

## 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 December, 5, 2012 meeting p. 1-8
  2. Draft Decisions and Findings for PL 12-68 Level 1 Lighting Exception at the KPB Transfer Facility, 3300 Sterling Hwy p. 9-14
6. **Presentations**
7. **Reports**
  - A. Staff Report PL 13-04 City Planner's Report p. 15-16
8. **Public Hearings**  
Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.
9. **Plat Consideration**
  - A. Staff Report PL 13-03 Paradise South Subdivision Preliminary Plat p. 17-28
10. **Pending Business**
  - A. Staff Report PL 13-06 Marine Industrial/ Marine Commercial Rezone p. 29-34
  - B. Staff Report PL 13-02, Lighting p. 35-40
11. **New Business**
  - A. Staff Report PL 13-01 Easement v. ROW p. 41-46
  - B. Staff Report PL 13-05 Amending the HAPC Bylaws and Policies and Procedures. p. 47-48
12. **Informational Materials**
  - A. City Manager's Report from the January 14, 2013 City Council Meeting p. 49-54
  - B. 2013 HAPC Meeting dates p. 55-58
  - C. KPB Notice of Decisions p. 59-66
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**

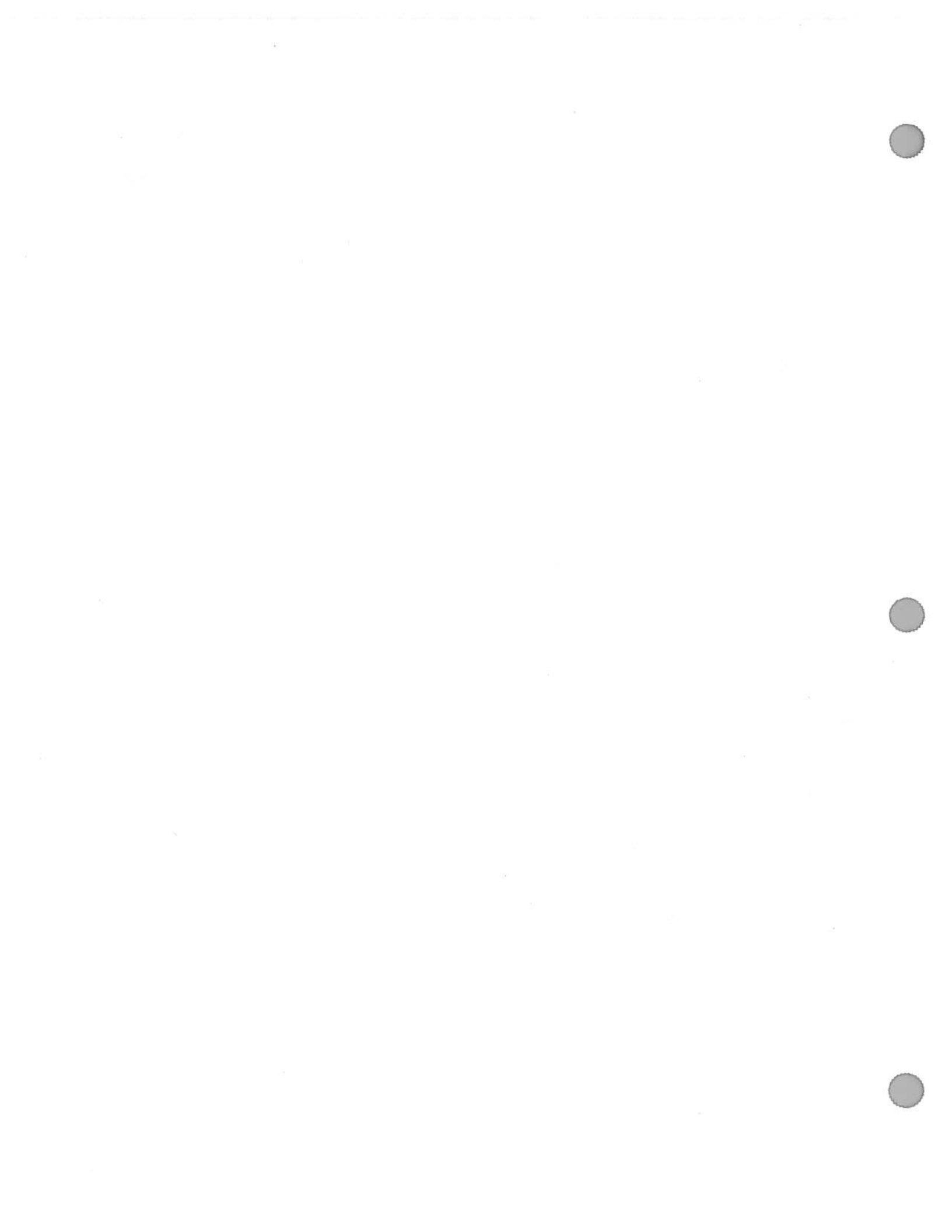
Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission. Next regular meeting is scheduled for February 6, 2013. A work session will be held at 5:30 pm.

January 16, 2013  
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
  - A. PL 13-06 Marine Industrial/ Marine Commercial Rezone
  - B. Lighting. A 2-minute Youtube video. To video is produced by Scott Kardel of the Palomar Observatory can be seen by searching *darkskydemo.mov* in the Youtube search bar.
  - C. PL 13-05 Amending the HAPC Bylaws and Policies and Procedures.
3. 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).
4. Commission Comments
5. Adjournment



Session 12-15, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Erickson at 6:30 p.m. on December 5, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS ERICKSON, HIGHLAND, SLONE, VENUTI

ABSENT: BOS, SONNEBORN

STAFF: PLANNING TECHNICIAN ENGBRETSSEN  
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).

Gary Nelson, city resident and surveyor, commented that at the one of the last plats he had before the Commission he asked the Commission to include him in their discussion of an intricate matter of right of way dedication on the plat. During the discussion, the Commission wouldn't recognize him and he felt the response given by staff was wrong and he yelled the answer out from the crowd and walked out. He felt like the Commission wasn't serving the public's interest by allowing an owners representative to not be able to represent the owner. He hopes in the future the Commission will be friendlier to them. Homer used to be a friendly place to do business, and now it seems people are getting too busy to be that way anymore.

### **RECONSIDERATION**

### **ADOPTION OF CONSENT AGENDA**

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

A. Approval of the November 7, 2012 minutes

The consent agenda was approved by consensus of the Commission.

### **PRESENTATIONS**

### **REPORTS**

A. Staff Report PL 12-70, City Planner's Report

Planning Technician Engebretsen reviewed the City Planner's 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 12-68, 3300 Sterling Highway, Transfer Site, Request for Exception to Lighting Standards

Planning Technician Engebretsen reviewed the staff report.

Bill Nelson, consulting engineer representing the Kenai Peninsula Borough, said that they exceed the height requirement on the poles with the design, but conform to every other intent of the code, which is to not have light bleeding off site. Mr. Nelson explained they have cut off light fixtures and minimized the number of poles and lighting levels so as to minimize light leaving the site. They did an engineering analysis to see what would happen if they conformed to the lighting standards and found that lowering the poles will create light and dark spots throughout site, and as a result would require more poles. Increasing the number of light poles to accomplish adequate lighting would create an issue for trucks trying to maneuver around the staging area, and also increase the potential for light pollution.

Chair Erickson opened the public hearing.

Mitchell Hrachiar, borough resident, commented that he lives within the view shed of the transfer station and light trespass in the area has been a problem for years. He agrees with the information in the staff report and the findings are a proactive approach to handle the lighting at the facility. Luminaires and building mounted luminaires may be installed above 15 feet if they are cut off luminaires. Further measures like dimming and turning off lights when not in use is logical. The engineers report on page 22 addresses lighting issues which appear to meet lighting standards. The borough has been proactive with lighting issues and has been a good neighbor, he appreciates that. Mr. Hrachiar thanked the Commission for the opportunity to speak.

There were no further public comments and the public hearing was closed.

Commissioners Venuti and Highland questioned the light cut off. Mr. Nelson explained that it will be part of the operation plan to dim the lights by 50% or turn them off after hours, so it will not raise an issue. Jack Maryott, KBP Solid Waste Director, added that it costs money to run the lights, so based on the station's hours he anticipates that lights would come on at approximately 7:15 a.m. just before employees arrive and shut off by 6:30 p.m. after they have left. Motion sensors would not work because this is not a kind of lighting that you would want to cycle on and off.

Commissioner Slone raised questions regarding pole stability in relation to earthquakes and whether there was another way they could conform to what is outlined in code. Mr. Nelson said the bases aren't rated to seismic events but they are designed to be stable to winds up to 110 mph. To comply with the standards the overall amount of light on the site would be greater, and more light put on the ground results in more light reflecting off the ground and potentially be visible to higher locations. The phenomenon of how much light is put on the ground and how much is reflecting back to people on the ridge isn't addressed in code. If they used lower poles and conform to IES standards they would have to have a brighter overall lighting level to accomplish the uniformity ratio in lighting. It is possible they

could lower the poles in the upper area, but he would have to go back and see if it would comply with the uniformity ratio. Other than redesigning the project this is the best solution for lighting.

Commissioner Stead requested clarification regarding recommendations for access roads on packet page 17, and why the average light would go from .4 to .8 foot-candles even though the uniformity is 6 to 1. Mr. Nelson explained that they require certain overall minimum amount of light and not have areas much brighter than others called a uniformity ratio. If they try to meet the level with shorter poles overall brightness on site will be greater. The light itself is the same light, bringing it down and concentrating the light on the over a small area. Commissioner Stead commented that it appears to him that Mr. Hall is trying to make a case for maintaining the current design than trying to meet something that might be acceptable. Mr. Nelson agreed that was a fair assessment of the situation. They were trying to point out other factors they felt influenced keeping the design, but code only allows a safety consideration. They got their CUP, ordered materials and had them on site, but didn't know there was a limit on pole height.

**VENUTI/SLONE MOVED TO ADOPT STAFF REPORT 12-68 AND ALLOW AN EXCEPTION TO THE LIGHTING STANDARDS AT 3300 STERLING HIGHWAY WITH STAFF RECOMMENDATIONS AND FINDINGS.**

There were comments made that this is for the good of the community and addresses safety in the area.

**VOTE: YES: HIGHLAND, VENUTI, ERICKSON, SLONE  
NO: STEAD**

Motion carried.

### **PLAT CONSIDERATION**

Commissioner Venuti stated he has a conflict of interest regarding the Bay View Subdivision.

**HIGHLAND/STEAD MOVED THAT COMMISSIONER VENUTI HAS A CONFLICT OF INTEREST.**

Commissioner Venuti explained that he benefits financially from the applicant within the amounts outlined in City Code.

**VOTE: YES: HIGHLAND, STEAD, ERICKSON, SLONE**

Motion carried.

Chair Erickson stated she has a conflict of interest in each of the plats scheduled for consideration this evening.

**HIGHLAND/SLONE MOVED THAT CHAIR ERICKSON HAS A CONFLICT OF INTEREST.**

Chair Erickson explained that she benefits financially with the applicants, who are customers, within the amounts outlined in City Code. She explained later in the meeting that she and her husband own Home Run Oil.

VOTE: YES: STEAD, SLONE, HIGHLAND, VENUTI

Motion carried.

A. Staff Report PL 12-60, Bay View Subdivision No. 3 2012 Addition Preliminary Plat

The Commission was unable to act on this plat due to lack of a quorum from conflicted Commissioners.

B. Staff Report PL 12-64, Paradise Heights Subdivision 2012 Preliminary Plat

Chair Erickson passed the gavel and left the table. Vice Chair Venuti assumed the chair.

Planning Technician Engebretsen Julie reviewed the staff report.

Shirley Fedora, property owner, commented that they purchased the property in July 1995 and developed it as one residence. She noted the home on the plat is their garage and always has been. She showed an aerial photo on which she delineated the location of the home, road, well, and septic. She explained that they intend to maintain their property with one residence. She provided a list of signatures from her neighbors who support the vacation.

Gary Nelson, project surveyor, noted corrections that the 10x10 utility easement in the upper right and lower right corners will be corrected to 10 foot easements and the and the 10x10 pedestal easement should be pointing to the lower left of the subdivision where the line terminates at Horizon Court. He also confirmed that the house on the plat is a garage and the house is near the north boundary. These corrections will be made before it goes to the borough.

There were no public comments.

Question was raised whether it's appropriate for the Commission to approve the plat tonight and if staff was satisfied with the corrections presented. Planning Technician responded in the affirmative to both questions.

HIGHLAND/SLONE MOVED TO ADOPT STAFF REPORT PL 12-64 PARADISE HEIGHTS SUBDIVISION 2012 PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 12-65, Thompson Subdivision 2012 Preliminary Plat

Planning Technician Engebretsen reviewed the staff report.

