

Homer Advisory Planning Commission  
491 E Pioneer Ave.  
Homer, Alaska 99603

February 6, 2013  
5:30 p.m. Wednesday  
Cowles Council Chambers

## **WORK SESSION AGENDA**

1. Call to Order 5:30 p.m.
2. Discussion of Items on the Regular Meeting Agenda
3. Spit Trail Presentation by Public Works Director, Carey Meyer.
4. HAPC Representative Attendance at City Council Meeting Schedule.
5. 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).
6. Commission Comments
7. Adjournment



## REGULAR MEETING AGENDA

**1. Call to Order**

**2. Approval of Agenda**

**3. Public Comment**

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

**4. Reconsideration**

**5. Adoption of Consent Agenda**

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

A. Approval of Minutes of January 16, 2013 meeting

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**6. Presentations**

**7. Reports**

A. Staff Report PL 13-10, City Planner's Report

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**8. Public Hearings**

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

A. Staff Report PL 13-08, CUP 13-01 1401 Candlelight Ct. Request for a Conditional Use Permit for more than one building containing a permitted principal use on a lot

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B. Staff Report PL 13-11, CUP 13-02 Deep Water Dock Restroom/Guard Shack Facility. Request for a Conditional Use Permit to build a public restroom and guard facility within the 20 ft. right-of-way setback adjacent to the City Deep Water Dock at 4667 Freight Dock Rd.

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C. Staff Report PL 13-12, CUP 13-03 WKFL Park Restroom. Request for a Conditional Use Permit to build a public restroom within the 20 ft. right-of-way setback at 580 E Pioneer Ave.

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**9. Plat Consideration**

A. Staff Report PL 13-07, Glacier View Subdivision 2013 Replat Preliminary Plat

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**10. Pending Business**

A. Staff Report PL 13-14, Amending the HAPC Bylaws and Policies and Procedures

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B. HAPC Representative Attendance at City Council Meeting Schedule

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**11. New Business**

A. Staff Report PL 13-09, Spit Trail Construction 2013/2014. Presentation by Public Works Director, Carey Meyer during Work Session

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**12. Informational Materials**

A. City Manager's Report from January 28, 2013 City Council Meeting

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B. KPB Planning Commission Notice of Decisions

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**13. Comments of the Audience**

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

**14. Comments of Staff**

**15. Comments of the Commission**

**16. Adjournment**

Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.  
Next regular meeting is scheduled for February 20, 2013. A work session will be held at 5:30 pm.

Session 13-01, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Erickson at 6:30 p.m. on January 16, 2013 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, ERICKSON, HIGHLAND, SLONE, SONNEBORN, STEAD, VENUTI

STAFF: CITY PLANNER ABBOD  
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).

None

### **RECONSIDERATION**

### **ADOPTION OF CONSENT AGENDA**

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

1. Approval of the December 5, 2012 minutes
2. Draft Decisions and Finding for PL 12-68 Level 1 Lighting Exception at the KPB Transfer Facility, 3300 Sterling Highway

The consent agenda was approved by consensus of the Commission.

### **PRESENTATIONS**

### **REPORTS**

- A. Staff Report PL 13-04, City Planner's Report

City Planner Abboud reviewed his staff report and Commissioner Venuti made comments regarding his experience at the Alaska Planning Conference.

There was discussion about an Economic Development seminar coming up at Land's End that will address the impacts of what is happening around the peninsula. Point was raised about the relationship between the economic development section of the Comp Plan, the Planning Commission and the Economic Development Advisory Commission.

### **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

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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.

**PLAT CONSIDERATION**

A. Staff Report PL 13-03, Paradise South Subdivision Preliminary Plat

Chair Erickson stated that she has a conflict of interest.

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

Chair Erickson stated that it is a financial interest.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Erickson passed the gavel to Vice Chair Venuti and left the table.

City Planner Abboud reviewed the staff report.

Gary Nelson, project surveyor and applicant's representative, read *A Horses Tail* and provided a copy of the writing for the record.

Mr. Nelson explained that the parcel in question was annexed into the city limits, and the reason for this subdivision is to assist the property owner in gaining residential refinancing for a property. The property owner wants to subdivide to a lot size that is less than 40,000 square feet and argues that it falls within the requirements for a 20,000 square feet minimum because the residence is serviced by a DEC approved septic and that having city water delivered to a cistern by truck satisfies the requirement that the lot is serviced by a public water supply. Mr. Nelson reviewed a recent adequacy test performed on the septic and provided a copy for the record. He referenced borough code 20.20.190 to make the point that the available area may be reduced to 20000 square feet when common water or sewer system is available. Mr. Nelson acknowledged the uniqueness of Homer and the asked the Commission to recognize the applicant has water delivered, as many other residents in the area do, because wells in that area of the city are inadequate. He reiterated that bank financing is driving this process.

There were no public comments.

Question was raised if there would be any hardship to postponing this to a future meeting. Mr. Nelson referenced refinancing deadlines and cost involved in extending city sewer, design surveys, and engineering to bring the sewer in. The location of sewer, about 700 to 800 feet away and water is farther.

In response to other Commission questions Mr. Nelson noted the locations of the driveway and other buildings. He explained that the property owner didn't want to increase the size of the smaller lot because of the close proximity of the septic field for the other house to the proposed lot line.

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The Commission acknowledged the conflict of the cistern and what warrants public water. Homer does have a unique situation all over. They asked questions of staff and Mr. Nelson about the potential of an exception to the rule and allow the smaller lot size because the residence is serviced by a cistern and not a well. They struggled with how to stay within the code specifications and how to consider cisterns in relation to type of water supply. Some commissioners expressed that that delivering city water to a cistern should be considered a public water supply, and others suggested that once city water goes into a truck for a business to deliver for a fee, it's no longer a public water supply. It was also questioned whether another configuration of the lot lines is feasible to meet the requirement in code. It was further suggested that there may be more information of how to address the public water issue through court records if there was more time to research it.

SLONE MOVED TO POSTPONE TO THE NEXT MEETING.

The motion failed for lack of a second.

The Commission continued to reiterate the best way to work with the property owner and stay within the parameters lined out in code. City Planner Abboud reminded them that this will go to the Borough for final review and determination.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 13-03, PARADISE SOUTH SUBDIVISION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was no additional discussion.

VOTE: YES: BOS, SONNEBORN, VENUTI  
NO: STEAD, HIGHLAND, SLONE

Motion failed for lack of a majority.

City Planner Abboud said that the staff report and minutes from tonight's meeting will be provided to the Borough for their information when they consider the plat.

Chair Erickson returned to the table.

The Commission expressed they would like to address this issue with how to consider cisterns for future actions that come before the Commission.

**PENDING BUSINESS**

A. Staff Report PL 13-06, Marine Commercial and Marine Industrial Zoning

Chair Erickson commented that the Commission reviewed the information and provided comments to staff at the worksession and revisit it in March.

B. Staff Report PL 13-02, Lighting

The Commission watched a short video via youtube.com at their worksession. It was noted that the lighting information in the code applies to Commercial buildings and suggestion was raised that

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residential be included as well. Staff indicated that they don't want to become the motion detector police for home lighting; however poll lights might be something to consider. It would be better for a third party program to help educate homeowners on lighting options for their home.

**NEW BUSINESS**

A. Staff Report PL 13-01 Easement vs. ROW

City Planner Abboud reviewed his staff report and the intent to provide the Commission with a better understanding of easements and rights of way.

B. Staff Report PL 13-05 Amending the HAPC Bylaws Policies and Procedures

City Planner Abboud reviewed the staff report and his recommendations regarding the bylaws and policies and procedures. He said he is working with the city attorney to develop a process to work through public hearings and plats that make it possible for the body to suspend its rules to allow more testimony, and still ensure that all parties are fairly represented.

The Commission considered the idea of attending giving a report at the City Council meetings. Concern was expressed about commissioner's speaking on behalf of the Planning Commission, without the consent of the commission. Point was raised that the Commission acts on items that can be appealed and discussing items of that nature at a Council meeting could raise issue should the Council be called to act as Board of Adjustment. Currently the minutes are not included in the Council packet, but they could be added.

SLONE/SONNEBORN MOVED THAT THE INTERACTION PROCESS BETWEEN THE PLANNING COMMISSION AND CITY COUNCIL BE REVIEWED FOR QUALITY AND SUFFICIENCY.

Comment was made that it is essential that the Planning Commission have representation at the City Council as it is the Commission's job to advice Council and if we don't have a clear line of communication, we are failing in our job.

Staff explained that other Commissioners attend Council meetings to give an overview of what their Commission is working on. A schedule of upcoming Council meetings will be provided in the next packet and the group can review it and decide if they want to participate in attending Council meetings to give a report.

VOTE: YES: HIGHLAND, SONNEBORN, SLONE  
NO: STEAD, VENUTI, ERICKSON, BOS

Motion failed.

**INFORMATIONAL MATERIALS**

- A. City Manager's Report from the January 14, 2012 City Council Meeting
- B. 2013 HAPC Meeting Dates
- C. KPB Notice of Decisions



**COMMENTS OF THE AUDIENCE**

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

Gary Nelson, city resident, thanked the Commission for their work and staff for the information regarding easements versus rights of way. He also said he appreciates what the Commission is doing to address ways where people can be better represented.

**COMMENTS OF STAFF**

City Planner Abboud commented that things are picking up, and there will be 3 CUP's and a plat at the next meeting.

**COMMENTS OF THE COMMISSION**

Commissioner Venuti commented that the Planning Commissioner's Journal is no longer available in hard copy, only online. He is disappointed about that and it puts people who don't have computers out of the loop. It was an interesting meeting. He isn't sure what to think about the cistern issue, in his business he knows FHA allows 1500 gallon cisterns, and they are used all over the place. It is something they need to think further on because in many cases it's the only practical solution.

Commissioner Stead said it was an interesting meeting.

Commissioner Highland agrees it was an interesting meeting, and she agrees with looking closer at how they consider cisterns and try to do what is best for the community.

Commissioner Bos welcomed Mr. Slone to the table and wished everyone Happy New Year. It was an interesting meeting tonight and hopes the rest don't go like this.

Commissioner Slone and Sonneborn had no comments.

Chair Erickson said she thought they did well and was proud of them, that was a hard one to do.

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 8:33 p.m. The next regular meeting is scheduled for February 6, 2013 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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





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## **STAFF REPORT PL 13-10**

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** February 6, 2013  
**SUBJECT:** Planning Director's Report

### **City Council Work session 1.21.13**

#### **PLANNING FOR LOT TR-1-A (PIER ONE LOT)**

Memorandum 13-008 from City Planner as backup.

- I presented the information gained from my planning presentations to the various committees. No definitive actions have been made so far. It seems the Council is still considering possibilities for a lease and are mulling over the possibilities of hosting the a kayak launch. Will keep you informed of any official moves on the property by the council.

### **Port and Harbor Commission Meeting 1.23.13**

Memorandum to Port and Harbor Commission from City Planner Abboud Re: Marine Commercial and Industrial Zoning

City Planner Abboud addressed the Commission regarding his staff report.

Question was raised about whether changing the zoning would cause lessees to move or go out of business when their leases are up. City Planner Abboud responded that it will have to be addressed through nonconformity until they expand or replace the structures. Theoretically it could be rented out again if it's the same activity in the same space.

City Planner Abboud reviewed the draft zoning map for the spit compared to the current zoning. It was noted that if the zoning is industrial in the area where there may be mooring and barges, a little bit of commercial area would be fine to accommodate an industrial supply store for example.

There were comments in relation to challenges of over slope development and challenges of parking and access. If over slope becomes an option perhaps a lot can be included to address access and parking.

They also addressed drainage. It was suggested that site development standards could be removed. It creates a lot of extra costs for someone developing something, as there aren't a lot of drainage issues other than the low spots that are full of water now. City Planner Abboud explained that if there is a large development out there, it shouldn't flood or pollute the neighbor's lot or surrounding lands. If there is a giant parking lot, it need to be established what happens to the run off, it can't go untreated or into the harbor. It isn't happening now, but an as an example for the new restroom and facility for the cruise ships there will be a lot of pavement associated with it. It will create a sheeting of water that if left untreated would go into the harbor or bay, or onto someone's lot. Hopefully there will

be uncomplicated options like swales and grass to filter the run off. There was discussion about drainage issues and way to address them.

In regard to the effect of changing zoning to the kayak launch City Planner Abboud said it is a water dependent activity, and they will ensure that the industrial zoning includes parks.

### **City Council Meeting 1.28.13**

**Resolution 13-008**, A Resolution of the City Council of Homer, Alaska, Requesting that the Alaska Legislature Re-Appropriate the \$2 Million the City Received for Improvements at the Sterling Highway and Main Street Intersection to a New Port and Harbor Office and/or a New Skyline Drive Fire Station. Burgess.  
ADOPTED with discussion.

### **COMMENTS OF THE MAYOR**

Mayor Wythe thanked everyone for attending. The Industry Forum will be held at Land's End on Thursday and Friday. She requested the trail head for the Kachemak Bay Water Trail be included on the Committee of the Whole agenda for February 11<sup>th</sup>.

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### **Public Water**

As the Commission reviewed last meetings plat, the subject of what comprises "Public Water" was discussed. Federal standards use the term "public water service" to describe a system that includes piped infrastructure. The definition infers that a system is inclusive of a pipe for delivery and I am confident that is the intent of our code. But, as it is, I rely on the historical definition which was challenged. Regardless, we must consider all the implications of declaring public water as a cistern (by the way, does not in any way imply/guarantee that the contents of any cistern will actually be filled with the so called 'public water'). Some questions we need to ask:

- Are we encouraging density where we as a city would like it?
- Are we discouraging service in the future?
- Do we accept that it is appropriate to install septic systems in every 20,000sf division?
- Will this definition be appropriate in every district throughout the city?
- Is it fulfilling our comprehensive plan?

I am lead to conclude that we should do what is necessary to provide for a predictable growth scenario that is described in our comprehensive plan. Including cisterns in this definition does not provide any certainty as to what kind of development one might expect in the future. I am not so sure that cisterns in themselves should be a point of focus. We should be more concerned about septic. I do not think it is a good idea to concentrate these independent systems anywhere. We have knowledge that much of the area does not provide the subsurface water qualities necessary for successful wells, but have no mapping of groundwater quality. Therefore, I believe we have to consider how other's rights to attempt wells might be impacted by an undue concentration of associated septic's.

Prior to going further on this subject, I need to do some research. I would also like to wait and see how the borough responds. Perhaps we could have a conversation regarding the big picture. This includes the comprehensive plan recommendation that we restrict subdivision in the rural residential district to a 40,000sf or one acre minimum. This is meant to retain the rural qualities of the district and give those residents an assurance that it will not change just because someone brings in water and sewer lines (or cisterns). If a rural district goes urban there should be some public hearings and time for people to respond to the change, in addition to direction provided in the comprehensive plan.

### **Commissioner Training**

I have Holly scheduled for training at the work session of March 6<sup>th</sup>. She is off on a flight for her vacation during this meeting and will not be available for discussion.

### **Activities**

Dotti is back and Travis continues to learn more and is a great help to the office. Julie continues to work on projects and with the Parks and Recreation Committee. I have been giving presentations to the City Council and Port and Harbor Commission in addition to serving on the committee updating the Emergency Operations Plan, attending the MAPP meeting and working on various projects such as Lillian Walli Estates LID and land conveyances for the Port and Harbor.





# City of Homer Planning & Zoning

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## STAFF REPORT PL 13-08

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** February 6<sup>th</sup>, 2013  
**SUBJECT:** CUP 13-01, 1401 Candlelight Ct.

**Requested Action:** Approval of a conditional use permit to allow construction of a single family dwelling in addition to the current residence found on the parcel.

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

Applicants:	Don and Sherry Stead
Requested Action:	Approval of a conditional use permit to allow construction of more than one building containing a permitted principle use.
Location:	1401 Candlelight Court, T 6S R 13W SEC 16 SEWARD SW HM 2006054 STREAM HILL PARK SUB UNIT 1 LOT 6
Parcel ID:	17902106
Lot Size(s)	0.52 acres
Zoning Designation:	Rural Residential District
Existing Land Use:	Residential
Surrounding Land Use:	North: Subdivision Park/Vacant South: Vacant East: Vacant West: Subdivision Park/Vacant
Comprehensive Plan:	Chapter 4, 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 mixed use areas with lower densities in the outlying areas.
Wetland Status:	No wetlands mapped.
Flood Plain Status:	Zone D, flood hazards not determined.
BCWPD:	Not within the Bridge Creek Watershed Protection District.
Utilities:	City water and sewer are available.
Public Notice:	Notice was sent to 10 property owners of 21 parcels as shown on the KPB tax assessor rolls.

### Introduction

The applicants wish to build a 1034sf residence in addition to the existing structure, a garage with a 600sf apartment above. The proposal is straight forward and the recommended findings are based on the conditions stated above and found in the application. The lot is just over a half an acre and the existing

structure measures 20' x 30'. The addition of a 1034sf home maintains a lower density development. The existing garage and drive provide plenty of parking. Public services in the subdivision are more than adequate to support the proposal. All dimensional requirements are met including a minimum of 10,000sf for each dwelling unit on a lot served by public water and sewer and a 7ft setback for two stories. No exceptions to code are requested.

### **Analysis**

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

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

**Finding 1:** HCC 21.12.030(n) allows for more than one building containing a permitted principle use on a lot.

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

**Purpose of the district:** 21.12.010 Purpose. The purpose of the rural residential district is primarily to provide an area in the City for low-density, primarily residential, development; allow for limited agricultural pursuits; and allow for other uses as provided in this chapter.

**Finding 2:** The addition of a 1034sf single family structure on this lot is compatible with a lower density residential development.

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

**Finding 3:** The value of adjoining property will not be negatively affected. The addition of a primary residence to the lot should positively affect the value of adjoining properties.

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

**Finding 4:** The proposed residence is compatible with the existing uses of surrounding land, which includes vacant future residential lots and subdivision park.

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

**Finding 5:** City water and sewer services and a paved road serve the property. Public services are adequate for the proposed residence.

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



**Finding 6:** The proposal will not cause an undue harmful effect on neighborhood character. The bulk, scale and density of the project are appropriate to the neighborhood.

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

**Finding 7:** The proposal will not affect the health, welfare or safety of the surrounding area

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

**Finding 8:** The proposal will comply with all applicable regulations and conditions through the permitting process.

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

**Finding 9:** The proposal meets applicable goals and land use objectives of the Comprehensive Plan. The project supports lower density residential use.

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

**Finding 10:** The Community Design Manual is not applicable.

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

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

14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.

**Finding 11:** No special conditions are necessary.

**FIRE DEPARTMENT COMMENTS:** Fire Chief Painter had no objections.

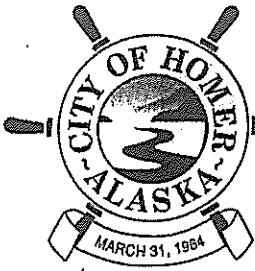
**PUBLIC WORKS COMMENTS:** Public Works has no objections or concerns with this CUP proposal, accommodations have been made for water and sewer service to the proposed location of the new building.

**STAFF COMMENTS/RECOMMENDATIONS:** Commission approve/deny with findings 1-11.

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

#### ATTACHMENTS

1. Application
2. Public Notice



# City of Homer Planning & Zoning

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## Applicant

Name: SHERRY A. STEAD REVOCABLE TRUST Telephone No.: 907-235-1320

Address: 1401 CANDLELIGHT CT. Email: sdstead@gmail.com

## Property Owner (if different than the applicant):

Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

## PROPERTY INFORMATION:

Address: 1401 CANDLELIGHT CT. Lot Size: 22,615 ft<sup>2</sup> acres KPB Tax ID # 17902106

Legal Description of Property: T6S R13W S24E16 SEWARD SW HM 2006054 STREAM HILL PARK SUBDIVISION UNIT 1 LOTS 10

For staff use:

Date: 1/14/13 Fee submittal: Amount 200.00

Received by: TRAVIS BROWN Date application accepted as complete \_\_\_\_\_

Planning Commission Public Hearing Date: \_\_\_\_\_

## Conditional Use Permit Application Requirements:

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

## Circle Your Zoning District

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

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

☒ Y ☐ N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: \_\_\_\_\_

☒ Y ☐ N Will your development trigger a Development Activity Plan?

Application Status: \_\_\_\_\_

☒ Y ☐ N Will your development trigger a Storm water Plan?

Application Status: \_\_\_\_\_

☒ Y ☐ N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: \_\_\_\_\_

☒ Y ☐ N Is your development in a floodplain? If yes, a Flood Development Permit is required.

☒ Y ☐ N Does your project trigger a Community Design Manual review?

If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>

☒ Y ☐ N Do you need a traffic impact analysis?

☒ Y ☐ N Are there any nonconforming uses or structures on the property?

☒ Y ☐ N Have they been formally accepted by the Homer Advisory Planning Commission?

☒ Y ☐ N Do you have a state or city driveway permit? Status: \_\_\_\_\_

☒ Y ☐ N Do you have active City water and sewer permits? Status: \_\_\_\_\_

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

GARAGE w/ 1 Bedroom Apt. Above  
600 sq ft

2. What is the proposed use of the property? How do you intend to develop the property?

(Attach additional sheet if needed. Provide as much information as possible).

Home to be added 1034 sq ft.

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

- a. What code citation authorizes each proposed use and structure by conditional use permit?

