANDERSON 1980 SUB L&J PRELIMINARY PLAT WITH STAFF FINDINGS AND RECOMMENDATIONS.

Comment was made that the applicants seem to be doing the best they can with the situation and are working with staff to do it right.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

- A. Reconsideration by Commissioner Dolma on the motion to amend HCC 21.60.095 electoral signs may not exceed 16 square feet.

HIGHLAND/BOS MOVED TO AMEND 21.60.095 ELECTORAL SIGNS MAY NOT EXCEED 16 SQUARE FEET.

Commissioner Dolma expected to hear that people wanted the larger signs, but it sounds like the preference is small political signs.

Commissioner Venuti expressed concern of back lash from politicians as Homer already has a reputation of being hippy flakes, and it may cause issue to limit sizes of political signs. We would be the only city in Alaska he knows of restricting the size of electoral signs.

Commissioner Sonneborn said she doesn't see how we could get any more backlash from the Borough politicians than we already do and we should vote for or against this out of fear.

Commissioner Bos questioned if this would send a message to the politicians hoping to get and educate voters in Homer about their issues, or will they even bother with us anymore. By making signs smaller, it is kind of an offensive thing to be doing.

Chair Minsch commented in the beginning she didn't want to take up the issue, but listening to the public testimony, they want the signs they want for themselves, but a number of people commented the political signs are excessive. There will opportunity for be more public testimony. We are telling the public and businesses that we have a sign Homer has a sign code trying to keep signs controlled and the city looking nice, and she thinks it is unfair to let the politicians have the great big signs when the rest of us have to conform. The sign code is designed to preserve and protect the visual quality of Homer.

Commissioner Erickson wonders if this is something worth taking on, in light of everything else that is coming in their faces. Maybe we should look at it once we get past the political season.

There was discussion that there will be more opportunity for public comment on this and it is easier to work on the sign code as a whole.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Staff Report PL 11-98, Planning Commission Work List

City Planner Abboud reviewed his staff report and the items he added to the work list for the Commission to consider.

The Commission discussed the work list items and made no changes to what was presented.

INFORMATIONAL MATERIALS

A. City Manager's Report dated August 22, 2011

COMMENTS OF THE AUDIENCE

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

There were no audience comments.

COMMENTS OF STAFF

There were no staff comment.

COMMENTS OF THE COMMISSION

Commissioner Venuti said it was a good meeting and it was great to see people show up. He said he would like the City to send him to Fairbanks for the Planning Conference.

Commissioner Dolma thanked the audience for participating tonight.

Commission Bos comment that he was glad to see that amount of emotion and he noted quite a few of the folks wondered why are aren't being more proactive with cleaning up Homer, so he wants to remind everyone we need to continue on with the cleaning of derelict cars and those kinds of things. It was a great meeting.

Commissioner Sonneborn said it was interesting to have so much comment from the community, it was a good meeting.

Commissioner Erickson commented that she appreciates all the business people coming. She knows that it hard to be in business for themselves. She appreciated what they had to say and hopes they come away feeling that we care about them and want to see them succeed in the way we go through the sign ordinance.

Commissioner Highland said she is a little more thin skinned. This is her first meeting to have those kinds of comments. The people clapping and some of the comments made her feel a little abused. She wonders if there is a way to set the tone to let them know we are volunteers doing a difficult job and ask them politely not to clap. She felt abused. She didn't mind hearing the comments but the way they were presented was so accusatory and judgmental. She would like to find a way that she doesn't have to sit and be abused, and if there isn't a way then she won't be lasting very long because she doesn't do well with that.

Chair Minsch said it is up to the Chair to set the tone of the meeting and things like this don't happen very often. The audience was pretty well behaved for as strongly as they feel about this. It seemed that not many of them read the ordinance and don't have all of the

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information, so they are angry at the Commission for making this stuff up and being mean. We will work with staff to get better explanations between existing code and new code and it may take a couple worksessions to get through it. Right now business is tight in town and Franco has raised the issue of business friendly while we have been talking about it and we knew this was going to come. The people are struggling to make a living to make a living and they don't mean to be mean to us. Chair Minsch explained that tonight chose not to engage with the audience because they were here to be listened to, and the Commission listened. They need to go back through the ordinance and try to get the public better educated on what they are doing.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:23 p.m. The next regular meeting is scheduled for September 21, 2011 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

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STAFF REPORT PL 11-101

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: September 21, 2011
SUBJECT: Planning Director's Report

September 12nd Regular City Council Meeting

Ordinance 11-23(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Sections 21.12.020; 21.14.020; 21.16.020; 21.18.020; 21.20.020; 21.22.020; Addressing Permitted Uses and Structures; to Add Hostel as a Permitted Use in the Rural Residential, Urban Residential, Residential Office, Central Business, Town Center, Gateway Business District. Wythe. Introduction June 13, 2011, Referred to Planning Commission. Public Hearing and Second Reading September 12, 2011.

Memorandum 11-118 from City Planner as backup.

There was one who testified.

ADOPTED with discussion.

Resolution 11-090, A Resolution of the City Council of Homer, Alaska, Supporting the Concept and Construction of Non-Motorized Pathways to Increase the Safety for Motorized and Non-Motorized Users Along Kachemak Drive Located Within the City Limits, from the Base of the Homer Spit to East End Road. Lewis/Zak/Parks and Recreation Advisory Commission.

REFERRED to the Planning Commission for review.

September 26th City Council

Activities:

Keeping track of and responding to public comments and council direction, pouring over proposed flood maps, meeting with Central Region DOT representatives and commenting on STIP.

Training:

I kept this on the agenda for any additional consideration of commissioners that might be able to attend. Please let staff know if this is a possibility.

The Alaska Chapter of the American Planning Association is having a conference in Fairbanks November 6th through the 8th. This would be an excellent opportunity for commissioners, especially newer ones. While we

cannot afford to send everyone, I could send 3 or 4. I realize that last time I brought this up, the thought was to schedule Holly and that is still being worked out. Although I was less than impressed with the last Planning Commissioner training I attended in Anchorage, this looks to be much more of an organized effort that includes concurrent sessions on multiple subjects. So I do believe that new Commissioners that would benefit the most from this seriously consider attending and contact me.

Flood Maps:

I have included the flood study and some maps for commissioners to review the proposed changes in regulatory classification. The study is a tough read and not necessarily beneficial for all. The letter provided for property owners has the general information with which most people are concerned. But in order to refute the proposed changes, one would have to challenge the study and the conclusions that lead to the map. Staff is curious about a 13ft. change in the proposed "VE 37" designation in front of the condos, especially when the adjacent transect is only a VE 23. We are also curious about the new flood zone created over and past the fish dock. Administration will most likely do a bit of consultation to determine whether or not to challenge the proposed designation.

My foremost concern is with the public process. I have sent an email out to the FEMA representatives imploring them to hold a public meeting prior to the 90 day comment period (currently no public meeting is scheduled and only casually referenced in communications), after which the maps are considered adopted if not successfully challenged with technical or scientific evidence. I think it is only fair to have the process and maps explained in layman terms to those affected prior to the comment period. It would be a challenging and expensive task to refute the maps and citizens should first have access to all information that would assist them in making their decision.



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STAFF REPORT PL 11-96

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: September 21, 2011
SUBJECT: Request for conditional use permit 2011-12 at 182 E Pioneer Ave, Portion of Lot 6
Tract A Nils O Svedlund Subdivision Amended, Request for more than one
building containing a permitted principle use on a lot.

This is a quasi-judicial decision and requires 5 yes votes for approval.

SYNOPSIS: There is an existing home on the subject lot. The applicant would like to build a detached cabin. This requires a conditional use permit (CUP) under 21.18.030(k).

Applicants: Tom and Victoria Winne, PO Box 15112, Fritz Creek AK 99603

Requested Action: Approval of a CUP for the construction of a rental cabin.

Location: 182 E Pioneer Ave

Parcel ID: 17719110

Lot Size(s): .26 acres, or approximately 11,300 square feet

Zoning Designation: Central Business District

Existing Land Use: Residential

Surrounding Land Use:
North: Residential/senior center apartments
South: Commercial – professional office, bar, hotel
East: Residential/Commercial
West: Single Family Residential/Commercial- auto service
business

Comprehensive Plan: Goal 1 Object B: “Promote a pattern of growth characterized by a concentrated mixed use center, and a surrounding ring of moderate-to-high density residential and mixed use areas with lower densities in outlying areas.” (4-4)

Wetland Status: Homer Wetland Map does not show any wetlands on site.

Flood Plain Status: Zone D, flood hazards undetermined.

BCWPD: Not within the Bridge Creek Watershed Protection District

Utilities: City water and sewer are available.

Public Notice: Notice was sent to 18 property owners of 24 parcels as shown on the KPB tax assessor rolls.

This development is within the Central Business District. The land uses surrounding the subject property range from fairly dense senior center apartment housing, to commercial activities such as bars, an auto repair shop, and an attorney’s office. The existing home was built in 1938. Nonconforming status has

been granted for the encroachment on the side lot line. The home was built and the property line created before statehood and adopted platting or zoning regulations. In recent years, it was used by the nonprofit Vessels of Hope, and the Raspberry Lane School. The current owners have extensively renovated the building and it will be used residentially. They would like to build an additional residence on the property. They propose a 28'x14' cabin, to be used as a rental, or possibly a guest cabin to the main house. Approval of a Conditional Use Permit is needed to build this detached dwelling.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030 and 21.71.040.

a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district.

Finding 1: HCC 21.18.030(k) authorizes more than one building containing a permitted principle use on a lot by conditional use permit.

b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.

21.18.010 Purpose. The purpose of the Central Business District is primarily to provide a centrally located area within the City for general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and other business uses listed in this chapter. The district is meant to accommodate a mixture of residential and non-residential uses with conflicts being resolved in favor of non-residential uses. Pedestrian-friendly designs and amenities are encouraged.

Analysis: The proposed cabin will increase the density of residential uses and contribute to the mixture of land uses in the CBD. The new residence will have good pedestrian access to Pioneer Avenue and area destinations.

Finding 2: The proposed dwelling unit is compatible with the purpose of the district.

c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.

Analysis: Other permitted uses include apartment units located in buildings primarily devoted to business or commercial uses, and mobile homes. The cabin is attractive and of similar scale and style to the existing home. The value of adjoining property will not be negatively affected greater than another residential use.

Finding 3: The value of adjoining property will not be negatively affected.

d. The proposal is compatible with existing uses of surrounding land.

Analysis: Surrounding uses of land include senior apartment buildings, single family homes, and commercial businesses along Pioneer Ave. The commercial activities range from bars, parking lots, a hotel and an auto service business, to retail and a professional office. The location of the new dwelling is compatible with other residences located off of Pioneer Ave.

Finding 4: The new dwelling unit is compatible with the mixed land uses within the surrounding area.

e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.

Analysis: City water and wastewater serve the site. Pioneer Ave is a paved state road.

Finding 5: Public services and facilities are adequate to serve the proposed use and structure.

f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

Analysis: Pioneer Ave has a mixture of commercial activities along the street, and residential land uses located off of the street. The development will create a new housing unit off of the street, and slightly increase the coverage and density of the site. The scale of the cabin is in harmony with other residential and commercial structures on the north side of the street.

Finding 6: The proposed use will not significantly change any aspect of the neighborhood. Increased housing density is desirable.

g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

Analysis: The proposed development does not add significant density or otherwise impact the immediate area. The safety and welfare of the city is not affected.

Finding 7: The construction of a small cabin is not detrimental to the health, safety or welfare of the surrounding area or of the city as a whole.

h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.

Analysis: HCC title 21 applies to this development. A zoning permit is required. Four parking spaces are shown.

Finding 8: The proposal will comply with the applicable regulations of Title 21.

i. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.

Goal 1 Object B: "Promote a pattern of growth characterized by a concentrated mixed use center, and a surrounding ring of moderate-to-high density residential and mixed use areas with lower densities in outlying areas." (4-4)

Finding 9: The construction of an additional detached dwelling unit on this lot will increase the density of the area and will contribute to the creation of a concentrated mixed use downtown.

j. The proposal will comply with all applicable provisions of the Community Design Manual.

