

**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 19, 2012
- 6. Presentations**
- 7. Reports**
  - A. City Planner's Report PL 12-57 *p. 5*
- 8. Public Hearings**

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

  - A. Staff Report PL 12-55, A Vacation of a 60' Right of Way at Sprucewood Drive *p. 7*
- 9. Plat Consideration**
  - A. Staff Report PL 12-54, Mountain Park Sprucewood Replat *p. 15*
  - B. Staff Report PL 12-56, Mountain Park Highland Addition No. 2 *p. 25*
- 10. Pending Business**
- 11. New Business**
- 12. Informational Materials**
  - A. City Manager's Report *p. 35*
  - B. Natural Gas Plan *p. 37*
  - C. FEMA letter dated 9/19/2012 *p. 43*
- 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. Notice of the next regular or special meeting or work session will appear on the agenda following "adjournment."



Session 12-12, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Erickson at 6:30 p.m. on September 19, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

**PRESENT:** COMMISSIONERS BOS, DOLMA, ERICKSON, HIGHLAND, SONNEBORN, STEAD, VENUTI

**STAFF:** CITY PLANNER ABBOUD  
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).

Lance Peterson, city resident, commented regarding the Pier One Theater site. He encouraged the Commission to consider requiring not for profit leases provide IRS form 990 which contains information about the mission of the organization, the impact, number of participants, budget, programs, affiliations, and so on. It provides a wealth of information which would give easy access to a number of things to evaluate. The bottom line for not for profits is not the dollar sign, it is the determination if this set of activities is a real benefit to the Homer community. That is what he advocates they assess.

### **RECONSIDERATION**

### **ADOPTION OF CONSENT AGENDA**

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

1. Approval of the September 5, 2012 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g.
4. KPB Coastal Management Programs Report
5. Draft Decision and Findings for CUP 12-03, Dockside Fisheries

The consent agenda was approved by consensus of the Commission.

### **PRESENTATIONS**

- A. Brianna Allen, People's Garden in the Bunnell Neighborhood

Brianna Allen and Asia Freeman commented on behalf of the Old Town Neighborhood Association. They are concerned about cultivating Old Town as the gateway to our Federal Fish and Wildlife Visitor Center to Bishops Beach Park and recognizing it as a busy, up and coming neighborhood. It has some of Homer's most historic sites as well as pressing issues with traffic control and pedestrian safety. They received a \$5,000 grant from Homer Soil and Water to have a people's garden and are working to make the neighborhood more attractive and pedestrian friendly through aesthetic enhancements that have

HOMER ADVISORY PLANNING COMMISSION  
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SEPTEMBER 19, 2012

been shown to slow down traffic in cities that have had a surge of infilling and population where there wasn't more planned pathways. It has become a concern with all the activity from the Islands and Ocean Visitor Center and Two Sister's. Ms. Allen provided photos for the Commission to look at and commented about the street paintings that have provided a great visual introduction for Old Town, and for those concerned about where this project is going. When working on the street paintings people were slowing down and asking questions, and it was a real positive experience for this introductory project. They are hoping to have more painting, but the next "to do" on the list is gaining recreational easements from 9 property owners between Bunnell and Two Sisters, which is where they want to put the "green pathway" or at least plant some edible trees and bushes. That is what they are calling the People's Garden and it becomes a corridor for pedestrians and makes Old Town attractive. Ms. Allen said she has talked to 8 of the 9 property owners and while they have their individual concerns, they are waiting with open minds to hear more. To get the recreation easements, property owners need to see what they are signing up for. Dutch Boy Landscaping has volunteered to put together a concept map after walking the area with them, and she can take it to land owners to get feed back. If they don't get all 9 easements, they will work with what the do get. Ms. Freeman noted that this area has the same predicament as the spit and they may need to work with the City to establish a pedestrian zone in this area as well. Once a pedestrian zone is established they envision landscaping would envelop it, and with private grants add benches, planters, and some lighting to frame it.

In response to questions Ms. Allen and Ms. Freeman commented they worked with Public Works, DOT, and the City Manager's office to do the paintings on the street. They recognize that there will be seasonal upkeep on the paintings and plan to follow through as needed.

**REPORTS**

- A. Staff Report PL 12-52, City Planner's Report

City Planner Abboud reviewed the 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.

None

**PLAT CONSIDERATION**

None

**PENDING BUSINESS**

- A. Staff Report PL 12-43, Staff Report 12-43, Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District

Chair Erickson reviewed the discussion points from the worksession as follows:

- Using term "lodging" and accepting the new definition and the 3 concepts of the 9/12 draft ordinance for occupancy.

- Considered on page 21, approving by CUP the setback from dedicated right-of-way may be reduced and allowing staff to have the flexibility to deal with the CUP's.

City Planner Abboud said the Port and Harbor Commission will be seeing this at their next meeting and he will bring any feedback they might have regarding information in the draft ordinance.

**B. Staff Report PL 12-49, Pier 1 Land Use**

Chair Erickson expressed appreciation for Lance Peterson's feedback at the worksession regarding criteria for non profit consideration. She thinks it would be good to adopt some kind of criteria for dealing with non profits.

Commissioner Venuti expressed agreement with marking the access road better to the area. He added that there shouldn't be any permanent improvements regarding the kayak launch. Kayaks can be launched anywhere in that area and as opportunities come forward the launch location may need to be relocated.

Commissioner Stead commented regarding non profits, and when reviewing leasing criteria, it is important to be cognizant that non profits can make money and can provide for leases for their facilities. It happens all the time. An example of something that could occur out there and pay its way is a school. The North House Folk School in Grand Marais, MN is a school on public leased property and provides for a lot of different entities to have access to the harbor. It is a non profit that makes money and brings a lot of people to Grand Marais. There are other possibilities than just what we are talking about and he encouraged them to think even broader. He reiterated that non profits need to pay their way.

Discussion ensued regarding the lease policies, current uses on the lot, and concerns in effective dealings with non profits.

**NEW BUSINESS**

None

**INFORMATIONAL MATERIALS**

A. City Manager's Report dated September 10, 2012

**COMMENTS OF THE AUDIENCE**

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

None

**COMMENTS OF STAFF**

Deputy City Clerk Jacobsen commented that invitations have been sent out for the Volunteer Appreciation party on October 5.

**COMMENTS OF THE COMMISSION**

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
SEPTEMBER 19, 2012

Commissioner Venuti questioned how the Bunnell group by passed the Commission on their project. What they are doing is changing the nature of the community down there. It sounds like a good idea but he thought they were part of the process in making these decisions.

There was brief discussion that it is a neighborhood association trying to better their area. They have been talking to staff and it has been an ongoing conversation. Right now it is a beautification project.

Commissioner Dolma said it was a well run meeting tonight.

Commissioner Sonneborn said she was glad to hear from everyone tonight.

Commissioner Stead and Highland had no comments.

Chair Erickson thanked everyone for a good meeting.

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 7:43 p.m. The next regular meeting is scheduled for October 3, 2012 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_



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491 East Pioneer Avenue  
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## STAFF REPORT PL 12-57

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** October 3, 2012  
**SUBJECT:** Planning Director's Report

### September 24<sup>th</sup> City Council Meeting

**Resolution 12-081**, A Resolution of the City Council of Homer, Alaska, Accepting and Approving the Improvement Plan Submitted by the City Manager for the Proposed Natural Gas Distribution System Special Assessment District. City Manager.

ADOPTED with discussion.

### Activities

As of the writing of the report, I am down to a two person office. I spend at least half the day dealing with permitting and code enforcement items. I did speak with the Port and Harbor Commission about the Pier One site and Marine Commercial. A stack of applications are ready to review for the Planning Clerk position. Julie continues to work on the gasline project as well as Parks and Rec items. We are looking forward to Dotti's return the first week of October.

### Commissioner Training

Well, this is clear as mud. Without further research this is what I can figure.

11/11 8am to 5pm is Advance Commissioner Training, can participate in conjunction with the rest of the conference or just attend this one event.

11/12 and 11/13 is full conference, although one could register for just one of these days

Breakfast and lunch is provided on all days.

Hmmm, what we really need is a full schedule so that we could all make the choice best for us.

### Adoption of FEMA Flood Hazard Maps

FEMA letter included in informational items







# City of Homer Planning & Zoning

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Homer, Alaska 99603-7645

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## STAFF REPORT PL 12-55

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** October 3, 2012  
**SUBJECT:** Vacation of a portion of Sprucewood Dr

**Requested action:** Conduct a public hearing and recommend approval of the vacation of a portion of Sprucewood Drive.

### GENERAL INFORMATION

**Applicants:** Roberta Highland  
Robert Archibald  
PO Box 2460  
Homer, AK 99603

Mullikin Surveys  
PO Box 790  
Homer, AK 99603

**Requested Action:** Vacation of a portion of Sprucewood Ave  
**Location:** Spruceview Ave, northwestern Homer  
**Zoning Designation:** Rural Residential  
**Existing Land Use:** Residential/Vacant

**Surrounding Land Use:** North: Vacant  
South: Residential/Vacant  
East: Residential/Vacant  
West: Residential/Vacant

**Comprehensive Plan:** Chapter 5, Transportation, Goal 1: The street system should be configured to include arterial, collector and local streets. Through-street connections should be encouraged, while maintaining the integrity of existing neighborhoods.

**Public Notice:** Notice was sent to 31 property owners of 52 parcels as shown on the KPB tax assessor rolls.

### ANALYSIS:

A preliminary plat also accompanies this request. The plat requires a separate platting action and vote. This staff report will only address the vacation of the right of way.

A portion of Sprucewood Drive was constructed outside the right of way, on private property. The City and the property owners are working together to correct this situation. A portion of the unused right of way will be vacated, and a new right of way will be dedicated over the existing road.