21.12.030 N

- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. primary residential single family

- c. How will your proposed project affect adjoining property values? increase

- d. How is your project compatible with existing uses of the surrounding land? planned community
- e. Are/will public services adequate to serve the proposed uses and structures?  
Yes City water / sewer
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?  
Positive affect
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?  
No
- h. How does your project relate to the goals of the Comprehensive Plan?  
The 2006 Town Center Plan and the 2008 Comprehensive Plan are online at:  
<http://www.ci.homer.ak.us/documents/planning>  
meets project goals
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (circle each answer)
1. Y ☒ N Special yards and spaces.
  2. Y ☒ N Fences, walls and screening.
  3. Y ☒ N Surfacing of parking areas.
  4. Y ☒ N Street and road dedications and improvements (or bonds).
  5. Y ☒ N Control of points of vehicular ingress & egress.
  6. Y ☒ N Special provisions on signs.
  7. Y ☒ N Landscaping.
  8. Y ☒ N Maintenance of the grounds, buildings, or structures.
  9. Y ☒ N Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
  10. Y ☒ N Time for certain activities.
  11. Y ☒ N A time period within which the proposed use shall be developed.
  12. Y ☒ N A limit on total duration of use.
  13. Y ☒ N Special dimensional requirements such as lot area, setbacks, building height.
  14. Y ☒ N Other conditions deemed necessary to protect the interest of the community.

## PARKING

1. How many parking spaces are required for your development? Two

If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). No

2. How many spaces are shown on your parking plan? 1 car garage 2 spaces

3. Are you requesting any reductions? no at end of driveway

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

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

**CIRCLE ONE:**      Owner of record      Lessee      Contract purchaser

Applicant signature:

Sherry Stead

Date:

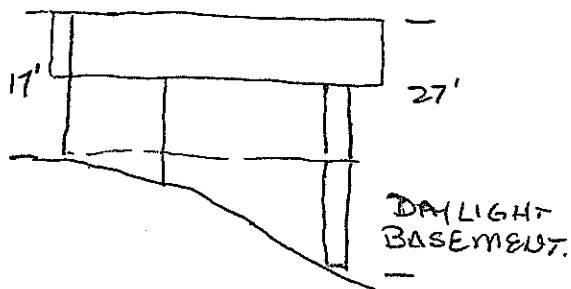
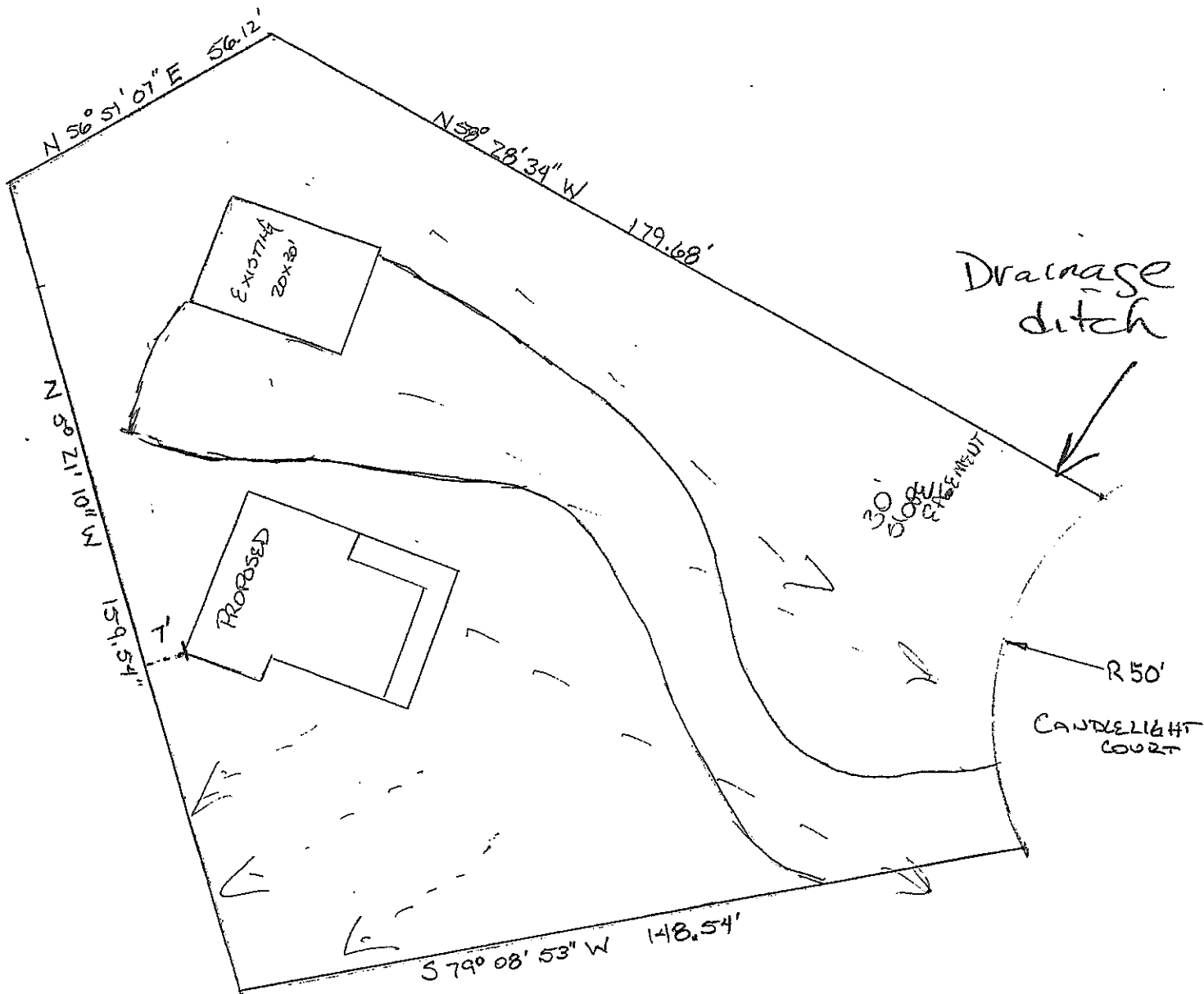
1-14-2013

Property Owner's signature:

Sherry Stead

Date:

1-14-2013



LOT 6  
22,515 ft<sup>2</sup>



SCALE 30': 1"





## PUBLIC NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, February 6, 2013 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

→ A request for Conditional Use Permit (CUP) 13-01 for more than one building containing a permitted principal use on a lot pursuant to HCC 21.12.030(n). The owner wishes to build a second residence on this property located at 1401 Candlelight Ct, T 6S R 13W SEC 16 SEWARD SW HM 2006054 STREAM HILL PARK SUB UNIT 1 LOT 6.

A request for CUP 13-02 per HCC 21.30.030(a), a planned unit development. The City of Homer wants to build a Public Restroom and Guard Shack within the 20 ft. right-of-way setback located at 4667 Freight Dock Rd, adjacent to the Deep Water Dock. T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0970072 HOMER SPIT NO 6 8-D-1.

A request for CUP 13-03 for The City of Homer to build a Public Restroom within the 20 ft. right-of-way at Wisdom, Knowledge, Faith & Love (WKFL) Park per HCC 21.18.040(b)(4). The park is located at 580 E. Pioneer Ave, T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0970072 HOMER SPIT NO 6 8-D-1.

Anyone wishing to present testimony concerning these matters 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.

The complete proposals are available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Travis at the Planning and Zoning Office, 235-3106.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY.**

\*\*\*\*\*

# Vicinity Map

The existing garage and apartment will remain.  
A small new home would be constructed.

CRAFTSMAN RD.

CANDLELIGHT CT.

COMPASS DR.

HOUGH



City of Homer  
Planning and Zoning Department

January 22, 2013

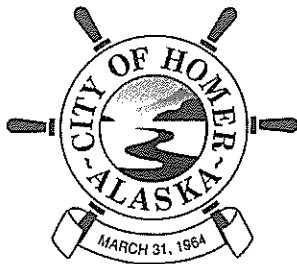
## Request for Conditional Use Permit 2013-01 1401 Candlelight Court

Shaded lots are within 500 feet  
and property owners notified.

0 250 500  
Feet



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, interpretation  
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 13-11

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** February 6, 2013  
**SUBJECT:** Deep Water Dock Restroom/Guard Shack Facility. Request for a Conditional Use Permit to build a public restroom and guard facility within the 20 ft. right-of-way setback adjacent to the City Deep Water Dock at 4667 Freight Dock Rd.

**Requested Action:** Approval of a conditional use permit for a planned unit development, to allow for a building to be constructed within the 20 foot building setback of Freight Dock Road.

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

**Applicants:** City of Homer Public Works Department

**Requested Action:** Approval of a Conditional Use Permit to allow a planned unit development, for a structure within the 20 foot building setback area.

**Location:** Freight Dock Road, at the entrance to the Deep Water Dock.  
HM 0970072 Homer Spit No. 6, Lot 8-D-1.

**Parcel ID:** 18103259

**Lot Size(s):** 1.12 acres

**Zoning Designation:** Marine Industrial

**Existing Land Use:** Residential/Accessory Structure

**Surrounding Land Use:**  
North: Deep Water Dock, Kachemak Bay  
South: leased Marine Industrial area, tank farm, fuel dock.  
East: Kachemak Bay  
West: Short term marine industrial storage, Chip pad

**Comprehensive Plan:** (Spit Plan) Goal1.3 Provide public facilities that attract residents and visitors to the Spit. Provide amenities that aid residents and visitors. Goal 2.1, strategy: Improve cruise ship passenger disembarkation area by the Deep Water Dock.

**Flood Plain Status:** Currently in an AO 1 zone. New mapping, to be effective prior to building construction, shows the area as 500 year flood plan, which is not regulated under the City's flood regulations.

**BCWPD:** Not within the Bridge Creek Watershed Protection District.

**Utilities:** City water and sewer are available.

**Public Notice:** Notice was sent to 2 property owners of 9 parcels as shown on the KPB tax assessor rolls.

## **Introduction**

The City of Homer is applying for Conditional Use Permit to place a building within the twenty foot building setback of Freight Dock Road. There is no provision in the Marine Industrial zoning district to allow for this placement; therefore planned unit development approval is also required. The building will contain a guard shack for the Deep Water Dock, and public restrooms. The land will also include a cruise ship passenger staging area and public trail (summer 2013/14 construction). There will be a large paved area, with striping to define tour bus, pedestrian, and parking areas. The design of the lot and the restrooms is intended to be flexible. There are times when Homer will have many cruise ships and the area will see extensive tour bus and pedestrian use; at other times, the guard shack will be used for managing security operations of other types of vessels at the dock. Harbor users, residents and visitors will have access public restrooms seasonally.

## **Analysis**

**Architecture** - The proposed restroom is part of Homer's 1% for the Arts Program. Public art will be incorporated with the restrooms; as of the writing of this staff report the location and type of art had not been finalized. A drawing of the proposed restroom is attached to this staff report. Final colors have not been chosen, but they will generally be brown earth tones, with rock work around the base of the building. The walls will be concrete masonry, like the Animal Shelter, and the rock work will be similar to Alaska USA's. The driftwood column will be similar to the Library architecture. The cement board siding will probably provide a third color for visual interest.

**Location** - The proposed location is immediately adjacent for Freight Dock Road, very close to the existing security gates for the dock. (See site plan).

Below is the PUD code from Homer City Code. 21.52.060. *Staff comments are italicized.*

b. A planned unit development that includes commercial, noncommercial or industrial uses shall comply with the following requirements and conditions:

1. The PUD site shall have direct access to an arterial or collector street. *The PUD has direct access to Freight Dock Road, which is a paved street serving the east side of the Homer Harbor.*
2. Utilities, roads and other essential services must be constructed, installed and available for the immediate use of occupants of the PUD. *Utilities and the road are constructed and available for immediate use.*
3. The PUD shall be developed with a unified architectural treatment. *The building matches the design of three other restrooms to be constructed around the City in 2013.*

c. If topographical or other barriers do not provide adequate privacy for uses adjacent to the PUD, the Commission may impose conditions to provide adequate privacy, including without limitation one or both of following requirements:

1. Structures located on the perimeter of the planned development must be set back a distance

sufficient to protect the privacy of adjacent uses; *No screening is necessary. The building is designed to be attractive from all sides, and there are no adjacent uses that require privacy.*

2. Structures on the perimeter must be permanently screened by a fence, wall or planting or other measures sufficient to protect the privacy of adjacent uses. *No screening is necessary. There are no adjacent uses that require privacy. There will be a sign on the back of the building welcoming dock users to Homer.*

d. Dimensional Requirements. Setbacks and distances between buildings within the development shall be at least equivalent to that required by the zoning district in which the PUD is located unless the applicant demonstrates that:

1. A better or more appropriate design can be achieved by not applying the provisions of the zoning district; and

*A better and more appropriate design cannot be accomplished by adhering to the 20 foot building setback requirements. The guard shack and restrooms should be easily accessible by pedestrians and dock users. Shifting the building away from the road will diminish the usefulness of the structure. The guard facility in particular needs to be very close to the gates in order to be useful for security measures.*

2. Adherence to the dimensional requirements of the zoning district is not required in order to protect health, safety and welfare of the occupants of the development and the surrounding area. *A reduced setback from Freight Dock Road will increase the safety of the dock users. The property has a development plan to accommodate cruise passengers and tour buses. The location of the restroom will enhance that design. The guard facilities need to be as close as possible to the gates. The surrounding area will not affect the health, safety or welfare of the surrounding area; it's a marine staging area with sporadic use.*

e. The site development standards of HCC § 21.50.030 shall be met. *These requirements will be met. A zoning permit is required.*

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

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

**Finding 1:** HCC 21.21.30.030 (a) authorizes planned unit developments.

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

21.30.010 Purpose. The purpose of the Marine Industrial District is primarily to provide adequate space for those water-dependent industrial uses that require direct marine access for their operation, such as fishing, fish processing, marine transportation, off-shore oil development and

tourism; giving priority to those water-dependent uses over other industrial, commercial and recreational uses.

**Finding 2:** Public restrooms and a guard shelter for the deep water dock are compatible with the purpose of the zoning district and support marine transportation and tourism uses.

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

**Finding 3:** The value of the adjoining property will not be negatively impacted. The building is very small and creates an amenity for dock and future trail users.

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

**Finding 4:** The proposal is compatible with existing uses of surrounding land. The area is largely vacant land, used for marine related short term storage.

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

**Finding 5:** Public Services and facilities are adequate to serve the proposed use. Construction of the restrooms and guard shack will increase the facilities available to the public.

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

**Finding 6:** The proposal will not cause a harmful effect upon desirable neighborhood character. It's a marine industrial area and the project will enhance the functionality of the industrial dock use.

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

**Finding 7:** The proposal will not be detrimental to the health, safety or welfare of the surrounding area of the city as a whole. The project will promote health by providing public restrooms, and safety by enhancing the security features of the Deep Water Dock.

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

**Finding 8:** The project will comply with application regulations and conditions. A zoning permit is required.

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

**Finding 9:** The proposal advances the goals and objectives of the Spit Comprehensive Plan, Goals 1.3 and 2.1.

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

**Finding 10:** There are no applicable provisions of the Community Design Manual for this project. Any future outdoor furnishings placed in the right of way must be approved by the Public Works and Planning Departments.

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

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

**Finding 11:** No special conditions are necessary.

**FIRE DEPARTMENT COMMENTS:** Fire Chief Painter did not provide any comments.

**STAFF COMMENTS/RECOMMENDATIONS:**

Planning Commission approve/deny with findings 1-11

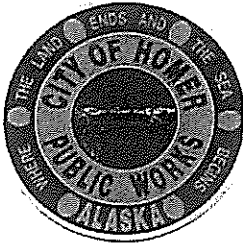
**Note:** Approval of a Conditional Use Permit requires five yes votes

**ATTACHMENTS**

1. Application
2. Public Notice







**CITY OF HOMER  
PUBLIC WORKS DEPARTMENT**

Carey S. Meyer, P.E. - Director  
3575 Heath Street  
Homer, Alaska 99603

Telephone: (907)235-3170  
Fax: (907)235-3145  
EMAIL : [cmeyer@ci.homer.ak.us](mailto:cmeyer@ci.homer.ak.us)

January 16th, 2013

Homer Planning Commission  
491 E. Pioneer  
Homer Ak., 99603

Re; Conditional Use Permit for Restroom/Guard shack on City of Homer property adjacent to the Deep Water Dock

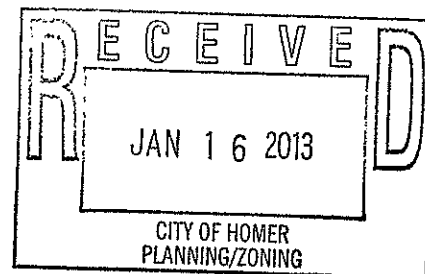
Dear Homer Planning Commission,

The City of Homer is seeking a Conditional Use Permit (CUP) for a public restroom/guard shack to be located at near the access of the Deep Water Dock. This CUP would grant a setback reduction from 20 feet to 5 feet. City of Homer staff members selected this site which they believe is the best location this facility. The restroom will be available for cruise ship passengers, citizens, commercial patrons and recreational users of the Port and Harbor. Attached to the restroom is a guard shack which will enhance security and shelter for the guard. This project is funded by the State of Alaska Cruise Ship Head Tax for the purpose of enhancing passenger experience while visiting the City of Homer.

Yours Very Truly,

**CITY OF HOMER**

*Carey Meyer*  
Carey S. Meyer, P.E.  
City Engineer







# City of Homer Planning & Zoning

491 East Pioneer Avenue Telephone (907) 235-3106  
 Homer, Alaska 99603-7645 Fax (907) 235-3118  
 E-mail Planning@ci.homer.ak.us  
 Web Site www.ci.homer.ak.us

## Applicant

Name: City of Homer, Carey Meyer P.E. Telephone No.: 235-3170

Address: 3575 Heath St. Email: cmeyer@ci.homer.ak.us

## Property Owner (if different than the applicant):

Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

## PROPERTY INFORMATION:

Address: 4667 Freight Dock Rd. Lot Size: 1.12 ac acres KPB Tax ID # 18103259

Legal Description of Property: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0970072

HOMER SPIT NO 6 8-D-1

## For staff use:

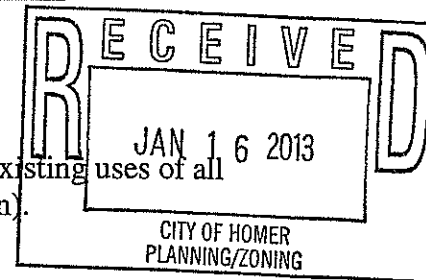
Date: \_\_\_\_\_ Fee submittal: Amount \_\_\_\_\_

Received by: \_\_\_\_\_ Date application accepted as complete \_\_\_\_\_

Planning Commission Public Hearing Date: \_\_\_\_\_

## Conditional Use Permit Application Requirements:

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



## Circle Your Zoning District

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	<u>MT</u>	OSR	BCWPD
Level 1 Site Plan	x	x	x			x			x		x	x
Level 1 ROW Access Plan	x	x							x		x	
Level 1 Site Development Requirements	x	x										
Level 1 Lighting			x	x	x	x	x	x	x	x		
Level 2 Site Plan			x	x	x		x	x		x		
Level 2 ROW Access Plan			x	x	x		x	x		x		
Level 2 Site Development Requirements			x*	x	x	x	x	x	x	x		
Level 3 ROW Access Plan						x						
DAP/SWP questionnaire				x	x	x	x	x	x	x		

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

Y ☒ N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: \_\_\_\_\_

Y ☒ N Will your development trigger a Development Activity Plan?

Application Status: \_\_\_\_\_

Y ☒ N Will your development trigger a Storm water Plan?

Application Status: \_\_\_\_\_

Y ☒ N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: \_\_\_\_\_

Y ☒ N Is your development in a floodplain? If yes, a Flood Development Permit is required.

Y ☒ N Does your project trigger a Community Design Manual review?

If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>

Y ☒ N Do you need a traffic impact analysis?

Y ☒ N Are there any nonconforming uses or structures on the property?

Y ☒ N Have they been formally accepted by the Homer Advisory Planning Commission?

