

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 20, 2013 meeting **pg. 1**
- B. Adoption of Feb. 6, 2013 Draft Policies and Procedures **pg. 7**
- C. Adoption of March 6, 2013 Draft Bylaws **pg. 17**

6. Presentations

- A. Representative from Homer Soil and Water Conservation District speaker - Diamond Creek Recreation Area Multi-Resource Management Plan

7. Reports

- A. Staff Report PL 13-35 City Planner's Report **pg. 25**

8. Public Hearings

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

9. Plat Consideration

- A. Staff Report PL 13-28 Nils O. Svedlund Subdivision 2013 Replat Preliminary Plat **pg. 27**

10. Pending Business

- A. Staff Report PL 13-36 Diamond Creek Recreation Area Multi-Resource Management Plan **pg. 35**

11. New Business

- A. Staff Report PL 13-37 Transitional Residential Zone R2 **pg. 68**

12. Informational Materials

- A. City Manager's Report from March 26, 2013 City Council Regular Meeting **pg. 78**
- B. KPB Planning Commission Notice of Decisions **pg. 82**

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 May 1, 2013. A work session will be held at 5:30 pm.

Session 13-04, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Erickson at 6:30 p.m. on March 20, 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 ABBOUD
PLANNING TECHNICIAN ENGBRETSSEN
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

The agenda was approved as presented by consensus of the Commission.

Public Comment

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

None

Reconsideration

Adoption of Consent Agenda

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

A. Approval of Minutes of March 6, 2013 meeting

The consent agenda was approved by consensus of the Commission.

Presentations

Reports

A. Staff Report PL 13-32, City Planner's Report

City Planner Abboud reviewed his staff report.

Public Hearings

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

A. Staff Report PL 13-30, Draft Ordinance Amending the Marine Commercial and Marine Industrial Zoning District

Planning Technician Engebretsen reviewed the staff report.

In response to questions about the conditional uses that are struck out, Mrs. Engebretsen explained that in the city code they have a section about unlisted uses. If a person wants to do something that isn't a

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
MARCH 20, 2013

listed use they can get a conditional use permit for an unlisted use, and the process is spelled out under the unlisted use section of code. Getting rid of the other similar uses matches our other commercial districts, and eliminates the separate class of landowner that was created by having a set of rules for city owned property. All landowners should be equal and if the City wants a separate rule, it should be in administrative guidelines, not the zoning code.

Chair Venuti opened the public hearing.

Dan Young, property owner on the spit, commented in support of the changes tonight. He looked over the changes and they affect him positively. They tried to make these changes six years ago but they failed. He is glad to see this happening.

Thad Busheu, property owner on the spit, commented in support of the changes, they will benefit him as well.

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

BOS/SONNEBORN MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING THE MARINE COMMERCIAL AND MARINE INDUSTRIAL ZONING DISTRICT AND RECOMMEND ADOPTION BY THE CITY COUNCIL.

There was brief discussion for clarification that the information referenced in the laydown memo is already included in the draft ordinance provided by the City Attorney.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 13-31, Draft Ordinance Amending the Zoning Map on the Homer Spit

Planning Technician Engebretsen reviewed the staff report.

In response to questions, City Planner Abboud explained that the need for more marine commercial property is warranted due to several applications for conditional use for marine commercial activity in the marine industrial area.

Chair Venuti opened the public hearing. There were no public comments and the hearing was closed.

BOS/HIGHLAND MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING THE HOMER ZONING MAP TO REZONE THE HOMER SPIT AND RECOMMEND ADOPTION BY THE CITY COUNCIL.

It was noted that the map has been put together very well and is a welcomed change.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Plat Consideration

A. Staff Report PL 13-26, Paradise South Subdivision 2012 Preliminary Plat (revised)

City Planner Abboud reviewed the staff report.

Kim Perkins, applicant, asked the Commission for approval of their plat tonight. In response to questions she explained that they are trying to refinance and this plat change will help them.

HIGHLAND/BOS MOVED TO ADOPT STAFF REPORT PL 13-26, PARADISE SOUTH SUBDIVISION 2012 PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was brief discussion regarding lot size requirements being met.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 13-27, Bay View Subdivision 2013 Replat Preliminary Plat

Planning Technician Engebretsen reviewed the staff report.

There was no applicant present and no public comment.

HIGHLAND/SLONE MOVED TO ADOPT STAFF REPORT PL 13-27, BAY VIEW SUBDIVISION 2013 REPLAT PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS 1-4.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 13-29, Forest Glen Subdivision 2013 Replat Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant present and no public comment.

There was brief discussion that the time frame to eliminate lot lines and eliminate assessments for the natural gas special assessment district has passed and if this is approved, the property owner will still be assessed for three lots. Point was raised that this doesn't encourage density in the gateway business district.

BOS/STEAD MOVED TO ADOPT STAFF REPORT PL 13-29, FOREST GLENN SUBDIVISION 2013 PRELIMINARY PLAT WITH ALL STAFF RECOMMENDATIONS AND COMMENTS.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
MARCH 20, 2013

Comment was made that the church has been on this property for a long time. It doesn't seem they would allow any development on it so it doesn't seem that it will make a difference from the city's perspective whether is one lot or three.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Pending Business

None

New Business

A. Staff Report PL 13-33, Election of Vice Chair

Commissioner Stead nominated Commissioner Bos as Vice Chair. Commissioner Bos accepted the nomination. No other nominations were made and Commission Bos was elected Vice Chair by consensus of the Commission.

Informational Materials

A. KPB Planning Commission Notices

Comments of the Audience

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

There were no public comments.

Comments of Staff

There was brief discussion with staff about another opportunity to have another City Attorney presentation. The group agreed not at the next worksession and that another time would be sufficient.

Comments of the Commission

Commissioner Sonneborn said she is glad the spit zoning passed, she is excited about that.

Commissioner Bos agreed and said everyone did an outstanding job putting that together so people could understand it. It was a great meeting.

Commissioner Stead said he appreciated the training and this meeting. The rezoning is really good. Everyone did a great job.

Chair Venuti said he liked that the public testimony was positive. It was an interesting meeting and he thanked everyone for their hard work.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
MARCH 20, 2013

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 7:20 p.m. The next regular meeting is scheduled for April 3, 2013 at 6:30 p.m. in the City Hall Cowles Council Chambers.

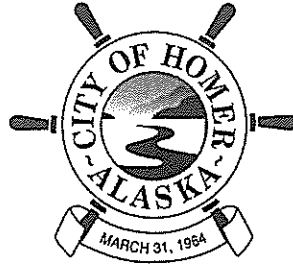
MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



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Policies and Procedures Homer Advisory Planning Commission



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Feb. 6, 2013 Draft

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QUALIFICATION STATEMENT

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

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INDEX

	Page
<u>Introduction</u>	<u>2</u>
<u>Public Testimony and Comment</u>	<u>2</u>
<u>Deliberations</u>	<u>3</u>
<u>Appeals</u>	<u>3</u>
<u>Bridge Creek Watershed</u>	<u>3</u>
<u>Conditional Use Permits</u>	<u>4</u>
<u>Nonconformity</u>	<u>5</u>
<u>Preliminary Plats</u>	<u>7</u>
<u>Zoning Ordinance Amendments</u>	<u>7</u>
<u>Variance</u>	<u>8</u>

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INTRODUCTION

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

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

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

51 52 **PUBLIC TESTIMONY AND COMMENT**

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

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

64 65 **Comment time limits**

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

68 69 **Public Comment**

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

74 75 **Public Hearings and Plats**

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

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

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

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

86
87 When making a quasi judicial decision, the Commission may choose to deliberate at an open meeting, or
88 may choose to meet at a time, date and location set by the Commission. Such a meeting for deliberations
only is not subject to the Open Meetings Act and is not required to be open to the public.

91
92 **APPEALS**
93 **(Quasi Judicial)**
94

95 **PURPOSE**

96 The purpose of review of appeals before the Commission is to ascertain that errors of fact or interpretation
97 have not been made pertaining to zoning matters. Generally, appeals to the Commission will be appeals
98 of a determination, decision, or permitting matter decided upon by the City Planner.
99

100 The City Council, sitting as the Board of Adjustment, hears appeals of decisions made by the
101 Commission. For example, conditional use permits, variance, etc, can be appealed to the Board of
102 Adjustment, or a matter that was appealed to the Commission can be further appealed to the Board of
103 Adjustment.
104

105 **Public Hearing**

106 Appeals before the Commission require a public hearing. Notice of the public hearing will be in
107 accordance with HCC 21.93 and HCC 21.94.
108

109 **Review Standards**

110 In reviewing an appeal request, the Commission will consider:

- 111
1. Documentation of evidence;
 - 113 2. The Record of Appeal; and
 - 114 3. Controlling sections of Chapter 21 Homer City Code;
 - 115 4. Any new evidence or testimony presented during the public hearing.
116

117 Once the public hearing is closed, the Commission cannot hear additional comments on the topic.
118

119 **Determination**

120 All decisions will be in writing. The officially adopted minutes shall be made part of the decision. A
121 specific statement of findings and reasons supporting the decision shall be made. Copies of the decision
122 will be promptly mailed to the persons participating in the appeal.
123

124 An appeal from an action or determination of the Commission is to be filed with the city clerk within
125 thirty days of the distribution of the decision document.
126
127

128 **REVIEW OF BRIDGE CREEK WATERSHED**
129 **PROTECTION DISTRICT**
130

131 **PURPOSE**

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

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

140
141 **Conditional Use**

142 A conditional use permit may be issued in accordance with Chapter 21.61 and subject to the requirements
143 of the Bridge Creek Watershed Protection District Chapter 21.40.060 Conditional uses and structures,
144 and/or Chapter 21.40.080 Erosion sediment control, Chapter 21.40.090 Agricultural activity, Chapter
145 21.40.100 Timber growing and harvesting operations, Chapter 21.40.110 Stream buffers, and Chapter
146 21.40.130 Exceptions to buffers.

147
148 **Preliminary Plats**

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

151
152
153 **REVIEW POLICIES FOR CONDITIONAL USE PERMITS**
154 **(Quasi -Judicial)**

155
156 **PURPOSE**

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

163
164 **Public Hearing**

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

167
168 **Review Standards**

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

172
173 The Commission may approve, approve with conditions, or disapprove an application. The Commission
174 must prepare written findings and reasons supporting its decision. Approval of a conditional use permit
175 requires five yes votes. If a conditional use permit is denied, the written findings and reasons for that
176 decision will be approved by those who voted against the permit, even if the number against is less than a
177 majority of the Commission.

178
179 **Specific conditions may be required.** Such conditions will be part of the terms under which the
180 conditional use permit is granted and violations of such terms shall be deemed a violation of this
181 ordinance. Failure to meet any time limitations imposed by the conditional use permit shall void the
182 permit. An extension may be granted following a public hearing on the matter. Extensions will be
183 granted for good cause only.

184
185 The development of the conditional use project or site, following issuance of the permit, will be in
186 accordance with the conditions of the permit, standards of the zoning regulations and/or the approved site
187 plan. Failure to observe any conditions or standards will be deemed a violation.

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Determination

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

Appeals

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

NONCONFORMITY REVIEW POLICIES

PURPOSE

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

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

Public Hearing

The Commission shall conduct a public hearing per HCC 21.94.

Review Standards

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

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

1. The commencement date of use;
2. The effective date of applicable regulations.

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

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

Nonconforming Uses of Land/Structures

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

239
240 Legally existing structures are those that:

- 241
242 1. Exist prior to effective date of Ordinance 4-300-2 (Interim Zoning Ordinance) dated June
243 13, 1966.
- 244
245 2. Exist prior to effective date of Ordinance No. 33 (Kenai Peninsula Borough) dated May 2,
246 1967 and are in compliance with Ordinance 4-300-2.
- 247
248 3. Exist prior to effective date of Ordinance 78-13 (Kenai Peninsula Borough) dated May 16,
249 1978 and are in compliance with Kenai Peninsula Borough Ordinance No. 33 and Homer
250 Ordinance 4-300-2.
- 251
252 4. Exist prior to effective date of Ordinance 82-15 (Homer Zoning Ordinance) dated
253 September 28, 1982 and are in compliance with previous zoning ordinance requirements.

254
255 Once a structure made nonconforming by this title is abandoned or brought into conformity with this title,
256 the structure shall thereafter conform to the regulations of the zone in which it is located, and the
257 nonconformity shall not be allowed to continue.

258
259 The lawful use may continue so long as it remains lawful. It may expand in accordance with 21.61.040.
260 Once a use made nonconforming by this title is abandoned, changed, discontinued, or ceases to be the
261 primary use of a lot, the use of that lot shall thereafter conform to the regulations of the zone which the lot
262 is located, and the nonconformity shall not thereafter be resumed or allowed to continue.

263
264 A reasonable schedule for the termination of a nonconforming land use/structure which specifically
265 impairs the public health, safety and general welfare will be established by amendment to the zoning
266 ordinance. (See Zoning Amendment procedure.)

267
268 **Determination**

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

274
275 **Appeals**

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

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PRELIMINARY PLAT REVIEW POLICIES

PURPOSE

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

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

Procedures

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

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

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

ZONING ORDINANCE AMENDMENTS

PURPOSE

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

Initiation/Application

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

Public Hearing

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

Review Standards

338 The Commission will generally review the zoning amendment to determine:
339

- 340 ~~1. The public need and justification for the proposed change;~~
341 ~~2. The effect on the public health, safety and welfare;~~
342 ~~3. The effect of the change on the district and surrounding property; and~~
343 ~~4. The relationship to the Comprehensive Plan and purposes of the zoning regulations.~~
344

345 A balanced decision on a rezone request is one that is not arbitrary, has legitimate public purpose and is
346 consistent with the comprehensive plan.
347

348 **In reviewing a code amendment or map amendment, the Commission must consider the standards**
349 **of review as established in HCC 21.95.**
350

354 **Determination**

355 The Commission will make findings and send its written recommendations to the City Council along with
356 meeting minutes and public records relating to the proposed amendment. Such recommendations of the
357 Commission shall be advisory only and shall not be binding on the City Council.
358
359

360 **POLICY FOR REVIEW OF ZONING VARIANCES** 361 **(Quasi-Judicial)** 362

363 **PURPOSE**

364 The Commission may grant a variance to provide relief when a literal enforcement of the regulations and
365 standards of the zoning ordinance, Chapter 21, would deprive a property owner of the reasonable use of
366 his real property.
367

368 The purpose of review is to ascertain that those conditions specified as necessary to granting a variance
369 shall be satisfied; that the variance will be the minimum necessary to permit the reasonable use of land or
370 structure, and that the variance will not be granted which will permit a land use in a district in which that
371 use is otherwise prohibited.
372

373 **Public Hearing**

374 A public hearing before the Commission is required before a variance may be granted. Notice of the
375 public hearing will be in accordance with HCC 21.94.
376

377 **Review Standards**

378 In reviewing a variance request and prior to granting a variance, the Commission must consider the
379 standards of review as established in HCC 21.72. All of the conditions must exist before a variance can
380 be granted.
381

382 **Determination**

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

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



HOMER ADVISORY PLANNING COMMISSION
March 6, 2013 Draft BY-LAWS

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

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

- A. To abide by existing Alaska State law, Borough Code of Ordinances, where applicable, and Homer City Code pertaining to planning and zoning functions;
- B. To abide by Robert's Rules of Order, so far as this treatise is consistent with Homer City Code;
- C. Regular Meetings:

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

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

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D. Special Meetings:

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

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

E. Duties and Powers of the Officers:

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

F. Committees

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

93 **G. Motions to Reconsider:**
94

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

103 **H. Conflict of Interest:**
104

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

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

122 **I. Situation of personal interest**
123

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

131 **J. Ex parte Communications**
132

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

139 at the beginning of the hearing. The Commissioner should state whether or not
140 s/he thinks s/he can make an unbiased decision.
141

142
143 **K. Quorum; Voting:**
144

145 Four Commission members shall constitute a quorum. Four affirmative votes are
146 required for the passage of an ordinance, resolution or motion. Conditional use
147 permits and zoning variances require a majority plus one vote. Voting will be by
148 verbal vote, the order to be rotated. The final vote on each resolution or motion is
149 a recorded roll call vote or may be done in accordance with J. Consensus. For
150 purposes of notification to parties of interest in a matter brought before the
151 Commission, the Chair may enter for the record the vote and basis for
152 determination.
153

154 The City Manager, or his/her designee and Public Works Director shall serve as
155 consulting members of the Commission but shall have no vote.
156

157 **L. Findings:**
158

159 Findings will be recorded for conditional use permits, variances, acceptance of
160 nonconforming status and zoning ordinance amendments. The findings will
161 include the result of the vote on the item and the basis of determination of the
162 vote, as summarized by the Chair or Vice-Chair, in the absence of the Chair.
163

164 **M. Consensus:**
165

166 The Commission may, from time-to-time, express its opinion or preference
167 concerning a subject brought before it for consideration. Said statement,
168 representing the will of the body and meeting of the minds of the members may
169 be given by the presiding officer as the consensus of the body as to that subject
170 without taking a motion and roll call vote.
171

172 **N. Abstentions:**
173

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

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

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

P. Procedure for Consideration of Agenda Items:

The following procedure will normally be observed:

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

Q. Procedure for Consideration of Public Hearing Items:

1. Staff presents report and makes recommendation;
2. Applicant makes presentation;
3. Public hearing is opened;
4. Public testimony is heard on item (presentation of supporting/opposing evidence by public – Commission may ask questions of public);
5. Public hearing is closed;
6. Rebuttal of evidence by staff (if any);
7. Rebuttal of evidence by applicant (if any);
8. Commission may ask questions of the applicant, and staff.
9. The Commission will move/second to accept the staff report, with or without staff recommendations. The Commission will discuss the item, may ask questions of staff, and make amendments to the recommendations of staff. Amendments may be made by motion/second.
10. The Commission may continue the topic to a future meeting. Once the public hearing is closed no new testimony or information will be accepted from the public. The Commission may ask questions of the applicant and staff.

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R. Procedure for Consideration of Preliminary Plats :

The following procedure will normally be observed:

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

S. The Commission shall act as a body. A member of the Commission may not speak or act for the Commission without recommendation or direction given by the Commission. The Chair or Chair's designee shall serve as the official spokesperson of the Commission.

ST. By-Laws Amended:

The by-laws may be amended at any meeting of the Commission by a majority plus one of the members, provided that notice of said proposed amendment is given to each member in writing. The proposed amendment shall be introduced at one meeting and action shall be taken at a subsequent Commission meeting. The by-laws will be endorsed by a resolution of the City Council.

TU. Procedure Manual:

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

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

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

**REGULAR MEETING
AGENDA**

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Public Comment**
The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

279	
280	4. Reconsideration
281	
282	5. Adoption of Consent Agenda
283	All items on the consent agenda are considered routine and non-controversial by the Planning
284	Commission and are approved in one motion. There will be no separate discussion of these items
285	unless requested by a Planning Commissioner or someone from the public, in which case the item
286	will be moved to the regular agenda and considered in normal sequence.
287	
288	6. Presentations
289	
290	7. Reports
291	
292	8. Public Hearings
293	Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by
294	hearing a staff report, presentation by the applicant, hearing public testimony and then acting on
295	the Public Hearing items. The Commission may question the public. Once the public hearing is
296	closed the Commission cannot hear additional comments on the topic. The applicant is not held to
297	the 3 minute time limit.
298	
299	9. Plat Consideration
300	
301	10. Pending Business
302	
303	11. New Business
304	
305	12. Informational Materials
306	
307	13. Comments of The Audience
308	Members of the audience may address the Commission on any subject. (3 minute time limit)
309	
310	14. Comments of Staff
311	
312	15. Comments of The Commission
313	
314	16. Adjournment
315	Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the
316	Commission. Notice of the next regular or special meeting or work session will appear on the
317	agenda following "adjournment."





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 13-35

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: April 3, 2013
SUBJECT: City Planner's Report

No meeting April 17th.

Julie and I will be out for the National Planning Conference. Julie will be back in the office Monday the 22nd and I should be in on Tuesday, but may possibly be out longer. Besides cancelling the meeting on the 17th, we thought we would not be served well by getting too far into to the next big thing just to have a substantial layoff. Therefore, we are providing background material to be used in context with our next large project, which deals with planning for and proposing some district amendments in accordance with the comprehensive plan. This is all about density and requires a lot of thought about what is present and what is likely to come. You may be well served to go out and spend some time in the areas proposed for different residential designations in the comprehensive plan.

No prospective commissioners have applied for the commission vacancy as of the writing of this report.

Spit Trail Update:

On March 27th an update on the Spit Trail was provided by Carey Meyer, Public Works Director and Bryan Hawkins, Harbor Master. Some of the key points are:

- Proposals are being solicited for "1% for Art." This art could include within the "bump outs," benches, sculptures and more.
- Berms, reinforced with logs are to help provide a separation between trail and parking areas.
- Three of the 'stations' will have a covered awning, 16' x 30'
- The restrooms will be designed for natural gas heat. To save energy in the off season, some restrooms will be closed or partially closed.
- The Kachemak Bay Research Reserve and Fish and Wildlife will be asked to help with the interruptive signs. Bike and pedestrian signs will direct folks away from the industrial areas.

Sign workshop: Dotti's last sign workshop for the season is 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.

RV Day Parking: Dotti is ordering signs to direct RV travelers to the HERC and the Chamber parking lot.

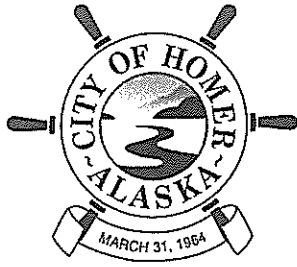
The goal is to have them posted by Shorebird weekend.