Finding 10: The outdoor lighting section of the community design manual applies. All outdoor lighting shall meet the standards of HCC 21.59.030 and shall be down lighting in accordance to the Community Design Manual.

In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

1. Special yards and spaces.
2. Fences, walls and screening.
3. Surfacing of vehicular ways and parking areas.
4. Street and road dedications and improvements (or bonds).
5. Control of points of vehicular ingress and egress.
6. Special restrictions on signs.
7. Landscaping.
8. Maintenance of the grounds, buildings, or structures.
9. Control of noise, vibration, odors, lighting or other similar nuisances.
10. Limitation of time for certain activities.
11. A time period within which the proposed use shall be developed and commence operation.
12. A limit on total duration of use or on the term of the permit, or both.
13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.
14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.

Finding 11: No special conditions are necessary.

PUBLIC WORKS COMMENTS: We have no comments on the CUP. Water & Sewer services are already installed and access already exists.

FIRE DEPARTMENT COMMENTS: Fire Chief Painter – no concerns

STAFF COMMENTS/RECOMMENDATIONS: Planning Commission approve Cup 2011-12 with findings 1-11.

Note: Approval of a Conditional Use Permit requires five yes votes.

ATTACHMENTS

1. Application
2. Location map
3. Public Notice



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone

(907) 235-3106

Fax

(907) 235-3118

E-mail

Planning@ci.homer.ak.us

Web Site

www.ci.homer.ak.us

Applicant

Name: Tom & Victoria Winne Telephone No.: 235-6029 / 399-

Address: PO Box 15112, Fritz Cr, AK 99603 Email: winne@homer.net

Property Owner (if different than the applicant):

Name: _____ Telephone No.: _____

Address: _____ Email: _____

PROPERTY INFORMATION:

Address: 192 E. Pioneer Ave Lot Size: 26 acres KPB Tax ID # 17719110

Legal Description of Property: Lot 6, Nils O. Svedlund Subdivision

For staff use:

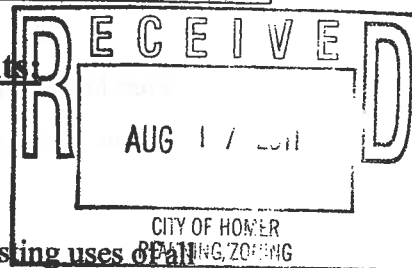
Date: _____ Fee submittal: Amount _____

Received by: _____ Date application accepted as complete _____

Planning Commission Public Hearing Date: _____

Conditional Use Permit Application Requirements

1. A Site Plan
2. Right of Way Access Plan
3. Parking Plan
4. A map showing neighboring lots and a narrative description of the existing uses of neighboring lots. (Planning can provide a blank map for you to fill in).
5. Completed Application Form
6. Payment of application fee (nonrefundable)
7. Any other information required by code or staff, to review your project



Circle Your Zoning District

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	OSR	BCWPD
Level 1 Site Plan	X	X	X			X			X		X	X
Level 1 ROW Access Plan	X	X							X		X	
Level 1 Site Development Requirements	X	X										
Level 1 Lighting			X	X	X	X	X	X	X	X		
Level 2 Site Plan			X	X	X	X	X	X		X		
Level 2 ROW Access Plan			X	X	X		X	X		X		
Level 2 Site Development Requirements			X*	X	X	X	X	X	X	X		
Level 3 ROW Access Plan						X						
DAP/SWP questionnaire					X	X	X	X	X	X		

Circle applicable permits. Planning staff will be glad to assist with these questions.

- ☒ Y ☐ N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: _____
- ☒ Y ☐ N Will your development trigger a Development Activity Plan?
Application Status: _____
- ☒ Y ☐ N Will your development trigger a Storm water Plan?
Application Status: _____
- ☒ Y ☐ N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: _____
- ☒ Y ☐ N Is your development in a floodplain? If yes, a Flood Development Permit is required.
- ☒ Y ☐ N Does your project trigger a Community Design Manual review?
If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>
- ☒ Y ☐ N Do you need a traffic impact analysis?
- ☒ Y ☐ N Are there any nonconforming uses or structures on the property?
- ☒ Y ☐ N Have they been formally accepted by the Homer Advisory Planning Commission?
- ☒ Y ☐ N Do you have a state or city driveway permit? Status: _____
- ☒ Y ☐ N Do you have active City water and sewer permits? Status: _____

1. Currently, how is the property used? Are there buildings on the property? How many square feet? Uses within the building(s)?

Please see attached sheets for ① and ②

2. What is the proposed use of the property? How do you intend to develop the property?
(Attach additional sheet if needed. Provide as much information as possible).

CONDITIONAL USE INFORMATION: (Please use additional sheet(s), if necessary)

- a. What code citation authorizes each proposed use and structure by conditional use permit?
11CC 21.18.030(k)
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. Please see attached sheets
- c. How will your proposed project affect adjoining property values? Having completely renovated a developer building, the property values will improve significantly.

d. How is your proposal compatible with existing uses of the surrounding land? There are other residences in the area.

e. Are/will public services adequate to serve the proposed uses and structures?

Yes

f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?

The buildings will house no more than two families

g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole? ^{Maximum}

No

h. How does your project relate to the goals of the Comprehensive Plan?

The 2006 Town Center Plan and the 2008 Comprehensive Plan are online at:

<http://www.ci.homer.ak.us/documents/planning>

Please see attached print out of "A Checklist for success" from the Comprehensive Plan

i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (circle each answer)

1. ☒ Y ☐ N Special yards and spaces.
2. ☒ Y ☐ N Fences, walls and screening.
3. ☐ Y ☒ N Surfacing of parking areas.
4. ☐ Y ☐ N Street and road dedications and improvements (or bonds).
5. ☐ Y ☒ N Control of points of vehicular ingress & egress. (There is only one possible point of access)
6. ☒ Y ☐ N Special provisions on signs.
7. ☒ Y ☐ N Landscaping.
8. ☒ Y ☐ N Maintenance of the grounds, buildings, or structures.
9. ☒ Y ☐ N Control of smoke, odors, gases, particulate matters, noise, vibration, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
10. ☐ Y ☒ N Time for certain activities.
11. ☐ Y ☒ N A time period within which the proposed use shall be developed.
12. ☐ Y ☒ N A limit on total duration of use.
13. ☒ Y ☐ N Special dimensional requirements such as lot area, setbacks, building height.
14. ☒ Y ☐ N Other conditions deemed necessary to protect the interest of the community.
15. ☐ Y ☒ N Control of smoke, odors, gases, particulate matters, noise, vibration, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.

PARKING

1. How many parking spaces are required for your development? 4
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). _____
2. How many spaces are shown on your parking plan? 4
3. Are you requesting any reductions? No

Include a site plan, drawn to a scale of not less than 1" = 20' which shows all existing and proposed structures, clearing, fill, vegetation and drainage.

I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property:

CIRCLE ONE: Owner of record Lessee Contract purchaser

Applicant signature: _____ Date: _____

Property Owner's signature: Charles W. Wimer Date: Aug 16th 2011

City of Homer Planning & Zoning.

Property:

182, East Pioneer Avenue,
Homer, Alaska 99603.

The property, which was built in 1938, had been sitting vacant and unused for a number of years, resulting in the structure becoming run down to the extent of being derelict. The last known uses of the building were by Vessels of Hope and before that, Raspberry Lane School.

Appreciating the historical value of the building, and given the structure's proximity to other city buildings from the same era (Main Street Mercantile, originally The Homer Cache Store, built 1936, and The Heritage Hotel, built 1947) we chose to renovate. Tearing it down and building from scratch was undoubtedly the easier and less complicated option, but we felt that in preserving the original structure, we celebrated the pioneering spirit of Homer's first residents.

The extensive renovation included:

- Jacking up the entire structure to put concrete pilings and vapor barrier underneath
- Replacing insulation throughout
- Re-wiring
- Re-plumbing
- Replacing the roof
- Digging new water and sewer lines to hook into existing city facilities
- Ditching behind the property to address water run-off issues
- Replacing the siding
- Re-modeling the interior
- Adding a south-facing deck
- Building a privacy fence
- Landscaping

In keeping with the idea of an attractive down-town area, we have attempted to make the building as aesthetically pleasing as possible viewed from the street. Also, because of its historical significance, we chose natural materials (cedar siding, cedar shakes for accent, and local spruce) that would have been available to the original builders of the 1930's.

The building will initially be offered as a year-round residence. We believe housing in the down-town area further enhances the feeling that Homer has a true center, and will afford tenants the opportunity to walk or bike to everything in town.

Our new ideas involve an addition to the east side of the renovated building which will extend the living area from two to three bedrooms. In consultation with local rental agencies, three bedroom housing is what local families most need. It will enlarge the kitchen area and include an arctic entry for energy conservation. The siding and roof dormers will match those of the existing structure. This will be forward of the carport that was attached to the building when first purchased (see attached Ability Surveys As-Built).

Also, we propose building a small cabin which will sit flush with the existing privacy fence, with a porch extending 5 feet south towards the parking area. This may be used as a separate small residence, or could serve as guest quarters for the existing tenants. The cabin exterior will also match the main building, including the windows, the roof and dormer lines, and the cedar siding and shakes. The privacy fence is built with local beetle-killed spruce.

As with the existing building, there will be an optimum amount of south-facing windows to provide solar heat for energy efficiency.

There will be room for four vehicles in the parking area.

We have placed large rocks in strategic areas for perennial gardens, adding to Homer's publicly viewed flower beds, and plan annuals and perennials along the front of the privacy fence, with flower boxes and hanging baskets in the spring. We will be planting more evergreen and deciduous trees in the lawn areas this fall. We have kept clearing the existing vegetation to a minimum to maintain the habitat for the wildlife – behind the building is a favorite spot for the moose.

Every effort has and will be done to present a highly attractive area to passers-by, thus enhancing the neighborhood and improving the property values of surrounding properties.

We have attached a copy of the Homer Comprehensive Plan's "Downtown Design Principles – A Checklist for Success" and have highlighted the points we believe we have fulfilled and will fulfill.

Downtown Design Principles A Checklist for Success

ATTRACT PEOPLE WITH THE RIGHT MIX OF USES

1. MEET BASIC COMMERCIAL NEEDS OF RESIDENTS AND VISITORS

- Regular convenience needs—grocery, drug store, film, hardware/duct tape, books, bank/ATM, cleaners, hair, auto, videos, cards, business services...
- Food & Drink – restaurants, coffee, bakeries...
- Specialty Shopping – clothing, art, home wares...
- Civic Anchors – post office, library, courthouse, city hall, conference facilities
- Commercial ‘Anchors’ – grocery store, coffee shop...

