

## 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 May 15, 2013 meeting **pg. 1**

### 6. Presentations

- A. Homer Wetlands Guest Speaker Devony Lehner from Homer Soil & Water Conservation District **(10 min)**

### 7. Reports

- A. Staff Report PL 13-48, City Planner's Report **pg. 5**  
B. Transportation Advisory Committee Verbal Report

### 8. Public Hearings

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

- A. Staff Report PL 13-46, CUP 13-06, 265 E Pioneer Ave. Request to allow building into the setback in the Central Business District **pg. 7**  
B. Staff Report PL 13-47, CUP 13-07, 3851 Homer Spit Rd. Request to allow a heliport in the Marine Commercial District **pg. 37**

### 9. Plat Consideration

- A. Staff Report PL 13-45, West Hill Sub Cason 2013 Addition Preliminary Plat **pg. 142**

### 10. Pending Business

- A. Staff Report PL 13-49, Transitional Residential Zone R-2 May 30, 2013 **pg. 152**

### 11. New Business

### 12. Informational Materials

- A. City of Homer Representative for Kenai Peninsula Borough Planning Commission Position Flier **pg. 160**  
B. City Manager's Report from May 28, 2013 City Council Meeting **pg. 162**  
C. Capital Improvement Planning Process **pg. 166**  
D. Resolution 13-042 Amending the Homer Advisory Planning Commission Bylaws **pg. 168**  
E. KPB Planning Commission Notice of Decisions **pg. 176**

### 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 June 19, 2013. A work session will be held at 5:30 pm.

Session 13-06, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on May 15, 2013 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: SLONE

STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

The agenda was approved by consensus of the commission.

### **Public Comment**

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

None

### **Reconsideration**

None

### **Adoption of Consent Agenda**

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

- A. Approval of Minutes of May 1, 2013 meeting
- B. Draft Decision and Findings for CUP 13-05, 1496 Lakeshore Drive Request to build a 4-plex in the General Commercial 1 District

The consent agenda was approved by consensus of the commission.

### **Presentations**

None

### **Reports**

- A. Staff Report PL 13-44, City Planner's Report

City Planner Abboud reviewed his staff report. There was brief discussion about the Lillian Walli Subdivision special assessment district and Council's action on Ordinance 13-11(A).

### **Public Hearings**

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

None

### **Plat Consideration**

- A. Staff Report PL 13-41 Stream Hill Park Unit 2 Resubdivision of Lots 35 & 45 Preliminary Plats

Pulled at applicant's request.

### **Pending Business**

- A. Staff Report PL 13-43 Transitional Residential Zoning R-2

The commission discussed transitional residential zoning during their worksession and provided comments to staff for discussion at a future meeting.

### **New Business**

- A. Staff Report PL 13-42 Fishing Hole Campground Site Plan

City Planner Abboud reviewed the aerial photo of the draft site plan dated 5/8/13. Concern was raised about liability to the city with regard to the kayak launch trail head and inexperienced kayakers going out into the bay. There was discussion acknowledging the concern, but also explaining that it happens now with people launching kayaks near the harbor and also with people with minimal experience launching boats at the load and launch ramp and driving out into the bay. City Planner Abboud said he would share the concern with Dave Brann. It was suggested there could be disclaimers and signage posted at the launch site to raise awareness of the bays challenges. In general the Commission didn't object to the site plan as presented.

### **Informational Materials**

- A. City Manager's Report from May 13, 2013 City Council Meeting  
B. Kenai Peninsula Borough Planning Commission and Plat Committee Agendas for May 13, 2013.  
Meetings to be held at Land's End Resort Quarterdeck.

### **Comments of the Audience**

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

None

### **Comments of Staff**

City Planner Abboud commented that there are 3 CUP's for the next meeting, so it will be longer than this one.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
MAY 15, 2013

Deputy City Clerk Jacobsen said the Economic Development Advisory Commission had a presentation and good discussion about affordable housing at their last meeting and that the minutes were available on line.

**Comments of the Commission**

Commissioner Highland said it was interesting listening to the Council discuss the ordinance the commission worked quite a long time on. She thought that it wouldn't hurt for the commission to have a presence at the council meetings; it might do us some good. She also noted there was some misinformation being said by a Council member, but even attending as a Planning Commissioner they couldn't have been able to go up in the middle of the meeting, unless they were invited up. The Council member made it sound like the commission doesn't have a process and one would think they didn't hold a public hearing, worksessions, and send letters to business owners and property owners on the spot. It was represented as though the commission made an arbitrary decision to remove something.

Chair Venuti commented that in the future they should pinpoint items the commission should report on.

Commissioner Sonneborn said it's great to be back.

Commissioner Bos thanked staff for all the preparation in the packet. In response to how to address the council, perhaps Rick could tell the City Manager that the commission doesn't want to be thrown under the bus again.

Commissioner Stead had no comment.

Chair Venuti said he expressed his opinion on his own behalf, to some council members about the ordinance before the public hearing, but it didn't make any difference.

**Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 7:25 p.m. The next regular meeting is scheduled for June 5, 2013 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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





## City of Homer Planning & Zoning

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### STAFF REPORT PL 13-48

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

#### City Council 5.28.13

**Resolution 13-054**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Enter Into Lease Negotiations with Alaskan Coastal Freight, LLC for a Five Year Lease on a 100 Foot by 220 Foot Piece of Land on the South End of Lot 13, Homer Spit Subdivision No. 2. City Manager. Recommend adoption.

Memorandum 13-074 from Lease Committee as backup.

ADOPTED without discussion.

**Resolution 13-055**, A Resolution of the Homer City Council Supporting the Diamond Creek Recreation Area Plan and Adopting the Plan as it Applies to City Owned Lands Acquired Through the Forest Legacy Program. City Manager.

ADOPTED without discussion.

**Resolution 13-056**, A Resolution of the City Council of Homer, Alaska, Amending the Land Allocation Plan to Make Approximately 10,000 Square Feet in the NW Corner of Lot 2, Tract 1-A, Fishing Hole Subdivision Available for Lease to Qualified Non-Profit Organizations, Establishing the Parameters for Such an Offering, and Authorizing the City Manager to Proceed With a Request for Proposals. City Council. POSTPONED to June 10.

**KPB Planning Commission:** The Mayor of Homer appoints a citizen of Homer to the KPB Planning Commission for a term of three years. This year is when the term is up/starts. Currently Rick Foster is the representative and he has submitted for reappointed. The Mayor still wishes to receive applications from any that are interested and reserves the right to appoint another and has requested that the attachment announcing the opening be included in our packet. A Homer Planning Commissioner may represent Homer at the borough with the caveat that they are precluded from voting on items at both the city and borough level. It is my understanding that they may choose which commission they prefer to vote, just not both. Feel free to apply if you are so inclined.

#### Activities:

The office has been quite busy since the last Planning Commission meeting. I issued six permits while Dotti was off, four for new construction.

Seems to be the season for ongoing training opportunities. I am attending an Incident Command System workshop that involves preparations for response to an oil spill on May 30th. I am unable to attend this meeting because I have been requested to attend a training that involves preparation for applying for Hazard Mitigation Funding Opportunities. The course is offered and funded by the Division of Homeland Security and Emergency Management (DHS&EM for your acronym dictionary). The point of the program is to identify opportunities to mitigate known hazards for a cost less than that of the hazard event. Sound complicated? Well it is, and that is why they offer to pay for three days of training in Anchorage.

I have also had to deal with several businesses that wish to operate temporarily, but technically do not fit the definition of mobile or itinerant by wishing to operate more than 60 days per year. This is a problem because if you have a business in operation for more than 60 days you are expected to be located in a structure that provides sanitation facilities. When mobile food vendors or other itinerant merchants are allowed to operate year round they are not on par with the investment expected out of all business and gain an unequal advantage in comparable expenses. Not to mention that they are not contributing their fair share to the expensive water and sewer system for which the citizens pay.

### **Conflict of interest**

There are a few conditional use permits on this agenda. I just wanted to provide a quick review of how the Commission should address conflicts of interest. It is utmost importance that the Commission go through the process of declaring and deciding upon any possible conflicts of interest. Not going through the process is the worst possible outcome.

Briefly, the Commissioner who may have a conflict, or the appearance of a conflict, states for the record that they may have a conflict. Another commissioner moves that the first commissioner has a conflict, and the motion is seconded. The first commissioner then states why they may have a conflict, or appearance of bias. The rest of the commission may ask questions, and eventually votes on the motion. If the Commissioner has a conflict, they leave the table and preferably the room.