Spit Zoning: The Commission's ordinance is scheduled for introduction at the April 22nd Council meeting.

Water Trail: The Kachemak Bay Water Trail folks are planning a stakeholder meeting regarding the design of a kayak launch site recently approved by council to be held April 23rd.

Land Allocation Plan: The recommendation that the Planning Commission and other were well received by the council in the March 22nd work session. The only concern raised was making sure that the recommendations for the areas suggested to be designated for public recreation were in harmony with any restriction that may have been placed on the properties. This item will be on the April 8th City Council agenda.

Kachemak Drive Signage: The Planning Office has been working with the Parks and Recreation Committee to get some cautionary signage permitted by the state reminding drivers to be aware of bike traffic along the road.



City of Homer Planning & Zoning

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Homer, Alaska 99603-7645

Telephone (907) 235-3106
 Fax (907) 235-3118
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 Web Site www.cityofhomer-ak.gov

STAFF REPORT PL 13-28

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: April 3, 2013
SUBJECT: Nils O. Svedlund Subdivision Preliminary Plat

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

Applicants:	Dragonfly, LLC Harmon & Pauli Hall 64362 Bridger Rd Homer, AK 99603	Seabright Survey+ Design Kenton Bloom, PLS 1044 East End Road, Suite A Homer, AK 99603
Location:	Pioneer Avenue	
Parcel ID:	17719226, 17719211, 17719227	
Size of Existing Lot(s):	Lot 6-A is 0.44 acres. Lot 16-B is 0.15 acres. Lot 5 Tract B is 0.09 acres.	
Size of Proposed Lots(s):	0.6860 acres	
Zoning Designation:	Central Business District	
Existing Land Use:	Two and half story office and residential building	
Surrounding Land Use:	North: Church South: Land trust office East: Business and residential uses West: Business and residential uses	
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 does not show wetlands.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	Existing City water and sewer.	
Public Notice:	Notice was sent to 46 property owners of 43 parcels as shown on the KPB tax assessor rolls.	

ANALYSIS: There are three lots involved in this plat. The common lot lines will be vacated, creating one larger lot.

Staff note: Note 7 refers to an “isolated subdivision” which pertains to a subdivision so isolated that it wouldn’t impact the surrounding properties. It is no longer valid hence Note 7 could be eliminated.

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: This 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: Note 6: Staff found no basis for Note 6. Note 4 addresses setbacks through "the City of Homer zoning regulations.

The 20' utility easement that crosses the southern portion of the lot is incorrectly labeled. It has a total width of 40'.

Note 3 is confusing. Modify Note 3: "The front 15' of the 20' setback along the existing rights-of-way is a utility setback."

Dedicate a 10' utility easements along the south and east lot line of Lot 5 Tract B.

Depict the side lot line utility easements on the plat rather than in Note 3.

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 is 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: Depiction of the 20' utility easement.

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. Clarify that the utility easement that cuts through the southern portion of the lot is a 40 ft. utility easement.
2. Indicate adjacent subdivision names.
3. Consider eliminating Note 6.
4. Depict a 15' utility easement along the right-of-way.
5. Depict the existing 10' utility easement along the lower east lot line: 228.88'
6. Change the label on the utility easement that crosses the southern portion of the lot from 20' wide to a total of 40' wide.
7. Delete Note 7 regarding an "isolated subdivision."

ATTACHMENTS

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

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS

DAY OF _____, 2013.

FOR: _____

NOTARY PUBLIC FOR ALASKA

LEGEND

- 2" ALUMINUM CAP ON 30" X 5/8" REBAR SET IN 1984 (PLAT #1984-123 HRD) (RECORD)
- ⊙ 5/8" REBAR W/ STAMPED SURV-WP SET IN 1990 (PLAT #1990-20 HRD) (RECORD)
- Ⓢ AL CAP MONUMENT, 4489-S (RECORD)

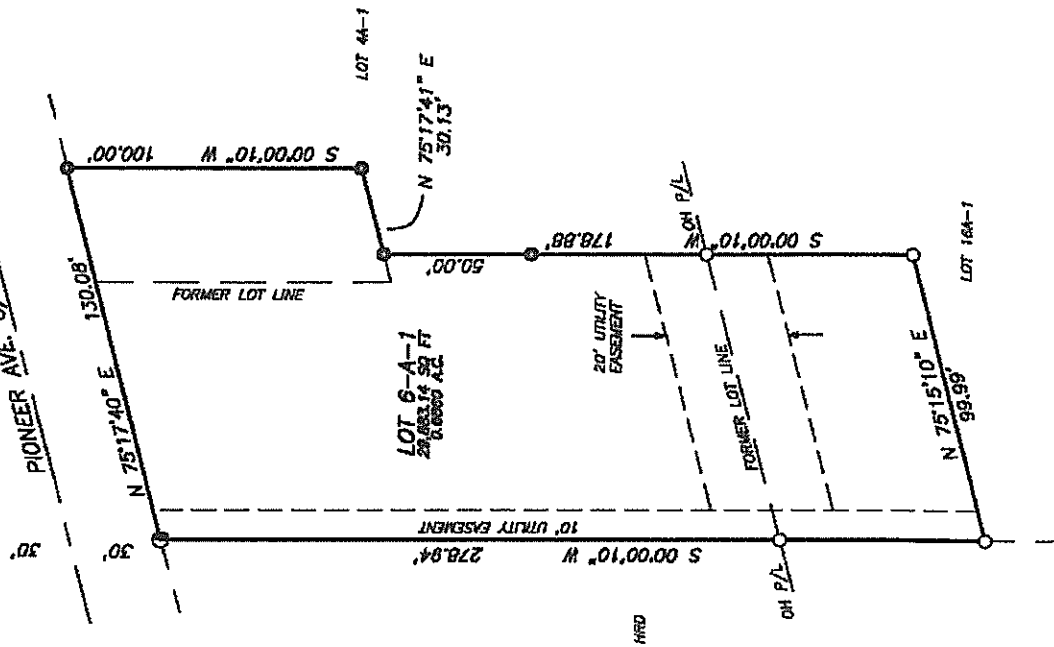
WASTEWATER DISPOSAL

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

KENTON T. BLOOM, PLS 7889-S DATE

NOTES Enlarged

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 #1984-123 (HRD) AND PLAT #1990-20 (HRD).
6. THERE IS A MINIMUM OF A 70' BUILDING SETBACK FROM THE C/L OF PIONEER AVENUE FOR ALL NEW CONSTRUCTION.
7. THIS SUBDIVISION IS AN 'ISOLATED SUBDIVISION' AS DEFINED IN 18 AAC 72.990 (27) AND IS NOT SUBJECT TO REVIEW UNDER 18 AAC 72.065.



CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON THAT WAS FIRST OFFICED THIS PLAT OF SUBDIVISION AND BY MY OFFICE CONVEYED DEEDS TO THE CITY OF HOMER AND PUBLIC AGENCIES TO THE USE SHOWN HEREON.

SENDER FOR DEVELOPMENT LLC
64544 ANCHORAGE RD
HOMER, ALASKA 99603

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

BY: _____ DATE
KENTON T. BLOOM, PLS
7889-S

FILE FILE NO. 2013-

MRS. O. SVEDLUND SUBDIVISION REPLAT

A REPLAT OF LOTS 6-A AND 16-B (PART OF PLAT #1984-123 HRD) AND LOT 6-A (PART OF PLAT #1990-20 HRD) BEING SUBDIVISION SITUATED IN THE NW 1/4 SEC. 24, T15S, R13W, S4M LOCATED WITHIN THE CITY OF HOMER THIRD JUDICIAL DISTRICT, STATE OF ALASKA CONTAINING .0000 ACRES MORE OR LESS

SEABRIGHT SURVEY + DESIGN
KENTON T. BLOOM, P.L.S.
1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 235-4247

DRAWN BY: KK CHRD BY: KB JOB #15-03
DATE: 2/2013 SCALE: 1"=30' 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

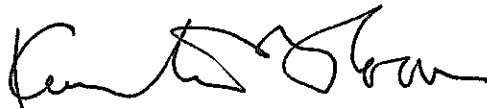
RE: Nils O. Svedlund Subdivision 2013 Replat

To Whom It May Concern:

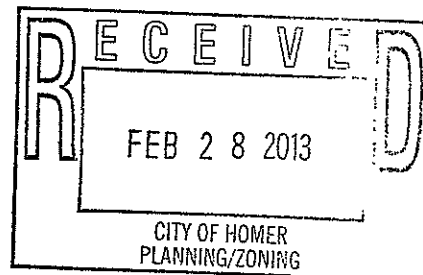
Seabright Survey + Design is pleased to submit the preliminary plat for the **Nils O. Svedlund Subdivision 2013 Replat**

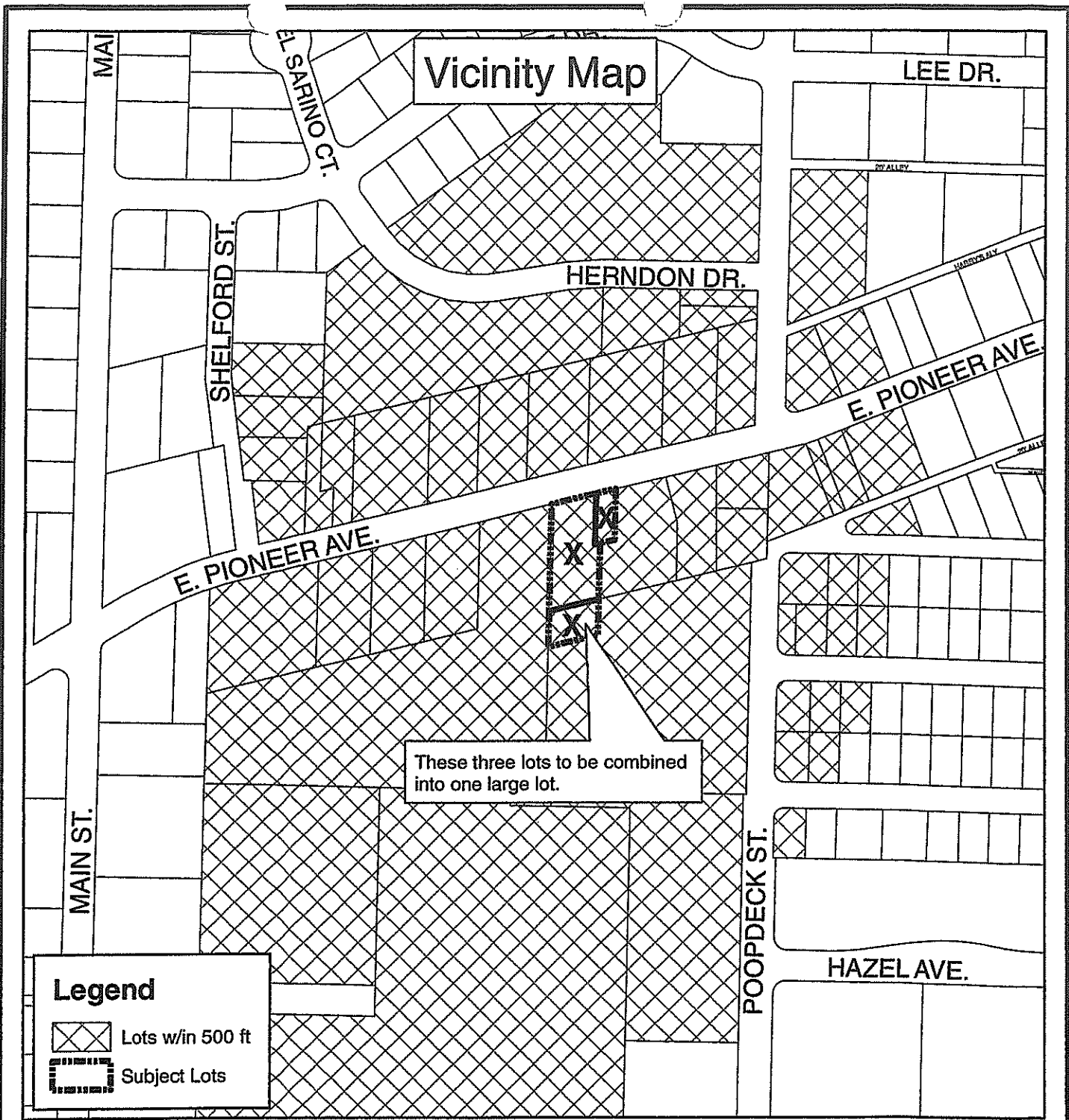
We are providing you with a check for \$300.00 for platting review fees and two full size copies. Please find the PDF 11"x17" in an email for your review. We look forward to working with the City of Homer on this project within city limits. Thank you for your consideration. Please call with any questions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

Cordially,



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








Vicinity Map

These three lots to be combined into one large lot.

Legend

 Lots w/in 500 ft

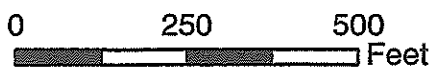
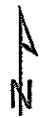
 Subject Lots



City of Homer
 Planning and Zoning Department
 March 4, 2013

Nils O. Svedlund 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:

Nils O. Svedlund Sub 2013 Replat

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.**

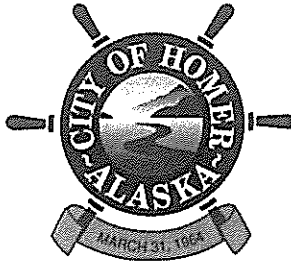
A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, April 3, 2013 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska.

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 Dotti Harness-Foster in the City of Homer Planning and Zoning Office at 435-3118.

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 13-36 Diamond Creek Plan

To: Homer Advisory Planning Commission
From: Julie Engebretsen, Planning Technician
Date: April 3, 2013
RE: Diamond Creek Plan

Introduction

A representative from the Homer Soil and Water Conservation District will make a presentation to the Commission during the regular meeting.

The plan has two parts; resource documentation, and management goals. Goals include conservation, recreation and education. Within the goals are development projects such as building trails, and trailheads/parking lots. Otherwise, the land use is intended to remain the same as it is now.

Adoption of a park plan is by resolution of the City Council. While this plan has additional reviews required by state agencies, it is still a much less rigorous process than a comprehensive plan. Changes can and likely will be made in the future if the city and the public wish to use the land in some other forestry/recreational way. The City will own its property forever. This document could last 15-25 years, or until conditions change and revision is needed.

The Parks and Recreation Advisory Commission recommended approval of the Plan to the City Council at their meeting on March 21, 2013.

Requested action: Discuss the plan and make any recommendations. Please make a recommendation to the City Council to approve the plan.

Attachments:

1. SR 13-24
2. Draft Diamond Creek Plan

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City of Homer

Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

Staff Report PL 13-24 Diamond Creek Plan

To: Homer Advisory Planning Commission
From: Julie Engebretsen, Planning Technician
Date: March 6, 013
RE: Diamond Creek Plan

Introduction

HCC Title 1.76, in part states that the Commission will review park plans, and make recommendations to Council on whether the plans are consistent with the Comprehensive Plan, and established planning principles.

The Diamond Creek Plan (DCP) is hereby submitted to the HAPC for comment and a recommendation to the City Council. The DCP is basically a management plan; its not a formal land use plan, or part of a comprehensive plan. Its more like a park development plan, although in this case is more about preservation and recreation than building anything.

Brief history

The City acquired some property between the dump and Diamond Ridge a few years ago, through the State Forest Legacy Program. That program requires all development on this land to be approved by the state, prior to any construction. It's a lot of work to ask for permission every time someone wants to build a trail on this property! Instead, an overall management plan could be approved by the City and the State, encompassing all the things we hope to do in the coming years. When that is approved, it will be much more straightforward to build trails and improvements already included in the adopted plan.

The state demonstration forest is next to the City property. The Homer Soil and Water Conservation District has a management agreement with the State to manage the demonstration forest. Their management plan and agreement needed to be updated. They were able to acquire a grant to write a plan that will cover both City and State land (saving the City and staff a lot of time and money).

The plan includes a detailed review of the soil, plant and animals found within the properties. It also includes a trail and access plan for future development. The specific goals and objectives of the land use management portion can be found on pages 12-14.

Analysis

In essence, the plan catalogues the natural resources of these properties, and sets out future management guidelines. For example, it will be a non-motorized area, with conservation,

recreation and education goals. (see pages 12-14). These goals exclude things like logging, or motorized recreation activities such as a dirt bike track.

When the City or a citizen wants to undertake a project, that project must meet the goals of the plan. So a new summer trail route is permissible; an ATV trail is not. Deviation from this plan would require state approval via the Forest Legacy program.

The draft plan is now ready for public review and approval by the City. The Parks and Recreation Advisory Commission has had a commissioner actively working on this plan for several months. That Commission is also reviewing the plan more in-depth, and are scheduled to make a final recommendation to the Council at their March 21st meeting.

Conclusion

The first step toward any trail or recreational development on the City property is adoption of a management plan, and approval by the state through the Forest Legacy Program. The City Council will need to pass a resolution, approving the plan.

Requested action: Discuss the plan and make any recommended changes. Please make a recommendation to the City Council to approve the plan.

Attachment: Draft Diamond Creek Plan

Diamond Creek Recreation Area Multi-Resource Management Plan

Prepared by:



Draft Plan
September 2012



Diamond Creek Recreation Area Multi-Resource Management Plan

Table of Contents

<u>Introduction</u>	1
<u>History of the Diamond Creek Recreation Area</u>	2
<u>Management of the Diamond Creek Recreation Area</u>	5
<u>Site Description</u>	6
<u>Location and Access</u>	6
<u>Climate</u>	9
<u>Geology and Soils</u>	9
<u>Hydrologic Feature</u>	10
<u>Flora and Fauna</u>	11
<u>Cultural Resources</u>	11
<u>Goals and Objectives</u>	12
<u>Bibliography</u>	
<u>Maps</u>	

Introduction

The Diamond Creek Recreation Area (DCRA) encompasses two parcels of land totaling 273 acres northwest of Homer, Alaska. Located within the Diamond Creek watershed, DCRA offers varied landforms and ecosystems—including Diamond Creek and its floodplain, diverse scenery, ecologically significant features like “tree islands” and wetlands, and numerous opportunities for viewing wildlife (including moose, black and brown bears, eagles, spruce grouse, and many others, including the occasional wolf).

The DCRA lies directly west of the Homer Demonstration Forest (HDF) (see map below). Because many DCRA activities and projects will be coordinated with those occurring in the HDF, the management structure of the HDF is briefly outlined in the box at right. The 360-acre, state-owned HDF was established in 1986 after a collaborative effort spearheaded by Homer Soil and Water. The HDF is managed for education, research, forestry demonstrations, recreation, and environmental quality. North of the DCRA lies a 77-acre parcel protected by a conservation easement. Across the Sterling Highway to the west is the 220-ac state-owned Diamond Gulch recreational parcel, which provides non-motorized access along Diamond Creek to Cook Inlet (see www.evostc.state.ak.us/Universal/Documents/Habitat/CI_KENAI_SMPARCELS.pdf). DCRA provides a critical link

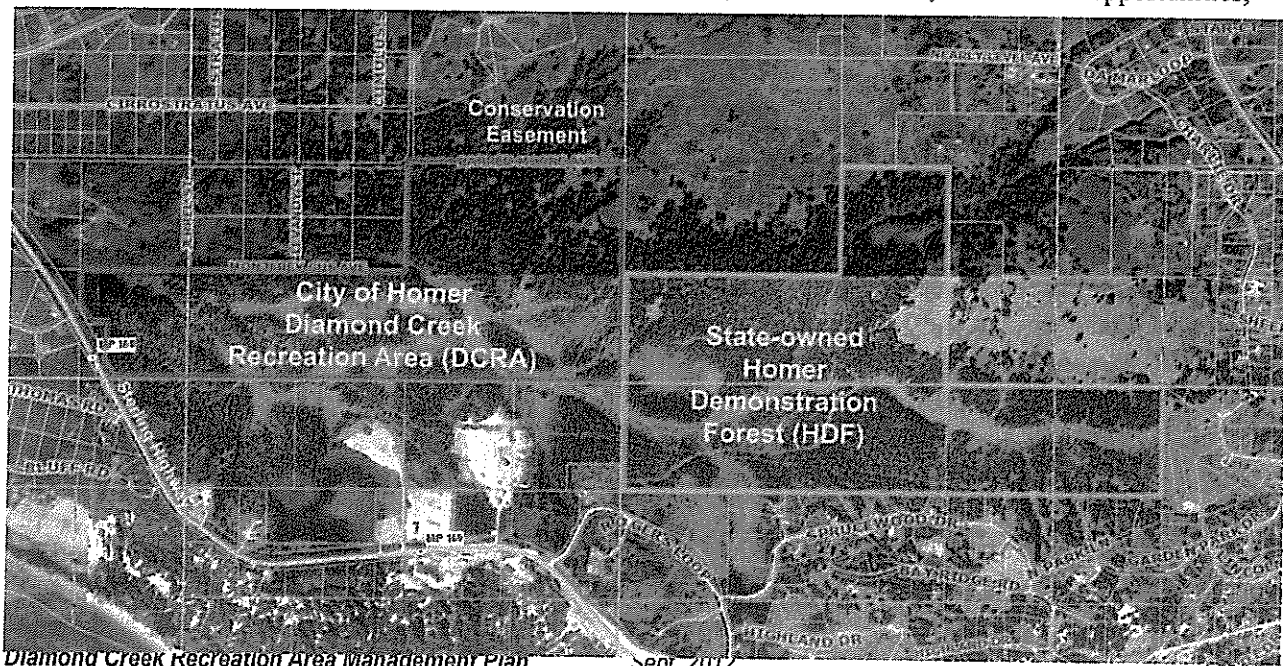
Management of the Homer Demonstration Forest

HDF management responsibility is laid out in an Interagency Land Management Assignment (ILMA ADL 218963), which transfers responsibility for the HDF from the Department of Natural Resources (DNR) Division of Mining, Land and Water Management to DNR's Division of Forestry (DOF). The ILMA, which was renewed for a second 25-year term in 2011, ensures that the HDF is managed for “...developing, operating, and maintaining a demonstration forest for educational purposes,” along with recreational and other uses compatible with that purpose. The plan for the HDF was developed by the HDF Steering Committee, led by Homer Soil and Water. The committee includes representatives from DOF, the Kachemak Nordic Ski Club, the University of Alaska, Cook Inletkeeper, Homer High School, and other groups and individuals with interests in the Demonstration Forest.

joining these parcels, complementing in essential ways the watershed functions they provide and the public uses they support.