2. CREATE DEMAND & ADD LIFE BY LOCATING POTENTIAL USERS WITHIN EASY WALKING DISTANCE OF DOWNTOWN

- Residential – single and multifamily housing, employee housing, college student housing
- Visitors – hotels, Motels, Inns, B&Bs
- Employment – offices, other businesses (in addition to retail, services)
- Institutional uses – schools, churches, police, fire, day care, college

3. MORE REASONS TO VISIT: “FIVE STAR” ATTRACTIONS

- Art and information – visual and performing arts, museums, information centers
- Private recreation – e.g., movie theaters, bowling

TAMING THE AUTOMOBILE

4. VEHICULAR, TRANSIT & TRAIL ACCESS

- Provide good access for the private automobile
- Mitigate undesirable effects of traffic and roadways; slow traffic
- Provide alternatives to the car – foot, ski, bike, transit

5. PARKING

- Provide enough parking
- Use efficient layouts (on-street, off-street)
- Mitigate adverse effects of parking (e.g. landscape parking)
- Share parking/manage parking supply

6. OTHER INFRASTRUCTURE (water, storm runoff, fire, etc.)

- Screen the worst/celebrate the rest – water, sewer, drainage
- Good lighting – save the nighttime stars

A GOOD PLACE TO WALK/CONCENTRATE USES

7. "CRITICAL MASS" - CONCENTRATE USES IN THE CENTER OF TOWN

8. CREATE A WALKABLE, COMPACT DOWNTOWN

- Create A Good Environment For Walking (Comfort, Safety, Attractions)
- Concentrate Commercial Activities Within an Area of about 1/4 Mile Diameter

REASONS TO LINGER – PLEASURES OF PLACE & PEOPLE

9. INVEST IN PUBLIC SPACE/PUBLIC LIFE

"What attracts people most, it would appear, is other people." William Whyte

- Heart Of The Heart - town square/plaza
- Provide Inviting Places To Linger – comfortable, inviting sidewalks and streets
- Preserve Places Special To Locals
- Establish "Sense Of Habitation" – from public flowers to building design standards

10. "SENSUAL DELIGHT"

- Food And Drink, Public Music & Dance, Evocative/Exotic Smells & Sounds

11. FUN IN PUBLIC PLACES

- "Enjoyable Motion" - interesting ways to get around, from pure fun to functional
- Places For Play - kids play structures, "compact sports", "street toys" for small-scale adventure

12. SPECIAL EVENTS

- Celebrate what makes your community unique
- Devote public resources to create successful events

13. IT PAYS TO MAINTAIN A SENSE OF PLACE

- Provide Good Orientation - a sense of entry, boundaries, landmarks, clear center
- Intricacy & Complexity - invite and reward exploration, provide surprises
- Capture Good Views
- Create Strong Ties To Natural Setting - bring nature in, protect habitat
- Incorporate Local Materials - stone, plants, rocks
- Maintain/Create Good Buildings (architecture): set quality standards, avoid big mistakes, the right setbacks & scale is as important as design
- Tell Good Stories: public art, information "placemakers"
- Celebrate History - weave history into art, buildings, place names...
- Signage - clutter or information & source of character?
- Hitting The Balance Between "Real And Ersatz" – better a bit kitschy than boring

SEABRIGHT SURVEY+ DESIGN

1044 East Road, Suite A
Homer, Alaska 99603
Ph: (907) 235-4247 Fax: (907) 235-4247
seabright@seabrightalaska.com

August 15, 2011

City Of Homer
Attention: Planning Dept.
491 East Pioneer Ave.
Homer, AK 99603

Re: Easterly portion of Lot 6, Nils O. Svedlund Subd.

Dear Planning Department, Here is the email I sent on 8/4/11:

Hey Dottie,

This is to let you know that I surveyed the easterly line of the deeded portion of Lot 6 Tract A of Nils O. Svedlund Subd. adjacent to Lot 5 and staked the 7 foot setback along that line for Tom Winnie.

Existing property corners were recovered and used for this survey.

If you have any questions, please feel free to call anytime.

Cordially, Kenton

--
Kenton Bloom
1044 East Rd Suite A
Homer, Alaska 99603
907-235-4247

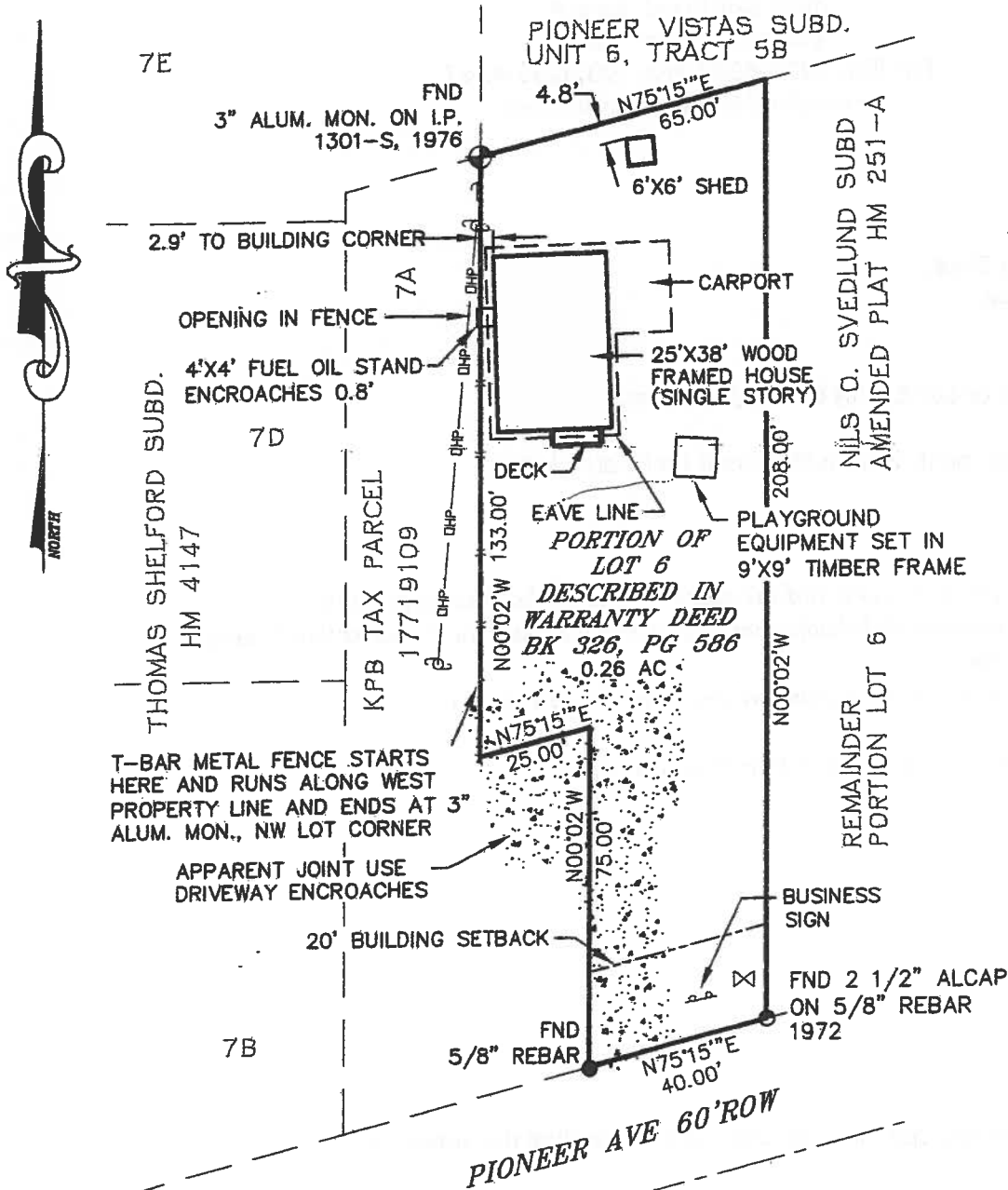
Please call if you have any questions or comments regarding this submittal.

Thank you,



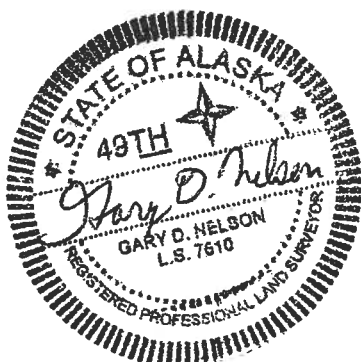
Kenton Bloom, PLS
Seabright Survey + Design

6. I HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY: PORTION LOT 6 OF THE "NILES O. SVELUND SUBDIVISION", AMENDED PLAT #HM251-A, H.R.D., THE IMPROVEMENTS SITUATED THEREON ARE LOCATED AS SHOWN ON THIS PLAT AND THERE ARE NO OTHER VISIBLE ABOVE GROUND IMPROVEMENTS OR ENCROACHMENTS ON SAID PROPERTY EXCEPT AS INDICATED HEREON.



LEGEND

- ↑ GUY/ANCHOR
- ⊕ POWER POLE
- OHP- OVERHEAD POWER
- ⊗ WATER VALVE
- ⊙ GRAVEL DRIVE

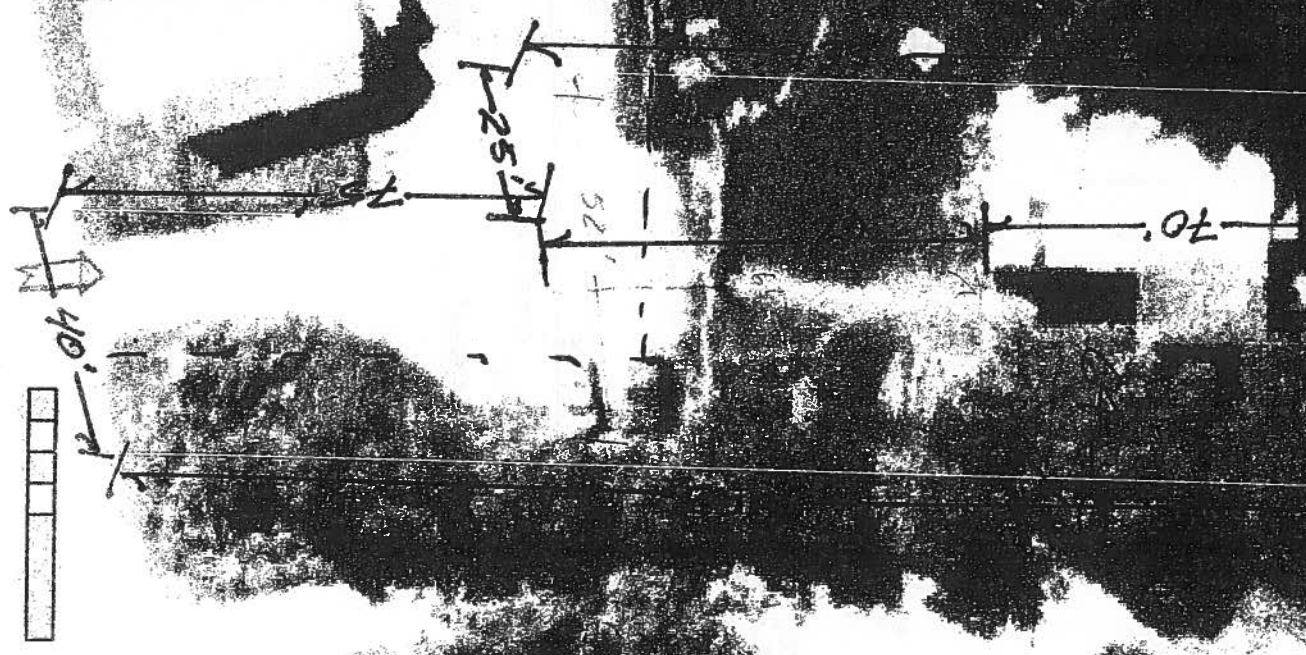


DATE	04/07/2008
JOB No.	4301
DWG No.	4301
SCALE	1" = 40'
TAX PARCEL	17719110
PLAT No.	HM 251-A
SECTION	NW1/4, 20
TOWNSHIP	76S
RANGE	28 (SM)
RASF MAP	