Gary Nelson, project surveyor, noted that the owners stated they do not do business with the Erickson's.



He provided a copy of an asbuilt prepared by another firm about 12 years ago. It supports the request for the 10 foot utility easement because if would create an encroachment if it was 15 feet.

Shelly Erickson commented that she had confused the applicants name with another of her customers and apologized for the mistake.

Because there was still a quorum to act on this agenda item she remained excused.

**HIGHLAND/STEAD MOVED TO ADOPT STAFF REPORT PL 12-65 THOMPSON SUBDIVISION 2012 PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.**

Commissioner Slone commented that he doesn't necessarily agree with combining smaller lots in the city when they were designed as separate lots with the intention of being developed and alleviate the infill problem. He recognizes that there isn't a basis in code to make an objection, but wanted to share his opinion.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT.**

Motion carried.

**D. Staff Report PL 12-66, Glacier View Subdivision No. 24 Preliminary Plat**

Commissioner Stead stated that he works with the applicant. He explained that there is no conflict of interest involved and he did not have any conversation with Mr. Aderhold about this issue. Deputy City Clerk Jacobsen referenced the Planning Commission bylaws and asked Mr. Stead if he felt that by participating in this discussion he may taint the decision of the Commission or be unable to make an unbiased decision. Mr. Stead responded no.

The remaining Commissioners expressed no objection to allowing Mr. Stead to participate.

Planning Technician Engebretsen reviewed the staff report.

Gary Nelson, project surveyor, noted that the property being considered will be corrected to lot 9-A on the plat.

Wayne Aderhold, property owner, commented they built a single family residence and their plan is to maintain it as such. There is room for an accessory building if they get to that point in the future. With the impending gas line in the future it seemed to be time to do this.

There was no public comment.

There was discussion clarifying that the size of lot 9A will be .288 acres.

**SLONE/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 12-66 GLACIER VIEW SUBDIVISION NO. 24 PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.**

Comment was made that this vacation seems feasible due to the small lot sizes.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT.**

Motion carried.

**E. Staff Report PL 12-69, Bunnell's Sub. No. 19 Tract A 2012 Replat**

Planning Technician Engebretsen reviewed the staff report.

Neither the applicant nor representatives were present.

Karin Marks, neighboring property owner, raised concern because of a previous action of the Planning Commission that happened about 7 years ago relating to Swatzell Street not continuing on to Pioneer Avenue. Planning Technician Engebretsen explained that there are issues with access to Pioneer Ave and the conflict is the transportation plan says the road will go through. She recognizes the City and Borough did not require access on an earlier platting action on a different property. It puts a constraint on a future road, but the issue with the transportation plan will not be addressed with this particular plat. The staff recommendations for labeling the street and utility easements are standard.

**HIGHLAND/SLONE MOVED TO ADOPT STAFF REPORT PL 12-69 BUNNELL'S SUBDIVISION NO 19 TRACT A 2012 REPLAT WITH STAFF RECOMMENDATIONS.**

There was no further discussion.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT**

Motion carried.

**F. Staff Report PL 12-71, Homer Enterprises Inc, Subdivision 2013 Replat Preliminary Plat**

Planning Technician Engebretsen reviewed the staff report.

Jerry Johnson, project surveyor, commented that he believes this property was addressed through a paper plat back in the 50's and are rubber stamp lots not configured to fit with the topography of the land. There is only one building spot on the three lots combined and the lots are below minimum lot size.

There were no public comments.

Question was raised that utilities are not shown. Planning Technician Engebretsen explained that showing utilities is only a requirement on the preliminary plat. In this case, the utilities here are served by the City, so staff knows where they are.

**HIGHLAND/SLONE MOVED TO ADOPT STAFF REPORT PL 12-71, HOMER ENTERPRISES INC SUBDIVISION 2013 REPLAT PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.**

There was no further discussion.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT.**

Motion carried.

Chair Erickson returned to the table and resumed the Chair.

**PENDING BUSINESS**

A. Staff Report PL 12-67, Marine Commercial and Marine Industrial Zoning

Chair Erickson commented that the Commission had discussion at their work session and provided feedback to staff. They will discuss it further at a future work session.

**NEW BUSINESS**

None

**INFORMATIONAL MATERIALS**

- A. City Manager's Report from November 26<sup>th</sup> City Council Meeting
- B. Certificate of Appointment for Larry Slone

There were no comments.

**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**

Staff wished the Commission happy holidays. Planning Technician Engebretsen noted that she has copies of the sign code for their code books.

**COMMENTS OF THE COMMISSION**

Commissioner Venuti commented that he loves being in charge. He said it was an interesting meeting and he likes the way this group works. He wished everyone a very Merry Christmas.

Commissioner Stead welcomed Mr. Slone and wished everyone Merry Christmas.

Commissioner Highland welcomed Mr. Slone and said Merry Christmas, Happy New Year, and see you next year.

Commissioner Slone thanked everyone who welcomed him.

Chair Erickson asked if next time she could just ask the audience if anyone works with her. She has customers with multiple names or it is a trust, and sometimes she is unsure. Staff said they would ask but it seems more appropriate to err on the side of caution, assume that she is, and make the statement. If it is deemed an error and necessary for her to return to the table it can certainly be addressed. Tonight's business seemed strait forward and the error didn't appear to pose an issue.

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 7:59 p.m. The next regular meeting is scheduled for January 16, 2012 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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



## City of Homer Planning & Zoning

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Homer, Alaska 99603-7645

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### **HOMER ADVISORY PLANNING COMMISSION DECISIONS AND FINDINGS December 5, 2012**

RE: Request for an exception to level one lighting standards as found in HCC 21.59.030 (f) (3) "where a determination has been made by the Commission, after a public hearing process, that there is a compelling safety interest that cannot be adequately addressed by any other method."

Address: 3300 Sterling Highway

Legal: T 65 R 14W SEC 15 SEWARD MERIDIAN HM 0930140 ROGERS-TICE  
ADDN TRACT A-2, Parcel ID 17367004

### **DECISION**

#### **Introduction**

The applicant wishes to gain an exception to the lighting standards which would allow free standing light poles to exceed maximum height requirements found in code.

The property is zoned General Commercial 1 pursuant to Homer City Code 21.24. Mr. Bill Nelson and Jack Maryott represented the Kenai Peninsula Borough ("Land owner") and applied to the Homer Advisory Planning Commission (the "Commission") under the following sections of Homer City Code:

21.59.020 Lighting Standards, general. The intent of lighting standards is to reduce glare and light trespass and to improve the night time visual environment. Standards of varying levels may apply if made applicable by other provisions of the zoning code. (Ord. 08-29, 2008).

21.59.030 Lighting standards – level one. When level one lighting standards apply, the following is required:

(a) Outside luminaires installed at a height of 15 feet or greater above grade in all new developments or replaced in existing developments shall be cut-off luminaires.”

d. The height of any driveway or parking lot luminaire shall be a maximum of 28 feet above grade. All building mounted luminaires shall have a maximum height of 15 feet above grade.

f. Exceptions to this section may be granted to the extent necessary in any of the following situations:

3. Where a determination has been made by the Commission, after a public hearing process, that there is a compelling safety interest that cannot be adequately addressed by any other method.

HCC 21.59.030 sets Lighting Standards to reduce light trespass by using “cut-off luminaires” and restricting the pole height to 28 ft. The KPB is requesting an exception to allow the pole height to increase by 11 ft. to a total height of 39 ft.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on December 5, 2012. Notice of the public hearing was published in the local newspaper and sent to 6 property owners of 8 parcels.

At the December 5, 2012 meeting of the Commission, the Commission voted to approve the request with five Commissioners present. Four Commissioners voted in favor of granting an exception and one opposed.

After due consideration of the evidence presented, the Homer Advisory Planning Commission, hereby makes the following findings of fact and conclusions of law.

### **EVIDENCE PRESENTED**

Planning Technician Julie Engebretsen reviewed the staff report into the record. Bill Nelson made a presentation about the proposed exception and answered questions from the Commission. Jack Maryott, KBP Solid Waste Director, also testified on

behalf of the land owner. There was one member of the public who testified favorably to granting the exception.

### **FINDINGS OF FACT**

**Homer City Code §21.59.030(f)(3) provides: That an exception to the level one lighting standards criteria may be granted “where a determination has been made by the Commission, after a public hearing process, that there is a compelling safety interest that cannot be adequately addressed by any other method.”**

**HCC 21.59.030(a) Outside luminaires installed at a height of 15 feet or greater above grade in all new developments or replaced in existing developments shall be cut-off luminaires.”**

**Finding 1: The installation of full cut-off luminaries meets City standards per HCC 21.59.030(a)**

**HCC 21.59.030(d) “The height of any driveway or parking lot luminaire shall be a maximum of 28 feet above grade. All building mounted luminaires shall have a maximum height of 15 feet above grade.”**

**Finding 2: Building mounted luminaires maybe installed above 15 ft if they are cut-off luminaires.**

**HCC 21.59.030(f)(3) “Where a determination has been made by the Commission, after a public hearing process, that there is a compelling safety interest that cannot be adequately addressed by any other method.”**

**Finding 3: Staging and maneuvering areas maybe hazardous areas.**

**Finding 4: Increasing the pole height requires fewer poles to achieve the safety standards.**

**Finding 5: Each pole may represent a potential traffic hazard.**

**CONCLUSION**

Based on the foregoing findings of fact and law, an exception to the Level One Lighting Standard is hereby approved, subject to the following conditions:

**Condition 1.** Light Zones 1-4 to be dimmed by at least 50%, or turned off, after hours.

Date: \_\_\_\_\_

\_\_\_\_\_  
Chair, Shelly Erickson

Date: \_\_\_\_\_

\_\_\_\_\_  
City Planner, Rick Abboud



***NOTICE OF APPEAL RIGHTS***

Pursuant to Homer City Code, Chapter 21.93.060, any person with standing that is affected by this decision may appeal this decision to the Homer Board of Adjustment within thirty (30) days of the date of distribution indicated below. Any decision not appealed within that time shall be final. A notice of appeal shall be in writing, shall contain all the information required by Homer City Code, Section 21.93.080, and shall be filed with the Homer City Clerk, 491 East Pioneer Avenue, Homer, Alaska 99603-7645.

***CERTIFICATION OF DISTRIBUTION***

I certify that a copy of this Decision was mailed to the below listed recipients on \_\_\_\_\_, 2013. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

Date: \_\_\_\_\_

\_\_\_\_\_  
Travis Brown, Planning Assistant

Kenai Peninsula Borough  
Att: Jolene Borden  
144 N Binkley Street  
Soldotna, AK 99669

Nelson Engineering  
Att. Bill Nelson  
155 Bidarka Street  
Kenai, AK 99611

Walt Wrede, City Manager  
491 E Pioneer Avenue  
Homer, AK 99603

Thomas Klinkner  
Birch, Horton, Bittner & Cherot  
1127 West 7th Ave  
Anchorage, AK 99501





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## STAFF REPORT PL 13-04

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** January 16, 2013  
**SUBJECT:** Planning Director's Report

### City Council 1.14.13

#### RECONSIDERATION

- A. **Ordinance 12-53(S)**, An Ordinance of the Homer City Council, Amending HCC 9.16.010(A) and HCC 9.16.040, and Repealing and Reenacting HCC 9.16.100 Reinstating on a Year-Round Basis the City of Homer Sales Tax Imposed on Sales of Non Prepared Foods. Zak.

#### PUBLIC HEARING(S)

- A. **Natural Gas Line Special Assessment District**

#### ORDINANCE(S)

- A. **Ordinance 13-**, An Ordinance of the City Council of Homer, Alaska, Amending HCC Chapter 17.04 to Provide Payment Assessment Deferrals for Low Income People. Burgess. Recommended dates: Introduction January 14, 2013, Public Hearing and Second Reading January 28, 2013.

#### Commissioner Training

I am going to be working to schedule some training with Holly at the beginning of 2013. This may be in person or teleconference.

Shelly, Franco, Don, Dotti and I all attended the Alaska APA conference in Anchorage. I thought it was a very good conference. Perhaps we could hear of what Commissioners thought the highlights were for them.

#### Activities

Travis has been learning his new position and has prepared his first packet for the commission. He is interested in all the activities of the department and is a quick learner. I am confident he is becoming a great asset to the office. Dotti is once again out for the rest of the month so we all get to pitch in and assist with her duties. Julie continues to work with the Parks and Recreation Committee along with project work including the gasline, spit trail and public restrooms that are planned around town. We are working on a few permits and with some who are considering future projects around town.