History of the Diamond Creek Recreation Area

The DCRA is an outgrowth of the “Diamond Creek Project” initiated by Kachemak Heritage Land Trust (KHLT) in 2000. This effort focused on protecting forestlands, wildlife habitats, recreational opportunities,



and watershed functions in lands within the Diamond Creek watershed. Over the next few years, a coalition of interested groups and individuals joined a community-wide effort led by KHLT to purchase lands in the Diamond Creek watershed threatened with conversion to other uses.

Among lands considered for purchase were two parcels west of the HDF and owned by the University of Alaska (UAA). These encompass forestlands and extensive wetland areas and support ski trails connected to the HDF trail system, which is used by thousands of skiers each year—including members of school ski teams. The UAA parcels were identified as suitable candidates for acquisition through the Forest Legacy Program.

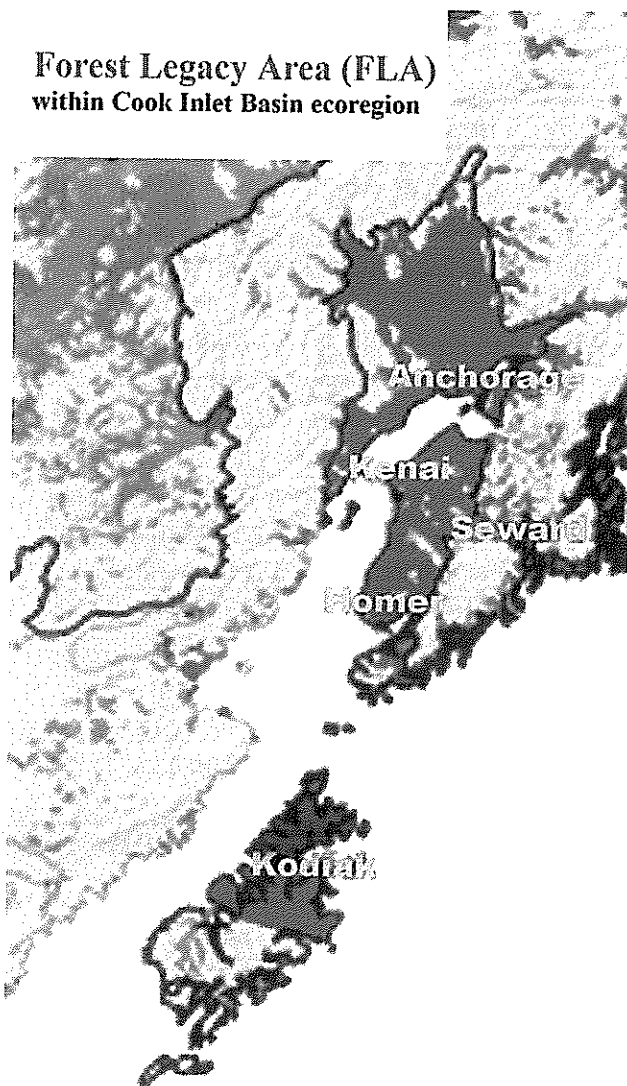
The USDA Forest Legacy Program (FLP) provides state, regional, and other governments with help in identifying and protecting environmentally important forestlands likely to be converted to non-forest uses. As stated in its Implementation Guidelines (http://www.fs.fed.us/spf/coop/library/flp_guidelines.pdf), the FLP ... *seeks to promote forestland protection and other conservation opportunities. Such purposes shall include the protection of important scenic, cultural, fish, wildlife and recreational resources, riparian areas and other ecological values. Traditional forest uses, including timber management, as well as hunting, fishing, hiking, and similar recreational uses are consistent with purposes of the FLP. Both purchased and donated lands and interests in lands through the use of conservation easements and fee-simple purchase are used to acquire forested land meeting Forest Legacy purposes from willing sellers or donors.*

Each state receives funding and administers its own program in accordance with a statewide Assessment of Need that identifies Forest Legacy Areas (FLAs), see **map at right** for Cook Inlet FLAs. Up to 75% of the costs related to acquiring land or easements can be covered by the FLP, with the remaining 25% provided by match.

The Diamond Creek Project took a significant step forward in 2004 when DNR Division of Parks and Outdoor Recreation (DPOR)—partnering with KHLT

—was awarded a match grant from FLP to use towards purchase of FLA lands within the Diamond Creek watershed. KHLT completed purchase of the two UAA parcels in July 2007 using FLP funds and match provided by numerous entities, including The Conservation Fund, Pacific Coast Joint Venture, the Rasmuson Foundation, Kachemak Bay Conservation Society, Kachemak Bay Rotary Club, Kachemak Nordic Ski Club, and many individual donors.

**Forest Legacy Area (FLA)
within Cook Inlet Basin ecoregion**



KHLT immediately transferred title of the UAA land to the City of Homer. The city accepted title through an ordinance and a resolution:

ORDINANCE 07-03 of the City Council accepting ownership of property conveyed by the University of Alaska, consisting of two parcels identified by the Kenai Peninsula Borough parcel

numbers 173-022-01 and 173-032-29 and designating the use as public purpose for park.

RESOLUTION 10-48: A Resolution of the City Council of Homer, Alaska, approving a conservation easement between the City, as Grantor, and the State of Alaska, for the City-owned land commonly referred to as the Diamond Creek Property.

Resolution 10-48 approved an attached conservation easement, which the city granted to the state Department of Natural Resources (DNR). (The easement is recorded with the state recorder's office, Homer Recording District, document 2010-003220-0.)

The conservation easement outlines both the purposes for acquiring the property and for granting the conservation easement. As stated in the easement, the purposes for acquiring the property "...include protecting environmentally important forest areas that are threatened by conversion to non-forest uses and for promoting forest land protection and other conservation opportunities as well as the protection of important scenic, cultural, fish, wildlife, and recreational resources, riparian areas and other ecological values." The easement also specifies that the property "...must be used and maintained in accordance with the requirements of the Forest Legacy Program... and in the event the Property is not so used and maintained the Forest Service may require the State to restore the Property."

The purpose of the conservation easement itself is "...to assure that the Property will be used, maintained, and disposed of in accordance with the requirements of the Forest Legacy Program and other applicable federal laws and regulations and the Grant Agreement... It is further the purpose of the Easement to provide for reimbursement to the State by the City in the event that the Property is not used, maintained and disposed of in accordance with the requirements of the Forest Legacy Program..."

The city retained ownership of the property, including all responsibilities, costs, and liabilities related to its operation and maintenance.

Management of the Diamond Creek Recreation Area

As is clear from the documents referenced above, management responsibility for the DCRA rests with the City of Homer. However, because FLP funds were used in purchasing the land, and a related conservation easement was granted to the state, a plan for the DCRA was needed that would satisfy both FLP and DNR requirements. Homer Soil and Water, in cooperation with the city, arranged for funding from the Natural Resources Conservation Service to conduct a resource inventory and develop an appropriate management plan for the DCRA. (The city is a "cooperator" with Homer Soil and Water.) Because of its role in developing the HDF management plan, as well as in coordinating and conducting various management activities outlined in that plan, Homer Soil and Water understood the value of developing a plan for the DCRA that would be fully integrated with that of the HDF.

This plan is being submitted to the City of Homer for its review and adoption. It is expected that the city will solicit public review of this draft plan before its adoption (as well as later community involvement and support in implementing recommendations). The city is responsible for coordinating approval of this plan with DNR in accordance with conditions of the conservation easement granted by the city to the state —outlined above.

Forest Legacy Program guidelines for the DCRA management plan

APPENDIX F of the FLP Implementation Guidelines cited above provides a *Sample Content of a Forest Stewardship [or Multi-Resource Management] Plan*. Homer Soil and Water referenced this material during development of this DRCA Multi-Resource Management Plan. FLP guidelines specify that plans must:

- be prepared, or verified as meeting the minimum standards of a forest stewardship plan, by a professional resource manager.

- identify and describe actions to protect, manage, maintain and enhance relevant resources listed in the law (soil, water, range, aesthetic quality, recreation, timber, water, and fish and wildlife) in a manner compatible with landowner objectives.
- be approved by the State Forester or a representative of the State Forester.
- involve landowners in plan development by setting clear objectives; landowners should clearly understand the completed plan.

The DCRA plan should also:

- promote the purposes for which the land was acquired, that is: protecting environmentally important forest areas, as well as important scenic, cultural, fish, wildlife, and recreational resources, riparian areas, and other ecological values.
- accommodating a broad array of compatible uses and activities.

Compatibility between management goals for DCRA and HDF lands is important because the value of the DCRA to the community in part derives from its relationship to HDF environmental processes and

recreational resources (as well as its connections to Diamond Gulch property across the Sterling Highway)

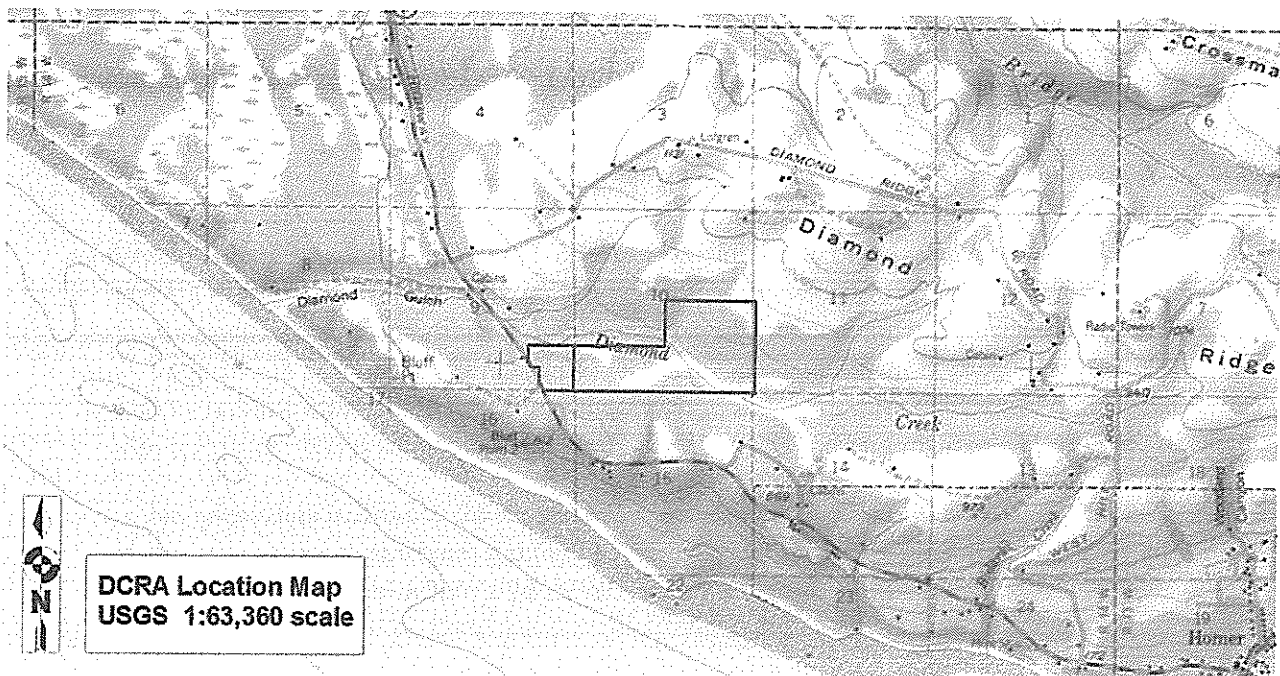
During development of this plan, input was solicited from the Homer Demonstration Forest Steering Committee. Equally important, input was obtained from the State of Alaska, Division of Forestry, and from the Homer Parks and Recreation Advisory Commission.

This document describes the DCRA area and its resources. It also identifies objectives that can guide future decisions related to how the DCRA is used and managed and suggests opportunities for enhancing community benefits from this area.

Site Description

Location and access

The DCRA is located ¼ mile north of the northwest boundary of Homer city limits, in the area known locally as Baycrest Hill. It is composed of a 33-acre parcel on the west and a 240-acre parcel on the east (see map below). The western parcel includes Sterling Highway frontage at several locations on either side of Milepost 168.



DCRA Location Map
USGS 1:63,360 scale

The legal description for DCRA lands is:

SE ¼ EXCLUDING THE W ½ SW ¼ SE ¼ SE ¼ SEC09 T06S, R14W – S.M. and

SE ¼ & S ½ SW ¼ SEC10 T06S, R14W – S.M.

The larger (eastern) parcel's southern boundary corresponds to the entire section line on the southern border of Section 10, Range 14 West, Township 6 South, Seward Meridian.

The Kenai Peninsula Borough has assigned Assessor's Parcel Number 17303229 to the western parcel (within Section 9) and APN 17302201 to the eastern parcel (located in Section 10).

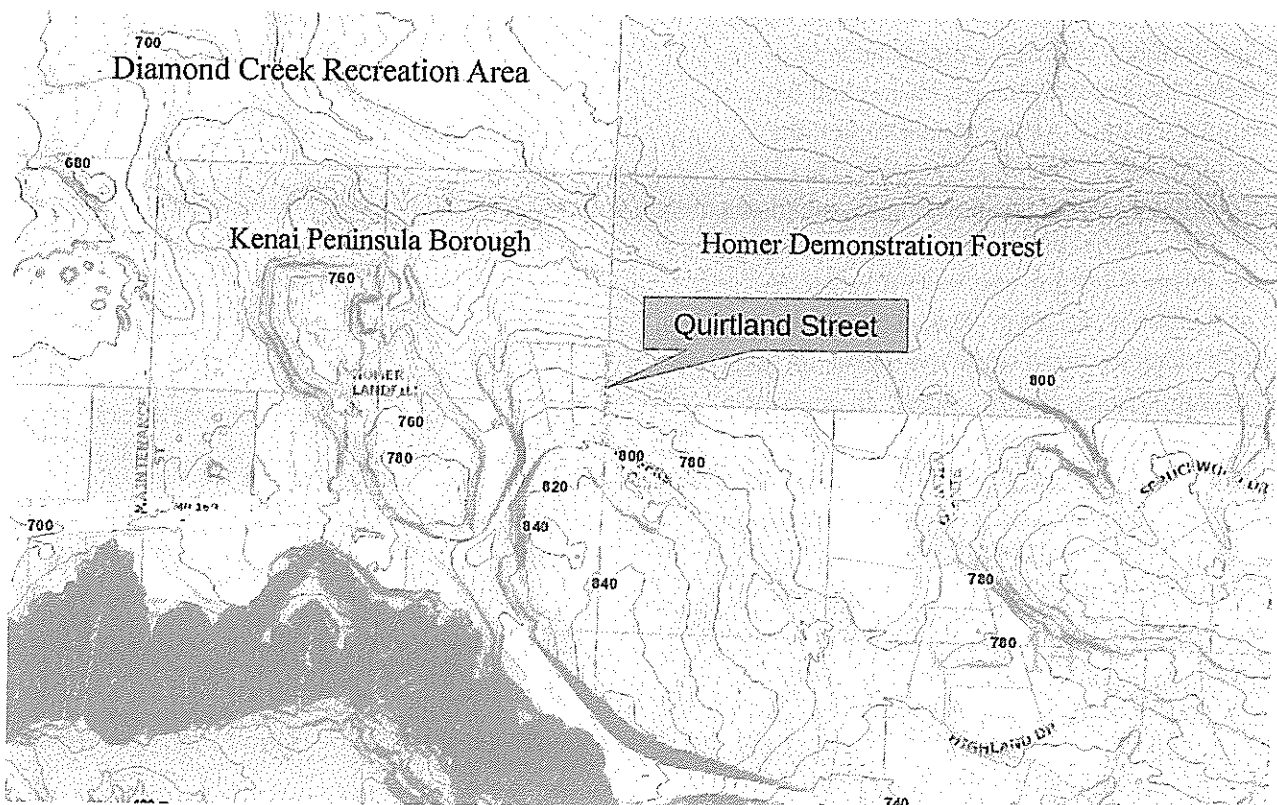
All points within the DCRA are less than 2 miles from Kachemak Bay.

Located near the top of Baycrest Hill, Rogers Loop Road—an old loop of the Sterling Highway—is a road from which the DCRA is frequently accessed. Access off Rogers Loop Road is via a platted but unimproved road about 540 ft long called Quirtland Street and then via a section line between a borough-

owned parcel in Section 15 (salmon-colored in the map below) and Section 14 (the HDF, shown in light purple-color below; blue indicates privately owned land, and green indicates city-owned land).

The Rogers Loop trailhead provides the most popular access to trails within the HDF; it receives moderate-to-heavy use during the winter months (after snow accumulation permits cross country skiing) and light-to-moderate use the rest of the year. Parking at this trailhead is limited to a widened road shoulder with a capacity of 15-20 cars. This is often inadequate during heavy winter use, when overflow parking spills out along the edge of Rogers Loop. The Kachemak Nordic Ski Club (KNSC), in its 2009 Baycrest Trails Strategic Plan, identified expansion of the Rogers Loop parking area as a goal. Signage and nearby restrooms are maintained by the HDF Steering Committee and KHLT, largely with volunteer labor. KNSC grooms cross country ski trails and packs snowshoe trails in the DCRA and HDF.

Further east and off the Sterling Highway, a second trailhead is provided from land managed by the Alaska Department of Transportation (DOT) (the light purple parcel below transected by Maintenance Street). Access from the DOT trailhead involves



crossing borough-owned parcels (again, salmon-colored parcels). KNSC holds a temporary winter-use agreement with the borough for use of ski trails in this area, and while occasional summer use occurs, there are no formal agreements in place regulating non-winter access. Public ownership and ample parking make the DOT trailhead particularly attractive as a year-round access point, although access across wetlands would require careful planning, design, and installation to prevent trail deterioration and wetland damage. Currently, public access via the DOT trailhead is less common than from Rogers Loop, especially during summer and fall when ground conditions are wet. KNSC owns a storage shed at this location and provides trail signage at the site.

Possible access improvements into the DCRA include the expansion of the parking area at the Rogers Loop trailhead (mentioned above), development and expansion of year-round trails through the property, and construction of a new trailhead on the western boundary of the DCRA where it fronts the Sterling Highway.

A new trailhead on the eastern side of the Sterling Highway, on the western edge of the DCRA, offers a unique opportunity to create a highly attractive recreational linkage between the DCRA and the Diamond Gulch trail. As mentioned earlier, the Diamond Gulch trail runs from the west side of the Sterling Highway, along Diamond Creek, and down to Cook Inlet. Many recreationalists time their hike down the Diamond Gulch trail so as to reach the beach as the tide is receding. This allows them to hike south along the coast while the tide is out, with their destination being Bishop's Beach in downtown Homer, a hike along the beach of about 7 miles. Linking the Diamond Gulch trail to the DCRA would provide recreationalists with an extended journey encompassing a greater variety of sights and experiences, combining the rolling terrain, varied plant communities, and wetland habitats of the DCRA with the steep coastal bluffs and tidelands of the Diamond Gulch to Bishop's Beach trail. Diamond Creek already passes under the Sterling Highway through a culvert, and when the Baycrest Hill stretch

of the highway is improved, an enlarged culvert could be installed to permit pedestrian (and wildlife) travel under the Sterling Highway along the creek.

While each of these access improvements pose unique challenges (a more detailed discussion is found under Goals and Objectives), they also present ways to enhance social, economic, and recreational opportunities in the Homer community by improving access to and throughout an extensive system of scenic landscapes and open space.

Motorized recreation conflicts with the forest stewardship goals of the DCRA, and motorized vehicles should be limited to construction and maintenance activities. Motorized vehicle use can damage wetlands, cause erosion, disturb wildlife, and render-groomed ski trails unusable.

Climate

The Homer area experiences a maritime climate—with relatively warm temperatures and high precipitation (see the table below). With the Kenai Mountains to the east and north, Homer is shielded from many storms moving out of the Gulf of Alaska. Proximity to the warm waters of the Pacific helps to moderate temperatures and reduce variations between highs and lows characteristic of areas further inland. Summers are generally cool and moist, and winters are comparatively mild compared to other areas of Southcentral Alaska. The following table shows climatic data recorded at the Homer Airport weather station from 9/01/1932 to 8/22/2012:

	Avg. max. temp. °F	Avg. min. temp. °F	Avg. total precip. (inches)	Avg. total snow (inches)	Avg. snow depth (inches)
Jan	29.1	16.5	2.22	9.6	4
Feb	32.3	18.9	1.81	11.3	5
Mar	35.5	21.3	1.52	9.2	5
Apr	43.1	28.9	1.20	2.9	2
May	50.7	35.7	0.97	0.3	0
Jun	57.1	42.1	0.96	0.0	0
Jul	60.8	46.3	1.56	0.0	0
Aug	60.5	46.0	2.47	0.0	0
Sep	54.9	40.2	3.03	0.0	0
Oct	44.5	31.3	3.13	2.1	0
Nov	35.0	22.8	2.74	7.4	1
Dec	30.1	18.1	2.83	12.1	4
Annual	44.5	30.7	24.45	54.9	2

Given the DCRA's average elevation of more than 600 feet above sea level, data from the weather station (situated about 63 feet above sea level) should be adjusted to reflect higher snowfall and cooler average temperatures. Snow depth and snow water equivalent has been measured at a snow survey site in the Homer Demonstration Forest for over 30 years.