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## STAFF REPORT PL 13-46

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Dotti Harness-Foster, Planning Technician  
MEETING: June 5, 2013  
SUBJECT: CUP 13-06 a request for reduced setbacks at 265 E. Pioneer Avenue.

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

**SYNOPSIS:** The owner is performing a major renovation and wishes to add a porch into the Pioneer Avenue setback and the side setback. In addition, the elevator addition needs an exception to the Pioneer Avenue setback.

**Applicants:** Kenton Bloom, Seabright Survey and Design,  
1044 East End Road Suite A Homer, AK 99603, and  
Harmon and Pauli Hall DBA Dragonfly LLC  
64362 Bidger Road, Homer, AK 99603, and  
City of Homer, 491 E. Pioneer Ave., Homer, AK 99603

**Requested Action:** Approve Conditional Use Permit

**Location:** 265 E Pioneer Ave. .

**Parcel ID:** 17719226 Lot 6-A Svedlund Sub. No. 7. 0.44 acres  
17719227 Lot 16B Svedlund Sub. No. 7 0.15 acres  
17719211 Lot 5 Tract B Svedlund Sub Amd. 0.09 acres  
17719209 City owned parcel, Long legal. 4.71 acres

**Zoning Designation:** Central Business District (CBD)

**Existing Land Use:** Office Building

**Surrounding Land Use:** North: Church/Retail  
South: Land Trust office  
East: Captains Coffee  
West: Retail/Residential

**Comprehensive Plan:** "Encourage high-quality buildings and site development that complements Homer's beautiful natural setting." Ch. 4 Goal 3.

**Wetland Status:** Homer Wetland Map does not show any wetlands.

**Flood Plain Status:** Zone D, Flood hazards undetermined.

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

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

**Public Notice:** Notice was sent to 30 property owners of 39 parcels as shown on the KPB tax assessor rolls.

## **Introduction**

The applicants are applying for a CUP in order to complete a renovation of a historic building (at least by Homer standards). The renovation includes the addition of a front porch which will extend into the side and front setbacks, if this CUP is approved. The applicants are requesting this exception to construct a distinctive architectural covered porch that protects the front walkway from rain and snow.

**Nonconforming structure:** The Kenai Peninsula Borough tax assessing website indicates the building was constructed in 1952. In 1952 there were no building setback requirements; however, the building sits within the current side yard setback, so the structure is nonconforming. Homer's nonconforming code does not allow a nonconformity to increase. The proposed covered porch would encroach into the side yard setback, and a CUP is needed for setback exceptions.

Ultimately, the property owners would like to purchase a small portion of the City owned property to the west to resolve the side setback issue. The first step is the CUP request. A sale of a portion of the City land and a replat of property lines could take a year or more.

A CUP in the Central Business requires a Community Design Manual review. The applicant submitted a thorough and complete application that described how the project meets the Community Design Manual. This staff report focuses on the staff recommendation for approval of:

- **West-side building setback:** In the long-term the applicant would like to resolve this setback issue by purchasing a small triangle shaped area to the west. Until a plat is recorded, a Planned Unit Development is needed to incorporate the existing building and to allow the porch to extend into the side setback, per HCC 21.18.030(a).
- **Covered front porch:** In the CBD a reduced setback from Pioneer Avenue is allowed by a CUP, per HCC 21.18.040(b)(4). Based on the survey dated March 1, 2013 the proposed porch would be setback from the Pioneer Avenue right-of-way 11.2 feet. The covered porch provides protection from ice and snow, and beautification along Pioneer Avenue.
- **Elevator addition:** Based on the survey, the new elevator addition is setback approximately 16.7 feet. The CBD allows for a reduced setback per HCC 21.18.040(b)(4).

### **Access and side setback:**

The applicant has met with the City Manager, the Public Works Director and the Planning Office seeking advice and direction for a the purchase of a small triangle of City owned land to resolve the side building setback encroachment. In addition, the applicants would like to obtain a driveway easement from the City to provide access to the lower parking area. Both will need City Council approval for a replat of a small triangle and dedication of a driveway easement. If the applicant is unable to secure a driveway easement across city land, and alternate parking plan or shared parking agreement shall be submitted for approval to the Planning & Zoning Dept.

#### **Condition 1.**

**Parking:**

The building is designed to accommodate a variety of uses including restaurant, office, studio and retail. Homer's parking code allows a 25% reduction in the number of parking spaces when there is mixed uses on site. The site plan illustrates 30 parking spaces with universal access paths. As the site planning proceeds and stormwater retention areas are designed, the number of parking spaces may be reduced to a minimum of 17 parking spaces. The applicants have indicated that it is their intent to pave the entire parking area. Due to the uncertainty of the future outcomes of the driveway easement, Condition 4 requires at a minimum, the upper parking area to be paved and striped within 2 years.

Proposed Uses		# of parking spaces
Restaurant, indoor seating	1,000 SF	10
Restaurant, outdoor seating	10 seats	1
Storage: basement	805 SF	
Office: main floor	1,728 SF	6
Studio-office: upstairs	1,728 SF	6
Sub total		23
Total (75% of sub-total for mixed uses)		17.25

**Community Design Manual (CDM):**

Attached is the applicant's detailed explanation of how this renovation project meets the Community Design Manual. The applicant has incorporated the intent of the CDM every step of the way including: updated façade, siding, doors, windows, roofing, walkways, decks, gardens, southern lawn/patio area and lighting.

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

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

**Analysis:** Restaurants, offices, retail outlets and studios are all permitted uses in the CBD district. The CBD district allows a reduced setback along Pioneer Avenue if approved by the HAPC. A Planned Unit Development is a Conditional Use which provides exceptions to the side building setbacks.

**Finding 1:** Homer City Code authorizes the reduced setbacks per HCC 21.18.040(b)(4) and HCC 21.52.060(d) PUD dimensions.

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

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

**Finding 2:** The structure is designed to provide a mix of personal and professional services, all of which are compatible with the purpose of the Central Business District.

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

**Finding 3:** The value of adjoining property will not be negatively affected. The renovation and site improvements have added safety, function and curb appeal along Pioneer Avenue.

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

**Finding 4:** The proposed covered porch is compatible with the existing uses along Pioneer Avenue.

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

**Finding 5:** Public services and facilities are adequate to serve the proposed use and structure. City water and sewer service the site.

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

**Analysis:** This building may have been one of the first commercial structures in Homer, so in many ways Homer has grown-up with the building's bulk, coverage and density. Traffic to and from the site has varied over the years with no undue harmful effects to Pioneer Avenue. With the additional of parking area on the south side of the building a Stormwater Plan will be required to protect downslope properties.

**Finding 6:** The scale, bulk and density of the project are in harmony with the CBD. The traffic generated from 6,000 sf mixed use building will not cause undue harmful effects. A majority of the site will be impervious and will require a Stormwater Plan to mitigate for the runoff.

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

**Finding 7:** The proposed covered porch will provide safe access to an existing building which enhances the surrounding area and the city as a whole. The proposal will not be detrimental to the health, safety or welfare of the surrounding area and the city as a whole.

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

**Finding 8:** The renovation project has been approved by the State Fire Marshal Office. The proposal will comply with all applicable regulations and conditions through the permitting process.

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

**Analysis:** Ch. 4, Goal 3: Encourage high-quality buildings and site development that complement Homer's beautiful natural setting.

**Finding 9:** This renovation project meets the goals and objectives of the Comprehensive Plan by providing a high-quality building renovation and site design.