## **Travel/Training Report**

I participated in the Basic Economic Development Course (BEDC) in Anchorage December 3-9. It is the introductory course for the Certified Economic Developer Program sponsored by the International Economic Development Council offered through the University of Alaska Anchorage.

The BEDC was a fast and furious course. Our longest break was 15 minutes in which to get lunch from the back table and then one to the next session while we ate. Many of the sessions felt like short overviews of my graduate studies. The first session was on strategic planning (right up my alley). Not a lot of take home for me, but a good review. The session on ethics got us thinking about issues related to the economic development. I did find that my planning ethics were much more pointed and specific to exactly the type of behavior that is expected. Then the first day ended with Small Business and Entrepreneurship Development. This course presented a tremendous amount of information including everything from partnership opportunities, resource identification, business plan development, funding opportunities, and incubators.

The next day courses included ones on managing EDC's, marketing and attraction, social media, and business retention and expansion. Some things struck home like the talk of 'cleaning up the gateway' as a strategy of attracting development. The best opportunities tend to be keeping what you have and expansion. The section on marketing made my head spin as a network of relationships is formed between the various social networking sites.

Day three was particularly interesting for me. We started off with infrastructure and environment topics and the need to be knowledgeable of the local conditions ability to meet the needs of developers. Driving home that fact that good development should also be in harmony with the environment. Real estate development and reuse was a comprehensive overview of the various types of developmental scenarios. A lot of the information was geared toward what I might classify as "lower forty eight" scenarios, not going to see a lot of business parks around here I believe. Although we are using many public sector incentives here in Homer such as debt financing, land assembly, and grant assistance. Then we learned all about the redevelopment efforts in Mountain View and went for a field trip to talk to the major players and tour some of the residential development they are under taking.

The last day started with economic development finance for half the day. After all my finance work in college, it was tough to focus on the "Cliff Notes" version of explaining things like financial statements. It did pick up when we had what I would call "speed dating" with the funders. They sat at six tables and we took turns speaking with them in small groups, which was a great way to address your specific topics of interest and make contacts. I did find those agencies that have helped fund project in and around Homer.



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## STAFF REPORT PL 13-03

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** January 16, 2013  
**SUBJECT:** Paradise South Subdivision 2012 Preliminary Plat

**Requested Action:** Preliminary Plat approval for the creation of two smaller lots from one larger lot.

## GENERAL INFORMATION

Applicants:	Todd Hoppe PO Box 2589 Homer, AK 99603	Gary Nelson, PLS Ability Surveys 152 Dehel Ave Homer, AK 99603
Location:	Carlson Place, near Paradise Place and Spencer Drive on the eastern edge of city limits.	
Parcel ID:	17410003	
Size of Existing Lot(s):	4.942 acres	
Size of Proposed Lots(s):	4.353 acres, and just over ½ acre, 25,652 square feet	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Subdivision Park/Residential South: Vacant/Residential East: 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 there may be a creek along the western property line. It may be just a ravine without water in it.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are not immediately available. The sewer main line may be extended 700-800 feet to serve the subdivision.	
Public Notice:	Notice was sent to 18 property owners of 18 parcels as shown on the KPB tax assessor rolls.	

**ANALYSIS:**

This subdivision is within the Rural Residential District. This plat subdivides out one smaller lot, Lot 3-B2, from the original large lot. The applicant and city staff disagrees on whether Lot 3-B2 meets the dimensional requirements of City Code. Staff believes it does not meet the dimensional requirements of the district.

Code requires a minimum lot size of just under an acre when an on-site well and septic system will serve a property. The size of the lot can be reduced when City water or sewer is provided, or DEC approved public water and sewer serve the lot. This is rare in Homer, but some larger rural developments do have a Class A water source, or a 'community sewer system' which is not the same thing as a private system serving a single family home. The issue for this plat is whether or not delivered water qualifies as being served by a public water supply. Traditionally Homer has not allowed subdividing on the basis that a holding tank or cistern would meet the dimensional requirements; the lot has to be large enough to have on-site services.

Homer City Code states: 1. The minimum lot area shall be 40,000 square feet, plus 40,000 square feet for each dwelling unit in excess of one unit in areas not served by public sewer and water. 2. Each lot shall contain a minimum of 20,000 square feet per, plus 20,000 square feet per dwelling unit in excess of one unit if one of the following conditions exists:  
i. The lot is served by public water supply approved by the State Department of Environmental conservation; or  
ii. The lot is served by public or community sewer approved by the State Department of Environmental Conservation.

Staff recommends lot 3-B2 either meet the minimum lot size requirement of 40,000 square feet, or city sewer be extended from Birchgate Court.

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

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

*Staff Response: The plat meets these requirements.*

2. North point;

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements.*

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

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

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements. The lot to the north is "Paradise Heights Park" not Lot 1 Block 3.*

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 sewer and water provided by a commercial water service.*

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:** In the plan view of the plat, where it says, "See Note 3, and See Note 4" the note numbers are reversed. The water easement adjacent to Lot 6B-1 should say, "See Note 3" and the one adjacent to Lot 2-B should say, "See note 4".

**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 label for the lot to the north of the subdivision.
2. Lot 3-B2 must either meet the minimum lot size requirement of 40,000 square feet, or city sewer be extended from Birchgate Court.
3. "See Note 3, and See Note 4" the note numbers are reversed. The water easement adjacent to Lot 6B-1 should say, "See Note 3" and the one adjacent to Lot 2-B should say, "See note 4".

**ATTACHMENTS**

1. Preliminary Plat
2. Surveyor's Letter
3. Public Notice



# ABILITY SURVEYS

*SURVEYING HOMER SINCE 1975*

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

12/17/2012

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

Re: Preliminary Plat submittal of **PARADISE SOUTH SUBDIVISION 2012.**

Enclosed herewith are 4 reduced to 11 X 17 copies of the preliminary plat and 1 full sized 18"X 24" copy, and a check #3305 in the amount of \$300 for the City of Homer filing fee.

The proposed subdivision is located on Carlson Place on the east side of Homer.

Water is trucked to the existing two homes on this property. One of which is on the proposed Lot 3-B2. The water is trucked from the Homer Public Water system by a commercial water trucking company.

Sewer is on-site utilizing two separate conventional septic systems.

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

## **Exceptions requested;**

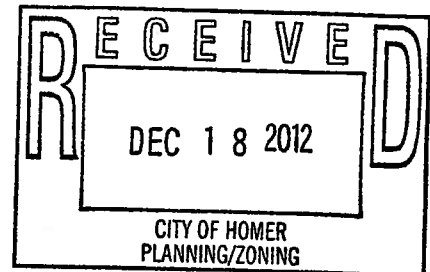
I don't believe there are any exceptions needed, but if I am wrong we would like to request any that are deemed necessary to accomplish this replat.

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

Sincerely,



Gary Nelson, PLS

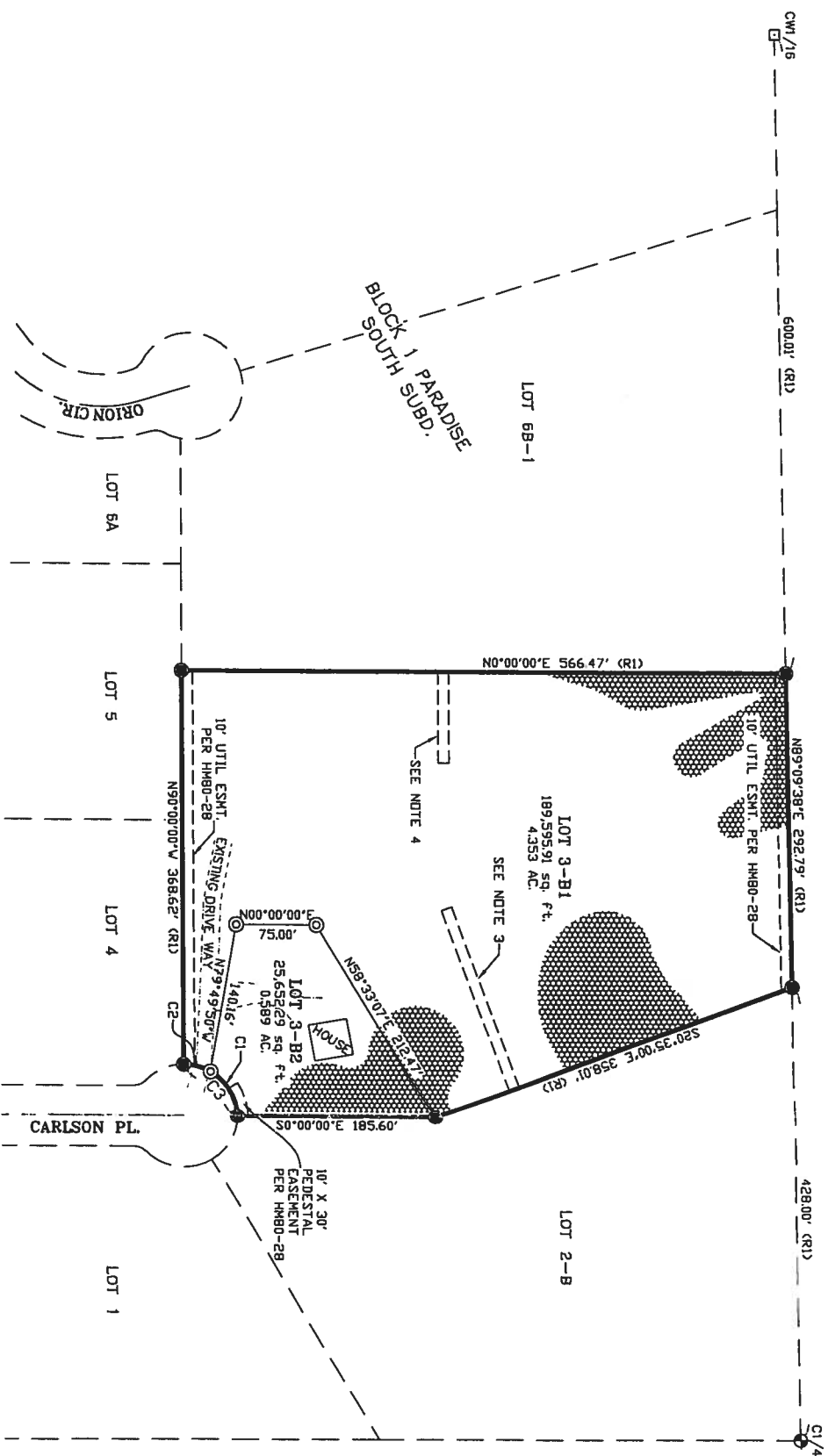




Curve Table			
Curve #	Length	Radius	Delta
C1	52.36'	50.00'	060°00'00"
C2	26.18'	50.00'	030°00'00"
C3	78.54'	50.00'	090°00'00"

PARADISE HEIGHTS PARK SUBD.

LOT 1 BLOCK 3

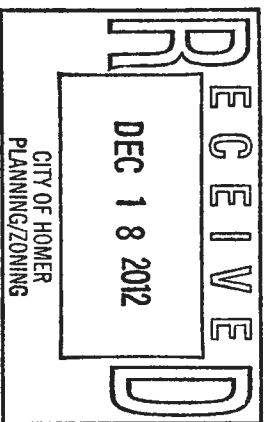


**LEGEND**

- ◆ MONUMENT AS NOTED PER HM80-28
  - MONUMENT AS NOTED PER HM74-175
  - ⊙ SET 2" ALCAP ON 5/8" REBAR
  - 5/8" REBAR AS NOTED PER HM80-28
  - R1 RECORD DATA PER HM80-28
- APPROX. LOCATION OF SLOPES  
GRADED FROM 20% DERIVED FROM  
KENAI PENINSULA BOROUGH FURNISHED TOPOGRAPHY)

**NOTES**

1. THESE LOTS ARE SUBJECT TO HOMER CITY CODE.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. 10' X 85' WATER EASEMENT IN FAVOR OF LOT 6B-1 (HOMER RECORDING DISTRICT BOOK 97 PAGE 862).
4. 10' X 180' WATER EASEMENT IN FAVOR OF LOT 2-B (HOMER RECORDING DISTRICT BOOK 112 PAGE 817).
5. 15' UTILITY EASEMENT ADJOINS THE CARLSON PLACE CUL-DE-SAC. GRANTED THIS PLAT.



REC DIST	_____
Date	____/____/20____
Time	____:____M
Requested By	_____
Address	_____

K28 FILE NO. 2012-\_\_\_\_\_

**CERTIFICATE OF OWNER**  
I hereby certify that I am the owner of the real property shown and described hereon, and that I hereby adopt this plan of subdivision, and by my free consent dedicate all public rights-of-way and grant all easements to the use shown.