Geology

(See Map 2, Contours)

Glacial processes are primarily responsible for the landscape of the Kenai Lowlands, with glacial deposits overlaying Tertiary bedrock from the Beluga Formation of the Kenai Group. When the glaciers covering the region retreated approximately 17,000 years ago, glacial landforms were created as moraines, glacial lakebeds and drainageways, and other deposits were left behind. Numerous glacial events occurred within larger glacial periods, the most recent of which is the Wisconsin period. While earlier periods covered the entire Kenai Peninsula, the latest periods did not cover higher elevations. During the Wisconsin period, several major glaciations formed many of the landforms now visible within the region, including kettle ponds and relict glacial lakebeds. One of the Wisconsin period glaciations, known as the Naptowne, is further divided into separate, smaller glacial advances. Of these, the Moosehorn advance was the most influential in shaping the Diamond Creek watershed. Geological evidence suggests that Diamond Creek was once an ice marginal drainageway between moraines, flowing north to the Anchor River. Upon retreat of the Moosehorn glacier, Diamond Creek cut westward through the moraine to empty directly into Cook Inlet (Berg, E.E.-2006).

Soils

(See Map Group 3, NRCS Soil Survey, and Map 4, Soil Drainage)

The Western Kenai Peninsula soil survey was published online in 2005 by the Natural Resources Conservation Service (NRCS) and can be downloaded at: http://soildatamart.nrcs.usda.gov/Manuscripts/AK652/0/WesternKenai_manu.pdf. The survey indicates that the dominant soil types within the DCRA are Spenard peat and Starichkof peat, both categorized as very poorly-drained soils with high acidity (low pH). Properties, features, limitations, and suitabilities of all soils in the survey area are provided in the online manuscript cited

above, as well as from NRCS offices. Map Group 3 provides a soil survey report generated for the DCRA area using Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>). This report lists acreages of all soil types in the DCRA along with their selected properties and interpretations.

Hydrologic Features and Wetlands

(See Map 5, Wetlands)

The Diamond Creek watershed covers an area totaling 5.35 square miles, with Diamond Creek itself extending over 5 miles from its headwaters to its outlet in Cook Inlet. The DCRA's eastern half is bisected from southeast to northwest by Diamond Creek, and the stream also meanders inside the northern border of its western parcel.

Diamond Creek is an underfit stream, meaning that its current flow regime is insufficient to have created the valley within which the creek now flows. The stream valley was created by much larger flows fed by melting glaciers.

Ten types of wetland ecosystems (plus Wetland-Upland complexes and Disturbed wetland areas) have been identified and mapped in the Kenai Lowlands by the Kenai Watershed Forum (see <http://www.kenaiwetlands.net/>). The riparian corridor created by Diamond Creek is one of four wetland ecosystem types found in the DCR, the other three being Drainageways (these are "relict" drainageways created by glacial meltwater), Kettles, and Discharge Slopes. (see Map 5)

Riparian wetlands occur along streams, and rivers, and are fed by groundwater, surface runoff, precipitation, and snowmelt. (Many riparian corridors on the Kenai Peninsula are also fed by glacial meltwater.) The Diamond Creek riparian corridor encompasses broad fringe wetlands, with bluejoint grass (*Calamagrostis canadensis*) and Barclay's willow (*Salix barclayi*) meadows. Spruce forests generally cover adjacent slopes.

Discharge slopes are the most abundant wetland ecosystem within the DCRA, occurring over mineral

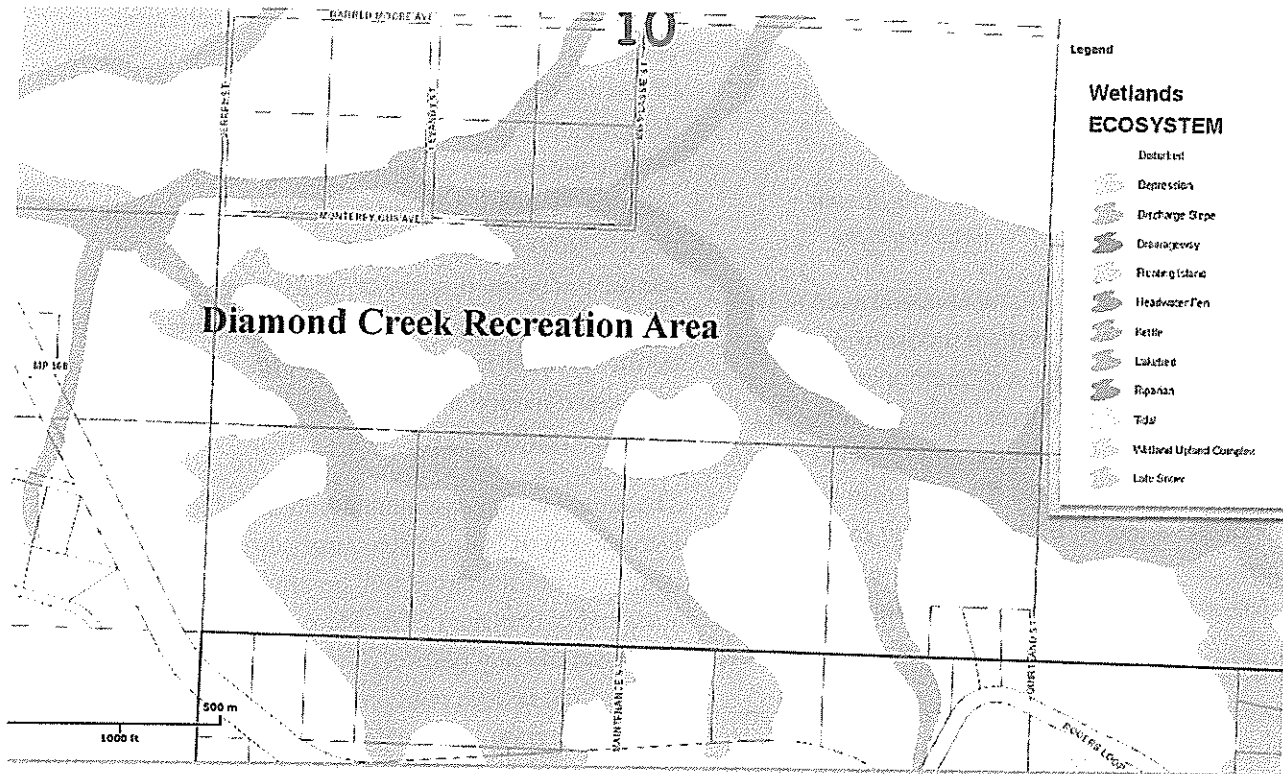
soils in areas of transition from wetlands to uplands and at slope breaks on terraces. These wetlands occupy locations where upslope groundwater is discharged, or where water tables are perched near the surface. Discharge slopes on the lower Peninsula usually feature forested hillsides of Lutz spruce (*Picea x lutzii*), especially at toe-slope transitional areas. The eastern half of the DCRA encompasses large areas mapped as discharge slopes.

Kettle wetlands are found in depressions resulting from blocks of ice being left behind by retreating glaciers. Meltwater streams flowing on top of ice deposit sediments which become broad outwash plains of glacial till. Ice blocks buried within the outwash then melted, leaving depressions known as "kettle holes" in the surrounding sediments. Kettle and kame" topography refers to a landscape of mounds and basins formed by retreating glaciers. Kames are formed when glacial streams carry sediments into cracks or depressions on surface ice. As the glacier retreats, the buildup of sediments is eventually released, and deposited as hills or ridges. Kettles are usually described as peatlands that form over flat silty plains between kames. Unlike similar "ice-block" wetland formations, kettles are linked to Cook Inlet by a stream or wetland connection. The water table can vary between stable (open water or bogs) and highly variable (up-slope), with grasses and shrubs typically showing dominance. The central portion of the DCRA displays a kettle and kame landscape, with extensive peatlands surrounded by forested ridges.

Relict glacial drainageway wetlands occupy areas where glacial meltwater accumulated and flowed outward. They sometimes support modern, underfit streams that flow through previous glacial deposits. Relict glacial drainageways are differentiated between their hydrologic components and the surrounding landscape. Five types have been identified for the Kenai Lowlands, all generally classified as peatlands with a stable, high water table. The DCRA contains a Type 3 stream fringe drainageway, identified as hummocky or shrubby, and possessing a slightly more variable water table than other glacial drainageways. Plant species found in

this area include: thinleaf alder (*Alnus incana* ssp. *tenuifolia*), dwarf birch (*Betula nana*), sweetgale (*Myrica gale*), water horsetail (*Equisetum fluviatile*), water sedge (*Carex aquatilis*), and bluejoint grass (*Calamagrostis canadensis*). In this case, the relict glacial drainageway sits upon a layer of Starichkof soil between spruce forest uplands.

Consequently, much of the DCRA uplands are covered with deadfall. Adequate regeneration is occurring, however, and while varying widely within the immediate area, a good portion (over 50%) of the DCRA has shown moderate to high levels of forest productivity. Stands are uneven aged. Extensive monitoring of the forest within the HDF since the



Severe flooding occurred in 2002 significantly impacting Diamond Creek and destroying habitats that had supported a population of resident Dolly Varden (*Salvelinus malma* Walbaum). The floods also had a disastrous impact on local beaver populations, destroying the dams that protect them from predation and provide access to food sources.

beetle outbreak has shown high regeneration rates as well, although bluejoint grass (*Calamagrostis canadensis*) appears to be increasing in areas where the forest canopy has been opened up by die off and blow down. Increased bluejoint limit survival of small tree seedlings, and can also substantially increase spring wildfire hazard.

Flora and Fauna

The following shrub and groundcover species have been identified in the area.

(See Map Group 6, Forest Productivity and Map 7, Spruce Bark Beetle Infestation)

Ridges and hillsides in the DCRA are populated by Lutz spruce (*Picea x lutzii*), with black spruce (*Picea mariana*) in forested wetland areas. A severe spruce bark beetle infestation occurred in the late 1980s and early '90s, killing many of the old growth Lutz stands.

Shrubs:

- alder, *Alnus spp.*
- bog blueberry, *Vaccinium uliginosum*
- cloudberry, *Rubus chamaemorus*
- crowberry, *Empetrum nigrum*
- five leaf bramble, *Rubus pedatus*
- lowbush cranberry, *Vaccinium vitis-idaea*
- northern black currant, *Ribes husonianum*
- rusty menziesia, *Menziesia ferruginea*

Steven's spirea, *Spiraea beauverdiana*
willow, *Salix spp.*

Forbs, ferns, clubmosses, and grasses:

bluejoint grass, *Calamagrostis canadensis*
elderberry, *Sambucus racemosa*
fireweed, *Epilobium angustifolium*
geranium, *Geranium spp.*
horsetail, *Equisetum*
Labrador tea, *Ledum palustre*
oak fern, *Gymnocarpium dryopteris*
one-sided wintergreen, *Pyrola asarifolia*
shield fern, *Dryopteris dilatata*
Sitka burnet, *Sanguisorba stipulata*
tall Jacob's-ladder, *Polemonium acutiflorum*
watermelon berry, *Stretopus amplexifolius*

Wildlife sightings are a frequent occurrence in the DCRA, which contains critical moose wintering habitat, and also provides a migration corridor for many species. Bears, wolves, lynx, ermines, and other carnivores prey upon the ample number of hares and rodents in the vicinity. The area also hosts a tremendous variety of birds, including eagles, hawks, harriers, grouse, cranes, ducks, owls, woodpeckers, thrushes, corvids, owls, wrens, and finches.

Unofficial sightings of trout fingerlings within Diamond Creek have been reported in recent years, but as previously discussed, no beavers have been observed in the area since the 2002 flood events.

Cultural Resources

The Baycrest ski trails are an extremely valuable resource for the Homer community, providing approximately 35 kilometers of inter-connected pathways for skiers and snowshoers to enjoy. The ski trails are also utilized by local schools for practices and events, and often draw visitors from around the region. KNSC, a volunteer organization, has developed and maintained the trails for over three decades. Some of the maintained trails are adjoined to private neighborhood trails, creating an extensive network of recreational access. Continual efforts by KNSC to improve and expand the Baycrest ski trail system have helped to ensure permanent public access within these surrounding private lands. Trails in the Baycrest area are also frequented by

summertime hiking, mountain-bike, and equestrian enthusiasts.

Goals and Objectives

The Forest Legacy Program requires that lands acquired with FLP funds be used for "recreation, conservation, and forestry uses." With the adoption of Homer City Council Resolution 07-03, the City designated the Diamond Creek Recreation Area for "public purpose as park land in perpetuity." In addition, the City of Homer Comprehensive Plan (COH-2009) states that the City will "...strive to identify, acquire, dispose of, or exchange lands to satisfy public recreation needs, acquire land, plan and construct facilities, and identify, protect and preserve scenic and natural areas, such as greenbelts, for recreation enjoyment."

The conservation easement granted by the City to the Department of Natural Resources ensures that the land's natural resources will be protected and sustainably managed. The State is authorized to take action should any portion of the DCRA be used in a manner that is does not comply with the Forest Legacy Program. These designations and requirements provide the basis for the general management goals and specific objectives outlined in this section.

Conservation

As described in earlier, the DCRA is largely comprised of forested hillsides, meandering riparian zones, and wetlands which are frequented by wildlife. Preservation of these sensitive environmental attributes is now required by regulation, but doing so will also enable the achievement of other goals. Careful consideration of conservation objectives must be given when planning and implementing opportunities for recreation.

Conservation Objective 1:

Preserve and protect forested areas within the DCRA.

Strategies

Participate in monitoring of forest health, in partnership with the Kenai Peninsula Borough and the DNR, Division of Forestry, and include the DCRA within any local wildfire risk assessments.

Route non-motorized public access through forested areas to create a strategic firebreak, when possible (motorized vehicles are restricted except for maintenance and grooming unless approved by the City).

Conservation Objective 2:

Preserve and protect wetlands and riparian zones within the DCRA.

Strategies:

Plan new routes for public access through the DCRA in a manner and location that minimizes impact(s) to wetlands.

Seek funding for bridge upgrades and maintenance at trail-stream crossings, and for proper trail-hardening through wet areas.

Regulate and minimize any necessary non-winter motorized travel through the DCRA.

Conservation Objective 3:

Preserve the natural scenic qualities of the DCRA.

Strategies:

Design and install signage so as not to detract from local scenery with sign height, color, material, or placement.

Provide maps of the area near trailheads.

Use as few trail markers as necessary along the trails.

Provide public restroom facilities at trailheads.

Encourage users to pack out trash.

Prohibit overnight camping.

Identify and maintain functional landscape and ecological linkages between the DCRA, the HDF, and

surrounding lands that have been protected through conservation easements or other mechanisms.

Ensure that the DCRA remains a viable wildlife corridor by protecting important habitat features and avoiding obstructions to wildlife movement.

Recreation

Recreational development within the DCRA should be primarily focused on summer use at this time, as winter access is already well-established. However, certain recreational objectives detailed here will benefit users on a year-round basis. Also, due care should be exercised during all phases of recreational development to protect the environmental attributes of the DCRA, as well as the interests of surrounding landowners.

Recreational Objective 1:

Improve controlled, non-motorized recreational-access to the DCRA.

Strategies:

Support efforts to enlarge the parking area at the Rogers Loop trailhead.

Work with the Kenai Peninsula Borough's Land Management Division to formalize year-round access from the DOT trailhead to the DCRA.

Provide a parking area and trailhead facilities at the western border of the DCRA.

Develop a preliminary plan with the AK-DOT, and seek funding for a pedestrian route across the Sterling Highway near MP 168, in order to extend the recreational corridor to the Diamond Creek State Recreation Site.

Recreational Objective 2:

Construct summer-use trails within the DCRA.

Strategies:

Develop a summer a trail system in upland areas within the DCRA, including construction of a route

along Diamond Creek, to extend from the current HDF trails near the southeastern corner of the DCRA to its western boundary.

Develop a new trail extension to provide summer access from the Sterling Highway-DOT trailhead to the DCRA, with trail-hardening through wet areas.

Plan and develop multi-use 'loops' or trails, to include bicycling and equestrian users.

Education

Educational Objective 1:

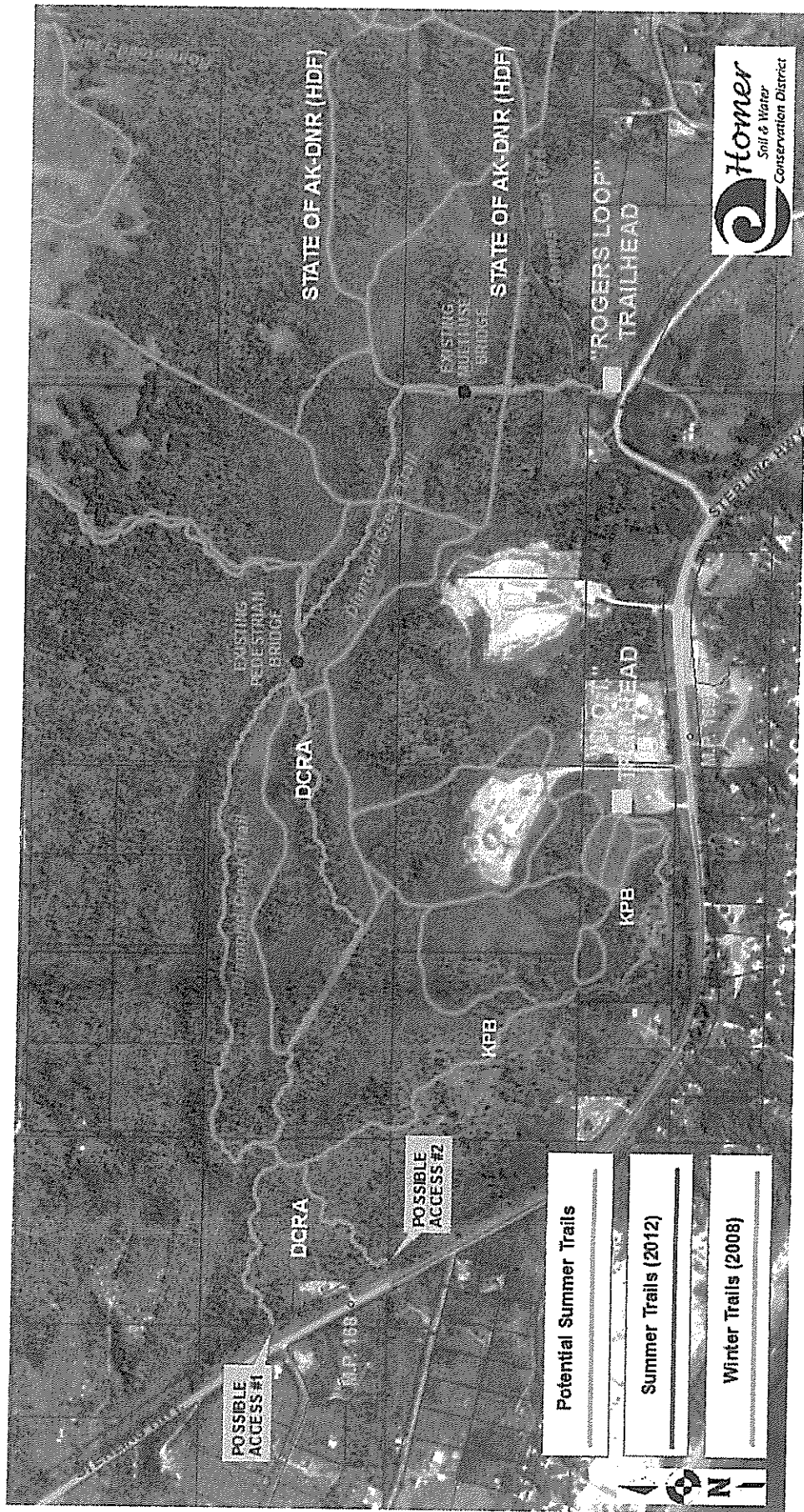
Encourage area schools, local organizations, and area visitors to use the DCRA in sustainable ways that promote education.

Strategies:

Identify optimal natural scenery and wildlife observation areas, and provide minimal-disturbance facilities (such as widened trail segments, lookouts, or informational signage) to enhance visitor experiences.