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

**Analysis:** The applicant has submitted a thorough response to the CDM.

**Finding 10:** The proposal complies with the applicable provisions of the CDM.

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

- 1. Special yards and spaces.** Yes – the bottom floor walkout area is designed to provide southern exposure outdoor seating.
- 2. Fences, walls and screening.** Yes – a 6-8' wooden fence will be provided along the existing retaining wall. Staff also requests that the dumpster be enclosed with a three-sided, 6 ft high wood, stone or brick enclosure.
- 3. Surfacing of vehicular ways and parking areas.** Yes – paving of all parking areas. See Condition 4.
- 4. Street and road dedications and improvements (or bonds).** NA
- 5. Control of points of vehicular ingress and egress.** Yes –The applicant will pursue a driveway easement on the City owned parcel just west of this project.
- 6. Special restrictions on signs.**
- 7. Landscaping.** Landscaped areas range from grassy lawn to flower beds, and shrub and tree plantings.
- 8. Maintenance of the grounds, buildings, or structures.** NA

9. Control of noise, vibration, odors, lighting or other similar nuisances. NA
10. Limitation of time for certain activities. NA
11. A time period within which the proposed use shall be developed. The goal is to have the improvements completed by fall of 2013.
12. A limit on total duration of use or on the term of the permit, or both. NA
13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit. The existing building, proposed addition, and proposed covered porch fall into the 20 ft setback from Pioneer Avenue. The existing building and the proposed cover porch fall within the side lot line setback.
14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.
  - Condition 2: The dumpster to be enclosed with a three-sided, 6 ft high wood, stone or brick enclosure.
  - Condition 3: The Stormwater Plan shall be constructed and paper work completed by October 15, 2013 per HCC 21.75.030(c).

This PUD request pertain to the west-side building setback. There is no building "footprint" expansion, only the addition of a covered porch. In the long-term the applicant would like to resolve this setback issue by purchasing a small triangle shaped parcel to the west. This will require City Council approval to begin the replat process. In the meantime, a Planned Unit Development is needed to incorporate the existing building and to allow the porch to extend into the side setback, per HCC 21.18.030(a).

**PUD: HCC 21.52.060(b)A planned unit development that includes commercial, noncommercial or industrial uses shall comply with the following requirements and conditions:**

1. The PUD site shall have direct access to an arterial or collector street.

**Finding 11:** The project has direct access to Pioneer Avenue which is an collector street.

2. Utilities, roads and other essential services must be constructed, installed and available for the immediate use of occupants of the PUD.

**Finding 12:** Existing utilities and roads and are available for use by the occupants.

3. The PUD shall be developed with a unified architectural treatment.

**Finding 13:** The renovation provides a unified architectural treatment which enhances the historic nature of Pioneer Avenue.

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

**1. Structures located on the perimeter of the planned development must be set back a distance sufficient to protect the privacy of adjacent uses;**

**Analysis:** The building was constructed in the 1950's prior to building setback requirements. This PUD request only pertains to the west-side building setback. There is no building "footprint" expansion, only the addition of a covered porch.

The adjacent property owner is the City of Homer. The Town Center Plan designates the City's parcel as one of the access roads to a future Town Center.

**Finding 14:** The existing building was constructed prior to the City of Homer setback requirements. The addition of the covered porch is an architectural feature that provides safer pedestrian access and Pioneer Avenue appeal. The covered porch does not interfere with the privacy of adjacent land uses.

**2. Structures on the perimeter must be permanently screened by a fence, wall or planting or other measures sufficient to protect the privacy of adjacent uses.**

**Finding 15:** The west side wall has an existing alder hedge to provide screening and privacy.

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

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

**Analysis:** The existing building constructed in 1952 encroaches into the side setback. This request incorporates the existing encroachment and allows a covered porch to extend to the west side of the building for a unified architectural feature.

**Finding 16:** A more appropriate covered porch design cannot be achieved unless the setback exception is granted.

**2. Adherence to the dimensional requirements of the zoning district is not required in order to protect health, safety and welfare of the occupants of the development and the surrounding area.**

**Finding 17:** Granting an exception to the dimensional requirements protects the health, safety and welfare of the building's occupants and the surrounding area.

**PUBLIC WORKS COMMENTS:** No comments.

**FIRE DEPARTMENT COMMENTS:** No concerns.

**STAFF RECOMMENDATIONS:** The Planning Commission to approve this request to allow:

- a. The west-side of the building and the covered porch to extend to the west lot line. The front setback along Pioneer Avenue to be reduced to approximately 11.2 feet to allow for a covered porch.
- b. The front setback along Pioneer Avenue to be reduced to approximately 16.7 feet to allow for the elevator addition.

Conditions of approval are:

1. If the applicant is unable to secure a driveway easement across city land, an alternate parking plan or shared parking agreement shall be submitted for approval to the Planning & Zoning Office.
2. The dumpster shall be enclosed with a three-sided, 6 ft high wood, stone or brick enclosure.
3. The Stormwater Plan shall be constructed and paper work completed by October 15, 2013 per HCC 21.75.030(c).
4. The upper parking area shall be paved and striped within 2 years of the signed Decisions & Findings.

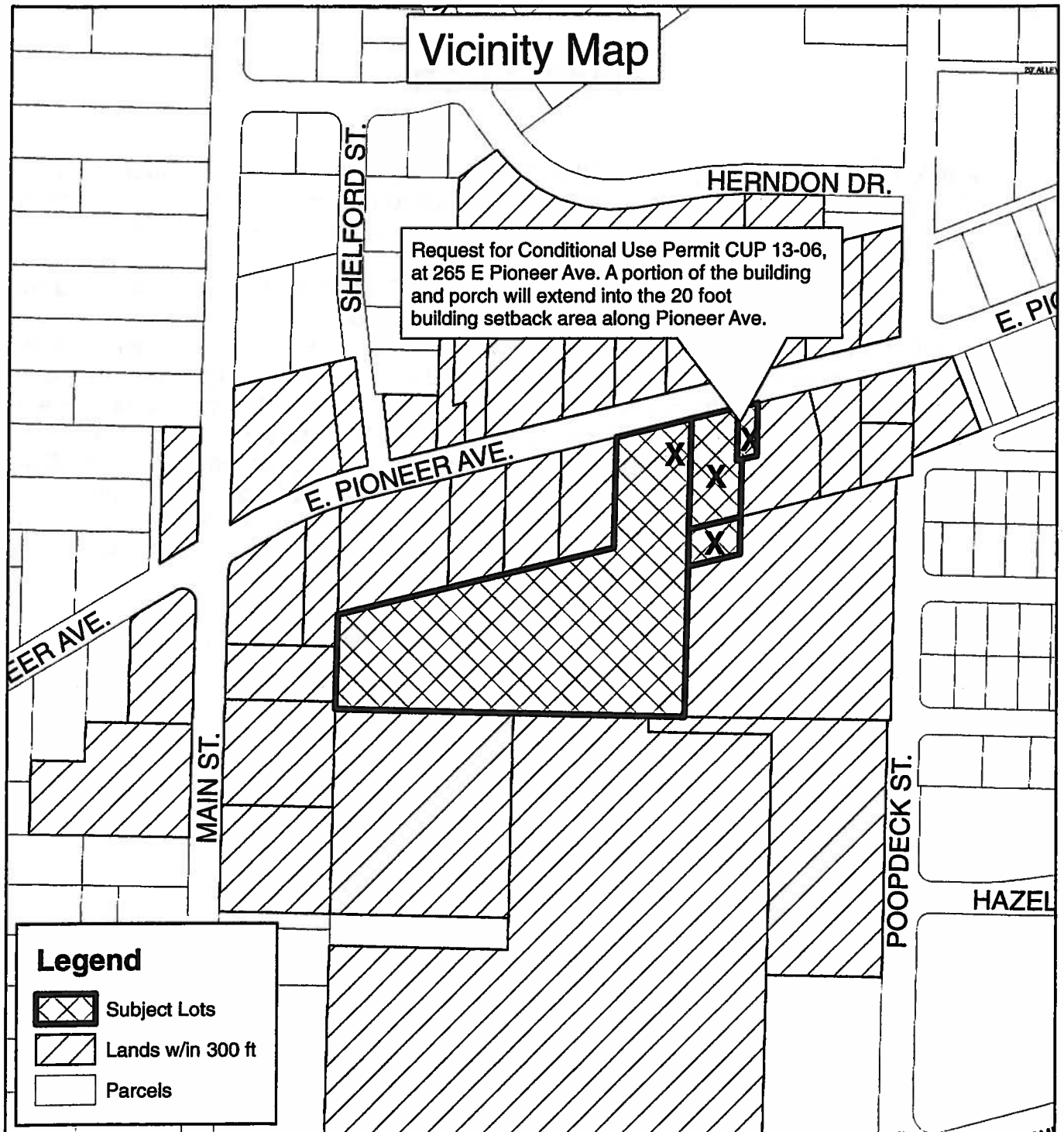
#### ATTACHMENTS

1. Vicinity map
2. Building elevations
3. CUP Application
4. Community Design Manual Application Requirements
5. Survey dated March 1, 2013
6. Site plan dated April 26, 2013, Job 13-03, Sheet 1 of 1.