TODD C. HOPPE  
P.O. BOX 2589  
Homer, AK 99603

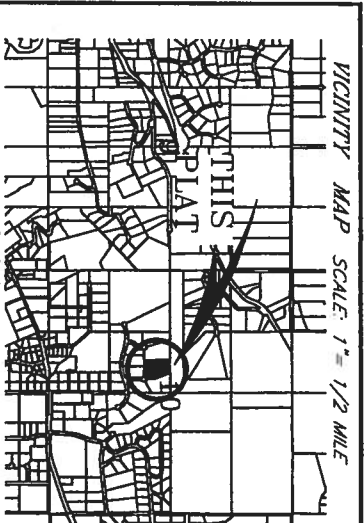
**NOTARY'S ACKNOWLEDGEMENT**

For TODD C. HOPPE  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2013.  
Notary public for Alaska My Commission Expires \_\_\_\_\_

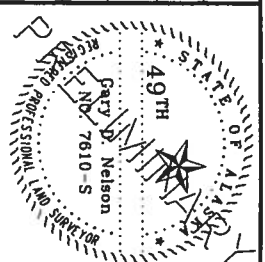
**PLAT APPROVAL**

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_ KENAI PENINSULA BOROUGH

BY \_\_\_\_\_  
Authorized Official



DATE	12-17-12
SCALE	1" = 100'
GRID No.	AR-70
JOB No.	4662
DRAWING	4660-62-2013



**PARADISE SOUTH SUBDIVISION 2012**

RESUBDIVISION OF LOT 3-B, BLOCK 1 OF THE PARADISE SOUTH SUBDIVISION (HM80-28) INTO LOTS 3-B1 AND 3-B2; WITHIN THE SW1/4 SEC. 10, T6S, R13W, S.M., KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, STATE OF ALASKA CONTAINING 4.942 ACRES.

**ABLETT SURVEYS**  
GARY NELSON, PLS  
(907) 235-8440  
152 DENALI AVE., HOMER ALASKA 99603



## **NOTICE OF SUBDIVISION**

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:

### **Paradise South Subdivision**

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, January 16, 2013 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.

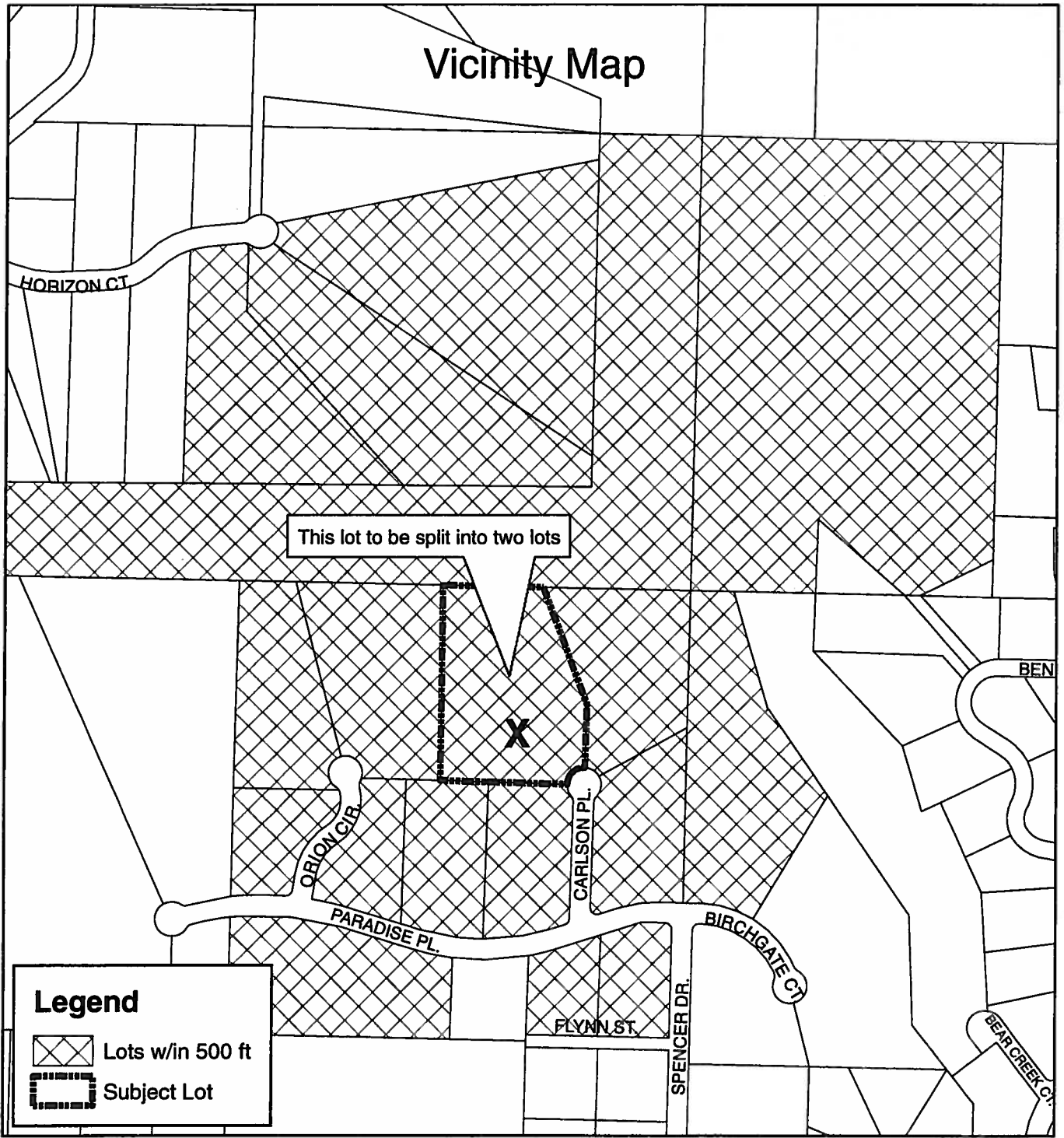
For additional information, please contact Rick Abboud in the City of Homer Planning and Zoning Office at 235-8121, ext. 2236.

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



## **VICINITY MAP ON REVERSE**



# Vicinity Map



## Legend

-  Lots w/in 500 ft
-  Subject Lot



City of Homer  
 Planning and Zoning Department  
 January 4, 2013

## Paradise South Sub 2012 Preliminary Plat

Property owners w/in 500 feet are 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 deductions, interpretations or conclusions drawn therefrom.







# 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)

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## STAFF REPORT PL 13-06

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** January 16, 2013  
**SUBJECT:** Marine Industrial/Marine Commercial Rezoning

**Requested Action:** Discuss the possible zoning map changes, and draft district performance standards.

### Introduction

This staff report will address two topics: possible areas for rezoning, and changes to performance standards in the text of the Marine Commercial and Marine Industrial Districts.

The goal of all these changes to the district text and zoning map, is for the zoning regulations to align with the Comprehensive Plan, current uses, and desired long term land use.

### Analysis

#### Rezoning

The rezones shown in the attached maps, and described below, are based on the Spit Comprehensive Plan, and the draft Marine Industrial and Marine Commercial zoning ordinances. These changes are a draft only; the Commission can consider other zoning options. When the Commission reaches consensus, staff will follow the public notice process outlined in city code.

This staff report follows the spit from base to tip, discussion the draft rezoning.

#### MAP 1

1. Mud Bay area. There are three pieces of City owned property that staff recommends a change from Marine Industrial to Conservation Zoning. There is little if any land that is developable; its all tidal and seaward of the Spit Trail.
2. On the Cook Inlet side of the Spit, rezone three city parcels and one parcel owned by The Nature Conservancy from Marine Industrial to Open Space Recreation.

#### MAP 2

3. Rezone four private lots on the Cook Inlet side of the Spit from Marine Industrial, to Marine Commercial.
4. Rezone the city campground office lot from Marine Industrial to Open Space Recreation.
5. Rezone two lots on Freight Dock road to MC.

6. Rezone nine lots along the harbor, from the Harbormaster's Office to Fish Dock Road, from Marine Industrial to Marine Commercial.

#### **Split Lot Rezoning**

There are two lots on the Spit that have split lot zoning. This occurs when the zoning boundary does not follow property lines. Under Home City Code, zoning boundaries generally should follow lot lines, and the centerline of the right of way. Historically its not clear why they are split, or if was simply the result of the cartography at the time. Using the original zoning information and current property lines results in lots with split zoning. Staff recommends the following:

7. Rezone a portion of the Spit Campground, next to Seafarer's Memorial, from Open Space Recreation to Marine Industrial.
8. Rezone the edge of Lands' End Hotel/Resort from Marine Industrial to Marine Commercial.

#### **District text changes**

At the last work session, staff recommended some changes to the landscaping and storm water regulations on the Spit. Attached is a draft of the site development requirements that would be required in Marine Industrial and Marine Commercial. Currently they are both subject to level two standards, found in 21.50.030. Based on the Commission's discussion, staff took the existing zoning regulations, and cut them down to what might make more sense for the Spit. There are no city storm water requirements and the landscaping requirements are more flexible.

#### **Staff Recommendation Planning Commission**

1. Discuss the rezoning areas and provide comments to staff
2. Discuss the proposed level three site development standards and provide comments

#### **Attachments**

1. Proposed rezone map dated 1/16/2013
2. Proposed level three site development standards dated 1/16/2013

1 1/16/2013 DRAFT

2

3 21.50.040 Site Development Standards - Level 3

4 This section establishes level three site development standards. Level three standards apply when  
5 specified by the applicable zoning district regulations or by another provision of the code.

6 a. Site Development.

7 1. Development shall not adversely impact other properties by causing damaging alteration of  
8 surface water drainage, surface water ponding, slope failure, erosion, siltation, or root damage to  
9 neighboring trees, or other adverse effects.

10 2. Upon completion of earthwork, all exposed slopes, and all cleared, filled, and disturbed soils  
11 shall be protected against subsequent erosion by methods, such as, but not limited to,  
12 landscaping, planting, and maintenance of vegetative cover.

13 3. All development shall provide a drainage system that is designed to deposit all runoff into  
14 either an engineered drainage system or into a natural drainage.

15 b. Landscaping Requirements. All development shall conform to the following landscaping  
16 requirements:

17 1. Landscaping shall include the retention of native vegetation to the maximum extent possible  
18 and shall include, but is not limited to, the following:

19 a. Buffers:

20 i. A buffer of three feet minimum width along all lot lines where setbacks permit; except where a  
21 single use is contiguous across common lot lines, such as, but not limited to, shared driveways  
22 and parking areas. Whenever such contiguous uses cease the required buffers shall be installed.

23 ii. In addition to the types of plantings listed in the definition of landscaping in HCC 21.03.040,  
24 landscaping may include planter boxes and hanging basket plantings. Landscaping may include  
25 substitution of durable outdoor art, or amenities for public use such as bike racks, benches, trash  
26 receptacles and information kiosks, for part of the required landscaping in an amount of equal  
27 area required for landscaping.