Y ☒ N Do you have a state or city driveway permit? Status: Not required

Y ☒ N Do you have active City water and sewer permits? Status: In Progress

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

**This property is used for commercial storage, parking, and pedestrians.**

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

**This property will be developed for cruise ship facilities; paved parking, transport vehicle staging and restroom/guard shack.**

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

- a. What code citation authorizes each proposed use and structure by conditional use permit?  
**Reduction of property setback of 20'**
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. **This area is primarily used as marine industrial usage, Port & Harbor storage, vehicle parking lot, and fuel depot. The deep water dock used for various marine related activities, cruise ships, barges, fish processors and other marine vessel activities. The nearest restroom is an outhouse at Ramp #8**

- c. How will your proposed project affect adjoining property values? **The City of Homer owns all surrounding property; one property is leased to a commercial enterprise. No adverse property value is anticipated.**
- d. How is your proposal compatible with existing uses of the surrounding land? **There are public restrooms at ramps #6 and #8**
- e. Are/will public services adequate to serve the proposed uses and structures? **The property has access to water, sewer and electrical lines.**
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?  
**The restroom/guard shack will have a large parking area for staging of shuttles and buses to transport cruise ship passengers to areas of interest in the homer area. The area road network is design for high speed travel.**
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?  
**The proposed restroom/guard shack will improve sanitary health. The guard shack will provide security from enemies of the United States.**
- h. How does your project relate to the goals of the Comprehensive Plan?  
The 2006 Town Center Plan and the 2008 Comprehensive Plan are online at:  
<http://www.ci.homer.ak.us/documents/planning>  
**Chapter 4, Goal 3 Objective B: "Encourage high quality site design and buildings"; A professional architect is designing this restroom which well also incorporate the City of Homer's 1% for arts program.**

**Chapter 6 Public Services & Facilities;**

**Goal 1; "Provide and improve city-operated facilities and services..."**

**Objective D Port and Harbor "Continue to improve infrastructure and services of the Port and Harbor to improve its position as an important regional port and harbor facility."**

**"Land must be maintained for marine related industrial activities which support the fishing industry and freight and shipping activities, while providing space for recreational and tourist activities."**

**Implementation Strategies; "Improve and provide additional restrooms along the Spit trail." The restroom will meet this goal in conjunction with the new Port and Harbor trail which ties into the spit trail.**

**The restroom/guard shack meets these statements of the Homer Comprehensive Plan.**

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

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

## PARKING

1. How many parking spaces are required for your development? **Zero**

If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). \_\_\_\_\_

2. How many spaces are shown on your parking plan? **N/A**

3. Are you requesting any reductions? \_\_\_\_\_

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

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

**CIRCLE ONE:**

Owner of record

Lessee

Contract purchaser

Applicant signature: \_\_\_\_\_

*Carey Meyer*

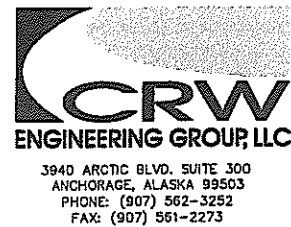
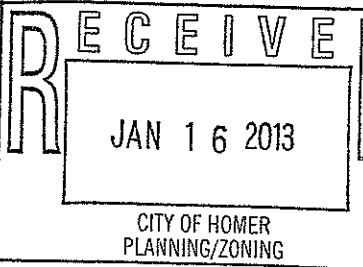
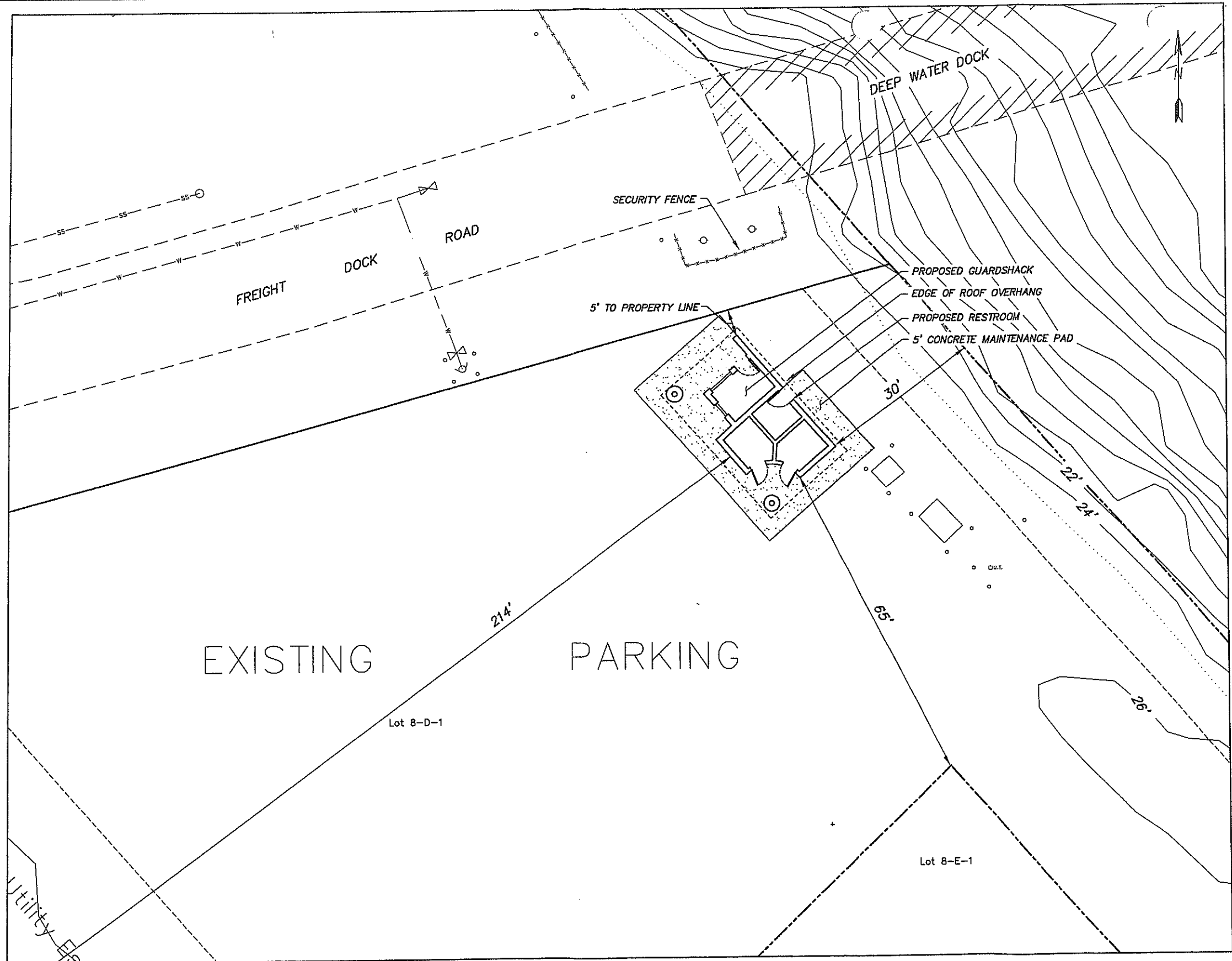
Date: 1/15/13

Property Owner's signature: \_\_\_\_\_

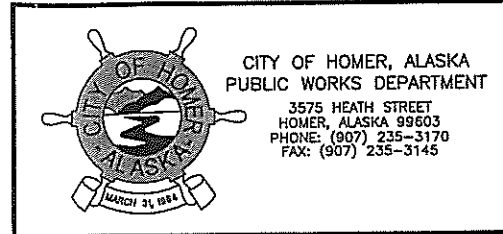
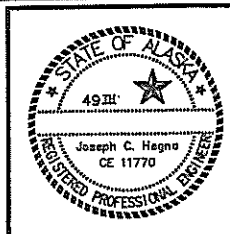
*Walter H. H. H.*

Date: 1/29/13

File: \\P:\Public\Engineering\CURRENT CONTRACTS\PROJECTS\Gause Ship Enhancements\Drawings\Facilities\Restrooms\ACAD\_Pennilla\Restrooms\VD.dwg



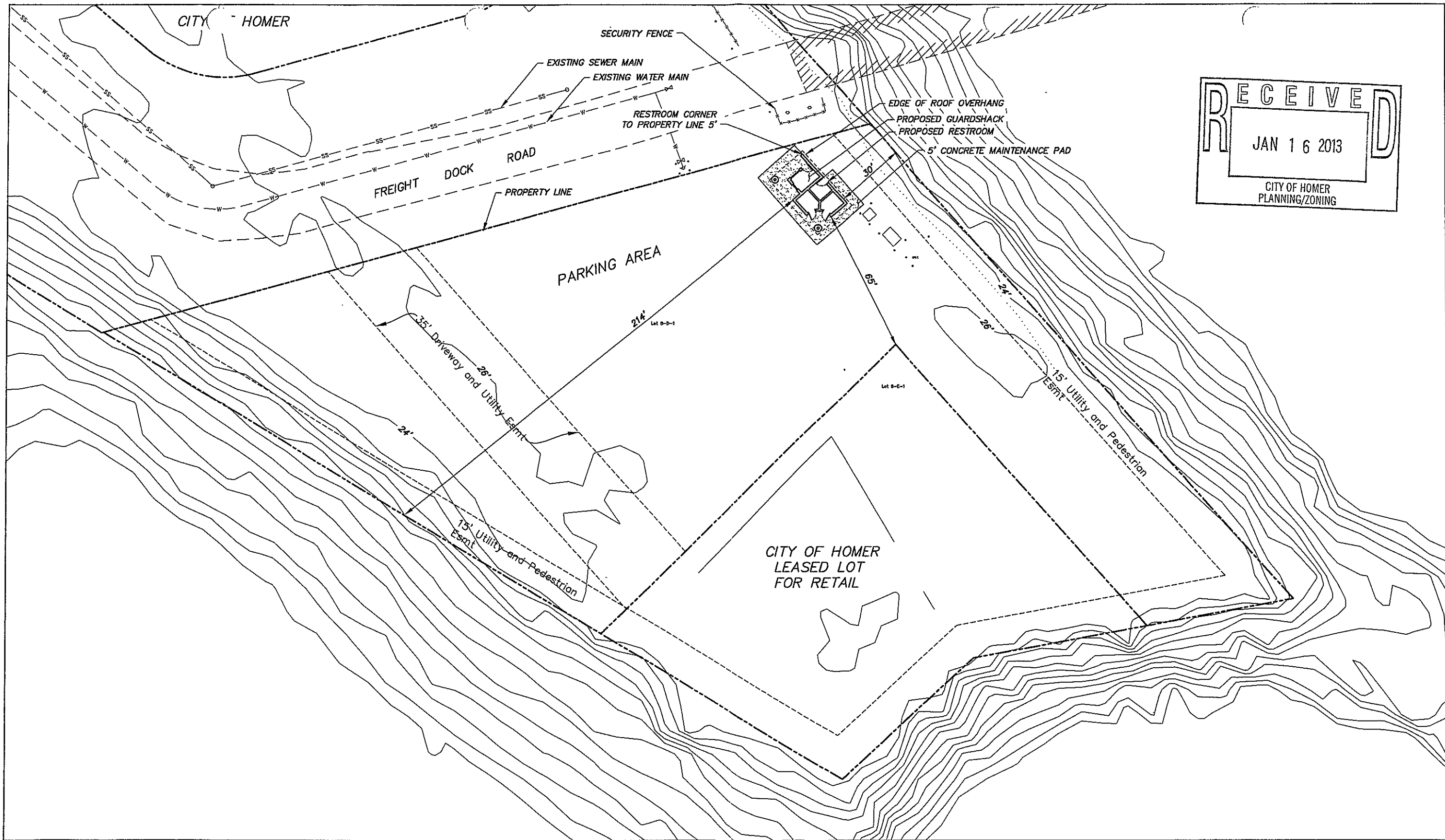
GRAPHIC SCALE			
REVISION			
REV	DATE	DESCRIPTION	BY



SCALE	
HOR.	1" = 10'
VER.	N/A
DESIGNED BY	JCH
DRAWN BY	JCH
CHECKED BY	
APPROVED BY	

CITY OF HOMER, ALASKA PUBLIC WORKS DEPARTMENT	
HOMER RESTROOM FACILITIES IMPROVEMENTS SITE PLAN	
DEEP WATER DOCK (SITE 3)	
STATUS: 65% DESIGN	DATE: JAN 2013

PROJECT NO. 20501.0
CITY GRID
WATER GRID
SEWER GRID
SHEET
OF

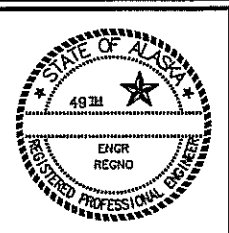


RECEIVED  
JAN 16 2013  
CITY OF HOMER  
PLANNING/ZONING

**CRW**  
ENGINEERING GROUP, LLC  
3940 ARCTIC BLVD, SUITE 300  
ANCHORAGE, ALASKA 99503  
PHONE: (907) 562-3252  
FAX: (907) 561-2273

GRAPHIC SCALE: 20' 0 20' 40' 60'

REV	DATE	DESCRIPTION	BY
REV1	DATE1	DESCRIPTION1	BY1
REV2	DATE2	DESCRIPTION2	BY2
REV3	DATE3	DESCRIPTION3	BY3
REV4	DATE4	DESCRIPTION4	BY4
REV5	DATE5	DESCRIPTION5	BY5
REV6	DATE6	DESCRIPTION6	BY6
REV7	DATE7	DESCRIPTION7	BY7



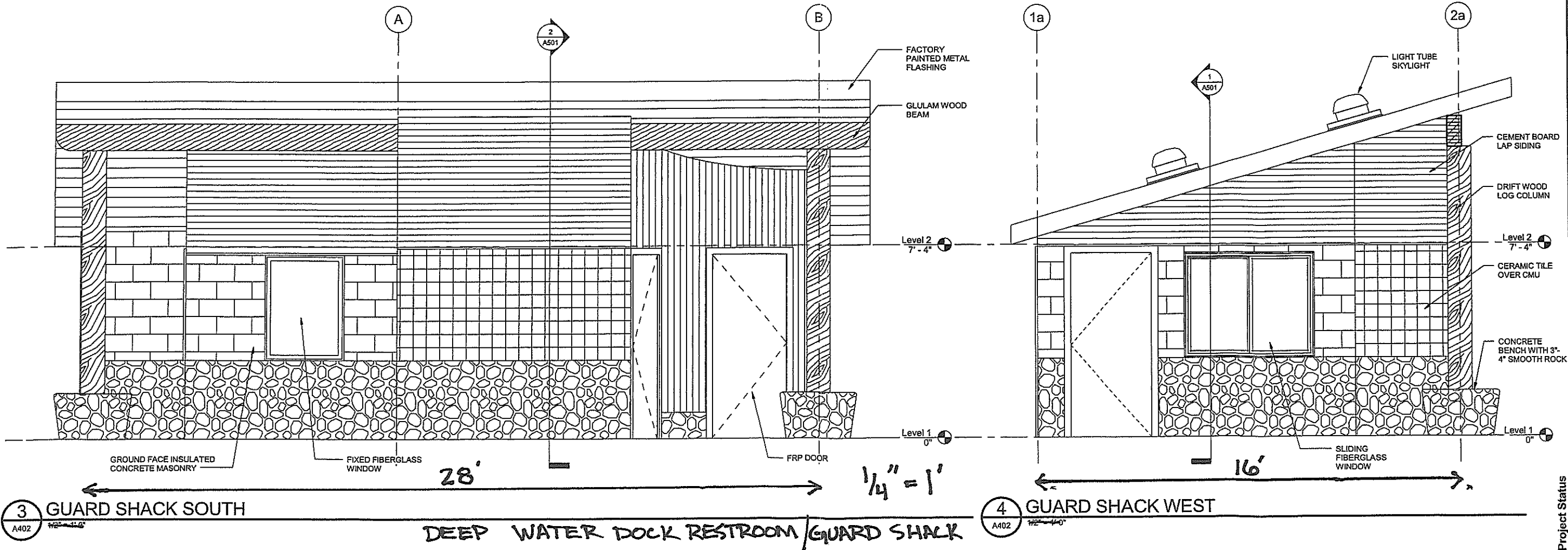
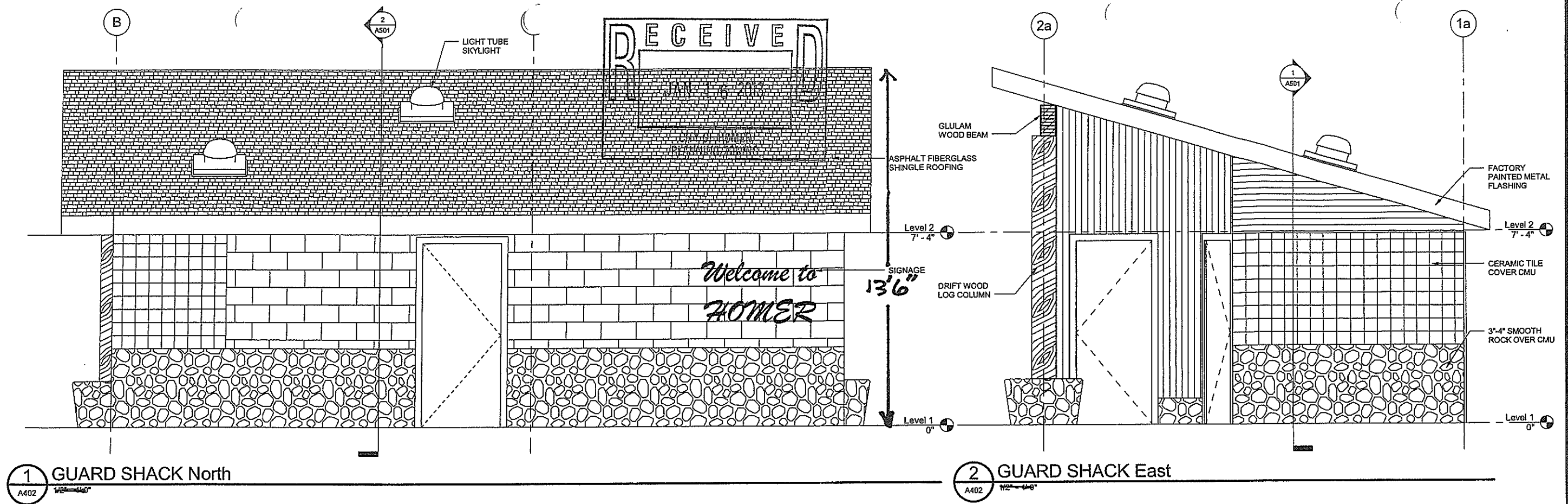
**CITY OF HOMER, ALASKA**  
PUBLIC WORKS DEPARTMENT  
3575 HEATH STREET  
HOMER, ALASKA 99603  
PHONE: (907) 235-3170  
FAX: (907) 235-3145

SCALE  
HOR. HORSC  
VER. VERSC  
DESIGNED BY  
DRAWN BY  
CHECKED BY  
APPROVED BY

DEEP WATER DOCK RESTROOM  
STATUS: STATUS  
DATE: DATE

PROJECT NO.  
CITY GRID  
WATER GR  
SEWER GRID  
SHEET  
OF





DEEP WATER DOCK RESTROOM / GUARD SHACK

Project Number	Project Name	<b>McCOOL CARLSON GREEN</b> ARCHITECTURE INTERIOR DESIGN SPACE PLANNING 901 PHOTO AVENUE, ANCHORAGE, AK (907) 552-8474
PROJ. MGR. Designer	Enter address here	
DRAWN BY: Author	Owner	
DATE: Issue Date		
REVISIONS:		

Project Status: **A402**

SHEET NO. **A402**

Project Status: **A402**

EXTERIOR ELEVATIONS

37



## PUBLIC NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, February 6, 2013 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

**A request for Conditional Use Permit (CUP) 13-01 for more than one building containing a permitted principal use on a lot pursuant to HCC 21.12.030(n). The owner wishes to build a second residence on this property located at 1401 Candlelight Ct, T 6S R 13W SEC 16 SEWARD SW HM 2006054 STREAM HILL PARK SUB UNIT 1 LOT 6.**

→ **A request for CUP 13-02 per HCC 21.30.030(a), a planned unit development. The City of Homer wants to build a Public Restroom and Guard Shack within the 20 ft. right-of-way setback located at 4667 Freight Dock Rd, adjacent to the Deep Water Dock. T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0970072 HOMER SPIT NO 6 8-D-1.**

**A request for CUP 13-03 for The City of Homer to build a Public Restroom within the 20 ft. right-of-way at Wisdom, Knowledge, Faith & Love (WKFL) Park per HCC 21.18.040(b)(4). The park is located at 580 E. Pioneer Ave, T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0970072 HOMER SPIT NO 6 8-D-1.**

Anyone wishing to present testimony concerning these matters 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.

The complete proposals are available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Travis at the Planning and Zoning Office, 235-3106.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY.**

\*\*\*\*\*

## Vicinity Map

Chip Pad

Freight Dock Road

Guard shack and public restroom  
to be located next to Freight Dock Road  
and gates to the Deep Water Dock. The  
building will be located within the 20 foot building setback area,  
right next to the road.

Deep Water Dock

Harbor



*City of Homer*  
Planning and Zoning Department  
January 21, 2013

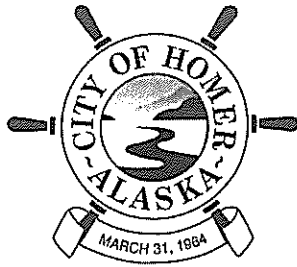
Conditional Use Permit 2013-02

Shaded lots are within 500 feet  
and property owners notified.

0 250 500  
Feet



*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 13-12

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** February 6<sup>th</sup>, 2013  
**SUBJECT:** CUP 13-03 WKFL Park Restroom. Request for a Conditional Use Permit to build a public restroom within the 20 ft. right-of-way setback at 580 E Pioneer Ave.

**Requested Action:** Approval of a conditional use permit to allow construction of a public restroom within the twenty foot building setback of Heath Street.

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

Applicants:	City of Homer Public Works Department
Requested Action:	Approval of a conditional use permit to allow construction of a public restroom within the twenty foot building setback of Heath Street.
Location:	WKFL Park, northwest corner of Pioneer Ave and Heath Street, 580 E Pioneer Ave. HM 0750018 Glacier View Sun No 1 Replat Lots 1, 8 & 9 Block 4, Lot 9-A
Parcel ID:	17720204
Lot Size(s):	0.31 acres
Zoning Designation:	Central Business District
Existing Land Use:	Public Park
Surrounding Land Use:	North: Residential South: Commercial East: Fire Station West: Commercial/Retail
Comprehensive Plan:	Chapter 4, Goal 4, Objective A: Encourage a concentrated, pedestrian oriented, attractive business/commerce district in the CBD following the guidelines found in the Town Center Development Plan.
Wetland Status:	No wetlands mapped.
Flood Plain Status:	Zone D, flood hazards not determined.
BCWPD:	Not within the Bridge Creek Watershed Protection District.
Utilities:	City water and sewer are available.
Public Notice:	Notice was sent to 11 property owners of 23 parcels as shown on the KPB tax assessor rolls.

## **Introduction**

The City plans to build a public restroom at WKFL park. This project requires a conditional use permit because the City would like to build the restrooms up to 14 feet into the required 20 foot building setback area. HCC 21.18.040(b)4 allows for a reduction in the 20 building setback with an approved CUP. In siting the new restroom, Public Works looked at other possible locations and discussed them with the Homer Parks and Recreation Advisory Commission. The location proposed was the preferred location by Parks and Recreation. A location on Pioneer on the western side of the lot would have required the removal of the mature spruce tree, which has a long history of use as a community Christmas Tree and has ties to Brother Isaiah Bates, who previously owned the property. A location along the park of the park, to the north, is not possible due to the topography. The lot slopes from north to south, and a location further back on the lot next to Lee Street would be difficult to construct.

The proposed restroom is part of Homer's 1% for the Arts Program. Public art will be incorporated with the restrooms; the wall facing Heath Street has a space reserved for artwork. A drawing of the proposed restroom is attached to this staff report. Final colors have not been chosen, but they will generally be brown earth tones, with rock work around the base of the building. The walls will be concrete masonry, like the Animal Shelter, and the rock work will be similar to Alaska USA's. The driftwood column will be similar to the Library architecture. The cement board siding will probably provide a third color for visual interest.