# Vicinity Map

Request for Conditional Use Permit CUP 13-06, at 265 E Pioneer Ave. A portion of the building and porch will extend into the 20 foot building setback area along Pioneer Ave.



## Legend

-  Subject Lots
-  Lands w/in 300 ft
-  Parcels



City of Homer  
Planning and Zoning Department

May 21, 2013

Request for CUP 13-06  
265 E Pioneer Ave

Property owners w/in 300 feet are notified

0 250 500  
Feet



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

## **PUBLIC NOTICE**

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, June 5, 2013 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

**A request for Conditional Use Permit 13-06, 265 E. Pioneer Ave, a reduction of the 20 ft. setback from dedicated right-of-way and 5 ft. side lot-line setback pursuant to HCC 21.18.040(b)(4) and 21.18.030(A). The owner proposes to renovate an existing commercial building to extend an addition and covered porch into the 20 ft. building setback along Pioneer Ave. Four Lots will be affected: Lots 6-A and 16-B of Nils O Svedlund Subdivision No. 7 T6S R13W SEC20 S.M., Lot 5 Tract B of Nils O described as Lot 7 Tract B & Portion of Tract B as Follows: Beg @SE Corner of Lot 7 TH NO DEG 2'W 545 Ft. to S ROW of Sterling Hwy, Corner 2; TH N75 DEG 15'E Along ROW 62.6 Ft. to Corner 3; TH SO DEG 3'E 561 Ft. to Corner 4; TH N89 DEG 57'30"W 60.5 Ft. to POB of Nils O Svedlund Subdivision Amended T6S R13W SEC20 S.M.**

Anyone wishing to present testimony concerning these matters may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

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

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## 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.ci.homer.ak.us

### Applicant

Name: Seabright Survey + Design

Telephone No.: 907-235-4247

Address: 1044 East Road Suite A Homer, AK 99603

Email: seabrightz@gmail.com

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

Name: Harmon and Pauli Hall

DBA Dragonfly LLC

Telephone No.: 907-235-1800

Address: 64362 Bridger Road

Homer, AK 99603

Email: [quiet@alaska.net](mailto:quiet@alaska.net)

### PROPERTY INFORMATION:

Address: 265 E. Pioneer Ave

Lot Size: 0.686 acres

KPB Tax ID # 177-192-26\_177-192-27 177-19-211

Legal Description of Property: Lot 6-A, Lot 16B and Lot 5 Tract B Nils O. Svedlund Subd.

For staff use:

Date: 5/14/13

Fee submittal: Amount \$500

Received by: Julie Engbreitzen

Date application accepted as complete 5/15/13

Planning Commission Public Hearing Date: 6/5/13

## Conditional Use Permit Application Requirements:

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

### **Circle Your Zoning District**

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

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

No Are you building or remodeling a commercial structure or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: We have Fire Marshall Certification

No Will your development trigger a Development Activity Plan?  
Application Status: Not Applicable

Yes Will your development trigger a Storm water Plan?  
Application Status: Submitted

No Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: Not Applicable

Yes Is your development in a floodplain? If yes, a Flood Development Permit is required. Existing Permit is in place. N/A

Yes Does your project trigger a Community Design Manual review? We have included the Community Design Manual Review in this submittal

No Do you need a traffic impact analysis?

No Are there any nonconforming uses or structures on the property?

N/A Have they been formally accepted by the Homer Advisory Planning Commission?

Yes Do you have a state or city driveway permit? Status: Existing

Yes Do you have active City water and sewer permits? Status: Existing

1. Currently, how is the property used? Are there buildings on the property? How many square feet? Uses within the building(s)? There are currently five buildings on the existing boardwalk. The existing uses are all seasonal, tourist related retail shops. These include retail shops, a restaurant, charter office and overnight lodging.

**Existing Building Square Footages:**

6000 sq. ft.

2. What is the proposed use of the property? How do you intend to develop the property? The proposed development of the property is primarily the renovation of an existing landmark building on Pioneer Avenue. The addition of the covered porch along Pioneer Avenue and the addition to provide elevator access to the second floor are all within the 20' wide setback. In addition, the covered porch is right up to the westerly side lot line.

Care has been taken to create a design for the proposed new development that is harmonious with the existing buildings on Pioneer Avenue. Along with the proposed new construction, there will be upgrades and enhancements of the existing parking area and the surrounding landscape.

A process has been initiated that will enable the Pioneer Building to purchase a 10' wide sliver of land from the City of Homer (see attached area proposed for platting) adjacent to the NW corner and along a portion of the west property line. This will bring the Pioneer Building into compliance with the side setback requirements.

This proposal also asks the City of Homer to create a temporary access easement to allow an approximately 200LF x 18' wide public driveway easement to the southerly parking area of the Pioneer Building sites design. This easement is 10,020 sq. ft. and would remain in effect until the ROW is platted and dedicated

by the City of Homer. The Pioneer Building will be responsible for construction and maintenance of the driveway. The property agrees to participate in the future construction funding of the street improvement with credit for gravel used for the driveway construction.

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

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

HCC 21.28.030(a) Restaurants and drinking establishments

HCC 21.18.130(a) Planned Unit Development for dimensional requirements

HCC 21.52.060(b-d)

HCC 21.18.040(b)(4) Reduced setback to Pioneer Avenue

b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. The proposed development of the Pioneer Building is a complete renovation of an existing Downtown Pioneer Avenue landmark. The exterior renovation features a major roof upgrade, an elevator to provide universal accessibility to all three floors and the addition of a covered porch on the side facing Pioneer Avenue. The custom timber framed porch invites and welcomes people entering the building. It also protects them from falling ice and snow off the eaves two stories above. The proliferation of covered porches in the zoning district and around town in general has enhanced the overall attractiveness of our community. There is a specific setback exception for covered porch construction. The projected uses of the building support a variety of possible outcomes. There are currently professional offices on the main floor. The second floor is designed with smaller independent spaces sharing common utilities and access. This could include professional offices, studios and small retail. The bottom floor is a daylight walkout and is universally accessible by paved 5' wide ramps and pathways. It is being permitted for restaurant and drinking establishments. The potential for other uses, such as professional offices, studios and small retail, on the bottom floor is an important aspect of a flexible rentable building space. The walkout feature, onto a south facing patio and lawn with a view of Kachemak Bay is unique and conducive for summertime outdoor possibilities. This proposal also asks the City of Homer to provide legal access for a driveway to a new parking area south of the building. This will allow for a much more pedestrian friendly interface with traffic flow and parking areas. The specific proposal is included as a separate element in the submittal.

c. How will your proposed project affect adjoining property values? The adjacent property values will likely experience positive effects from this improvement. The Pioneer Avenue streetscape will be more beautiful and the activation of the Pioneer Building will draw more people into the area.

d. How is your proposal compatible with existing uses of the surrounding land? The proposed development is an improvement of the long established Pioneer



Building. The renovation and site improvements will set a beautiful example of desired elements from the City of Homer Community Design Manual being implemented on Pioneer Avenue.

- e. Are/will public services adequate to serve the proposed uses and structures? Yes. City of Homer sewer and water mains serve the property.
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected? The existing Pioneer Building is a landmark on Pioneer Avenue. The scale and orientation of the proposed improvements are both in harmony with this building and the surrounding character of this area of the CBD. The improvements are intended to extend the useful life of this building indefinitely into the future. The site plan meets the parking requirement while creating an interesting and beautiful landscape with safe and enjoyable pedestrian access. The storm water run-off is mitigated by two bio swales that will slow and filter storm water flows. Most of the required parking is being built with a proposed new driveway on the westerly side of the Pioneer Building. This driveway is slated to become an access into the Town Center area of Homer in the future.
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole? This development is designed to meet all current requirements in health and safety. All future improvements or new development of boardwalks will have to meet this standard.
- h. How does your project relate to the goals of the Comprehensive Plan?  
The 2006 Town Center Plan and the 2008 Comprehensive Plan are online at:  
<http://www.ci.homer.ak.us/documents/planning>.
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (**circle each answer**)
  - 1. Yes Special yards and spaces. Walkout area on the bottom floor is a special space and is designed to provide viewing areas and outdoor seating.
  - 2. Yes Fences, walls and screening. Vegetative screening for privacy are being maintained and enhanced for this project.
  - 3. Yes Surfacing of parking areas. The project scope proposes increasing the amount of parking on the property by 23 spaces. They will be paved.
  - 4. N/A Street and road dedications and improvements (or bonds).
  - 5. Yes Control of points of vehicular ingress & egress. The existing curbcuts will be utilized.
  - 6. Yes Special provisions on signs. We are Planning signs that meet the requirements of the CDB.