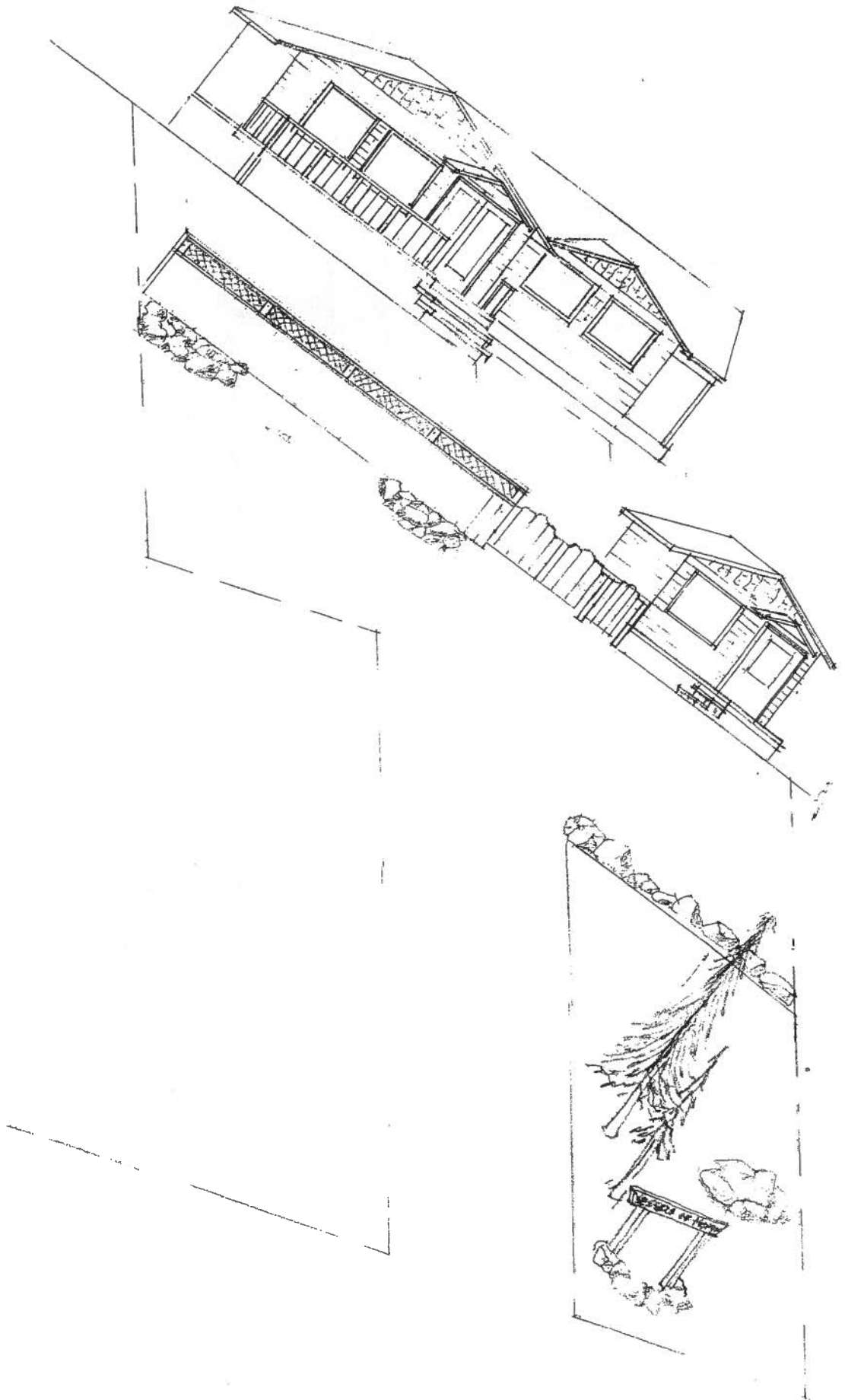
PORTION OF LOT 6
NILS O. SVELUND SUBD.
AMENDED PLAT HM251-A
AS DESCRIBED IN STATUTORY WARRANTY DEED
BOOK 00326, PAGE 0586, H.R.D.
WITHIN THE CITY OF HOMER
HOMER RECORDING DISTRICT

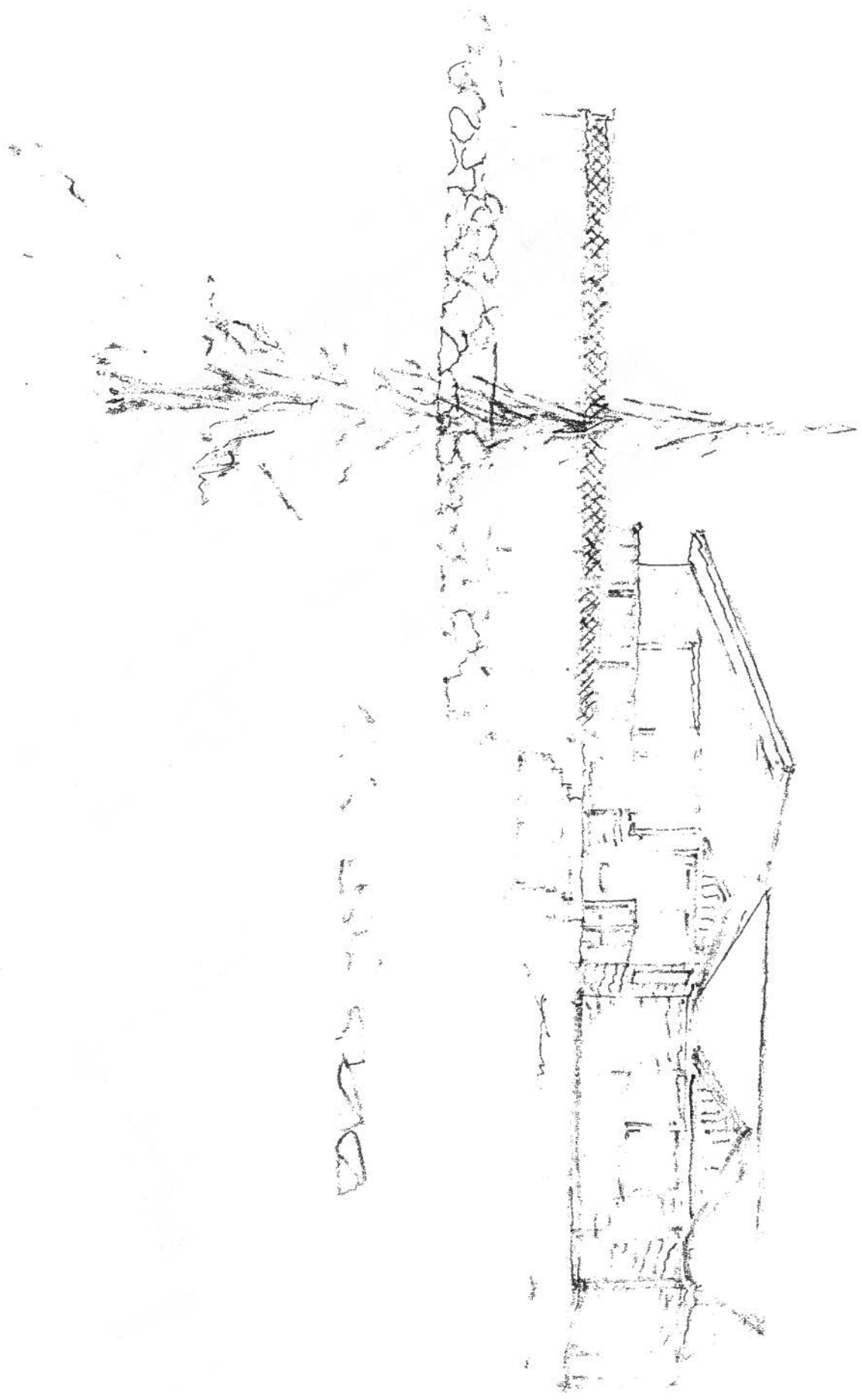
ABILITY SURVEYS

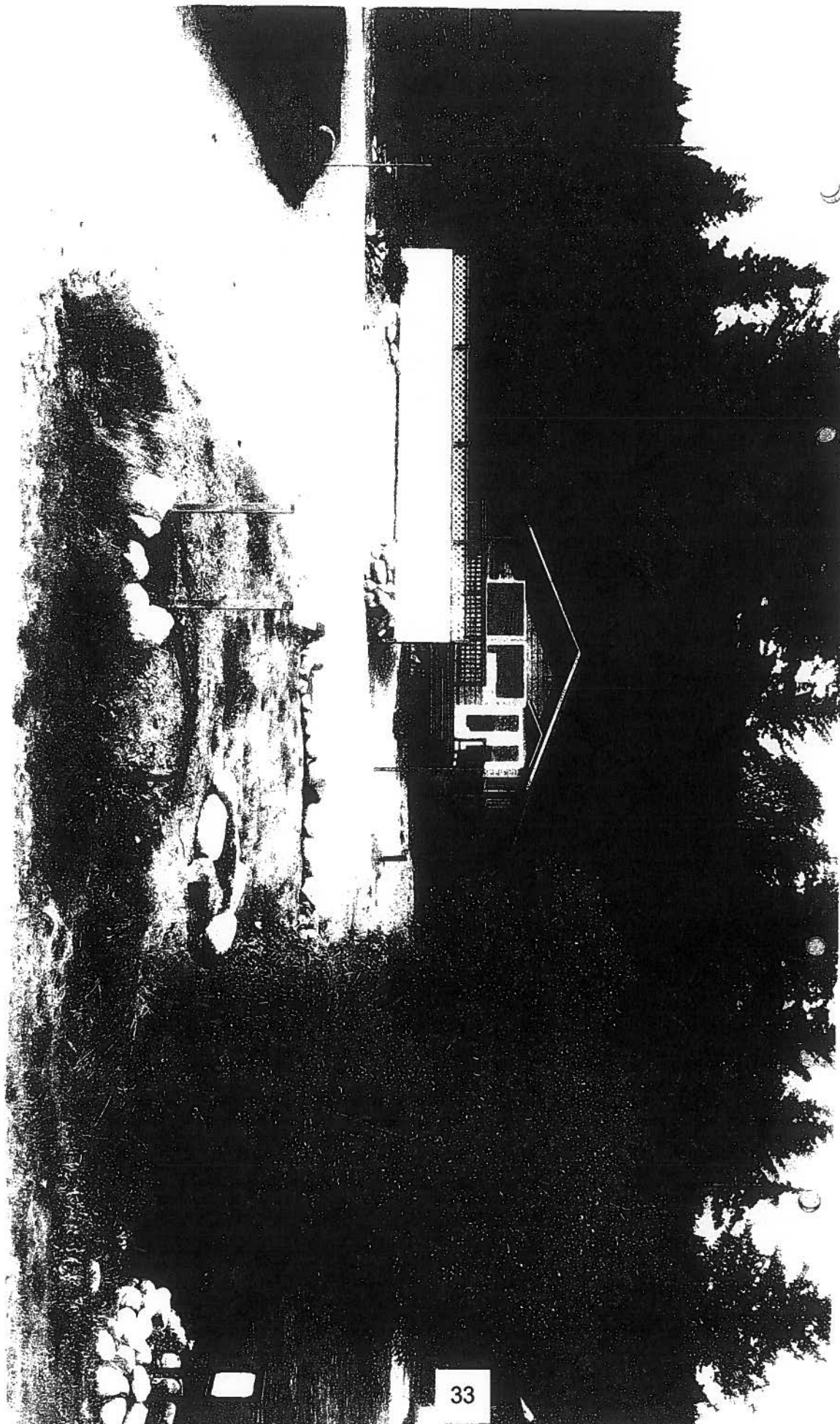
REGISTERED LAND SURVEYORS
(907) 235-8440
152 DEHEL AVE., HOMER, ALASKA 99603



SEPTEMBER 2007
The information depicted herein is for general
information only. It does not constitute a
contract. The Kona, Hawaii, Department of Public
Works, Planning and Engineering Division, is
not responsible for any errors or omissions
that may appear hereon. Prepared by
200 E. Pioneer Avenue, Suite 200
Kailua-Kona, Hawaii 96740
SALEM MAGNIFICENT











City of Homer Planning & Zoning

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STAFF REPORT PL 11-99

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: September 21, 2011
SUBJECT: DRAFT sign ordinance

At the September 7, 2011 planning commission meeting business owners testified on the draft sign ordinance. In summary, the business owners are passionate about their sandwich and urged the commission to reconsider the ban on commercial sandwich boards. Several business owners spoke in support of the banners. Bill Smith indicated that he would submit written comments. It was suggested that the commission review the wording that prohibits signs on motor vehicles.

The United States Sign Council recommends dealing with vehicle signs in the "Prohibited" section:

"Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Code; Prohibited is any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service, business, or other activity. This regulation shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation."

Gig Harbor, WA 17.80.120(f) prohibits such signs by:

"Signs attached to or placed on a vehicle or trailer parked on public or private property; provided, however, this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from this provision."

Portland, OR 32.12.030 (C) Prohibitions.

"Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signs not otherwise allowed by the code;"

Of these provisions, the first one from the USSC is preferred because it avoids the discussion about what is "normal course of business."