### **Other project details:**

- A concrete walkway will be constructed from the existing sidewalk on Heath Street, to the restrooms.
- The gazebo may be relocated after the restroom is constructed
- The single family residences to the north should be high enough in elevation they will see over the roof of the restroom. There is about 15 feet of elevation change between the restroom and the homes, and the restroom will be slightly under 14 feet high.

## **Analysis**

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

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

**Finding 1:** HCC 21.18.040(b)4 allows for a reduction in the setback from a dedicated right of way when approved by a conditional use permit.

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

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

**Finding 2:** A public restroom within the 20 foot building setback in downtown Homer is a pedestrian friendly amenity and is compatible with the purpose of the district.

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

**Finding 3:** The value of adjoining property will not be negatively affected. An attractive public restroom in a public park, will have minimal impact on adjoining property values.

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

**Finding 5:** The proposed restroom is compatible with the existing uses of surrounding land, which includes public park, fire and police station, commercial businesses and a few single family homes. The single family homes will not be greatly affected by the placement of the restrooms.

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

**Finding 6:** City water and sewer services serve the property. Public services are adequate for the proposed restroom. Construction of the restroom will create a new public facility to serve the public.

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

**Finding 7:** The proposal will not cause an undue harmful effect on neighborhood character. The bulk, scale and density of the project are appropriate to the neighborhood. The proposed location and design were chosen to be attractive and scale-appropriate for the park and streetscape. There may be a minimal increase in traffic and short term parking on Lee Street, from increased visitors to the park.

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

**Finding 8:** The proposal will not affect the health, welfare or safety of the surrounding area. It will increase the health and welfare of the city as a whole by providing public restrooms in the downtown area.

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

**Finding 9:** The proposal will comply with all applicable regulations and conditions.

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

**Finding 10:** The proposal meets applicable goals and land use objectives of the Comprehensive Plan. The project supports the goal of a concentrated, pedestrian oriented, attractive business/commerce district.

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

**Finding 11:** The proposal complies with all applicable provisions of the Community Design Manual.

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

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

**Finding 12:** No special conditions are necessary

**FIRE DEPARTMENT COMMENTS:** Fire Chief Painter had no objections.

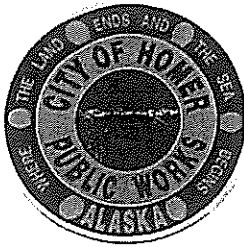
**STAFF COMMENTS/RECOMMENDATIONS:** Commission approve/deny with findings 1-12.

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

#### ATTACHMENTS

1. Application
2. Public Notice





**CITY OF HOMER  
PUBLIC WORKS DEPARTMENT**

Carey S. Meyer, P.E. - Director  
3575 Heath Street  
Homer, Alaska 99603

Telephone: (907)235-3170  
Fax: (907)235-3145

EMAIL : [cmeyer@ci.homer.ak.us](mailto:cmeyer@ci.homer.ak.us)

January 16th, 2013

Homer Planning Commission  
491 E. Pioneer  
Homer Ak., 99603


Re; Conditional Use Permit for Wisdom, Knowledge, Faith & Love Park (WKFL)

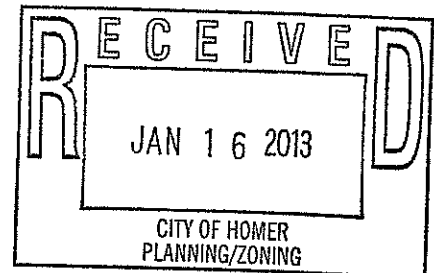
Dear Homer Planning Commission,

The City of Homer is seeking a Conditional Use Permit (CUP) for a public restroom to be located at Wisdom, Knowledge, Faith & Love Park (WKFL). This CUP would grant a setback reduction from 20 feet to 6 feet. The Parks & Recreation Commission selected this site which they believe is the best location for the restroom. Having limited space the Parks & Recreation Commission would like to maximize open space for gatherings and other park uses, this location would also minimize site disturbance and relocation of the Gazebo. This project is funded by the State of Alaska Cruise Ship Head Tax for the purpose of enhancing passenger experience while visiting the City of Homer.

Yours Very Truly,

**CITY OF HOMER**

  
Carey S. Meyer, P.E.  
City Engineer





# City of Homer Planning & Zoning

491 East Pioneer Avenue Telephone (907) 235-3106  
 Homer, Alaska 99603-7645 Fax (907) 235-3118  
 E-mail Planning@ci.homer.ak.us  
 Web Site www.ci.homer.ak.us

## Applicant

Name: City of Homer, Carey Meyer P.E. Telephone No.: 235-3170

Address: 3575 Heath St. Email: cmeyer@ci.homer.ak.us

## Property Owner (if different than the applicant):

Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

## PROPERTY INFORMATION:

Address: 580 E. Pioneer Lot Size: 0.31 ac acres KPB Tax ID # 17720204

Legal Description of Property: T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0750018

GLACIER VIEW SUB NO 1 REPLAT LTS 1 8 & 9 BLK 4 LOT 9-A

## For staff use:

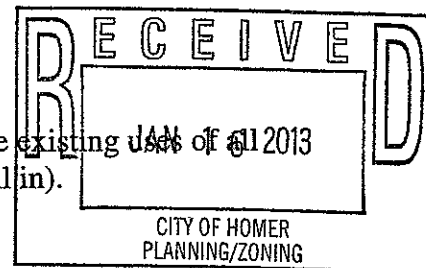
Date: \_\_\_\_\_ Fee submittal: Amount \_\_\_\_\_

Received by: \_\_\_\_\_ Date application accepted as complete \_\_\_\_\_

Planning Commission Public Hearing Date: \_\_\_\_\_

## Conditional Use Permit Application Requirements:

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



## Circle Your Zoning District

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

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

- ☒ Y ☐ N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: \_\_\_\_\_
- ☒ Y ☐ N Will your development trigger a Development Activity Plan?  
Application Status: \_\_\_\_\_
- ☒ Y ☐ N Will your development trigger a Storm water Plan?  
Application Status: \_\_\_\_\_
- ☒ Y ☐ N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: \_\_\_\_\_
- ☒ Y ☐ N Is your development in a floodplain? If yes, a Flood Development Permit is required.
- ☒ Y ☐ N Does your project trigger a Community Design Manual review?  
If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>
- ☒ Y ☐ N Do you need a traffic impact analysis?
- ☒ Y ☐ N Are there any nonconforming uses or structures on the property?
- ☒ Y ☐ N Have they been formally accepted by the Homer Advisory Planning Commission?
- ☒ Y ☐ N Do you have a state or city driveway permit? Status: Not required
- ☒ Y ☐ N Do you have active City water and sewer permits? Status: In Progress

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

**The Property is WKFL Park owned and managed by the City of Homer. There are no buildings on this property.**

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

**No change in property use.**

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

- a. What code citation authorizes each proposed use and structure by conditional use permit?  
**Reduction of property setback of 20'**
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. **WKFL park is within the CBD, the restroom will provide restroom facilities for park users, tourist, and citizens.**

- c. How will your proposed project affect adjoining property values? **Property improvements should increase adjoining property values. 1% public art will be incorporated into structure.**
- d. How is your proposal compatible with existing uses of the surrounding land? **Provides public facilities supporting pedestrian traffic.**
- e. Are/will public services adequate to serve the proposed uses and structures? **The property has access to water, sewer and electrical services. Police and Fire services are across the street.**
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected? **The funding for the proposed restrooms is from the State of Alaska's cruise ship head tax. It is anticipated that tourist will use these facilities which are principally pedestrians, no adverse traffic implications are anticipated due to this proposal.**
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole? **The proposed restroom will improve public health.**
- h. How does your project relate to the goals of the Comprehensive Plan?  
The 2006 Town Center Plan and the 2008 Comprehensive Plan are online at:  
<http://www.ci.homer.ak.us/documents/planning>  
**Chapter 4, Goal 3 Objective B: "Encourage high quality site design and buildings"; A professional architect is designing this restroom which will also incorporate City of Homer's 1% for arts program.**  
  
**Goal 4: Objective A: "Encourage...pedestrian oriented, attractive...district in the Central Business District (CBD)" The City of Homer believes that the restrooms meets this goal, the restroom will provide sanitary facilities for pedestrian and park users.**  
  
**Chapter 6, Goals and Objective for Public Services and Facilities Objective E: Park & Recreation, "Improve and provide quality parks and recreation facilities" The restroom satisfies this goal.**  
  
**Chapter 7, Goal 5: Objective A: "improve city parks" The restroom meets this requirement.**
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (circle each answer)
1. Y ☒ N ☐ Special yards and spaces.
  2. Y ☒ N ☐ Fences, walls and screening.
  3. Y ☒ N ☐ Surfacing of parking areas.
  4. Y ☒ N ☐ Street and road dedications and improvements (or bonds).
  5. Y ☒ N ☐ Control of points of vehicular ingress & egress.
  6. Y ☒ N ☐ Special provisions on signs.

7. Y/~~N~~ Lands ing.
8. ~~Y~~/~~N~~ Maintenance of the grounds, buildings, or structures.
9. Y/~~N~~ Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
10. Y/~~N~~ Time for certain activities.
11. Y/~~N~~ A time period within which the proposed use shall be developed.
12. Y/~~N~~ A limit on total duration of use.
13. Y/~~N~~ Special dimensional requirements such as lot area, setbacks, building height.
14. Y/~~N~~ Other conditions deemed necessary to protect the interest of the community.

## PARKING

1. How many parking spaces are required for your development? Zero

If more than 24 spaces are required see HCC 21.50.030(f)(1)(b).\_\_\_\_\_

2. How many spaces are shown on your parking plan? Zero

3. Are you requesting any reductions? \_\_\_\_\_

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

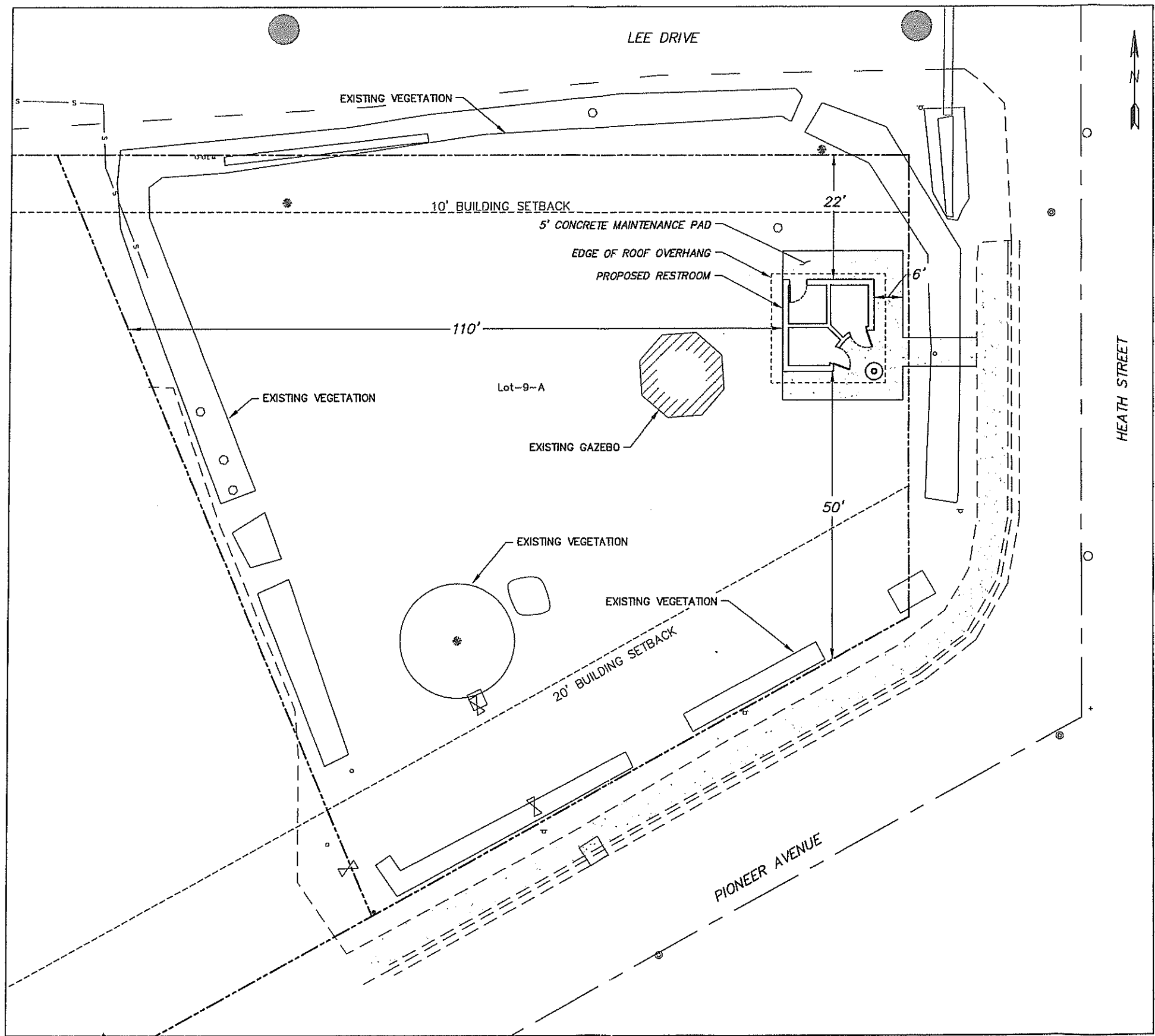
I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property:

**CIRCLE ONE:**      Owner of record      Lessee      Contract purchaser

Applicant signature: Carey Meyer      Date: 1/15/13

Property Owner's signature: [Signature]      Date: 1/29/13



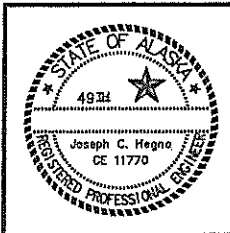


**RECEIVED**  
 JAN 16 2013  
 CITY OF HOMER  
 PLANNING/ZONING

**CRW**  
 ENGINEERING GROUP, LLC  
 3940 ARCTIC BLVD, SUITE 300  
 ANCHORAGE, ALASKA 99503  
 PHONE: (907) 582-3252  
 FAX: (907) 581-2273

GRAPHIC SCALE 0 10 20 30

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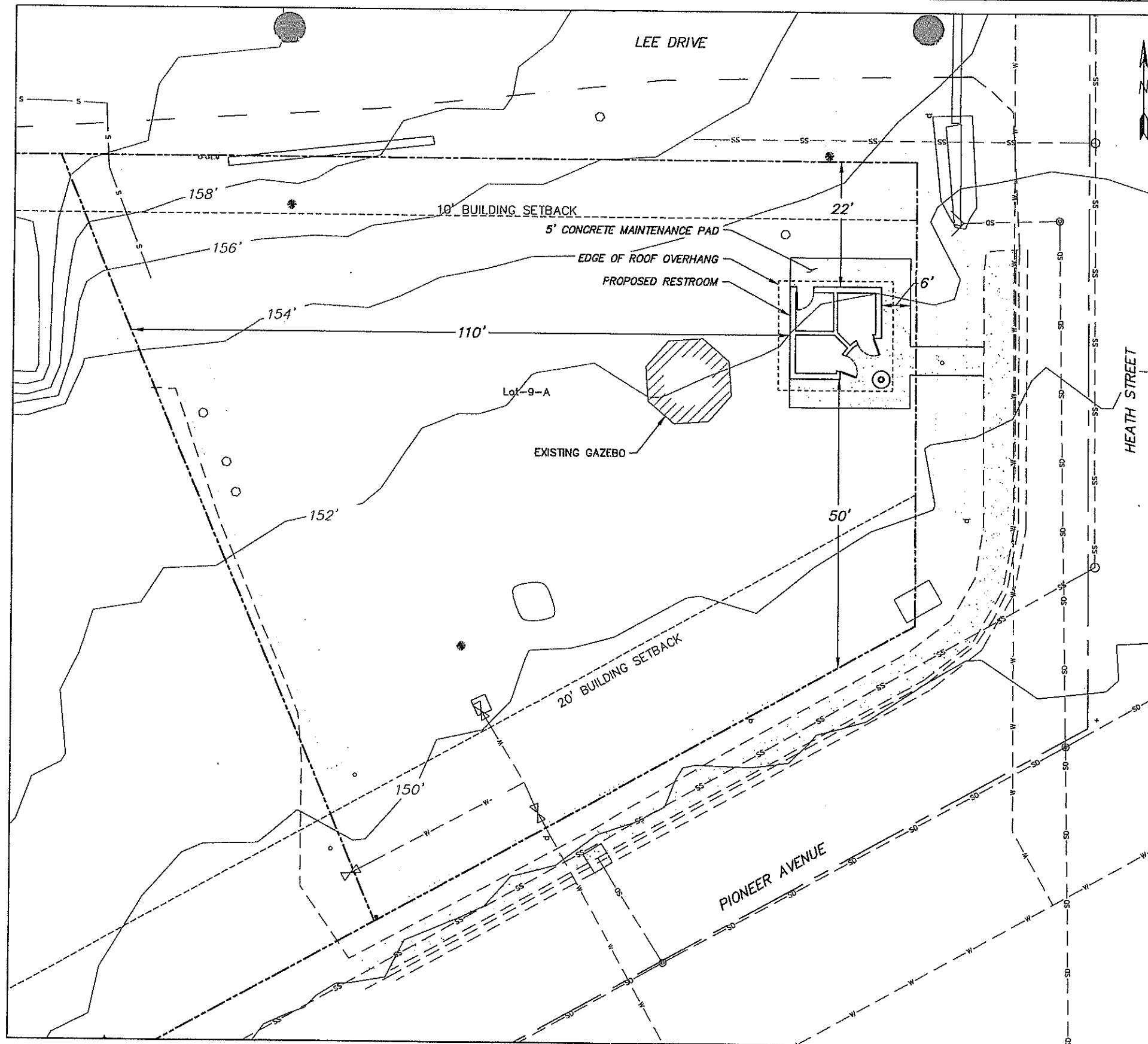


**CITY OF HOMER, ALASKA**  
 PUBLIC WORKS DEPARTMENT  
 3575 HEATH STREET  
 HOMER, ALASKA 99603  
 PHONE: (907) 235-3170  
 FAX: (907) 235-3145

SCALE  
 HOR. 1" = 10'  
 VER. N/A  
 DESIGNED BY JCH  
 DRAWN BY JCH  
 CHECKED BY  
 APPROVED BY

**CITY OF HOMER, ALASKA**  
 PUBLIC WORKS DEPARTMENT  
**HOMER RESTROOM FACILITIES IMPROVEMENTS**  
**SITE PLAN**  
 WKFL PARK (SITE 2)  
 STATUS: 65% DESIGN  
 DATE: JAN 2013

PROJECT NO. 20501.01  
 CITY GRID  
 WATER GRID  
 SEWER GRID  
 SHEET 2 OF X

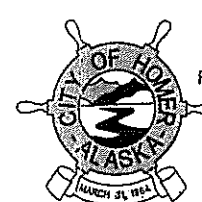
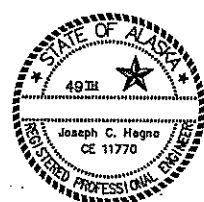


**RECEIVED**  
JAN 16 2013  
CITY OF HOMER  
PLANNING DEPARTMENT

**CRW**  
ENGINEERING GROUP, LLC  
3840 ARCTIC BLVD. SUITE 300  
ANCHORAGE, ALASKA 99503  
PHONE: (907) 562-3252  
FAX: (907) 561-2273

GRAPHIC SCALE

REVISION			
REV	DATE	DESCRIPTION	BY



CITY OF HOMER, ALASKA  
PUBLIC WORKS DEPARTMENT  
3575 HEATH STREET  
HOMER, ALASKA 99603  
PHONE: (907) 235-3170  
FAX: (907) 235-3145

