

WORK SESSION AGENDA

1. Call to Order 5:30 p.m.
2. Discussion of Items on the Regular Meeting Agenda
3. "Commission Training" presented by City Attorney Associate Holly Wells
4. Public Comments
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
5. Commission Comments
6. Adjournment



REGULAR MEETING AGENDA

1. **Call to Order**
2. **Approval of Agenda**
3. **Public Comment**
The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
4. **Reconsideration**
5. **Adoption of Consent Agenda**
All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.
 - A. Approval of Minutes of March 6, 2013 meeting **pg. 1**
6. **Presentations**
 - A. "Commission Training" presented by City Attorney Associate Holly Wells
7. **Reports**
 - A. Staff Report PL 13-32, City Planner's Report **pg. 5**
8. **Public Hearings**
Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.
 - A. Staff Report PL 13-30, Draft Ordinance Amending the Marine Commercial and Marine Industrial Zoning Districts **pg. 7**
 - B. Staff Report PL 13-31, Draft Ordinance Amending the Zoning Map on the Homer Spit **pg. 19**
9. **Plat Consideration**
 - A. Staff Report PL 13-26, Paradise South Subdivision 2012 Preliminary Plat *revised* **pg. 37**
 - B. Staff Report PL 13-27, Bay View Subdivision 2013 Replat Preliminary Plat **pg. 46**
 - C. Staff Report PL 13-29, Forest Glen Subdivision 2013 Replat Preliminary Plat **pg. 56**
10. **Pending Business**
11. **New Business**
 - A. Staff Report PL 13-33, Election of Vice Chair **pg. 64**
12. **Informational Materials**
 - A. KPB Planning Commission Notices **pg. 66**
13. **Comments of the Audience**
Members of the audience may address the Commission on any subject. (3 minute time limit)
14. **Comments of Staff**
15. **Comments of the Commission**
16. **Adjournment**
Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission. Next regular meeting is scheduled for April 3, 2013. A work session will be held at 5:30 pm.



Session 13-03, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on March 6, 2013 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

The agenda was approved by consensus of the Commission.

Public Comment

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

None

Reconsideration

None

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 February 20, 2013 meeting
- B. Draft Decision and Findings for CUP 13-04, 4661 Kachemak Drive Request for a Conditional Use Permit for more than one building containing a permitted principal use on a lot.

The agenda was approved by consensus of the Commission.

Presentations

Reports

- A. Staff Report PL 13-21, City Planner's Report

City Planner Abboud reviewed his staff report.

Public Hearings

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

None

Plat Consideration

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
MARCH 6, 2013

None

Pending Business

A. Staff Report PL 13-22, Amending the HAPC Bylaws and Policies and Procedures

HIGHLAND/BOS MOVED TO APPROVE THE AMENDMENTS TO THE HAPC BYLAWS AND POLICIES AND PROCEDURES AND BRING THEM BACK FOR FINAL APPROVAL AT THE NEXT REGULAR MEETING.

There was brief discussion that the amendments are complete.

VOTE: YES: BOS, STEAD, HIGHLAND, SONNEBORN, VENUTI, SLONE

Motion carried.

B. Staff Report PL 13-23, Land Allocation Plan March 6, 2013

City Planner Abboud reviewed the staff report. In response to questions he reviewed the commission's previous recommendations regarding the Wooden Boat Society and explained they had made recommendations specific to the proposed lot layout, but not specific to the Wooden Boat Society.

SLONE/HIGHLAND MOVED FOR THE APPROVAL OF STAFF REPORT PL 13-23.

There was brief discussion relating to the Wooden Boat Society leasing property on the spit. It was noted that the Council will be discussing it at a future worksession and the material in the staff report specific to the lease is merely informational.

It was clarified that approving the staff report shows the commission's support for their comments as outlined in the report.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

New Business

A. Staff Report PL 13-24, Diamond Creek Plan

City Planner Abboud reviewed the staff report.

Discussion ensued about some of the history of the city acquiring the property, and its designation and strict conservation easement specifications restricting uses on the property.

SLONE/SONNEBORN MOVED FOR THE APPROVAL OF STAFF REPORT PL 13-24 THE DIAMOND CREEK PLAN.

Commissioner Highland noted a point of correction that it is called the Diamond Creek Recreation Area Management Plan.

Commissioner Slone questioned if the Parks and Recreation Commission review was significantly more extensive than what they have done this evening. City Planner Abboud didn't have any confirmation of the Parks and Recreation Commission review. It was suggested that it would be better to wait and approve this after Parks and Recreation have weighed in.

SONNEBORN/BOS MOVED TO POSTPONE UNTIL THE NEXT REGULAR MEETING.

There was brief discussion about scheduling.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 13-25, 2008 Homer Comprehensive Plan – Chapter 4 Land Use

City Planner Abboud reviewed the staff report, future land use map, and zoning map. There was discussion about challenges of water and sewer for areas of town, and that in city code water and sewer determine density. City Planner Abboud expressed he would like to have all the standards on the table first to help people get a better understanding of different districts and how they will apply. After that they should start reviewing the map. Some of the work can be done in worksession, especially in the beginning, then start bringing the public in to comment on what the commission comes up with for updated zoning. By next meeting he hopes to have a review of the land use chapter so the commission can see what has and hasn't been done. It will be a chance to review the principals they are trying to accomplish.

They discussed that it is important to review the Comprehensive plan. They also considered some history regarding town center and what might happen with it in the near future.

Staff will bring this back for more consideration.

Informational Materials

- A. City Manager's Report from February 25, 2013 City Council Meeting
- B. KPB Planning Commission Notice of Decisions
- C. Public Hearings: When and How to Hold Them by Bob Meinig

Comments of the Audience

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

None

Comments of Staff

City Planner Abboud commented that he will be looking forward to the Commission's input on the land use chapter.

Comments of the Commission

None of the Commissioner's had comments.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
MARCH 6, 2013

Chair Venuti thanked everyone for their work tonight.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:00 p.m. The next regular meeting is scheduled for March 20, 2013 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



City of Homer Planning & Zoning

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STAFF REPORT PL 13-32

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: March 20, 2013
SUBJECT: City Planner's Report

Activities: Julie continues to work with the Parks and Rec Committee and on several projects including the MC/MI rezone and the Land Allocation Plan. A neighborhood meeting will be held on Wednesday, March 27 at 4 pm to take comments on the proposed spit trail construction.

Land Allocation Plan will be discussed on Tuesday, March 26th starting at 4pm in the City Council Chambers. This is a joint worksession with City Council and advisory bodies. All Commissioners are invited. At least one member should attend.

April 17th HAPC meeting? Julie and I will be attending the National Planning Conference in Chicago from April 13-17th so we are not available for the April 17th HAPC meeting. If the Commission agrees, we will cancel that meeting.

Rain Garden Grant: Folks who are investing in a landscaping-rain garden may apply to the Homer's Soil & Water Conservation District (HSWCD) for a 50/50 match grant to help cover the cost. Rain gardens can reduce rain runoff generated from impervious surfaces by allowing water to slowly infiltrate into the ground. This would reduce the burden on the city's storm water system. For this reason, Dotti reached out, in the form of a letter, to many Pioneer Ave. property owners. Information is available to the public on our website.

Sign workshops: At least ten business owners and KBBI attended "Signs for Thriving Business" workshop on March 5th. Dotti will repeat the workshop on April 2nd from 12 noon to 12:45pm at Homer Chamber of Commerce and Visitor Center. The workshop is FREE, brown bag lunch style and planning commissioners are always welcome.

Sign compliance and nonconforming signs: The 2012 sign amendments put a one year "time to conform" on signs that are too tall and/or too big, of which there are many. Dotti is working with several business owners who have the tallest and largest signs. As you can imagine, there's some frustration and complaining along the way. With each business Dotti is working toward a compliant sign plan and reasonable timeline. In the event that folks don't cooperate, a formal violation notice maybe issued and they may appeal to the HAPC. If you hear complaints, avoid offering advice and direct them to the Planning Office.

RV Day Parking: Dotti is working with the "RV Group" to get signs made that will direct RV travelers to the HERC and Chamber parking lots.







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STAFF REPORT PL 13-30

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: March 20, 2013
SUBJECT: Draft Ordinance amending the Marine Commercial and Marine Industrial Zoning Districts

Requested Action: Conduct a public hearing on the proposed amendments. Make any changes, and forward a recommendation to the City Council.

GENERAL INFORMATION

This ordinance makes major changes to the Marine Industrial (MI) and Marine Commercial (MC) zoning districts. It also adds a definition of "Lodging" to the definitions section, and creates site development standards specific to the MC and MI districts.

The City Attorney was preparing a few amendments. These will be presented as a laydown at the meeting. The Commission can adopt those amendments by motion. The amendments pertain to lines 82-85, and 109-112, the building setback requirements. The new language will provide review criteria for the Commission when an applicant seeks a CUP to build within a setback area. The current language discusses building setback language in terms of alleys and access to the rear of the building, when in fact state fire marshal regulations can be met any number of ways. Staff does not recommend the code be stricter than State Fire Marshal regulations. The two should work together.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per 21.95.040 and recommends the Planning Commission conduct a public hearing, and recommend approval to the City Council.

ATTACHMENTS

1. Planning Department Review per 21.95.040
2. Draft ordinance





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MEMORANDUM

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: March 20, 2013
SUBJECT: Draft Ordinance amending the Marine Commercial and Marine Industrial Zoning Districts

This memo contains the planning staff review of the zoning code amendment as required by HCC 21.95.040.

Planning Staff review of the code amendment per 21.95.040

The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Homer Spit Comprehensive Plan Goal 1.1 states, "Maintain the variety of land uses that establish the unique "spit" character and mix of land uses." Objectives include: Revise zoning to protect character and enhance commercial, industrial and public facility development, address marine commercial and marine industrial zoning. Strategies to achieve these include: identify appropriate residential uses on the Spit, cluster similar land uses, encourage amenities such as bike racks, planters, are, etc, and consider zero lot line construction. The amendments to the zoning districts

Goal 3.1 states "Improve the local economy and create year-round jobs by providing opportunities for new business and industrial development appropriate for the Homer Spit." One objective is "determine economic development opportunities for "value added" growth such as processing, small scale retail, and restaurant serving local products." Strategies include encouraging development related to the fishing, fish processing and boating industries. The revised Marine districts loosen the zoning rules to allow more flexible land uses appropriate to each district, and reduce the number of activities that require a conditional use permit. For example, restaurants will be allowed as permitted uses in both districts, rather than a conditional use.

Staff response: The amendments are consistent with the Spit Comprehensive Plan and will further specific goals and objectives of the plan.

b. Will be reasonable to implement and enforce.

Staff response: The revised zoning districts reflect the mixture of land uses that are already present. The changes to the zoning code will be reasonable to implement and enforce.

c. Will promote the present and future public health, safety and welfare.

One of the major code amendments is the allowance of room rentals on the Spit. Under current code, this activity is not allowed outright. The proposed amendments clarify under what circumstances a room may be rented. These regulations are modeled after the State Fire Marshal Requirements for public safety. Clear regulations will allow business owner to decide

Staff response: The amendment promotes present and future public health, safety and welfare by rationalizing land use regulations to match existing state safety requirements, and the conditions found on the Spit. This land use pattern as is commonly found on the Spit but does not commonly fit within current the zoning code.

d. Is consistent with the intent and wording of the other provisions of this title.

Staff response: This amendment is consistent with the intent, wording and purpose of HCC Title 21. The city attorney has reviewed and amended the ordinance for consistency.

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CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 13-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE §21.03.040 TO ADD A DEFINITION OF LODGING; AMENDING HOMER CITY CODE §§21.28.020, 21.28.030, 21.28.040 AND 21.28.070, REGARDING THE MARINE COMMERCIAL ZONING DISTRICT; AMENDING HOMER CITY CODE §§21.30.020, 21.30.030, 21.30.040 AND 21.30.070, REGARDING THE MARINE INDUSTRIAL ZONING DISTRICT; AND ADOPTING HOMER CITY CODE §21.50.040, SITE DEVELOPMENT STANDARDS - LEVEL 3, TO IMPLEMENT THE HOMER SPIT COMPREHENSIVE PLAN.

THE CITY OF HOMER ORDAINS:

Section 1. HCC §21.03.040, Definitions, is amended by adding a definition of “lodging” to read as follows:

“Lodging” means any building or portion of a building that does not contain a dwelling unit and that contains no more than five guest rooms that are used, rented or hired out to be occupied for sleeping purposes by guests.

Section 2. HCC §21.28.020, Permitted uses and structures, is amended to read as follows:

21.28.020 Permitted uses and structures. The following uses are permitted outright in the Marine Commercial District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter:

- a. Offices for tourism related charter and tour businesses, such as fishing, flightseeing, day excursions and boat charters and tours ~~Boat charter offices;~~
- b. Marine equipment sales, rentals, service, repair and storage ~~and parts sales and services;~~
- c. Retail stores limited to the sale of seafood products, sporting goods, curios, and arts and crafts;
- d. Business offices for water-dependent and water related activities such as fish brokers, off-shore oil and gas service companies, and stevedores;
- e. Customary accessory uses that are clearly subordinate to the main use of the lot or building such as piers or wharves, provided that separate permits shall not be issued for the construction of an accessory structure prior to that of the main structure;
- f. Mobile food services;
- g. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;

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

- 46 h. Recreational vehicle parks, provided they shall conform to the standards in HCC
47 Chapter 21.54;
- 48 i. **Restaurants;**
49 j. **Cold-storage facilities;**
50 k. **Campgrounds;**
51 l. **Manufacturing, processing, cooking, and packing of seafood products;**
52 m. **Parks;**
53 n. **Boat launching or moorage facilities, marinas;**
54 o. **Caretaker, business owner or employee housing as an accessory use to a**
55 **primary use, and limited to no more than 50% of the floor area of a building and for use by**
56 **an occupant for more than 30 consecutive days;**
57 p. **Lodging as an accessory use, limited to no more than 50% of the floor area of**
58 **a building;**
59 q. ~~As an accessory use, one small wind energy system per lot.~~

60
61 Section 3. HCC §21.28.030, Conditional uses and structures, is amended to read as
62 follows:

63
64 21.28.030 Conditional uses and structures. The following uses may be permitted in the
65 Marine Commercial District when authorized by conditional use permit issued in accordance
66 with HCC Chapter 21.71:

- 67 a. ~~Drinking~~ **Restaurants and drinking establishments;**
68 b. ~~Cold storage facilities;~~
69 ~~be.~~ **Public utility facilities and structures;**
70 d. ~~Dredge and fill when required for construction or maintenance of a structure~~
71 ~~devoted to one or more uses that are permitted or conditionally permitted in this district;~~
72 e. ~~Wholesale outlets for marine products;~~
73 f. ~~Pipelines and railroads;~~
74 g. ~~Heliports;~~
75 ~~ch.~~ **Hotels and motels;**
76 d. **Lodging;**
77 ~~ei.~~ **More than one building containing a permitted principal use on a lot;**
78 ~~fj.~~ **Planned unit developments, limited to water-dependent and water-related uses,**
79 **with no dwelling units except as permitted by HCC §21.28.020(o);**
80 ~~gk.~~ **Indoor recreational facilities;**
81 ~~hl.~~ **Outdoor recreational facilities;**
82 i. **The location of a building within a setback area required by HCC**
83 **§21.28.040(b). In addition to meeting the criteria for a conditional use permit under HCC**
84 **§21.71.030, the building must meet the following standards:**
85 **1. Not have a greater negative affect on the value of the adjoining**
86 **property than a building located outside the setback area; and**
87 **2. Have a design that is compatible with that of the structures on the**
88 **adjoining property.**
89 m. ~~Campgrounds;~~
90 n. ~~Manufacturing, processing, cooking, and packing of seafood products.~~

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

91 ~~o. Other similar uses, if approved after a public hearing by the Planning~~
92 ~~Commission, including but not limited to those uses authorized in the Marine Industrial district~~
93 ~~under HCC §§ 21.30.020 and 21.30.030, provided the commission finds the use meets the~~
94 ~~following standards and requirements:~~

95 ~~1. The proposed use is compatible with the purpose of the Marine~~
96 ~~Commercial District,~~

97 ~~2. The proposed use is compatible with the land use development plan for the~~
98 ~~Homer Spit and the Comprehensive Plan,~~

99 ~~3. Public facilities and services are adequate to serve the proposed use, and~~

100 ~~4. If City owned land, the Port and Harbor Commission, after a public~~
101 ~~hearing, has made a written recommendation to the Planning Commission concerning the~~
102 ~~proposed use, including specifically whether conditions (1) through (3) of this subsection~~
103 ~~are or may, with appropriate conditions, be met by the proposed use.~~

104
105 Section 4. HCC §21.28.040, Dimensional requirements, is amended to read as follows:

106
107 21.28.040 Dimensional requirements. The following dimensional requirements shall
108 apply to all structures and uses in the marine commercial district:

109 a. The minimum lot size is 20,000 square feet, except for lots lawfully platted before
110 December 12, 2006. The minimum lot width is 150 feet, except for lots lawfully platted before
111 December 12, 2006.