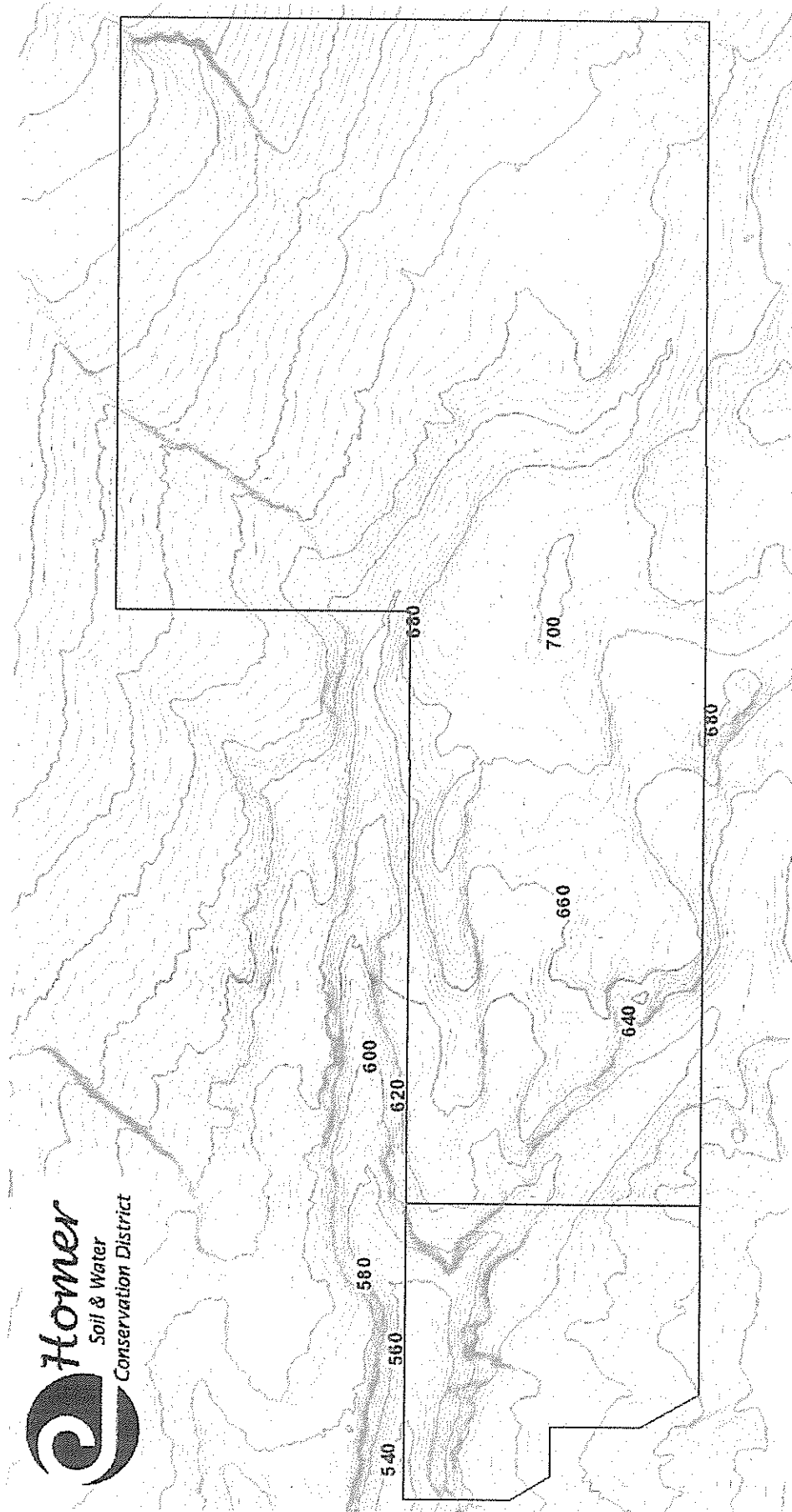
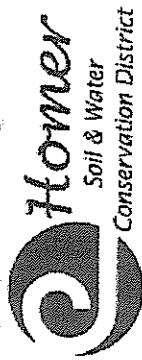
Help to organize and promote educational events on significant dates, or during appropriate community events, to enhance public knowledge of forest and wetland ecology.

Map 1 - Diamond Creek Recreation Area Access and Development



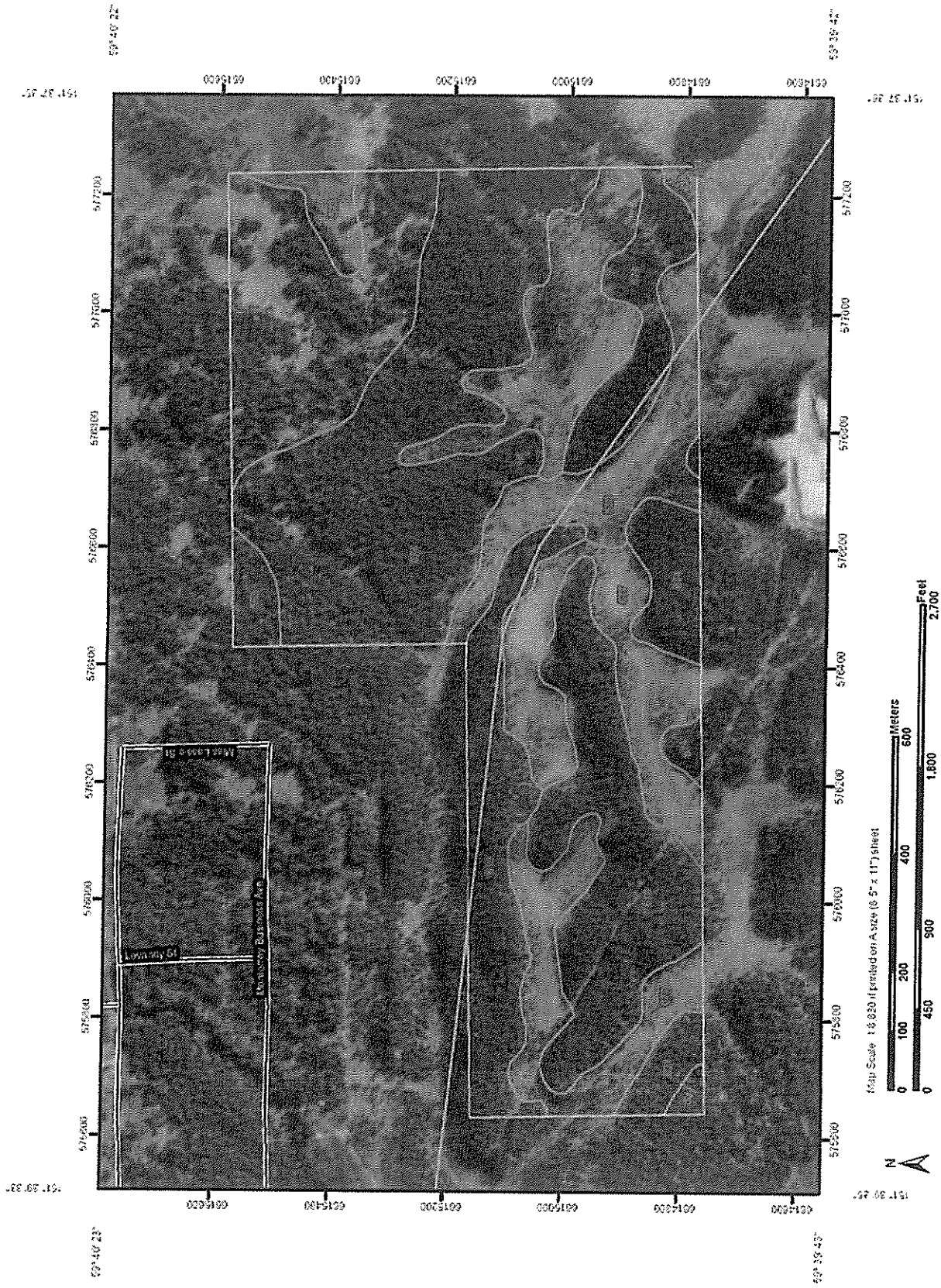
Map 2 – Diamond Creek Recreation Area Contours

4-ft. Contours Data Courtesy of KPB-GIS



Map Group 3 - Diamond Creek Recreation Area Soils

Soil Map—Western Kenai Peninsula Area, Alaska



USDA
Natural Resources
Conservation Service

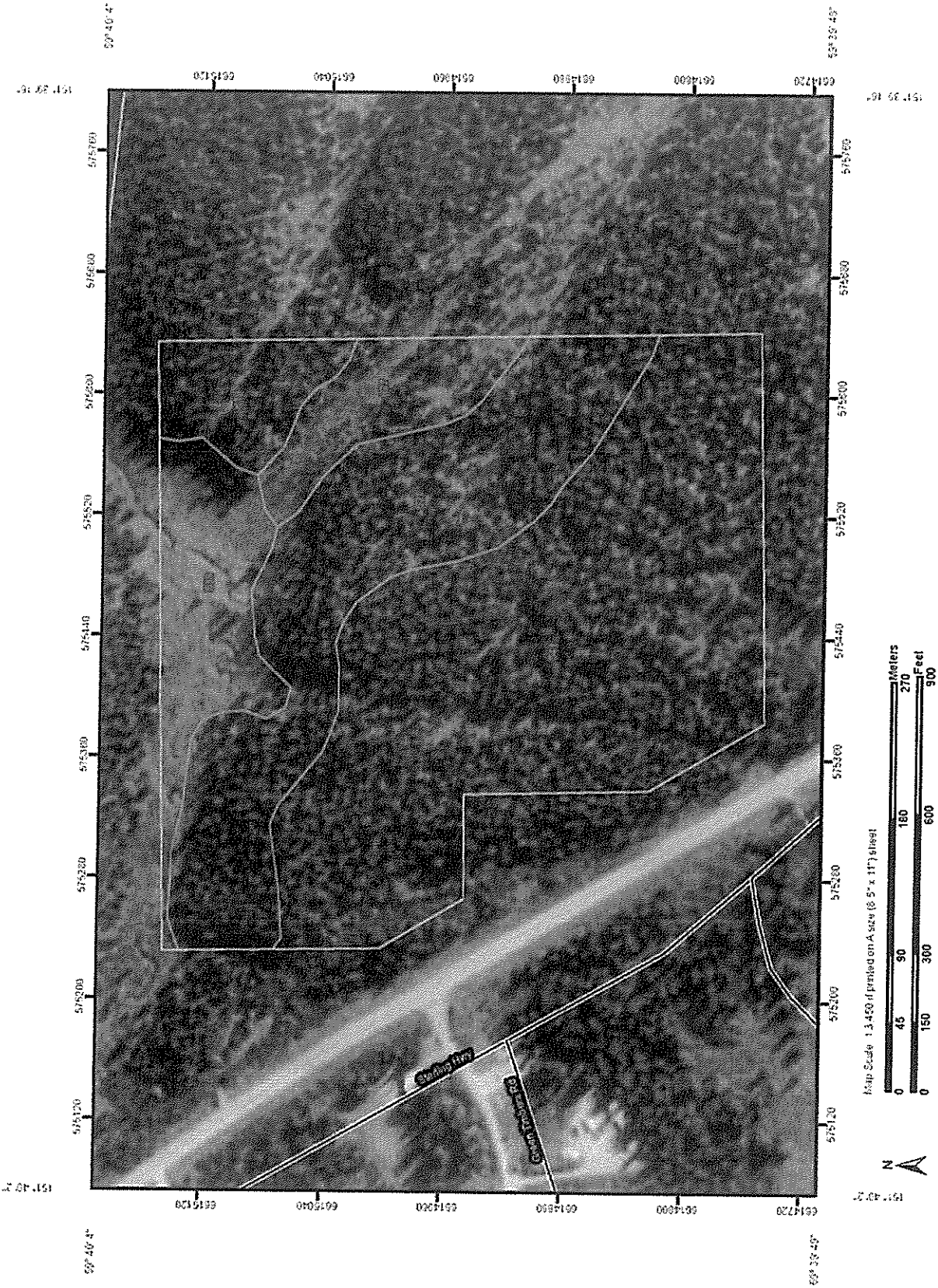
Web Soil Survey
National Cooperative Soil Survey

9/11/2012
Page 1 of 3

Map Unit Legend

Western Kenai Peninsula Area, Alaska (AK652)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
538	Coal Creek silt loam, 8 to 15 percent slopes	17.1	7.1%
541	Cohoe silt loam, 8 to 15 percent slopes	0.9	0.4%
573	Kachemak silt loam, 4 to 8 percent slopes	3.7	1.5%
583	Kachemak silt loam, forested, 4 to 8 percent slopes	33.9	14.1%
618	Mulinata silt loam, 4 to 8 percent slopes	30.5	12.7%
619	Mulinata silt loam, 8 to 15 percent slopes	20.8	8.7%
621	Mulinata silt loam, 25 to 45 percent slopes	3.5	1.5%
674	Spenard peat, 4 to 8 percent slopes	77.2	32.1%
677	Starichkof peat, 0 to 4 percent slopes	52.6	21.9%
Totals for Area of Interest		240.2	100.0%

Soil Map—Western Kenai Peninsula Area, Alaska



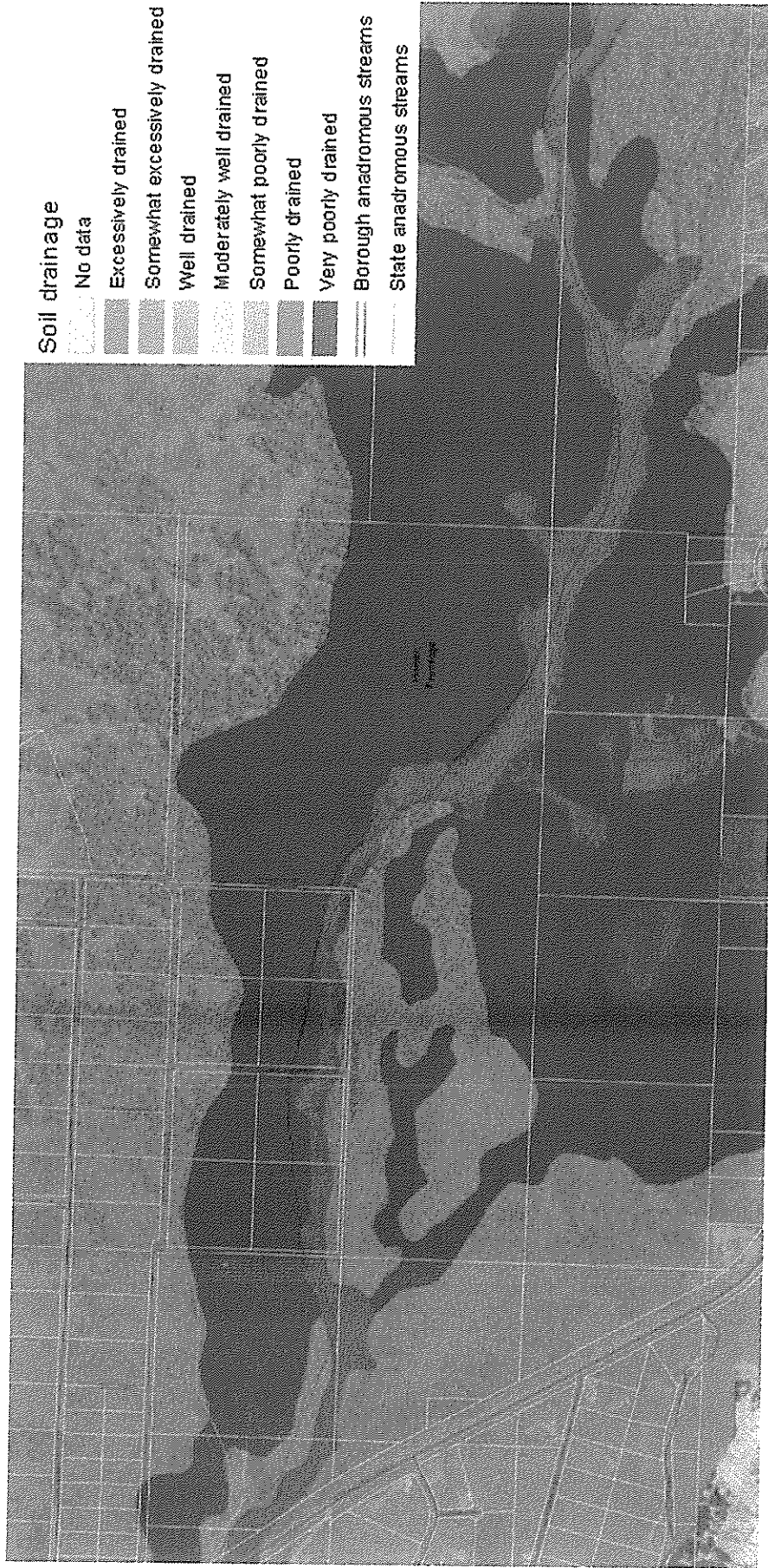
Web Soil Survey
National Cooperative Soil Survey

Map Unit Legend

Western Kenai Peninsula Area, Alaska (AK652)			
Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
538	Coal Creek silt loam, 8 to 15 percent slopes	3.5	10.0%
541	Cohoe silt loam, 8 to 15 percent slopes	17.5	51.0%
618	Mudnala silt loam, 8 to 15 percent slopes	1.9	5.6%
621	Mudnala silt loam, 25 to 45 percent slopes	9.2	26.7%
677	Sterchkef peat, 0 to 4 percent slopes	2.3	6.7%
Totals for Area of Interest		34.4	100.0%

Map 4 – Diamond Creek Recreation Area Soil Drainage

Map and Legend Courtesy of Kenai Watershed Forum



Map 5 - Diamond Creek Recreation Area Wetlands

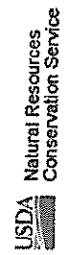
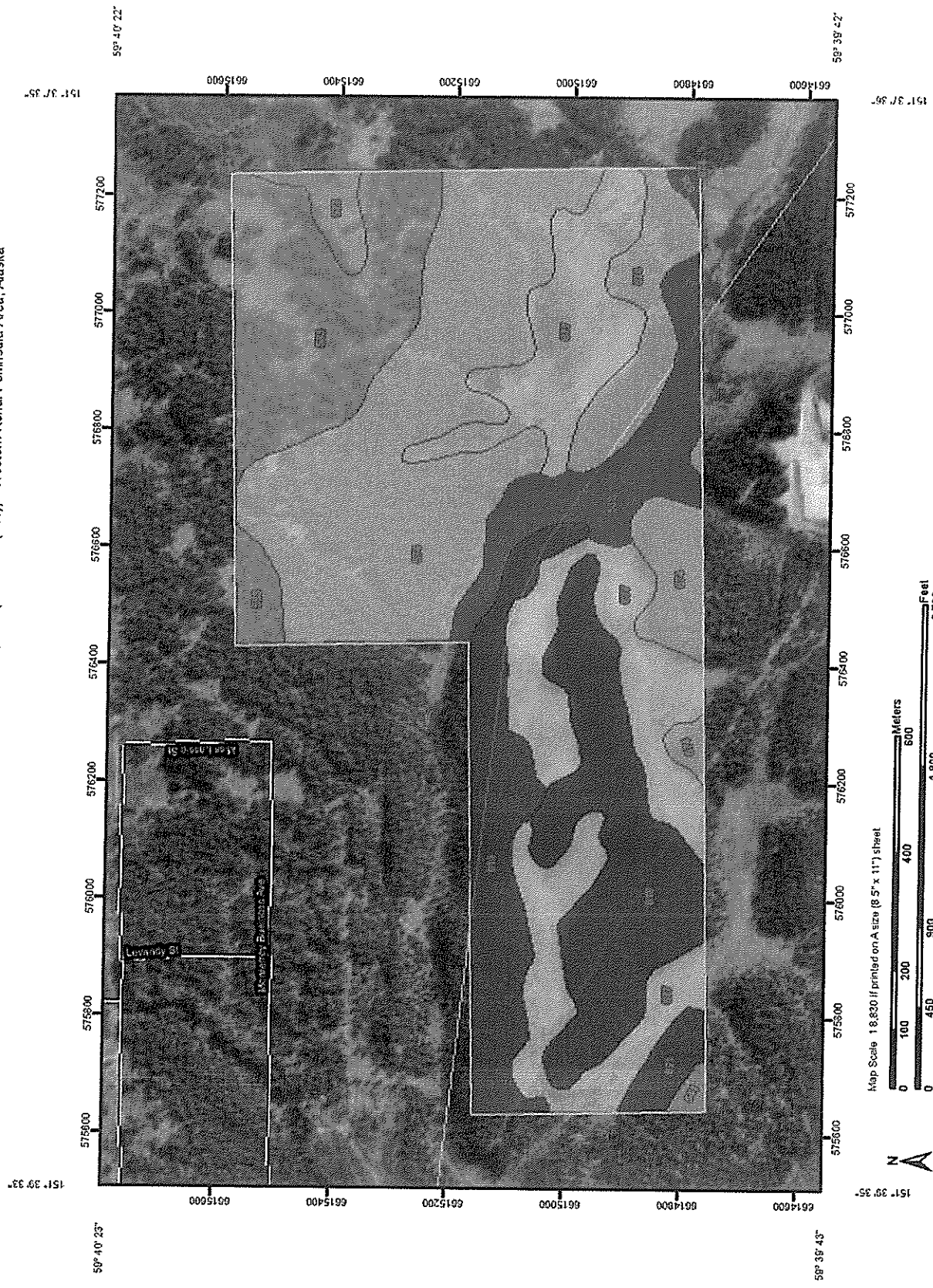
Legend and Wetlands Data Courtesy of Kenai Watershed Forum

- | | |
|-----------------------------------|---|
| Depression | Kettle |
| Discharge slope | Lake |
| Disturbed | Lakebed |
| Drainageway | Late snow |
| Floating island | Riparian |
| Freshwater emergent wetland | Tidal |
| Freshwater forested/Shrub wetland | Wetland/Upland complex |
| Freshwater pond | Caribou, crane, or ooho habitat, probable, or support habitat |
| Headwater fen | Borough anadromous streams |
| | State anadromous streams |



Map Group 6 - Diamond Creek Recreation Area Forest Productivity

Forest Productivity (Cubic Feet per Acre per Year): white spruce (Fair 1967 (440))—Western Kenai Peninsula Area, Alaska



Web Soil Survey
National Cooperative Soil Survey

MAP LEGEND

Area of Interest (AOI)	Area of Interest (AOI)
Soils	Soil Map Units
Soil Ratings	
	<= 8
	> 8 AND <= 11
	> 11 AND <= 12
	> 12 AND <= 13
	> 13 AND <= 14
	Not rated or not available
Political Features	
	Cities
Water Features	
	Streams and Canals
Transportation	
	Rails
	Interstate Highways
	US Routes
	Major Roads
	Local Roads

MAP INFORMATION

Map Scale: 1:8,830 if printed on A size (8.5" x 11") sheet.
 The soil surveys that comprise your AOI were mapped at 1:25,000.