SCALE  
HOR. 1" = 10'  
VER. N/A  
DESIGNED BY JCH  
DRAWN BY JCH  
CHECKED BY  
APPROVED BY

CITY OF HOMER, ALASKA  
PUBLIC WORKS DEPARTMENT  
**HOMER RESTROOM FACILITIES IMPROVEMENTS  
SITE PLAN**

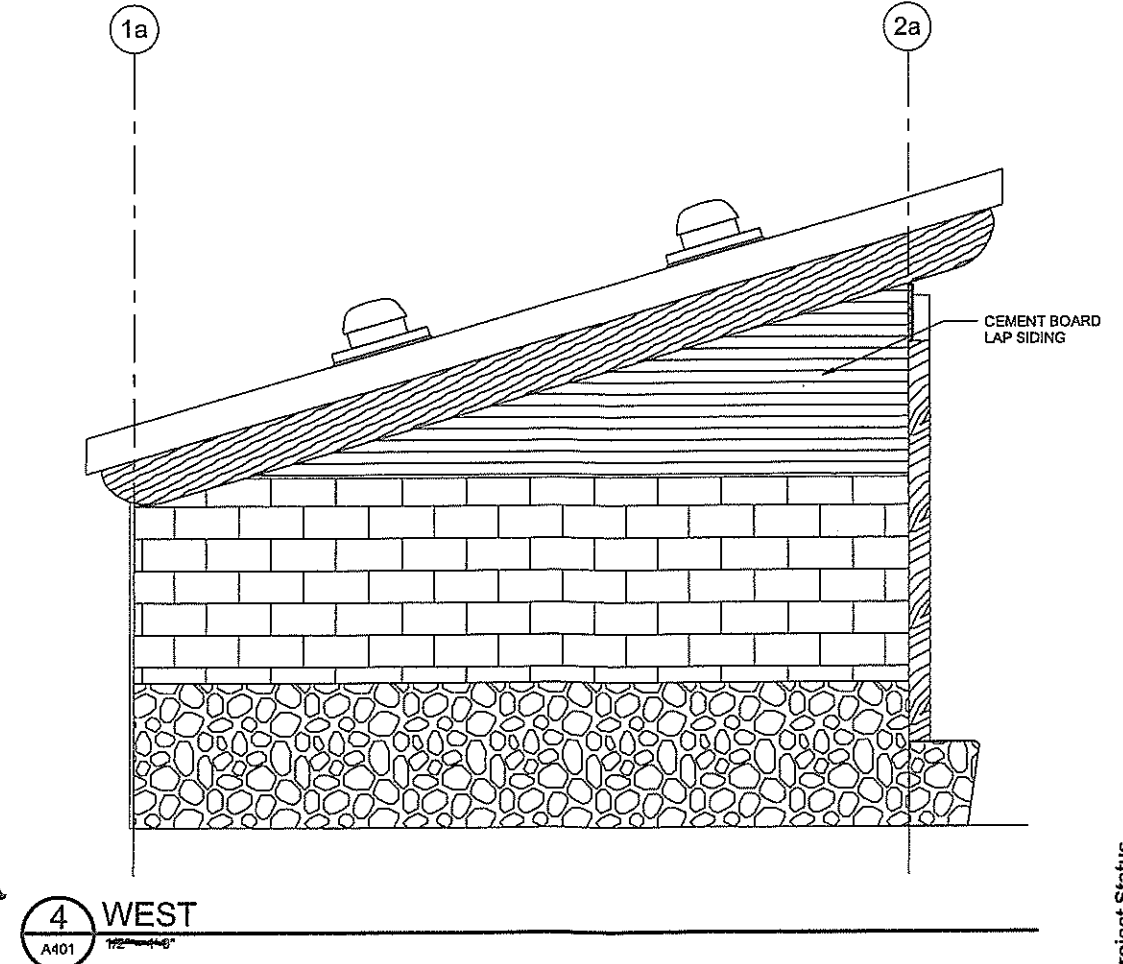
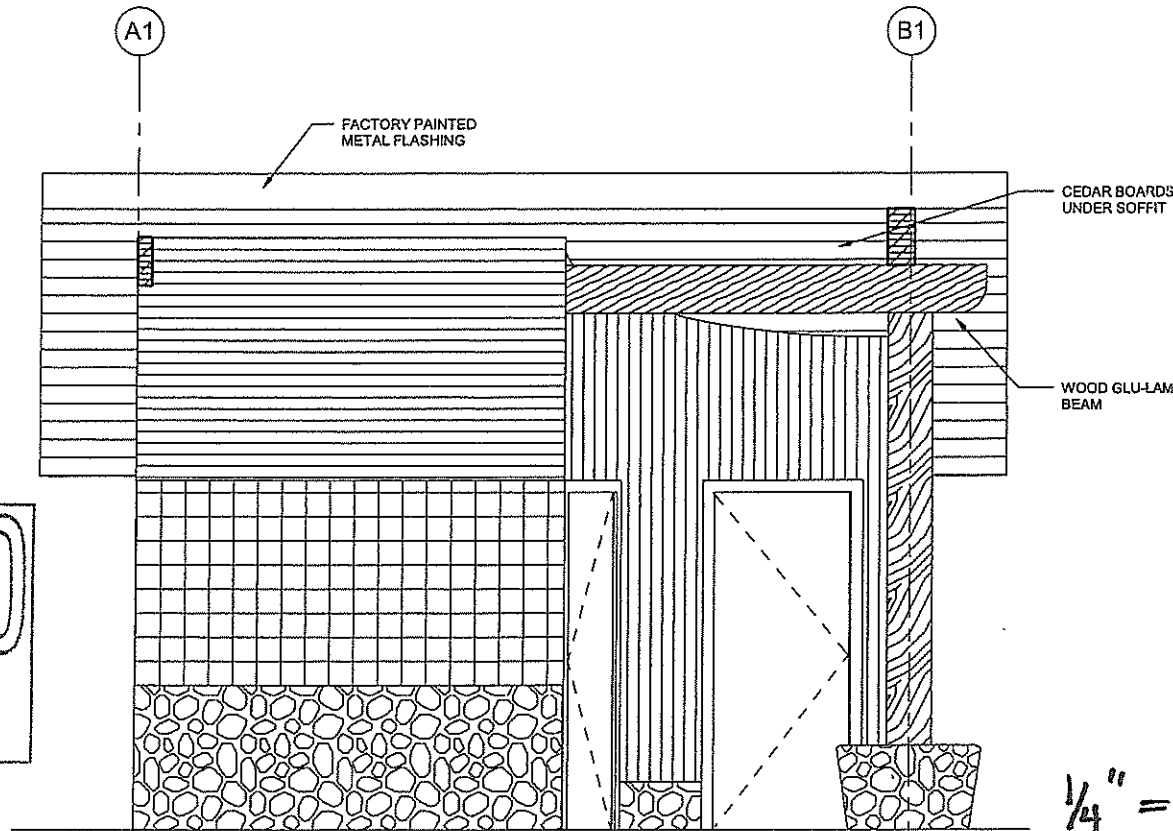
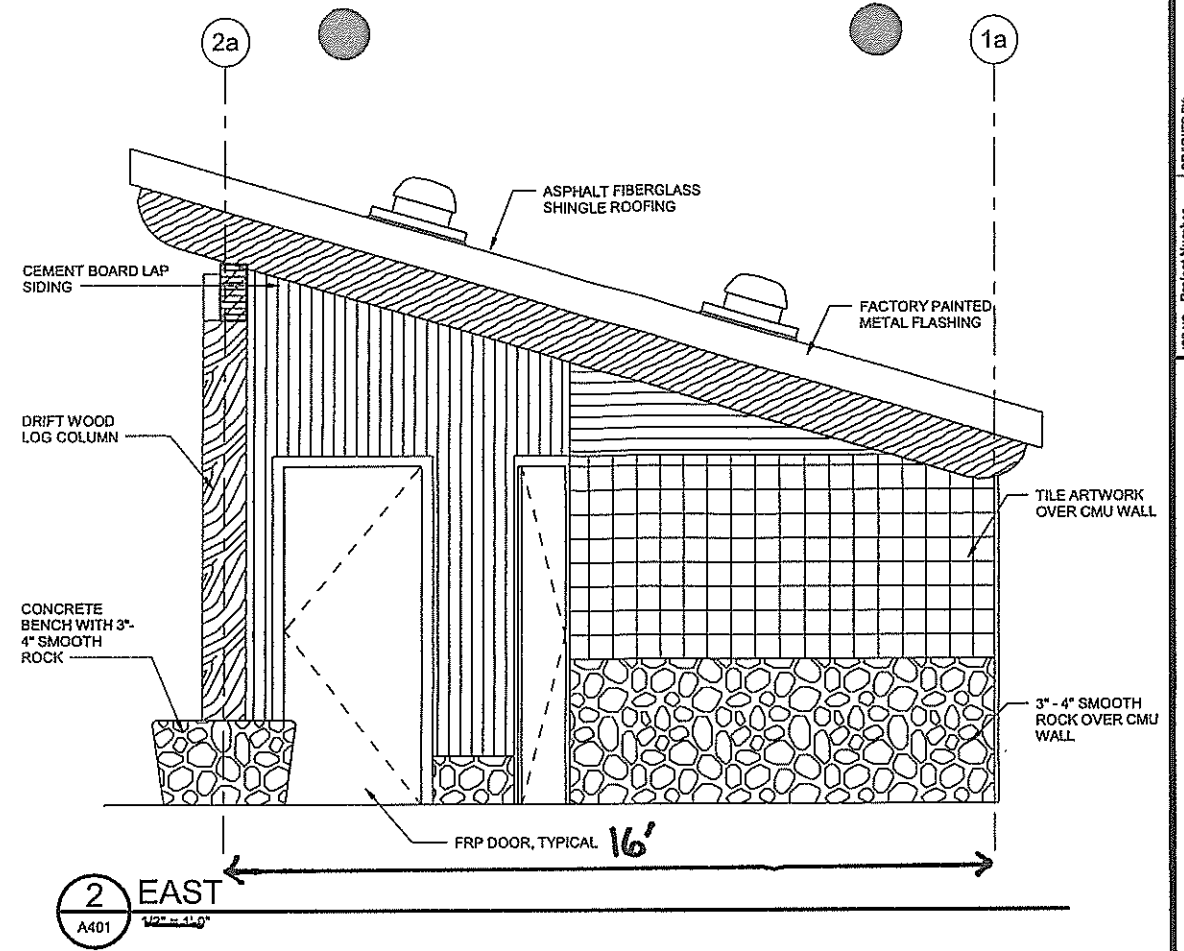
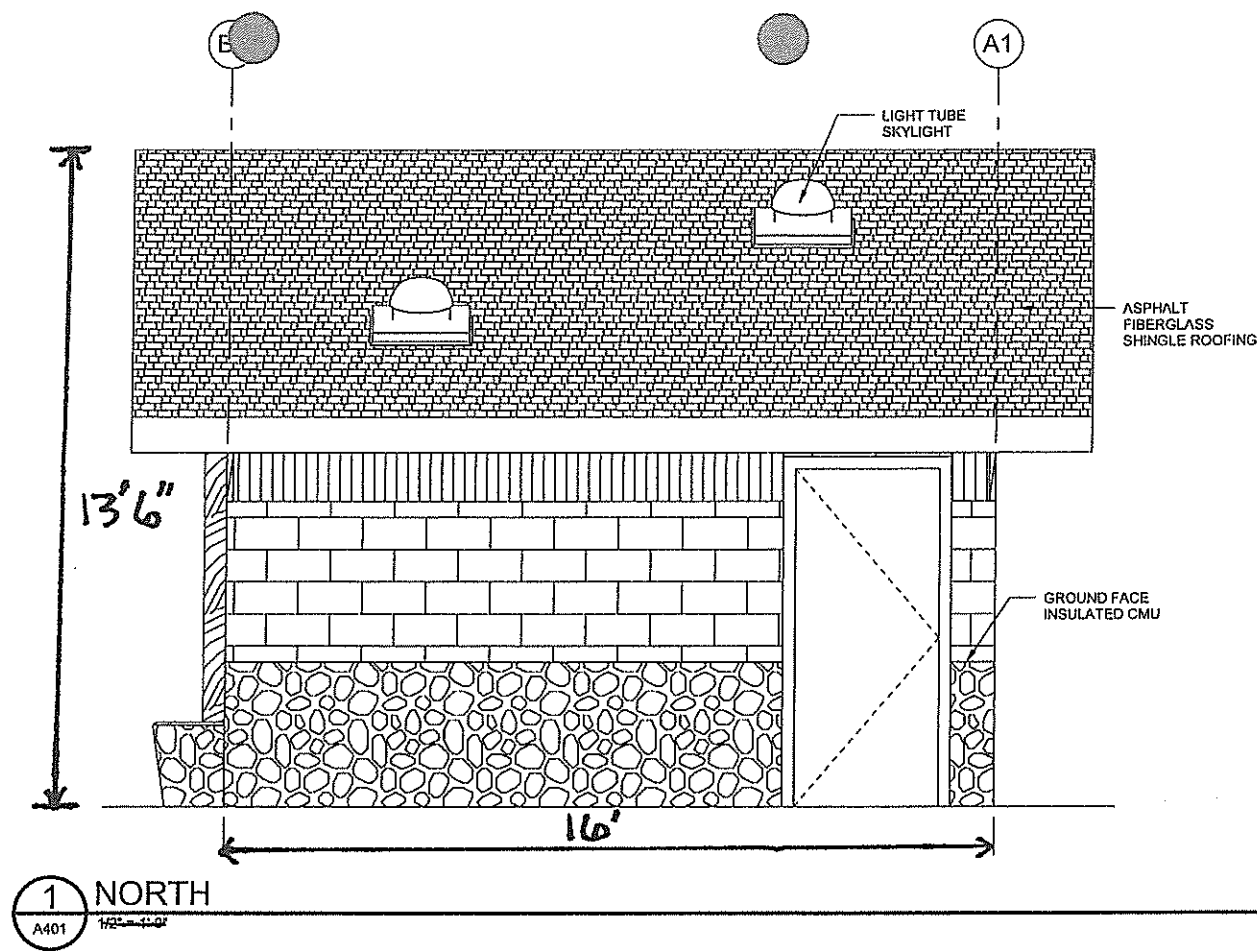
WKFL PARK (SITE 2)

STATUS: 65% DESIGN

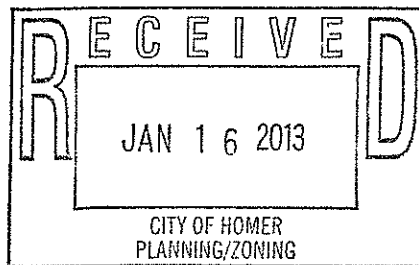
DATE: JAN 2013

PROJECT NO.  
20501.01  
CITY GRID  
WATER GRID  
SEWER GRID  
SHEET  
2  
OF  
X





1/4" = 1'  
WKFL RESTROOM



Job No.	Project Number	Revised By:
Proj. Mgr. Designer	Drawn By: Auditor	Proj. Mgr. Designer
Date:	Issue Date	Checker
		Revisions:

McCOOL CARLSON GREEN  
ARCHITECTURE INTERIOR DESIGN - SPACE PLANNING  
891 PHOTO AVENUE, ANCHORAGE, AK 99503-8174



Project Name  
Enter address here  
Owner

Project Status  
SHEET NO.  
**A401**

EXTERIOR ELEVATIONS



## **CORRECTED PUBLIC NOTICE**

(Corrected Portion Underlined)

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, February 6, 2013 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

A request for Conditional Use Permit (CUP) 13-01 for more than one building containing a permitted principal use on a lot pursuant to HCC 21.12.030(n). The owner wishes to build a second residence on this property located at 1401 Candlelight Ct, T 6S R 13W SEC 16 SEWARD SW HM 2006054 STREAM HILL PARK SUB UNIT 1 LOT 6.

A request for CUP 13-02 per HCC 21.30.030(a), a planned unit development. The City of Homer wants to build a Public Restroom and Guard Shack within the 20 ft. right-of-way setback located at 4667 Freight Dock Rd, adjacent to the Deep Water Dock. T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0970072 HOMER SPIT NO 6 8-D-1.

A request for CUP 13-03 for The City of Homer to build a Public Restroom within the 20 ft. right-of-way at Wisdom, Knowledge, Faith & Love (WKFL) Park per HCC 21.18.040(b)(4). The park is located at 580 E. Pioneer Ave, T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0750018 GLACIER VIEW SUB NO 1 REPLAT LTS 1 8 & 9 BLK 4 LOT 9-A

Anyone wishing to present testimony concerning these matters 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.

The complete proposals are available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Travis at the Planning and Zoning Office, 235-3106.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY.**

\*\*\*\*\*

PLEASE PUBLISH ONCE

ACCOUNT 100.130.5227

# Vicinity Map

High School

Fairview Ave

Request for new restroom to be built within the 20 foot building setback, at WKFL Park.

Police & Fire

Lee St

Pioneer Ave

Heath Street

KBC



*City of Homer*  
Planning and Zoning Department  
January 21, 2013

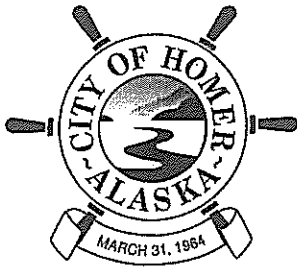
## Request for Conditional Use Permit 2013-03 at 580 E Pioneer Ave

Shaded lots are within 300 feet  
and property owners notified.

0 250 500  
Feet



*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)

## STAFF REPORT PL 13-07

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** February 6, 2013  
**SUBJECT:** Glacier View Subdivision 2013 Replat Preliminary Plat

**Requested Action:** Preliminary Plat approval for the vacation of a common lot line. This will combine two smaller lots into one larger lot.

## GENERAL INFORMATION

Applicants:	Melvyn Strydom 396 E Pioneer Ave Homer AK 99603	Seabright Survey+ Design Kenton Bloom, PLS 1044 East End Road, Suite A Homer, AK 99603
Location:	South side of Pioneer Ave immediately east of the Poopdeck Trail	
Parcel ID:	17720316, 17	
Size of Existing Lot(s):	7,500 square feet and 18,807 square feet	
Size of Proposed Lots(s):	26,218 square feet, or 0.6019 acres	
Zoning Designation:	Central Business District	
Existing Land Use:	Retail (Grog Shop) and parking lot	
Surrounding Land Use:	North: Commercial South: Residential East: Commercial West: Commercial	
Comprehensive Plan:	Goal 1 Objective B: Promote a pattern of growth characterized by a concentrated mixed use center, and a surrounding ring of moderate-to-high density residential and mixed use areas with lower densities in outlying areas.	
Wetland Status:	The 2005 wetland mapping shows no wetland areas.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available.	
Public Notice:	Notice was sent to 71 property owners of 89 parcels as shown on the KPB tax assessor rolls.	

## ANALYSIS:

This subdivision is within the Central Business District. This plat vacates the common lot line between the existing building and its parking lot.

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

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

*Staff Response: The plat meets these requirements.*

2. North point;

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements. Correct the lots shown in the vicinity map that are affected by this platting action.*

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

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

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements.*

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

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

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

*Staff Response: The plat meets these requirements.*

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

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

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

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

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

*Staff Response: The plat meets these requirements.*

**PUBLIC WORKS COMMENTS:** No recommendations.

**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 vicinity map to show the lots included in this replat.

**ATTACHMENTS**

1. Preliminary Plat
2. Surveyors letter
3. Public Notice





**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN TO BEFORE ME THIS

DAY OF \_\_\_\_\_, 2013.

FOR: \_\_\_\_\_

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES \_\_\_\_\_

**WASTEWATER DISPOSAL**

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

KENTON T. BLOOM, PLS

7968--S

DATE

**VICINITY MAP**

SCALE: 1" = 1000' U.S.G.S. QUAD. SELDOVIA (C-4 & C-5)

LOT 5

POINTEER AVE.

15' UTILITY EASEMENT

N 67°18'17" E

130.38'

15' UTILITY EASEMENT

S 22°43'30" E

150.00'

175.38'

UTILITY ALLEY

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**SEABRIGHT SURVEY + DESIGN**

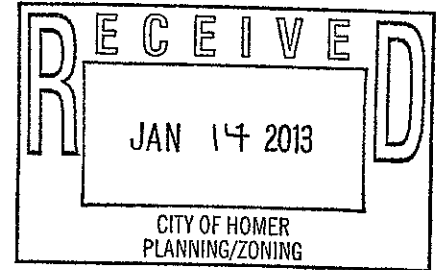
**Kenton Bloom, PLS**

1044 East Road Suite A

Homer, Alaska 99603

(907) 235-4247 (& fax)

seabrightz@yahoo.com



January 14, 2013

City of Homer  
Planning Dept.  
491 E. Pioneer  
Homer, Alaska 99603

**RE: Glacierview Subdivision 2013 Replat**

To Whom It May Concern:

Seabright Survey + Design is pleased to submit the preliminary plat for the  
**Glacierview Subdivision 2013 Replat**

We are providing you with a check for \$300.00 for platting review fees and two full size copies. Please find the PDF 11"x17" in an email for your review. We look forward to working with the City of Homer on this project within city limits. Thank you for your consideration. Please call with any questions or concerns.

Cordially,

A handwritten signature in black ink, appearing to read "Kenton Bloom".

Kenton Bloom, P.L.S.  
Seabright Survey + Design

## **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:

### **Glacier View Subdivision 2013 Replat**

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, February 6, 2013 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska.

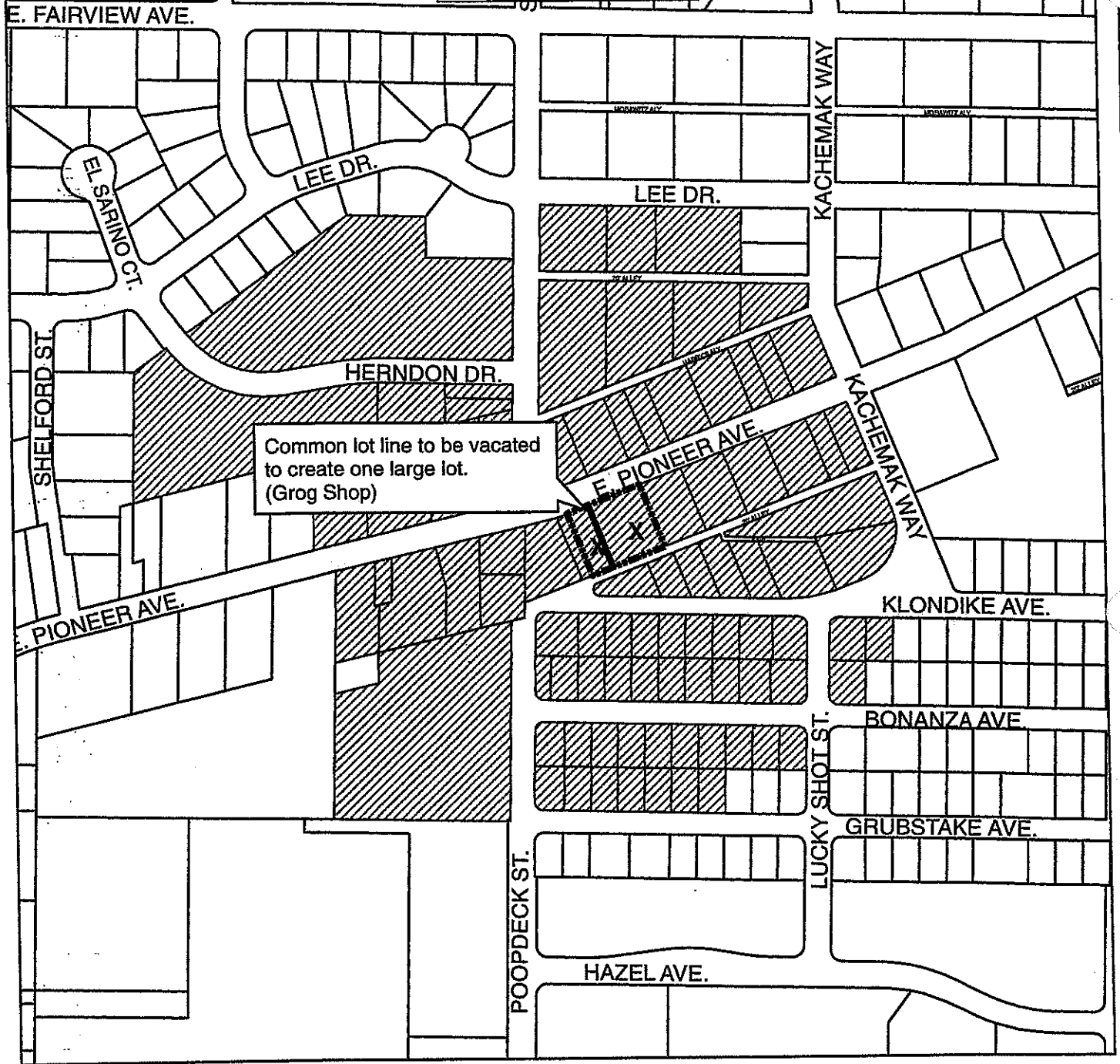
Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting. Written comments can be faxed to 907-235-3118.