28

29

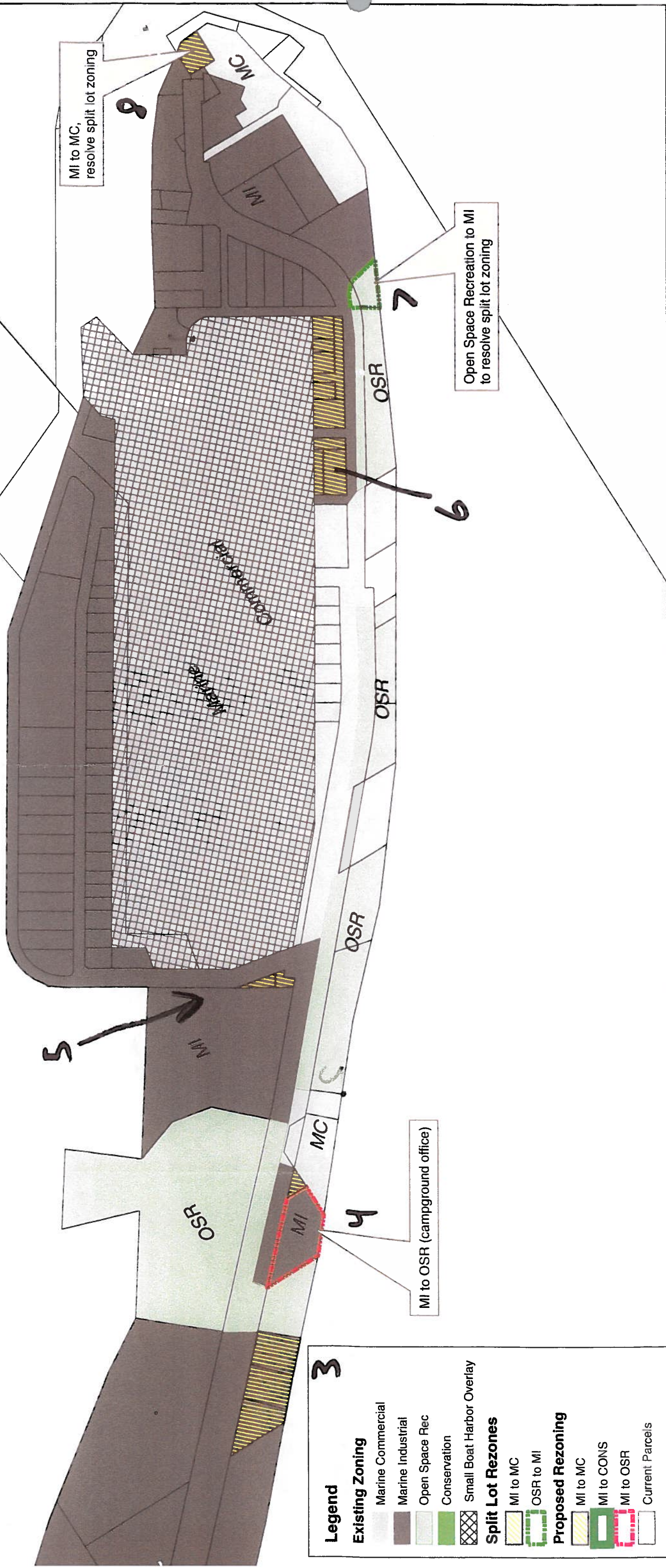


Draft Spit Rezoning  
1/16/2013



Map 1

Draft Spit Rezoning  
1/16/2013



**3**

**Legend**

**Existing Zoning**

- Marine Commercial
- Marine Industrial
- Open Space Rec
- Conservation
- Small Boat Harbor Overlay

**Split Lot Rezones**

- MI to MC
- OSR to MI

**Proposed Rezoning**

- MI to MC
- MI to CONS
- MI to OSR
- Current Parcels

MI to MC,  
resolve split lot zoning

Open Space Recreation to MI  
to resolve split lot zoning

MI to OSR (campground office)

Map 2



# City of Homer

## Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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Web Site [www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

### STAFF REPORT PL 13-02

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Dotti Harness-Foster, Planning Technician  
**MEETING:** November 7, 2012 and December 5, 2012 and **January 16, 2013 with updates**  
**SUBJECT:** Lighting standards

The intent of the lighting standards is to reduce glare, light trespass and to improve the nighttime vision environment. In Homer, the lighting standards apply to the business and commercial districts, only. Neighbors are often surprised to learn that the lighting standards are not applicable to the residential districts, "after all this is where we sleep and spend most of our evenings."

A few key points about Homer's lighting standards are:

- The standards only apply to the business and commercial districts.
- The standards only apply to new developments or when fixtures are replaced, HCC 21.59.030(a).
- Tracking when a light fixture is replaced is not realistic. *Other communities establish a must comply date. Most outdoor lighting can be fully depreciated in 10 years, if not sooner. "Easy fixes" such as re-aiming, adding remote activation or motion sensors have a shorter phase-out. In talking with the local suppliers, cut-off luminaires cost anywhere from \$100-\$700. Labor to replace a wall mounted fixture is less expensive than replacing a pole mounted fixture. Simply shielding an existing fixture can be about the same cost and replacing the fixture.*
- New fixtures are to direct the light downward to avoid light trespass and glare, HCC 21.59.030(c).
- There are exemptions to the standards if the City Planner or the HAPC determines that there are historic consideration, public monuments, flag lighting, high night-time pedestrian traffic and/or compelling safety concerns, HCC 21.59.030(f).

To date, our approach has been to educate the suppliers, builders, and commercial property owners especially those of new developments. This could be taken a step further by:

- Providing the Good Neighbor Lighting Guide with new permits
- Work with the newspapers and radio to educate the public on good neighbor lighting.
- **Done!** Updating the City's website to include good lighting information.
- **Working on.** Most of the exterior light fixtures on City buildings have been replaced with energy efficient cut-off fixtures.

To understand how properly shielded light fixtures can improve safety and reduce glare, check out an educational 2-minute Youtube video. To video is produced by Scott Kardel of the Palomar Observatory can be seen by searching *darkskydemo.mov* in the Youtube search bar.

The Homer Library has a DVD *The City Dark* which provides insights to the effects of artificial light. DVD 523.1 CIT

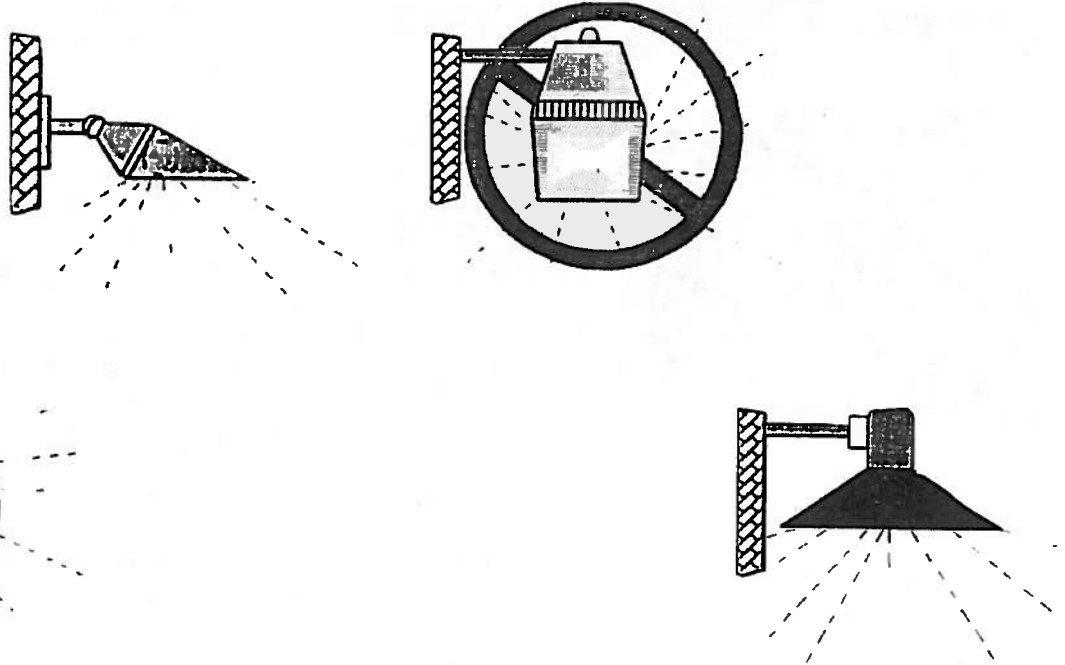
### Attachments

1. IDA Practical Guide





# IDA Practical Guide



Fixture illustrations by Peter Talmage

## Topic:

### *Residential Lighting (Good Neighbor Guide)*

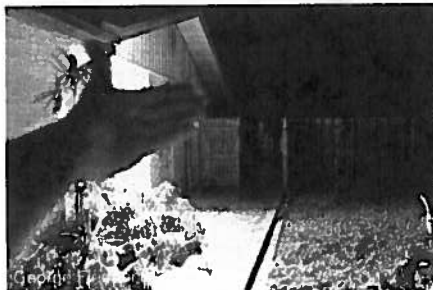
**M**ANY OF US HAVE EXPERIENCED THIS SCENARIO: Your neighbors have installed a new light on their property. It is an unshielded fixture that casts a bright light with no control and lots of glare. The light trespass from this fixture produces light pollution and energy waste. Their new fixture is lighting up your yard or shining into your home, maybe even illuminating your bedroom and disrupting your sleep. Your neighbors cite safety as the reason for installing this light. The illumination gives them a newfound “feeling of security.”

What your neighbor may not know is that unshielded fixtures that create glare and splatter light everywhere may make a property less safe by not focusing the light where it is needed. Likewise, your neighbor also may not be aware of how you are affected by the light trespass coming off the property.

How do you talk to your neighbor about this situation? The International Dark-Sky Association suggests the following steps to educate your neighbor, and by extension your community, about the value of dark sky friendly lighting.



George Fletcher  
The glare from an unshielded light creates deep shadows.



The glare from the light hid a possible attacker.

**Don't hesitate to ask your neighbors for their advice or opinion in solving the problem. Goodwill goes a long way.**



IDA  
Fixture shields can be made from household objects. This shield is made from a rain gutter.



IDA  
Fully shielded lighting casts light on your porch, not your neighbor's yard.

## Practical Actions:

- 1. Make friends, not enemies.** Your neighbors probably don't realize the light is bothersome.

  - Always approach people in a friendly, non-threatening way.
  - Don't argue. Be tactful and understanding about their right to light their property.
  - Don't dismiss their need to feel safe.
  - Suggest alternatives to their current fixture. Ask them to move the light, shield it or add a motion sensor.
- 2. Be informative.** Talking to your neighbor is an exciting chance to be an advocate for good lighting and share knowledge on an important issue.

  - There are many reasons to use dark sky friendly lighting. IDA sound bites can help to convey the benefits:
    - » Dark sky friendly lighting does not mean dark ground.
    - » Safety is important, but brighter does not mean safer.
    - » A starry sky is a natural resource.
  - The topics of safety, energy savings, cost, wildlife are addressed briefly in this document. Additional articles and brochures from the IDA Web site are downloadable and free for use.
    - » Print off free materials from the IDA Education tab and present this information to your neighbor.
- 3. Do your homework and be prepared to address the real issues.**

  - It is useful to know the local costs of electricity (cents per KWH), and the local lighting control ordinances. This information is available on most city Web sites, from your regional utility company, and on your utility bill.
  - You may also want to compile a list of local businesses with good quality lighting as an example of effective security measures that are dark sky friendly.
  - A list of shielded light fixtures to provide as alternatives to your neighbor's current light is also recommended. A comprehensive list of dark sky friendly fixtures and devices is available on the IDA Web site in the Fixture Seal of Approval section.
  - If there are any further questions, call us +1 520 293 3198, or e-mail us at [ida@darksky.org](mailto:ida@darksky.org). IDA will answer!
- 4. Stay positive.** Don't let bad lighting create a feud in your residential area.

  - Remember that home is a place where everyone wants to feel relaxed and safe.
  - Accept your neighbors' need to feel secure and politely ask them to accept your need to enjoy the nighttime environment in your own yard.
  - Explain that light trespass is a form of light pollution, but never threaten to sue. The idea of a lawsuit can create bad feelings among the whole neighborhood.
  - Remember that everyone wants the same thing: a chance to relax in their own environment. Work together to create an atmosphere that benefits the community.

## What you and your neighbors should know about dark sky friendly lighting

### Safety

Studies have indicated that there is no conclusive correlation between night lighting and crime\*. Most property crime is still committed during the day, or inside lit buildings. Outside illumination can draw attention to the building or facility and help a criminal see what they are doing. Lights triggered by motion sensors are much more effective in indicating the presence of an intruder.

IDA believes that outdoor lighting should provide real security, not just the feeling of safety. Effective security lighting starts with determining and illuminating target areas such as entry points. Using shielded fixtures is beneficial in two ways. First, glare is decreased or eliminated. Uncomfortable or temporarily blinding, a glaring light can distract the eye and cast harsh shadows that create easy concealment opportunities for a trespasser. Second, shielded fixtures help you control both the placement and the amount of light. Entrances, windows, and gates can be the focal points of a lighting scheme that does not over illuminate, but allows adequate and uniform visibility that dissipates shadows.

“Crime is not reduced by sending light upward into the sky or by sending glare into your eyes.”

—Maggie Tracey,  
IDA Nevada Section Leader

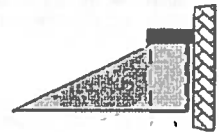
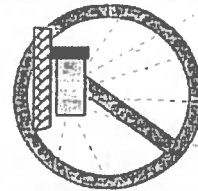
People can see more in soft lighting than they can in spotlights because they can see beyond the point of illumination. Our eyes can take up to 20 minutes to adjust to the dark—longer for aging eyes. Fully shielded lighting provides enough illumination to see your surroundings while reducing excess light harmful to your night vision.

Safety lighting for your home includes being able to see where you are walking. However, you do not need a floodlight or a single harsh lamp to create enough light. Shielded foot lamps along paths provide an alternative to harsh illumination. A smart lighting plan directs the light where you need it, so you don't have to choose between security and the preservation of the night sky.

**Lights do not need to be bright to be effective.** Effective lighting produces uniform coverage of the area, while glaring points of light can attract criminals by creating shadows in which to hide.



This fully shielded lighting with motion sensors safely lights the walkway with a pleasant ambiance.



Shielding reduces glare and points the light where it will do the most good.