112 b. **Setbacks. No building may be located in a required setback area without an**
113 **approved conditional use permit.**

114 **1. Buildings shall be set back 20 feet from all dedicated rights-of-way and**
115 **five feet from all other lot boundary lines. Alleys are not subject to a 20 foot setback**
116 **requirement. The setback requirements from any lot line abutting an alley will be**
117 **determined by the dimensional requirements of subparagraph (2) below.**

118 **2. Buildings shall be set back five feet from all other lot boundary lot**
119 **lines.**

120 c. The maximum building height is 35 feet.

121 d. No lot shall contain more than 8,000 square feet of building area (all buildings
122 combined), nor shall any lot contain building area in excess of ~~70~~ 30 percent of the lot area
123 without an approved conditional use permit.

124 e. Building Area and Dimensions - Retail and Wholesale.

125 1. The **total** floor area of retail and wholesale business uses within a single
126 building shall not exceed 25,000 square feet.

127 2. In no event may a conditional use permit, Planned Unit Development, or
128 variance be granted that would allow a building to exceed the limits of subparagraph
129 (e)(1) and no nonconforming use or structure may be expanded in any manner that would
130 increase its nonconformance with the limits of subparagraph (e)(1).

131
132 Section 5. HCC §21.28.070, Site development requirements, is amended to read as
133 follows:

134
[Bold and underlined added. Deleted language stricken through.]

135 21.27.070 Site development requirements. All development on lands in this district shall
136 conform to the level ~~three~~ two-site development standards set forth in HCC §21.50.040 and the
137 following requirements: 21.50.030.

138 a. Development shall not impair public use of adjacent publicly-owned
139 tidelands.

140 b. Buildings and roadways shall be located to minimize alteration to the natural
141 terrain.

142 c. Grading and filling shall not alter the storm berm except as necessary to
143 correct unsafe conditions.

144 d. Point source discharges to a waterway shall conform to the applicable
145 regulations of the Alaska Department of Environmental Conservation.

146
147 Section 6. HCC §21.30.020 Permitted uses and structures, is amended to read as follows:

148
149 21.30.020 Permitted uses and structures. The following uses are permitted outright in the
150 Marine Industrial District, except when such use requires a conditional use permit by reason of
151 size, traffic volumes, or other reasons set forth in this chapter:

152 a. Port and harbor facilities;

153 b. Manufacturing, processing and packing of sea products;

154 c. Cold-storage;

155 d. Dry docks;

156 e. Wharves and docks, marine loading facilities, ferry terminals, marine railways;

157 f. Marine equipment sales, rentals, service, repair and storage;

158 g. Boat launching or moorage facilities, marinas, boat charter services;

159 h. Warehouse and marshaling yards for storing goods awaiting transfer to marine
160 vessels or off-loaded from a marine vessel and awaiting immediate pickup by land-based
161 transportation;

162 ~~i. Other similar uses, if approved after a public hearing by the Commission,~~
163 ~~including but not limited to those uses authorized in the Marine Commercial District under HCC~~
164 ~~§§ 21.28.020 and 21.28.030, provided the Commission finds the use meets the following~~
165 ~~standards and requirements:~~

166 ~~1. The proposed use is compatible with the purpose of Marine Industrial~~
167 ~~District or provides a necessary service to water dependent industry;~~

168 ~~2. The proposed use is compatible with land use development plans for the~~
169 ~~Homer Spit and the comprehensive plan;~~

170 ~~3. Public facilities and services are adequate to serve the proposed use, and~~

171 ~~4. The Port and Harbor Commission, after a public hearing, has made a~~
172 ~~written recommendation to the Commission concerning the proposed use, including~~
173 ~~specifically whether conditions (1) through (3) of this subsection are or may, with~~
174 ~~appropriate conditions, be met by the proposed use;~~

175 ~~ij. Mobile food services;~~

176 ~~jk. Itinerant merchants, provided all activities shall be limited to uses permitted~~
177 ~~outright under this zoning district;~~

178 ~~kl. Recreational vehicle parks, provided they shall conform to the standards in HCC~~
179 ~~§ 21.54.~~

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

180 **l. Caretaker, business owner or employee housing as an accessory use to a**
181 **primary use, and limited to no more than 50% of the floor area of a building and for use by**
182 **an occupant for more than 30 consecutive days;**

183 **m. More than one building containing a permitted principal use on a lot;**

184 **n. Restaurant as an accessory use;**

185 **o. Parks;**

186 **pm.** As an accessory use, one small wind energy system per lot.

187
188 Section 7. HCC §21.30.030 Conditional uses and structures, is amended to read as
189 follows:

190
191 21.30.030 Conditional uses and structures. The following uses may be permitted in the
192 Marine Industrial District when authorized by conditional use permit issued in accordance with
193 HCC Chapter 21.71:

194 a. Planned unit development, limited to water-dependent or water-related uses and
195 excluding all dwellings;

196 b. Boat sales, rentals, service, repair and storage, and boat manufacturing;

197 ~~c. Restaurants and drinking establishments;~~

198 ~~cd.~~ Extractive enterprises related to other uses permitted in the district;

199 ~~de.~~ Campgrounds;

200 ~~ef.~~ Bulk petroleum storage;

201 ~~g. Caretaker's residence as an accessory to a permitted or conditionally permitted~~
202 ~~use;~~

203 ~~h. Heliports;~~

204 ~~i. Pipelines and railroads;~~

205 ~~j. More than one building containing a permitted principal use on a lot.~~

206 ~~k. Permitted uses that exceed 100 vehicles during peak hour or more than 500~~
207 ~~vehicles per day based on the proposed land use and density, calculated utilizing the Trip~~
208 ~~Generation Manual, Institute of Traffic Engineers, most current edition;~~

209 ~~fl.~~ Indoor recreational facilities;

210 ~~gm.~~ Outdoor recreational facilities;

211 **h. Public utility facilities and structures.**

212 **i. The location of a building within a setback area required by HCC**
213 **§21.28.040(b). In addition to meeting the criteria for a conditional use permit under HCC**
214 **§21.71.030, the building must meet the following standards:**

215 **1. Not have a greater negative affect on the value of the adjoining**
216 **property than a building located outside the setback area; and**

217 **2. Have a design that is compatible with that of the structures on the**
218 **adjoining property.**

219
220 Section 8. HCC §21.30.040 Dimensional requirements, is amended to read as follows:

221
222 21.30.040 Dimensional requirements. The following dimensional requirements shall
223 **apply to all structures and uses in the marine industrial district:**

224 a. Lot Size. The minimum lot size is 6,000 square feet.

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

225 b. Setbacks. No building may be located in a required setback area without an
226 approved conditional use permit.

227 1. Buildings All buildings shall be set back 20 feet from all dedicated rights-
228 of-way. Alleys are not subject to a 20 foot setback requirement. The setback requirements
229 from any lot line abutting an alley will be determined by the dimensional requirements of
230 subparagraph (2) below.

231 2. Buildings shall be set back five feet from all other lot boundary lot lines
232 ~~unless adequate firewalls are provided and adequate access to the rear of the building is~~
233 ~~otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by~~
234 ~~the State Fire Marshal.~~

235 c. Building Height. 1. The maximum building height ~~is~~ shall be thirty-five feet.

236 d. No lot shall contain more than 8,000 square feet of building area (all buildings
237 combined), nor shall any lot contain building area in excess of 70 ~~30~~ percent of the lot area
238 without an approved conditional use permit.

239 e. Building Area and Dimensions - Retail and Wholesale.

240 1. The total ~~square feet~~ floor area of retail and wholesale business uses
241 within a single building shall not exceed 25,000 square feet.

242 2. In no event may a conditional use permit or variance be granted that
243 would allow a building to exceed the limits of subparagraph (d)(1) and no nonconforming
244 use or structure may be expanded in any manner that would increase its nonconformance
245 with the limits of subparagraph (d)(1).

246
247 Section 9. HCC §21.30.070 Site development requirements, is amended to read as
248 follows:

249
250 21.30.070 Site development requirements. ~~a.~~ All site development shall conform to the
251 level three ~~two~~ site development standards contained in HCC §21.50.040 and the following
252 requirements: 21.50.030.

253 a. Development shall not impair public use of adjacent publicly-owned
254 tidelands.

255 b. Buildings and roadways shall be located to minimize alteration to the natural
256 terrain.

257 c. Grading and filling shall not alter the storm berm except as necessary to
258 correct unsafe conditions.

259 db. Point source discharges to a waterway shall conform to the applicable
260 regulations of ~~be in conformance with~~ the Alaska Department of Environmental Conservation
261 regulations.

262
263 Section 10. HCC §21.50.040 Site Development standards - Level 3, is adopted to read as
264 follows:

265
266 21.50.040 Site Development standards - Level 3. This section establishes level three site
267 development standards. Level three standards apply when specified by the applicable zoning
268 district regulations or by another provision of the code.

269 a. Site Development.

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

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

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

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

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

2. In addition to the types of plantings listed in the definition of landscaping in HCC §21.03.040, landscaping may include planter boxes and hanging basket plantings. Amenities for public use such as bike racks, benches, trash receptacles and information kiosks, may be substituted for an equal area of required landscaping.

Section 11. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____ 2013.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

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

315 Reviewed and approved as to form:

316

317

318

319 _____
Walt E. Wrede, City Manager

320 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.cityofhomer-ak.gov

STAFF REPORT PL 13-31

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: March 20, 2013
SUBJECT: Draft Ordinance amending the Zoning Map on the Homer Spit

Requested Action: Conduct a public hearing and forward a recommendation to the City Council on amending the Zoning Map on the Homer Spit.

GENERAL INFORMATION

This ordinance proposes to change the zoning designations of 26 properties on the Spit. The changes are in accordance to the 2010 Homer Spit Comprehensive Plan and advance the goals of that plan. The attached draft ordinance lists all the changes. There is also an attached memo with the Planning Department review of each change. Under HCC 21.95.050, the Planning Department reviews the changes and makes a recommendation to the Planning Commission. The Commission holds a public hearing, makes any amendments, and forwards the ordinance to the City Council for action.

Notice of the public hearing advertised in accordance to City Code. In addition, all property owners and interested parties on the Spit, according to the Kenai Peninsula Tax Assessor, were notified by mail of the meeting and proposed changes. A further email was scheduled to be Thursday March 14th to general business owners, including those who were invited to the work session in August 2012 the Commission conducted, when Spit shop owners were invited to discuss overnight accommodation regulations.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per 21.95.050 and recommends the Planning Commission conduct a public hearing, and recommend approval to the City Council.

ATTACHMENTS

1. Memorandum with Planning and Zoning Department Review per 21.95.030.
2. Draft ordinance
3. Public Notice





City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.cityofhomer-ak.gov

MEMORANDUM

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: March 20, 2013
SUBJECT: Planning staff review of Draft Ordinance amending the Homer Zoning Map on the Spit

GENERAL INFORMATION

This memo is the Planning Department review of the proposed zoning map changes. Each zoning change will be presented in order of the ordinance, with findings for each section. This ordinance is also accompanied by another ordinance, which amends the marine Commercial and Marine Industrial zoning codes. These two ordinances will be considered separately, but together they implement the goals of the 2010 Homer Spit Comprehensive Plan.

Exhibit A Marine Industrial to Conservation (Mud Bay, base of Spit)

These three parcels are Marine Industrial, and are proposed for Conservation Zoning. All are city owned. There is little if any developable area on these lots. They are seaward of the Homer Spit Trail, into Mud Bay. Goal 1.6 of the Homer Spit Comprehensive Plan encourages the conservation of the Mud Bay area.

Review

21.95.050 Planning Department review of zoning map amendment. The Planning Department shall evaluate each amendment to the official zoning map that is initiated in accordance with HCC 21.95.020 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Finding: The proposed rezoning is consistent with the 2010 Homer Spit Comprehensive Plan and furthers the goals and objectives of the plan.

b. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.

Finding: The change applies a zoning district better suited to the area. The current right of way width, and the tidal nature of the property in a mudflat make it unsuitable for Marine Industrial development.

c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

Finding: It is in the best interest of the public to zone these properties Conservation. They have little value as Marine Industrial lands for development purposes, but high habitat and scenic value for the public as a conservation area.

Exhibit B MI to MC

There are fifteen lots in two basic areas included in this exhibit.

The first area includes properties west of the fishing hole, and two lots on Freight Dock Road. The lands have a mixture of commercial uses such as RV parks/camping, fishing charters and a restaurant, as well as a few vacant lots. All of the lots have a limited area for development, either due to lot size, or because they are mostly beach.

The second area is from the harbormasters office, south to Fish Dock Road, on the east side of Homer Spit Road along the harbor. The parcels have a mixture of Marine Commercial types of businesses, with a few Marine Industrial activities such as commercial fish buying. They are small lots and have more use to the community as commercial rather than industrial lots. One of the goals in the Spit plan is to better differentiate between marine commercial lands, with a broad range of possible business activities, and marine industrial, to cluster industrial activities without the gradual creep of commercial activities into those areas.

Review

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Finding: The proposed rezoning is consistent with the 2010 Homer Spit Comprehensive Plan and furthers the goals and objectives of the plan.

b. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.

Finding: Conditions have changed on the Spit, and more Marine Commercial property is warranted.

c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of

the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

Finding: It is in the best interest of the public to rezone these lands from industrial to commercial land. The current development on the properties is of a marine commercial nature. These areas are identified as Marine Commercial in the land use plan and it is desirable to see further commercial development.

Exhibit C: Marine Industrial to OSR

There are six properties proposed to change from Marine Industrial to Open Space Recreation zoning. Five are owned by the City of Homer, and one is owned by the Nature Conservancy. All are located on the west, or Cook Inlet side of Kachemak Bay, and are mostly beach. There is very little developable land outside of the state Right of Way. It's a highly active beach with a lot of current and sediment movement, and within a FEMA VE zone. They are not generally usable lots for Marine industrial activities. One lot includes a city campground and the campground office. The Spit Comprehensive plan, Goals 1.3 and 1.4 encourage open space recreation uses on the west side of the Spit.