For additional information, please contact Julie Engebretsen in the City of Homer Planning and Zoning Office at 435-3119.

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

**VICINITY MAP ON REVERSE**

# Vicinity Map



**City of Homer**  
**Planning and Zoning Department**  
 January 21, 2013

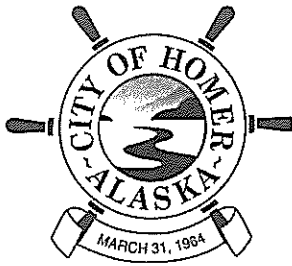
## Glacier View Subdivision 2013 Replat Preliminary Plat

Shaded lots are within 500 feet  
 and property owners notified.

0 250 500  
 Feet



**Disclaimer:**  
 It is expressly understood the City of  
 Homer, its council, board,  
 departments, employees and agents are  
 not responsible for any errors or omissions  
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City of Homer  
Planning & Zoning  
491 East Pioneer Avenue  
Homer, Alaska 99603-7645

Telephone (907) 235-8121  
Fax (907) 235-3118  
E-mail [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
Web Site [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

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## STAFF REPORT PL 13-14

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** Feb. 6, 2013  
**SUBJECT:** Amending the HAPC Bylaws & Policies and Procedures

### **Policies and Procedures/Bylaws**

#### ***Public Testimony at Public Hearings***

I have been consulting with the City Attorney about our procedure in the bylaws regarding holding public hearings. When she reviews the current procedure, she finds them appropriate. If this is the case, perhaps we could benefit from a discussion about holding public hearings. I was hoping to have Holly available at this meeting but she is hopefully enjoying a well-deserved vacation. She is scheduled to hold a Planning Commissioner training at the worksession, March 6<sup>th</sup>.

We are having several public hearings between now and then and it would be good to take note of the specific concerns you may have with our script so that you may discuss them with Holly. She did remind me of my thought that it is the applicant's duty to make the case for approval of their proposal. The Planning Office does do all it can (and in the eyes of some, too much) to assist with the proposals we may receive. We are a small town though and we do wish to provide all the assistance we are able to help people get through the 'red tape'. As Commissioner's, you can do your best to prepare for the various proposals coming before you. Please ask about anything that you see as unclear. When you can, talk to staff prior to the meeting in case you bring up something that requires further research. Currently, Commissioner's do have the ability to ask questions of the staff and applicant after any rebuttal of evidence. This discussion is to be continued.

#### ***Zoning Ordinance Amendments – Review Standards***

The review standards are found on page 8 of 9 in the Policies and procedures. Lines 338-346 will be struck and replaced with **In reviewing a code amendment or map amendment, the Commission must consider the standards of review as established in HCC 21.95.**

#### ***Representing the Planning Commission***

Based on our discussion from the previous meeting I am bringing back some suggested language for your review. The attachment is not numbered in ordinance form but you will find the proposed changes under "S" in the Bylaws. If so desired, the Clerk has included a schedule for Planning Commissioners as the next agenda item.

Please take time to review both the bylaws and policies and procedures for any comments or suggestions you may have for the rest of these documents.

Att.

Feb. 6, 2013 Draft Bylaws & Feb. 6, 2013 Draft Policy and Procedures

( )

( )

( )

**HOMER ADVISORY PLANNING COMMISSION**  
**Feb. 6, 2013 Draft BY-LAWS**

The Homer Advisory Planning Commission is established with those powers and duties as set forth in Title 1, Section 76, of the Homer City Code. The Commission is established to maximize local involvement in planning and to implement and recommend modifications to the Homer Zoning Ordinance, Title 21, and Subdivisions, Title 22. The Commission's jurisdiction is limited to the area within the City boundaries and that area designated as the Homer Bridge Creek Watershed Protection District.

The Homer Advisory Planning Commission ("Commission") consists of seven members; no more than one may be from outside the city limits. Members will be appointed by the Mayor subject to confirmation by the City Council for three-year terms (except to complete terms). The powers and duties of the Commission are described in HCC 1.76.030.

A. To abide by existing Alaska State law, Borough Code of Ordinances, where applicable, and Homer City Code pertaining to planning and zoning functions;

B. To abide by Robert's Rules of Order, so far as this treatise is consistent with Homer City Code;

C. Regular Meetings:

All Commission members should be physically present at the designated time and location within the City for the meeting. Teleconferencing is not permitted.

1. First and third Wednesday of each month at 6:30 p.m.
2. Agenda deadline is two weeks prior to the meeting date at 5:00 p.m. Agenda items requiring public hearing must be received three weeks prior to the Commission hearing. However, conditional use applications may be scheduled for public hearing in accordance with HCC 21.94. Preliminary plats must be submitted the Friday two weeks before the Commission meeting.
3. Items will be added to the agenda upon request of staff, the Commission or a Commissioner.
4. Public notice of a regular meeting shall be made as provided in HCC Chapter 1.14
5. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by vote of the Commission.  
Procedure: The Chair will entertain a motion to extend the meeting until a specific time. After the motion has been seconded, the Commission will vote. A yes vote will extend the meeting until the specified time. A no vote will require that the Chair conclude business at or before 9:30 pm and immediately proceed to comments of the audience, the Commission and adjournment.

47  
48 **D. Special Meetings:**  
49

50 All Commission members should be physically present at the designated time and  
51 location within the City for the meeting. Teleconferencing is not permitted.  
52

- 53 1. Called by Chair or majority of the Commission.  
54 2. Require reasonable notification be given to the Planning Department staff  
55 and twenty-four hour notice to Commissioners.  
56 3. Public notice of a special meeting shall be made as provided in HCC  
57 Chapter 1.14  
58

59 **E. Duties and Powers of the Officers:**  
60

61 A Chair and Vice-Chair shall be selected annually in August or as soon thereafter  
62 as practicable by the appointive members. The Chair shall preside at all meetings  
63 of the Commission, call special meetings in accordance with the by-laws, sign  
64 documents of the Commission, see that all actions and notices are properly taken,  
65 and summarize the findings of the Commission for the official record. The Vice-  
66 Chair shall perform all duties and be subject to all responsibilities of the Chair in  
67 his/her absence, disability or disqualification of office. The Vice-Chair will  
68 succeed the Chair if he/she vacates the office before the term is completed to  
69 complete the un-expired term. A new Vice-Chair shall be elected at the next  
70 regular meeting.  
71

72 **F. Committees**  
73

- 74 1. The Chair shall appoint committees for such specific purposes as the  
75 business of the Commission may require. Committee appointments will be  
76 confirmed by the Commission. Committee membership shall include at  
77 least two Commissioners. Other Committee members may be appointed  
78 from the public.  
79 2. One Committee member shall be appointed Chair and be responsible for  
80 creating an agenda and notifying the City Clerk of meetings so they may  
81 be advertised in accordance with Alaska State Law and Homer City Code.  
82 3. One Committee member shall be responsible for furnishing summary  
83 notes of all Committee meetings to the City Clerk.  
84 4. Committees shall meet in accordance with Commission bylaws and  
85 Robert's Rules.  
86 5. All committees shall make a progress report at each Commission meeting.  
87 6. No committee shall have other than advisory powers.  
88 7. Per Robert's Rules, upon giving a final report, the Committee is  
89 disbanded.  
90  
91  
92



93 **G. Motions to Reconsider:**

94  
95 Notice of reconsideration shall be given to the Chair or Vice-Chair, if the Chair is  
96 unavailable, within forty-eight hours from the time the original action was taken.  
97 A member of the Commission who voted on the prevailing side on any issue may  
98 move to reconsider the commission's action at the same meeting or at the next  
99 meeting of the body provided the above 48-hour notice has been given.  
100 Consideration is only for the original motion to which it applies. If the issue  
101 involves an applicant, staff shall notify the applicant of the reconsideration.  
102

103 **H. Conflict of Interest:**

104  
105 A member of the Commission shall disqualify himself/herself from participating  
106 in any official action in which he/she has a substantial **financial** interest per HCC  
107 1.12. The member shall disclose any financial interest in the topic before debating  
108 or voting. The member cannot participate in the debate or vote on the matter,  
109 unless the Commission has determined the financial interest is not substantial.  
110

111 Following the Chair's announcement of the agenda item, the Commissioner  
112 should state that he has a conflict of interest. Once stated, the member should  
113 distance himself/herself from all motions. The Commission must move and vote  
114 on whether or not there is a conflict of interest. At this time, a motion shall be  
115 made by another Commissioner restating the disclosed conflict. Once the motion  
116 is on the floor the Commissioner can disclose his/her financial interest in the  
117 matter and the Commission may discuss the conflict of interest. A vote will then  
118 be taken. An affirmative vote excuses the Commissioner and he/she takes a seat  
119 in the audience or remains nearby. Upon completion of the agenda item, the  
120 Commissioner will be called back to join the meeting.  
121

122 **I. Situation of personal interest**

123  
124 A situation of personal interest may arise. For example, a Commissioner may live  
125 in the subject subdivision or may be a neighboring property owner. If the  
126 Commissioner feels that by participating in the discussion he/she may taint the  
127 decision of the Commission, or be unable to make an unbiased decision, the  
128 Commissioner should state his/her personal interest. The same procedure as  
129 above should be followed to determine the conflict.  
130

131 **J. Ex parte Communications**

132  
133 Ex parte contacts are not permitted in quasi-judicial actions. Ex parte  
134 communications can result in a violation of procedural due process. If a  
135 Commissioner finds him/herself about to be involved in ex parte contact the  
136 Commissioner should recommend that the citizen submit their comments in  
137 writing to the Commission or testify on record. If a Commissioner has been  
138 involved in an ex parte contact, the contact and its substance should be disclosed

at the beginning of the hearing. The Commissioner should state whether or not s/he thinks s/he can make an unbiased decision.

**K. Quorum; Voting:**

Four Commission members shall constitute a quorum. Four affirmative votes are required for the passage of an ordinance, resolution or motion. Conditional use permits and zoning variances require a majority plus one vote. Voting will be by verbal vote, the order to be rotated. The final vote on each resolution or motion is a recorded roll call vote or may be done in accordance with J. Consensus. For purposes of notification to parties of interest in a matter brought before the Commission, the Chair may enter for the record the vote and basis for determination.

The City Manager, or his/her designee and Public Works Director shall serve as consulting members of the Commission but shall have no vote.

**L. Findings:**

Findings will be recorded for conditional use permits, variances, acceptance of nonconforming status and zoning ordinance amendments. The findings will include the result of the vote on the item and the basis of determination of the vote, as summarized by the Chair or Vice-Chair, in the absence of the Chair.

**M. Consensus:**

The Commission may, from time-to-time, express its opinion or preference concerning a subject brought before it for consideration. Said statement, representing the will of the body and meeting of the minds of the members may be given by the presiding officer as the consensus of the body as to that subject without taking a motion and roll call vote.

**N. Abstentions:**

All Commission members present shall vote unless the Commission, for special reasons, permits a member to abstain. A motion to excuse a member from voting shall be made prior to the call for the question. A member of the Commission requesting to be excused from voting may make a brief oral statement of the reasons for the request and the question of granting permission to abstain shall be taken without further debate. An affirmative vote of the Commission excuses the Commissioner. A member may not explain a vote or discuss the question while the roll call vote is being taken. A member may not change his/her vote thereafter.

185 **O. Vacancies:**

186  
187 A Commission appointment is vacated under the following conditions and upon  
188 the declaration of vacancy by the Commission. The Commission shall declare a  
189 vacancy when the person appointed:

- 190  
191 1. Fails to qualify;  
192 2. Fails to take office within thirty days after his/her appointment;  
193 3. Resigns and the resignation is accepted;  
194 4. Is physically or mentally unable to perform the duties of his/her office;  
195 5. Misses three consecutive or six regular meetings in a calendar year; or  
196 6. Is convicted of a felony or of an offense involving a violation of his/her  
197 oath of office.  
198

199 **P. Procedure for Consideration of Agenda Items:**

200  
201 The following procedure will normally be observed:

- 202  
203 1. Staff presents report and makes recommendation;  
204 2. If the agenda item involves an applicant s/he may make a presentation;  
205 3. Commission may ask questions of the applicant and staff.  
206

207 **Q. Procedure for Consideration of Public Hearing Items:**

- 208  
209 1. Staff presents report and makes recommendation;  
210 2. Applicant makes presentation;  
211 3. Public hearing is opened;  
212 4. Public testimony is heard on item (presentation of supporting/opposing  
213 evidence by public – Commission may ask questions of public);  
214 5. Public hearing is closed;  
215 6. Rebuttal of evidence by staff (if any);  
216 7. Rebuttal of evidence by applicant (if any);  
217 8. Commission may ask questions of the applicant, and staff.  
218 9. The Commission will move/second to accept the staff report, with or  
219 without staff recommendations. The Commission will discuss the item,  
220 may ask questions of staff, and make amendments to the recommendations  
221 of staff. Amendments may be made by motion/second.  
222 10. The Commission may continue the topic to a future meeting. Once the  
223 public hearing is closed no new testimony or information will be accepted  
224 from the public. The Commission may ask questions of the applicant and  
225 staff.  
226  
227  
228  
229  
230

231 **R. Procedure for Consideration of Preliminary Plats :**

232 The following procedure will normally be observed:

- 233
- 234 1. Staff presents report and makes recommendations;
  - 235 2. Applicant makes presentation;
  - 236 3. Public comment is heard on the item;
  - 237 4. Applicant may make a response;
  - 238 5. Commission may ask questions of applicant, public and staff.
- 239

240

241 **S. Representing the Commission:**

242 The Commission shall act as a body. A member, when representing the

243 Commission may speak or act for the Commission in accordance with the

244 recommendation or direction taken by the Commission. The Chair or

245 Chair's designee shall serve as the official spokesperson of the Commission.

246 Or

247

248 The Commission shall act as a body. A member, when representing the

249 Commission may not speak or act for the Commission without

250 recommendation or direction given by the Commission. The Chair or

251 Chair's designee shall serve as the official spokesperson of the Commission.

252

253

254 **ST. By-Laws Amended:**

255

256 The by-laws may be amended at any meeting of the Commission by a majority

257 plus one of the members, provided that notice of said proposed amendment is

258 given to each member in writing. The proposed amendment shall be introduced at

259 one meeting and action shall be taken at a subsequent Commission meeting. The

260 by-laws will be endorsed by a resolution of the City Council.

261

262 **TU. Procedure Manual:**

263

264 The policy and procedure manual will be endorsed by resolution of the City

265 Council and may be amended at any meeting of the Commission by a majority

266 plus one of the members, provided that notice of said proposed amendment is

267 given to each member in writing. Proposed amendments to the procedure manual

268 shall be introduced at one meeting and action shall be taken at a subsequent

269 Commission meeting.

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

DATE  
WEDNESDAY AT 6:30 P.M.  
COWLES COUNCIL CHAMBERS

**REGULAR MEETING  
AGENDA**

**1. Call to Order**

**2. Approval of Agenda**

**3. Public Comment**

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

**4. Reconsideration**

**5. Adoption of Consent Agenda**

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

**6. Presentations**

**7. Reports**

**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**

**10. Pending Business**

**11. New Business**

**12. Informational Materials**

**13. Comments of The Audience**

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

**14. Comments of Staff**

**15. Comments of The Commission**

**16. Adjournment**

Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission. Notice of the next regular or special meeting or work session will appear on the agenda following "adjournment."



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# Policies and Procedures Homer Advisory Planning Commission



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**Feb. 6, 2013 Draft**

12

## **QUALIFICATION STATEMENT**

13 Nothing in this chapter should be considered in lieu of any applicable laws and procedures found in the  
14 Alaska State Statutes, the Kenai Peninsula Borough Code of Ordinances, where applicable, or the Homer  
15 City Code.

16  
17  
18  
19

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36

## **INTRODUCTION**

37 The purpose of this policy manual is to clarify the role of the Homer Advisory Planning Commission  
38 ("Commission") in administration of the Homer Zoning Ordinance, Title 21, and Subdivisions, Title 22.  
39 Further, this manual describes policies for the Commission that are supplementary or explanatory to the  
40 requirements of Homer City Code.

41  
42 This manual is divided into sections, which explain the policies for administering and implementing the  
43 land use permitting ordinances and the zoning ordinance.

44  
45 The policy and procedure manual will be endorsed by resolution of the City Council and may be amended  
46 at any meeting of the Commission by a majority plus one of the members, provided that notice of the  
47 proposed amendment is given to each member in writing. Proposed amendments to the procedure manual  
48 shall be introduced at one meeting and action shall be taken at a subsequent Commission meeting.

## 51 52 **PUBLIC TESTIMONY AND COMMENT**

53  
54 The Commission invites citizen participation regarding matters brought before it for consideration.

55  
56 For any public participation before the Commission, the citizen should walk to the microphone located at  
57 the rostrum directly in front of the Commission podium, sign in, and after receiving recognition from the  
58 Chair, state his/her name and address and purpose for appearing. Comments are limited to three minutes.  
59 In special circumstances, this time limit may be extended by two minutes by the Chair with concurrence  
60 of the body. Items that generate a large amount of citizen interest may be taken out of their regular  
61 position on the agenda at the discretion of the Commission as an accommodation to the public. Moving  
62 these items on a published agenda will be done at the beginning of the meeting, during the adoption of the  
63 agenda.

### 64 65 **Comment time limits**

66 Comments and testimony are limited to three minutes. In special circumstances, this time limit may be  
67 adjusted by two minutes up or down by the Chair with concurrence of the body.

### 68 69 **Public Comment**

70 Any citizen desiring to speak on any matter other than public hearing items or preliminary plats on the  
71 agenda may do so under "Public Comments." After the public comment period is introduced, the Chair  
72 may recognize any member of the public who wishes to address the Commission. No official action will  
73 be taken by the Commission under this item.

### 74 75 **Public Hearings and Plats**

76 The public may comment on public hearing items and preliminary plats when those agenda items are  
77 addressed by the commission. These are generally items eight and nine on the regular agenda.

### 78 79 **Comments on topics not on the agenda**

80 Any citizen desiring to speak on a matter not on the agenda may do so under "Comments of the  
81 Audience," item number thirteen on the regular agenda.

## 82 83 84 85 **DELIBERATION of QUASI-JUDICIAL DECISIONS**



When making a quasi judicial decision, the Commission may choose to deliberate at an open meeting, or may choose to meet at a time, date and location set by the Commission. Such a meeting for deliberations only is not subject to the Open Meetings Act and is not required to be open to the public.

## **APPEALS (Quasi Judicial)**

### **PURPOSE**

The purpose of review of appeals before the Commission is to ascertain that errors of fact or interpretation have not been made pertaining to zoning matters. Generally, appeals to the Commission will be appeals of a determination, decision, or permitting matter decided upon by the City Planner.

The City Council, sitting as the Board of Adjustment, hears appeals of decisions made by the Commission. For example, conditional use permits, variance, etc, can be appealed to the Board of Adjustment, or a matter that was appealed to the Commission can be further appealed to the Board of Adjustment.

### **Public Hearing**

Appeals before the Commission require a public hearing. Notice of the public hearing will be in accordance with HCC 21.93 and HCC 21.94.

### **Review Standards**

In reviewing an appeal request, the Commission will consider:

1. Documentation of evidence;
2. The Record of Appeal; and
3. Controlling sections of Chapter 21 Homer City Code;
4. Any new evidence or testimony presented during the public hearing.

Once the public hearing is closed, the Commission cannot hear additional comments on the topic.

### **Determination**

All decisions will be in writing. The officially adopted minutes shall be made part of the decision. A specific statement of findings and reasons supporting the decision shall be made. Copies of the decision will be promptly mailed to the persons participating in the appeal.

An appeal from an action or determination of the Commission is to be filed with the city clerk within thirty days of the distribution of the decision document.

## **REVIEW OF BRIDGE CREEK WATERSHED PROTECTION DISTRICT**

### **PURPOSE**

The Commission may approve development within the Bridge Creek Watershed Protection District (BCWPD) subject to the standards provided in the zoning ordinance and in compliance with the Comprehensive Plan, for those uses or structures specified within the Bridge Creek Watershed Protection District ordinance. The purpose is to prevent the degradation of the water quality and protect the Bridge Creek Watershed to ensure its continuing suitability as a water supply source for the City's public water

utility. These provisions benefit the public health, safety, and welfare of the residents of the City of Homer and other customers of the city's water system by restricting land use activities that would impair the water quality, or increase the cost for treatment.

#### **Conditional Use**

A conditional use permit may be issued in accordance with Chapter 21.61 and subject to the requirements of the Bridge Creek Watershed Protection District Chapter 21.40.060 Conditional uses and structures, and/or Chapter 21.40.080 Erosion sediment control, Chapter 21.40.090 Agricultural activity, Chapter 21.40.100 Timber growing and harvesting operations, Chapter 21.40.110 Stream buffers, and Chapter 21.40.130 Exceptions to buffers.

#### **Preliminary Plats**

The Commission will review and comment on all subdivision proposals within the Bridge Creek Watershed Protection District.