\* Sherman, Lawrence W., et al. “Preventing Crime: What Works, What Doesn’t, What’s Promising” A Report to the United States Congress Chapter 7. 1997—<http://www.ncjrs.gov/work/chapter7.htm>

## Energy and cost savings



A floodlight run amok!



Southern AZ Section of IDA  
By shielding the light (right side), the bulb was reduced from 60 watts to 40 watts, a 33% savings.

Dark sky friendly lighting fixtures can be less expensive to operate than traditional outdoor lights. Shielding the fixture so no light escapes above a 90 degree angle concentrates the light exactly where it is needed. In their Consumers Guide to Home Energy Savings, the American Council for an Energy-Efficient Economy (ACEEE)<sup>†</sup> endorses IDA approved outdoor fixtures that can “save energy as well as light pollution that can keep your property safe without disturbing dark hours.”

The downward concentration of light created by fully shielded fixtures typically requires a lesser wattage lamp than traditional lighting because every bit of illumination is directed where it can make a difference. A lesser wattage lamp can now be used effectively because you aren't lighting the sky or your porch roof as well as your steps. Cost savings on your utility bill will pay for the fixture within the year. Switching from a 75-watt incandescent bulb (cost: \$0.75) to a 20-watt compact fluorescent (CFL) bulb (cost: \$4.00) can save money the first year if it is used only two hours every day. Switching to a CFL that is on for up to 12 hours a day can save over \$200.00 over five years<sup>‡</sup>. Why pay for light that is not being used? Approximately 30% of the energy produced by every unshielded bulb is used to illuminate the sky. This wasted energy costs \$2.2 billion annually in the United States alone.

Additional energy savers include putting timers, dimmers, and motion sensors on outdoor lighting. These features allow you to use the light when you need it without constant use “just in case” you need it.

## Use of compact fluorescent lighting in homes

- CFL bulbs contain mercury, but did you know that they contain only 4 milligrams? Compare that amount to the 500 milligrams in a traditional thermometer<sup>‡</sup>.
- The largest source of mercury in the air comes from coal burned to produce electricity. Because CFLs use less electricity than traditional bulbs, their use contributes to a reduction in net mercury emissions.
- Recycling your CFLs is easy. Many cities accept these in their recycling program, otherwise you can find a mail-in recycling program through the EPA at: <http://www.epa.gov/epawastehazard/wastetypes/universallamps/index.htm>
- Many CFLs do not work well in cold weather, taking time to “warm up.” Make sure to purchase a CFL with a cold-weather ballast if you are in an area that is consistently cold.
- Use a CFL with a built in reflector for outdoor fixtures. CFLs distribute their light differently than incandescents, so using a bulb with a built in reflector allows you to maximize lamp output.
- Try to purchase lamps with a color temperature of 2700 to 3000K<sup>§</sup>. The ENERGY STAR program is proposing that all new qualified lamps include this number on the packaging. If the correlated color temperature (CCT) is not listed, look for one advertised as being Warm White or Soft White. This range of CCT is also the most nighttime friendly for wildlife and stars.

### A bright idea for dimmer lights

The Lighting Research Center is currently experimenting with the cost savings of dimmer switches and daylight sensors on LED streetlights. Automatic dimmers are becoming increasingly popular in residences too, because they are affordable, reliable, and relatively easy to program. Motion sensors offer another way to ensure lights go on when they are needed and turn off when they are not.

<sup>†</sup> Values according to the American Council for an Energy-Efficient Economy (ACEEE):

<http://www.aceee.org/consumerguide/lighting.htm>

<sup>‡</sup> [http://www.energystar.gov/ialpartners/promotions/change\\_light/downloads/Fact\\_Sheet\\_Mercury.pdf](http://www.energystar.gov/ialpartners/promotions/change_light/downloads/Fact_Sheet_Mercury.pdf)

<sup>§</sup> [http://www.energystar.gov/index.cfm?c=cfls.pr\\_cfls\\_color](http://www.energystar.gov/index.cfm?c=cfls.pr_cfls_color)



# City of Homer Planning & Zoning

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## STAFF REPORT PL 13-01

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** Jan. 16, 2013  
**SUBJECT:** Rights-of-way

I am providing some information in regards to the use of the term, "right-of-way"; how it is defined in different scenarios and its relation to a section line easement. This is the review of the concern that a surveyor, Gary Nelson told me he wanted to address at a meeting and not a review of Robert's Rules or hearing procedures.

### Right-of-Way vs. Section Line Easement

I believe I was asked about the existence of a right-of-way on a particular property represented on a plat. My response did not recognize the section line easement as equating to a right-of-way. Technically, Mr. Nelson is correct in his assertion that a section line easement is a public right-of-way as verified in the attachment provided. It is recognized that the public is entitled to travel the route (of the section line easement).

The City has some rights associated with these section line easements but does also assert additional rights when a section line easement becomes a city dedicated right-of-way for a public street. City code states, "*right-of-way*" means the entire width of property dedicated for a public street or private easement providing ingress and egress from property abutting thereon. So herein lays the rub. A section line easement and a public street are both rights-of-ways. The difference being that a public street is dedicated by a plat and is subject to additional municipal regulations. These regulations include setbacks and construction standards. Desired street dedications are identified in our transportation plan and routinely considered for dedication when applicants exercise the privilege to subdivide property. Platting is a universally recognized tool for municipalities to fulfill infrastructure plans.

I concede that my assertion that a section line easement does not represent a right-of-way is misguided, but I would guess that the Planning Commission and the general public may not understand the nuances of the differing applications of the issue. Platting/subdivision is a very specialized procedure that does require licensed professionals to complete. We review this work for compliance with the borough code and make other recommendation in regards to interests of the city found in code and other adopted plans in relation to the specific property.

In summary, the term, "right-of-way" may have differing connotation depending on the context of a conversation and careful review of the intent of the subject in question may be in order.

Att. AKDNR Vacation of Section-line Easements Under a Local Platting Authority



## Fact sheet:



# VACATION OF SECTION-LINE EASEMENTS UNDER A LOCAL PLATTING AUTHORITY

Division of Mining, Land and Water • February, 2009

"Vacating" a right-of-way means officially removing it. When a vacation occurs, the access right merges into the landowner's property right, and the public is no longer entitled to travel that route. Landowners are sometimes surprised to learn there is a section-line easement across their property. They want to know how to move the right-of-way, narrow it, or remove it altogether. Others ask how public access rights can be protected and used. This fact sheet explains applicable requirements.

**What are section-line easements? And what do they have to do with R.S. 2477 rights-of-way?** A section-line easement is a public right-of-way, 33, 50, 66, 83 or 100 feet wide, that runs along a section line of the rectangular survey system. All 33- and 66-foot-wide section-line easements were acquired by the state under R.S. 2477, regardless of whether trails have ever been developed along them. Also, some 50- and 100-foot-wide easements along section lines have narrower R.S. 2477 rights-of-way "inside" them. An R. S. 2477 right-of-way is a type of public easement that the State of Alaska acquired under long-standing federal law. To learn more about R.S. 2477 rights-of-way, look for DNR's fact sheet on that topic or visit <http://dnr.alaska.gov/mlw/trails/rs2477/index.cfm>.

**Does every section line have an easement? How can I determine if an easement exists?** Not every section line has an easement. There is a technical procedure for researching whether or not a section-line easement exists, which depends on land status during periods when specific laws were in effect. See the editor's note following 11 AAC 51.025 for more information. If land status is complex, a professional land surveyor, title company or attorney could research the existence of an easement.

**I have a section-line easement on my land. I don't want to vacate the easement, just make it narrower.** Narrowing a right-of-way is a partial vacation and still requires an official process.

**Why doesn't the borough platting office handle the vacation?** The 1999 legislature passed a new state law, AS 29.35.090, prohibiting local government from vacating RS 2477 rights-of-way. DNR believes that the local platting authority's role is still very important, allowing representation of local interests and legal notice to nearby landowners who might be affected by a vacation. (Unlike tax records kept by a borough, DNR's land status plats do not show private landholdings.) However, to ensure that a statewide perspective is taken, only DNR and the Department of Transportation and Public Facilities, or the legislature itself can make the final decision to vacate an RS 2477 right-of-way. AS 19.30.410.

**What if I want to vacate a section-line easement that is not a R.S. 2477?** By regulation, DNR uses the same general process for vacations of all easements managed by the department, including all section-line easements. 11 AAC 51.065.

**What policy rules does DNR use in deciding on a vacation?** Because a vacation means giving up a state-owned access right, DNR cannot approve it unless DNR determines that the vacation is in the state's interest, and that other access is available that meets standards set by state laws and regulations. See 11 AAC 65.065. DNR's general policy is that the replacement access must be equal to or better than the access provided by the section-line easement. AS 19.30.410 applies to R.S. 2477 vacations:

...(an) agency of the state may not vacate...unless

(1) a reasonably comparable, established alternate right-of-way or means of access exists that is sufficient to satisfy all present and reasonably foreseeable uses; [or]

(2) the right-of-way is within a municipality, the municipal assembly or council has requested the vacation, a reasonable alternative means of access is available, and the vacation is in the

**How does a person apply for a vacation?** To apply for a section-line easement vacation, file a "Petition to Change or Vacate an Easement" (available on request). The petition must include a map showing the portion of the route proposed for vacation and the alternate access route. Also, begin the local process by applying to the platting authority (usually this is the borough).

**Are there any application costs?** Yes. DNR's application fee is \$750, and the petitioner must pay public notice costs. The platting authority will probably charge fees also.

**Will there be any public review?** Yes. Before DNR can vacate a right-of-way, people who may want to use it, now or in the future, must have the opportunity to comment. The platting authority will probably publish notice locally and hold a hearing. Meantime, DNR will prepare a formal notice describing the proposal, opening a comment period; and:

- 1) Publish it in a newspaper of statewide circulation
- 2) Notify adjacent land owners (or the platting authority may)
- 3) Post it on the State of Alaska's public notice website
- 4) Send it to other state agencies such as the Division of Parks and Outdoor Recreation, the Department of Transportation and Public Facilities, and the Department of Fish and Game
- 5) Notify other parties likely to be interested
- 6) Posting on or near the easement (optional)



**Will DNR decide the vacation entirely on its own?** No, DNR will base its decision on:

- Public and agency comment DNR received
- In some cases, the results of a field inspection at the petitioner's expense to check the current existing use and condition of the route proposed for vacation, and the adequacy of the proposed alternate route
- The recommendation of the platting authority, after its own hearing
- Dept. of Transportation and Public Facilities' consent as the state's transportation authority
- Dept. of Fish & Game comments

**In considering public comment, what factors will DNR look at?** The department will not vacate or change a section-line easement unless it finds that the action is in the state's best interests and that the replacement access meets the standard of 11 AAC 51.065, after considering the existing easement and the possible alternate access in terms of underlying land ownership, land management policies applicable to both routes, current public use patterns, and practicality of use. See 11 AAC 51.065(e).

**What if the replacement route isn't ready for use?** The department might grant "contingent approval" for a vacation. After the petitioner fulfills conditions such as obtaining an easement or constructing a trail, the vacation will be finalized.

**What agency in DNR is responsible for section-line easement vacations, and how can I follow the process?** Various DNR personnel will coordinate to gather and review information on the proposal. DNR's Land Survey Unit staff will receive the petition, prepare the public notice, consider the comments, and draft the vacation decision, for signature by the director of the Division of Mining, Land and Water. Regional land management staff will recommend in writing whether the proposal meets the standard of 11 AAC 51.065 and is in the state's interest. Anyone may inspect DNR's vacation case file at any stage of this process. When finished, the file will contain the signed petition, the public notice and documentation of how it was distributed, the platting authority's conditions of approval or recommendation for disapproval, written comments received, a field investigation report (if applicable), and the final decision.

**What are the final steps in a vacation?** People who commented on the proposal will receive a copy of the final decision and may appeal it. The vacation will not be finalized until the conditions of approval have been completed and ownership verified. The vacation of a section-line easement requires a plat prepared by a land surveyor.

**For additional information, contact Department of Natural Resources:**

Public Information Center 550 W 7 <sup>th</sup> Ave., Suite 1260 Anchorage, AK 99501-3557 (907) 269-8400 TDD: (907) 269-2259	Division of Mining, Land and Water Public Information Office 400 Willoughby Ave., Suite 400 Juneau, AK 99801 (907) 465-3400	Public Information Center 3700 Airport Way Fairbanks, AK 99709-4699 (907) 451-2705
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**STAFF REPORT PL 13-05**

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** Jan. 16, 2013  
**SUBJECT:** Policies, Procedures & Bylaws

**Policies and Procedures/Bylaws**  
***Public Testimony at Public Hearings***

It is once again time to visit our policies, procedures and bylaws. I am consulting with our attorney, Holly about options regarding the positioning of way we talk public comment during public hearings. As of the writing of this report I do not have a recommendation yet. This change involves repositioning our ability to continue or reopen testimony in a public hearing.