## REVIEW

Kenai Peninsula Borough Code:

### 20.04.010 Purpose of provisions.

*The purpose of this title is to promote an adequate and efficient street and road system, to provide utility easements, to provide minimum standards of survey accuracy and proper preparation of plats, and to protect and improve the health, safety and general welfare of the people.*

**Staff Finding 1:** An adequate and safe road system has been provided to serve this area. The new right of way dedication will align with the existing road.

### 20.28.150. Vehicular access provision.

*Where a right-of-way is required for logical provision of an existing or future road, the planning commission shall not approve the vacation unless an equal or superior right-of-way will be provided in exchange. Where 2 or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider the ultimate density of habitation or use and maintain sufficient rights-of-way to serve such anticipated use.*

**Staff Finding 2:** Superior right of way will be granted because it will align with the constructed road.

### 20.28.160. Other access provisions.

*Rights-of-way which provide or could provide access for pedestrians, off-road vehicles, aircraft and similar modes of transport shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available.*

**Staff Finding 3:** Superior access is available over the existing road and proposed right of way alignment.

**PUBLIC WORKS COMMENTS:** The Public Works Department had no comments.

**FIRE DEPARTMENT COMMENTS:** Fire Chief Painter had no concerns with the vacation.

## STAFF COMMENTS:

Staff recommends the Commission recommend approval of the vacation of a portion of Sprucewood Drive with findings 1-3.

## ATTACHMENTS

1. Surveyor's Submittal
2. Preliminary Plat and Vacation Drawing
3. Public Notice
4. Location map

# MULLIKIN SURVEYS

P.O. Box 790, Homer, AK 99603-0790

Ph. & Fax: (907) 235-8975; E-mail: mullikin@xyz.net

Set, 14, 2012

City of Homer Planning Dept

Re: Submittal, preliminary plat, Mountain Park Sprucewood Replat

The purpose of this plat is to vacate portions of Sprucewood Drive and replat the right of way to coincide with the existing constructed road. The Owners of Lots 4-A and Tract A are working with the City of Homer to create a right of way that covers the existing road to facilitate road improvements and maintenance.

Water and sewer are onsite for both lots. A copy of the KPB Basemap showing contours has been attached to this submittal showing that the grades are less than 10% and that intersection grades are also less than 4% as required by Borough Code. Sprucewood Drive is constructed.

Enclosed is check #13041 for \$300 to cover the Plat review fees and check #13042 for the vacation fee.

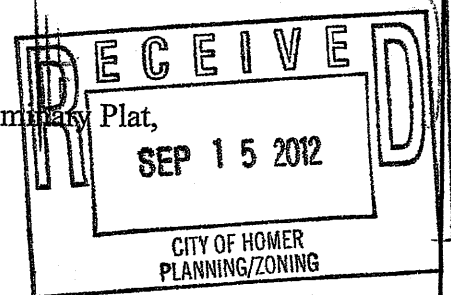
Please schedule City of Homer reviews for this plat and vacation.

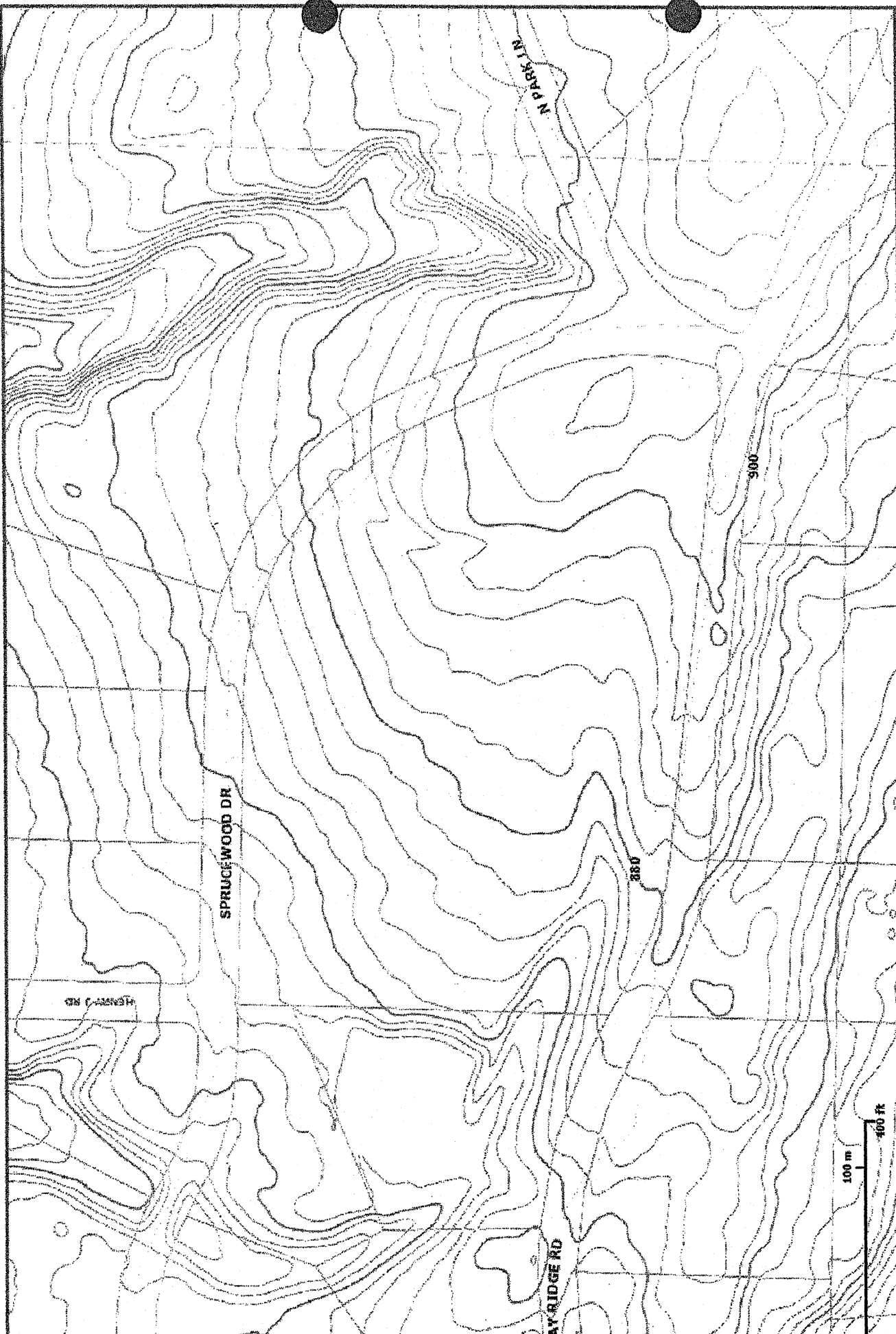
Sincerely,



Tom Latimer

Encl. 1 plot 24" x 36" and 1 plot 11" x 17" Preliminary Plat,  
Topo map, Check # 13041 and Check # 13042





Kenai Peninsula Borough GIS Divisic

Spucewood Replat

DISCLAIMER: The data displayed herein is neither a legally recorded map nor survey and should only be used for general reference purposes. Kenai Peninsula Borough assumes no liability as to the accuracy of any data displayed herein. Original source documents should be consulted for necessary verification.



Printed: Sep 14 2012



Kenai Peninsula Borough Planning Department  
 144 North Binkley  
 Soldotna, Alaska 99669-7599  
 Toll free within the Borough 1-800-478-4441, extension 2200  
 (907) 714-2200

**Petition to Vacate Public Right-of-Way / Section Line Easement  
 Public Hearing Required**

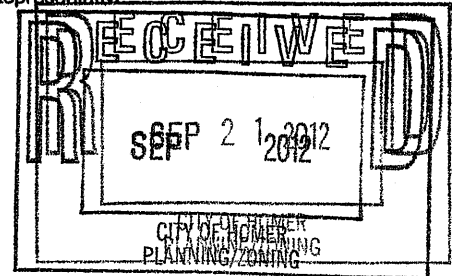
Upon receipt of complete application with fees and all required attachments; a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

- Fees - \$500 non-refundable fees to help defray costs of advertising public hearing. Plat fees will be in addition to vacation fees.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- Name of public right-of-way proposed to be vacated is SPRUCEWOOD Dr.; dedicated by plat of Mountain Park Subdivision, filed as Plat No. 78-10 in Homer Recording District.
- Are there associated utility easements to be vacated?  Yes  No
- Are easements in use by any utility company, if so which? NO
- Easement for public road or right-of-way as set out in (specify type of document) \_\_\_\_\_ as recorded in Book \_\_\_\_\_ Page \_\_\_\_\_ of the \_\_\_\_\_ Recording District. (Copy of recorded document must be submitted with petition.)
- Section Line Easement. Width of easement must be shown on sketch.
- Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has right-of-way been fully or partially constructed?  Yes  No
- Is right-of-way used by vehicles / pedestrians / other?  Yes  No
- Has section line easement been constructed?  Yes  No
- Is section line easement being used?  Yes  No
- Is alternative right-of-way being provided?  Yes  No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:  
The owners and the City of Homer wish to maintain and improve the existing road. Both parties want the road dedication to match the existing road. Utilities (Phone, Elec.) generally follow the existing road and not the platted Road

The petition must be signed (written signature) by owners of majority of the front feet of land fronting part of the right-of-way or section line easement proposed to be vacated. Each must include address and legal description of his / her property.