## **REVIEW POLICIES FOR CONDITIONAL USE PERMITS (Quasi -Judicial)**

#### **PURPOSE**

It is recognized that there are certain uses which are generally considered appropriate in a district, provided that controls and safeguards are applied to ensure their compatibility with permitted principal uses. The conditional use permit procedure is intended to allow Commission consideration of the impact of the proposed conditional use on surrounding property and the application of controls and safeguards. This procedure assures that the conditional use will be compatible with the surrounding area and in keeping with the character and integrity of the neighborhood.

#### **Public Hearing**

A public hearing before the Commission is required before a conditional use permit may be granted. Notice of the public hearing will be in accordance with HCC 21.94.

#### **Review Standards**

The Commission has 45 days from the close of the public hearing to make a decision on a conditional use permit application. The applicant may agree, in writing, to the extension of the 45 day time period for Commission action.

The Commission may approve, approve with conditions, or disapprove an application. The Commission must prepare written findings and reasons supporting its decision. Approval of a conditional use permit requires five yes votes. If a conditional use permit is denied, the written findings and reasons for that decision will be approved by those who voted against the permit, even if the number against is less than a majority of the Commission.

**Specific conditions may be required.** Such conditions will be part of the terms under which the conditional use permit is granted and violations of such terms shall be deemed a violation of this ordinance. Failure to meet any time limitations imposed by the conditional use permit shall void the permit. An extension may be granted following a public hearing on the matter. Extensions will be granted for good cause only.

The development of the conditional use project or site, following issuance of the permit, will be in accordance with the conditions of the permit, standards of the zoning regulations and/or the approved site plan. Failure to observe any conditions or standards will be deemed a violation.

188  
189 **Determination**

190 The Commission must make findings of fact sufficient to support its decision. Upon determination the  
191 Commission will document the decision and the basis for decision. The petitioner will be notified by mail  
192 by a copy of the meeting minutes and the decision documentation.

193  
194 **Appeals**

195 The Commission Chair will alert the petitioner and other interested parties in attendance that an appeal of  
196 the Commission's decision is possible and that the appeal must be filed within thirty days of the  
197 distribution of the decision document.

198  
199  
200 **NONCONFORMITY REVIEW POLICIES**

201  
202 **PURPOSE**

203 The Commission shall review and determine the nonconformity of certain structures and uses. The  
204 purpose of review is to establish the commencement date of use, establish the effective date of applicable  
205 regulations, formally accept the nonconformity and/or establish a reasonable schedule for termination of a  
206 nonconformity which significantly impairs the public health, safety and general welfare.

207  
208 City code states which nonconformities are reviewed by the City Planner and which are reviewed by the  
209 Commission. Generally, the Commission will be reviewing nonconforming uses within the city,  
210 excluding the areas annexed on March 20, 2002.

211  
212 **Public Hearing**

213 The Commission shall conduct a public hearing per HCC 21.94.

214  
215 **Review Standards**

216 It shall be the responsibility of the owner to show proof of continuing nonconformity of any property, use  
217 or structure.

218  
219 Prior to determining the nonconformity of a use or structure, the Commission will determine:

- 220  
221 1. The commencement date of use;  
222 2. The effective date of applicable regulations.

223  
224 There may exist uses, or structures which were legal before the effective date of the controlling  
225 regulation, but which are now prohibited under the terms of the existing ordinance. See HCC 21.61.040.

226  
227 To avoid undue hardships, actual construction lawfully begun prior to the effective date of the zoning  
228 ordinance will be allowed to continue provided the work will be carried on diligently. Actual  
229 construction is defined as the placement of materials in a permanent position and fastened to produce a  
230 product.

231  
232  
233  
234  
235 **Nonconforming Uses of Land/Structures**

When a lawful structure exists prior to September 28, 1982, but does not meet the district or ordinance requirements, it shall be considered nonconforming. Nonconforming structures may be continued and/or expanded only on the legal lot.

Legally existing structures are those that:

1. Exist prior to effective date of Ordinance 4-300-2 (Interim Zoning Ordinance) dated June 13, 1966.
2. Exist prior to effective date of Ordinance No. 33 (Kenai Peninsula Borough) dated May 2, 1967 and are in compliance with Ordinance 4-300-2.
3. Exist prior to effective date of Ordinance 78-13 (Kenai Peninsula Borough) dated May 16, 1978 and are in compliance with Kenai Peninsula Borough Ordinance No. 33 and Homer Ordinance 4-300-2.
4. Exist prior to effective date of Ordinance 82-15 (Homer Zoning Ordinance) dated September 28, 1982 and are in compliance with previous zoning ordinance requirements.

Once a structure made nonconforming by this title is abandoned or brought into conformity with this title, the structure shall thereafter conform to the regulations of the zone in which it is located, and the nonconformity shall not be allowed to continue.

The lawful use may continue so long as it remains lawful. It may expand in accordance with 21.61.040. Once a use made nonconforming by this title is abandoned, changed, discontinued, or ceases to be the primary use of a lot, the use of that lot shall thereafter conform to the regulations of the zone which the lot is located, and the nonconformity shall not thereafter be resumed or allowed to continue.

A reasonable schedule for the termination of a nonconforming land use/structure which specifically impairs the public health, safety and general welfare will be established by amendment to the zoning ordinance. (See Zoning Amendment procedure.)

#### **Determination**

Upon presentation of such proof that establishes the continuing nonconformity of any use or structure, the Commission shall formally accept the nonconformity, as a valid use or structure until such time as the use ceases. Upon determination by the Planning Commission staff will document the decision and basis for decision. The petitioner will be notified by mail by a copy of the relevant meeting minutes and the decision documentation.

#### **Appeals**

The Commission Chair will alert the petitioner and other interested parties that an appeal of the Commission's decision is possible. The appeal must be filed within thirty days of the distribution of the decision document. The City Clerk will process all appeals.

## PRELIMINARY PLAT REVIEW POLICIES

### PURPOSE

The purpose of this policy statement is to clarify the position of the Commission with regard to their recommendations of acceptance or denial of preliminary plats. This review provides the opportunity for the City to make comments and recommendations to the Kenai Peninsula Borough Planning Commission. The Kenai Peninsula Borough holds platting powers for the entire borough, both inside and outside the city limits. The Homer Advisory Planning Commission acts as an advisory body to the Borough Planning Commission on plat matters inside city limits and within the Bridge Creek Watershed Protection District.

The preliminary plat process allows an exchange of information between the subdivider, the Planning and Zoning Office, and the Commission. Proper utilization of the preliminary process should result in a recommendation of approval for the majority of the plats.

### Procedures

**General.** Kenai Peninsula Borough Code 20.12.050 governs subdivisions in first class cities. A surveyor will submit one full size copy and a 11" x 17" reduced copy of the preliminary plat to the Planning Director when subdividing land in the City of Homer or the Bridge Creek Watershed Protection District. The Commission shall review the plat and take action within forty-nine days of the date of receipt unless the applicant agrees to an extension. Recommendations of the Commission based upon lawful ordinances shall be incorporated in the final plat.

The Commission will consider plats and make recommendations. The staff report and minutes are then forwarded to the borough planning department.

The borough planning commission makes the final determination. Once the preliminary plat has been accepted, the final plat is submitted to the borough for either administrative approval or approval by the borough planning commission.

## ZONING ORDINANCE AMENDMENTS

### PURPOSE

The Commission will review all proposals to amend the zoning ordinance or zoning map and make recommendations to the City Council. Neither the Commission nor City Council may consider a zoning map amendment that establishes a new zone within an area of less than one acre, excluding streets and rights-of-way, except for the extension of existing district boundaries. Neither the Commission nor City Council may consider a zoning ordinance request which is substantially the same as any other amendment submitted within the previous nine months and which was rejected.

### Initiation/Application

Amendments to the zoning ordinance will be made in accordance with HCC 21.95. The amendment request will be scheduled for the next Planning Commission meeting according to the Commission meeting schedule and due dates.

### Public Hearing

A public hearing before the Commission is required. Notice of the public hearing will be in accordance with HCC 21.94. In the case of a zoning ordinance amendment or major district boundary change, no notification of neighboring property will be required, but notices will be posted in at least three public places.

### Review Standards

The Commission will generally review the zoning amendment to determine:

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

~~A balanced decision on a rezone request is one that is not arbitrary, has legitimate public purpose and is consistent with the comprehensive plan.~~

**In reviewing a code amendment or map amendment, the Commission must consider the standards of review as established in HCC 21.95.**

### **Determination**

The Commission will make findings and send its written recommendations to the City Council along with meeting minutes and public records relating to the proposed amendment. Such recommendations of the Commission shall be advisory only and shall not be binding on the City Council.

## **POLICY FOR REVIEW OF ZONING VARIANCES (Quasi-Judicial)**

### **PURPOSE**

The Commission may grant a variance to provide relief when a literal enforcement of the regulations and standards of the zoning ordinance, Chapter 21, would deprive a property owner of the reasonable use of his real property.

The purpose of review is to ascertain that those conditions specified as necessary to granting a variance shall be satisfied; that the variance will be the minimum necessary to permit the reasonable use of land or structure, and that the variance will not be granted which will permit a land use in a district in which that use is otherwise prohibited.

### **Public Hearing**

A public hearing before the Commission is required before a variance may be granted. Notice of the public hearing will be in accordance with HCC 21.94.

### **Review Standards**

In reviewing a variance request and prior to granting a variance, the Commission must consider the standards of review as established in HCC 21.72. All of the conditions must exist before a variance can be granted.

### **Determination**

The Commission must prepare written findings and reasons supporting its decision. Approval of a variance requires five yes votes. If a variance is denied, the written findings and reasons for that decision will be approved by those who voted against the permit, even if the number against is less than a majority of the Commission. Upon determination, staff will document the decision and the basis for decision. The petitioner will be notified by mail with a copy of the meeting minutes (those portions that apply to the petition) and the decision documentation.

389

390 The Commission Chair will alert the petitioner and other interested parties that an appeal of the  
391 Commission's decision is possible. The appeal must be filed within thirty days of the distribution of the  
392 decision document. The City Clerk will process all appeals.





2013 Homer City Council Meetings  
Planning Commissioner Attendance

It is a goal of the Commission to have a member speak regularly to the City Council at council meetings. There is a special place on the council's agenda specifically for this. After the Council approves the consent agenda, there is a spot for visitors, and then agenda item number seven, announcements, reports from Commissions, the Borough, etc. That is when you would jump up and speak. If the mayor moves on to public hearings, you have waited too long! Typically if there is no visitor or special presentation, you would be talking within the first half hour (or less) of the Council meeting. The Regular meeting start time is 6:00 p.m.

Each commissioner is assigned a month and is responsible for attending one of the two council meetings, ***OR finding another commissioner to do it in their place*** if they will not be attending the meeting.

<u>Meeting Date</u>	<u>Commissioner</u>
January 14, 28	_____
February 11, 25	_____
March 11, 26(Tuesday)	_____
April 8, 22	_____
May 13, 28(Tuesday)	_____
June 10, 24	_____
July 22	_____
August 12, 26	_____
September 9, 23	_____
October 14, 21	_____
November 25	_____
December 9	_____

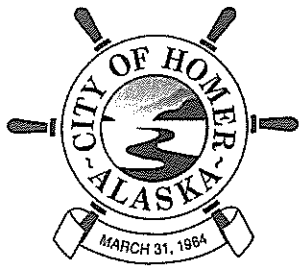
Budget is given to department heads in July, August to return to city manager for first presentation to council on September.

Budget related council meetings, check schedule at that time: October, November, December

The regular December meeting is when the Budget is finally approved by City Council.

Any Special Meetings are usually schedule the first Monday of the month.





## City of Homer Planning & Zoning

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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 13-09

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** February 6, 2013  
**SUBJECT:** Spit Trail Construction, 2013/2014

**Requested Action:** Public Works Director Carey Meyer will make a presentation to the Commission either at the work session or during the regular meeting. The Commission is requested to make any comments on the project to Mr. Meyer. A copy of the 65% design set is available to view in the Planning Department.

#### Introduction

The City of Homer was granted \$6,000,000 in cruise ship tax money to construct improvements for cruise ship passengers. The City was also previously given \$2,000,000 to complete the Spit Trail. Between these two funding sources, there will be several construction projects around Homer in summer 2013 and 2014. Four new restrooms, and several paved trails will be constructed. Two restrooms are on Pioneer Ave, one will be at End of the Road Park, and one at the Deep Water Dock, in conjunction with guard facilities. The Spit Trail will be extended from the Pier 1 lot area, out to End of the Road Park. End of the Road Park will have handicap parking, and probably a paved parking lot. Staff and the engineering firm are still finalizing the design.

Another paved trail will run along the edge of the eastern edge of the Harbor. It will start at the intersection of Freight Dock and Homer Spit Road, travel east along the harbor edge, to the area near the Deep Water Dock. There will be some sort of point of interest at the end; public art, or a monument. This trail will be used by cruise ship passengers, but also by residents and visitors looking for a place to walk and bike away from the bustle of the busy part of the Spit. It should be a great amenity for all trail users. There may also be a future spur trail to Coal Point Park, although that project is not slated for construction at this point.

Since the Spit is a busy place in the summer, it is anticipated that construction will occur over two construction seasons. The restrooms and some trail improvements will happen in 2013, the completion of the trail will be in 2014.

Public Art is part of these projects, and has already been solicited for the restrooms. The Trail itself will be a continuation of the design already in place; occasional bump out areas and seating along the harbor. Native grasses and plants will be used for reseeded – beach wildrye, lupine, and arctared fescue.

**The Commission is requested to make any recommendations to Public Works.**

#### Attachments

1. Map





# 2013/2014 Spit Trail and Restroom Improvements







**MANAGERS REPORT**  
**January 28, 2013**

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

**FROM:** WALT WREDE

**UPDATES / FOLLOW-UP**

I regret that I did not have the time to prepare a written report for this meeting. The City Manager's Report will be verbal at this meeting and the focus will be almost entirely upon the Natural Gas Distribution System Project since we are getting down to crunch time if the Council chooses to move ahead.

**ATTACHMENTS**

1. Memorandum re: Emergency Procurement
2. Letter to tenants: Emergency Appropriation
3. Letter to Lobbyist re: Council Priorities
4. Lobbyist Report
5. Legal Opinion / Condominiums and Assessment Districts







## **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**

January 14, 2013

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

#### **MEETING OF JANUARY 7, 2013**

**RE:** Homer Enterprises, Inc. Subdivision 2013 Replat

The Plat Committee reviewed and granted approval of the subject preliminary plat during their regularly scheduled meeting of January 7, 2013 based on the findings that the preliminary plat met the requirements of the Kenai Peninsula Borough Code 20.12; 20.14 and 20.20.

This notice and unapproved minutes of the subject portion of the meeting were sent January 14, 2013 to:

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

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

**Survey Firm:** Johnson Surveying  
Box 27  
Clam Gulch, AK 99568

**Subdivider / Petitioner:** Sharon Diane Selby  
PO Box 78  
Anchor Point, AK 99556

**KPB File Number:** 2013-011



AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

Staff Report given by Patti Hartley

Planning Commission Meeting: 01/07/13

Staff has grouped the plats located under **AGENDA ITEM E (AGENDA ITEM F - FINAL PLATS WILL NEED SEPARATE REVIEW)**. They are grouped as:

- A. **Simple** (lot splits, small number of lots, replats, no exceptions required) or non-controversial (may require redesigns, create larger number of lots, no public comments received, no exceptions required) – 5 Plats

4. Glacier View Sub No. 24; KPB File 2013-006 [Ability / Aderhold]
5. Thompson Subdivision 2012; KPB File 2013-007 [Ability / Turkington, Rouggy]
6. Paradise Heights Sub 2012; KPB File 2013-008 [Ability / Palmer, Fedora]
7. Veil O'Mist No. 16; KPB File 2013-009 [Segesser / Moore]
9. Homer Enterprises Inc. Sub 2013 Replat; KPB File 2013-011 [Johnson / Selby]

**Staff recommends** the committee determine whether any members of the public, surveyors or committee members wish to speak to any of the plats in this group and remove the specific plats from the group, voting on the remainder of plats in the group in a single action to grant preliminary approval to the plats subject to staff recommendations and the conditions noted in the individual staff reports.

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to comment, Chairman Martin closed the public hearing and opened discussion among the Committee.

**MOTION:** Commissioner Carluccio moved, seconded by Commissioner Holsten to grant preliminary approval to the following preliminary plats per staff recommendations and conditions.

4. Glacier View Sub No. 24; KPB File 2013-006 [Ability / Aderhold]
5. Thompson Subdivision 2012; KPB File 2013-007 [Ability / Turkington, Rouggy]
6. Paradise Heights Sub 2012; KPB File 2013-008 [Ability / Palmer, Fedora]
7. Veil O'Mist No. 16; KPB File 2013-009 [Segesser / Moore]
9. **Homer Enterprises Inc. Sub 2013 Replat; KPB File 2013-011 [Johnson / Selby]**

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

CARLUCCIO YES	GROSS YES	HOLSTEN YES	ISHAM YES	LOCKWOOD ABSENT	MARTIN YES	5 YES 1 ABSENT
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AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

9. Homer Enterprises Inc. Subdivision 2013 Replat  
KPB File 2013-011; Johnson/Selby

STAFF REPORT

Plat Committee Meeting: 1/7/13

Location: City of Homer  
Proposed Use: Residential  
Water/Sewer: City  
Zoning: Urban Residential  
Assessing Use: Vacant  
Parent Parcel Number(s): 175-112-08, 175-112-09, 175-112-10

Supporting Information:

The proposed subdivision is a simple replat of three lots into one lot containing approximately 20,000 square feet. City water and sewer serve the subdivision. The plat fronts West Fairview Avenue.

Homer Advisory Planning Commission approved the plat on December 5, 2012 subject to:

1. Dedicate a 15-foot utility easement along Fairview Avenue as required by HCC 22.10.051(a).  
Borough staff comments: **Staff recommends** the 15-foot utility easement be granted.
2. Correct the label for the lot to the west to Lot 6A.  
Borough staff comments: **Staff recommends** compliance with the Homer Advisory Planning Commission recommendation.
3. Change the first plat note to state that development is subject to the City of Homer Zoning Code.  
Borough staff comments: KPB Code does not require or prohibit Plat Note 1. If the note remains on the plat, staff recommends it be revised to reflect the single lot to which it refers. **Staff recommends** compliance with Homer Commission's recommendation regarding placement of a note on the plat that the subdivision is subject to the City of Homer Zoning Code.

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.

**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: A, B, D-F, and J.

Platting staff comments: The following portions of 20.12.060 are not applicable to the subject plat: 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

- C. 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;  
*Platting Staff Comments: KPB GIS mapping shows the right-of-way fronting the plat is West Fairview Avenue. Homer Advisory Planning Commission did not recommend a street name correction. **Staff recommends** the prefix be confirmed with Carrie Henson, Addressing Officer, prior to final plat.*
- G. The names of adjacent subdivisions or an indication that the adjacent land is not subdivided;  
*Platting Staff Comments: Correct Lot 7A to Lot 6A.*
- 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: Per the Homer City staff report, the area subject to inundation is outside the subject plat.*

- 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 additional information be shown.*
- M. Approximate locations of slopes over 20 percent in grade. (Ord. No. 78-37, § 2(part), 1979)  
*Platting Staff Comments: Slopes greater than 20 percent have been shown and labeled. The steep area appears to be a natural buffer for Woodard Creek to the east.*

**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 the wastewater disposal note per KPB 20.14.070 be placed on the final plat.*

**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, 20.20.110, 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, 20.20.060, 20.20.080, 20.20.090, 20.20.100, 20.20.120, 20.20.130, 20.20.140, 20.20.150, 20.20.220, 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 recommend alleys.*

**20.20.160. - Blocks—Length requirements—Generally.**

*Platting Staff Comments: The block length is less than the minimum requirement. The subdivision was created in 1959, prior to formation of the city's zoning district and KPB. Development within the subdivision must comply with the requirements of the zoning district. 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.*

**20.20.190. - Lots—Minimum size.**

*Platting Staff Comments: The replat brings the lot into compliance with the minimum lot size of the zoning district.*

**20.20.250. - Different standards in cities.**

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

20.20.260. - Flood plain requirements.

*Platting Staff Comments: Per the Homer City staff report, the plat is within Zone D, flood hazards undetermined. A plat note was not requested.*

*Woodard Creek within the lot to the east has been shown and labeled. Per KPB GIS mapping, Woodard Creek is not anadromous.*

**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: 20.16.100 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 or are not required.*

20.16.080. - Dimensional data required.

*Platting Staff Comments: Provide the bearing for the northern boundary. Ensure the distance and bearing for the eastern boundary is located so that there are no overstrikes with the depiction and/or label for Woodard Creek. Note if tie to E 1/16 is computed or measured.*

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. West Fairview Avenue is on a section line. KPB records indicate a section line easement is not attached to the section line.*

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 record information.*

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

B. ***Plats needing specific actions or controversial*** - (public comments received, major staff concerns, exceptions required) – 4 Plats

**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

1. Moose Range Meadows 2012 Replat  
KPB File 2013-001  
[Integrity/Middleton, Raiskums]

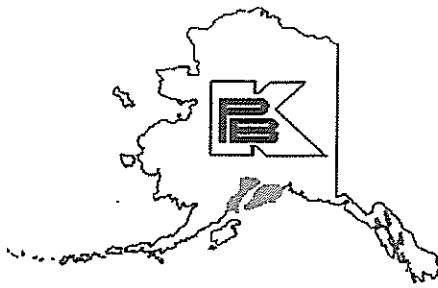
Staff Report given by Patti Hartley

Plat Committee Meeting: 1/7/13

Location: On Keystone Drive, Soldotna area







## **KENAI PENINSULA BOROUGH**

### **PLANNING DEPARTMENT**

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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**MIKE NAVARRE  
BOROUGH MAYOR**

January 14, 2013

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

#### **MEETING OF JANUARY 7, 2013**

**RE:** Paradise Heights Subdivision 2012 Preliminary Plat

The Plat Committee reviewed and granted approval of the subject preliminary plat during their regularly scheduled meeting of January 7, 2013 based on the findings that the preliminary plat met the requirements of the Kenai Peninsula Borough Code 20.12; 20.14 and 20.20.