***Zoning amendments***

The policy and procedures regarding zoning amendments is dated. This has been changed in code and it is no longer accurate to have standards listed here, will amend with reference to current code.

***Representing the Planning Commission***

Finally, I am proposing language that sets the ground rules for representing the Commission. At the last City Council meeting Commissioner Sloan presented the Planning Commission report. In the past, it was recognized that the Commission could be represented by the Chair or the Commission's designee. I just want to make sure that everyone is on the same page in regards to this issue. I believe that Commissioner Sloan fairly represented the Commission's activities, but I do believe that representation of the Commission should be done with concurrence of the Commission.

Here is my recommended language:

**Representing the Commission:**

**The Commission shall act as a body. A member, when representing the Commission may speak or act for the Commission in accordance with the recommendation or direction taken by the Commission. The Chair or Chair's designee shall serve as the official spokesperson of the Commission.**

As the Commission has discussed in the past, there are several concerns when representing the Commission. No personal opinions or commentary should be included. It is good to let everyone know that we are working on revising (which) zoning regulations (where and why) but really should not speculate on the results until motions have been passed.

Quasi-judicial items have a set of specialized concerns. Remember that all decisions are subject to appeal for 30 days after the decisions and findings document has been signed (usually the next meeting after the decision). A record has been created and all evidence regarding the decision is included in the record. Any additional

conversation amounts to ex parte communications and may not represent the body. The City Council acts as the Board of Adjustment. It could be problematic if Council members were engaged in conversation regarding an issue that came to them for appeal and were excluded from participating. So, one might want to report that the Commission voted 5-1 for approval of an exception to the level one lighting standards to allow parking lot luminaires to exceed 28 feet above grade. You could tell them the height which was allowed (39ft.). I would be particularly guarded about any other comments that might try to interpret deliberation and instead recommend a review of the decisions and findings document approved by the commission. That way there is little chance that one might misrepresent the decision of the body.

**MANAGERS REPORT**  
**January 14, 2013**

**TO: MAYOR HORNADAY / HOMER CITY COUNCIL**

**FROM: WALT WREDE**

**UPDATES / FOLLOW-UP**

1. **HSAD Financing:** At the last meeting I reported on a trip to the Borough to discuss possible financing for the proposed natural gas distribution system HSAD. On Tuesday night, January 8, Mayor Navarre introduced an ordinance that would amend the Borough Code and allow the Borough to loan money to Homer for this purpose. I attended the Finance Committee meeting and the regular Assembly meeting at which this ordinance was discussed. There were some comments and concerns expressed (very limited and fully addressed) which I will discuss at the meeting if you are interested. The ordinance was introduced at the regular meeting after a brief explanation by the Committee Chair. Public Hearing and Second Reading is scheduled for February 5. A loan agreement will need to be approved by both the Assembly and the Council and we are working on a draft now. I anticipate bringing an ordinance on the loan to Council at its meeting on the 28<sup>th</sup> for introduction. If Council approves the HSAD on the 28<sup>th</sup>, second reading and public hearing would occur on February 11. In the meantime, Regina is researching possibilities from commercial lenders.
2. **Emergency Operations Plan Update:** Chief Bob Painter is leading an effort to update the City's Emergency Operations Plan. He is forming a working group that includes department representatives initially and will later include other affected and interested parties such as the hospital, HEA, the School District, Churches, etc. Bob would like the Mayor to appoint somebody from Council to serve on the committee.
3. **Endeavor Drill Rig Update:** The company managing the rig has changed from Apache to Spartan. Bryan Hawkins met with representatives of the new management firm last week to establish contacts and lines of communication. The company still has work to do before it can obtain the Coast Guard certifications needed to leave the dock. It is likely to be there for a while longer. Since the rig was at the dock on January 1, the City will receive a significant amount of oil and gas property tax revenues in 2013. The amount will depend upon how the State assesses the rig's value but the revenue could be several hundred thousand dollars. Work has begun on an assessment regarding disturbance to the seafloor associated with the "Soft Pin". A before and after departure assessment will be conducted to determine impacts. We can discuss that in more detail if Council wishes. We have informed Buccaneer that the rig needs to be off the face of the dock by March so that we can proceed with scheduled fender replacement work.
4. **2013 Operating Budget:** The Finance Department has amended the 2013 budget document to reflect all of the changes and amendments adopted by the Council in December. The 2013 Operating Budget is now available on-line if the public



wishes to access it. We decided to hold off on printing the budget though until it is clear what will happen with the possible reconsideration of Ordinance 12-53 (S). We did not think it wise to use a lot of paper and printing time until it was known if that ordinance will ultimately pass. If it passed, it would change the budget significantly and a reprint would be necessary.

### **ATTACHMENTS**

1. Memorandum 13-004 from City Planner re: Gas Distribution System Assessment Roll
2. Employee Anniversaries
3. Letter to Mayor Navarre re: HSAD Financing





## **Memorandum 13-004 Natural Gas SAD Assessment Roll**

**Memorandum ID:** 13-004

**Memorandum Status:** Information Only

City of Homer  
Planning & Zoning Telephone (907) 235-3106  
491 East Pioneer Avenue Fax (907) 235-3118  
Homer, Alaska 99603-7645 E-mail [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
Web Site [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

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MEMORANDUM 13-004

**TO:** MAYOR WYTHE AND HOMER CITY COUNCIL  
**THROUGH:** WALT WREDE, CITY MANAGER  
**FROM:** RICK ABOUD, CITY PLANNER  
**DATE:** JANUARY 8, 2013  
**SUBJECT:** NATURAL GAS SAD ASSESSMENT ROLL

Changes to the Preliminary Assessment Roll between September 24, 2012, and January 28th, 2013. HCC 17.05.050(c) states the City Council will hold a hearing and act on a resolution to move forward with the proposed improvement. The resolution contains description of the properties to be assessed.

Since the formation of the district, the Planning Office has determined that additional properties should be exempt. There are two categories for the exemptions; lands that have changed through a platting action recorded on or prior to January 28th, 2013, and additional lands that should be exempt from the district per Resolution 12-076 (lots which are constrained from future development).

These changes are not expected to substantially change the per-lot cost of the assessments levied on the properties in the district and will be presented in full at the next meeting of January 28th. It would be expected that the number of exemptions will be more than offset by the amount of routine subdivision activity recorded in the timeframe of the district.

**Source URL (retrieved on 2013-01-10 17:43):**

<http://www.cityofhomer-ak.gov/memorandum/memorandum-13-004-natural-gas-sad-assessment-roll>



**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 12-102**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, ESTABLISHING THE 2013 REGULAR MEETING SCHEDULE FOR THE CITY COUNCIL, ECONOMIC DEVELOPMENT ADVISORY COMMISSION, LIBRARY ADVISORY BOARD, PARKS AND RECREATION ADVISORY COMMISSION, ADVISORY PLANNING COMMISSION, PORT AND HARBOR ADVISORY COMMISSION, LEASE COMMITTEE, PERMANENT FUND COMMITTEE, PUBLIC ARTS COMMITTEE AND TRANSPORTATION ADVISORY COMMITTEE.

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

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

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

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

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

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

47 NOW, THEREFORE, BE IT RESOLVED by the Homer City Council, that the 2013  
 48 meeting schedule is established for the City Council, Economic Development Advisory  
 49 Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory  
 50 Planning Commission, Port and Harbor Advisory Commission, Lease Committee, Permanent  
 51 Fund Committee, Public Arts Committee and Transportation Advisory Committee of the City of  
 52 Homer, Alaska, as follows:

53  
 54 Holidays - City Offices closed:

January 1*, New Year's Day, Tuesday	February 18*, Presidents' Day, the third Monday	March 25*, Seward's Day, last Monday	May 27*, Memorial Day, last Monday	July 4*, Independence Day, Thursday	September 2*, Labor Day, first Monday
October 18*, Alaska Day, Friday	November 11*, Veterans Day, Monday	November 28*, Thanksgiving Day, Thursday	November 29*, Friday, the day after Thanksgiving	December 25*, Christmas, Wednesday	

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

60  
 61 CITY COUNCIL (CC)

January 14, 28	February 11, 25	March 11, 26*	April 8, 22	May 13, 28*	June 10, 24
July 8***, 22	August 12, 26	September 9, 23	October 1 Election	October 14, 28, for Oath of Office, 21	Canvass Board October 4 or 7
November 5 Run- Off Election	November 12**, 25	December 9****	December 16**** if needed		

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

68  
 69 AML Annual Conference Week is tentatively scheduled for November 11 - 15, 2013.

70 \*Tuesday meeting due to Seward's Day/Memorial Day/Veterans Day.

71 \*\*There will be no First Regular Meeting in July or November.

72 \*\*\*\* The City Council traditionally cancels the last regular meeting in December and holds the  
 73 first regular meeting and one to two Special Meetings as needed. Generally the second Special  
 74 Meeting the third week of December, will not be held.  
 75

76 **ECONOMIC DEVELOPMENT ADVISORY COMMISSION (EDC)**

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

77  
 78 Economic Development Advisory Commission Regular Meetings are held on the second  
 79 Tuesday of each Month at 6:00 p.m.  
 80

81 **LIBRARY ADVISORY BOARD (LAB)**

January meeting cancelled	February 5	March 5	April 2	May 7	June 4
July 2	August 6	September 3	October 1	November 5	December 3

82  
 83 Library Advisory Board Regular Meetings are held on the first Tuesday of each month at 5:00  
 84 p.m.  
 85

86 **PARKS AND RECREATION ADVISORY COMMISSION (P/R)**

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

87  
 88 Parks and Recreation Advisory Commission Regular Meetings are held on the third Thursday of  
 89 each month, with the exception of December, at 5:30 p.m.  
 90

91 **PLANNING COMMISSION (P/C)**

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

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

97 **PORT AND HARBOR ADVISORY COMMISSION (P/H)**

January 23	February 27	March 27	April 24	May 22	June 26
July 24	August 28	September 25	October 23	November 20	December 18

98  
 99 Port and Harbor Advisory Commission Regular Meetings are held on the fourth Wednesday of  
 100 each month at 5:00 p.m., with the exception of May, June, July and August meetings that are  
 101 held at 6:00 p.m. The Regular Meetings in the months of November and December are  
 102 traditionally scheduled for the third Wednesday of the month.

103 LEASE COMMITTEE (LC)

January 10	April 11	July 11	October 10
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104  
105 Lease Committee Regular Meetings are held quarterly on the second Thursday of each month at  
106 3:00 p.m.

107  
108 PERMANENT FUND COMMITTEE (PFC)

February 14	May 9	August 8	November 14
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109  
110 Permanent Fund Committee Regular Meetings are held quarterly on the second Thursday of the  
111 months of February, May, August, and November at 5:15 p.m.

112  
113 PUBLIC ARTS COMMITTEE (PAC)

February 21	May 16	August 15	November 21
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114  
115 Public Arts Committee Regular Meetings are held quarterly on the third Thursday of the months  
116 of February, May, August, and November at 5:00 p.m.

117  
118 TRANSPORTATION ADVISORY COMMITTEE (TAC)

February 19	May 21	August 20	November 19
-------------	--------	-----------	-------------

119  
120 Transportation Advisory Committee Regular Meetings are held quarterly on the third Tuesday of  
121 the months of February, May, August, and November at 5:30 p.m.

122  
123 PASSED AND ADOPTED by the Homer City Council this 10<sup>th</sup> day of December, 2012.

124 CITY OF HOMER

125  
126  
127  
128 *Mary E. Wythe*  
129 MARY E. WYTHE, MAYOR

130 ATTEST

131  
132  
133  
134 *John Johnson*  
135 JOHN JOHNSON, CMC, CITY CLERK

136 Fiscal Impact: Advertizing of meetings in regular weekly meeting ad and advertizing of any  
137 additional meetings.



# **KENAI PENINSULA BOROUGH**

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

**PHONE:** (907) 714-2200 • **FAX:** (907) 714-2378

*Toll-free within the Borough: 1-800-478-4441, Ext. 2200*

[www.borough.kenai.ak.us](http://www.borough.kenai.ak.us)

**MIKE NAVARRE**  
**BOROUGH MAYOR**

December 12, 2012

## **NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE**

### **MEETING OF DECEMBER 10, 2012**

**RE:** Baycrest Subdivision 2012 Preliminary Plat

The Plat Committee reviewed and granted approval of the subject preliminary plat during their regularly scheduled meeting of December 10, 2012 based on the findings that the preliminary plat met the requirements of the Kenai Peninsula Borough Code 20.12; 20.14 and 20.20.