Submitted by: Signature [Signature] As  Petitioner  Representative  
 Name Tom Catamer  
 Address Mullikin Surveys  
P.O. Box 710  
Homer, AK 99603  
 Phone 235-8975



Petitioners:  
 Signature \_\_\_\_\_ Signature \_\_\_\_\_  
 Name \_\_\_\_\_ Name \_\_\_\_\_  
 Address \_\_\_\_\_ Address \_\_\_\_\_  
 \_\_\_\_\_  
 Owner of \_\_\_\_\_ Owner of \_\_\_\_\_

+ Signature Robert Archibald  
 Name Robert Archibald  
 Address PO Box 2460  
Homer, AK  
99603  
 Owner of Tract A - Lot 4A

+ Signature Roberta Highland  
 Name Roberta Highland  
 Address P.O. Box 2460  
Homer, AK  
99603  
 Owner of TRACT A - Lot 4A



## **NOTICE OF SUBDIVISIONS and PUBLIC HEARING**

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

Proposed subdivisions under consideration are described as follows:

**Mountain Park Sprucewood Replat Preliminary Plat**

**Mountain Park Highland Addition No. 2 Preliminary Plat**

Public notice is hereby given that the City of Homer will hold a public hearing on the following:

**Vacation of a 60' Public Right of Way at Sprucewood Drive**

The location of the proposed(s) subdivision is provided on the attached map(s). A preliminary plat showing the proposed subdivision may be viewed at the Planning Department. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning Department. **Comments should be guided by the requirements of those Ordinances.**

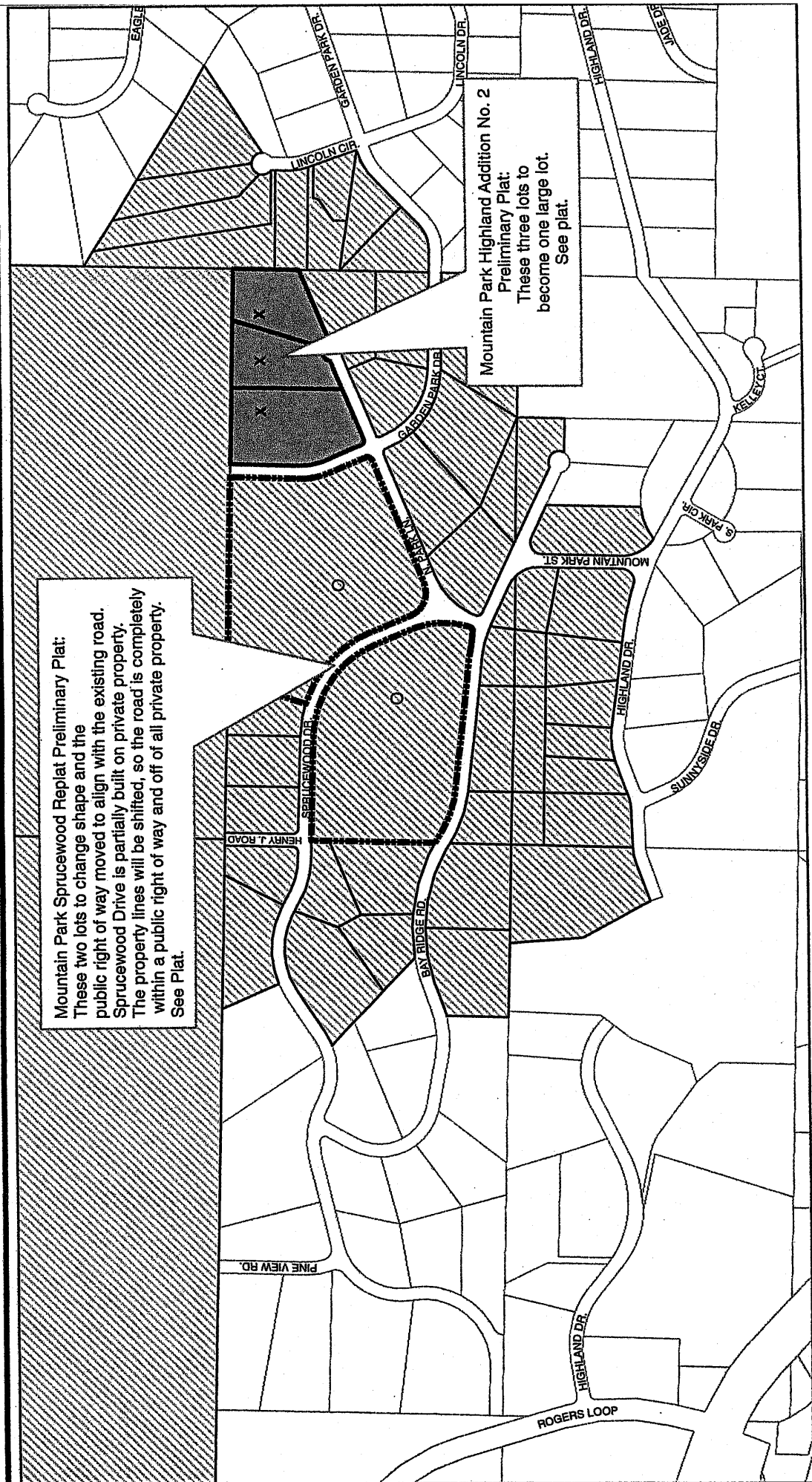
A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, October 3, 2012 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska.

Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting. Written comments can be faxed to 907-235-3118.

For additional information, please contact Rick Abboud in the City of Homer Planning and Zoning Office at 235-8121, ext. 2236.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPOSED SUBDIVISION.**

**VICINITY MAP ON REVERSE**






Mountain Park Sprucewood Replat Preliminary Plat:  
 These two lots to change shape and the public right of way moved to align with the existing road. Sprucewood Drive is partially built on private property. The property lines will be shifted, so the road is completely within a public right of way and off of all private property. See Plat.

Mountain Park Highland Addition No. 2 Preliminary Plat:  
 These three lots to become one large lot. See plat.

# Vicinity Map

## Legend

-  Future Lot 2-A
-  Relocation of Right of Way
-  Property within 500 feet. Property Owners notified.



*Disclaimer:*  
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or duplications, interpretations or conclusions drawn therefrom.

September





# City of Homer Planning & Zoning

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## STAFF REPORT PL 12-54

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** October 3, 2012  
**SUBJECT:** Mountain Park Subdivision Sprucewood Replat Preliminary Plat

**Requested Action:** Preliminary Plat approval for the dedication of public right of way over Sprucewood Drive.

### GENERAL INFORMATION

Applicants:	Roberta Highland Robert Archibald PO Box 2460 Homer, AK 99603	Mullikin Surveys PO Box 790 Homer, AK 99603
Location:	Sprucewood Drive and North Park Lane	
Parcel ID:	17529029, 068	
Size of Existing Lot(s):	14.2 and 16.78 acres	
Size of Proposed Lots(s):	13.860 and 17.130 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential/Vacant	
Surrounding Land Use:	North: Residential/Vacant/Demonstration Forest South: Residential/Vacant East: Residential/Vacant West: Residential/Vacant	
Comprehensive Plan:	Goal 1 Objective 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."	
Wetland Status:	The 2005 wetland mapping shows a drainage through lot 4-A-1.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are not available.	
Public Notice:	Notice was sent to 31 property owners of 52 parcels as shown on the KPB tax assessor rolls.	

## ANALYSIS:

This subdivision is within the Rural Residential District. This plat reconfigures two properties and dedicated a right of way along the existing road.,

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

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

*Staff Response: The plat meets these requirements.*

2. North point;

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat does not meet these requirements. Correct Park Lane to North Park Lane.*

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

*Staff Response: The plat meets these requirements.*

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

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

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat does not meet these requirements. Carry over the drainage shown on the parent plat through Lot 4-A-1.*

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

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

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements. Lots will be served by onsite water and wastewater.*

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements.*

**PUBLIC WORKS COMMENTS:** Recommend removal of the word “underground” from the 15 foot utility easement adjacent to rights of way (plat note 1). Although any utilities that go in should be underground, we are concerned that the language may create a conflict with above ground appurtenances such as fire hydrants, pedestals, etc that may be part of an underground utility improvement. *Homer City Code 22.10.051: Easements and rights-of-way. a. The subdivider shall dedicate in each lot of a new subdivision a fifteen (15) foot wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.*

**FIRE DEPARTMENT COMMENTS:** Fire Chief Painter did not have any concerns.

**STAFF COMMENTS/RECOMMENDATIONS:**

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

1. Correct street label for Park Lane to North Park Lane.
2. Provide the lot areas.
3. Show the drainage as depicted on the parent plat.
4. On plat note 2, remove the word “underground” from the 15 foot utility easement fronting rights of way.

## **ATTACHMENTS**

1. Surveyor Submittal
2. Preliminary Plat
3. Public Notice
4. Vicinity Map
5. Prior Plat with Drainage

# MULLIKIN SURVEYS

P.O. Box 790, Homer, AK 99603-0790

Ph. & Fax: (907) 235-8975; E-mail: mullikin@xyz.net

Set, 14, 2012

City of Homer Planning Dept

Re: Submittal, preliminary plat, Mountain Park Sprucewood Replat

The purpose of this plat is to vacate portions of Sprucewood Drive and replat the right of way to coincide with the existing constructed road. The Owners of Lots 4-A and Tract A are working with the City of Homer to create a right of way that covers the existing road to facilitate road improvements and maintenance.

Water and sewer are onsite for both lots. A copy of the KPB Basemap showing contours has been attached to this submittal showing that the grades are less than 10% and that intersection grades are also less than 4% as required by Borough Code. Sprucewood Drive is constructed.

Enclosed is check #13041 for \$300 to cover the Plat review fees and check #13042 for the vacation fee.

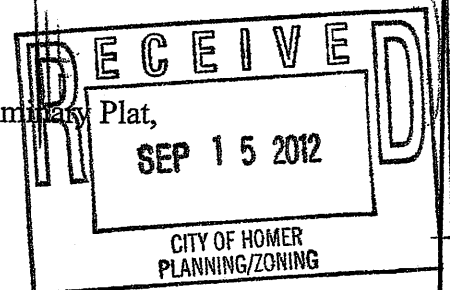
Please schedule City of Homer reviews for this plat and vacation.