7. Yes Landscaping. There will be areas of Landscaping ranging from grassy areas to flower beds to planting trees and shrubs.
8. Yes Maintenance of the grounds, buildings, or structures. Maintenance of the existing buildings, walkways, parking areas and landscaping will be ongoing.
9. N/A Control of smoke, odors, gases, particulate matters, noise, vibration, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
10. N/A Time for certain activities.
11. Yes A time period within which the proposed use shall be developed. The building is under renovation and, along with the site improvements, will be completed this summer.
12. No A limit on total duration of use.
13. Yes Special dimensional requirements such as lot area, setbacks, building height. The proposed porch roof fronting Pioneer Avenue is designed to enhance visual attractiveness and provide safe cover for falling ice and snow. The building was originally constructed before there was a setback. The building and covered porch fall into the 20' setback fronting Pioneer Avenue. The northwest corner of the building is right up to the property line. Both the building and the proposed covered porch fall within the side lot line setback. We are asking for exceptions to these setbacks.
14. Yes Other conditions deemed necessary to protect the interest of the community.

## **PARKING**

1. How many parking spaces are required for your development? 30  
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b).
2. How many spaces are shown on your parking plan? 30 spaces are shown on the property.
3. Are you requesting any reductions? No

## **PUD HCC 21.52.060(b)**

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

1. The PUD site shall have direct access to an arterial or a collector street. The site is directly accessed by the Pioneer Avenue.
2. Utilities, roads and other essential services must be constructed, installed and available for the immediate use of occupants of the P.U.D. Public sewer and water is installed. Fire protection is available.
3. The P.U.D. shall be developed with a unified architectural treatment. The historic nature of Pioneer Avenue is the theme of the pioneer Building and the proposed

development will serve to enhance the existing building. Upgrades and improvements of the existing building will also increase the overall cohesiveness on Pioneer Avenue.

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

1. Structures located on the perimeter of the planned unit development must be setback a distance sufficient to protect the privacy of adjacent uses. The request for an exception to the setback requirements is based upon the fact the building improvements are desirable and necessary. There will be no negative effect on the adjacent property as there is ample room for the driveway (and future roadway) construction. The area directly adjacent will be landscaped and maintained regularly. The existing building location makes this exception necessary.

2. Structures on the perimeter must be permanently screened by a fence, wall or planting or other measures sufficient to protect the privacy of adjacent uses. The west side wall of the property has an existing alder hedge to provide screening.

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

1. A better or more appropriate design can be achieved by not applying the provisions of the zoning district. The existing building was constructed before the City of Homer setback requirement existed. The addition of the covered porch is an architectural response to the need for cover from ice and snow falling from above and to the general theme of beautification along Pioneer Avenue

2. Adherence to the dimensional requirements of the zoning district is not required in order to protect health, safety and welfare of the occupants of the development and the

surrounding area. We have provided for universal accessibility and this allows movement throughout the entire building and grounds. The walkways are a minimum of 5' wide and the ramp meets the standards for universal accessibility.

- e. The site development standards of HCC 21.50.030 shall be met. We believe these requirements are fully met.

Include a site plan, drawn to a scale of not less than 1" = 20' which shows all existing and proposed structures, clearing, fill, vegetation and drainage. We have included various graphic renderings of the project including:

- \* A site plan detailing the existing and proposed structures as well as the parking plan and existing ingress/egress to Pioneer Avenue. This plan also details the adjacent property and uses.
- \* Profile views of the proposed project from both the roadway side and the side of the property.
- \* An overview of the larger surrounding area that shows the neighborhood in which the Pioneer Building is an integral part.

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

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

Applicant signature: Kenton Bloom, PLS Date: 5/14/13

Property Owner's signature: [Signature] Date: 5-14-13

# Community Design Manual (CDM) Review Application Requirements

**Project Name and Location:** 265 E. Pioneer Avenue, Harmon and Pauli Hall, by Seabright Surveying  
Many Conditional Use Permits (CUP) required compliance with the Community Design Manual (CDM). By providing the following information, your project can be reviewed more quickly and thoroughly.

- ☐ Landscaping, Vegetation and Screening Plan. See pg 28-31 of the CDM.
- ☐ Utilities Plan. Provide a utilities plan showing location of utilities in relation to landscape and buffer areas (utility plan must be consistent with proposed areas of non-disturbance).
- ☐ Parking and Paving Plan. See pg 33-35 of the CDM.
- ☐ Grading and Drainage Plan. Include all cuts, fills, slopes, disturbed areas, retaining walls and structures.
- ☐ Elevation Drawings. Provide complete elevation drawings of all buildings showing dimensions, trim details, color(s) and proposed materials including roofing, siding, and windows.
- ☐ Sign Plan. A master sign plan showing the location of all signage consistent with HCC 21.60.
- ☐ Lighting Plan. See pg 7,8 and pg 35-37 of the CDM and HCC 21.59.020-030.

**Site Design.** *This should align with the Grading and Drainage Plan. Pg 6 of the CDM.*

Describe the how building design transitions into the parking lot and landscaped areas. Describe your efforts to minimize cut/fill and to respect the natural topography.

The Pioneer Building project has integrated the existing south sloping site with the Pioneer Avenue streetscape. This design has a variety of elements that reflect the Community Design Manual standards. This includes parking to the side and behind the building, universally accessible ramps and paths, landscaping and planting, storm water retention with rain gardens and other features. The proposed access to the lower parking along the west side follows an existing grade that is enhanced by mature alder growth that screens the parking lot. There is a modest amount of fill on the east side of the building that improves the parking lot grade onto Pioneer Avenue.

**Prominent Facades-Building Scale and Mass.** *This should align with the elevation drawings. Pg 8-10, 27 of the CDM.*

Describe how the building's design reflects the mass and scale of adjacent properties:

The Pioneer building is very much within the mass and scale of adjacent properties. This is reflected in the detailed narrative and visual renderings.

(Width of wall plane \_\_\_\_ ft) ÷ (Height of wall plane \_\_\_\_ ft) ≤ (less than 2.5)

- Y/N Does the building avoid a wall plane wider than 2.5 times the height of the wall plane? Yes

What is the length of the prominent façade? 51.4 ft.

- Y/N Is 50% or more of the prominent façade near the front setback, or street? Yes

Roof pitch. 5/12 (Minimum pitch 4/12. Maximum pitch 12/12.)

Roof eave extension 18" east, south and north and 24" west

Total roof area in a single plane? 580.5sf. (Shall not exceed 5,000 sf)

- Y/N Does the building design avoid false pitch roofs? If no, see pg. 11-13. Yes
- Y/N Does the building design avoid A-frame, modified A-Frame, domes, curvilinear roof or other unusual roof forms? If no, see page 10. Yes

**Window and Door Fenestration.** *Should align with the elevation drawings. Pg 14 of the CDM.*

Windows and doors shall constitute a minimum of 25-30% of the prominent façade.

(Windows & doors 354 sf) ÷ (Wall frontage of prominent façade 1125 sf.) shall be greater than 25-30%.

- Y/N Are the windows regularly spaced and aligned with other doors and windows in the same plane? Yes
- Y/N Does the building design include reflective glass? If so, Commission approval is required. No

**Siding and Trim:** *Page 15*

Describe the materials used for siding, the trim and the colors.

Siding Color: English Pinewood

Type:

Trim Color: White

Type: Aztec Allweather trim with wood texture

Does the siding include:

- Y/N Metal panels No
- Y/N Sheet siding like T1-11 No
- Y/N Concrete panels No
- Y/N Tile No

- Y/N Vertically ribbed or vertically grooved material No

**Miscellaneous Architectural Devices:** *This should align with the elevation drawings. Pg 15-17 of the CDM,*

Describe the use of awnings, awning fabric (opaque only), the lighting of the awnings and their function. Provide the linear feet of awning. Tenant franchise themes are not allowed in the TCD and GBD per HCC 21.20.050 and HCC 21.22.060. Describe how the building integrates artwork into the design.