Please contact the Planning Department if you need additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent December 12, 2012 to:

**City of:** City of Homer  
491 East Pioneer Avenue  
Homer, AK 99603-7645

**Advisory Planning Commission/Community Council:** Homer Advisory Planning Commission  
491 East Pioneer Avenue  
Homer, AK 99603-7645

**Survey Firm:** Ability Surveys  
152 Dehel Ave  
Homer, AK 99603

**Subdivider/Petitioner:** Michael & Margaret Craig  
PO Box 2317  
Homer, AK 99603-2317

**KPB File Number:** 2012-192





AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

4. Baycrest Subdivision 2012  
KPB File 2012-192; Ability/Craig

Staff Report given by Patti Hartley

Plat Committee Meeting: 12/10/12

Location:	City of Homer
Proposed Use:	Residential
Water/Sewer:	On-site
Zoning:	Rural Residential
Assessing Use:	Residential, Accessory Building, Vacant
Parent Parcel Number(s):	175-210-09, 175-210-10, 175-210-11, 175-210-12

Supporting Information:

The proposed subdivision is a simple replat of four lots into one lot containing approximately 1.6 acres. The subdivision fronts Ursula Avenue and constructed Mount Augustine Drive.

Homer Advisory Planning Commission approved the plat on November 7, 2012 subject to:

1. Dedicate a 15-foot utility easement fronting the Mount Augustine Drive and Ursula Avenue rights-of-way.  
*Borough staff comments: The utility easement was provided on the plat submitted for review by KPB. Staff recommends the utility easement be granted.*
2. The right-of-way labeled Rene Court should be labeled Mount Augustine Drive.  
*Borough staff comments: The plat submitted for KPB review contained the correction.*

Per Planning Commission Resolution 2000-25, if the Certificate to Plat indicates any beneficial interests affect this property, they will be notified and given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

Physical addresses may be affected by the replat. Homer Planning and Zoning Department can answer questions about the effect of the replat on addresses.

Exception(s) Requested: 20.14.020 – wastewater system review. The owner resides in his house on this property. It is believed the house and septic system predate the ordinance. The requirement for soils testing would delay the replat action so that it wouldn't qualify for the Natural Gas Line Improvement District deadline (reason for replat). The [lot line] vacation action is making the lot more adequate and better suited for future septic system development.

Staff Discussion: The proposed replat combines four parcels into one parcel. Per KPB 20.14.020.A.2, an exception is not required.

**STAFF RECOMMENDATION:** Grant approval of the preliminary plat subject to any above recommendations, and the following conditions and findings:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 (FORM AND CONTENTS), KPB 20.14 (WASTEWATER DISPOSAL), AND KPB 20.20 (DESIGN REQUIREMENTS) AS FOLLOWS:

1. **20.12.060. - Form and contents required. The preliminary plat shall be drawn to scale of sufficient size to be clearly legible and shall show the following:**

Platting staff comments: The plat complies with the following portions of 20.12.060: B-E, G, J, and M.

Platting staff comments: The following portions of 20.12.060 are not applicable to the subject plat: F, I, and L.

Platting staff comments: Additional information is provided for the following portions of 20.12.060 or additional information, revision or corrections are required

A. Within the Title Block

1. Name 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,
2. Legal description, location date, and total area in acres of the proposed subdivision,
3. Name and address of owner, and registered land surveyor;

*Platting Staff Comments: Correct the parent plat's recording number: HM67-482.*

H. Approximate locations of areas subject to inundation, flooding or storm water overflow; when adjacent to lakes or non-tidal streams the line of ordinary high water, wetlands. If applicable, cite the appropriate study which identifies a flood plain;

*Platting Staff Comments: KPB GIS mapping shows the southern portion of the plat may be affected by a low wet area. The Homer City staff report states the property is not affected by wet areas. Additional information and/or confirmation was requested from the surveyor.*

K. Within the limits of first class cities, the approximate location of known existing municipal sewers, water mains, and other utilities within the subdivision and immediately abutting thereto;

*Platting Staff Comments: Homer Advisory Planning Commission did not request this information to be shown. The submittal states water and sewer will be provided onsite.*

**20.12.070. - Statement required when—Contents. Information which is not shown on the plat shall be presented in written or mapped form and shall include:**

Platting staff comments: The submittal complies with 20.12.070 (A-D).

**2. KPB 20.14 -- Wastewater Disposal**

*Platting Staff Comments: Staff recommends compliance with 20.14. This action complies with KPB 20.14.020.A.2.*

**3. KPB 20.20 Design Requirements -- 20.20.010. - Standards applicable.**

Platting staff comments: The plat complies with the following portions of 20.20: 20.20.035, 20.20.060, 20.20.120, 20.20.140, 20.20.180, 20.20.190, 20.20.200, 20.20.210, and 20.20.235.

Platting staff comments: The following portions of 20.20 are not applicable to the subject plat: 20.20.020, 20.20.030, 20.20.050, 20.20.080, 20.20.090, 20.20.100, 20.20.130, 20.20.150, 20.20.230, 20.20.240, and 20.28.

Platting staff comments: Additional information is provided for the following portions of 20.20 or additional information, revision or corrections are required

**20.20.040. - Easements—Requirements.**

*Platting Staff Comments: Staff recommends compliance with the recommendations submitted by the utility providers.*

**20.20.070. - Alleys.**

*Platting Staff Comments: Homer Advisory Planning Commission did not request alleys.*

20.20.110. - Streets—Width requirements.

*Platting Staff Comments:* Mount Augustine Drive and Ursula Avenue are both 50 feet wide. The replat is within the City of Homer. Homer Advisory Planning Commission did not request additional right-of-way. Both rights-of-way were dedicated in 1967 by HM 67-482. Lots within the subdivision range in size from approximately 12,000 to 31,000 square feet. Based on existing development and lot sizes, obtaining additional right-of-way to bring the rights-of-way to full 60-foot widths in the future is very unlikely. The replat is reducing the amount of lots depending on the rights-of-way and is not forcing the need for an exception. **Staff recommends** the Committee concur that an exception to 20.20.110 is not required.

20.20.160. - Blocks—Length requirements—Generally.

*Platting Staff Comments:* The block is out of compliance with 20.20.160. The parent subdivision was recorded in 1967. The plat is within the City of Homer. Homer Advisory Planning Commission did not discuss block length. The proposed plat is reducing the number of lots fronting the rights-of-way. No redesign of the subject property can bring the block into compliance. The replat is not forcing the need for an exception. **Staff recommends** the Committee concur that existing conditions justify a variance from the requirement.

20.20.170. - Pedestrian ways required when.

*Platting Staff Comments:* Homer Advisory Planning Commission did not request pedestrian ways.

20.20.220. - Lots—Double frontage prohibited when.

*Platting Staff Comments:* Lot 9A fronts Mount Augustine Drive and Ursula Avenue and is less than 250 feet deep. The parent lots were created in 1967. Based on the location of Mount Augustine Drive and Ursula Avenue, no redesign of the subject property will bring it into compliance with 20.20.220. **Staff recommends** the Committee concur that the design of the subdivision is necessitated by physical conditions, and an exception to 20.20.220 is not required.

20.20.250. - Different standards in cities.

*Platting Staff Comments:* Homer Advisory Planning Commission did not request different standards.

20.20.260. - Flood plain requirements.

*Platting Staff Comments:* Per the Homer City staff report, the plat is within Zone D. The city did not require a plat note.

*Per KPB GIS mapping, no anadromous streams flow through the subdivision. The Donald E. Gillman River Center review states that the subject plat is not within a habitat protection district and the Homer Planning Department administers the floodplain information.*

**4. Additional requirements for administrative approval of the final plat (KPB 20.16) – 20.16.010. - Preparation requirements generally.**

Platting staff comments: The plat complies with the following portions of 20.16: 20.16.080, 20.16.100, and 20.16.110.

Platting staff comments: The following portions of 20.16 are not applicable to the subject plat: 20.16.035, 20.16.040, 20.16.045, 20.16.046, and 20.16.070.

Platting staff comments: Additional information is provided for the following portions of 20.16 or additional information, revision or corrections are required

20.16.020. - Filing—Form and number of copies required.

*Platting Staff Comments:* **Staff recommends** two full size copies of the plat be provided for final review. Electronic submission is not acceptable.

20.16.030. - Certificate of borough finance department required.

*Platting Staff Comments:* **Staff recommends** compliance with 20.16.030.

20.16.050. - Plat specifications.

*Platting Staff Comments: Staff recommends compliance with 20.16.050.*

20.16.060. - Improvements—Installation agreement required.

*Platting Staff Comments: Provide a written statement from the appropriate city official that improvements required by city ordinance are or will be installed.*

20.16.090. - Accuracy of measurements.

*Platting Staff Comments: The GIS Division will confirm closure meets 20.16.090 when the final plat is submitted. Staff recommends compliance with 20.16.090.*

20.16.120. - Utility easements.

*Platting Staff Comments: Staff recommends compliance with the recommendations submitted by the utility providers.*

20.16.130. - Easements.

*Platting Staff Comments: Staff recommends compliance with 20.16.130. The 10 and 20-foot utility easements have been carried forward from the parent plat.*

20.16.140. - Other data required by law.

*Platting Staff Comments: Staff recommends compliance with 20.16.140.*

20.16.145. - Plat notes.

*Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to Plat.*

20.16.155. - Certificates, statements and signatures required.

*Platting Staff Comments: Staff recommends compliance with 20.16.155.*

20.16.160. - Survey and monumentation.

*Platting Staff Comments: Staff recommends compliance with 20.16.160. Show monumentation of record either by symbol and LEGEND or with a plat note.*

20.16.170. - Approval—Authority—Certificate issued when.

*Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff recommends compliance with 20.16.170.*

20.16.180. - Administrative approval.

*Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.16.180.*

20.16.190. - Disapproval. When a plat has been disapproved by the planning commission, it may be refiled once more with corrections for approval within 28 days of notification of first disapproval. If disapproved again, said plat shall be void. A new fee will be required for subdivision of the property in the voided plat.

*Platting Staff Comments: If the Plat Committee disapproves the proposed plat, staff recommends findings be cited and adopted in support of the denial.*

**NOTE: REVIEW OF A DECISION OF THE PLAT COMMITTEE MAY BE HEARD BY THE PLANNING COMMISSION ACTING AS PLATTING BOARD BY FILING WRITTEN NOTICE THEREOF WITH THE BOROUGH PLANNING DIRECTOR ON A FORM PROVIDED BY THE BOROUGH PLANNING DEPARTMENT. THE REQUEST FOR REVIEW SHALL BE FILED WITHIN 10 DAYS AFTER NOTIFICATION OF THE DECISION OF THE PLAT COMMITTEE BY PERSONAL SERVICE OR SERVICE BY MAIL.**

**A REQUEST FOR REVIEW MAY BE FILED BY ANY PERSON OR AGENCY THAT PARTICIPATED AT THE PLAT COMMITTEE HEARING EITHER BY WRITTEN OR ORAL PRESENTATION. THE REQUEST MUST HAVE AN ORIGINAL SIGNATURE; FILING ELECTRONICALLY OR BY FACSIMILE IS PROHIBITED. THE REQUEST FOR REVIEW MUST BRIEFLY STATE THE REASON FOR THE REVIEW REQUEST AND APPLICABLE PROVISIONS OF BOROUGH CODE OR OTHER LAW UPON WHICH THE REQUEST FOR REVIEW IS BASED.**

**NOTICE OF THE REVIEW HEARING WILL BE ISSUED BY STAFF TO THE ORIGINAL RECIPIENTS OF THE PLAT COMMITTEE PUBLIC HEARING NOTICE. CASES REVIEWED SHALL BE HEARD DE NOVO BY THE PLANNING COMMISSION ACTING AS THE PLATTING BOARD (KPB 2.40.080).**

END OF STAFF REPORT

Chairman Ruffner opened the meeting for public comment noting no members of the public were in attendance.

**MOTION:** Commissioner Collins moved, seconded by Commissioner Martin to grant preliminary approval to Baycrest Subdivision 2012 per staff recommendations and conditions.

**VOTE:** The motion passed by unanimous consent.

CARLUCCIO ABSENT	COLLINS YES	ECKLUND ABSENT	ISHAM YES	MARTIN YES	RUFFNER YES	4 YES 2 ABSENT
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AGENDA ITEM F. FINAL PLAT PUBLIC HEARINGS - None

AGENDA ITEM G. OTHER/NEW BUSINESS

AGENDA ITEM H. MISCELLANEOUS INFORMATION – NO ACTION REQUIRED

AGENDA ITEM I. ADJOURNMENT

**MOTION:** Commissioner Martin moved to adjourn. Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

The meeting adjourned at 6:40 p.m.

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Patti Hartley