Review

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Finding: The proposed rezoning is consistent with the 2010 Homer Spit Comprehensive Plan and furthers the goals and objectives of the plan.

b. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.

Finding: The zoning change will apply a better district to the properties. They are better suited to open space recreation uses than Marine Industrial development.

c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

Finding: It is in the best interest of the public that these properties be zoned for open space recreation. Through the Comprehensive Plan, the public has expressed the desire for these lands to remain undeveloped, to retain the view shed and public beach access across these areas.

Exhibits D and E: Split lot zoning

There are two parcels on the Spit have a zoning boundary that runs through them. Generally, a zoning boundary follows lot lines per HCC 21.04. 050, 21.04.060. The two properties appear to have had lot line changes in 1989, and the zoning was not adjusted at that time. These are relatively minor changes and would not merit a rezone on their own. But since there are several changes zoning occurring at the

same time, these are minor changes that should be included in the action. Neither zoning change affects the current land use or development of the site.

1. At the Land's End Hotel, the restaurant area and part of the parking lot have Marine Industrial Zoning, rather than Marine Commercial like the rest of the site. The zoning change would be for the whole property to be Marine Commercial.
2. A portion of the Homer Spit Campground, which is a Marine Industrial site, is zoned Open Space Recreation. This OSR section would be changed to MI, like the rest of the site.

Review

- a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Finding: The proposed changes are consistent with the 2010 Homer Spit Comprehensive Plan.

- b. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.

Finding: Conditions have changed since the adoption of the zoning. The property boundaries have changed, resulting in split lot zoning. The existing land use activities will not be impacted by these changes and would be better suited by having one zoning designation.

- c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

Finding: It is in the best interest of the public and the existing development to not have two different zoning designations on these parcels.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per 21.95.050 and recommends the Planning Commission conduct a public hearing, and recommend approval to the City Council.

**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 13-

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6 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER,
7 ALASKA, AMENDING THE HOMER CITY ZONING MAP TO REZONE
8 PORTIONS OF THE MARINE INDUSTRIAL (MI) ZONING DISTRICT TO
9 CONSERVATION (CONS), MARINE COMMERCIAL (MC) AND OPEN
10 SPACE RECREATIONAL (OSR), AND AMENDING THE HOMER CITY
11 ZONING MAP TO REZONE A PORTION OF THE OPEN SPACE
12 RECREATIONAL (OSR) ZONING DISTRICT TO MARINE INDUSTRIAL
13 (MI), TO IMPLEMENT THE 2010 HOMER SPIT PLAN.
14

15 WHEREAS, the Homer City Council adopted Ordinance 11-17 on May 24, 2011,
16 adopting the 2010 Homer Spit Plan as part of the Homer Comprehensive Plan and
17 recommending adoption by the Kenai Peninsula Borough Assembly; and
18

19 WHEREAS, the Kenai Peninsula Borough Assembly adopted Ordinance 2011-38 on
20 November 1, 2011, adopting the 2010 Homer Spit Plan as part of the Homer Comprehensive
21 Plan; and
22

23 WHEREAS, The Homer Advisory Planning Commission held a public hearing on the
24 rezonings described herein on _____, 2013 as required by Homer City Code
25 21.95.060, and
26

27 WHEREAS, AS 29.40.040 requires that the City's zoning regulations be consistent with
28 the comprehensive plan and further specific goals and objectives of the plan, and the Homer
29 Advisory Planning Commission has found that the zoning map amendments in this ordinance are
30 necessary to conform the zoning of the Homer Spit area to the 2010 Homer Spit Plan; and
31

32 WHEREAS, The Homer Advisory Planning Commission also has found that the
33 proposed rezonings (i) will be reasonable to implement and enforce; (ii) will promote the present
34 and future public health, safety and welfare; and (iii) are consistent with the intent and wording
35 of the other provisions of HCC Title 21.
36

37 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
38

39 Section 1. The Homer Zoning Map is amended to transfer the parcels listed on the attached
40 Exhibit A from the Marine Industrial (MI) zoning district to the Conservation (CONS) zoning
41 district as shown on the attached Exhibit F.
42

43 Section 2. The Homer Zoning Map is amended to transfer the parcels listed on the attached
44 Exhibit B from the Marine Industrial (MI) zoning district to the Marine Commercial (MC) zoning
45 district as shown on the attached Exhibit F.
46

91 Reviewed and approved as to form:

92

93

94

95 _____
Walt E. Wrede, City Manager

96 Date: _____

97

Thomas F. Klinkner, City Attorney

Date: _____

Exhibit A

Rezone from Marine Industrial (MI) to Conservation (CONS):

<u>Tax Parcel No.</u>	<u>Legal Description</u>
18101010	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 7 LYING NORTH OF HOMER SPIT RD
18101014	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 5 LYING NORTH OF HOMER SPIT RD
18101011	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 6 LYING NORTH OF HOMER SPIT RD

Exhibit B

Rezone from Marine Industrial (MI) to Marine Commercial (MC):

<u>Tax Parcel No.</u>	<u>Legal Description</u>
18103023	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0900048 HOMER SPIT THREE SUB LOT 2
18103119	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0940043 THE FISHIN HOLE SUB NO 2 TRACT 1-C
18103024	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0900048 HOMER SPIT THREE SUB LOT 3
18103311	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 28
18103443	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-3
18103103	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 4
18103022	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0900048 HOMER SPIT THREE SUB LOT 1
18103310	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 29
18103432	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT AMENDED LOT 32
18103441	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED PARKING AND ACCESS AREA
18103309	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 30
18103118	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0940043 THE FISHIN HOLE SUB NO 2 TRACT 1-B
18103442	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-2
18103444	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-4
18103431	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMD LOT 88-1

Exhibit C

Rezone from Marine Industrial (MI) to Open Space Recreational (OSR):

<u>Tax Parcel No.</u>	<u>Legal Description</u>
18103007	T 6S R 13W SEC 35 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 3 LYING SOUTHWEST OF THE HOMER SPIT RD
18102010	T 6S R 13W SEC 27 SEWARD MERIDIAN HM PORTION OF GOVT LOT 5 LYING SOUTH OF HOMER SPIT HWY
18103102	T 6S R 13W SEC 35 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 14 LYING SOUTHWEST OF THE HOMER SPIT RD
18103006	T 6S R 13W SEC 35 SEWARD MERIDIAN HM PORTION GOVT LOT 2
18103002	T 6S R 13W SEC 34 SEWARD MERIDIAN HM PORTION GOVT LOT 1
18103004	T 6S R 13W SEC 35 SEWARD MERIDIAN HM PORTION GOVT LOT 1

Exhibit D

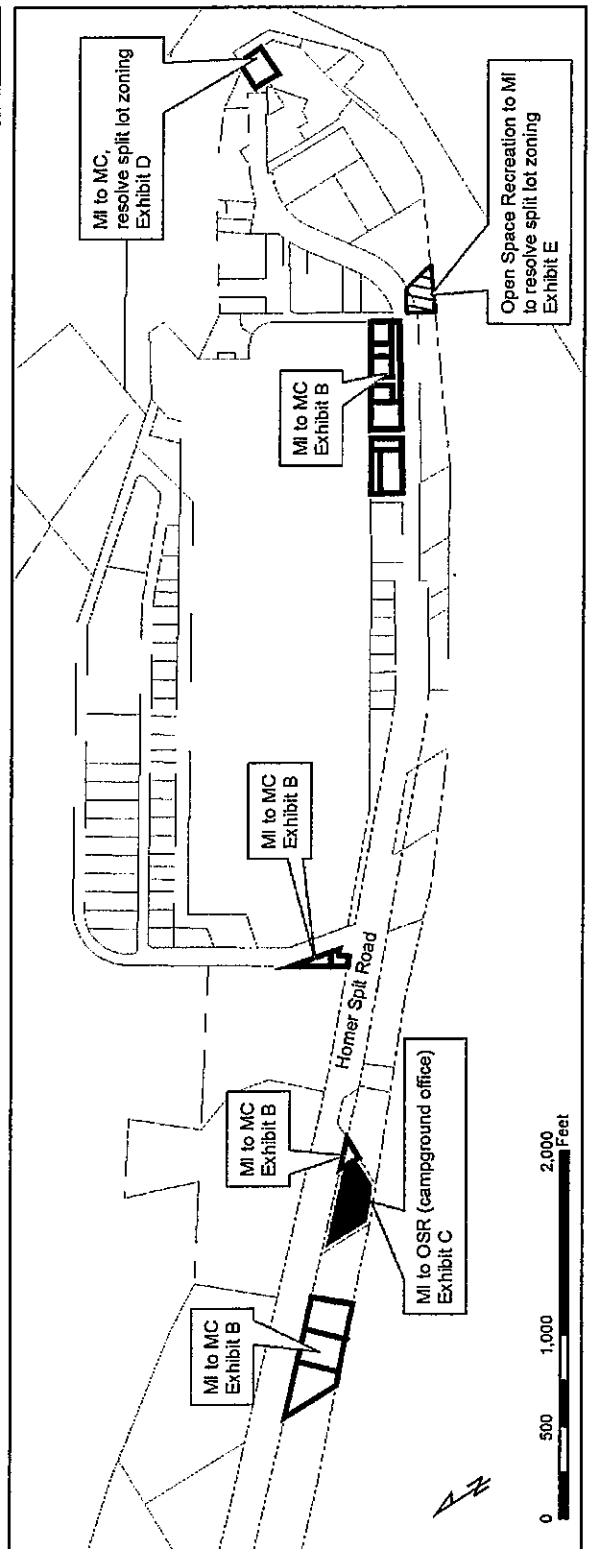
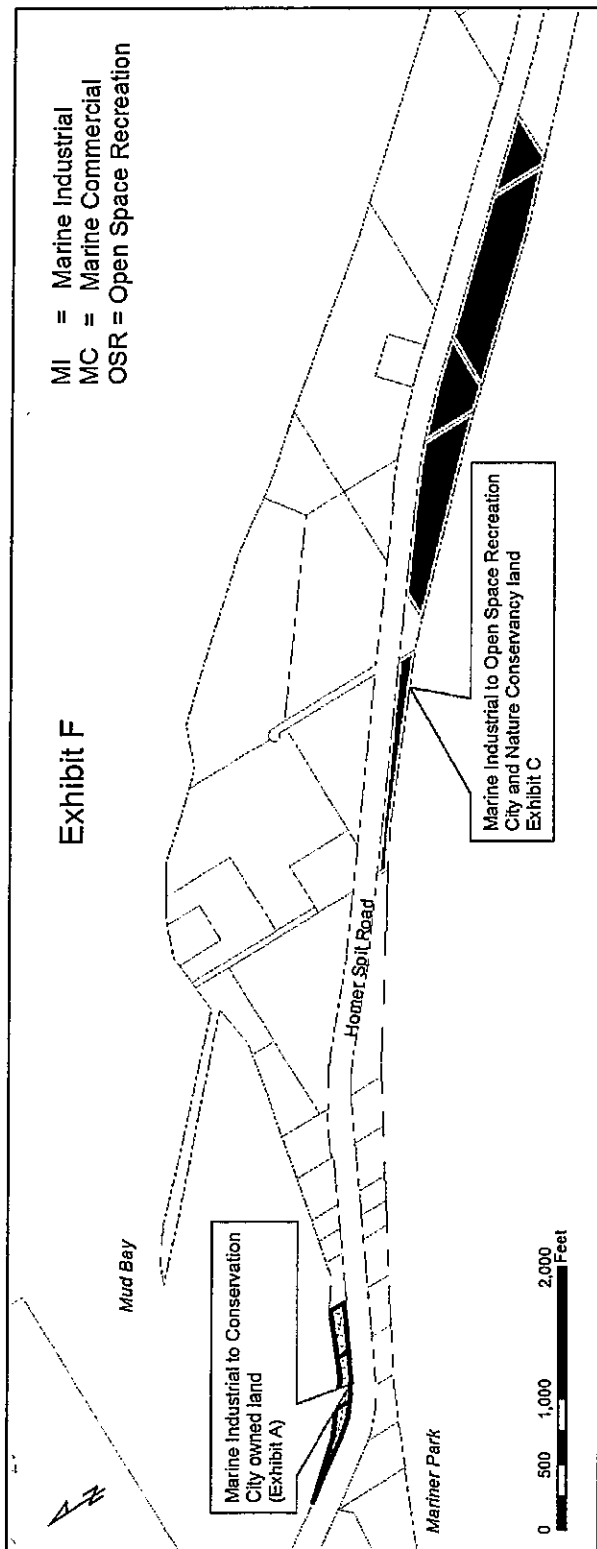
Rezone from Marine Industrial (MI) and Marine Commercial (MC) to Marine Commercial (MC):

<u>Tax Parcel No.</u>	<u>Legal Description</u>
18103450	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0990018 LANDS END SUB NO 2 AMENDED LOT 24-C-1

Exhibit E

Rezone from Open Space Recreational (OSR) and Marine Industrial (MI) to Marine Industrial (MI):

<u>Tax Parcel No.</u>	<u>Legal Description</u>
18103402	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 50





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, March 20, 2013 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

An amendment to the official Homer City Zoning Map to rezone portions of the Marine Industrial, Marine Commercial, Open Space Recreational, and Conservation Districts as required by HCC 21.95.060.

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.

For additional information including the complete proposals available for review, please contact Julie Engebretsen or Rick Abboud at the City Planning and Zoning Office, 235-3106.

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





City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
 Fax (907) 235-3118
 E-mail Planning@ci.homer.ak.us
 Web Site www.cityofhomer-ak.gov

STAFF REPORT PL 13-26

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: March 20, 2013
SUBJECT: Paradise South Subdivision 2012 Preliminary Plat (resubmittal)

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

GENERAL INFORMATION

Applicants:	Todd Hoppe PO Box 2589 Homer, AK 99603	Gary Nelson, PLS Ability Surveys 152 Dehel Ave Homer, AK 99603
Location:	Carlson Place, near Paradise Place and Spencer Drive on the eastern edge of city limits.	
Parcel ID:	17410003	
Size of Existing Lot(s):	4.942 acres	
Size of Proposed Lots(s):	4.022 acres or 175,206.85sf, and .919 acres or 40,037.60sf	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Subdivision Park/Residential South: Vacant/Residential East: Residential West: Vacant/Residential	
Comprehensive Plan:	Goal 1 Objective B: "Promote a pattern of growth characterized by a concentrated mixed use center, and a surrounding ring of moderate to high density residential and mixed use areas with lower densities in outlying areas."	
Wetland Status:	The 2005 wetland mapping shows there may be a creek along the western property line. It may be just a ravine without water in it.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are not immediately available. The sewer main line may be extended 700-800 feet to serve the subdivision.	
Public Notice:	Notice was sent to 18 property owners of 18 parcels as shown on the KPB tax assessor rolls.	

ANALYSIS:

This subdivision is within the Rural Residential District. This plat subdivides out one smaller lot, Lot 3-B2, from the original large lot. The applicant has revised their previous submittal to conform with the minimum lot size requirement per Homer City Code for those not served by public water or sewer.

An exception that the 20' building setback per the parent plat is found on the letter from the surveyor. The Planning Department finds that as long as a plat note indicates that the lots are subject to Homer City Code, the effective building setback is not diminished and has no objection to the request.