If the commission chooses to reconsider the ban on temporary signs for businesses, the option to display only during business hours, or a maximum of 12 hours is a compromise. Enforcement would be a late night sweep to remove temporary signs in the public ROW.

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.60.040, DEFINITIONS; HOMER CITY CODE 21.60.060, SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS; HOMER CITY CODE 21.60.070, PERMITS REQUIRED; HOMER CITY CODE 21.60.090, SIGNS IN THE PUBLIC RIGHT-OF-WAY; HOMER CITY CODE 21.60.100, SIGNS EXEMPT FROM REGULATION UNDER THIS CHAPTER; HOMER CITY CODE 21.60.110 SIGNS PROHIBITED UNDER THIS CHAPTER; HOMER CITY CODE 21.60.130, TEMPORARY SIGNS-PRIVATE PROPERTY; HOMER CITY CODE 21.60.150, TIME OF COMPLIANCE-NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS; AND HOMER CITY CODE 21.60.170, ENFORCEMENT AND REMEDIES; AND REPEALING HOMER CITY CODE 21.60.120, GENERAL PERMIT PROCEDURES; HOMER CITY CODE 21.60.140, TEMPORARY SIGNS-PUBLIC RIGHTS-OF-WAY; AND HOMER CITY CODE 21.60.160, VIOLATIONS; REGARDING THE REGULATION OF SIGNS.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.60.040, Definitions, is amended to read as follows:

21.60.040 Definitions. ~~In~~ For the purpose of this chapter, in addition to terms defined in HCC §21.03.040, the following words and phrases shall have the meanings set forth in this section ~~chapter.~~

"Abandoned sign-" means a ~~Any sign containing copy~~ that refers to a business or activity that is no longer being conducted or pursued.

"Animated sign-" means a ~~Any sign~~ that uses flashing lights, movement or change of lighting to depict action or create a special effect or scene, or that includes characters, letters, or illustrations whose message changes at least one time per day; provided that a changing- ~~A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature~~ does not cause a sign to be ~~shall be considered a time and temperature portion of a sign and not an animated sign for purposes of this chapter.~~

"Banner-" means a ~~Any sign~~ of lightweight fabric or similar material that is attached to a rigid structure along its entire circumference ~~mounted to a pole or a building by a permanent frame at one or more edges. A flag, as defined in HCC § 21.60.040, shall not be considered a banner.~~

"Beacon-" means a ~~Any sign~~ that emits ~~with one or more beams~~ of light, capable of being directed in one or more ~~any direction or directions or capable of being rotated or moved.~~

[**Bold and underlined added.** Deleted language stricken through.]

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45 "Building marker:" means a wall Any-sign cut or etched into masonry, bronze, or similar
46 material that includes only the building name, date of construction, or historical data on historic
47 site.

48 "Building sign:" means a Any-sign that is attached to and supported by any part of a
49 building, but that is not a freestanding sign unless it is supported in whole or in part by
50 structures or supports that are placed on, or anchored in, the ground and that are independent
51 from any building or other structure.

52 "Changeable copy sign:" means a A-sign that includes or portion thereof with
53 characters, letters, or illustrations that can be changed or rearranged without altering the face or
54 the surface of the sign, and, A-sign on which the message changes less often more than one time
55 per day ~~shall be considered an animated sign and not a changeable copy sign for purposes of this~~
56 ~~chapter; provided that a A-changing sign on which the only copy that changes is an electronic~~
57 ~~or mechanical indication of time or temperature~~ does not cause a sign to be shall be considered
58 ~~a time and temperature portion of a sign and not a changeable copy sign for purposes of this~~
59 ~~chapter.~~

60 "Commercial message:" means letters, graphic material or a combination thereof Any
61 sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls
62 attention to a business, brand, product, service or other commercial activity.

63 "Department." ~~The Planning and Zoning division or department of the City.~~

64 "Electoral sign:" means a Any-sign used for the purpose of advertising or promoting a
65 political party, or the election or defeat of a candidate, initiative, referendum or proposition at an
66 election.

67 "Flag:" means the flag Flags of the United States, the State, the City, a foreign nations
68 having diplomatic relations with the United States, and any other flag adopted or sanctioned by
69 an elected legislative body of competent jurisdiction. ~~A flag shall not be considered a banner for~~
70 ~~purposes of this chapter.~~

71 "Freestanding sign:" means a Any-sign supported, in whole or in part, by structures or
72 supports that are placed on, or anchored in, the ground and that are independent of from any
73 building or other structure.

74 "Ground sign:" means A ground sign is a freestanding sign that is placed directly on the
75 ground with having or appearing to have a foundation or solid base beneath 50 percent or more
76 of the longest horizontal dimension of the sign.

77 "Handbill." Any flyer, notice or brochure advertising or promoting any product, business,
78 cause, political candidate or issue, and intended for distribution to the general public.

79 "Incidental sign:" means an A-sign, generally informational, or directional sign that is
80 incidental and subordinate has a purpose secondary to a principal the use of the lot on which
81 it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar
82 directives. No sign with a and that bears no commercial message that is legible from outside
83 that a position off the lot on which the sign is located shall be considered incidental.

84 "Lot." See HCC § 21.32.030.

[**Bold and underlined added.** Deleted language stricken through.]

85 ~~"Marquee." Any permanent roof-like structure projecting beyond a building or extending~~
86 ~~along and projecting beyond the wall of the building, generally designed and constructed to~~
87 ~~provide protection from the weather.~~

88 "Marquee sign-" means a Any sign attached in any manner to, ~~in any manner~~, or made a
89 part of, a permanent roof-like structure projecting beyond a building, generally designed
90 and constructed to provide protection from the weather marquee.

91 ~~"Non-conforming sign." Any lawfully pre-existing sign that does not conform to~~
92 ~~regulations of this chapter that became applicable after erection of the sign.~~

93 "Official traffic control device" means a sign not inconsistent with Alaska Statutes
94 Title 28, placed or erected by authority of a state or municipal agency or official having
95 jurisdiction, for the purpose of traffic regulating, warning and guiding.

96 "Off-premise sign-" means a A sign containing a ~~commercial or non-commercial~~
97 message drawing attention to goods or services, business or other activity not offered or
98 conducted on the lot on which the sign is located.

99 "Pennant-" means a Any lightweight plastic, fabric, or other material, whether or not
100 containing a message of any kind suspended from a rope, wire, or string, usually in series,
101 designed to move in the wind.

102 "Permanent sign" means a sign that is not a temporary sign.

103 ~~"Portable sign." means a Any sign not permanently attached to the ground or other~~
104 ~~permanent structure, or a sign designed to be transported, including signs designed to be~~
105 ~~transported by means of wheels; signs converted to A or T frames; menu and sandwich board~~
106 ~~signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on~~
107 ~~vehicles parked and visible from the public right of way, unless said vehicle is used in the~~
108 ~~normal day-to-day operations of the business.~~

109 "Principal building-" means a The building in which is conducted the principal use of the
110 lot is conducted on which it is located. Lots with multiple principal uses may have multiple
111 principal buildings, but storage buildings, garages, and other accessory structures shall not be
112 considered principal buildings.

113 "Projecting sign-" means a Any building sign attached affixed to a building or wall and
114 that protrudes in such a manner that its leading edge extends more than six inches beyond the
115 surface of the such building or wall.

116 "Public sign-" means A Public Sign is an off-premise off-premises sign placed by a
117 governmental agency to that provides direction or information, or to identify or identifies
118 public facilities such as parks, playgrounds, libraries, or schools or to a distinct area of the City,
119 such as Pioneer Avenue, the Homer spit, Old Town and entrances to the City. ~~Public Signs may~~
120 ~~identify categories of services available, but may not carry any other commercial message.~~
121 Public signs are non-regulatory.

122 "Residential sign-" means a Any sign located in the Rural Residential, Residential Office
123 or Urban Residential zoning districts that contains no commercial message except for advertising
124 for goods or services legally offered on the premises where the sign is located, if offering such
125 services at such location conforms to ~~with~~ all requirements of the zoning code.

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"Roof sign, integral:" means a Any sign erected and constructed as an integral part of a ~~normal the roof of a building~~ structure, such that no part of the sign extends vertically more than two feet above the highest portion of that roof of which it is a part.

"Setback:" means the The distance between a sign located on a lot and the closest lot line and the sign.

"Sign:" means a Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

~~"Suspended sign:" A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.~~

"Temporary sign:" means a Any sign that is not affixed permanently to a building or to a permanent support or foundation, used only temporarily and is not permanently mounted including without limitation menu or sandwich board signs.

"Wall sign:" means a Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building or structure, and which displays only one sign surface.

"Window sign:" means a Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Section 2. The title and subsection (a) of Homer City Code 21.60.060, Signs allowed on private property with and without permits, are amended to read as follows:

21.60.060 Signs allowed on private property with and without permits. a. Signs shall be allowed on private property in the City ~~in accordance with, and only in accordance with~~ Table 1. If the letter "A" appears for a sign type in a column, such sign type is allowed without prior permit approval in the zoning district represented by that column. If the letter "P" appears for a sign type in a column, such sign type is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign type is not allowed in the zoning districts represented by that column under any circumstances. If the letters "PH" appear for a sign type in a column, such sign type is allowed in the zoning districts represented by that column only with prior approval by the Commission after a public hearing.

b. Although permitted under the previous paragraph, a sign designated by an "AP" or "PS" in Table 1 shall be allowed only if:

1. The sum of the area of all building and free standing signs on the lot does not exceed ~~conforms with~~ the maximum permitted sign area for the zoning district in which the lot is located as specified in Table 2; and

[**Bold and underlined added.** Deleted language stricken through.]

2. The characteristics of the sign conform ~~to with~~ the limitations of Table 3; Permitted Sign Characteristics, and with any additional limitations on characteristics listed in Table 1 or Table 2.

c. Any sign type that is not listed on the following tables is prohibited ~~are not permitted, with or without a permit.~~

Section 3. The Key to Tables 1 through 3 that follows Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

KEY to Tables 1 through 3	
RR Rural Residential	GBD Gateway Business District
UR Urban Residential	GC1 General Commercial 1
RO Residential Office	GC2 General Commercial 2
INS Institutional Uses Permitted in Residential Zoning Districts (a)	<u>EEMU East End Mixed Use</u>
CBD Central Business District	MC Marine Commercial
TC Town Center District	MI Marine Industrial
	OSR Open Space Recreation
	PS Public Sign Uses Permit
<u>A</u> <u>P</u> = Allowed without sign permit	
<u>P</u> <u>S</u> = Allowed only with sign permit	
N = Not allowed	
PH = Allowed only upon approval by the Planning Commission after a public hearing	
For parenthetical references, e.g., "(a)," see Notes following graphical portion of table.	

Section 4. Table 1 following Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

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Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC 1	GC 2	<u>EEM</u> <u>U</u>	MC	MI	OSR	F
<u>Freestanding</u>														
Residential (b)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	N	N	<u>N</u>	N	N	<u>AP</u>	P
Other (b)	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u> (jk)	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	P
Incidental (c)	N	N	<u>AP</u> (d)	<u>AP</u> (d)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	N	N
<u>Building</u>														
Banner	N	N	N	N	<u>PS</u>	<u>PS</u>	N	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	N
Building Marker (e)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	N
Identification (d)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	N
Incidental (c)	N	N	<u>AP</u> (f)	<u>AP</u> (c)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	N	N
Marquee (g)	N	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	N
Projecting (g)	N	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	N
Residential (b)	<u>AP</u>	<u>AP</u>	<u>AP</u>	N	<u>AP</u>	<u>AP</u>	<u>AP</u>	N	N	<u>N</u>	N	N	<u>AP</u>	N
Roof	N	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N
Roof, Integral	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	N
Suspended (g)	N	N	N	S	S	S	S	S	S		S	S	N	N
Temporary (gh)	AN	AN	AN	AN	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>
Wall	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	<u>AP</u>	<u>AP</u>
Window	N	N	<u>AP</u>	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	N
<u>Miscellaneous</u>														
Banner (c)	N	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	N
Flag (hi)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>
Portable	N	N	N	N	S	S	S	S	S		S	S	N	N

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Notes to Table 1:

- a. This column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, non-profit, or public safety/benefit nature, i.e., schools, churches, and hospitals.
- b. No commercial message allowed on sign, except for a commercial message drawing attention to goods or services legally offered on the lot, except signs approved by the state of Alaska Department of Transportation and signs that meet the requirements of HCC § 21.60.092.
- c. No commercial message of any kind allowed on sign if such message is legible from any location off the lot on which the sign is located.
- d. Only address and name of occupant allowed on sign.
- e. May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.
- f. No commercial message of any kind allowed on sign.
- ~~g. If such a sign is suspended or projects above a public right of way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the City planner may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least \$500,000 per occurrence per sign.~~
- gh. The conditions of HCC § 21.60.130 of this ordinance apply.
- hi. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United states and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United states for the stars and stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulations as such.
- ij. Permitted on the same terms as a temporary sign, in accordance with HCC § 21.60.130, except that it may be free standing.
- jk. The main entrance to a development in GBD may include one ground sign announcing the name of the development. such sign shall consist of natural materials. Around the sign grass, flowers and shrubs shall be placed to provide color and visual interest. The sign must comply with applicable sign code requirements.