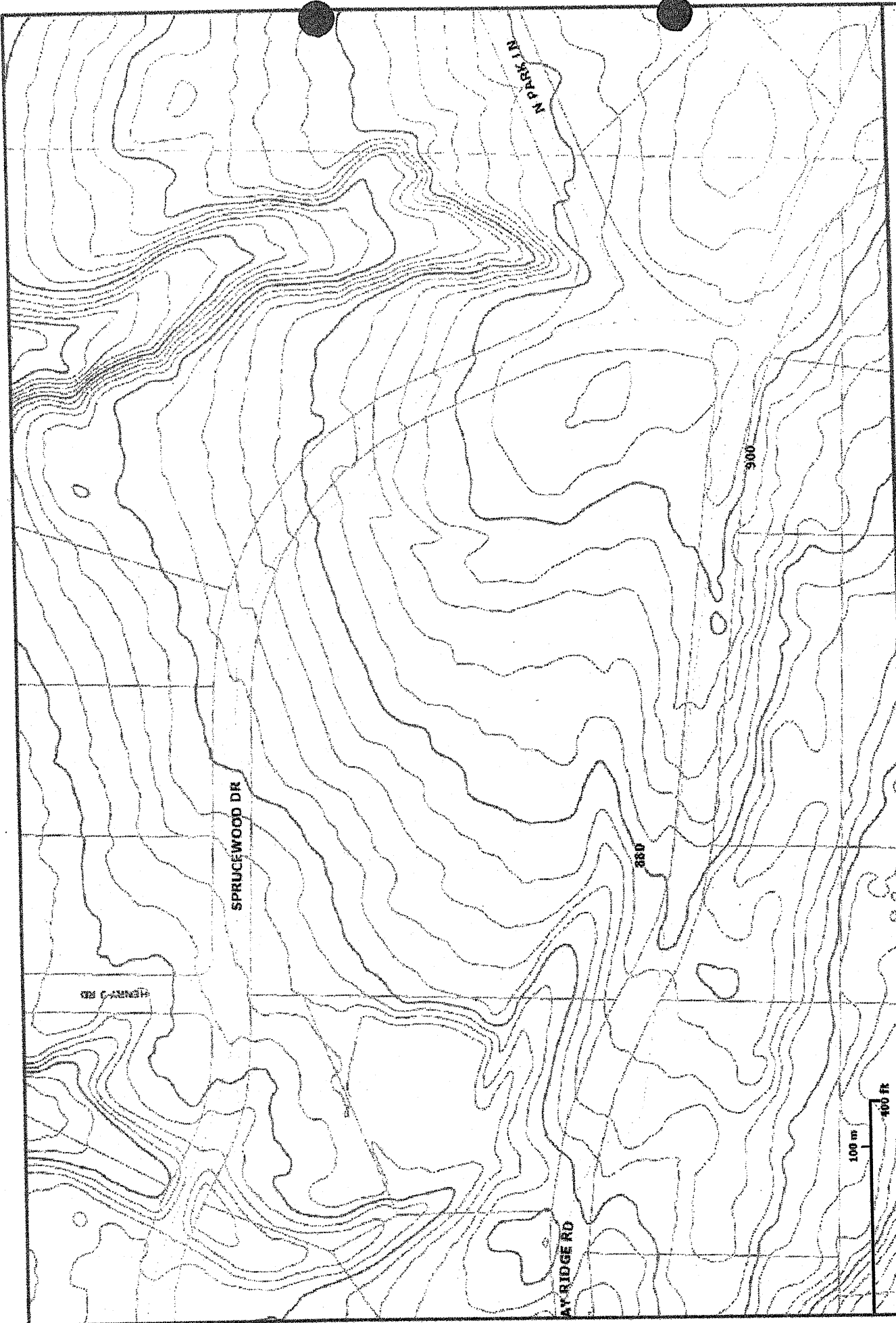
Sincerely,



Tom Latimer

Encl. 1 plot 24" x 36" and 1 plot 11" x 17" Preliminary Plat,  
Topo map, Check # 13041 and Check # 13042





Kenai Peninsula Borough GIS Divisic

Spucewood Replat

DISCLAIMER: The data displayed herein is neither a legally recorded map nor survey and should only be used for general reference purposes. Kenai Peninsula Borough assumes no liability as to the accuracy of any data displayed herein. Original source documents should be consulted for accuracy verification.

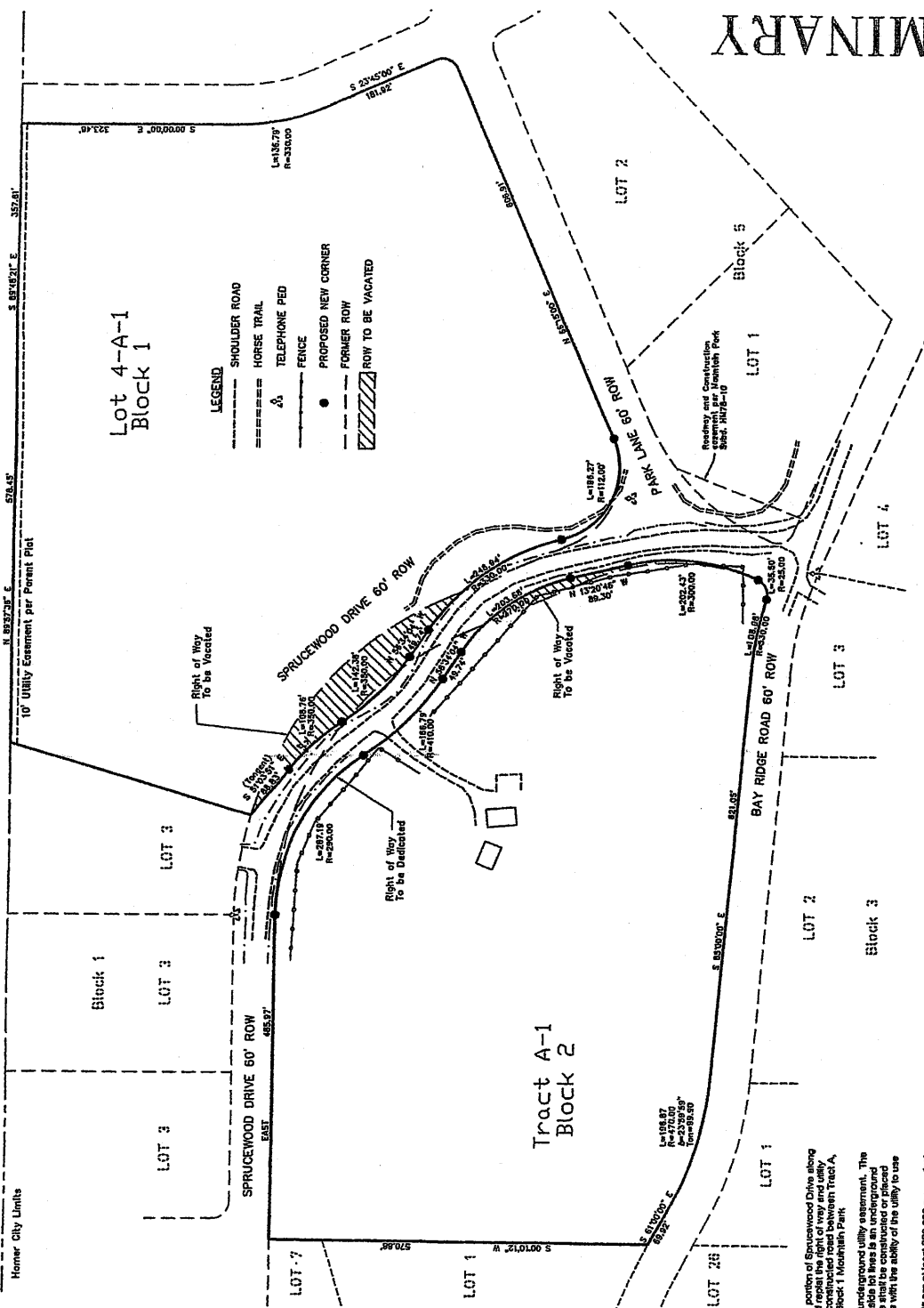


Printed: Sep 14 2012

MILLIKION SURVEYS  
P.O. BOX 780  
HOMER, ALASKA 99603-0780  
(907) 236-8976

Homer City Limits

UNSUBDIVIDED



Lot 4-A-1  
Block 1

- LEGEND**
- SHOULDER ROAD
  - HORSE TRAIL
  - ▲ TELEPHONE PED
  - FENCE
  - PROPOSED NEW CORNER
  - FORMER ROW
  - ▨ ROW TO BE VACATED

**VICINITY MAP**  
1" = 1 MILE  
THIS PLAT  
KACHEMAK BAY

**STATE OF ALASKA**  
DEPARTMENT OF CONSERVATION  
DIVISION OF LAND MANAGEMENT  
I hereby certify that the above described parcel is within the public domain of the State of Alaska and that the same is available for disposal by the State of Alaska.

**NOTICE OF ACQUISITION**  
I hereby certify that the above described parcel is within the public domain of the State of Alaska and that the same is available for disposal by the State of Alaska.

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**PRELIMINARY**

- NOTES**
1. The purpose of this plat is to vacate a portion of Sprucewood Drive along with the right of way and utility easements to coincide with Tract A, Block 2 Mountain Park Subd. and Lot 1 Block 1 Mountain Park.
  2. The 15 ft. fronting right-of-way is an undesignated utility easement. The 20 ft. fronting right-of-way within 5 ft. of edge of the utility easement shall be dedicated to the utility. No permanent structure shall be constructed or placed on an easement which would interfere with the ability of the utility to use the easement.
  3. **WASTEWATER DISPOSAL:** These lots are at least 200,000 square feet or a minimum 5 acres in size and conditions may not be suitable for on-site wastewater disposal. The owner of these lots shall be responsible for the design, construction, and maintenance of a wastewater disposal system that meets the regulatory requirements of the Alaska Department of Environmental Conservation.
  4. Per HM 2008-88, Lot 4-A-1 may or may not contain wetlands. The owner should contact the Corps of Engineers for wetlands information prior to any clearing or filling on these lots.
  5. Per HM 2008-88 Lot 4-A-1 may be subject to special assessments as granted in Vol. 55, Pg. 86 and Vol. 59, Pg. 753, WRD. It also may be subject to special assessments as granted in Vol. 57, Pg. 603, WRD.