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

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

Staff Response: The plat meets these requirements.

2. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

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

6. The names and widths of public streets and alleys and easements including drainage easements existing and proposed, within the subdivision. [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final

width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

Staff Response: The plat meets these requirements.

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

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

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

Staff Response: The plat meets these requirements.

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

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

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. Lots will be served by onsite sewer and water provided by a commercial water service.

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

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

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

Staff Response: The plat meets these requirements.

PUBLIC WORKS COMMENTS: Public Works had no comments.

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

STAFF COMMENTS/RECOMMENDATIONS:

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

1. Correct the label for the lot to the north of the subdivision.

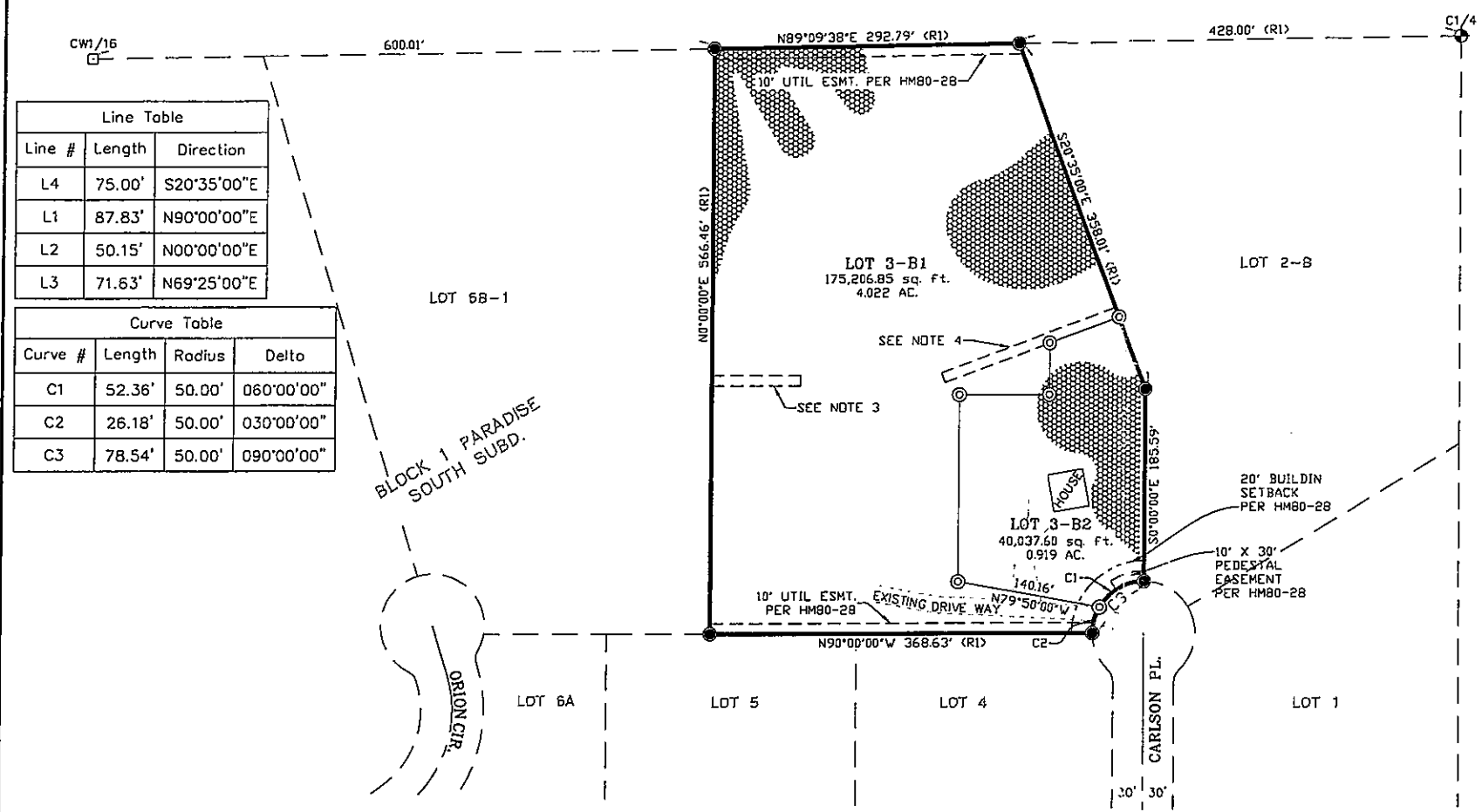
ATTACHMENTS

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



PARADISE HEIGHTS PARK

LOT 1 BLOCK 3



Line Table		
Line #	Length	Direction
L4	75.00'	S20°35'00"E
L1	87.83'	N90°00'00"E
L2	50.15'	N00°00'00"E
L3	71.63'	N69°25'00"E

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

CERTIFICATE OF OWNERSHIP

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

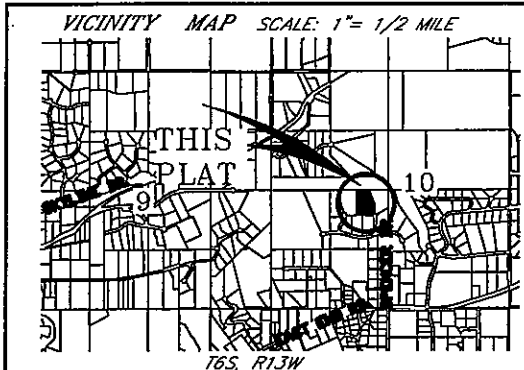
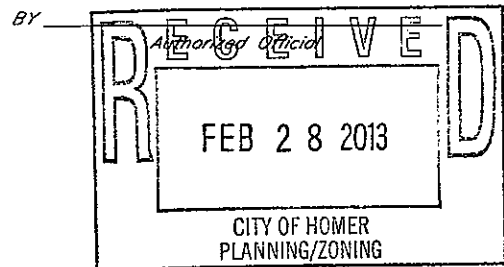
TODD C. HOPPE
P.O. BOX 2589
Homer, AK 99603

NOTARY'S ACKNOWLEDGEMENT

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

PLAT APPROVAL

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



LEGEND

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

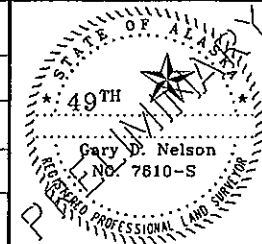
NOTES

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

REC DIST _____
Date _____ 20____
Time _____ M
Requested By _____
Address _____

KPB FILE No. 2013-- _____

DATE	2-28-13
SCALE	1"= 100'
GRID No.	AR-70
JOB No.	4662
DRAWING:	4662_3D13



PARADISE SOUTH SUBDIVISION 2012

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

ABILITY SURVEYS
GARY NELSON, PLS
(907) 235-8440
152 DEHEL AVE., HOMER ALASKA 99603



ABILITY SURVEYS

SURVEYING HOMER SINCE 1975

**LAND SURVEYING - CONSTRUCTION SURVEYING
- DESIGN SURVEYING**

152 DEHEL AVE. , HOMER, AK. 99603 PH. 907-235-8440 FAX. 235-8440

2/28/13

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

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

Enclosed herewith are 4 reduced to 11 X 17 copies of the preliminary plat and 1 full sized 18"X 24" copy.

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

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

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

Per the City of Homer, the area of these lots are zoned Rural Residential.

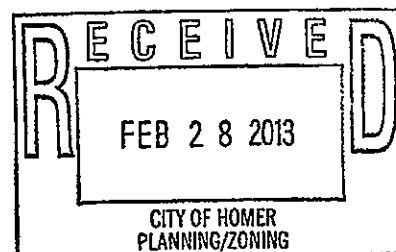
Exceptions requested;

We are asking that the 20' building setback per the parent plat, HM80-28 be extinguished.

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

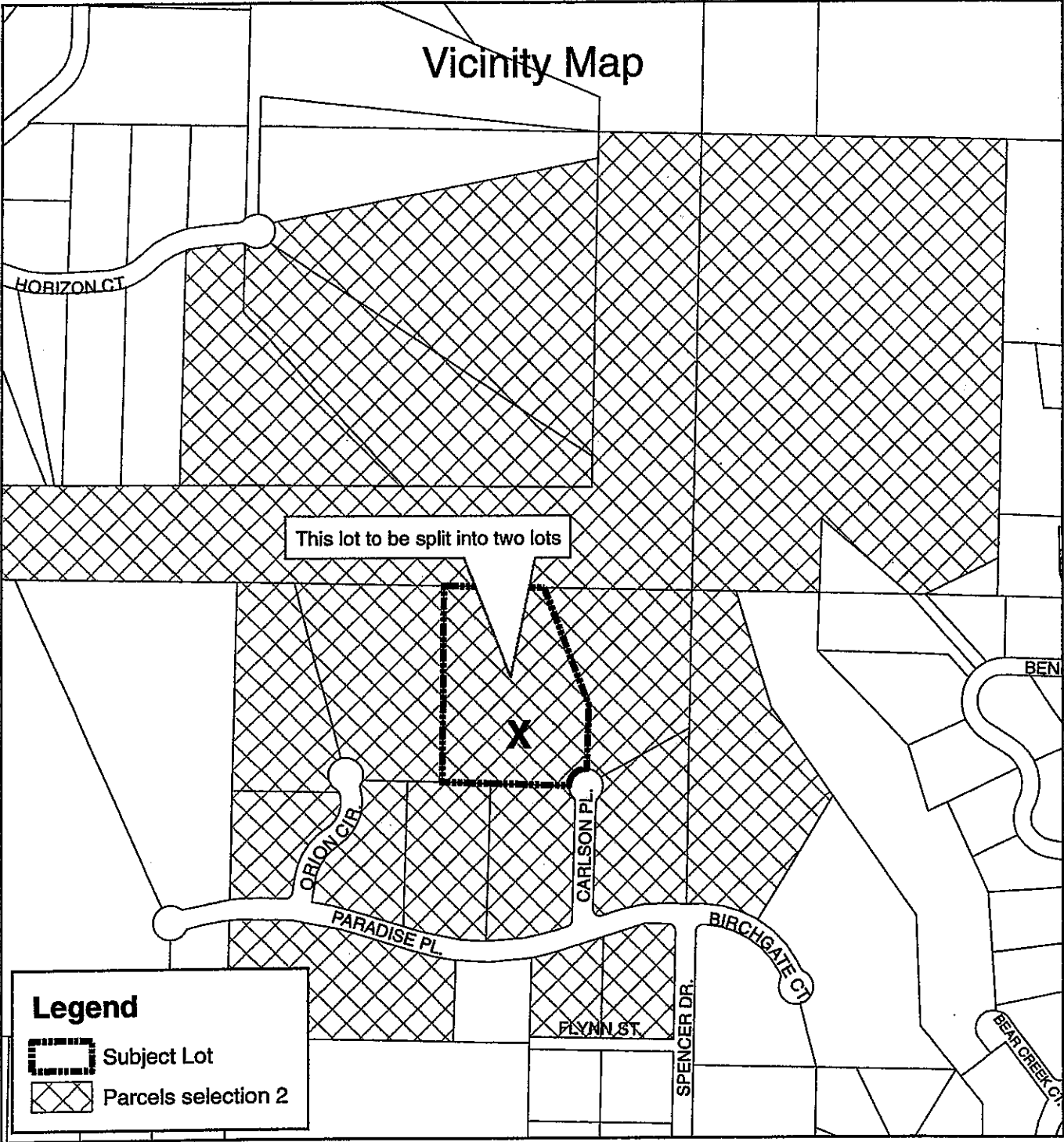
Sincerely,

Nate Bynum


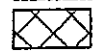




Vicinity Map



Legend

-  Subject Lot
-  Parcels selection 2



City of Homer
Planning and Zoning Department
 March 1, 2013

Paradise South Sub 2012 Preliminary Plat

Property owners w/in 500 feet are notified



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

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:

Forest Glen Sub. 2013 Replat

Bay View Sub. 2013 Replat

Nils O. Svedlund Sub 2013 Replat

→ Paradise South Sub. 2012

The location of the proposed subdivision(s) affecting you 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, March 20, 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



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
 Fax (907) 235-3118
 E-mail Planning@ci.homer.ak.us
 Web Site www.cityofhomer-ak.gov

STAFF REPORT PL 13-27

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: March 20, 2013
SUBJECT: Bay 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:	Harmon Hall 64362 Bridger Road Homer AK 99603	Seabright Surveying 1044 East End Dr Suite A Homer, AK 99603
Location:	South shore of Beluga Lake at Lakeshore Drive and Lampert Loop.	
Parcel ID:	179171 01, 02	
Size of Existing Lot(s):	0.56 and 0.97 acres	
Size of Proposed Lots(s):	1.5830 acres	
Zoning Designation:	General Commercial One District	
Existing Land Use:	Vacant, float plane access	
Surrounding Land Use:	North: Beluga Lake South: Commercial/vacant East: Float plane dock West: Airport lease lands, float planes	
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. Specific to this area: allow residential uses, encourage water dependent uses along Beluga Lake, and encourage small commercial enterprises on Lakeshore Drive. Maintain the neighborhood character of mixed use commercial and residential use, retain healthy mature evergreen trees when practical and plant trees in landscaped areas.	
Wetland Status:	The 2005 wetland mapping shows there may be moderate value wetlands classified as discharge slope.	

Flood Plain Status:	Unnumbered A Zone.
BCWPD:	Not within the Bridge Creek Watershed Protection District.
Utilities:	City water and sewer are available.
Public Notice:	Notice was sent to 34 property owners of 44 parcels as shown on the KPB tax assessor rolls.

ANALYSIS:

This subdivision is within the General Commercial One Zoning District. This plat meets the dimensional requirements of the district. Public Works recommends the half right of way of Lampert Loop be dedicated by this plat, to match the existing half right of way dedication.

This property is in the floodplain and appropriate plat notes per KPB should be added.

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

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

Staff Response: The plat meets these requirements.

2. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat does not meet these requirements. No adjacent lots, section lines or rights of way are provided.

Recommendation: Label Lampert Loop, Lakeshore Drive, Beluga Lake, and depict the section line if it exists

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. Recommendation: Show the section line easement if it exists.

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

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

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

Staff Response: The plat does not meet these requirements. See staff recommendations.

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

Staff Response: The plat does not meet these requirements. See staff recommendations.

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

Staff Response: The plat does not meet these requirements. Recommendation: Add floodplain information.

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

Staff Response: The plat does not meet these requirements. See staff recommendations.

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

Staff Response: The plat meets these requirements.

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

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

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

PUBLIC WORKS COMMENTS: Requests the planning Commission consider the need to dedicate the half right of way of Lampert Loop, along the existing section line and half right of way dedication.

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. Label Lampert Loop, Lakeshore Drive, Beluga Lake, and depict the section line if it exists.
2. This property is in the floodplain and appropriate plat notes per KPB should be added. Beluga Lake is an unnumbered A zone, according to "The Flood Insurance Study for the City of Homer, Alaska," dated September 25, 2009, with accompanying Flood Insurance Rate Maps (FIRM).
3. Label adjacent subdivisions.
4. Dedicate the half right of way along the existing Lampert Loop right of way.

ATTACHMENTS

1. Preliminary Plat
2. Surveyor's Letter
3. Vicinity map
4. Drawing with comments from Public Works

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS

DAY OF _____, 2013.