Section 5. Table 2 following Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

Table 2. Maximum Total Sign Area Per Lot by Zoning District

Table 2 Part A

The maximum combined total area of all signs, in square feet, except incidental, building marker and flags (b) shall not exceed the following according to district:

R	UR	RO	RO (e)	INS (a)	OSR	PS (d)
4	4	6	50	20	4	32

Table 2 Part B

In all other districts not described in Table 2 Part A, the maximum combined total area of all signs, in

[Bold and underlined added. Deleted language stricken through.]

square feet, except incidental, building marker and flags, shall not exceed the following:

Square feet of wall frontage (c):

Maximum allowed sign area per lot **Principle Building:**

750 s.f. and over	150 s.f.
650 to 749	130 s.f.
550 to 649	110 s.f.
450 to 549	90 s.f.
350 to 449	70 s.f.
<u>2009</u> to 349	50 s.f.
<u>0</u> to <u>199</u>	<u>30 s.f.</u>

In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or with multiple independent businesses or occupancies in one or more buildings, the total allowed sign area may be increased beyond the maximum allowed signage as shown in Table 2 Part B, by 20%. This additional sign area can only be used to promote or identify the building or complex of buildings.

In all districts covered by Table 2 Part B, freestanding signs, when otherwise allowed, shall not exceed the following limitations:

Only one freestanding sign is allowed per lot, except one freestanding Public Sign may be additionally allowed. A freestanding sign may not exceed ten (10) feet in height. The sign area on a freestanding sign (excluding a Public Sign) shall be included in the calculation of maximum allowed sign area per lot and shall not exceed the following:

One business or occupancy in one building – 36 sq ft

Two independent businesses or occupancies or principal buildings in any combination – 54 sq ft

Three independent businesses or occupancies or principal buildings in any combination – 63 sq ft

Four or more independent businesses or occupancies or principal buildings in any combination – 72 sq ft

Section 6. Table 3 following Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

Table 3.												
Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC1	GC2	<u>EEMU</u>	MC	MI
Animated (b)	N	N	N	N	<u>PS</u>	<u>PS</u>	N	<u>PS</u>	N	<u>P</u>	<u>PS</u>	N
Changeable Copy (c)	N	N	N	N	<u>PS</u>	<u>PS</u>	N	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>
Illumination Internal	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	N	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>
Illumination External	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>
Neon (d)	N	N	N	N	<u>PS</u>	<u>PS</u>	N	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>

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Notes to Table 3

- a. The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, non-profit or public safety/benefit nature, *i.e.*, schools, churches and hospitals.
- b. Animated signs may not be neon or change colors or exceed three square feet in area.
- c. Changeable Copy signs must be wall or pole mounted, and may not be flashing.
- d. Neon signs may not be flashing and may not exceed 32 square feet.
- e. The PS column does not represent a zoning district. It applies to Public Signs permitted under the zoning code, in all zoning districts.

Section 7. Homer City Code 21.60.070, Permits required, is amended to read as follows:

21.60.070 Sign permits ~~Permits required.~~ a. No person may place, construct, erect or modify a sign for which ~~If a sign requiring a provision of this chapter requires a permit without first obtaining a permit for the sign~~ under this section ~~the provisions of this chapter is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of HCC § 21.60.120.~~

b. Applications. An application for a sign permit shall be submitted to the Department on an application form or in accordance with application specifications published by the Department. An application for a permit for a sign that is not an off-premise sign shall be submitted by the owner of the lot where the sign is to be located, or by a tenant leasing all or part of the lot when the sign names, advertises, or calls attention to a business, brand, product, service or other commercial activity of the tenant.

c. Fees. An application for a sign permit shall be accompanied by the applicable fees established by the Homer City Council from time to time by resolution.

d. Action. Within seven working days after the submission of a complete application for a sign permit, the Department shall either:

1. Issue the sign permit, if each sign that is the subject of the application conforms in every respect with the requirements of this chapter; or

2. Reject the sign permit if a sign that is the subject of the application fails in any way to conform to the requirements of this chapter. In case of rejection, the Department shall specify in the rejection the section or sections of this chapter to which the sign does not conform.

Section 8. Homer City Code 21.60.090, Signs in the public right-of-way, is amended to read as follows:

21.60.090 Permanent sSigns in the public rights-of-way. No person may place, construct or erect a permanent sign ~~shall be allowed in a~~ the public right-of-way, except for the following:

[**Bold and underlined added.** Deleted language stricken through.]

- 251 a. ~~Permanent Signs. Only the following permanent signs, including:~~
252 **a1. Official traffic control devices.**
253 **b.** Public signs erected by or on behalf of a governmental body to post legal notices,
254 identify public property, convey public information, and direct or regulate pedestrian or
255 vehicular traffic;
256 **c2.** Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
257 and
258 **d3.** Signs containing commercial messages **that have been** must be approved by the
259 State of Alaska Department of Transportation, ~~Tourist Oriented Directional Signing Program.~~
260 ~~b. Temporary Signs. Temporary signs for which a permit has been issued in~~
261 ~~accordance with HCC § 21.60.140, which shall be issued only for signs meeting the following~~
262 ~~requirements:~~
263 1. ~~The signs shall contain no commercial message; and~~
264 2. ~~The signs shall be no more than two square feet in area each.~~
265 3. ~~Notwithstanding (1) and (2), such signs calling attention to civic events~~
266 ~~shall be no more than four square feet in area, if freestanding, or if street banner, may not~~
267 ~~exceed the width of traveled portion of road.~~
268 ~~e. Emergency signs. Emergency warning signs erected by a governmental agency, a~~
269 ~~public utility company, or a contractor doing authorized or permitted work within the~~
270 ~~public right of way.~~
271 ~~d. Other Signs Forfeited. Any sign installed or placed on public property, except in~~
272 ~~conformance with the requirements of this section, shall be forfeited to the City and subject to~~
273 ~~confiscation. In addition to other remedies hereunder, the City shall have the right to recover~~
274 ~~from the owner or person placing such a sign the full costs of removal and disposal of such sign.~~
275

276 Section 9. Homer City Code 21.60.100, Signs exempt from regulation under this chapter,
277 is amended to read as follows:
278

279 21.60.100 Signs exempt from regulation under this chapter. The following signs shall be
280 exempt from regulation under this chapter:

- 281 a. Any **sign bearing only a** public notice or warning required by a valid and applicable
282 federal, state, or local law, regulation, or ordinance.
283 b. **Any emergency warning signs erected by a governmental agency, a public utility**
284 **company, or a contractor doing authorized or permitted work within a public right-**
285 **of-way.**
286 c. Any sign inside a building, not attached to a window or door, that is not legible from a
287 distance of more than three feet beyond the lot line of the lot or parcel on which such sign is
288 located,
289 d. Works of art that do not contain a commercial message;
290 e. Holiday lights between October 15 and April 15;

[**Bold and underlined added.** Deleted language stricken through.]

291 **fe.** Traffic control signs on private property, such as a stop sign, a yield sign, and similar
292 signs, the face of which meet Department of Transportation standards and that contain no
293 commercial message of any sort.

294 **gf.** Signs in existence before February 11, 1985, but such signs shall not be replaced,
295 moved, enlarged, altered, or reconstructed except in compliance with this chapter.

296
297 **Section 10.** Homer City Code 21.60.110, Signs prohibited under this chapter, is amended
298 to read as follows:

299
300 **21.60.110 Signs prohibited under this chapter.** All signs not expressly permitted under
301 this chapter or exempt from regulation hereunder in accordance with HCC § 21.60.100 are
302 prohibited in the City. Without limiting the foregoing, examples of prohibited signs include:

- 303 a. Beacons;
304 b. Pennants;
305 c. Strings of lights not permanently mounted to a rigid background, except those exempt
306 under HCC § 21.60.100;
307 d. Inflatable signs and tethered balloons;
308 e. Animated signs that are neon, change colors, or exceed three square feet in area;
309 f. Placement of hand bills, flyers, or bumper stickers on parked vehicles other than by
310 owner;

311 **g. A sign on a motor vehicle or trailer that is parked on or off a business premises**
312 **for the primary purpose of displaying the sign. It will be presumed that a motor vehicle or**
313 **trailer bearing a sign is parked for the primary purpose of displaying the sign if the sign is**
314 **both:**

- 315 **1. Legible from a public right-of-way at a distance of 100 feet or more, and;**
316 **2. The motor vehicle or trailer is parked at the same location continuously**
317 **for four or more hours, or on a recurring daily schedule.**

318 **hg.** Abandoned signs, which shall be removed by the owner or lessee, if any, of the lot
319 upon which the signs are located. If such owner or lessee fail to remove such signs after an
320 opportunity for a hearing before the Planning Commission and fifteen days written notice to
321 remove given by the City, then (i) the owner or lessee has committed a violation, and (ii) the City
322 may remove the signs and collect the cost of removal from such owner or lessee, who shall be
323 jointly and severally liable for such cost.

324
325 **Section 11.** Homer City Code 21.60.120, General permit procedures, is repealed.

326
327 **Section 12.** Homer City Code 21.60.130, Temporary signs-private property, is amended
328 to read as follows:

329
330 **21.60.130 Temporary signs-Private property. a. General. All temporary signs are**
331 **subject to the following requirements:**

[Bold and underlined added. Deleted language stricken through.]

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332 1. A temporary sign may not be an illuminated, animated, or changeable
333 copy sign.

334 2. Unless a smaller area is required by another provision of this chapter, the
335 area of a temporary sign shall not exceed 16 square feet.

336 3. A temporary sign whose message pertains to a specific date, event, or time
337 period shall not be displayed for more than seven days after that date or the
338 conclusion of the event or time period.

339 b. Commercial. A temporary sign that bears a commercial message is on private
340 property shall be allowed subject to the following requirements:

341 a. Term. A temporary sign shall not be displayed for more than 14 days in any 90-
342 day period, except a sign offering for sale or lease the lot on which the sign is located,
343 which is allowed as long as the property is for sale or lease.

344 b. Number. Only one temporary sign per lot is allowed.

345 1b. The sign may not be an off-premise sign.

346 2. There may be no more than Only one such temporary sign per lot is allowed.

347 3. The purpose of the sign shall be limited to the following

348 i. Advertising the property on which the sign is located for sale or for
349 rent; or

350 ii. Advertising a temporary sale of household goods on a lot occupied
351 by a dwelling.

352 c. Non-commercial. Temporary signs that do not bear a commercial message are
353 allowed in any number, subject to the square footage limitations in this chapter.

354
355 Section 13. Homer City Code 21.60.140, Temporary signs-Public right-of-way, is
356 repealed.

357
358 Section 14. Homer City Code 21.60.150, Time of compliance-Nonconforming signs and
359 signs without permits, is amended to read as follows.

360
361 21.60.150 Time of compliance-Nonconforming signs and signs without permits. a.
362 Except as otherwise provided herein, the owner of any lot or other premises on which exists a
363 sign that does not conform with the requirements of this chapter or for which there is no current
364 and valid sign permit must remove such sign or, in the case of a nonconforming sign, bring it
365 into conformity with the requirements of this chapter.