<b>MOUNTAIN PARK SPRUCEWOOD REPLAT</b>	
VACATION AND REPLAT OF A PORTION OF SPRUCEWOOD DRIVE AND A PORTION OF TRACT A, BLOCK 2, MOUNTAIN PARK SUBDIVISION, HOMER, ALASKA, TO COINCIDE WITH TRACT A, BLOCK 2, MOUNTAIN PARK SUBDIVISION, HOMER, ALASKA, AND LOT 1, BLOCK 1, MOUNTAIN PARK SUBDIVISION, HOMER, ALASKA, WITHIN THE NEW ALASKA ZONING LAW 13.05.009.	
PREPARED BY: MILLIKION SURVEYS, P.O. BOX 780, HOMER, ALASKA 99603-0780.	
REVIEWED BY: JAMES W. HARRIS, JR., P.E., PROFESSIONAL ENGINEER, HONOR RECOGNIZED DISTRICT, THIRD JUDICIAL DISTRICT, HONOR RECOGNIZED DISTRICT, HONOR RECOGNIZED DISTRICT.	
<b>SURVEYOR</b>	<b>CLIENT</b>
Millikion Surveys P.O. Box 780 Homer, AK 99603	Robert Anderson P.O. Box 699 Homer, AK 99603
Drawn by: JWS	
Checked by: JWS	
Contract: 08-001	
Scale: 1" = 200'	
Sheet No. 353	PL 08, Pgs 010-012

## **NOTICE OF SUBDIVISIONS and PUBLIC HEARING**

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

Proposed subdivisions under consideration are described as follows:

**Mountain Park Sprucewood Replat Preliminary Plat**

**Mountain Park Highland Addition No. 2 Preliminary Plat**

Public notice is hereby given that the City of Homer will hold a public hearing on the following:

**Vacation of a 60' Public Right of Way at Sprucewood Drive**

The location of the proposed(s) subdivision is provided on the attached map(s). A preliminary plat showing the proposed subdivision may be viewed at the Planning Department. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning Department. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, October 3, 2012 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska.

Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting. Written comments can be faxed to 907-235-3118.

For additional information, please contact Rick Abboud in the City of Homer Planning and Zoning Office at 235-8121, ext. 2236.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPOSED SUBDIVISION.**

**VICINITY MAP ON REVERSE**



**Mountain Park Sprucewood Replat Preliminary Plat:**


These two lots to change shape and the public right of way moved to align with the existing road. Sprucewood Drive is partially built on private property. The property lines will be shifted, so the road is completely within a public right of way and off of all private property. See Plat.

**Mountain Park Highland Addition No. 2 Preliminary Plat:**


These three lots to become one large lot. See plat.

# Vicinity Map

## Legend

 Future Lot 2-A

 Relocation of Right of Way

 Property within 500 feet. Property Owners notified.



Disclaimer:  
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for errors or omissions contained herein, or for any interpretations or conclusions drawn therefrom.

September 20, 2012





# 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](mailto:Planning@ci.homer.ak.us)  
 Web Site [www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## STAFF REPORT PL 12-56

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** October 3, 2012  
**SUBJECT:** Mountain Park Subdivision Highland Addition No. 2 Preliminary Plat

**Requested Action:** Preliminary Plat approval for the vacation of common lot lines, creating one large lot from three smaller lots

### GENERAL INFORMATION

Applicants:	Roberta Highland Robert Archibald PO Box 2460 Homer, AK 99603	Mullikin Surveys PO Box 790 Homer, AK 99603
Location:	Corner of Garden Park Drive and North Park Lane (all unconstructed).	
Parcel ID:	175290 67, 15, 16	
Size of Existing Lot(s):	4.41, 2.64, 2.52 acres	
Size of Proposed Lots(s):	9.564 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Vacant	
Surrounding Land Use:	North: Demonstration Forest/recreation South: Residential/Vacant East: Vacant/Residential West: Vacant/Residential	
Comprehensive Plan:	Goal 1 Objective 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."	
Wetland Status:	The 2005 wetland mapping shows no wetland areas.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	Onsite water and wastewater.	
Public Notice:	Notice was sent to 31 property owners of 52 parcels as shown on the KPB tax assessor rolls.	

## ANALYSIS:

This subdivision is within the Rural Residential District. This plat vacates common lot lines between three parcels, creating one large lot.

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

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

*Staff Response: The plat meets these requirements.*

2. North point;

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements.*

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

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

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

*Staff Response: The plat does not meet these requirements. Correct street name to North Park Lane.*

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements.*

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

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

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements. Lots will be served by onsite water and wastewater.*

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

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

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

*Staff Response: The plat meets these requirements.*

**PUBLIC WORKS COMMENTS:** Recommend removal of the word “underground” from the 15 foot utility easement adjacent to rights of way (plat note 1). Although any utilities that go in should be underground, we are concerned that the language may create a conflict with above ground appurtenances such as fire hydrants, pedestals, etc that may be part of an underground utility improvement. *Homer City Code 22.10.051: Easements and rights-of-way. a. The subdivider shall dedicate in each lot of a new subdivision a fifteen (15) foot wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.*

**FIRE DEPARTMENT COMMENTS:** Fire Chief Painter did not have any concerns.

**STAFF COMMENTS/RECOMMENDATIONS:**

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

1. Correct the street name to North Park Lane
2. On plat note 1, remove the word “underground” from the 15 foot utility easement fronting rights of way.

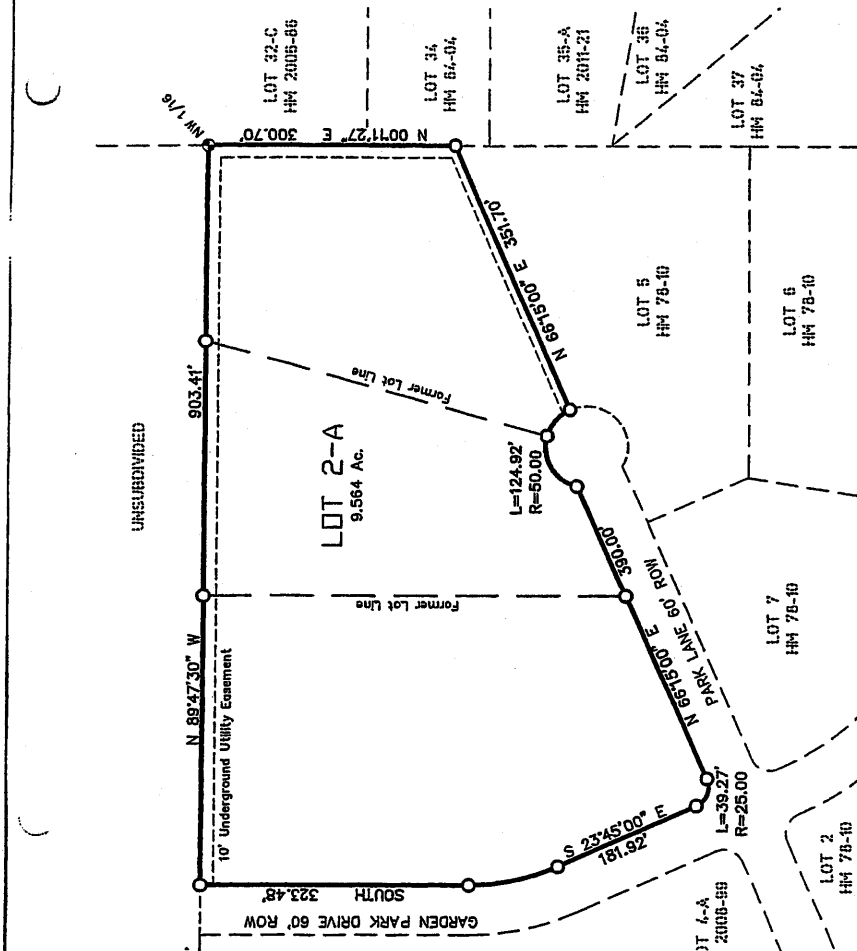
**ATTACHMENTS**

1. Preliminary Plat
2. Surveyor’s letter & Submittal
3. Public Notice



**PLAT APPROVAL**  
 This Plat was approved by the Kenai Peninsula Borough Planning Commission with Section 20.04.070 Kenai Peninsula Borough Subdivision Regulations.

Date \_\_\_\_\_  
 Borough Official \_\_\_\_\_

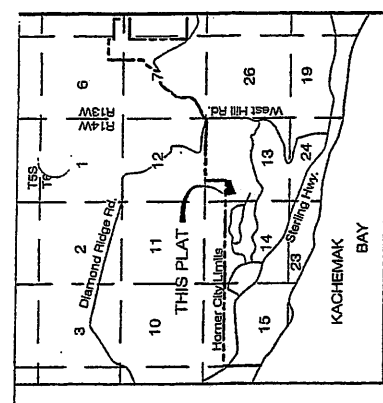


- NOTES**
- The 15 feet fronting lights-of-way is an underground utility easement. The 20' fronting lights-of-way within 5 feet of side lot lines is an underground utility easement. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of the utility to use the easement.
  - No field survey was conducted for this plat. No monuments were found or set. All dimensions and areas are of record.
  - WASTEWATER DISPOSAL:** These lots are at least 200,000 square feet or a nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
  - This subdivision may be subject to Personal Easements as granted in Vol. 55, Pg. 66 and Vol. 88, Pg. 765, HRD.
  - This subdivision may be affected by Covenants, Conditions, and Restrictions per Book 97, Pg. 603, HRD.
  - For the parent plat a 90' building setback is dedicated as a roadway and underground utility maintenance and construction easement.
  - All lots within this subdivision are subject to City of Homer Zoning regulations. Refer to the Parent Plat and the Homer City Code for all current setback and site development restrictions. Owners should check with the City of Homer prior to development activities.
  - These lots may or may not contain wetlands. The Owner should contact the Corps of Engineers for wetlands information prior to any ditching or filling or these lots.