FOR: _____

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

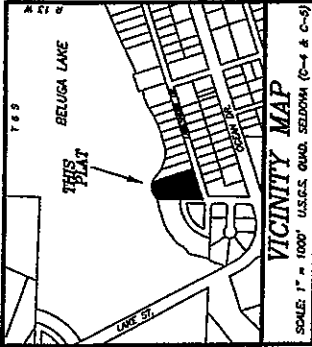
WASTEWATER DISPOSAL

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

KENTON T. BLOOM, PLS 7988-S DATE _____

NOTES

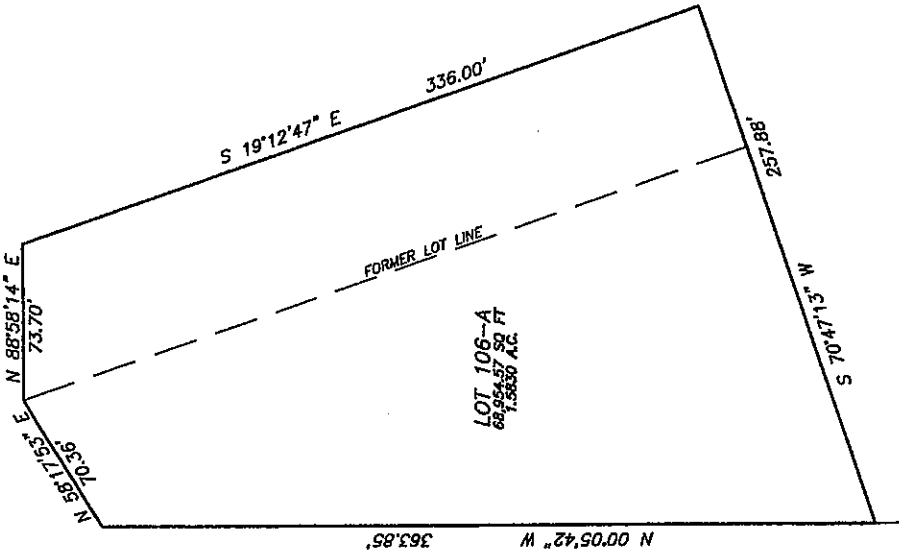
1. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER SERVICES.
3. THE FRONT 15' OF THE 20' SETBACK ALONG THE EXISTING RIGHTS-OF-WAY AND THE ENTIRE SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT.
4. DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF HOMER ZONING REGULATIONS.
5. THIS PLAT WAS PREPARED FOR THE REMOVAL OF LOT LINES ONLY. NO SURVEY WAS PERFORMED FOR THE PREPARATION OF THIS PLAT. ALL LOT DIMENSIONS SHOWN ON THIS PLAT ARE FROM SURVEY DATA AS SHOWN ON PLAT #0006339 (MFD).



CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

HOMER HALL
 1044 EAST ROAD, SUITE A
 HOMER, ALASKA 99603



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____ DATE _____

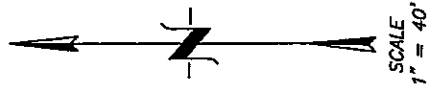
BY: _____ AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH

HOMER RECORDING DISTRICT
 KPB FILE NO. 2013-
BAY VIEW SUBDIVISION
2013 REPLAT

A REPLAT OF LOTS 105 AND 106 (PLAT #0006339) BAY VIEW SUBDIVISION, STRADDLING THE SH 14, SEC 21, T6S, R13W, S4M, COAN IN THE CITY OF HOMER, BOROUGH THIRD JUDICIAL DISTRICT, STATE OF ALASKA CONTAINING 1.5830 ACRES MORE OR LESS

SEABRIGHT SURVEY + DESIGN
 KENTON T. BLOOM, P.L.S.
 1044 EAST ROAD, SUITE A
 HOMER, ALASKA 99603
 (907) 238-4247

DRAWN BY: KK CHKD BY: KB JOB #13-04
 DATE: 2/2013 SCALE: 1"=40' SHEET #1 OF 1



SEABRIGHT SURVEY + DESIGN

Kenton Bloom, PLS
1044 East Road Suite A
Homer, Alaska 99603
(907) 235-4247 (& fax)
seabrightz@yahoo.com

February 28th, 2013

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

RE: Bay View Subdivision 2013 Replat

To Whom It May Concern:

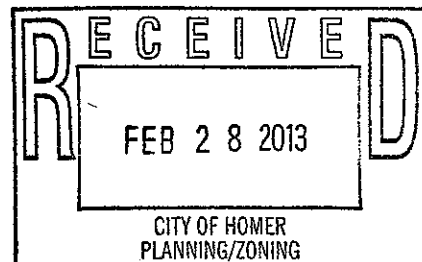
Seabright Survey + Design is pleased to submit the preliminary plat for the **Bay View Subdivision 2013 Replat**

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.

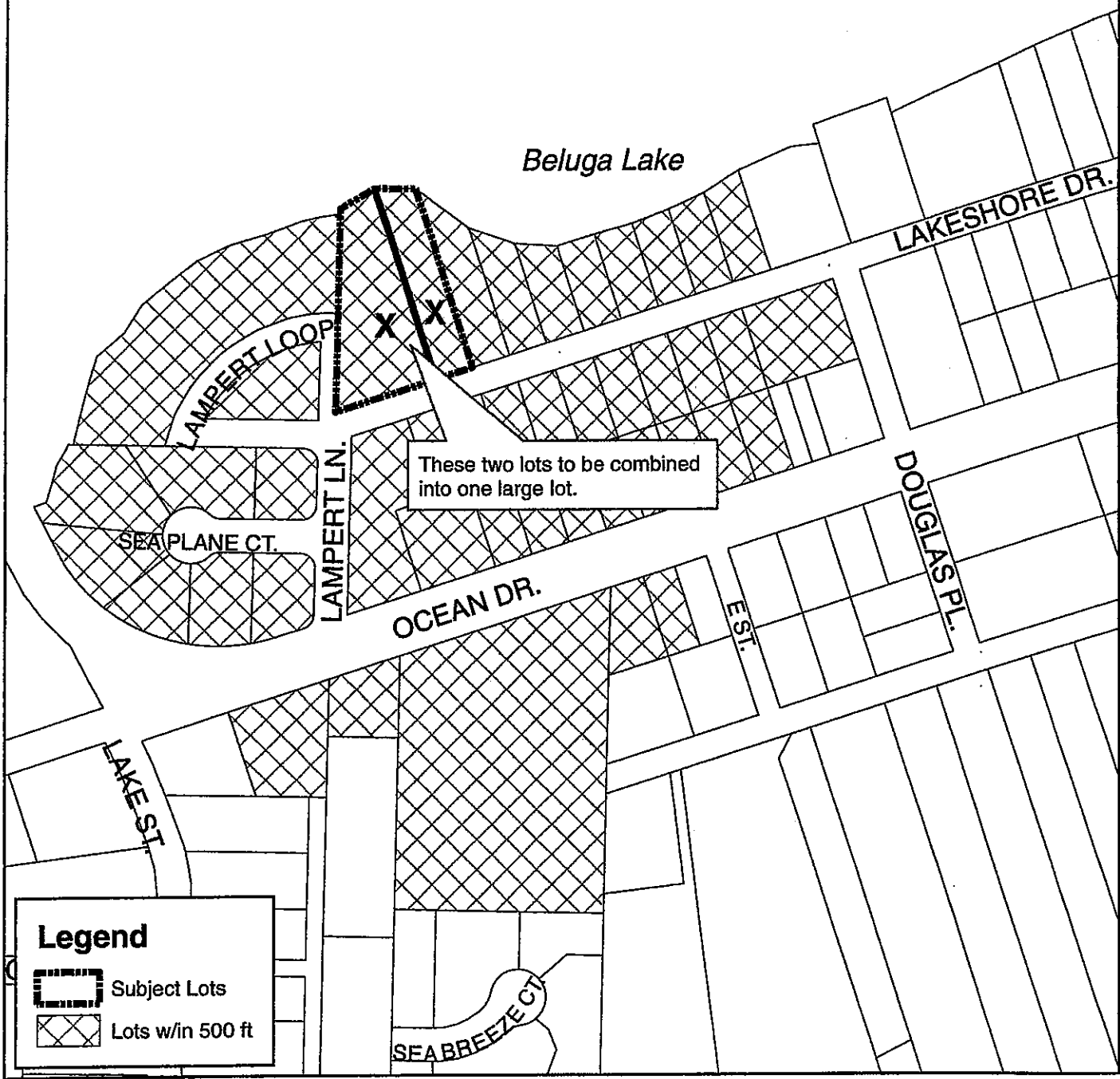
Cordially,





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



Vicinity Map



Legend

-  Subject Lots
-  Lots w/in 500 ft

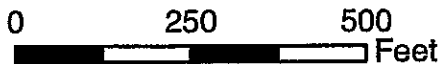


*City of Homer
Planning and Zoning Department*

March 4, 2013

Bay View Sub 2013 Replat Preliminary Plat

Property owners w/in 500 feet are notified



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

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:

Forest Glen Sub. 2013 Replat

→ **Bay View Sub. 2013 Replat**

Nils O. Svedlund Sub 2013 Replat

Paradise South Sub. 2012

The location of the proposed subdivision(s) affecting you 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, March 20, 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

P/W comments

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 REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

KENTON T. BLOOM, PLS 7988-5 DATE _____

Existing Section Line Esmt. →

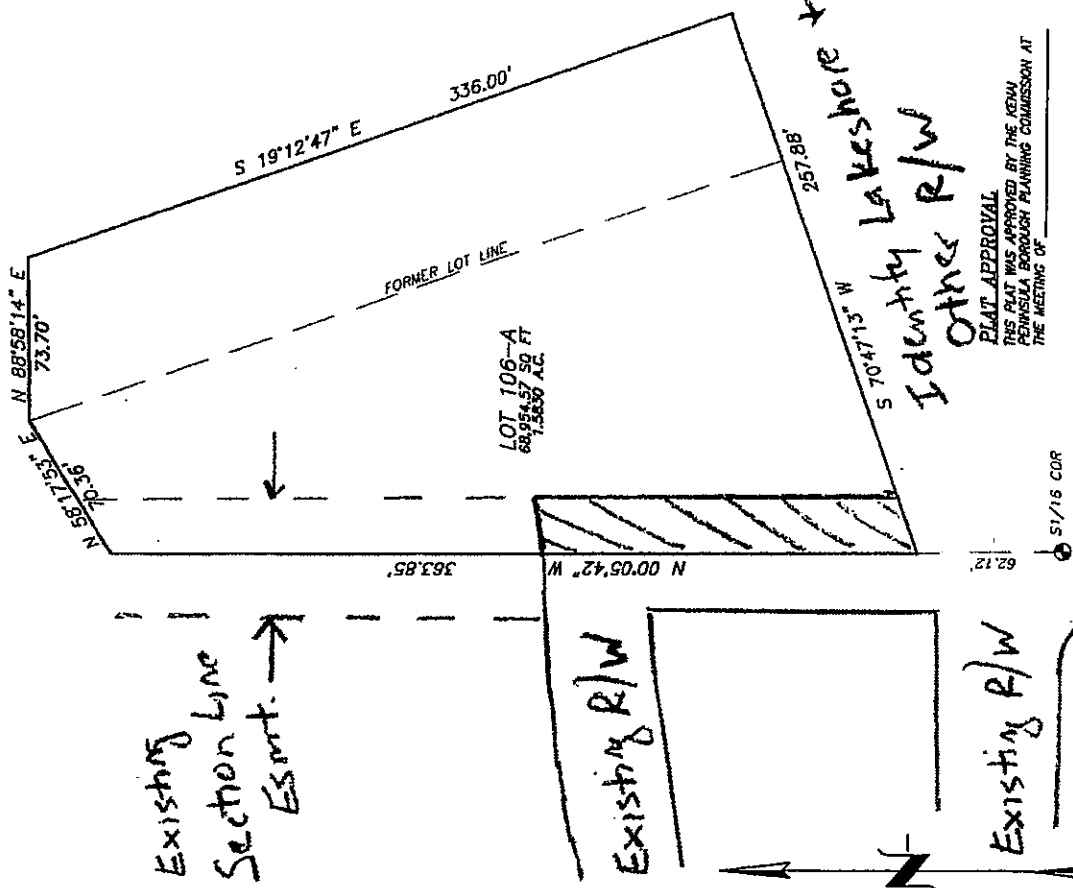
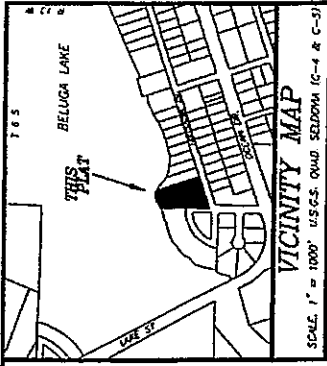
NOTES

1. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER SERVICES.
3. THE FRONT 15' OF THE 20' SETBACK ALONG THE EXISTING RIGHTS-OF-WAY AND THE ENTIRE SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT.
4. DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF HOMER ZONING REGULATIONS.
5. THIS PLAT WAS PREPARED FOR THE REMOVAL OF LOT LINES ONLY. NO SURVEY WAS PERFORMED FOR THE PREPARATION OF THIS PLAT. ALL LOT DIMENSIONS SHOWN ON THIS PLAT ARE FROM RECORD DATA AS SHOWN ON PLAT #0000839 (HRD).

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT I HEREBY ADAPT THIS PLAT OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

HARROH HALL
 64322 BRIDGER RD
 HOMER, ALASKA 99603



HOMER RECORDING DISTRICT APR FILE NO. 2013- BAY VIEW SUBDIVISION 2013 REPLAT	
A REPLAT OF LOTS 105 AND 106 (PLAT #0000839) BAY VIEW SUBDIVISION, SITUATED IN THE SW 1/4, SEC 21, T6S, R13W, S.M., LOCATED WITHIN THE CITY OF HOMER BOROUGH THIRD JUDICIAL DISTRICT, STATE OF ALASKA, CONTAINING 1.5830 ACRES MORE OR LESS	
SEABRIGHT SURVEY + DESIGN KENTON T. BLOOM, P.L.S. 1044 EAST ROAD, SUITE A HOMER, ALASKA 99603 (907) 215-4247	
DRAWN BY: KK	CHKD BY: KB
DATE: 2/2013	JOB #13-04
SCALE: 1"=40'	SHEET #1 OF 1





City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
 Fax (907) 235-3118
 E-mail Planning@ci.homer.ak.us
 Web Site www.cityofhomer-ak.gov

STAFF REPORT PL 13-29

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: March 20, 2013
SUBJECT: Forest Glen Subdivision 2013 Replat

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

Applicants:	Pastor Glen Harbaugh Homer Independent Baptist Church PO Box 112 Homer, AK 99603	Seabright Survey+ Design Kenton Bloom, PLS 1044 East End Road, Suite A Homer, AK 99603
Location:	NW corner of Sterling Highway and Glenview (formerly Thomas St.)	
Parcel ID:	17526009-11	
Size of Existing Lot(s):	Lot 1 is 0.89 acres. Lot 2 is 1.01 acres. Lot 3 is 1.01 acres.	
Size of Proposed Lots(s):	3.025 acres	
Zoning Designation:	Gateway Business District	
Existing Land Use:	Church, parking and Lot 3 is vacant.	
Surrounding Land Use:	North: Residential South: Vacant and a church East: Vacant and residential West: Church	
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 Lot 3 is Wetland Upland Complex The eastern quarter of Lot 2 is also Wetland Upland Complex	
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 46 property owners of 43 parcels as shown on the KPB tax assessor rolls.	