This notice and unapproved minutes of the subject portion of the meeting were sent January 14, 2013 to:

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

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

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

**Subdivider / Petitioner:** William Palmer & Shirley Fedora  
2110 Horizon Ct.  
Homer, AK 99603

**KPB File Number:** 2013-008

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**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

Staff Report given by Patti Hartley

Planning Commission Meeting: 01/07/13

Staff has grouped the plats located under **AGENDA ITEM E (AGENDA ITEM F - FINAL PLATS WILL NEED SEPARATE REVIEW)**. They are grouped as:

- A. **Simple** (lot splits, small number of lots, replats, no exceptions required) or non-controversial (may require redesigns, create larger number of lots, no public comments received, no exceptions required) – 5 Plats
4. Glacier View Sub No. 24; KPB File 2013-006 [Ability / Aderhold]
  5. Thompson Subdivision 2012; KPB File 2013-007 [Ability / Turkington, Rouggy]
  6. Paradise Heights Sub 2012; KPB File 2013-008 [Ability / Palmer, Fedora]
  7. Veil O'Mist No. 16; KPB File 2013-009 [Segesser / Moore]
  9. Homer Enterprises Inc. Sub 2013 Replat; KPB File 2013-011 [Johnson / Selby]

**Staff recommends** the committee determine whether any members of the public, surveyors or committee members wish to speak to any of the plats in this group and remove the specific plats from the group, voting on the remainder of plats in the group in a single action to grant preliminary approval to the plats subject to staff recommendations and the conditions noted in the individual staff reports.

**END OF STAFF REPORT**

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to comment, Chairman Martin closed the public hearing and opened discussion among the Committee.

**MOTION:** Commissioner Carluccio moved, seconded by Commissioner Holsten to grant preliminary approval to the following preliminary plats per staff recommendations and conditions.

4. Glacier View Sub No. 24; KPB File 2013-006 [Ability / Aderhold]
5. Thompson Subdivision 2012; KPB File 2013-007 [Ability / Turkington, Rouggy]
6. Paradise Heights Sub 2012; KPB File 2013-008 [Ability / Palmer, Fedora]
7. Veil O'Mist No. 16; KPB File 2013-009 [Segesser / Moore]
9. Homer Enterprises Inc. Sub 2013 Replat; KPB File 2013-011 [Johnson / Selby]

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

CARLUCCIO YES	GROSS YES	HOLSTEN YES	ISHAM YES	LOCKWOOD ABSENT	MARTIN YES	5 YES 1 ABSENT
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**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

6. Paradise Heights Subdivision 2012  
KPB File 2013-008; Ability/Palmer, Fedora

**STAFF REPORT**

Plat Committee Meeting: 1/7/13

Location: City of Homer  
Proposed Use: Residential  
Water/Sewer: On-site  
Zoning: Rural Residential  
Assessing Use: Residential, Residential Improved  
Parent Parcel Number(s): 174-090-18, 174-090-19

**Supporting Information:**

The proposed subdivision is a simple replat of two lots into one lot containing approximately 2.5 acres. Per KPB 20.14.020, a soils report is not required. The subdivision fronts constructed Horizon Court.

Homer Advisory Planning Commission approved the plat on December 5, 2012 subject to:

- 1) Dedicate a 15-foot utility easement along Horizon Court as required by HCC 22.10.051(a).  
*Borough staff comments: Staff recommends the utility easement be granted, not dedicated.*

The Certificate to Plat was provided in accordance with Planning Commission Resolution 2000-25. The Certificate to Plat indicates no beneficial interests affect this property. Additional notification will not be required at this time.

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

**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-G, J, and M.

Platting staff comments: The following portions of 20.12.060 are not applicable to the subject plat: 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: Include the City of Homer in the title block.*
- 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: Per Homer City staff report, the plat is not affected by low wet areas. KPB GIS mapping concurs.*
- 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: City of Homer did not request additional information be shown, water and sewer are 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 20.12.07 (A-D).

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

*Platting Staff Comments: The appropriate wastewater disposal note is on the plat.*

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, 20.20.110, 20.20.120, 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, 20.20.140, 20.20.150, 20.20.220, 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 recommend alleys.*

20.20.160. - Blocks—Length requirements—Generally.

*Platting Staff Comments: The surrounding area is significantly affected by steep slopes. Cul-de-sacs are a common right-of-way pattern. Ravines make through rights-of-way impractical for most of the block. In general, the existing rights-of-way appear to provide practical access to the extent possible.*

20.20.170. - Pedestrian ways required when.

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

20.20.230. - Building setbacks.

*Platting Staff Comments: Carry forward the 20-foot building setback from the parent plat and cite the source.*

20.20.250. - Different standards in cities.

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

20.20.260. - Flood plain requirements.

*Platting Staff Comments: Per the Homer City staff report, the subdivision is within Flood Zone D, flood hazards undetermined. A plat note was not requested.*

*Per KPB GIS mapping, no anadromous streams flow through the subdivision.*

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: 20.16.100 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.*

20.16.080. - Dimensional data required.

*Platting Staff Comments: Insert the missing distance on the southern boundary, insure the information shown matches the record data.*

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.*

20.16.140. - Other data required by law.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.140. Per the Certificate to Plat, the subdivision is affected by covenants. Provide a plat note for the covenants; include the recording information.*

20.16.145. - Plat notes.

*Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to Plat. Correct the spelling of Peninsula in the Legend. Note 4: Correct spelling of 'Wastewater'.*

20.16.155. - Certificates, statements and signatures required.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.155. Correct the year in the Plat Approval statement.*

20.16.160. - Survey and monumentation.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.160, show information of record.*

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

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

7. Veil O'Mist No. 16  
KPB File 2013-009; Segesser/Moore

STAFF REPORT

Plat Committee Meeting: 1/7/13

Location:	On Otter Trail Road in Sterling
Proposed Use:	Residential, Recreational, Agricultural, Commercial
Water/Sewer:	On-site
Zoning:	Unrestricted
Assessing Use:	Residential
Parent Parcel Number(s):	065-480-41, 065-480-43, 065-480-46

Supporting Information:

The proposed plat subdivides 3 parcels into 6 parcels ranging in size from 1.5 to 17 acres. A soils report is required for parcels containing less than 5 acres, and an engineer will sign the plat. The subdivision fronts Borough maintained Otter Trail Road and Balderdash Road.

Per the Certificate to Plat, beneficial interest holders affect this property. They were notified on December 19, 2012 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. Carrie Henson, Addressing Officer, can answer questions about the effect of the replat on addresses.

**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:**







## **KENAI PENINSULA BOROUGH**

### **PLANNING DEPARTMENT**

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

January 14, 2013

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

#### **MEETING OF JANUARY 7, 2013**

**RE:** Glacier View Subdivision No. 24 Preliminary Plat

The Plat Committee reviewed and granted approval of the subject preliminary plat during their regularly scheduled meeting of January 7, 2013 based on the findings that the preliminary plat met the requirements of the Kenai Peninsula Borough Code 20.12; 20.14 and 20.20.

One condition of approval is a letter of non-objection from the beneficial interest holder. Please contact the Planning Department if you need additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent January 14, 2013 to:

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

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

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

**Subdivider / Petitioner:** John & Donna Aderhold  
Aderhold Community Property Trust  
353 Grubstake Avenue  
Homer, AK 99603

**Interested Parties:** Brian Welch  
Credit Union 1  
1941 Abbott Road  
Anchorage, AK 99507  
  
Gary Sleeper  
Jermain, Dunnagan and Owens, PC  
3000 A Street #300  
Anchorage, AK 99503

**KPB File Number:** 2013-006



**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

Staff Report given by Patti Hartley

Planning Commission Meeting: 01/07/13

Staff has grouped the plats located under **AGENDA ITEM E (AGENDA ITEM F - FINAL PLATS WILL NEED SEPARATE REVIEW)**. They are grouped as:

- A. **Simple** (lot splits, small number of lots, replats, no exceptions required) or non-controversial (may require redesigns, create larger number of lots, no public comments received, no exceptions required) – 5 Plats
4. Glacier View Sub No. 24; KPB File 2013-006 [Ability / Aderhold]
  5. Thompson Subdivision 2012; KPB File 2013-007 [Ability / Turkington, Rouggy]
  6. Paradise Heights Sub 2012; KPB File 2013-008 [Ability / Palmer, Fedora]
  7. Veil O'Mist No. 16; KPB File 2013-009 [Segesser / Moore]
  9. Homer Enterprises Inc. Sub 2013 Replat; KPB File 2013-011 [Johnson / Selby]

**Staff recommends** the committee determine whether any members of the public, surveyors or committee members wish to speak to any of the plats in this group and remove the specific plats from the group, voting on the remainder of plats in the group in a single action to grant preliminary approval to the plats subject to staff recommendations and the conditions noted in the individual staff reports.

**END OF STAFF REPORT**

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to comment, Chairman Martin closed the public hearing and opened discussion among the Committee.

**MOTION:** Commissioner Carluccio moved, seconded by Commissioner Holsten to grant preliminary approval to the following preliminary plats per staff recommendations and conditions.

4. **Glacier View Sub No. 24; KPB File 2013-006 [Ability / Aderhold]**
5. Thompson Subdivision 2012; KPB File 2013-007 [Ability / Turkington, Rouggy]
6. Paradise Heights Sub 2012; KPB File 2013-008 [Ability / Palmer, Fedora]
7. Veil O'Mist No. 16; KPB File 2013-009 [Segesser / Moore]
9. Homer Enterprises Inc. Sub 2013 Replat; KPB File 2013-011 [Johnson / Selby]

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

CARLUCCIO YES	GROSS YES	HOLSTEN YES	ISHAM YES	LOCKWOOD ABSENT	MARTIN YES	5 YES 1 ABSENT
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**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

4. Glacier View Subdivision No. 24 (name to change)  
KPB File 2013-006; Ability/Aderhold

**STAFF REPORT**

Plat Committee Meeting: 1/7/13

Location: City of Homer  
Proposed Use: Residential  
Water/Sewer: City  
Zoning: Central Business District  
Assessing Use: Residential, Vacant  
Parent Parcel Number(s): 177-107-33, 177-107-34

**Supporting Information:**

The proposed subdivision is a simple replat of two lots into one lot containing approximately 12,500 square feet. City water and sewer serve the subdivision. The subdivision fronts constructed Grubstake Avenue and Poopdeck Street, which appears to be partially constructed (pedestrian trail).

Homer Advisory Planning Commission approved the plat on December 5, 2012 subject to:

1. Dedicate a 10-foot utility easement along Poopdeck Street and 15 Feet along Grubstake Avenue.  
*Borough staff comments: The requested utility easements were granted on the plat submitted for KPB review.*
2. Renumber the lot. There is already a Lot 8-A to the east, and this subdivision affects Lots 9 and 10.  
*Borough staff comments: The plat provided for KPB review contained the requested change.*

Per the Certificate to Plat, beneficial interest holders affect this property. They were notified on December 12, 2012 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.

A written statement of support for the proposed plat was received from four neighbors.

**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-G, J and K.

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

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: Duplicate subdivision name. The next available number for this series is 27.*

**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 of 20.12.070 (A-D).

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

*Platting Staff Comments: The correct wastewater disposal note is on the plat.*

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, 20.20.080, 20.20.120, 20.20.140, 20.20.180, 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, 20.20.090, 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 recommend alleys.*

20.20.110. - Streets—Width requirements.

*Platting Staff Comments: Poopdeck Street is 55 feet wide adjoining the proposed plat. The parent plat provided a 25-foot dedication for Poopdeck Street (formerly Platt Street) in 1975. Grubstake Avenue is 50 feet wide. Grubstake Avenue was dedicated as a 50-foot right-of-way in 1971. The replat is within the City of Homer. Homer Advisory Planning Commission granted conditional approval to the preliminary plat on December 5, 2012. Right-of-way width was not included in the Homer City staff report, and it was not discussed by the Homer Commission.*

*Aside from a few replats that combined lots, the majority of lots within the subdivision range from 6000 to 6500 square feet. The parent plats provided for a road system, which is constructed, that provides a looped access for the block. Development has taken place in accordance with the lot sizes and constructed roads. The replat is reducing the number of lots dependent on the road system and is not forcing the need for an exception to KPB Code.*

*Based on lack of discussion of right-of-way width by Homer City staff, no request for additional right-of-way from the Homer Advisory Planning Commission, and KPB 20.20.250, staff recommends the Committee concur that an exception is not required in this case.*

20.20.160. - Blocks—Length requirements—Generally.

*Platting Staff Comments: Block length is less than the minimum required by 20.20.160. The parent subdivision (HM 75-13) shows the planned development for the area. Block length is consistent for the subdivision plan. Rights-of-way were designed to serve lots within the subdivision as well as access for surrounding parcels. The subdivision design provided a looped access for the block. The plat is within the City of Homer and must comply with the requirements of the zoning district. Homer Advisory Planning Commission approved the replat with no recommendations regarding block length. **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.*

20.20.190. - Lots—Minimum size.

*Platting Staff Comments: Lot 9-A complies with the zoning district.*

20.20.220. - Lots—Double frontage prohibited when.

*Platting Staff Comments: Lot 9-A has double frontage and is less than 250 feet deep. Lot 9-A is a corner lot. Corner lots by their nature have double frontage. Lots 9 and 10 were created in 1975. The proposed plat combines two lots into one lot. No other redesign of Lots 9 and 10 will bring them into compliance with 20.20.220. The subdivision is within the City of Homer and development must comply with the requirements of the zoning district. Homer Advisory Planning Commission approved the replat with no recommendations regarding double right-of-way frontage. **Staff recommends** the Committee concur that the double frontage is acceptable based on other physical conditions.*

20.20.250. - Different standards in cities.

*Platting Staff Comments: Based on lack of discussion and recommendations for right-of-way by the Homer City staff report and Homer Advisory Planning Commission, the widths for Poopdeck Street and Grubstake Avenue apparently comply with the requirements of the zoning district.*

20.20.260. - Flood plain requirements.

*Platting Staff Comments: The plat is within Flood Zone D, flood hazards undetermined per the Homer City staff report. A plat note was not requested by Homer City staff or the Homer Advisory Planning Commission.*

**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: 20.16.100 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. The final Mylar should be on a 12" by 18" sheet.*

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 prior to final plat.*

20.16.080. - Dimensional data required.

*Platting Staff Comments: Insert the missing distance on the southern boundary.*

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.*

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. Revise Plat Note 3 – the replat contains only one lot.*

20.16.155. - Certificates, statements and signatures required.

*Platting Staff Comments: Staff recommends compliance with 20.16.155. Correct the year in the Plat Approval statement: 2013. Include the names of the authorized signatories on the final plat.*

20.16.160. - Survey and monumentation.

*Platting Staff Comments: Staff recommends compliance with 20.16.160, note record information.*

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).**

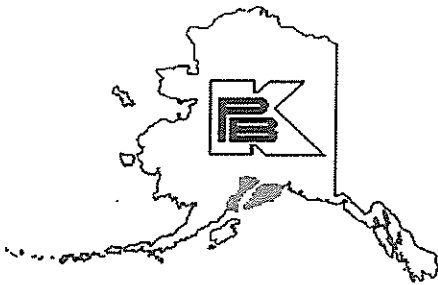
END OF STAFF REPORT

**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

5. Thompson Subdivision 2012  
KPB File 2013-007; Ability/Turkington, Rougely







## **KENAI PENINSULA BOROUGH**

PLANNING DEPARTMENT

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

January 14, 2013

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

#### **MEETING OF JANUARY 7, 2013**

**RE:** Thompson Subdivision 2012 Preliminary Plat

The Plat Committee reviewed and granted approval of the subject preliminary plat during their regularly scheduled meeting of January 7, 2013 based on the findings that the preliminary plat met the requirements of the Kenai Peninsula Borough Code 20.12; 20.14 and 20.20.

This notice and unapproved minutes of the subject portion of the meeting were sent January 14, 2013 to:

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

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

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

**Subdivider / Petitioner:** Milton Turkington & Marsha Rouggy  
PO Box 1217  
Homer, AK 99603

**KPB File Number:** 2013-007



AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

Staff Report given by Patti Hartley

Planning Commission Meeting: 01/07/13

Staff has grouped the plats located under **AGENDA ITEM E (AGENDA ITEM F - FINAL PLATS WILL NEED SEPARATE REVIEW)**. They are grouped as:

- A. **Simple** (lot splits, small number of lots, replats, no exceptions required) or non-controversial (may require redesigns, create larger number of lots, no public comments received, no exceptions required) – 5 Plats
4. Glacier View Sub No. 24; KPB File 2013-006 [Ability / Aderhold]
  5. Thompson Subdivision 2012; KPB File 2013-007 [Ability / Turkington, Rouggy]
  6. Paradise Heights Sub 2012; KPB File 2013-008 [Ability / Palmer, Fedora]
  7. Veil O'Mist No. 16; KPB File 2013-009 [Segesser / Moore]
  9. Homer Enterprises Inc. Sub 2013 Replat; KPB File 2013-011 [Johnson / Selby]

**Staff recommends** the committee determine whether any members of the public, surveyors or committee members wish to speak to any of the plats in this group and remove the specific plats from the group, voting on the remainder of plats in the group in a single action to grant preliminary approval to the plats subject to staff recommendations and the conditions noted in the individual staff reports.

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to comment, Chairman Martin closed the public hearing and opened discussion among the Committee.

**MOTION:** Commissioner Carluccio moved, seconded by Commissioner Holsten to grant preliminary approval to the following preliminary plats per staff recommendations and conditions.

4. Glacier View Sub No. 24; KPB File 2013-006 [Ability / Aderhold]
5. **Thompson Subdivision 2012; KPB File 2013-007 [Ability / Turkington, Rouggy]**
6. Paradise Heights Sub 2012; KPB File 2013-008 [Ability / Palmer, Fedora]
7. Veil O'Mist No. 16; KPB File 2013-009 [Segesser / Moore]
9. Homer Enterprises Inc. Sub 2013 Replat; KPB File 2013-011 [Johnson / Selby]

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

CARLUCCIO YES	GROSS YES	HOLSTEN YES	ISHAM YES	LOCKWOOD ABSENT	MARTIN YES	5 YES 1 ABSENT
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AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

5. Thompson Subdivision 2012  
KPB File 2013-007; Ability/Turkington, Rouggy

STAFF REPORT

Plat Committee Meeting: 1/7/13

Location: City of Homer  
Proposed Use: Residential  
Water: On-site  
Sewer: City  
Zoning: Rural Residential  
Assessing Use: Residential, Accessory Building  
Parent Parcel Number(s): 179-020-27, 179-020-28

Supporting Information:

The proposed subdivision is a simple replat of two lots into one lot containing approximately one acre. Water is on-site, and the City of Homer provides sewer service. Per KPB 20.14.020(A)(2), a soils report is not required. The subdivision fronts State maintained East End Road.

Homer Advisory Planning Commission approved the plat on December 5, 2012 subject to:

1. A 10-foot utility easement along East End Road.  
*Borough staff comments: **Staff recommends** the utility easement be granted, not dedicated.*

The Certificate to Plat was provided in accordance with Planning Commission Resolution 2000-25. The Certificate to Plat indicates no beneficial interests affect this property. Additional notification will not be required at this time.

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

**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-G and J.

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

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: Include the City of Homer in the title block. Revise description to include the remainder of Lot 9 per ADOT right-of-way map.*
- 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: Low wet areas have been shown and labeled. The City of Homer staff report concurs with the submittal's depiction.*
- 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: City of Homer did not request additional information be shown.*

- M. Approximate locations of slopes over 20 percent in grade. (Ord. No. 78-37, § 2(part), 1979)  
*Platting Staff Comments: Per KPB GIS, a small area within the drainage easement has slopes greater than 20 percent.*

**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 f 20.12.070 (A-D).*

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

*Platting Staff Comments: Per KPB 20.14.020, a soils report is not required. Staff recommends the appropriate wastewater disposal note be placed on the final plat.*

**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, 20.20.110, 20.20.160, 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, 20.20.120, 20.20.130, 20.20.140, 20.20.150, 20.20.220, 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.*

20.20.170. - Pedestrian ways required when.

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

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 Homer City Staff report, the plat is within Flood Zone D, flood hazards undetermined. No plat note was requested.*

*Per KPB GIS mapping, no anadromous streams flow through the subdivision.*

**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

20.16.010. – Preparation requirements generally.

*Platting Staff Comments: For clarity label Former Lot 8 and Former Lot 9.*

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

*Platting Staff Comments: **Staff recommends** two full size copies of the final 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 Certificate to Plat shows different recording information for the 10' x 10' utility easement and the drainage easement.*

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.*

*Place a note on the plat: "No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."*

20.16.155. – Certificates, statements and signatures required.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.155. Correct the year in the Plat Approval statement.*

20.16.160. – Survey and monumentation.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.160, show information of record.*

*Work with Louise Hooyer at DOT (907-269-0713) to verify the ROW and monumentation shown is correct prior to final plat submittal [louise.hooyer@alaska.gov].*

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

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

6. Paradise Heights Subdivision 2012  
KPB File 2013-008; Ability/Palmer, Fedora

STAFF REPORT

Plat Committee Meeting: 1/7/13

Location:	City of Homer
Proposed Use:	Residential
Water/Sewer:	On-site
Zoning:	Rural Residential
Assessing Use:	Residential, Residential Improved
Parent Parcel Number(s):	174-090-18, 174-090-19

Supporting Information:

The proposed subdivision is a simple replat of two lots into one lot containing approximately 2.5 acres. Per KPB 20.14.020, a soils report is not required. The subdivision fronts constructed Horizon Court.

Homer Advisory Planning Commission approved the plat on December 5, 2012 subject to:

- 1) Dedicate a 15-foot utility easement along Horizon Court as required by HCC 22.10.051(a).  
*Borough staff comments: **Staff recommends** the utility easement be granted, not dedicated.*

The Certificate to Plat was provided in accordance with Planning Commission Resolution 2000-25. The Certificate to Plat indicates no beneficial interests affect this property. Additional notification will not be required at this time.