We have no awnings nor tenant themes. We are including artwork in the landscaping areas around the building

- Y/N Does the building design avoid the use of color to promote a theme or tenant specific identity? Yes  
For example a typical Pizza Hut, McDonalds, Taco Bell building promotes a theme.
- Y/N Does the building design avoid use of neon, tube shaped lighting? Yes
- Y/N Does the building avoid back-lit awnings? Yes
- Y/N Does the use of awning provide weather protection over walkways and entrances? Yes
- Y/N Are the awnings consistent in design? Multiple awning design is not permitted. Pg 16. N/A
- Y/N Is the awning design secondary and complimentary of the building design? N/A

**Roofing materials.** *Pg 17-18 of the CDM.*

Describe the roofing material: Asphalt shingles, architectural grade

What color is the roofing material? Greens, Browns

**Color.** *Pg 18-20 of the CDM.*

What is the main color on the exterior walls? English Pinewood Green

What color is the trim as in the fascia, cornice, window and door trim? White

Describe the use and color of accents such as molding, shadow lines, door frames: N/A

**Hierarchy in building design.** *This should align with the elevation drawings. Pg 18 of the CDM*

- Y/N or NA. Does the project include secondary building structures as support buildings? No
- Y/N or NA. Does the project include multiple tenant spaces? Yes

Describe the common architectural treatment of the buildings within the development. Include:

- Secondary structures as support buildings
- The façade (the exterior wall exposed to public view) the 'streetscape'.

The Pioneer Ave façade will be accentuated by a handcrafted timber covered porch

running the entire length of the façade. This covered porch will be an inviting and visually beautiful element that is repeated elsewhere on the building.

- Building height variation that reflects the location of individual tenants.

Building addition rooflines are offset from main roof creating an interesting whole.

- Roof design

The roof is a classic Hip Roof sloping at 5/12

- Window proportions

The window and door proportions on the façade are 31% of the entire façade.

- Fencing

The only fencing will be to obscure an adjacent retaining wall to the east.

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**Walkways.** *This should align with the landscaping, parking and lighting plans. Pg 21,22 of the CDM*

Describe how the walkways are linked between the main entrance to the parking area and the public right-of-way. Include the location, width, length, texture, lighting, seating, vegetation, integrated art work, color and the visual contrast to the other surfaces.

The walkways will all be a minimum of 5' wide, paved and link the building entrances, parking areas and Pioneer Avenue. There are a variety of decks, gardens and lawn that are integrated with these walkways. Lighting will be designed to limit illumination to pedestrian areas and parking lots. Lighting will be downward directional and either mounted on the building or on poles not to exceed 12' in height.

- Y/N or NA. Are the walkways 5 ft wide or greater? Yes
- Y/N or NA. Are the walkways visually distinct from the surrounding surfaces? Yes
- Y/N or NA. Are vegetative strips 3 ft wide or greater? Yes
- Y/N or NA. Are walkways 100 ft long or greater? If so, include lighting and seating. No
- Y/N or NA. Are historic events and structures identified?
- Y/N or NA. Does you plan avoid walkways which cross parking stalls? Yes

**Outdoor Common Areas.** *This should align with the landscaping plan. Pg 23-26 of the CDM.*

Describe any building focal points that create a "visual draw," and/or the buildings' prominent entrance.

The landscaping fronting Pioneer Ave will be a wide planting area that includes planting trees and shrubs as well as lawn. The areas east of the building will have flower beds and to the south a larger lawn area adjacent to the walkout patio. Artwork will be included as part of the visual landscape.

Describe the building's outdoor leisure area. Include walkway location and widths for covered and uncovered walkways, plaza surfaces (brick, stone, aggregate concrete, colored, textured) landscaping, shrubbery, flower viewing platforms, seating and signage. Describe areas for outdoor sales/carts, art displays and outdoor dining.



The site plan shows the pathways in relation to the porches and patio. All pathways are a minimum of 5' wide and are paved. The porches and patio will be concrete. The south patio lawn area is ideal for outdoor activities.

IF the project's floor area (total sf of all floors) is less than 5,000 sf., move to **Loading and delivery area.**

- Primary structures shall incorporate either a prominent portico or plaza which is visible to the public and useable to customers or clients. Its size shall be at least 10% of the main level interior floor area. (CDM page 20)

(First floor 2500 sf) X (0.10) = 250 sq ft

The patio is over 300 sq. ft.

- If the floor area (total sf of all floors) is greater than 5,000 sf., then 5% of the floor area must be devoted to an outdoor leisure area.

Outdoor leisure area 1500sf.

(Total floor area \_\_\_\_ sf) X (0.05) must be greater than the outdoor leisure area. (CDM pg 24)

*The 10% calculated above can count towards the 5% outdoor leisure area requirement*

- Y/N Does the leisure area have trash receptacles, seating and/or tables.
- Y/N Does the outdoor leisure area include walkways? If so, the walkways must be 8 ft wide or greater (p. 24).

**Loading and delivery area.** *Should align with the Parking Plan. Pg 27 of the CDM.*

N/A

- Y/N Are the loading and delivery areas oriented away from the street front?

**Landscaping and screening.** *Should align with the landscaping plan. Pg 28-31 of the CDM.*

Describe the site's proposed landscaping, and any planned retention of the existing vegetation.

Provide a landscaping plan that includes:

- clearing limits
- trees that will be thinned or topped
- areas which will be completely cleared
- the distance between buildings and trees
- how existing vegetation will be protected during construction
- how and where existing native vegetation will be retained.
- how and when the cleared areas will be replanted

The property is already developed and generally cleared. The areas where existing trees and

alders are located are being preserved.

- Y/N Is clearing limited to no more the 50% of the significant vegetation? Yes
- Y/N Does the plan include shrub planting on blank walls? Yes
- Y/N Does the plan include a minimum 3 ft landscaped buffer along all lot lines? Yes
- Y/N Does the plan include a minimum 15-ft buffer from the top of a bank or drainage? N/A

**Fences. Pg 31 of the CDM.**

Describe the site's fencing, its purpose, its material, height and visibility to the public.

6-8' tall cedar planf fencing along existing retaining wall for aesthetic reasons.

- Y/N Does your plan avoid chain-link fencing? Yes

**Parking. Should align with the parking plan. Pg 33\*39 of the CDM.**

Number of curb cuts? 2 Width of curb cuts? 18ft. Distance between the curb cuts? 130 ft.

Number of parking spaces? 30 Number parking spaces in front of the building? N/A

- Y/N Does your plan avoid parking in front of the building entrances? Yes
- Y/N Are the curb cuts at least 200 ft. apart? NO (existing)
- Y/N Is traffic directed to side streets where possible?
- Y/N Is the parking lot visible from Sterling Hwy, Lake St., Health St., Main St. or Pioneer Ave.? Yes
- Y/N or NA. Is parking lot screened with a 3 ft high solid hedge. Yes
- Do the driveway widths meet the requirements below? Driveway entrances are 18' wide two way.
  - Maximum widths of one-lane driveways are 15 ft.
  - Maximum widths of two-lane driveways are 24 ft.
  - Maximum widths of three-lane driveways are 34 ft.

IF your project has less than 24 parking spaces, move to **Lighting**.

If more than 24 spaces are required, 10% of the parking area must be landscaped with islands and/or dividers, plus a 10ft buffer along rights-of-way. HCC 21.50.030(f)(1)(b).

If over 24 spaces, the parking lot is \_\_\_\_\_ sf. The landscaped portion within the parking lot is \_\_\_\_\_ sf.

- Y/N The parking lot will be paved. Required in the GBD per HCC 21.22.080(b). Yes
- Y/N Is less than 50% of the parking located in the front of the building? No
- Y/N or NA. If more than 24 spaces, are treed landscaped pockets provided every 100 ft or less? Yes
- Y/N or NA. If more than 24 spaces, is the minimum 10 ft landscaped buffer provided? Yes

**Parking garages. Pg 35 of the CDM.**

- Y/N Does your project include a parking garage over one-story or which encloses 20 or more vehicles?  
If so, Planning Commission approval is required. N/A

***Lighting. Should align with the Lighting Plan. Pg 7,8 &35-37 of the CDM and HCC 21.59.020.***

Describe the light fixtures, height, their purpose, lighting direction and visual appearance.  
See attached lighting description

- Y/N Is light source hidden from public view? Yes
- Y/N Does your lighting avoid excess light throw beyond the pedestrians and/or vehicles area? Yes
- Y/N Does your project avoid mounting outside light fixtures above 15 feet? Yes
- Y/N Does your project avoid parking lot luminaires that are above 28 feet? Yes
- Y/N Does your plan avoid bright lighting on outdoor surfaces of buildings? Yes
- Y/N Does your plan avoid colored lighting on buildings? Yes
- Y/N Does your plan avoid utility lighting? Yes
- Y/N Does your plan avoid lit accents, canopies, color bars, stripes? Yes

***Outdoor furnishings. Pg 37-38 of the CDM.***

Describe the outdoor furnishings, their location, type, style, manufacturer, series, and color. If in the right-of-way, approval by Public Works and the Planning Commission is required.