Warning: Soil Map may not be valid at this scale.
 Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: UTM Zone 5N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Western Kenai Peninsula Area, Alaska
 Survey Area Data: Version 11, Feb 3, 2011
 Date(s) aerial images were photographed: 9/2/1996

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Forest Productivity (Cubic Feet per Acre per Year): white spruce (Farr 1967 (440))

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
538	Coal Creek silt loam, 8 to 15 percent slopes	8.00	17.1	7.1%
541	Cohoos silt loam, 8 to 15 percent slopes	11.00	0.9	0.4%
573	Kachemak silt loam, 4 to 8 percent slopes	11.00	3.7	1.5%
583	Kachemak silt loam, forested, 4 to 8 percent slopes	13.00	33.9	14.1%
618	Muinala silt loam, 4 to 8 percent slopes	14.00	30.5	12.7%
619	Muinala silt loam, 8 to 15 percent slopes	14.00	20.8	8.7%
621	Muinala silt loam, 25 to 45 percent slopes	14.00	3.5	1.5%
674	Spenard peat, 4 to 8 percent slopes	12.00	77.2	32.1%
677	Starichkof peat, 0 to 4 percent slopes		52.6	21.9%
Totals for Area of Interest			240.2	100.0%

Description

Forest productivity is the volume of wood fiber that is the yield likely to be produced by the most important tree species. This number, expressed as cubic feet per acre per year and calculated at the age of culmination of the mean annual increment (CMAI), indicates the amount of fiber produced in a fully stocked, even-aged, unmanaged stand.

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this attribute, only the representative value is used.

Rating Options

Tree: white spruce

Site Index Base: Farr 1967 (440)

Aggregation Method: Dominant Component

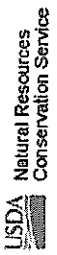
Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Forest Productivity (Cubic Feet per Acre per Year): white spruce (Farr 1967 (440))—Western Kenai Peninsula Area, Alaska



Map Scale 1:3,450 if printed on A size (8.5" x 11") sheet.



Web Soil Survey
National Cooperative Soil Survey

MAP LEGEND

- Area of Interest (AOI)
 - Area of Interest (AOI)
- Soils
 - Soil Map Units
 - Soil Ratings
 - <= 8
 - > 8 AND <= 11
 - > 11 AND <= 14
 - Not rated or not available
- Political Features
 - Cities
- Water Features
 - Streams and Canals
- Transportation
 - Rails
 - Interstate Highways
 - US Routes
 - Major Roads
 - Local Roads

MAP INFORMATION

Map Scale: 1:3,450 if printed on A size (8.5" x 11") sheet.
 The soil surveys that comprise your AOI were mapped at 1:25,000.

Warning: Soil Map may not be valid at this scale.
 Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

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Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: UTM Zone 5N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

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 Survey Area Data: Version 11, Feb 3, 2011
 Date(s) aerial images were photographed: 9/2/1996

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Forest Productivity (Cubic Feet per Acre per Year): white spruce (Farr 1967 (440))

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
538	Coal Creek silt loam, 8 to 15 percent slopes	5.00	3.5	10.0%
541	Choice silt loam, 8 to 15 percent slopes	11.00	17.5	51.0%
619	Mulnala silt loam, 8 to 15 percent slopes	14.00	1.9	5.6%
621	Mulnala silt loam, 25 to 45 percent slopes	14.00	9.2	26.7%
677	Siarichik of peat, 0 to 4 percent slopes		2.3	6.7%
Totals for Area of Interest			34.4	100.0%

Description

Forest productivity is the volume of wood fiber that is the yield likely to be produced by the most important tree species. This number, expressed as cubic feet per acre per year and calculated at the age of culmination of the mean annual increment (CMAI), indicates the amount of fiber produced in a fully stocked, even-aged, unmanaged stand.

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this attribute, only the representative value is used.

Rating Options

Tree: white spruce

Site Index Base: Farr 1967 (440)

Aggregation Method: Dominant Component

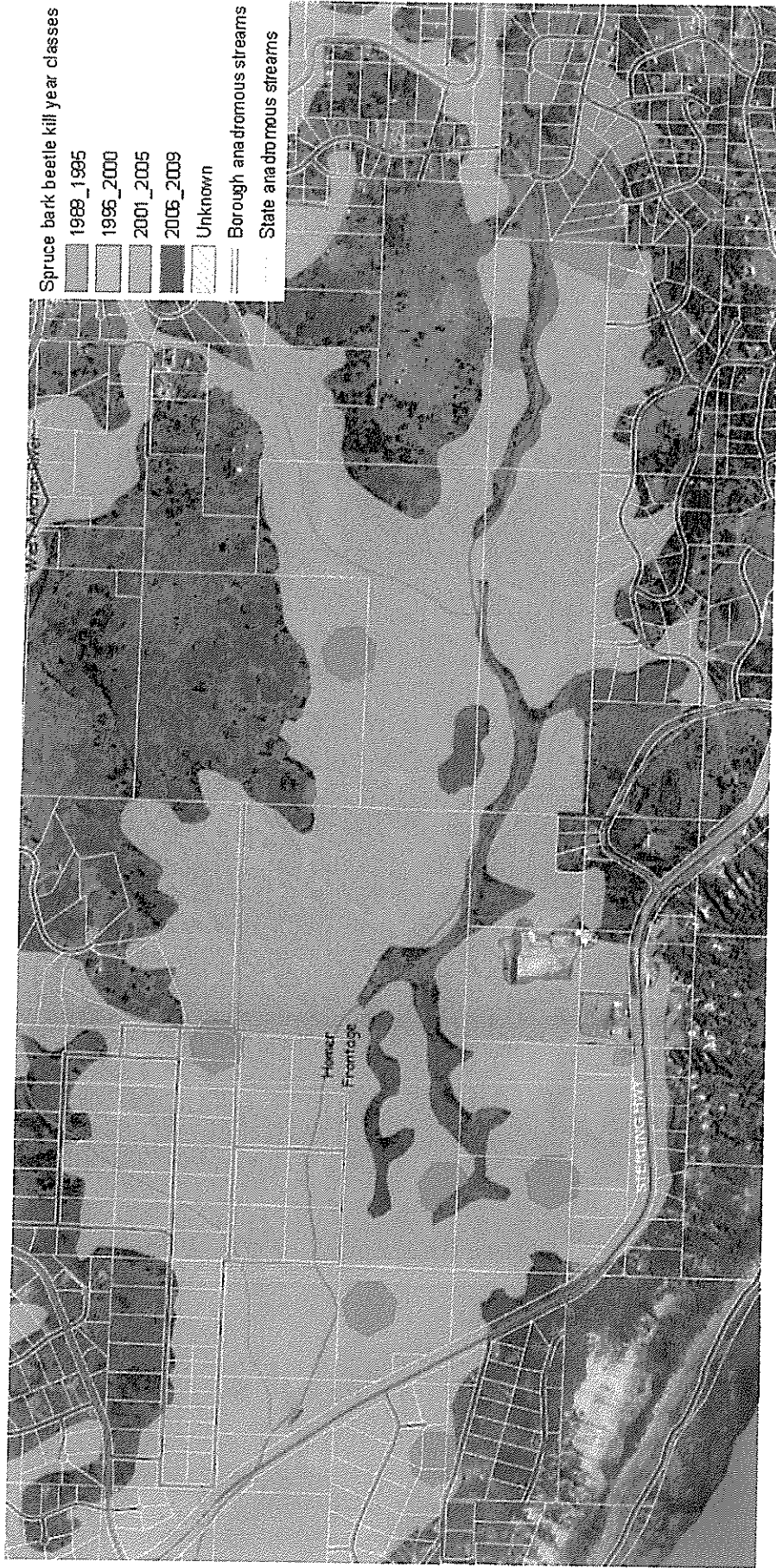
Component Percent Cutoff: None Specified

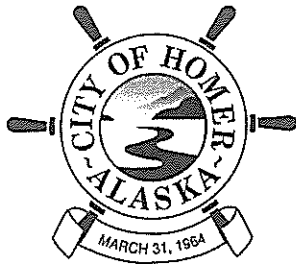
Tie-break Rule: Higher

Interpret Nulls as Zero: No

Map 7 – Spruce Bark Beetle Infestation

Legend and Map Courtesy of Kenai Watershed Forum





City of Homer Planning & Zoning

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Homer, Alaska 99603-7645

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

STAFF REPORT PL 13-37

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: April 3, 2013
SUBJECT: Transitional Residential Zone R2

Requested Action:

Review the staff report and attachments. This is mostly an informational report, to help guide future discussions.

Introduction

One of the overarching ideas on the Comprehensive Plan, is to provide a range of housing, and provide affordable sustainable government. Actually making this happen is a very tricky balance! A really good example is the cost of water and sewer services. It costs a certain amount of money each year to maintain a water line and the fire hydrants. If there are not enough users per mile, those costs are not covered. Water rates go up. We could be talking about road maintenance, schools, fire protection, just about any government service, and the corresponding tax rates of the community. The density that is allowed through the planning and zoning code has long term impacts on the affordability of buying a home in the City, and on tax rates/affordability of services.

Analysis

I have thought a lot in the past couple weeks about the proposed R-2 zoning district. It's not easy to have a one size fits all solution for Homer's growing neighborhoods. A few things have become apparent. I'd like to share them as we start talking about how parts of Homer have and are shifting from rural to more suburban type development. I'd like to use some of these thoughts as guiding principles as we talk about these changes. I also included some of the community values from chapter 3 of the Comprehensive Plan.

Do you have a value you'd add to this list?

1. Having access to City sewer is important for infill. Access to city water is nice, but with our poor soils, density should probably be focused in areas with city sewer. **Guiding Principle:** Availability of city sewer determines zoning changes to higher densities.

2. Homer's water and sewer infrastructure is very hit and miss! Some neighborhoods have both services; a large adjoining property might have only water. As a result, it may be years and years before all of the areas shown on the Comprehensive Plan map can be up zoned for more density. Development that constructs sewer infrastructure in areas planned for higher density should be viewed as a positive

change, not a loss of rural character. **Guiding Principle:** Public and private investment in extending sewer services play a major role in the growth of our community.

3. Large lot development is expensive for city services (higher rates and taxes, lower affordability). There are people who specifically move to town because they want city services like water and sewer. If they wanted five acres in the country, they would've bought that instead. **Guiding Principle:** City policies should support residents building homes and living in the City, at appropriate densities where infrastructure is available. (Think comprehensive plan map/chapter 4 here).

4. There are neighborhoods that could be rezoned today, with few impacts. There are other areas where residents may have more concerns. **Guiding Principle:** Up zoning will happen in areas when it will solve zoning problems, and accommodate growth/new housing. In areas where there are steep slopes, high value wetland areas or other physical development constraints to more dense development, rezoning will be more carefully considered.

5. Growth is slow in rural communities. Buildings or developments that go in today remain unchanged for long periods of time. Good and bad outcomes of development will remain for a generation. Some questions to consider when thinking about adding more housing to an area: How will an area look in 50 years? Should it be the same as today? Are there opportunities for redevelopment? How would the overall community, and the immediate neighborhood be changed if there were more housing in a particular area? **Guiding Principle:** Zoning changes, development and infrastructure should be viewed as long term investments, and focused on areas where change will have positive benefits.

Staff Recommendation

Planning Commission consider the guiding principles above, and bring any other ideas to the meeting.

In May, staff will present a draft ordinance creating the text for an R-2 (residential transition) zoning district. There will probably be several months of discussion before staff or the Commission formally proposes zoning map amendments.

Attachments

1. "Getting the Density you want" Planning Commissioner's Journal, Number 74, Spring 2009 PP. 14-19.
2. Comprehensive Plan Chapter 3, community values.

Getting the Density You Want

by Elizabeth Humstone

Across the United States over the past 50 years, development has increasingly spread out and average densities declined. On a forty-acre parcel, where once you could find over 1,500,000 square feet of mixed uses, today you are more likely to find one 150,000 square-foot big box store.¹

House sizes and yards are about double today what they were in the 1950s. Nevertheless, there is evidence that these patterns are beginning to shift. As communities struggle with issues of climate change, energy consumption, transportation, and affordable housing, many are looking for opportunities to encourage more concentrated development.

Higher densities of housing and commercial development have been linked to healthier lifestyles, lower auto use, and reduced energy consumption.² Low and moderate income housing is more finan-

cially viable at higher densities. In spite of the benefits, perhaps nothing gets a community more riled up than a discussion of density. Some fear that density – if too high – will create congestion, deplete open space, and block light and air. Others fear that density – if too low – will eat up valuable natural resources, tax community services, and fail to meet housing needs.

Often, discussions of density occur without any reference to how it can be applied in the community. The job of a planning commissioner is to bring helpful information about density to these discussions, including a definition of density, why it is important, and how it can best be applied taking into account the community's unique character and vision.

WHAT DOES DENSITY LOOK LIKE?

When residents hear the term *high density*, they often picture high-rise housing towers that lack privacy and open space, surrounded by surface parking. And when the term *low density* is used, large-lot rural subdivisions may come to mind. Neither may be the case.

As has been aptly illustrated in Julie Campoli and Alex MacLean's book, *Visualizing Density*, even the same densities take many different forms and have different impacts on the viewer. Take a look, for example, at the paired photos on the bottom of this page and the next.

Our perceptions of density are usually governed by the design of projects – how high they are, how they are sited, how close they are to the street, how much landscaping there is, and how doors, windows, porches, and roofs are articulated. Visual preference surveys have shown that people may dismiss one project as too dense while approving of another project that has the same density.³ One of the challenges for planners and planning commissioners is to determine the qualities that will make desirable densities acceptable in their communities.

1 Julie Campoli, Elizabeth Humstone, and Alex Maclean, *Above and Beyond: Visualizing Change in Small Towns and Rural Areas* (American Planning Association, 2003), pp. 100-101.

2 For a good summary, see the Urban Land Institute's *Higher-Density Development: Myth and Fact* (2005).

3 Editor's note: for more on the use of visual preference surveys, see Anton Nelessen & James Constantine, "Understanding & Making Use of People's Visual Preferences, (PCJ #9); available at: www.plannersweb.com/visualpreferences.html.

The development in Orlando, Florida (left) and in Longmont, Colorado (right) are built at the same density: 5.3 units/acre. The aerial photos are by Alex MacLean from his book *Visualizing Density* (co-authored by Julie Campoli).



1. The Municipal Plan

The starting point for deciding on density is the municipal plan. The plan sets forth the overall vision for the community and establishes the land use pattern, the transportation system, plans for public facilities and services, and natural resource policies. How do you determine how much density is enough or how much is too much? Each community will have to make this decision given its own situation and vision for the future.

2. Growth Estimates

One of the functions of a municipal plan is to determine how the community will meet current and future needs based on trends in population, housing, jobs and services, and existing conditions. How fast the community is growing, and what the characteristics of the new residents are likely to be, will help determine what densities need to be considered for the future. For example, if a new employer with low-wage jobs announces plans to move to the community, higher density rental housing may be needed. For those areas with a concentration of seasonal homes, low densities to protect lakeshores or steep slopes may be appropriate.

⁴ PAS QuickNotes No. 12, Density.

⁵ See *America's Families & Living Arrangements: 2003* (U.S. Census Bureau, Nov. 2004), p. 4.



Defining & Measuring Density

According to the American Planning Association, density is “the amount of development in a given area.”⁴

Planners measure density in several different ways. To understand regional patterns of growth, density is often measured in terms of people per square mile. According to the U.S. Census, the average population density of the United States in 2000 was about 80 people per square mile, and for urbanized areas 2,670 people per square mile.

Communities that are job and service centers for surrounding towns may define population more broadly to include employees and daily visitors, as well as residents. When these figures are added to base population numbers, they are often referred to as population intensity or service population. Intensity can be a measure of both population and development density.

For housing and zoning standards, density is typically measured in terms of *units per acre* or *minimum square feet of*

land area per unit. Even these terms may be modified by communities who use the term net density, which means the amount of development permitted for a given area once land not used for residential purposes (streets, sidewalks, parking, recreation land, utility easements, etc.) is subtracted.

Some communities take the net density definition a bit further by not allowing certain natural features, such as water bodies, wetlands, steep slopes, and rock outcroppings, to be counted as “developable.”

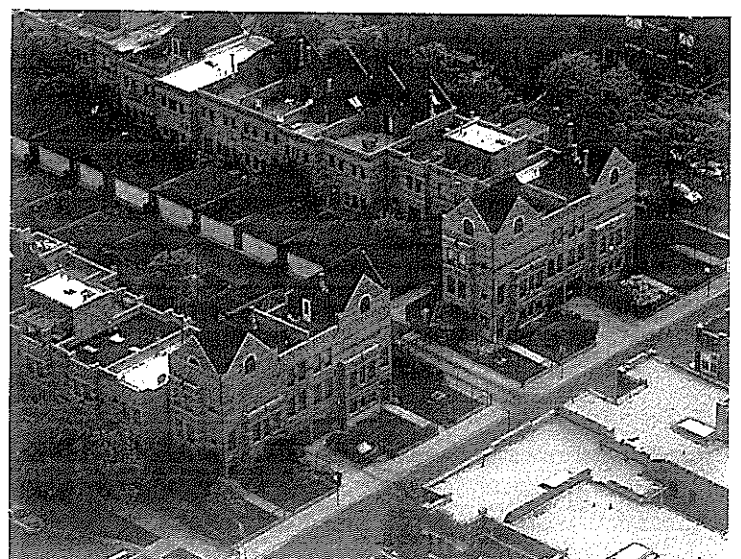
For commercial and industrial uses, density (in some places referred to as intensity) is either measured by the number of square feet per acre or by floor area ratio. Floor area ratio is the measure of the total amount of square footage of the building divided by the total square footage of the parcel on which it is built. For example, a 10,000 square foot commercial lot with a floor area ratio of .5 could have 5,000 square feet of commercial space built on it. This space could be configured in one, two, or three or more stories, depending on the zoning regulations for height and lot coverage.

Many communities are now realizing that only a small share of their population (under 25 percent nationally⁵) consists of two parents with children. Their plans must also provide for single parents, the elderly, empty nesters, and

young adults. These households have a variety of housing needs; many desire smaller units that are easily accessible to transportation, retail, and jobs and services.

continued on next page

Two more very differently designed developments, but again at comparable densities: 13.5 units/acre in Castro Valley, California (left) and 13.2 units/acre in Chicago, Illinois (right).



3. Inventory of Current Conditions

Every plan should set forth the current conditions in the community, including the intensity of land use. An assessment of existing densities and their distribution around the community is an important first step in determining future densities. To measure densities, first delineate the boundaries of the areas to be analyzed and then determine how the data will be collected.

U.S. Census data can be used to measure density. Julie Campoli and Alex MacLean, the co-authors of *Visualizing Density*, have prepared a step-by-step guide to how this can be done.⁶ Other sources include town property records and ortho-photo maps. Property records provide the size of lots and buildings. Using ortho-photo maps, measurements can be made of the number of units or building footprints within a given area from which the density can be calculated. These densities should be compared to natural, cultural, and physical conditions of the land, community facilities and services, and transportation in order to decide if they should be maintained or altered.

4. Connecting with Community Goals

Density should be closely correlated with community goals for health, environmental protection, energy conservation, alternative transportation, and neighborhood character. Many communities are now reexamining their assumptions that low densities protect neighborhood character and are better for the environment and public health.⁷ They are responding to a growing body of evidence that compact, walkable communities promote healthier lifestyles. As a result, they are looking for locations where densities can be increased.

Any consideration of an alteration in density must include an assessment of the character of a neighborhood and how its existing densities are working today.

For example:

- are moderately high densities promoting walking, but lacking in amenities?
- are densities too low to encourage walkable neighborhoods?
- are there historic areas where increasing density will require special considerations?
- are there opportunities for modest infill development, such as accessory apartments or duplexes, that will retain the neighborhood character?

5. Links to Transportation

In general, communities will want to encourage higher densities in village and town centers and where transportation options, such as walking, bicycling, bus, and rail service, are readily available or could be added.

How much density is enough to support a bus route or transit? Hannah Twaddell covered this in her article, "The ABC's of TOD: Transit-Oriented Development," published in the last issue of the *Planning Commissioners Journal* (PCJ #73, Winter 2009). She reported that densities ranging from about 7 to 20 units per acre are typically required to generate enough riders for 15 to 20 minute frequencies on local bus routes. Twaddell notes that light rail service requires higher densities, typically between 9 to 35 or more units per acre.⁸ Other sources suggest that employment densities of 50 jobs per acre or more best support high frequency, high volume light rail.⁹

6. Links to Community Services

Many residents worry that more density will place excess demands on public facilities including water, sewer, roads, schools, and emergency services. This concern should be addressed by deter-



Some FAQs on Density:

1. Q. Will higher density housing cause my taxes to rise because of excessive demands on public facilities, including water, sewer, roads, and schools?

A. Not necessarily. Some higher density housing has lower school costs due to fewer children per unit and lower bus transportation costs. All residents must pay for their own electrical, gas, trash, water, and sewer usage. Other costs are lower due to the shorter utility lines and roads in compact developments.

2. Q. Don't higher density developments increase traffic and cause congestion?

A. Actually, there are fewer auto trips per household in apartments and high rises than in single family homes if, as is often

the case, essential retail and services are nearby.