ANALYSIS:

This subdivision is within the Gateway Business District. This plat vacates the common lot lines.

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: City of Homer Resolution 2010-10 changed Thomas Street to Glenview St.

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

Staff Response: The plat meets these requirements.

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

Staff Response: Private parcels are shown. Add radius to the southwest corner of the Sterling Highway and Glenview Street. 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: Change Note 2 (3): "The front 15' (~~10'~~) of the 20' setback along the existing rights-of-way and the entire setback within 10' of the only side lot line (~~5 feet of side lot lines~~) is a utility easement.

7. The names of adjacent subdivisions or an indication that the adjacent land is not subdivided.
Staff Response: Indicate adjacent subdivision names.

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. Change Note 3 (4): “These lots are served by City of Homer municipal sewer collection system.”

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

PUBLIC WORKS COMMENTS:

1. Add radius to the southeast corner of lot at the corner of Sterling Highway and Glenview Street.
2. Change Note 3 (4): “These lots are served by City of Homer municipal sewer collection system.”
3. Remove depiction of 20’ building setback along Sterling Highway and rely only on Note 1 OR depict setback on all rights-of-way.

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

STAFF COMMENTS/RECOMMENDATIONS:

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

1. Change Thomas Street to Glenview Street per City of Homer Resolution 2010-10.
2. Add radius to the southeast corner of lot at the corner of Sterling Highway and Glenview Street.
3. Change Note 2 (3): “The front 15’ (10’) of the 20’ setback along the existing rights-of-way and the entire setback within 10’ of the only side lot line (5-feet-of-side-lot-lines) is a utility easement.
4. Change Note 3 (4): “These lots are served by City of Homer municipal sewer collection system.”

5. Remove depiction of 20' building setback along Sterling Highway and rely only on Note 1 OR depict setback on all rights-of-way.
6. Indicate adjacent subdivision names
7. Add a plat note: "Development of these lots is subject to the City of Homer Zoning Regulations."

ATTACHMENTS

1. Preliminary Plat
2. Surveyors letter
3. Vicinity Map & 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.

LEGEND

● FND. 2 1/2" BRASS CAP MON. SET IN 1973 BY KEN BRANCH (PLAT #75-1324)

KENTON T. BLOOM, PLS _____ DATE _____
7988-S

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY A RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10' OF THE 20' SETBACK ALONG THE EXISTING RIGHTS-OF-WAY AND THE ENTIRE SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A PERMITTED EASEMENT. PERMITTED STRUCTURES SHALL BE CONSTRUCTED FROM PROPERTY WITHIN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
3. THESE LOTS ARE SERVED BY KACHEMAM CITY SEWER.
4. ALL R/W RETURNS ARE 20' RADIUS UNLESS OTHERWISE NOTED.
5. 2" X 2" HUB AND TACK SET AT ALL LOT CORNERS BY KEN BRANCH, PLAT #75-1324 HRD.

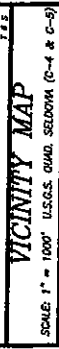
LOT 1-A-1
PLAT #2009-178 HRD

SCALE
1" = 60'



CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD
C1	36°41'01"	416.20'	266.47'	137.98'	261.54'
C2	09°00'00"	1255.37'	197.19'	98.80'	196.89'
C3	47°50'30"	718.20'	535.63'	280.98'	523.13'
C4	11°22'39"	355.37'	189.21'	95.17'	189.40'



VICINITY MAP

SCALE: 1" = 1000' U.S.G.S. ROAD, SEEDOOKA (C-4 & C-5)

PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____ DATE _____

AUTHORIZED OFFICIAL _____ DATE _____
KENAI PENINSULA BOROUGH

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY AND DESCRIBED HEREON, THAT I HEREBY APPROVE OF THE SUBDIVISION, AND BY MY FREE CONSENT, DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

PASTOR GLEN HARRISON, SENIOR
HOMER INDEPENDENT BAPTIST CHURCH
P.O. BOX 112
HOMER, AK 99603

HOMER RECORDING DISTRICT
HRR FILE No. 2013-

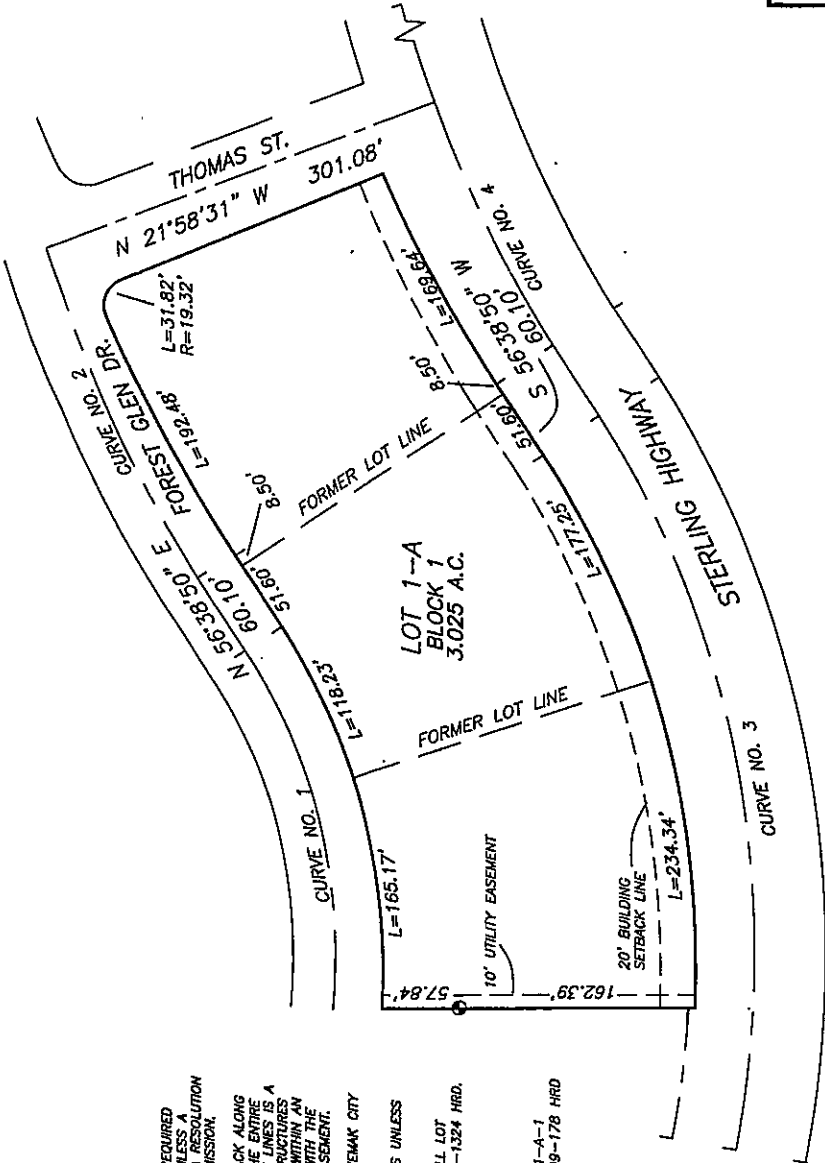
FOREST GLEN SUB. 2013 REPLAT

A. REPLAT OF LOTS 1, 2, AND 3, BLOCK 1, UNIT 1 OF FOREST GLEN SUBDIVISION (PLAT #75-1324 HRD) SITUATED IN THE SE 1/4 NW 1/4, SEC 19, T6S, R15W, S14, LOCATED WITHIN THE KENAI PENINSULA BOROUGH THIRD JUDICIAL DISTRICT, STATE OF ALASKA

CONTAINING 3.025 ACRES MORE OR LESS

SEABRIGHT SURVEY + DESIGN
KENTON T. BLOOM, P.L.S.
1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 233-4247

DRAWN BY: KK CHKD BY: KB JOB #13-02
DATE: 1/2013 SCALE: 1"=60' SHEET #1 OF 1



SEABRIGHT SURVEY + DESIGN

Kenton Bloom, PLS

1044 East Road Suite A

Homer, Alaska 99603

(907) 235-4247 (& fax)

seabrightz@yahoo.com

February 28th, 2013

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

RE: Forest Glen Subdivision 2013 Replat

To Whom It May Concern:

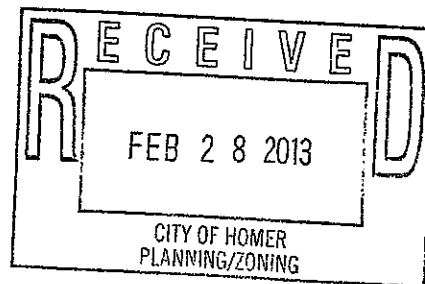
Seabright Survey + Design is pleased to submit the preliminary plat for the **Forest Glen Subdivision 2013 Replat**

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.

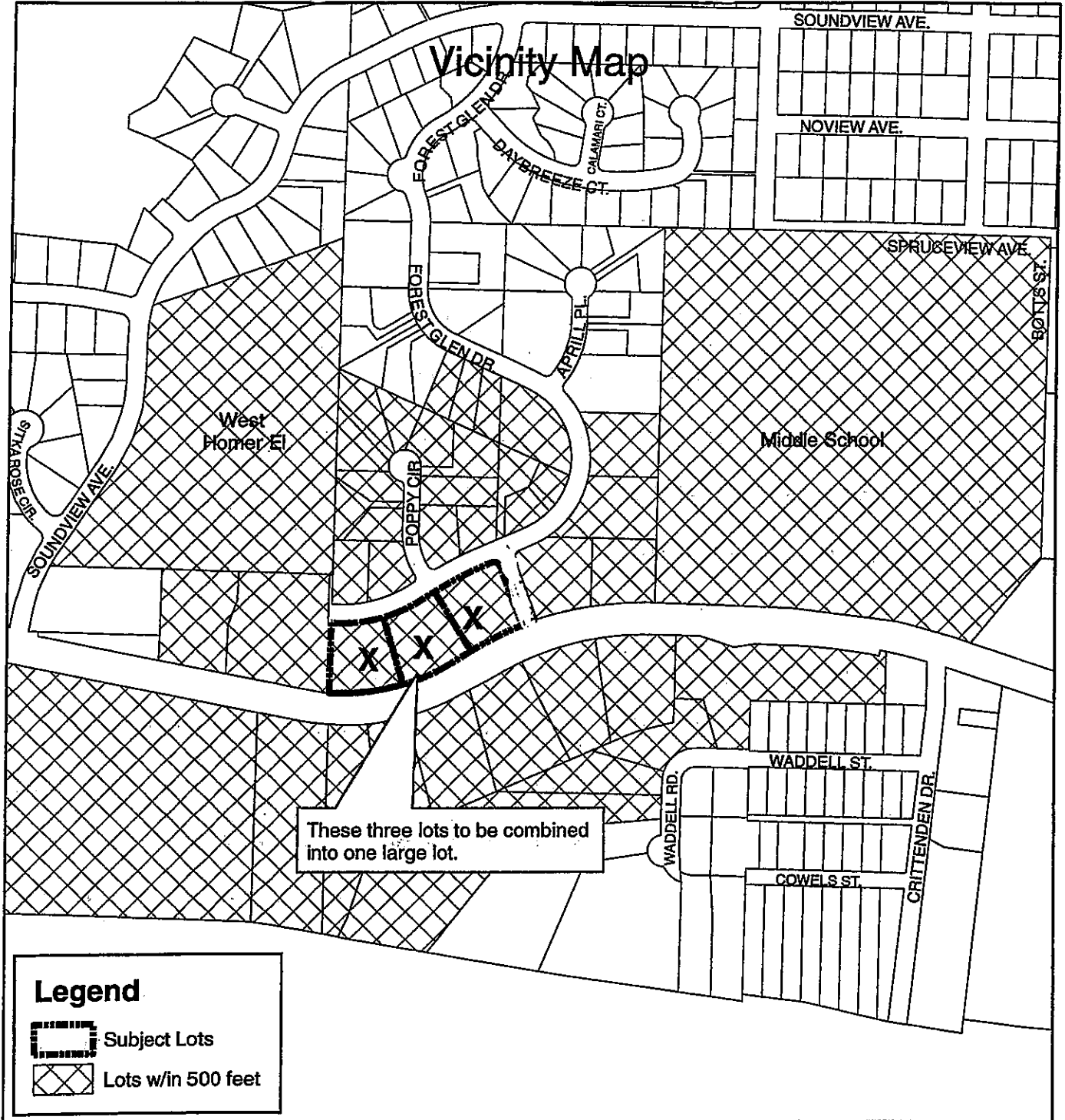
Cordially,



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





Vicinity Map



These three lots to be combined into one large lot.

Legend

-  Subject Lots
-  Lots w/in 500 feet



City of Homer
Planning and Zoning Department
 March 4, 2013

Forest Glen Sub 2013 Replat Preliminary Plat

Property owners w/in 500 feet are notified



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

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:

- **Forest Glen Sub. 2013 Replat**
- Bay View Sub. 2013 Replat**
- Nils O. Svedlund Sub 2013 Replat**
- Paradise South Sub. 2012**

The location of the proposed subdivision(s) affecting you 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, March 20, 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



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 13-33

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Clerk
MEETING: March 20, 2013
SUBJECT: Election of Vice Chair

Introduction

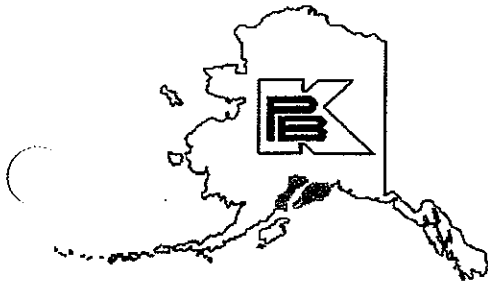
With Shelly Erickson's departure, Vice-Chair Venuti will take the position of Chair until the term expires later this year. There will be an election for Vice-Chair at this meeting. Typically, the chair opens the floor for nominations, and the Commission makes one or more nomination. The vote can be by roll call, or by secret ballot.

The Planning Commission bylaws state that elections for Chairman and Vice-Chairman shall be held annually, in August, so the process will be repeated at the August 7 regular meeting.

Staff Comments:

Staff recommends the Planning Commissions conduct elections for Vice-Chair.





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

MIKE NAVARRE
BOROUGH MAYOR

February 27, 2013

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE

MEETING OF FEBRUARY 25, 2013

RE: Paradise South Subdivision 2013 Preliminary Plat

The Plat Committee reviewed and granted approval of the subject preliminary plat during their regularly scheduled meeting of February 25, 2013 based on the findings that the preliminary plat met the requirements of the Kenai Peninsula Borough Code.

AMENDMENT: An amendment motion **failed** by majority consent (*Foster, No; Gross, Absent; Holsten, No; Isham, Yes; Lockwood, Yes; Martin, No*) to grant exception to KPB 20.14, Wastewater Review based on the following findings of fact.

Findings

1. Lot 3-B1 contains 4.353 acres (189,617 square feet).
2. Lot 3-B2 contains 25,652 square feet.
3. Per the submittal, Lot 3-B2 has its own septic system that has been in place for many years, long before the parcel was annexed into the City of Homer.
4. A lot containing 25,652 square feet does not have adequate area for a replacement septic system.
7. Per the Homer City staff report, the city's sewer main line may be extended 700-800 feet to serve the subdivision.
8. The parent plat was not signed by the Alaska Department of Environmental Conservation or approved under KPB 20.14.
10. Lot 3-B2 is a substandard size lot for on-site water and wastewater disposal system per KPB 20.20.190.
11. The subdivision is within the City of Homer.
12. Development within the subdivision must comply with the requirements of the zoning district.
13. Sewage is to be disposed on-site.
14. Water is to be trucked in by a commercial water service.
15. ADEC views water delivery services as private water systems.
16. Per HCC 21.12.040, the minimum lot area shall be 40,000 square feet, plus 40,000 square feet for each dwelling unit in excess of one unit in areas not served by public sewer and water.