366 b. Signs that were prohibited by Ordinance 84-33(S), as amended by Ordinances 86-18,
367 89-8 and that are prohibited in this chapter are illegal and must be removed immediately.

368 c. Any sign that was constructed and continues to be maintained in accordance with the
369 applicable ordinances and other laws that existed prior to an amendment to this code, but which
370 becomes unlawful as a result of an amendment to this code, is lawfully nonconforming. A sign
371 that is lawfully nonconforming under this subsection may remain in place and continue to be
372 maintained until the information on the face of the sign is changed, or for a period of one year
373 after the effective date of the amendment, whichever occurs first. If any action is taken that

[Bold and underlined added. Deleted language stricken through.]

increases the degree or extent of the nonconformity with the amended code, the sign loses lawful nonconforming status and must be removed immediately. ~~A change in the information on the face of an existing nonconforming sign is allowed.~~ At the end of the period during which the lawfully nonconforming sign is allowed to remain in use, the sign shall either be removed or the owner must obtain a permit, if required, and complete all other steps and make any modifications necessary to bring it into full compliance with this code.

d. Any sign that was constructed and continues to be maintained in accordance with the applicable laws that governed territory prior to its annexation to the City, but which becomes unlawful under this code as a result of annexation to the City, is lawfully nonconforming. A sign that is lawfully nonconforming under this subsection may remain in place and continue to be maintained until the information on the face of the sign is changed, or for a period of one year after the later of (i) the effective date of the annexation of the territory or (ii) the effective date of the ordinance that assigns the territory in which the sign is located to a zoning district under the Homer zoning code, whichever occurs first. If any action is taken that increases the degree or extent of the nonconformity with the code, the sign loses lawful nonconforming status and must be removed immediately. ~~A change in the information on the face of an existing nonconforming sign is allowed.~~ At the end of the period during which the lawfully nonconforming sign is allowed to remain in use, the sign shall either be removed or the owner must obtain a permit, if required, and complete all other steps and make any modifications necessary to bring it into full compliance with this code.

(e) Notwithstanding the remainder of this section, a nonconforming banner or temporary sign shall be removed no later than January 1, 2012.

Section 15. Homer City Code 21.60.160, Violations, is repealed.

Section 16. Homer City Code 21.60.170, Enforcement and remedies, is amended to read as follows:

21.60.170 Enforcement and remedies. In addition to the remedies provided in HCC Chapter 21.90, violations of this chapter are subject to the following remedies:

a. A person designated to enforce this title under HCC 21.90.020 may remove a temporary sign placed in a public right-of-way in violation of this chapter. The person responsible for the illegal placement shall be liable for the cost incurred in removing the sign. ~~Any violation or attempted violation of this chapter or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to law.~~

b. Notwithstanding any other provision of this title:

1. An appeal to the Planning Commission from an enforcement order that requires the abatement or removal of a temporary sign placed on private property in violation of this chapter must be filed within seven days after the date of distribution of the enforcement order to the person whose property is the subject of the enforcement order.

[Bold and underlined added. Deleted language stricken through.]

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2. An appeal from a final decision of the Planning Commission regarding an enforcement order that requires the abatement or removal of a temporary sign placed on private property in violation of this chapter must be taken directly to the Superior Court ~~A violation of this chapter shall be considered a violation of the zoning code of the City, subject prosecution and, upon conviction, subject to fines pursuant to HCC § 21.90.100.~~

~~e. The City shall have and may exercise all remedies provided for or allowed by City code or other law for the violation of the zoning code.~~

~~d. All remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.~~

Section 17. Sections 1 through 16 of this Ordinance are of a permanent and general character and shall be included in the City Code.

Section 18. This Ordinance shall become effective on January 1, 2012.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____ 2011.

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:

[Bold and underlined added. Deleted language stricken through.]

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458

459 Reviewed and approved as to form:

460

461

462

463 Walt E. Wrede, City Manager

464 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

[Bold and underlined added. Deleted language stricken through.]

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Page 1 of 1



Shelly Rosencrans

From: Pam Fraley [pam@webalaska.net]
Sent: Wednesday, September 07, 2011 8:12 PM
To: Department Planning
Subject: Sign code changes

Dear Homer City Council,

I am a concerned citizen writing about the proposed changes to the sign codes in Homer. First, of all I am upset that something that would have such a huge impact on the business community of this town was not advertised on a broader scope before being put on the agenda. If I had had more notice I would have arranged to make it to the meeting and voice my disapproval in person. Not everyone in this town has the time and ability to sit down and look up and read every agenda of the council, but we all have the right to be informed if something of this magnitude is on the docket.

A simple drive around this town shows how many people are dependent on temporary sign/vinyl advertising. We are a town who derives a large amount of its income from the tourism industry. Many of our towns businesses are seasonal and would have no need or place for a more permanent type if sign. Affordable, tasteful, and removable/temporary signage is the way many businesses choose to advertise because of this. Changing the code would have a huge impact on these businesses as well as the businesses that supply these advertisements. Are we really considering doing something that would cause all these companies to lose money? They have already spent resources on advertising and this new code would pretty much throw that money in the trash. Not to mention the fact that they would have to put out more money on less affordable options if they want to readvertise under a new regulation. In a down economy this is nothing but a bad idea. There are many things in this town that could be considered an "eyesore". The advertisements of the local businesses that make this town run are NOT one of them. I am adamantly opposed to further suffocating the already slow economy of this town through unnecessary regulation. We are a tourist town and our economy is dependent on our market to tourists. Lets not make it harder for these companies than it already is.

Thank you for hearing out the people of this town on this issue.

Sincerely,

Pamela Fraley
PO Box 141 Homer AK 99603

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Shelly Rosencrans

From: Nina Faust [aknina51@gmail.com]
Sent: Saturday, September 10, 2011 10:58 PM
To: Department Planning
Subject: Sandwich Boards--Sign Ordinance--Homer does not need mini-billboards

Dear Planning Commission Members:

I have learned that the Planning Commission is working on revisions to the Sign Ordinance and that sandwich boards are one of the items they are discussing. The proliferation of sandwich boards on the Spit and at some other businesses does not improve our community's image. In fact, I find that sandwich boards are really just mini billboards. They do not fit with the beautiful ambience this community has created with a more restrictive sign code than what some other communities have.

I can remember the big controversy years ago over the giant golden arches MacDonalds wanted to put up. They finally relented and went with a tasteful sign on their building. Everyone knows where to buy a Big Mac without that giant sign that would have put us on the road to tacky tacky signage that makes communities ugly. Sandwich boards are in the same realm.

I urge the Planning Commission to not allow sandwich boards. Be a bit more generous with the allowable business signs, particularly on the Spit where it seems there was a problem, but don't allow the proliferation of these mini-billboards.

And one other thing, I think it would be a good idea to have smaller campaign signs. Those really big ones are very cluttering and ugly.

Thanks for your time and consideration.

Sincerely,

Nina Faust
P.O. Box 2994
Homer, AK 99603

1. The first part of the document is a list of the names of the people who were present at the meeting. The names are listed in alphabetical order.

2. The second part of the document is a list of the topics that were discussed at the meeting. The topics are listed in alphabetical order.



3. The third part of the document is a list of the actions that were taken at the meeting. The actions are listed in alphabetical order.

4. The fourth part of the document is a list of the decisions that were made at the meeting. The decisions are listed in alphabetical order.

5. The fifth part of the document is a list of the recommendations that were made at the meeting. The recommendations are listed in alphabetical order.

6. The sixth part of the document is a list of the conclusions that were reached at the meeting. The conclusions are listed in alphabetical order.

7. The seventh part of the document is a list of the next steps that will be taken. The next steps are listed in alphabetical order.

8. The eighth part of the document is a list of the people who were responsible for the actions taken at the meeting. The people are listed in alphabetical order.



9. The ninth part of the document is a list of the people who were present at the meeting. The names are listed in alphabetical order.





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 11-100

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: September 21, 2011
SUBJECT: Resolution 11-90, Kachemak Drive Path

Requested Action: Make a recommendation to the Homer City Council on Resolution 11-90.

Introduction

The Parks and Recreation Advisory Commission, through the Kachemak Drive Path Committee, has been reviewing the idea of having some sort of path or trail along Kachemak Drive. The path would serve pedestrians and cyclists. These improvements are on the city's Capital Improvement List, as well as adopted in the City's Comprehensive Plan. The idea of pedestrian and bicycle improvements along this road are not new, but very little progress has been made toward construction of any improvements. The improvements could be along the shoulder of the road, or a separated path adjacent to the road. Issues include funding, wetlands, and lack of easements or right of way for public access. Kachemak Drive is a state right of way, which means the City would expect the state to design and pay for the improvements. The P&R Commission would like the City to explore the idea of the City taking on the project, so that it can move forward.

The Kachemak Drive Path committee began meeting last fall, with members of the Parks and Recreation Advisory Commission, public, local cycling group and land owners. After many meetings, the committee forwarded a resolution to the full Commission, which then made a recommendation to Council. At the September 12th Council meeting, the resolution was presented.

Council chose to send the resolution to the HAPC for a recommendation. The City Council had concerns that passing this resolution would mean the City would take on the project, at City expense. There also were concerns about easements, and commercial traffic, pedestrians and cyclists sharing the road.

Staff spoke with Parks & Recreation Chair Bumpo Bremicker about the resolution and Council's reaction. Staff and Mr. Bremicker both felt it would be appropriate for the resolution to go back to the P&R Commission for more clarification. The HAPC has already supported the concept of a path through the Non-Motorized Transportation and Trail Plan. (Typically the Commission does not get involved in specific design or funding discussions, but certainly can comment if desired). The P&R Commission and the committee have done a lot of work on this issue and could amend the resolution with more specific information on what they are asking the Council to commit to.

STAFF COMMENTS/RECOMMENDATIONS:

- 1. HAPC forward the resolution with Council's comments to the Parks and Recreation Commission, for further work.**
- 2. HAPC recommend the City add the Kachemak Drive path improvements to the STIP needs list (State Transportation Improvement Program). This is one avenue for state funding.**

ATTACHMENTS

- 1. Resolution 11-90**
- 2. Unapproved Council minutes of September 12, 2011**

**CITY OF HOMER
HOMER, ALASKA**

Lewis/Zak/Parks and Recreation
Advisory Commission

RESOLUTION 11-090

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, SUPPORTING THE CONCEPT AND
CONSTRUCTION OF NON-MOTORIZED PATHWAYS TO
INCREASE THE SAFETY FOR MOTORIZED AND NON-
MOTORIZED USERS ALONG KACHEMAK DRIVE
LOCATED WITHIN THE CITY LIMITS, FROM THE BASE OF
THE HOMER SPIT TO EAST END ROAD.

1
2 WHEREAS, The Parks and Recreation Advisory Commission established a committee to
3 specifically address possible solutions to the hazards presented to non-motorized and motorized users
4 of Kachemak Drive; and
5

6 WHEREAS, Public input was sought through a variety of channels for solutions to address
7 these safety concerns; and recommendations to Lower the Speed Limit, Alter the Travel Lane
8 Width and Shoulder, Increase the Use of Signage, Construct Separated, Non-motorized Paths
9 paralleling Kachemak Drive using the existing Utility Easements will be contingent on available
10 funding in the future; and
11

12 WHEREAS, The Homer City Council has shown support in approval of the Homer Non-
13 Motorized Transportation and Trail Plan, Homer Area Transportation Plan, Climate Action Plan,
14 HART Policy Manual and inclusion of the Kachemak Drive Rehabilitation/Pathway on the Capital
15 Improvement Plan; and
16

17 WHEREAS, Increasing active transportation, motorized and non-motorized, offers the
18 potential for improved public health, economic development, a cleaner environment, reduced
19 transportation costs, enhanced community connections, social equity, and more livable
20 communities.
21

22 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska,
23 hereby supports the concept and construction of non-motorized pathways along Kachemak Drive in,
24 over, and upon property within the City of Homer, and that said improvements are necessary for the
25 use and benefit of the public; and
26

27 BE IT FURTHER RESOLVED that the City Council of Homer, Alaska, further supports
28 the actions increasing the safety for motorized and non-motorized users along Kachemak Drive
29 in any or all of the following ways:

- 30 - Alteration of the existing Kachemak Drive and Shoulder
31 - Separated Paths paralleling Kachemak Drive using the Utility Easements
32 - Lowering the Speed Limit
33 - Increasing the Use of Signage

PASSED AND ADOPTED by the Homer City Council this 12th day of September, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal information: Funding not defined.