3. Q. Won't higher density housing create more adverse environmental impacts such as increased stormwater runoff?

A. There are more opportunities to manage stormwater runoff with higher density development due to less impervious surface than with low density, spread out development. In addition, water consumption tends to be lower and there is less open space used per unit.

4. Q. Doesn't higher density threaten historic buildings & neighborhoods?

A. Many community groups become concerned that historic values will be compromised when densities are increased. It is important to identify the historic features within a neighborhood before proposing any changes. Any recommended changes

should show how these values will be retained. For example, does the historic significance of the area rest in the architectural style of the buildings? If so, can that be reflected in newer buildings or additions?

Is the density of development – heights, setbacks, lot sizes – varied or consistent? Is there a way to increase density without visual disturbance, such as by allowing large older homes to be divided into two, three, or four units?

5. Q. Does higher density mean we'll have less green space in our community?

A. Not necessarily. With careful planning, increasing densities may save more green space for your community. By accommodating housing and commerce in a smaller area, more land is available for recreation, farming, forestry and protection of scenic views.

mining the capacity of public facilities where more residents and jobs are planned.

Keep in mind also that the impact on facilities and services will vary by the type of housing and intensity of employment to be provided. Higher density development can save on costs for public facilities. Multi-family housing and townhomes often have fewer occupants than single-family homes. Some types of commerce, such as small-scale retail and services, have a higher concentration of jobs than warehouses and big box stores.

7. Environmental and Natural Resource Protection

When planning for environmental or natural resource protection, communities should consider the density of development they allow in these critical areas. Zoning farmland for a density of one unit per acre is not going to ensure that farming will continue. Allowing dense development on steep slopes is likely to bring the community problems with erosion, road wash-outs, and sewage disposal. Communities that have undertaken an assessment of critical environmental and natural resources often use this information to lower the density of development in sensitive areas.

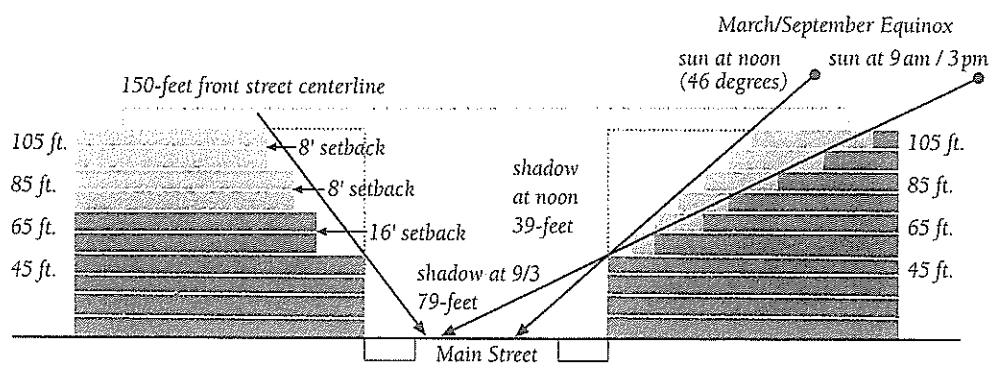
6 "Steps for Using the Census 2000 to Measure Density (units per acre)," available at: www.lincolnmst.edu/subcenters/visualizing-density/census.pdf

7 See, e.g., "Measuring the Health Effects of Sprawl," by Barbara A. McCann & Reid Ewing (Smart Growth America, Sept. 2003).

8 Some call for even higher housing densities. The Washington State legislature has been debating a bill that, as originally proposed, would have required Seattle and other cities to authorize development at 50 units per acre within a one-half mile radius of each light rail or rapid bus transit station in their community. As of March 17, 2009, the bill had been amended to call for local plans and regulations to "encourage development along transit lines and at major transit stations at levels that support transit-oriented communities."

9 See, e.g., Lawrence D. Frank and Gary Pivo, "Impacts of Mixed Use and Density on Utilization of Three Modes of Travel: Single-Occupant Vehicle, Transit, and Walking," *Transportation Research Record No. 1466* (1994).

10 See Hans Blumenfeld, *The Modern Metropolis: Its Origins, Growth, Characteristics and Planning* (MIT Press, Cambridge, MA, 1967), p. 175.



In Burlington, Vermont, zoning changes to allow increased height and density in the downtown core are being considered along with upper story building setbacks. This diagram illustrates how setbacks would allow for more sunlight to reach Main Street (which runs east-west through downtown) at various times of day during the March/September equinox, mitigating the impacts of the increased height.

Communities need to consider both density and lot size when planning for these resources. There is a difference between density and lot size, however. Lower densities will limit the total number of units on a parcel of land or in an area. Large lots will spread these units out over a larger area than small lots clustered in a portion of the parcel.

The Bottom Line

Having considered the above, some communities may decide to increase existing densities in order to address growth trends and the community's vision and goals as set out in their plan. In other places, a decision may be reached that existing densities are essential to neighborhood character and should be maintained. Still other municipalities may find that densities are too high and need to be lowered, for example, to protect an important natural resource such as farmland.

The bottom line is that it is up to each town and city to make an informed decision that best fits the community's needs. The next section describes ways communities can implement densities to work better for them.

FACTORS IN MAKING DENSITY WORK FOR YOU

To make density work, whether it is high, moderate, or low density, specific standards need to be developed in your municipal zoning regulations.

One of the challenges for planners is to determine the qualities that will make desirable densities acceptable in their

communities. Some factors that can be important to determining what density will look like include:

1. Height

In general, lower heights are compatible with lower densities, and higher heights with greater densities. Figuring out appropriate heights depends on many factors, including the character of the area, desired uses and activities, walkability, view enhancement, and light and air.

Communities are rightly concerned that higher densities may not fit with the character of the area. To minimize negative impacts and accommodate increased density, some communities have implemented requirements that new buildings may be higher than existing ones only if they are stepped back from the street on the upper floors. Such guidelines can protect light and air on the street, while also maintaining compatibility with historic streetscapes.

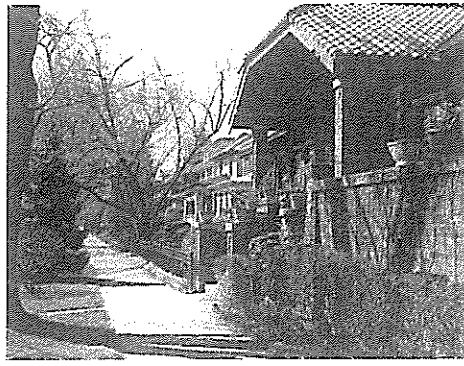
Municipalities are also often frustrated when developers do not build to the heights allowed in the zoning code. The concern is that valuable urban land is being inefficiently used. These communities should consider implementing minimum height standards, such as requiring at least three or four stories in new buildings in downtown or core areas. This concept is not a new one. Hundreds of years ago, builders were required to build to certain heights in order to use land efficiently and create order in the built environment.¹⁰

continued on next page



W. SEAVILLE

"New urbanist" developments, as in Abacoa, Florida, often provide smaller setbacks than traditional subdivisions, allowing for increased density and a more compact development pattern. This can be done without sacrificing attractively designed housing. In fact, this denser pattern is more in keeping with older, early 20th century suburban neighborhoods such as Chicago's "bungalow" district (on right).



higher densities in one portion of a parcel, provided they are offset by protection of open space and natural resources on the remainder of the parcel.

5. Bonuses

Some cities and towns enable developers to apply for density bonuses that allow more units per acre or a higher floor area ratio than would otherwise be permitted in the zoning district. In return, developers' need to commit to meet special standards set out in the ordinance, such as LEED energy standards, a minimum percentage of affordable housing, or some other special amenity.

Prior to considering such bonuses, communities need to be sure that areas where bonuses can be used are appropriate for the additional density. It also makes sense to first determine if such requirements (e.g., affordable housing) should be standard for all projects or something that should be encouraged through optional density bonuses.

6. Parking

Parking can be a major factor in limiting densities in downtowns and urban neighborhoods. Often zoning requirements for size of spaces and number of spaces per unit (or square feet) result in parking dominating the site.

Communities desiring higher densities will need to consider a variety of approaches to addressing parking needs while preventing the voids created by large areas of surface parking. This can include alternatives such as structured or underground parking, increased on-street parking, and even lower minimum parking requirements for commercial and residential development. While reducing parking requirements can be controversial, people in high density areas often have alternatives to using cars, such as bus transit or walking, which lowers their need for multiple parking spaces.

7. Landscaping

No matter what the density, landscaping can and should be provided. In high density areas, landscaping, such as trees or greenbelts along sidewalks and streets,

Getting the Density You Want...

continued from previous page

2. Setbacks

Citizens often fear that increases in density will bring overcrowding and block light and air. Setbacks can help to minimize these impacts by requiring minimum distances between buildings and the street. However, if setbacks are too large, then allowed densities may not be achieved.

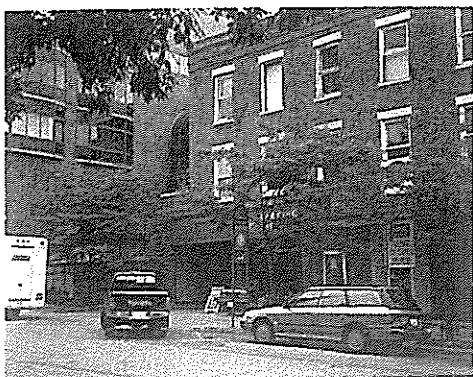
A good rule of thumb is to look at existing buildings first before formulating new setbacks. Evaluate the setback pattern and how important it is to maintaining the neighborhood's character. If reducing setbacks between buildings and the street would not harm the streetscape, then consider doing this as it would enable more density on the site. If the neighborhood has little or no separation between buildings, consider repeating this pattern for new construction.

3. Lot Coverage

The amount of land that a building footprint consumes can affect the density of building construction. Coverage needs to be considered in conjunction with setbacks and height requirements. If, for example, your community mandates a low lot coverage percentage and allows eight story buildings, you are likely to have towers surrounded by extensive open space and/or parking areas. Higher lot coverage factors, such as 80 to 100 percent, will encourage use of the entire parcel for buildings. This is most appropriate in high density areas, such as downtowns where setbacks are low.

4. Planned Unit & Planned Residential Developments

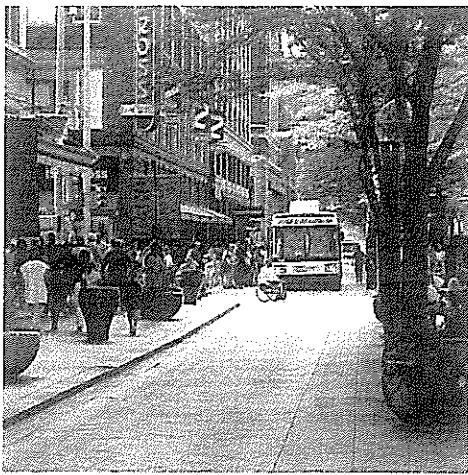
Many communities have been experimenting with variable densities for decades by enabling planned unit developments and/or planned residential developments. These projects allow



W. SEAVILLE

Structured parking can reduce the amount of surface parking lots needed, increasing the overall density that can be achieved in a downtown area. Garages can be designed to blend in unobtrusively, as here in Burlington, Vermont.





Landscaping, such as street trees (seen here along 16th Street in Denver, Colorado), can reduce the perceived density of buildings in downtowns and other areas.

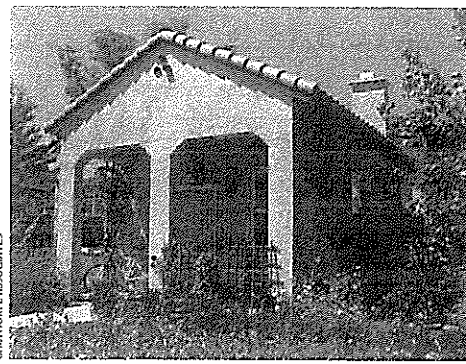
can soften building façades and provide a human scale to taller buildings. In medium density areas, landscaping of front, side, and rear yards, and courtyards will create a more pleasing environment, while also adding privacy.

8. Driveways and Garages

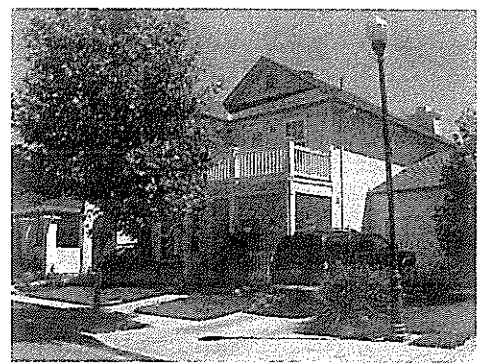
Placement of driveways and garages can be critical to achieving desired densities. Individual driveways serving garages lining the frontage of the street can destroy the pedestrian scale of moderate and high density communities and take up valuable space. Shared driveways at the backs of buildings can minimize impacts and enable the use of frontage for housing, commerce, pedestrian access, and landscaping.

9. Accessory Apartments & Duplexes

Small communities without the high densities found in downtowns and urban neighborhoods often look for more subtle ways to increase densities. One method that has been found to have minimal impact on the character of a neighborhood is the addition of accessory



Accessory units in Davis, California's Aggie Village are unobtrusive and fit well into the neighborhood. Photos shows an accessory unit (above left) and the principal structure (above right).



units or apartments (also called "granny flats") and duplexes. Some states even require that accessory units be permitted in zoning districts where single family housing is located.

These additional units can be added within a home, as an extension on the building, or as an addition or alteration to a garage or outbuilding. By law, they are usually smaller than the principal use of the property – the single-family home.

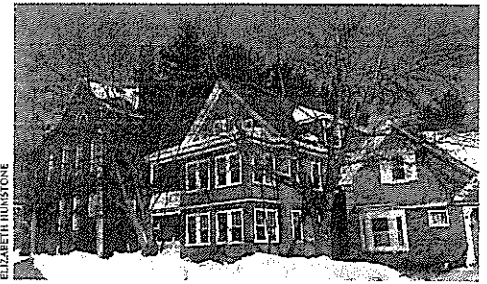
Duplexes are usually permitted on the same size lot as a single-family dwelling unit, provided wastewater and water supply can be accommodated. It is not uncommon to find historic neighborhoods where single-family homes, duplexes, and apartments share the same block – without compromise to the quality of the area.

10. Tear Downs

Tear-downs occur when a house is demolished and replaced with a larger or more intensive one. This "McMansionization" process is becoming an increasing problem in many neighborhoods. Often the replacement buildings don't increase density, but they do increase the intensity and scale of buildings and lead to an impression of increased density without offering the benefits.

SUMMING UP:

Addressing the knotty issue of density can be one of the most frustrating, yet creative, activities a planning commissioner can undertake. Given the controversial nature of the issue of density, it is important that planning commissions engage citizens, elected officials, property owners, businesses, and non-profit




Duplexes and apartments in Portland, Maine, provide for increased density without changing the residential character of the neighborhood.

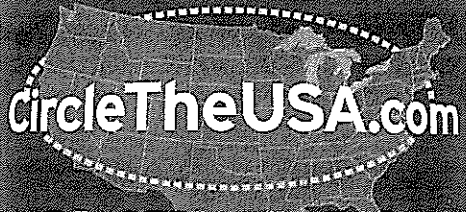
organizations in the review of existing conditions. The goal is to gain consensus on what densities and development standards are most appropriate for neighborhood, downtown, suburban, or rural areas. ♦

Over the past 35 years, Elizabeth Humstone has worked as a planning consultant on a wide range of projects in rural communities and small towns. Humstone is an advisor to the National Trust for Historic Preservation and former Executive Director of the Vermont Forum on Sprawl (now Smart Growth Vermont); past member of the Burlington (VT) Planning Commission; and former Chair of Vermont's Housing & Conservation Trust Fund Board.





Density Resources:
Additional online resources to help you better understand and deal with density issues are available on our PlannersWeb site. Just go to our main page & look for the links to our Resource Pages.



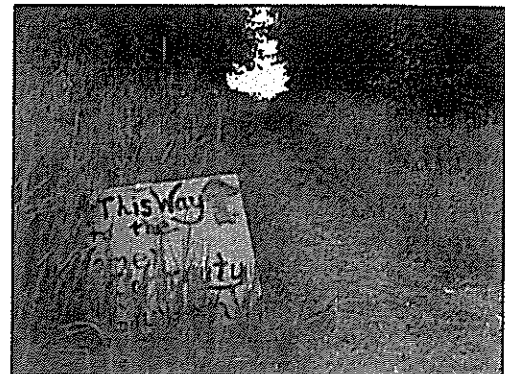
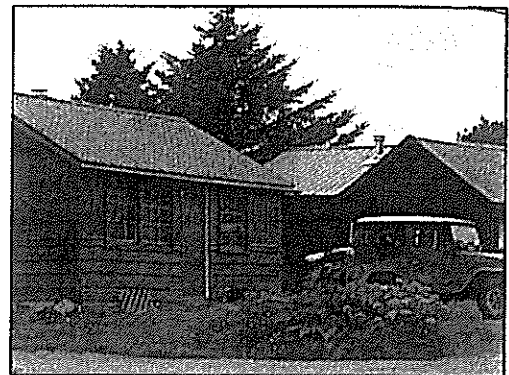
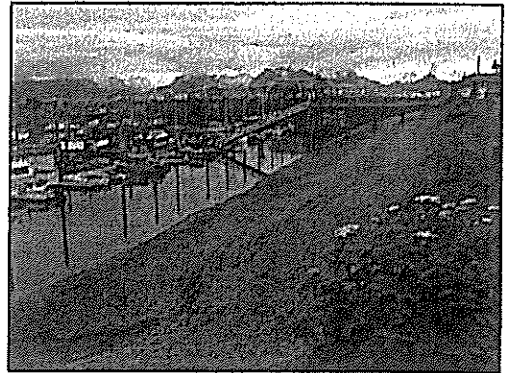
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CHAPTER 3 COMMUNITY VALUES

The previous chapter describes the growth and change occurring in Homer and surrounding areas along with the resulting opportunities and challenges facing the community. Chapters 4-8 present goals and strategies to respond to the impact of this growth and change. This chapter presents a general summary of the broad values of the Homer community. This material comes from the 1999 Comprehensive Plan Update and feedback received from the community in the preparation of this plan.

Listed below are qualities of Homer that are strongly valued by residents. The items listed were repeatedly articulated during the comprehensive plan update process.

- Keep Homer a lively, vital community that effectively responds to change and growth while retaining what is best about Homer's character.
- A strong interest in political matters; a desire to guide the future growth and development of Homer
- Appreciation of Homer's spectacular natural setting, its great views, interesting topography, as well as a tradition of concern about the quality of natural resources and the environment
- Support for a diverse economy, including many small, independent home-based businesses
- Desire for ready access to open space, parks, and recreation
- Pride and support for local arts
- Strong commitment to encouraging a wide range of high quality medical and health-promoting services and facilities, both conventional and nontraditional
- Support for the robust network of nonprofit and volunteer organizations giving to the community in many ways
- Interest in lifelong learning and opportunities for access to education
- A strong tradition of commercial fishing and a strong community bond to the marine environment and resources
- Desire for a mix of rural and main-street character – with many residents living on larger parcels with



space between neighbors – coupled with a desire to create a new “heart of Homer” – a lively town center offering the pleasures and conveniences of a thriving downtown.

MANAGER'S REPORT
March 26, 2013

TO: MAYOR WYTHE / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

1. Finance Director Recruitment: The deadline for applications has been extended until March 27 in an effort to recruit a larger pool of qualified candidates.
2. Loan Agreement / Natural Gas Special Assessment District: The Borough Assembly approved the loan agreement between the City and the Borough at its regular meeting on Tuesday, March 19th. I attended the meeting to provide testimony and answer questions. This was the final big step. Things will happen very quickly now. We will make the first loan drawn-down on March 25th and the proceeds will provide the first payment to Enstar, establish the project account for administration and direct services, and transfer money into the Bond Reserve Account. I will also sign the contract with Enstar and issue a Notice to Proceed.
3. Enstar Activities: Enstar is moving quickly on both the trunk line and the distribution system. On the trunk line, they plan to start digging and installing pipe in the next week or two. Construction will start at the intersection of the Old Sterling and New Sterling and proceed in two directions. Enstar had its pre-bid meeting for the Homer distribution system on Friday March 15th. The meeting was well attended with a good mix of large well known firms from Anchorage and local contractors. I am hopeful we will get very competitive bids and a good price for the property owners in the assessment district. Enstar has laid out a very aggressive construction schedule and they hope to have the contractors in the ground working by May. Enstar intends to break the bidding up and this year, contractors will only bid on Phase I, the downtown core. Enstar has opened an office in Homer and hired employees. You can go there now if you want to sign up for gas service. I would like to invite Enstar to a future meeting to update the community on everything that is going on.
4. Summer Construction: I wanted to discuss the construction schedule for the distribution system a little because I am not sure it has fully dawned on the community that this is happening, and it is happening in just a few weeks! The plan is to install all of the distribution lines in downtown streets this construction season. This has the potential to disrupt traffic and perhaps impact businesses during the summer season. It will have to be planned carefully to minimize impacts. Enstar is planning to provide regular community briefings on its website and on the radio regarding where crews are expected to be and what road closures and detours can be anticipated. More on all of that later. But, the basic message is get ready Homer!
5. Budget Ordinance / HSAD: This agenda contains an ordinance that appropriates funds and adopts a budget for the administration and direct services provided by the City to support the natural gas distribution system special assessment district.

This covers administrative services such as maintaining the assessment roll and handling the assessments and the financing. Administration fees are authorized by the adopted fee schedule. The budget also includes money to cover direct services like permitting, inspections, and utility locates in the field. The money for this will come from the bond sale proceeds and be repaid through assessment payments. The City's costs were included in the amount to be assessed to the property owners in the SAD.