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- Y/N or NA Are the outdoor furnishings a commercial grade designed for heavy public use? Yes



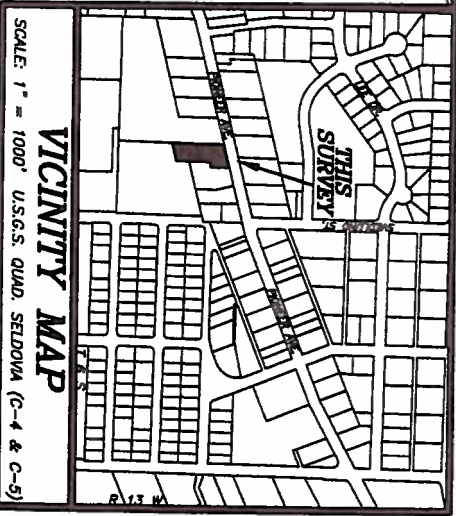
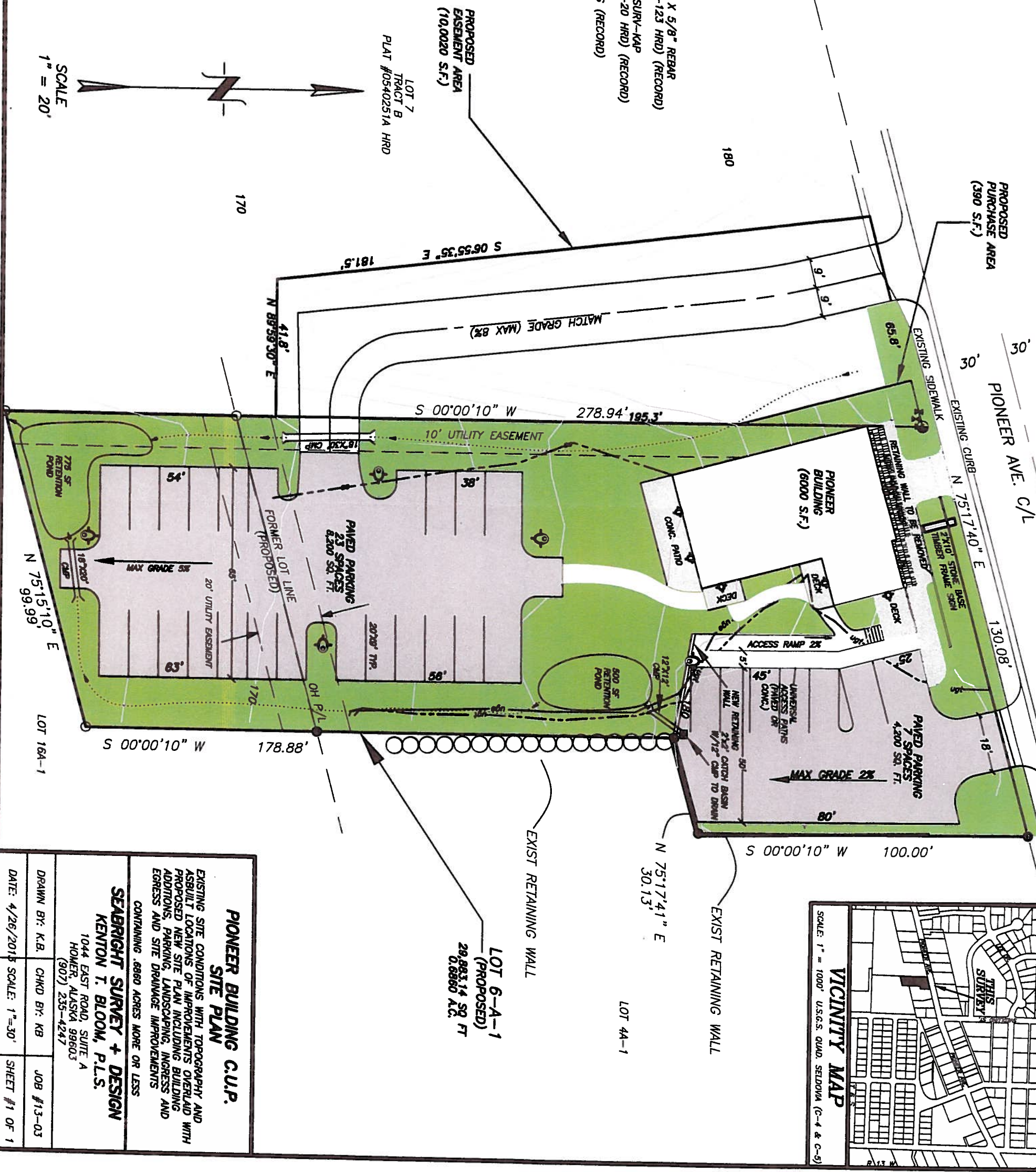
NOTES

- LEGEND**
- 2" ALUMINUM CAP ON 30" X 5/8" REBAR SET IN 1984 (PLAT #1984-123 HRD) (RECORD)
  - 5/8" REBAR W/ STAMPED SURV-KAP SET IN 1990 (PLAT #1990-20 HRD) (RECORD)
  - ⦿ AL CAP MONUMENT, 4469-S (RECORD)

- ⦿ POST MOUNTED LAMP
- ⦿ WALL MOUNTED LAMP



SCALE  
1" = 20'



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

**PIONEER BUILDING C.U.P.  
SITE PLAN**

EXISTING SITE CONDITIONS WITH TOPOGRAPHY AND  
ASBUILT LOCATIONS OF IMPROVEMENTS OVERLAIN WITH  
PROPOSED NEW SITE PLAN INCLUDING BUILDING  
ADDITIONS, PARKING, LANDSCAPING, INGRESS AND  
EGRESS AND SITE DRAINAGE IMPROVEMENTS

CONTAINING .6860 ACRES MORE OR LESS

**SEABRIGHT SURVEY + DESIGN**

KENTON T. BLOOM, P.L.S.

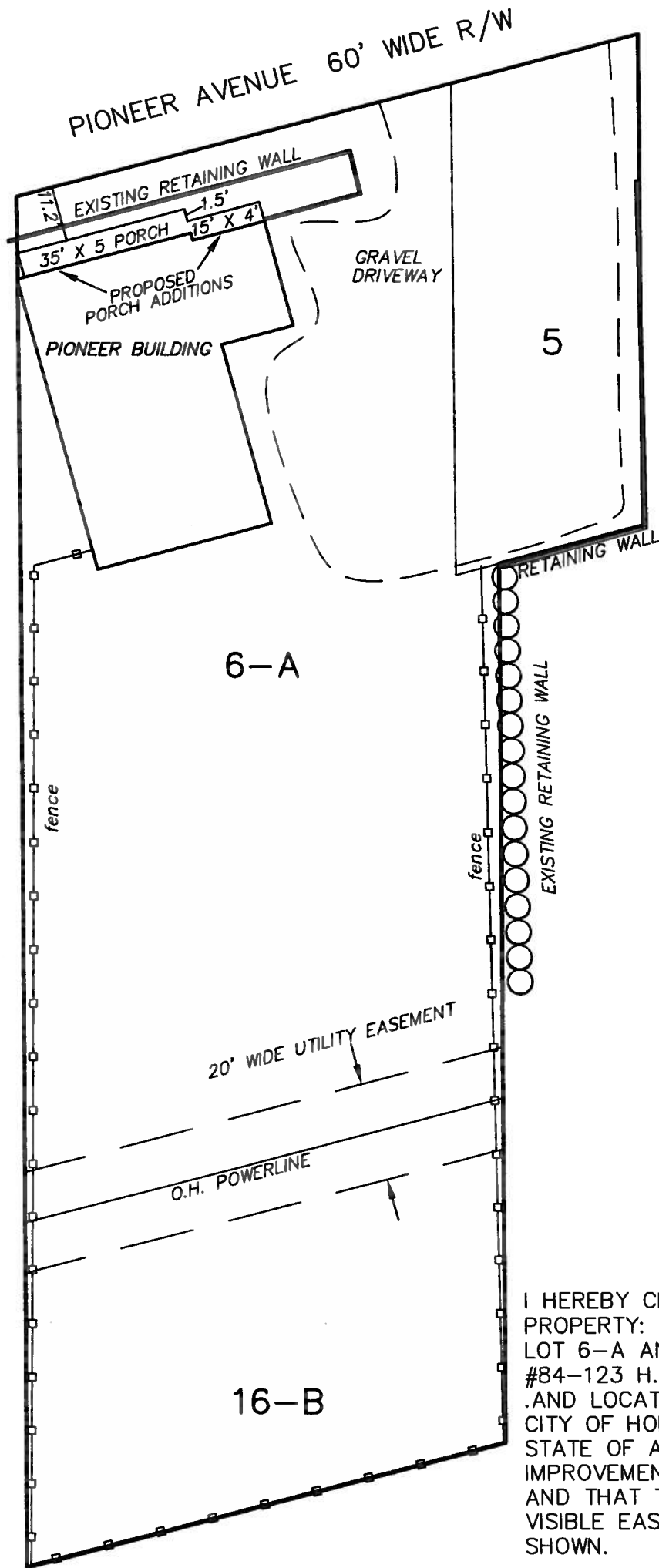
1044 EAST ROAD, SUITE A  
HOMER, ALASKA 99603  
(907) 235-4247