**MULLIKIN SURVEYS**  
 P.O. BOX 790  
 HOMER, ALASKA 99603-0790  
 (907) 835-0875

**RECEIVED**  
 SEP 19 2012  
 CITY OF HOMER  
 PLANNING/ZONING

LEGEND  
 - Monument of record, 1/2 rebar  
 - Monument of record Brass Cap  
 - Monument of record  
 - Monument of record



**VICINITY MAP**  
 1" = 1 MILE

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

Robert Archibald  
 P.O. Box 2460  
 Homer AK, 99603

**NOTARY'S ACKNOWLEDGMENT**  
 For \_\_\_\_\_  
 Subscribed and sworn before me  
 this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Notary Public for the State of Alaska  
 My commission expires \_\_\_\_\_

Roberta Highland  
 P.O. Box 2460  
 Homer AK, 99603

**NOTARY'S ACKNOWLEDGMENT**  
 For \_\_\_\_\_  
 Subscribed and sworn before me  
 this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Notary Public for the State of Alaska  
 My commission expires \_\_\_\_\_

<b>MOUNTAIN PARK HIGHLAND ADDITION No. 2</b> VACATION OF COMMON LOT LINES OF LOTS 9 AND 4, MOUNTAIN PARK SUBDIVISION, HM 78-10 AND LOT 1-A, MOUNTAIN PARK SUBDIVISION, HIGHLAND ADDITION, HM 2008-89 WITHIN THE 1/4 NW 1/4 SEC. 13, SEWARD MERIDIAN, CITY OF HOMER, NEVA PENINSULA BOROUGH,	
<b>SURVEYOR</b> Mullikin Surveys P.O. Box 790 Homer, AK 99603 Drawn By: T.A.L.	<b>CLIENT</b> Roberta Highland and Robert Archibald P.O. Box 2460 Homer, AK 99603
Date: Sept. 19, 2012 Checked By: DEM, JMM	Scale: 1" = 100' Filed: Mountain Park 2012
Containing 9.564 Acres THRO JUDICIAL DISTRICT, HOMER RECORDING DISTRICT,	
Book No. _____ K.P.S. File 2012-_____	

## MULLIKIN SURVEYS

P.O. Box 790, Homer, AK 99603-0790

Ph. & Fax: (907) 235-8975; E-mail: mullikin@xyz.net

Set, 19, 2012

City of Homer Planning Dept

Re: Submittal, preliminary plat, Mountain Park Highland Addition No. 2

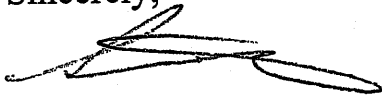
The purpose of this plat is combine three lots into one.

Water and sewer are onsite for both lots. A copy of the KPB Basemap showing contours has been attached to this submittal showing that the grades of roads are less than 10% and that intersection grades are also less than 4% as required by Borough Code. No changes to dedicated rights-of-way are part of this plat.

Enclosed is check #13062 for \$300 to cover the Plat review fees.

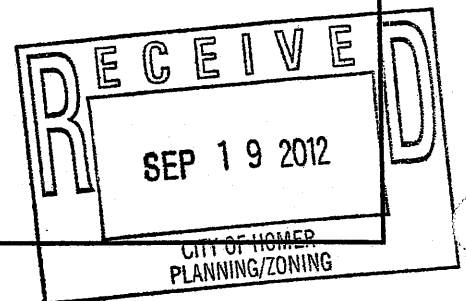
Please schedule City of Homer reviews for this plat

Sincerely,

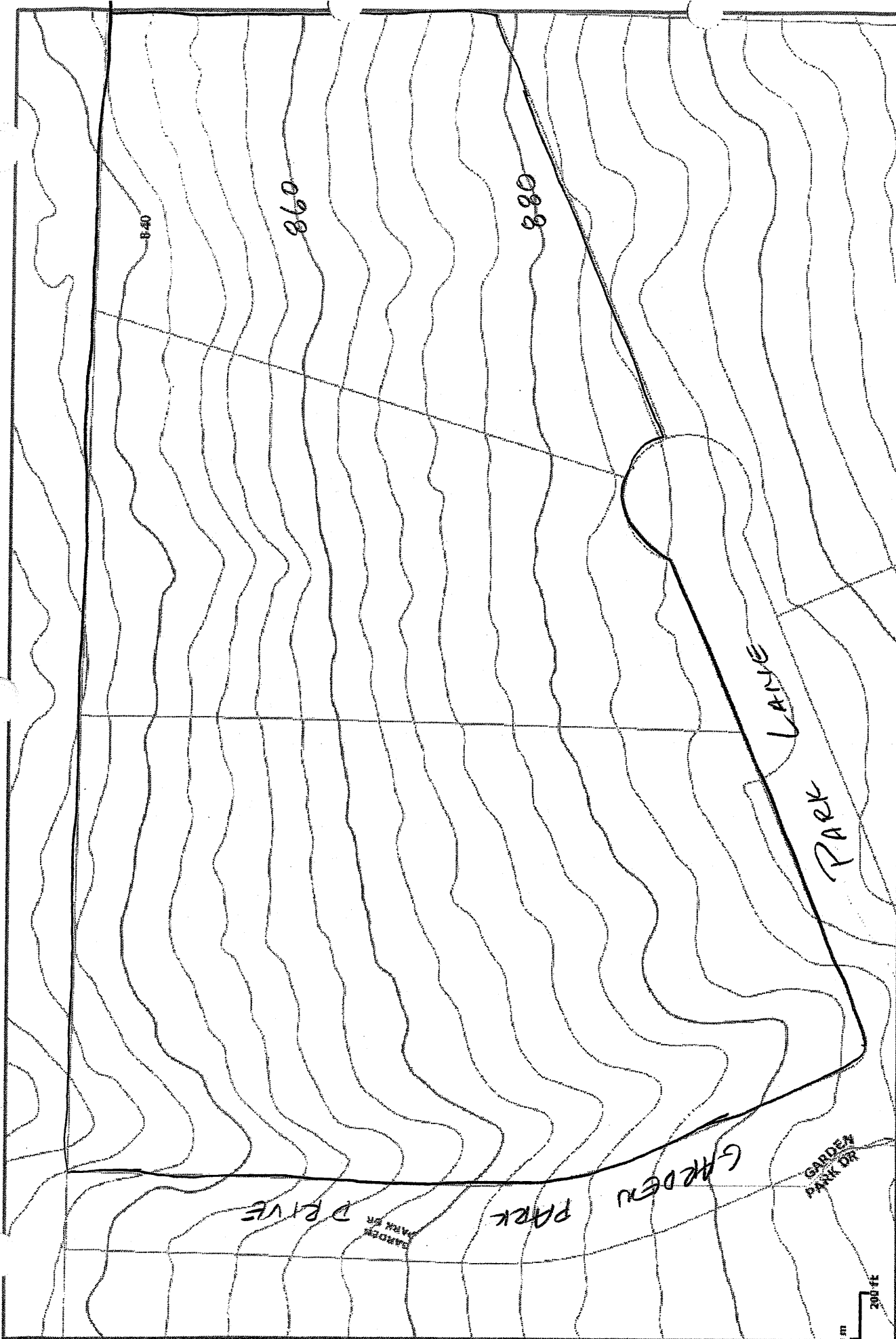


Tom Latimer

Encl. 1 plot 24" x 36" and 1 plot 11" x 17" Preliminary Plat,  
Topo map, Check # 13062







Kenai Peninsula Borough GIS Divisic

DISCLAIMER: The data displayed herein is neither a legally recorded map nor  
 survey and should only be used for general reference purposes. Kenai Peninsula  
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 Original source documents should be consulted for accuracy verification.



MOUNTAIN PARK HIGHLAND ADDITION No.2

Printed: Sep 19 2012

## **NOTICE OF SUBDIVISIONS and PUBLIC HEARING**

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Proposed subdivisions under consideration are described as follows:

### **Mountain Park Sprucewood Replat Preliminary Plat**

### **Mountain Park Highland Addition No. 2 Preliminary Plat**

Public notice is hereby given that the City of Homer will hold a public hearing on the following:

### **Vacation of a 60' Public Right of Way at Sprucewood Drive**

The location of the proposed(s) subdivision is provided on the attached map(s). A preliminary plat showing the proposed subdivision may be viewed at the Planning Department. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning Department. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, October 3, 2012 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska.

Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting. Written comments can be faxed to 907-235-3118.

For additional information, please contact Rick Abboud in the City of Homer Planning and Zoning Office at 235-8121, ext. 2236.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPOSED SUBDIVISION.**

**VICINITY MAP ON REVERSE**

**Mountain Park Sprucewood Replat Preliminary Plat:**  
 These two lots to change shape and the public right of way moved to align with the existing road. Sprucewood Drive is partially built on private property. The property lines will be shifted, so the road is completely within a public right of way and off of all private property. See Plat.

**Mountain Park Highland Addition No. 2 Preliminary Plat:**  
 These three lots to become one large lot. See plat.

# Vicinity Map

## Legend

-  Future Lot 2-A
-  Relocation of Right of Way
-  Property within 500 feet. Property Owners notified.