6. Bond Application / Harbor Projects: As you know, the State Capital Budget includes \$4.2 Million for improvements at the Homer Harbor. This funding is provided under a program that requires a 50/50 match with local funds. The Council has determined that the best way to provide the local match is to sell revenue bonds and it has raised fees at the harbor to provide for the money needed to make the bond payments and maintain the required reserve. I am currently working on the bond application through the Alaska Municipal Bond Bank. The Bond Bank Board is scheduled to meet on May 2 to decide which projects are approved and to finalize the details of the sale. A bond sale is tentatively scheduled for mid-June with closing shortly thereafter. This is perfect timing because it coincides almost exactly with final approval of the capital budget. Work will be able to commence this fall.
7. TORA / Deep Water Dock: The City and the Department of Transportation are very close to finalizing a Transfer of Responsibility Agreement (TORA) regarding Deep Water Dock funding. The agreement would transfer federal funds to the City and make it responsible for all aspects of feasibility studies, preliminary conceptual design, and compliance with applicable laws. Recall that we have a federal earmark in the amount of \$ 2 Million and a state legislative grant in the amount of \$1 Million for feasibility studies related to expanding and strengthening the Deep Water Dock. I can go into a little more detail at the meeting.
8. Drill Rig Endeavor: The drill rig is scheduled to leave the Deep Water Dock on March 26 so that the City can install the new dock fenders. The work is being performed by Jay-Brandt and materials are already arriving. This is part of the work being funded by the \$ 6 Million cruise ship head tax grant.
9. Emergency Operations Plan: The working group formed to update the City's Emergency Operations Plan has been meeting on a regular basis and is making good progress.
10. New Software at Library: The Library Staff and the IT Department have been working to install and train staff on a new software system that will replace the old SIRSI system. This software will be cheaper to maintain and service and it is more tailored to the specific needs of the Homer library and its patrons. Hopefully, this software will provide better service to our customers and be more efficient and productive for the staff.
11. Animal Shelter Contract: The Animal Shelter Contract expires this year. We are preparing an RFP and expect to put this service out for bids early this summer.
12. Workshops Scheduled: The Council has requested a number of workshops which include training on I-Pads, Kachemak Drive Trail, The parcel next to the Fishing Hole, and the proposal from the Wooden Boat Society. Jo Johnson has managed

to schedule all of them in April. Two items are scheduled for special meetings at 4 PM on the 8th and 22nd. Others are scheduled for 5:15 on the 15th, an off week for Council meetings.

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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

March 26, 2013

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE

MEETING OF MARCH 25, 2013

RE: Glacier View Subdivision 2013 Replat Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of March 25, 2013 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.12; 20.14 and 20.20.

By unanimous consent the Plat Committee granted exception to KPB 20.20.230, 20 foot building setback – plat note removal based on the following findings of fact.

Findings

1. The subdivision is within the City of Homer.
2. Per HM 78-8, a 20-foot building setback exists along all rights-of-way.
3. 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.
4. Ordinance 83-25, enacted on May 3, 1983, delegated zoning regulations to the City of Homer.
5. The parent plat was recorded prior to zoning regulations being delegated from KPB to the City of Homer.
6. Building setbacks within the subdivision must comply with the requirements of the zoning district per KPB 20.20.235
7. Removing the 20-foot building setback note 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.
8. Plat Note 4 states the subdivision is subject to the City of Homer zoning regulations.

Please contact the Planning Department if you need additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent March 26, 2013 to:

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

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

Survey Firm: Seabright Survey + Design
1044 East Road #A
Homer, AK 99603

Subdivider/Petitioner: Melvyn Strydom, LLC
369 E. Pioneer Ave.
Homer, AK 99603-7622

Interested Parties: Darren Williams
Refuge Chapel
397 E. Pioneer Ave #B
Homer, AK 99603

KPB File Number: 2013-046

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

7. Glacier View Subdivision 2013 Replat
KPB 2013-046; Seabright/Strydom

Staff Report given by Patti Hartley

Plat Committee Meeting: 3/25/13

Location: City of Homer
Proposed Use: Commercial
Water/Sewer: City
Zoning: Central Business District
Assessing Use: Commercial, Commercial Parking Lot
Parent Parcel Number(s): 177-203-16, 177-203-17

Supporting Information:

The proposed subdivision is a simple replat of two lots into one lot containing approximately 26,000 square feet. The plat is connected to city water and sewage disposal. The subdivision fronts paved East Pioneer Avenue and a 20-foot utility alley.

Homer Advisory Planning Commission approved the plat subject to:

1. Correct the vicinity map to show the lots included in this replat.
*Borough staff comments: **Staff recommends** the depiction of the proposed plat include only that property within the subdivision.*

Homer Advisory Planning Commission inquired if the existing building was within the utility easement. Satellite imagery indicates the structure may encroach into the utility easement. If there are any existing encroachments, **staff recommends** a note be placed on the plat to indicate that acceptance of the plat by the City of Homer or the Kenai Peninsula 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.

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

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

Exception(s) Requested: 20-foot building setback (KPB 20.20.230) – plat note removal

Staff Discussion: Plat Note 1 on HM 78-8 states the plat is subject to a 20-foot building setback along all rights-of-way. The exception is a housekeeping matter to ensure the plat complies with the current requirements of the 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. Ordinance 83-25 delegated zoning regulations to the City of Homer three years later.

The proposed plat is within the City of Homer and is subject to the requirements of the zoning code. 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. The subdivision is within the City of Homer.
2. Per HM 78-8, a 20-foot building setback exists along all rights-of-way.
3. 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.
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5. The parent plat was recorded prior to zoning regulations being delegated from KPB to the City of Homer.
6. Building setbacks within the subdivision must comply with the requirements of the zoning district per KPB 20.20.235
7. Removing the 20-foot building setback note 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.
8. Plat Note 4 states the subdivision is subject to the City of Homer zoning regulations.

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 1-8 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 1-8 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 1-8 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, F, and J.

Platting staff comments: The following portions of 20.12.060 are not applicable to the subject plat: H, 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 the acreage and square feet shown be verified. KPB records show 26,307 square feet, 0.604 acres.

- 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 street name be verified; KPB records show East Pioneer Avenue.
- 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 the depiction of the proposed plat on the vicinity map include only the land being replatted.
- 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 west be corrected: Lot 7.
- K. Within the limits of first class cities, the approximate location of known existing municipal sewers, water mains, and other utilities within the subdivision and immediately abutting thereto;
Platting Staff Comments: Homer Advisory Planning Commission did not request additional information to be shown and verified that these utilities existed.
- M. Approximate locations of slopes over 20 percent in grade. (Ord. No. 78-37, § 2(part), 1979)
Platting Staff Comments: Terrain within the plat is basically flat per KPB GIS mapping.

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: The appropriate wastewater disposal note is on the plat.
3. **KPB 20.20 Design Requirements -- 20.20.010. - Standards applicable.**

Platting staff comments: The plat complies with the following portions of 20.20: 20.20.035, 20.20.110, 20.20.180, 20.20.190, 20.20.200, and 20.20.210.

Platting staff comments: The following portions of 20.20 are not applicable to the subject plat: 20.20.020, 20.20.030, 20.20.050, 20.20.060, 20.20.080, 20.20.090, 20.20.100, 20.20.120, 20.20.130, 20.20.140, 20.20.150, 20.20.240, and 20.28.

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

20.20.040. - Easements—Requirements.

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

20.20.070. - Alleys.

Platting Staff Comments: The plat fronts an existing 20-foot utility alley.

20.20.160. - Blocks—Length requirements—Generally.

Platting Staff Comments: The block length is less than 400 feet. The parent subdivision was recorded in

1950. The subdivision to the south (Glacier View Subdivision No. 2) created the short block in 1974. The area appears to be well served by rights-of-way and the utility alley created by the parent plats. **Staff recommends** the Committee concur that existing conditions justify a variance from the requirement.

20.20.170. - Pedestrian ways required when.

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

20.20.220. - Lots—Double frontage prohibited when.

Platting Staff Comments: The plat fronts 60-foot East Pioneer Avenue and a 20-foot utility alley. KPB Code states alleys shall be shown and labeled on the preliminary plat (KPB 20.12.050) and shall be provided as prescribed by city ordinance (KPB 20.20.070). Alleys are not defined by KPB Code. Per the parent plat, the alley is specifically a utility alley and is 20 feet wide. Based on its specific designation by the parent plat and its width, the alley would not be considered a formal right-of-way so the plat would not be viewed as having double frontage.

20.20.235. - Building setbacks—Within cities.

Platting Staff Comments: **Staff recommends** references to the building setback be removed from Plat Note 3.

20.20.250. - Different standards in cities.

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

20.20.260. - Flood plain requirements.

Platting Staff Comments: Per the Homer City staff report the plat is within Flood Zone D, flood hazards undetermined.

Per the Homer City staff report, the plat has no wet areas.

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

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

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

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

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

20.16.020. - 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.

20.16.090. - Accuracy of measurements.

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

20.16.120. - Utility easements.

*Platting Staff Comments: **Staff recommends** compliance with the recommendations submitted by the utility providers. **Staff recommends** the 15-foot utility easement shown on plat be modified so no encroachments are created with the existing structures. This easement can be worked out with the City of Homer Department of Public Works.*

20.16.130. - Easements.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.130. **Staff recommends** the 2-foot easement affecting the eastern boundary be shown and labeled with the recording information.*

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. **Staff recommends** Plat Notes 2 and 4 be revised to reflect the single lot to which it references, e.g., This lot is served . . .*

Staff recommends the bearings on the north and south boundaries be modified to reflect the parent plat and Plat Note 5 or an explanation for the differences given.

20.16.155. - Certificates, statements and signatures required.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.155. KPB records indicate an LLC owns the property. Per the State of Alaska corporation database, the subdivider is 100 percent owner of the LLC. Documentation confirming who is authorized to sign the plat is not required in this case. **Staff recommends** the owner's name match the Certificate to Plat, e.g., Melvyn Strydom, Melvyn Strydom LLC.*

20.16.160. - Survey and monumentation.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.160 and the monumentation of record be shown on the plat.*

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

Vice Chairman Gross opened the meeting for public comment. Seeing and hearing no one wishing to speak, Vice Chairman Gross closed the public comment period and opened discussion among the Commission.

MAIN MOTION: Commissioner Holsten moved, seconded by Commissioner Lockwood to approve the Glacier View Subdivision 2013 Replat, KPB 2013-046 per staff recommendations and conditions.

AMENDMENT MOTION: Commissioner Holsten moved, seconded by Commissioner Lockwood to grant exception to KPB 20.20.230, 20 foot building setback - Plat Note Removal; citing the 8 findings and tying them to the three facts.

Findings

1. The subdivision is within the City of Homer.
2. Per HM 78-8, a 20-foot building setback exists along all rights-of-way.
3. 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.
4. Ordinance 83-25, enacted on May 3, 1983, delegated zoning regulations to the City of Homer.
5. The parent plat was recorded prior to zoning regulations being delegated from KPB to the City of Homer.
6. Building setbacks within the subdivision must comply with the requirements of the zoning district per KPB 20.20.235
7. Removing the 20-foot building setback note 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.
8. Plat Note 4 states the subdivision is subject to the City of Homer zoning regulations.

AMENDMENT VOTE: The motion passed by unanimous consent .

ECKLUND YES	GROSS YES	HOLSTEN YES	ISHAM YES	LOCKWOOD YES	MARTIN ABSENT	5 YES 1 ABSENT
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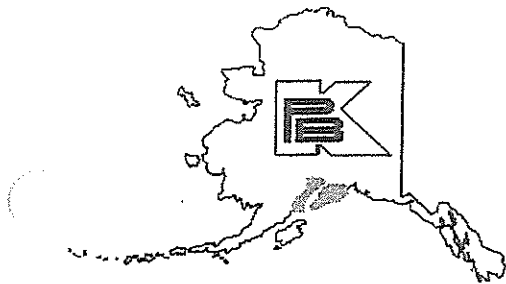
Commissioner Lockwood stated he was in favor of granting approval as long as there were no further encroachments.

MAIN MOTION VOTE: The motion passed by unanimous consent .

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

11. Mommsen's Subdivision Addn. 1 Riley Replat



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

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MIKE NAVARRE
BOROUGH MAYOR

March 13, 2013

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLANNING COMMISSION

MEETING OF MARCH 11, 2013

RE: Vacate a portion of the 5-foot wide drainage easement along the east boundary of Lot 1 granted by Tamian Subdivision (Plat HM 86-87), and that a portion of the north 47-feet will remain as shown on Tamian Subdivision Lot 1 As-Built Survey plat showing encroachments; all within Section 21, Township 6 South, Range 13 West, Seward Meridian, Alaska; City of Homer and within the Kenai Peninsula Borough. KPB File 2013-035 PC Resolution No. 2013-06

During their regularly scheduled March 11, 2013 meeting, the KPB Planning Commission adopted KPB Planning Commission Resolution 2013-06 thereby granting the drainage easement vacation as petitioned based on the following findings of fact.

Findings:

1. Per the petition, the easement proposed for vacation is not being used by utility companies.
2. The easement proposed for vacation is within the City of Homer.
3. No surrounding properties will be denied utilities.
4. No letters of objection have been received.
5. The drainage improvements located in this easement have been relocated to the east.
6. Portion of easement proposed to be vacated is no longer needed by the City.
7. The north 47-feet of the drainage easement will remain in place.
8. By vacating this easement will eliminate encroachments within the easement.
9. If the vacation is approved for Lot 1 Tamian Subdivision, it will be accomplished by recording Planning Commission Resolution 2013-06

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

Notice of the Planning Commission decision and draft, unapproved minutes were sent March 13, 2013 to:

City of: City of Homer
491 East Pioneer Ave
Homer, AK 99603

Advisory Planning Commission: N/A

Survey Firm: Patrick Church
PO Box 2080
Homer, AK 99603

Subdivider/Petitioner: Douglas W. Alaniva
PO Box 48
Homer, AK 99603

Douglas Alaniva
2406 N. Condor St
Colorado Springs, CO 80909

KPB File Number: 2013-035



AGENDA ITEM H. VACATIONS NOT REQUIRING A PUBLIC HEARING

1. Vacate a portion of the 5-foot wide drainage easement along the east boundary of Lot 1 granted by Tamian Subdivision (Plat HM 86-87), and that a portion of the north 47-feet will remain as shown on Tamian Subdivision Lot 1 As-Built Survey plat showing encroachments; all within Section 21, Township 6 South, Range 13 West, Seward Meridian, Alaska; City of Homer and within the Kenai Peninsula Borough. KPB File 2013-035 PC Resolution No. 2013-06

Staff Report given by Paul Voeller

PC Meeting: 3/11/2013

Purpose as stated in petition: The culvert has been relocated to the east as stated by Carey Meyer of the City of Homer. My house was built in 1969. The easement was granted in 1986. My house was there before the easement was granted. I am not able to sell my house with this encroachment.

Petitioner: Douglas W. Alaniva of Homer, Alaska.

Notification:

Seventeen notices of vacation mailings were sent by regular mail to owners of property within 300 feet. Notices were mailed to five interested parties and agencies. Notices were mailed to the Homer Community Library and Homer Post Office to post in public places. The notice was posted on the Borough web site and on the Borough bulletin board in Soldotna.

Statement(s) of non-objection

City of Homer Public Works Dept.

Findings:

1. Per the petition, the easement proposed for vacation is not being used by utility companies.
2. The easement proposed for vacation is within the City of Homer.
3. No surrounding properties will be denied utilities.
4. No letters of objection have been received.
5. The drainage improvements located in this easement have been relocated to the east.
6. Portion of easement proposed to be vacated is no longer needed by the City.
7. The north 47-feet of the drainage easement will remain in place.
8. By vacating this easement will eliminate encroachments within the easement.
9. If the vacation is approved for Lot 1 Tamian Subdivision, it will be accomplished by recording Planning Commission Resolution 2013-06

Based upon the above findings, **staff recommends** adoption of KPB PC Resolution 2013-06 thereby granting the vacation as petitioned.

DENIAL OF A VACATION PETITION IS A FINAL ACT FOR WHICH NO FURTHER CONSIDERATION SHALL BE GIVEN BY THE KENAI PENINSULA BOROUGH. APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES. [20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].

END OF STAFF REPORT

Chairman Bryson opened the meeting for public comment noting no members of the public were present. He opened discussion among the Commission.

MOTION: Commissioner Gross moved, seconded by Commissioner Lockwood to approve the Kenai Peninsula Borough Planning Commission Resolution 2013-06 thereby granting the drainage easement vacation as petitioned based on the following findings of fact.

Findings:

1. Per the petition, the easement proposed for vacation is not being used by utility companies.
2. The easement proposed for vacation is within the City of Homer.
3. No surrounding properties will be denied utilities.
4. No letters of objection have been received.
5. The drainage improvements located in this easement have been relocated to the east.
6. Portion of easement proposed to be vacated is no longer needed by the City.
7. The north 47-feet of the drainage easement will remain in place.
8. By vacating this easement will eliminate encroachments within the easement.
9. If the vacation is approved for Lot 1 Tamian Subdivision, it will be accomplished by recording Planning Commission Resolution 2013-06

Commissioner Holsten asked if the current homeowner was the original homeowner who built the home in 1969. Mr. Voeller replied that he is the original homeowner. He stated that the biggest encroachment was the stairway on the southern end of the lot which was before the drainage became a problem.

VOTE: The motion passed by unanimous consent

BRYSON YES	CARLUCCIO ABSENT	COLLINS ABSENT	ECKLUND YES	FOSTER YES	GROSS YES	HOLSTEN YES
ISHAM YES	LOCKWOOD YES	MARTIN YES	RUFFNER ABSENT	TAURIAINEN ABSENT	WHITNEY YES	9 YES 4 ABSENT

AGENDA ITEM I. SPECIAL CONSIDERATIONS - None

AGENDA ITEM J. SUBDIVISION PLAT PUBLIC HEARINGS

Mr. Voeller reported that the Plat Committee reviewed and conditionally approved 5 preliminary plats.

AGENDA ITEM K. OTHER/NEW BUSINESS

AGENDA ITEM L. ASSEMBLY COMMENTS

AGENDA ITEM M. LEGAL REPRESENTATIVE COMMENTS

AGENDA ITEM N. DIRECTOR'S COMMENTS

Mr. Mueller gave an update on the Municipal Land Entitlement program. A public outreach phase was completed on February 28, 2013 which consisted of an individual survey that could be completed online, a series of public meetings and media reports. Staff received 1,172 individual surveys with comments on 381 units of State lands. On the surveys, an individual could recommend 37 land use designations on each unit of land. They received over 4,400 land use designation recommendations on the 381 land units. He stated they were excited to see the public weigh in on this project. Agency meetings are scheduled through May 10, 2013. Following those meetings land selection recommendations will be presented to the Advisory Planning Commissions and the KPB Planning Commission followed by an Assembly meeting in July.

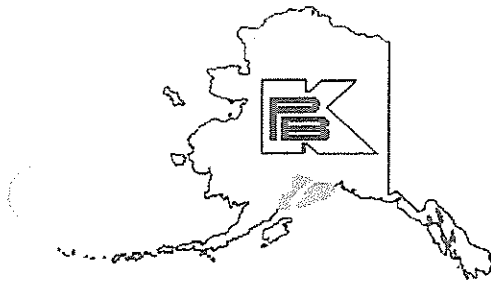
Chairman Bryson asked if there were questions for Mr. Mueller. Hearing none the meeting continued.

AGENDA ITEM O. COMMISSIONER COMMENTS

Commissioner Isham stated that the Anadromous Stream Habitat Task Force held a town hall meeting in Nikiski with at least 100 people in attendance. There were in excess of 20 speakers who all spoke in opposition of the task force.

AGENDA ITEM P. PENDING ITEMS FOR FUTURE ACTION

AGENDA ITEM Q. ADJOURNMENT



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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**MIKE NAVARRE
BOROUGH MAYOR**

March 27, 2013

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLANNING COMMISSION

MEETING OF MARCH 25, 2013

RE: Christensen Tracts 2009 Addition Time Extension Request

The Kenai Peninsula Borough Planning Commission approved the subject time extension during their regularly scheduled meeting of March 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 March 27, 2013 to:

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

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

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

Subdivider/Petitioner: Mike & Shila Hough
3733 Ben Walters Lane #2
Homer, AK 99603

KPB File Number: 2010-024

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AGENDA ITEM C. CONSENT AGENDA

1. Time Extension Request
 - a. Christensen Tracts 2009 Addition
 KPB File 2010-024; Imhoff/Hough
 Location: City of Homer

STAFF REPORT

PC Meeting 3/25/2013

This plat was granted conditional preliminary approval by the Plat Committee on April 12, 2010, which is valid through April 12, 2011. On March 14, 2011 a two year time extension was requested and valid through April 11, 2013.

On February 27, 2013, the owners wish to be granted another 2 year time extension, due to the slow real estate market in Homer.

Note that the plat proposed to re-align the lower 300 ft of the ROW to overlay the existing road.

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

STAFF RECOMMENDATIONS: Extend preliminary plat approval for two years, through March 25, 2015, 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

- *2. Planning Commission Resolutions - None

AGENDA ITEM C. CONSENT AGENDA

3. Plats Granted Administrative Approval
 - a. Blazy Park Subdivision No. 3; KPB File 2013-013
 - b. Homer Enterprises Inc. Subdivision 2013 Replat; KPB File 2013-011
 - c. Pacific Park 2012 Addition; KPB File 2012-188
 - d. University Heights Subdivision Walklin Addition; KPB File 2013-016

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

AGENDA ITEM C. CONSENT AGENDA