AMENDMENT: An amendment motion **failed** by unanimous consent to grant exception to KPB 20.20.190, Minimum Lot Size based on the following findings of fact.

Findings

1. Lot 3-B2 contains 25,652 square feet.
2. Per the submittal, Lot 3-B2 has its own septic system that has been in place for many years, long before the parcel was annexed into the City of Homer.
3. A lot containing 25,652 square feet does not have adequate area for a replacement septic system.
4. Per the submittal, terrain is moderately sloping towards the south.
6. The minimum lot size is designed to ensure that there is sufficient area on a lot to safely and legally accommodate onsite water (well) and wastewater disposal systems.

7. Per the Homer City staff report, the city's sewer main line may be extended 700-800 feet to serve the subdivision.
8. The parent plat was not signed by the Alaska Department of Environmental Conservation or approved under KPB 20.14.
10. The subdivision is within the City of Homer.
11. Development within the subdivision must comply with the requirements of the zoning district.
12. Sewage is to be disposed on-site.
13. Water is to be trucked in by a commercial water service.
14. ADEC views water delivery services as private water systems.
15. Per HCC 21.12.040, the minimum lot area shall be 40,000 square feet, plus 40,000 square feet for each dwelling unit in excess of one unit in areas not served by public sewer and water.
16. An exception to KPB 20.14 has been requested.

AMENDMENT: An amendment motion passed by unanimous consent to grant exception to KPB 20.20.230, Building Setback based on the following findings of fact.

Fact 1. That special circumstances or conditions affecting the property have been shown by application.

Findings

1. Per HM 80-28, a 20-foot building setback adjoins Carlson Place.
2. The subject property was not within city limits when the parent plat was recorded.
3. The March 3, 1980 Plat Committee meeting minutes do not mention the building setback.
4. The proposed plat is now within the City of Homer.
5. Development within the subdivision must comply with the requirements of the zoning district per KPB 20.20.235.
6. Removing the 20-foot building setback from the plat will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.
7. Plat Note 1 states the subdivision is subject to the Homer City Code.

Fact 2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title.

Findings

1. Per HM 80-28, a 20-foot building setback adjoins Carlson Place.
2. The subject property was not within city limits when the parent plat was recorded.
3. The March 3, 1980 Plat Committee meeting minutes do not mention the building setback.
4. The proposed plat is now within the City of Homer.
5. Development within the subdivision must comply with the requirements of the zoning district per KPB 20.20.235.
6. Removing the 20-foot building setback from the plat will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.
7. Plat Note 1 states the subdivision is subject to the Homer City Code.

Fact 3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

Findings

4. The proposed plat is now within the City of Homer.
5. Development within the subdivision must comply with the requirements of the zoning district per KPB 20.20.235.
6. Removing the 20-foot building setback from the plat will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.
7. Plat Note 1 states the subdivision is subject to the Homer City Code.

Please contact the Planning Department if you need additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent February 27, 2013 to:

City of: City of Homer
491 E. Pioneer Ave
Homer, AK 99603

Rick Abboud
Homer Planning Department
491 E. Pioneer Ave
Homer, AK 99603

Advisory Planning Commission/Community Council:
Homer Advisory Planning Commission
491 E. Pioneer Ave
Homer, AK 99603

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

Subdivider/Petitioner: Todd Hoppe & Kim Perkins
PO Box 2589
Homer, AK 99603-2589

Interested Parties: Doug Van Patten
Dvpalaska@gmail.com

KPB File Number: 2013-038



AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

2. Paradise South Subdivision 2013
KPB File 2013-038; Ability/Hoppe

Staff Report given by Patti Hartley

Plat Committee Meeting: 2/25/13

Location:	City of Homer
Proposed Use:	Residential
Water:	trucked in by commercial water service; stored in cistern
Sewer:	On-site
Zoning:	Rural Residential
Assessing Use:	Residential
Parent Parcel Number(s):	174-100-03

Supporting Information:

The proposed plat subdivides a 5-acre lot into two lots containing 25,652 square feet and 4.353 acres. The subdivision fronts constructed Carlson Place. An exception was requested for wastewater review, lot size, and building setback requirements.

Homer Advisory Planning Commission reviewed the proposed plat on January 16, 2013. The Commission discussed water supply and wastewater disposal at length. A motion to postpone action to the following meeting failed for lack of a second. The motion to approve the plat subject to staff recommendations and findings failed by a tie vote. Per KPB 20.16.060, a written statement from the appropriate city official stating that improvements required by city ordinance are or will be installed or an installation agreement is not required will be provided to the Planning Department prior to final plat.

Satellite imagery indicates structure(s) on Lot 2-B to the east may encroach into the subject plat. If there are any existing encroachments, staff recommends a note be placed on the plat to indicate that acceptance of the plat by the Borough does not indicate acceptance of any encroachments.

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.

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

Staff recommends that notes be placed on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception Requested:

- A. Wastewater review (KPB 20.14).

Staff Discussion: Per the submittal, extending the Homer Sewer Utility to the property is estimated to cost approximately \$50,000, and the Homer water line to the property is not an option due to the extreme cost associated with the length of extension.

Staff is sympathetic with costs involved in subdividing property; however, plat reviews must be based on KPB Code. For exception requests, staff gathers as many land-related facts as possible so the Committee has a range of findings to consider. KPB Code contains no provision to allow staff to consider financial situations in conjunction with exceptions.

Per the submittal there are three dwellings on this parcel, each with its own septic system. No information regarding these systems was provided or found on the ADEC website. KPB Chapter 20.14, Wastewater Disposal requires certain provisions be met with regards to soil type, slope considerations, separation distances and contiguous suitable site (area) availability. No supportive evidence or information has been provided to date.

On February 12, 2013 staff discussed water delivery systems with ADEC and asked if they regarded them as a public water system. ADEC informed staff that the delivery vessels are inspected, certified, and are required to only deliver water from municipal systems. Once the water is delivered to a household the system is essentially a private water system as no controls are in force with respect to the containment vessel (cistern) as well as the distribution system.

Findings

1. Lot 3-B1 contains 4.353 acres (189,617 square feet).
2. Lot 3-B2 contains 25,652 square feet.
3. Per the submittal, Lot 3-B2 has its own septic system that has been in place for many years, long before the parcel was annexed into the City of Homer.
4. A lot containing 25,652 square feet does not have adequate area for a replacement septic system.
5. Per the submittal, terrain is moderately sloping towards the south.
6. Slopes greater than 20 percent have been shown and labeled.
7. Per the Homer City staff report, the city's sewer main line may be extended 700-800 feet to serve the subdivision.
8. The parent plat was not signed by the Alaska Department of Environmental Conservation or approved under KPB 20.14.
9. All wastewater disposal systems must comply with ADEC regulations.
10. Lot 3-B2 is a substandard size lot for on-site water and wastewater disposal system per KPB 20.20.190.
11. The subdivision is within the City of Homer.
12. Development within the subdivision must comply with the requirements of the zoning district.
13. Sewage is to be disposed on-site.
14. Water is to be trucked in by a commercial water service.
15. ADEC views water delivery services as private water systems.
16. Per HCC 21.12.040, the minimum lot area shall be 40,000 square feet, plus 40,000 square feet for each dwelling unit in excess of one unit in areas not served by public sewer and water.
17. Per the submittal, Northern Test Labs conducted an adequacy test of the septic system for all three septic systems on the parent parcel (including the one on the proposed new smaller lot), and they were all found to be performing adequately. The report is submitted herewith.
18. A report from Northern Test Labs was not provided with the submittal.

Based on Findings 1-4, 7, 8, 10-16, staff is unable to recommend granting approval of the exception.

If the Committee approves the exception, staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following facts, and vote on the exception in a separate motion.

20.24.010 provides that the commission (committee) may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The commission (committee) shall find the following facts before granting any exceptions:

1. That special circumstances or conditions affecting the property have been shown by application;
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other

property in the area in which said property is situated.

Exception Requested:

B. Minimum lot size (KPB 20.20.190)

Staff Discussion: Per the submittal, extending the Homer Sewer Utility to the property is estimated to cost approximately \$50,000, and the Homer water line to the property is not an option due to the extreme cost associated with the length of extension.

Staff is sympathetic with costs involved in subdividing property; however, plat reviews must be based on KPB Code. For exception requests, staff gathers as many land-related facts as possible so the Committee has a range of findings to consider. KPB Code contains no provision to allow staff to consider financial situations in conjunction with exceptions.

KPB 20.20.190 Lots – Minimum size, contain criteria where consideration can be made for lots to contain less than 40,000 square feet and each scenario relies on provisions that a soils report may contain or the availability of public or common water or sewer systems. No evidence or supportive information that the proposed Lot 3-B2 meets the provisions for a reduction in minimum size has been submitted to date.

Findings

1. Lot 3-B2 contains 25,652 square feet.
2. Per the submittal, Lot 3-B2 has its own septic system that has been in place for many years, long before the parcel was annexed into the City of Homer.
3. A lot containing 25,652 square feet does not have adequate area for a replacement septic system.
4. Per the submittal, terrain is moderately sloping towards the south.
5. Slopes greater than 20 percent have been shown and labeled.
6. The minimum lot size is designed to ensure that there is sufficient area on a lot to safely and legally accommodate onsite water (well) and wastewater disposal systems.
7. Per the Homer City staff report, the city's sewer main line may be extended 700-800 feet to serve the subdivision.
8. The parent plat was not signed by the Alaska Department of Environmental Conservation or approved under KPB 20.14.
9. All wastewater disposal systems must comply with ADEC regulations.
10. The subdivision is within the City of Homer.
11. Development within the subdivision must comply with the requirements of the zoning district.
12. Sewage is to be disposed on-site.
13. Water is to be trucked in by a commercial water service.
14. ADEC views water delivery services as private water systems.
15. Per HCC 21.12.040, the minimum lot area shall be 40,000 square feet, plus 40,000 square feet for each dwelling unit in excess of one unit in areas not served by public sewer and water.
16. An exception to KPB 20.14 has been requested.
17. Per the submittal, Northern Test Labs conducted an adequacy test of the septic system for all three septic systems on the parent parcel (including the one on the proposed new smaller lot), and they were all found to be performing adequately. The report is submitted herewith.
18. A report from Northern Test Labs was not provided with the submittal.

Based on Findings 1-4, 6-8, 10-16, staff cannot recommend approval of the exception.

If the Committee grants the exception, staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following facts, and vote on the exception in a separate motion.

20.24.010 provides that the commission (committee) may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The commission (committee) shall find the following facts before granting any exceptions:

1. That special circumstances or conditions affecting the property have been shown by application;
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

Exception Requested:

C. Building setback (KPB 20.20.230)

Staff Discussion: HM 80-28 depicts a 20-foot building setback adjoining Carlson Place. The Legal Department advised staff that building setback depictions on old plats must be carried forward even if the property is now within a city's zoning district.

KPB Ordinance 80-4, Amending the Subdivision Ordinance to Clarify Building Setback Requirements in the Area of the Borough within the Boundaries of a First-Class City, was enacted on February 19, 1980. The subject property was not within city limits when the parent plat was recorded.

Removing the 20-foot building setback from the plat will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.

Findings

1. Per HM 80-28, a 20-foot building setback adjoins Carlson Place.
2. The subject property was not within city limits when the parent plat was recorded.
3. The March 3, 1980 Plat Committee meeting minutes do not mention the building setback.
4. The proposed plat is now within the City of Homer.
5. Development within the subdivision must comply with the requirements of the zoning district per KPB 20.20.235.
6. Removing the 20-foot building setback from the plat will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.
7. Plat Note 1 states the subdivision is subject to the Homer City Code.

Staff reviewed the exception request and recommends granting approval. Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following facts, and vote on the exception in a separate motion.

20.24.010 provides that the commission (committee) may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The commission (committee) shall find the following facts before granting any exceptions:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-7 support this fact.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-7 support this fact.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 4-7 support this fact.

STAFF RECOMMENDATION: Grant approval of the preliminary plat subject to any above recommendations,

and the following conditions and findings:

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

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

Platting staff comments: The plat complies with the following portions of 20.12.060: B, E, 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: Staff recommends City of Homer be included in the title block.
- 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: Staff recommends the width of Carlson Place be shown.
- D. 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;
Platting Staff Comments: Staff recommends some prominent features be labeled, like East End Road.
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
Platting Staff Comments: Staff recommends the labels for Plat Note 3 and Plat Note 4 on the face of the plat be corrected; they are reversed.
- G. The names of adjacent subdivisions or an indication that the adjacent land is not subdivided;
Platting Staff Comments: Staff recommends the status label to the north be corrected: Paradise Heights Park.
- 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, a creek may be within the western portion of the subdivision. KPB GIS mapping indicates the plat is not affected by low wet areas or a stream. Additional information was requested from the surveyor.
- K. Within the limits of first class cities, the approximate location of known existing municipal sewers, water mains, and other utilities within the subdivision and immediately abutting thereto;
Platting Staff Comments: Per the Homer City staff report, sewer lines are 700-800 feet from the proposed plat, and water lines are farther away.

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

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

2. KPB 20.14 -- Wastewater Disposal

Platting Staff Comments: **Staff recommends** compliance with 20.14, subject to exception(s) granted. **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, 20.20.110, 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, 20.20.050, 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, 20.20.240, 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

20.20.030. - Proposed street layout—Requirements.

Platting Staff Comments: The 25-acre parcel to the north is land locked. The parcel to the north is a park parcel according to HM 75-59, apparently for the private use of Paradise Heights Subdivision and subsequent replats. The 25-acre parcel is owned by an LLC that also owns a parcel fronting Paradise Place so right-of-way access is possible.

Based on the apparent deliberate plan to isolate the park parcel in the 1970s and access to Paradise Place through an adjoining parcel under the same ownership as the park parcel, **staff recommends** the Committee concur that extending right-of-way to the 25-acre parcel to the north is not required per 20.20.030.

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: The City of Homer did not discuss alleys.

20.20.160. - Blocks—Length requirements—Generally.

Platting Staff Comments: The area is significantly affected by wet areas, steep terrain, and ravines. Locations for constructible right-of-way are limited by terrain constraints. Cul-de-sacs are a common right-of-way design. With the exception of the park parcel to the north, rights-of-way in the area generally provide adequate access to surrounding acreage parcels. Right-of-way provided by the subject platting action might bring the block closer to compliance with the letter of the code but could not provide practical through access for the block. **Staff recommends** the Committee concur that existing conditions justify a variance from the requirement.

20.20.170. - Pedestrian ways required when.

Platting Staff Comments: The City of Homer did not discuss pedestrian ways.

20.20.180. - Lots—Dimensions.

Platting Staff Comments: **Staff recommends** the standard plat note for flag lots be placed on the final plat: No structures are permitted within the panhandle portion of the flag lot(s).

Lot 3-B1, a flag lot, contains approximately 4 acres. Further subdivision is likely. The width of the panhandle is 26 feet. **Staff recommends** a note be placed on the final plat indicating possible limitations on further

subdivision of Lot 3-B1 based on access issues, development trends in the area, or topography.