Disclaimer:  
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September 20, 2012



## City Manager's Report

1. Memorandum 12-148 from Community and Economic Development Coordinator, Re: 2013 Economic Outlook Forum Sponsorship

2. Memorandum 12-149 from Art Selection Committee for Public Restroom Projects, Re: Recommendation to Re-Advertise the Request for Proposals

City Manager Wrede reported the Budget 2013 will be delivered to Council this week. There are parts of the budget he is pleased about, but other parts are a struggle. He is proud to say the water/sewer budget is balanced and looking good. The Port and Harbor Enterprise Fund is doing well. Fees were raised recently to grow the depreciation fund and pay for the bond sale. Fees for operations were not raised, but continue to go up. The General Fund is a different story. He is struggling with a \$300,000 deficit to balance it. There is an astronomical increase in the cost of health care insurance. It is causing us to put some things on hold that we should be doing. City Manager Wrede noted Katie's memo on the Economic Outlook Forum. They will be holding their forum in Homer and it will draw a lot of people from all over. He asked for Council's input in spending \$1,000 to sponsor the event. It is customary for the sponsor of the event to pay a portion of the cost. There was no input or objection from the Council.

CITY OF HOMER  
CITY HALL  
MEMORANDUM 12-148

To: Mayor Hornaday and Homer City Council  
From: Katie Koester, Community and Economic Development Coordinator  
Through: Walt Wrede, City Manager  
Date: September 19, 2012  
Subject: 2013 Economic Outlook Forum Sponsorship

In February of this year the City Council passed Resolution 12-015 inviting the Kenai Peninsula Economic Development District and the Kenai Chapter of the Alliance to hold the 2013 Economic Outlook Forum in Homer. The Industry Outlook Forum is traditionally held in the Central Peninsula. Participants include representatives from industries in the Kenai Peninsula such as mining, oil and gas and support companies. The two day event features guest speakers from industry and government and includes all meals for participants.

Planning is currently in progress to hold the Forum in Homer January 31st and February 1st at Lands' End Resort. Forum organizers hope that holding the event in Homer will allow Homer residents and businesses to participate and learn about this large sector of the Peninsula economy. Registration is open to the public.

The Forum is free to participants; however sponsorships are solicited from industry and municipalities to support the event. It is customary for the hosting municipality to sponsor the event. I would like the Council's opinion on sponsoring the 2013 Economic Outlook Forum in the amount of \$1,000.



## NATURAL GAS DISTRIBUTION SYSTEM

### SPECIAL ASSESSMENT DISTRICT

#### IMPROVEMENT PLAN

September 24, 2012

#### Introduction

The Homer City Council recently adopted Resolution 12-069 which initiated the Natural Gas Distribution System Special Assessment District. The Homer City Code (HCC 17.04.040 (b) (2)) provides that after a resolution initiating a special assessment district is adopted, the City Manager must prepare an improvement plan for the district. This document constitutes the improvement plan for the proposed gas distribution system special assessment district and contains the information required by code.

#### Boundaries of the District

When the City Council adopted Resolution 12-069 initiating the District, the intent was to initiate one special assessment district that would cover the entire area within the City limits. However, this does not mean that every lot or parcel in the City will receive direct access to gas. This special assessment district is designed to provide financing for construction of gas mains in most City streets. The City Council subsequently adopted Resolution 12-076 which established exclusion criteria to assist in determining which properties would not be served directly by gas mains constructed through the assessment district and which properties would be served but not benefitted and therefore exempted from the assessment district.

The exact boundaries of the proposed assessment district are difficult to draw on a map because of the size, complexity, and special characteristics of this district. The boundaries of the district can better be articulated by a narrative definition. This special assessment district includes all lots or parcels that are directly benefitted by the proposed improvement. Directly benefitted is defined as properties that have frontage on a road which contains a gas main. Properties fronting the trunk line that was partially funded with a legislative grant are also included. A list of properties within the assessment district is contained in the Preliminary Assessment Roll which is attached as Exhibit A. The preliminary assessment roll does not contain properties that are served but exempt from assessment under Resolution 12-076. Finally, Exhibit B is a map which shows the location and extent of the gas main improvements to be constructed. Lots with direct frontage on the mains are included in the assessment district.

#### Design of the Improvements

Exhibit B illustrates the location and extent of the gas main improvements. The improvements consist of 73 miles of pipe plus the portion of the trunk line which runs through the City. Most of the main lines

are two inches in diameter. Some are four inches in diameter if the demand load justifies it. Some are four inches or larger in order to provide for anticipated future growth. The specific design and engineering specifications will be the responsibility of Enstar Natural Gas Company. The exact location of mains within City Rights of Way will be determined through the City permitting process. Construction permits will be approved and construction work in City roads will be inspected by the Department of Public Works. The build-out of this construction project is expected to take two construction seasons. Exhibit B is color coded to show Year I and Year II phases, beginning with the downtown core in Year I. If this Special Assessment District is approved by January 2013, construction on the distribution system in the downtown area could begin in 2013.

#### Cost Estimate

Enstar has provided a construction cost estimate of \$12,160,632 for constructing the improvement other than the trunk line in the City (1). This translates into \$31.55 per foot (2). In addition to the construction cost, the City will add an administrative fee (3) and direct construction costs (4) to the total to be assessed. Based upon the number of properties to be assessed (3,855), it is estimated that the construction cost (excluding the cost of the trunk line in the City) per lot is \$3,283.30 plus interest on the portion of the project that the City will finance (5). This assessment number is anticipated to be an upper end, conservative estimate. The cost per property may be reduced depending upon the interest rate and the actual construction costs. The cost per lot will also be reduced by the Free Main Allowance (6).

#### **NOTES**

1. This is a not to exceed construction contract number and is good for two construction seasons provided a construction contract is signed in 2012. The estimate is probably high due to the large numbers of unknowns and the complexity of the built environment in Homer. The actual amount the City pays will be based upon actual costs. The City will receive invoices and have the ability to audit construction accounts. If the bids and actual costs are lower than this estimate, the assessments will be adjusted downward.
2. This number is significantly higher than the published tariff for standard construction. The tariff permits costs above the published tariff rate for non standard construction conditions; which Homer has. Costs that exceed the tariff rate must be justified and the City will request a full accounting.
3. Adopted Fee Schedule for Special Assessment Districts. For projects \$500,000 and over: \$25,000 plus 2.5%. The fee is \$316,515 and covers work by multiple departments to support this assessment district.
4. Direct Construction Costs: Estimated to be \$180,000. To cover the cost of seasonal inspectors, utility locators, project management, and equipment.
5. Interest: The assessment per property is estimated to be \$3,283.30 plus interest on the portion of the project that the City will finance. The interest rate is estimated to be 4% at this time. The City will take whatever interest rate it receives from the lender and pass it on to the property owner. The City will make no money on interest.



6. The Free Main Allowance is a type of refund the City will receive when properties hook up to natural gas. The intent is to partially compensate the City for its investment in the infrastructure. Initial estimates are that the City will receive \$1.6 Million in refunds over 10 years. The free main allowance can be applied to the City's loan payments and therefore reduce assessments.

#### Financing

The City will pay Enstar Natural Gas Company to construct the distribution system. Enstar will construct, own, operate, and maintain the system and assume all liability. In order to pay for construction, the City will need to borrow \$12,160,632; the balance of the construction cost will be paid for from grant funds. This can be done a variety of ways including selling special assessment bonds, obtaining AIDEA loan guarantees for a commercial loan, selling revenue bonds through the Alaska Municipal Bond Bank, and borrowing money from the Kenai Peninsula Borough. The City will weigh all of the alternatives in an effort to obtain the best terms. The decision on where to obtain financing will likely be made in November or December. This improvement plan anticipates a ten year term.

#### Percentage of Improvement Cost to be Assessed Against Properties in the District

75% of the cost of the improvement, including administrative and direct costs will be assessed against properties in the District. 25% of the cost of the improvement will be paid from grant funds.

#### Method for Allocating the Assessed Cost for the Improvement Among the Properties in the District

Resolution 12-069 initiating the Special Assessment District stipulates that all properties in the District will be assessed equally regardless of frontage, square footage, or appraised value.