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CHICAGO, ILL.



Shelly Rosencrans

To: Jo Johnson
Subject: RE: Kachemak Drive Pathway

E. **Resolution 11-090**, A Resolution of the City Council of Homer, Alaska, Supporting the Concept and Construction of Non-Motorized Pathways to Increase the Safety for Motorized and Non-Motorized Users Along Kachemak Drive Located Within the City Limits, from the Base of the Homer Spit to East End Road. Lewis/Zak/Parks and Recreation Advisory Commission.

Mayor Hornaday called for a motion for the adoption of Resolution 11-090 by reading of title only.

LEWIS/WYTHE – SO MOVED.

Councilmember Wythe commented we do not own the road, therefore, she is not supportive of using HART funds for improvement of State highways. Although the plan addresses positive things, it does not address life safety. It is a commercial area with commercial vehicles and activity. Pedestrians and bikes on the same roadway is not a good plan.

Councilmember Howard added she doesn't know any other road in the city that has more oversized vehicle traffic. It is also the tsunami route. The pathway does not make sense to her.

Councilmember Hogan is concerned about the bicycle traffic on the road and would like to find a solution to accommodate the bicyclists. Lowering the speed and narrowing traffic lanes are the wrong approach to take. He inquired if the ice tea federal program that was used to build the Spit bike path is still in effect.

Councilmember Roberts expressed support for the idea and concept. Pieces of the resolution are vague, such as what is being voted on. Discussions at the Committee of the Whole indicated the pathway may not always be parallel to the road. She questioned if support for the concept and construction would obligate Council to find the funds to build the path.

Councilmember Lewis has biked and run on Kachemak Drive. It is a dangerous road. Even though there is commercial traffic people will still run and bike the road. Since Council has questions he asked for postponement to get a clearer picture of what everyone wants. Dave Brann has started some trail work along the Spit and beach above the tide line. They have talked about adding pieces to the pathway where they can be added.

LEWIS/WYTHE - MOVED TO SEND IT BACK AND ASK FOR A CLEARER RESOLUTION.

WYTHE/LEWIS – MOVED FOR A FRIENDLY AMENDMENT TO SEND IT TO PLANNING AND ZONING.

Referral to the Planning Commission was requested due to issues of land use and utility right-of-ways. Some easements in place for sewer are water include limitations. It is a land use issue rather than recreation.

City Manager Wrede reminded Council they have expressed support for a separated pathway on Kachemak Drive (CIP page 71).

Councilmember Wythe indicated the CIP project Council endorsed is expressing support for the State to do the path as they do reconstruction or repairs to the existing road right-of-way. This proposal is substantially different, that the City take the project on at its own expense and provide the service to the community. There are a lot of issues much bigger than what was addressed, therefore it needs to go to the Planning Commission.

VOTE: (referral) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Jo Jofinson

City Clerk
City of Homer
491 E. Pioneer Ave.
Homer, AK 99603
907-235-3130 Fax 907-235-3143

PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to this address will be available for public inspection under Alaska public records law.

MANAGERS REPORT

August 8, 2011

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

1. Lobbyist Contract: I recently had a conversation with Linda Anderson about a contract for next year. She inquired whether the City is interested in a new contract. She said that Anderson group is very much interested in continuing to work with the City of Homer. She proposed no change in the contract terms or in the compensation amount. I told her that I would discuss this with the Council and let her know. Linda will be in Homer for the Harbormaster's conference that runs from October 10th through the 13th. She will be helping to make a presentation about the fish tax legislation. Council has a meeting on Monday the 10th and it is conceivable that you could meet with Linda and talk to her directly about this. Unless Council wants to talk about this topic prior to the September 24th meeting, I will plan to insert the money for a lobbyist into the budget that will be submitted at that time.
2. Derelict Vessels: The Port and Harbor Director and the City Attorney were successful in having another derelict vessel removed from the harbor last week. This was a monumental effort that took over a decade. The City Attorney's office has completed a legal review of Federal maritime law and the City Code and Tariff. Guidelines and protocol for Port and Harbor staff have been developed that will be very helpful when it becomes necessary to deny access to port and harbor facilities.
3. The Fishing Hole: I have had several conversations with ADF&G staff over the past few weeks about the Fishing Hole. ADG&G is interested in doing whatever it can to assist the City in obtaining funding for dredging. ADF&G states that it is unable to make its own budget request for dredging however, it hopes the Council will include the project on its CIP Priority list. If it does so, ADF&G will try to provide support with Legislators. ADF&G may come to a future meeting as a visitor to describe how important it thinks dredging is for future productivity at the lagoon. We have tentatively discussed September 26 and October 10.
4. Svedlund and Pioneer: The new Senior Center Director, Keren Kelley, came to visit this week and reported that seniors who drive and the Senior Center Board are very concerned about safety at the corner of Svedlund and Pioneer. Making a left hand turn is problematic and there are line of sight issues. The Board asked whether the City would consider a stop sign at that intersection on Pioneer. I told Keren about the intersection study that was conducted several years ago which identified the most dangerous intersections in need of traffic control. I also told her about right turn only discussions taking place at the Transportation Committee level. I also told her that I would bring this issue to the attention of the Chief of Police, the Council, and the State Traffic Engineer. Keren said that the Board would likely follow-up with a letter to either me or the Council.

5. Copier Savings: We recently revamped and renewed the City's leasing and service contract for Xerox copy machines. This covers the copy machines in all city departments. We were able to get the newest, most energy efficient machines and still save \$12,000 over what we are paying now. Terry and Regina were able to pull this off by synchronizing the expiration date for all of the machines and by making use of an already negotiated state contract. (political subdivisions of the state are able to do this). I am letting you know about this not only because I am pleased about the savings, but also because there will be other opportunities to take advantage of state negotiated contracts in the future. I believe the language in the City's procurement code could be amended to make it more clear that taking advantage of negotiated state contracts is consistent with the City procurement code. Recall that we discussed this issue before related to vehicles.
6. Animal Shelter: Council members recently asked several questions about the Animal Shelter within the context of the soon to begin budget discussions. One question had to do with the 5% annual increase in the existing contract. The other had to do with what it might cost to staff the facilities with employees. Chief Robl has concluded that it would likely take one full time employee and two part time employees if the City were to keep the Shelter open to the public the same hours that it is now. Regina will be running the numbers on what that might cost. With benefits, it would likely be more than the City is paying under the current contract. Also, the City would then have to begin paying for things that it is not now such as food, supplies, fuel, vehicle maintenance, etc. It is important to note that the 5% increase each year is not just compensation, it was intended to cover increases in fixed costs (fuel especially). The Chief has met with Sherry Bess and she has stated that she is willing to exercise a contract option for two more years with no increase. Attached is a memorandum and recommendation from the Chief on how to move ahead.
7. MOU/Frequency Sharing Agreement: At recent Council meetings we discussed the FCC requirement that all two way radios go to "narrow band" by January 2013. We discussed this most recently in association with the ordinance that just passed to purchase narrow band radios for the Public Works Department. The Borough is assisting public safety agencies with the conversion this month and in order to do that, a frequency sharing agreement is necessary. This is an important public safety issue because it will allow local and state public safety agencies to communicate with each other on the same channels during disasters, emergencies and mutual aid situations. The FCC requires that license holders of radio frequencies must grant permission in writing for other entities to use that frequency. The State, Borough, cities and emergency service areas within the Borough are party to the agreement. The MOU has a place to list the resolution number of the approving board if applicable. We have already signed the agreement because time was of the essence. We can bring back an "after the fact" resolution if Council wishes but did not think it was necessary because this seemed routine, there is no monetary or contractual obligation, and the City can get out of the agreement with 30 days notice.
8. State Small Business Credit Initiative (SSBCI). Last week, Council Members Hogan, Zak and I participated in a teleconference regarding the SSBCI. This is a Federal program designed to extend credit to start-up businesses and to businesses who either have problems obtaining credit or are located in areas where lending is restricted. The

program funds are generally intended for states but in this case, Alaska did not take the money. A representative from the Governor's office stated that the state did a lot of research on this but in the end, after consulting with local banks, decided that the program was not needed here. If states don't take the money, it can be available to municipalities under certain conditions. In essence, a municipality would accept a grant and then use the money to work with local banks to extend credit to local businesses. Cities can do this by providing capital access support, collateral support, loan guarantees, loan participation, or venture capital. In essence, the City would get into the banking business. The deadline for applications is September 27 which is a very short timeline. The application process is rather complicated. Council member Hogan has sponsored a resolution in support of investigating the program and authorizing the administration to apply. So, I will save any further comments for discussion.

9. OWL Project / Library: Attached is a memorandum from Library Director Ann Dixon regarding the On-Line With Libraries Project (OWL). In a nutshell, the State Library and the Alaska Department of Education and Early Development received funding from a variety of sources to enhance public computer centers at libraries around the state. Libraries were invited to participate and Homer was one of those chosen. We signed a letter of intent to participate back in December of 2010 and an MOU this July. Much of the work is already done. When Helen and I first talked about this opportunity last year, I did not think about bringing Council the normal ordinance accepting and appropriating grant funds because it was the state receiving the grants, not the City. The City was simply asked if it wanted to participate in a State program and would be among a number of Cities doing so. I am thinking about it differently now. The City is in fact receiving computers, video conferencing equipment, and a variety of other equipment and software. In that sense, it is very much like a grant. In addition, the City agrees to stay in the program for two years and pay a small percentage of the monthly internet costs. I regret that we did not think about this earlier but I am happy to bring you an ordinance accepting and appropriating the equipment if Council wishes. Both the library staff and the Friends of the Homer Public Library are very excited about bringing broadband, new computers, and video conferencing capability to the Library at minimal cost to the City.
10. Borough Ordinance 2011-07: Borough Ordinance 2011-07 is back on the table for public hearing and second reading at the Assembly meeting on September 6. This is the ordinance that would reduce the number of Borough Planning Commission members from 13 to 11 and would combine the Homer and Seldovia seats. You will recall that the Council adopted a resolution in opposition to this ordinance. At the time this report was written, I was planning to attend the meeting to testify on behalf of the City. I should be able to give you a report at the meeting.
11. City Hall Expansion and Renovation / Contract Modification and Amended Budget: Attached is a copy of Contract Modification # 2 and a revised budget. This document was reviewed by the Task Force at a meeting last week. Basically these amendments change the contract to include the renovation work the Council approved in the old part of City Hall and some additional work to rectify unanticipated problems (such as the need to add a beam in room 145 and additional structural engineering costs). Cost reductions from the original budget are also shown in the amount of \$42,400. The

contract modification and change order uses up some of the contingency fund however, \$70,792 remains, which is deemed to be adequate at this point in the project. Carey Meyer will be present to take the Council through this in detail if you wish.

12. Drainage Master Plan: The recent heavy rains have reminded many in town that the City and private property owners could benefit if the City adopted a Master Drainage Plan. Public Works Director Carey Meyer has been talking about this for a number of years and has explored funding options. Drainage problems and public complaints about drainage are a topic often encountered by both Public Works and the Planning Department. Council member Hogan has expressed his concern and requested that I address the issue with the Council and “get it on the table” for discussion. I include it here for that purpose.

ATTACHMENTS

1. September Employee Anniversaries
2. Department Statistical Report for July 2011
3. City Hall Expansion and Renovation / Contract Modification and Amended Budget
4. Chief Robl Memorandum re: Animal Shelter
5. Library Director Ann Dixon memorandum re: OWL Project
6. MOU / Radio Frequency Sharing Agreement.