20.20.250. - Different standards in cities.

Platting Staff Comments: The City of Homer did not discuss different city standards.

20.20.260. - Flood plain requirements.

Platting Staff Comments: Per the Homer City staff report, the plat 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, and the plat is not affected by the anadromous stream habitat protection district.

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: Staff recommends compliance with 20.16.060.

20.16.080. - Dimensional data required.

Platting Staff Comments: Staff recommends compliance with 20.16.080.

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. Staff recommends the areas of each lot be shown in acreage to three decimal places or square feet.

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.

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

20.16.170. - Approval—Authority—Certificate issued when.

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

20.16.180. - Administrative approval.

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

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

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

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

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

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

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment.

1. Todd Hoppe & Kim Perkins, 5525 Carlson Place, Homer
Mr. Hoppe requested approval of the proposed subdivision replat. The correct policy for enforcement of KPB 20.20.190 would be to allow residents that are serviced by a water truck in the Homer area to qualify as served by public water. There are only two trucking companies in Homer who both serve water to about 2,000 households.

Mr. Hoppe stated that the reason they are asking for this subdivision is that they are trying to refinance their home. It has become complicated with some different banking issues that have arisen from 2009. The bank asked that this property be subdivided so that there was collateral on one lot. There are multiple structures on one lot that all serve a different purpose. The investor will not allow

multiple structures on one lot so they want to separate the lot with the single family dwelling house on it which could be used as collateral. The rest of the property could then be refinanced. He was encouraged by the Homer Public Works Director, Dan Gardner to have this done. Mr. Gardner told him this plat should have been a slam dunk at the Homer Planning & Zoning Committee.

Mr. Hoppe reiterated that their public water is trucked in and stated they were not going to run a water line up Spencer Drive from East End Rd. There are 2,000 homes that get trucked in public water in Homer. Those trucks are ADEC approved and are certified every month. The other option was to have a sewer line run but he was not comfortable spending another \$50,000. They already have \$11,000 invested in this subdivision replat with engineering.

Mr. Hoppe commented that the staff report stated that there wasn't adequate room for a septic system. He spoke with the engineer who stated there was adequate room on the 25,000 sq feet for the replacement of the leach field.

Mr. Hoppe presented an aerial photo that showed the parcels that were having water delivered from a water truck. He also presented copies of letters from the mortgage company, trucking company and engineering & testing company.

Chairman Martin asked if there were questions for Mr. Hoppe & Ms. Perkins.

Commissioner Foster asked if the City of Kachemak had a requirement of a 1-acre minimum lot size. Mr. Hoppe replied that his previous house to the south of him was just under an acre.

Commissioner Lockwood asked if any residences in the area had its own wells. Mr. Hoppe replied no, the water in the area has a high iron and nitrate content.

There being no further comments or questions, the public hearing continued.

2. Rick Abboud, City of Homer Planner

Mr. Abboud was at the meeting in support of the findings that this plat was not meeting the 40,000 sq foot lot size requirement.

Chairman Martin asked if there were question for Mr. Abboud.

Commissioner Foster asked if there was precedence that delivered water was considered in the calculation of the minimum lot size. Mr. Abboud replied no, not that he knew of.

Commissioner Foster asked what role the wastewater played into this. Mr. Abboud replied that he needs to find a definition according to code that meets public service one way or another. He expressed concern with the wastewater issue now and in the future.

Commissioner Foster asked if there was precedence for lots less than an acre having a septic system. Mr. Abboud replied he wasn't aware of any precedence.

There being no further questions or comments, the public hearing continued.

Seeing and hearing no one else wishing to speak, Chairman Martin closed the public comment period and opened discussion among the Commission.

MAIN MOTION: Commissioner Foster moved, seconded by Commissioner Lockwood to approve KPB 2013-038, Paradise South Subdivision 2013 preliminary plat with staff recommendations.

AMENDMENT A MOTION: Commissioner Foster moved, seconded by Commissioner Holsten to grant exception to KPB 20.14, Wastewater Review.

Commissioner Foster stated that he supported Homer City Planning & Zoning Commission based on Findings 1-4, 7-8 and 10-16.

There being no further comments or questions, Chairman Martin called for a roll call road.

AMENDMENT A VOTE: The motion failed by majority consent.

FOSTER NO	GROSS ABSENT	HOLSTEN NO	ISHAM YES	LOCKWOOD YES	MARTIN NO	2 YES 3 NO 1 ABSENT
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AMENDMENT A-1 MOTION: Commissioner Foster moved, seconded by Commissioner Holsten to cite the following findings in support of the exception denial to wastewater review.

Findings

1. Lot 3-B1 contains 4.353 acres (189,617 square feet).
2. Lot 3-B2 contains 25,652 square feet.
3. Per the submittal, Lot 3-B2 has its own septic system that has been in place for many years, long before the parcel was annexed into the City of Homer.
4. A lot containing 25,652 square feet does not have adequate area for a replacement septic system.
7. Per the Homer City staff report, the city's sewer main line may be extended 700-800 feet to serve the subdivision.
8. The parent plat was not signed by the Alaska Department of Environmental Conservation or approved under KPB 20.14.
10. Lot 3-B2 is a substandard size lot for on-site water and wastewater disposal system per KPB 20.20.190.
11. The subdivision is within the City of Homer.
12. Development within the subdivision must comply with the requirements of the zoning district.
13. Sewage is to be disposed on-site.
14. Water is to be trucked in by a commercial water service.
15. ADEC views water delivery services as private water systems.
16. Per HCC 21.12.040, the minimum lot area shall be 40,000 square feet, plus 40,000 square feet for each dwelling unit in excess of one unit in areas not served by public sewer and water.

AMENDMENT A-1 VOTE: The motion passed by unanimous consent.

FOSTER YES	GROSS ABSENT	HOLSTEN YES	ISHAM YES	LOCKWOOD YES	MARTIN YES	5 YES 1 ABSENT
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AMENDMENT B MOTION: Commissioner Holsten moved, seconded by Commissioner Isham to grant exception to KPB 20.20.190, Minimum Lot Size.

Commissioner Foster stated that he supported Homer City Planning & Zoning Commission based on Findings 1-4, 6-8 and 10-16.

There being no further comments or questions, Chairman Martin called for a roll call road.

AMENDMENT B VOTE: The motion failed by unanimous consent.

FOSTER NO	GROSS ABSENT	HOLSTEN NO	ISHAM NO	LOCKWOOD NO	MARTIN NO	0 YES 5 NO 1 ABSENT
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AMENDMENT B-1 MOTION: Commissioner Holsten moved, seconded by Commissioner Lockwood to cite the following findings in support of the exception denial to minimum lot size.

Findings

1. Lot 3-B2 contains 25,652 square feet.
2. Per the submittal, Lot 3-B2 has its own septic system that has been in place for many years, long before the parcel was annexed into the City of Homer.
3. A lot containing 25,652 square feet does not have adequate area for a replacement septic system.
4. Per the submittal, terrain is moderately sloping towards the south.
6. The minimum lot size is designed to ensure that there is sufficient area on a lot to safely and legally accommodate onsite water (well) and wastewater disposal systems.
7. Per the Homer City staff report, the city's sewer main line may be extended 700-800 feet to serve the subdivision.
8. The parent plat was not signed by the Alaska Department of Environmental Conservation or approved under KPB 20.14.
10. The subdivision is within the City of Homer.
11. Development within the subdivision must comply with the requirements of the zoning district.
12. Sewage is to be disposed on-site.
13. Water is to be trucked in by a commercial water service.
14. ADEC views water delivery services as private water systems.
15. Per HCC 21.12.040, the minimum lot area shall be 40,000 square feet, plus 40,000 square feet for each dwelling unit in excess of one unit in areas not served by public sewer and water.
16. An exception to KPB 20.14 has been requested.

AMENDMENT B-1 VOTE: The motion passed by unanimous consent.

FOSTER YES	GROSS ABSENT	HOLSTEN YES	ISHAM YES	LOCKWOOD YES	MARTIN YES	5 YES 1 ABSENT
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AMENDMENT C MOTION: Commissioner Foster moved, seconded by Commissioner Holsten to grant exception to KPB 20.20.230, Building setback; citing the 7 findings and tying them to the three facts in the following manner.

Fact 1. That special circumstances or conditions affecting the property have been shown by application.

Findings

1. Per HM 80-28, a 20-foot building setback adjoins Carlson Place.
2. The subject property was not within city limits when the parent plat was recorded.
3. The March 3, 1980 Plat Committee meeting minutes do not mention the building setback.
4. The proposed plat is now within the City of Homer.
5. Development within the subdivision must comply with the requirements of the zoning district per KPB 20.20.235.
6. Removing the 20-foot building setback from the plat will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.
7. Plat Note 1 states the subdivision is subject to the Homer City Code.

Fact 2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title.

Findings

1. Per HM 80-28, a 20-foot building setback adjoins Carlson Place.
2. The subject property was not within city limits when the parent plat was recorded.
3. The March 3, 1980 Plat Committee meeting minutes do not mention the building setback.
4. The proposed plat is now within the City of Homer.
5. Development within the subdivision must comply with the requirements of the zoning district per KPB 20.20.235.
6. Removing the 20-foot building setback from the plat will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.

7. Plat Note 1 states the subdivision is subject to the Homer City Code.

Fact 3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

Findings

- 4. The proposed plat is now within the City of Homer.
- 5. Development within the subdivision must comply with the requirements of the zoning district per KPB 20.20.235.
- 6. Removing the 20-foot building setback from the plat will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.
- 7. Plat Note 1 states the subdivision is subject to the Homer City Code.

Commissioner Foster asked Mr. Abboud if the city supported the building setback exception. Mr. Abboud replied that he wasn't aware of this exception request. He stated that he could support the exception request if he could get a paper trail that the setback requirement was acceptable at the time the structure was built.

Mr. Voeller stated that this exception request was so that the building setback note would not be carried forward on the plat but that the building setback requirements need to comply with City zoning requirements.

AMENDMENT C VOTE: The motion passed by unanimous consent.

FOSTER YES	GROSS ABSENT	HOLSTEN YES	ISHAM YES	LOCKWOOD YES	MARTIN YES	5 YES 1 ABSENT
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MAIN MOTION VOTE: The motion passed by unanimous consent.

FOSTER YES	GROSS ABSENT	HOLSTEN YES	ISHAM YES	LOCKWOOD YES	MARTIN YES	5 YES 1 ABSENT
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AGENDA ITEM F. FINAL PLAT PUBLIC HEARINGS - None

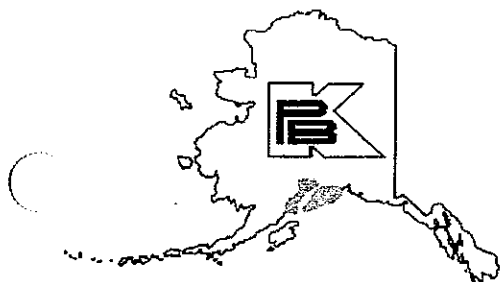
AGENDA ITEM G. OTHER/NEW BUSINESS

AGENDA ITEM H. MISCELLANEOUS INFORMATION -- NO ACTION REQUIRED

AGENDA ITEM I. ADJOURNMENT

There being no further discussion or agenda items the meeting was adjourned at 7:52 p.m.

Patti Hartley



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

MIKE NAVARRE
BOROUGH MAYOR

February 27, 2013

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLANNING COMMISSION

MEETING OF FEBRUARY 25, 2013

RE: Tice-Henrikson No. 2 Oracle Point Addition Time Extension Request

The Kenai Peninsula Borough Planning Commission approved the subject time extension during their regularly scheduled meeting of February 25, 2013. Draft, unapproved minutes of the pertinent portion of the meeting are attached.

If you have any questions, please contact the Kenai Peninsula Borough Planning Department.

This notice and unapproved minutes were sent February 27, 2013 to:

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

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

Survey Firm: Roger Imhoff, RLS
PO Box 2588
Homer, AK 99603

Subdivider/Petitioner: Paul & Francine Sayer
PO Box 10
Homer, AK 99603

KPB File Number: 2007-035



AGENDA ITEM C. CONSENT AGENDA

1. Time Extension Request
 - a. Tice-Henrikson No. 2 Oracle Point Addition
 KPB File 2007-035 [Imhoff/Sayer]
 Location: City of Homer

STAFF REPORT

PC Meeting: 2/25/2013

This subdivision was approved by the planning commission on February 26, 2007, and approval was valid through February 26, 2008. There have been numerous time extensions done in previous years. The most recent time extension was last approved on January 9, 2012 which was valid through January 9, 2013.

The surveyor is requesting on behalf of his client, Paul Sayer, a 1-year time extension for the preliminary plat on January 29, 2013.

There have not been any changes to the surrounding properties that would adversely affect the preliminary concept, although the City now has a gateway zoning district that may affect development.

STAFF RECOMMENDATIONS: Extend preliminary plat approval for one year, through February 25, 2014, subject to the following:

1. Plat must comply with any subsequent changes to Kenai Peninsula Borough Code.
2. Copy of plat with a current utility review being submitted with the final plat.

An appeal of a decision of the Planning Commission may be filed to the Board of Adjustment in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the borough clerk within 15 days of date of notice of the decision; using the proper forms; and, be accompanied by the \$300 filing and records preparation fee.

END OF STAFF REPORT

*** Approved by Adoption of the Consent Agenda**

AGENDA ITEM C. CONSENT AGENDA

1. Time Extension Request
 - b. East Mackey Lake Subdivision
 KPB File 2011-064; Integrity/Meeks
 Location: On Messer Street in Soldotna

STAFF REPORT

PC Meeting 2/25/2013

This plat was granted conditional preliminary approval by the Plat Committee on June 13, 2011 which is valid through June 13, 2012.

This subdivision plat dedicated ROW across an anadromous stream. Because of this crossing the owner was required to improve the existing road to the Kenai Peninsula Borough Road Service Area standards at the location of the stream crossing. This took some time to complete and has delayed the subdivision process. The road improvements have now been completed and the plat is ready to finalize.

The surveyor has requested a 1-year time extension on February 4, 2013.

There have been no changes in the area that would affect this plat.

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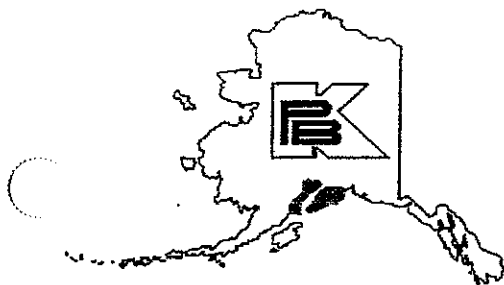
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KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

February 28, 2013

City of Homer
491 East Pioneer Avenue
Homer Alaska 99603

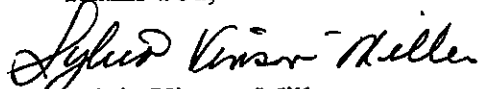
RE: Christensen Tracts 2009 Addition
KPB File 2010-024

The proposed subdivision, located within the City of Homer received preliminary approval by KPB Planning Commission on April 12, 2010.

A two-year time extension request will be a 'consent agenda item' before the Planning Commission at the meeting of March 25, 2013.

The borough staff is recommending the approval be extended through March 25, 2015, with the concurrence of City of Homer Advisory Planning Commission.

Thank You,


Sylvia Vinson-Miller
Platting Technician