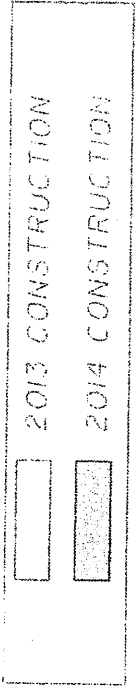
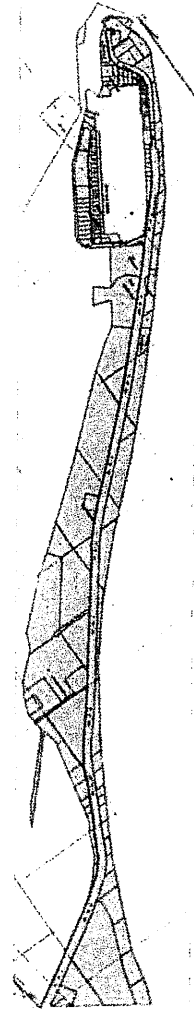
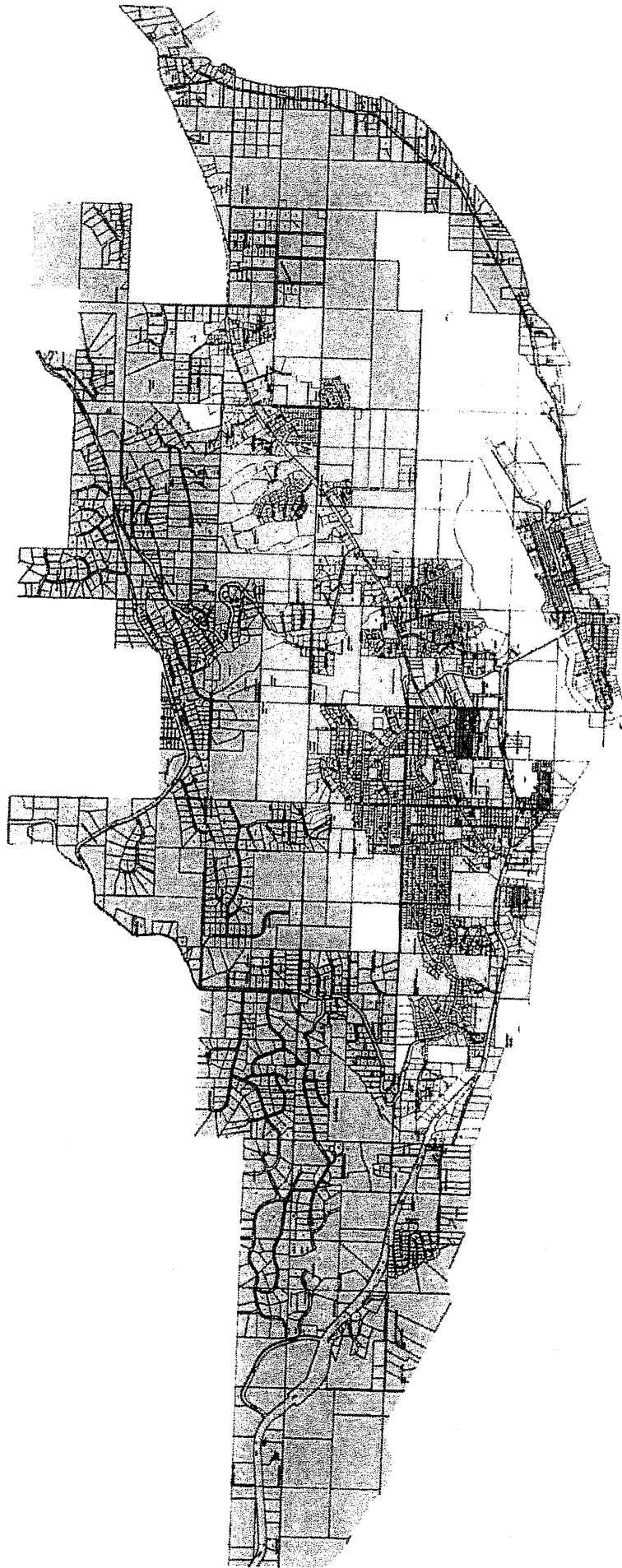
#### Time Period Over Which Assessments will be Financed

Ten Years

#### Preliminary Assessment Roll

See Exhibit A





HOMER SPECIAL ASSESSMENT DISTRICT  
 Gas Distribution Burdett  
 Date: 09/17/12

**EXHIBIT B**





# Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
APPEAL START

September 19, 2012

The Honorable James C. Hornaday  
Mayor, City of Homer  
491 East Pioneer Avenue  
Homer, Alaska 99603

Case No.: 11-10-0383S  
Community: City of Homer,  
Kenai Peninsula Borough,  
Alaska  
Community No.: 020107

Dear Mayor Hornaday:

On April 20, 2012, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided your community with revised Preliminary copies of the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for City of Homer, Kenai Peninsula Borough, Alaska. FEMA has posted digital copies of these revised FIRM and FIS report materials to the following Website: <http://www.starr-team.com/starr/RegionalWorkspaces/RegionX/HomerSpit/Preliminary%20Maps/Forms/AllItems.aspx>. The revised Preliminary FIRM and FIS report include proposed flood hazard information for certain locations in the City of Homer. The proposed flood hazard information may include addition or modification of Special Flood Hazard Areas, the areas that would be inundated by the base (1-percent-annual-chance) flood; base flood elevations or depths; zone designations; or regulatory floodways.

We have published a notice of the proposed flood hazard determinations in the *Federal Register* and will publish a public notification concerning the appeal process (explained below) in the *Homer Tribune* on or about September 26, 2012, and October 3, 2012. We will also publish a separate notice of the flood hazard determinations on the "Flood Hazard Determinations on the Web" portion of the FEMA Website ([www.fema.gov/plan/prevent/fhm/bfe](http://www.fema.gov/plan/prevent/fhm/bfe)). We have enclosed copies of the notice published in the *Federal Register* and the newspaper notice for your information.

These proposed flood hazard determinations, if finalized, will become the basis for the floodplain management measures that your community must adopt or show evidence of having in effect to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). However, before any new or modified flood hazard information is effective for floodplain management purposes, FEMA will provide community officials and citizens an opportunity to appeal the proposed flood hazard information presented on the preliminary revised FIRM and FIS report posted to the above-referenced Website.

Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) is intended to ensure an equitable balancing of all interests involved in the setting of flood hazard determinations. The legislation provides for an explicit process of notification and appeals for your community and for private persons prior to this office making the flood hazard determinations final. The appeal procedure is outlined below

for your information and in the enclosed document titled *Criteria for Appeals of Flood Insurance Rate Maps*.

During the 90-day appeal period following the second publication of the public notification in the above-named newspaper, any owner or lessee of real property in your community who believes his or her property rights will be adversely affected by the proposed flood hazard determinations may appeal to you, or to an agency that you publicly designate. It is important to note, however, that the sole basis for such appeals is the possession of knowledge or information indicating that the proposed flood hazard determinations are scientifically or technically incorrect. The appeal data must be submitted to FEMA during the 90-day appeal period. Only appeals of the proposed flood hazard determinations supported by scientific or technical data can be considered before FEMA makes its final flood hazard determination at the end of the 90-day appeal period. Note that the 90-day appeal period is statutory and cannot be extended. However, FEMA also will consider comments and inquiries regarding data other than the proposed flood hazard determinations (e.g., incorrect street names, typographical errors, omissions) that are submitted during the appeal period, and will incorporate any appropriate changes to the revised FIRM and FIS report before they become effective.

If your community cannot submit scientific or technical data before the end of the 90-day appeal period, you may nevertheless submit data at any time. If warranted, FEMA will revise the FIRM and FIS report after the effective date. This means that the revised FIRM would be issued with the flood hazard information presently indicated, and flood insurance purchase requirements would be enforced accordingly, until such time as a revision could be made.

Any interested party who wishes to appeal should present the data that tend to negate or contradict our findings to you, or to an agency that you publicly delegate, in such form as you may specify. We ask that you review and consolidate any appeal data you may receive and issue a written opinion stating whether the evidence provided is sufficient to justify an official appeal by your community in its own name or on behalf of the interested parties. Whether or not your community decides to appeal, you must send copies of individual appeals and supporting data, if any, to:

STARR Region X Service Center

Attn: Katie Dopierala

20700 44<sup>th</sup> Ave W

Suite 110

Lynnwood, WA 98036

If we do not receive an appeal or other formal comment from your community in its own name within 90 days of the second date of public notification, we will consolidate and review on their own merits such appeal data and comments from individuals that you may forward to us, and we will make such modifications to the proposed flood hazard information presented on the revised FIRM and in the revised FIS report as may be appropriate. If your community decides to appeal in its own name, all individuals' appeal data must be consolidated into one appeal by you, because, in this event, we are required to deal only with the local government as representative of all local interests. We will send our final decision in writing to you, and we will send copies to the community floodplain administrator, each individual appellant, and the State NFIP Coordinator.

All appeal submittals will be resolved by consultation with officials of the local government involved, by an administrative hearing, or by submission of the conflicting data to an independent scientific body or appropriate Federal agency for advice. Use of a Scientific Resolution Panel (SRP) is also available to your community in support of the appeal resolution process when conflicting scientific or technical data are submitted during the appeal period. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. An SRP is an option after FEMA and community officials have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Please refer to the enclosed "Scientific Resolution Panels" fact sheet for additional information on this resource available to your community.

FEMA will make the reports and other information used in making the final determination available for public inspection. Until the conflict of data is resolved and the revised FIRM becomes effective, flood insurance available within your community will continue to be available under the effective NFIP map, and no person shall be denied the right to purchase the applicable level of insurance at chargeable rates.

The decision by your community to appeal, or a copy of its decision not to appeal, should be filed with this office no later than 90 days following the second publication of the flood hazard determination notice in the above-named newspaper. Your community may find it appropriate to call further attention to the proposed flood hazard determinations and to the appeal procedure by using a press release or other public notice.

If warranted by substantive changes, during the appeal period we will send you Revised Preliminary copies of the revised FIRM and FIS report. At the end of the 90-day appeal period and following the resolution of any appeals and comments, we will send you a Letter of Final Determination, which will finalize the flood hazard information presented on the revised FIRM and FIS report and will establish an effective date.

If you have any questions regarding participation in the NFIP, we encourage you to contact your Floodplain Management Specialist, Karen Wood-McGuinness at FEMA Region X, in Bothell, Washington. Ms. Wood-McGuinness can be reached by telephone at (425) 487-4675 or by email at [Karen.Wood-McGuinness@fema.dhs.gov](mailto:Karen.Wood-McGuinness@fema.dhs.gov).

If you have any questions regarding the proposed flood hazard determinations, revised FIRM panels, or revised FIS report for your community, please contact Dwight (Ted) Perkins, FEMA Region X Engineer. Mr. Perkins can be reached by telephone at (425) 487-4684 or by email at [Dwight.Perkins@fema.dhs.gov](mailto:Dwight.Perkins@fema.dhs.gov).

Sincerely,



Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration

List of Enclosures:

Newspaper Notice

Proposed Flood Hazard Determinations FEDERAL REGISTER Notice

*Criteria for Appeals of Flood Insurance Rate Maps*

“Scientific Resolution Panels” Fact Sheet

cc: Community Map Repository

Rick Abboud, City Planner, City of Homer