DRAWN BY: K.B.	CHKD BY: KB	JOB #13-03
DATE: 4/26/2018	SCALE: 1"=30'	SHEET #1 OF 1



JOB #2013-03  
PREPARED FOR:  
HARMON AND PAULI HALL  
64362 BRIDGER RD.  
HOMER, AK 99603

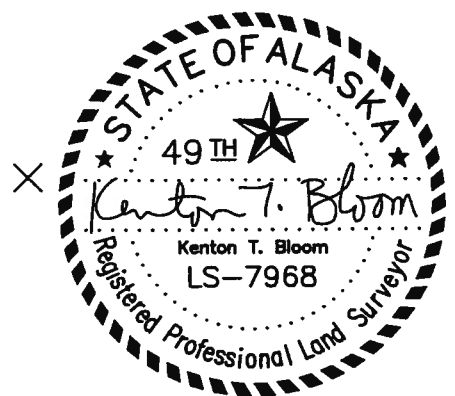
- NOTES:
1. THIS ASBUILT SURVEY INCLUDES LOT 6-A AND LOT 16-B ACCORDING TO NILS O. SVEDLUND., PLAT #84-123 H.R.D. AND LOT 5 NILS O. SVEDLUND NO. 8, PLAT #90-20 H.R.D.
  2. THIS ASBUILT SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN THAT WHICH WOULD GIVE A GRAPHIC REPRESENTATION OF THE LOCATION OF IMPROVEMENTS ON THIS LOT. UNDER NO CIRCUMSTANCE SHOULD THE LOCATION OF FUTURE IMPROVEMENTS BE BASED ON THIS DRAWING.
  3. IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, RESERVATIONS OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT.
  4. THIS LOT IS SERVED BY CITY OF HOMER SEWER AND WATER.
  5. THE DRAWING SHOWS THE PROPOSED COVERED PORCH ALONG THE PIONEER AVENUE FRONTAGE. THIS PORCH ADDITION IS INTENDED TO PROTECT UNIVERSAL ACCESS WALKWAYS TO BUILDING ENTRANCES.



X



SCALE 1"= 30'



I HEREBY CERTIFY THAT I HAVE SURVEYED THE FOLLOWING REAL PROPERTY:  
LOT 6-A AND LOT 16-B ACCORDING TO NILS O. SVEDLUND., PLAT #84-123 H.R.D. AND LOT 5 NILS O. SVEDLUND NO. 8, PLAT #90-20 H.R.D. AND LOCATED WITHIN SECTION 20, T 6 S, R 13 W., S.M., AND WITHIN THE CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, HOMER RECORDING DISTRICT, AND THAT THE IMPROVEMENTS SITUATED THEREON ARE LOCATED AS SHOWN ON THIS PLAT AND THAT THERE ARE NO ROADWAYS, TRANSMISSION LINES OR OTHER VISIBLE EASEMENTS OR ENCROACHMENTS ON SAID PROPERTY EXCEPT AS SHOWN.

DATED AT HOMER, ALASKA THIS 1ST DAY OF MARCH, 2013.

*Kenton T. Bloom*

SEABRIGHT SURVEY + DESIGN  
1044 EAST END ROAD, SUITE A  
HOMER, ALASKA 99603  
(907) 335-4247  
SEABRIGHTZ@YAHOO.COM



# City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

Telephone (907) 235-3106  
Fax (907) 235-3118  
E-mail [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
Web Site [www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

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## STAFF REPORT PL 13-47

**TO:** Homer Advisory Planning Commission  
**FROM:** Julie Engebretsen, Planning Technician  
**THROUGH:** Rick Abboud, City Planner  
**MEETING:** June 5, 2013  
**SUBJECT:** CUP 13-07, 3851 Homer Spit Rd. Request to allow a heliport in the Marine Commercial District

### Requested Action: Approval of a heliport

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

**SYNOPSIS:** A request for Conditional Use Permit 13-07 for use of a lot as a heliport pursuant to HCC 21.28.030(c). The owner has proposed to provide take-off and landing for a flightseeing operation using a lightweight, 3-passenger helicopter in the Marine Commercial District at 3851 Homer Spit Rd. Lot 6 Homer Spit Subdivision Amended T6S R13W Sec 35 S.M.

**Applicant:** Eric Lee (Sling Blade Aviation, LLC)  
PO Box 2667  
Home, AK 99603

**Property Owner:** Kachemak Shellfish Mariculture Association  
PO Box 416  
Homer, AK 99603

<b>Location:</b>	3851 Homer Spit Road, Lot 6, Homer Spit Subdivision Amended
<b>Parcel ID:</b>	18103106
<b>Lot Size(s)</b>	0.5 acres
<b>Zoning Designation:</b>	Marine Commercial
<b>Existing Land Use:</b>	Commercial
<b>Surrounding Land Use:</b>	<b>North:</b> Fishin Hole, campground, theater, barge haulout area Zoning is Marine Industrial and Open Space Recreation (OSR) <b>South:</b> Kachemak Bay <b>East:</b> Campground/beach/commercial businesses. Zoning is OSR, and then Marine Commercial (MC) <b>West:</b> Retail, restaurant, campground, Zoning: MC, then OSR.

Comprehensive Plan:	“Wise land management of the Spit and its resources to accommodate natural processes, while allowing fishing, tourism, other marine related development, and open space/recreation uses.”
Flood Plain Status:	VE 27. Draft mapping shows VE 25.
BCWPD:	Not within the Bridge Creek Watershed Protection District.
Utilities:	City water and sewer serve the boardwalk
Public Notice:	Notice was sent to 23 property owners of 34 parcels as shown on the KPB tax assessor rolls. Property owners within 1600 feet were notified, to include all nearby commercial properties. Comments received prior to the packet being published are attached.

### **Introduction**

This proposed heliport is within the Marine Commercial District. The applicant (Mr. Lee) proposes to offer flightseeing helicopter tours, using the vacant side of the existing boardwalk as the departure and arrival point. Mr. Lee plans to offer three to five trips per day, operating between the hours of 9 am and 9 pm. A small helicopter, seating a pilot and three passengers would be used. The applicant has stated they are not planning to perform maintenance or store helicopters at this location.

### **Location**

In 2008, the property owner Kachemak Shellfish Mariculture Association (KSMA) was granted Conditional Use Permit 07-17. The CUP approved restaurants and drinking establishments, manufacturing, processing cooking and packing of seafood products, a lot containing a building area in excess of 30% of the lot, and a Planned Unit Development that allowed the stairwell to extend into the 20 foot building setback. As of 2013, KSMA has only built half the building that they had planned for the platform. (See Attachments) This has left half the boardwalk area vacant; this is the area Mr. Lee proposes to use for a heliport.

### **Parking**

No additional parking for the heliport is needed. CUP 07-17 required six (6) on-site parking spaces. There are a total of 17 spaces shown on the site plan, most of which are in state DOT right of way. HCC 21.55.100 requires up to five parking spaces for year round employees. KSMA has provided six spaces on site and exceeds Homer City Code requirements.

### **Safety**

The FAA does not regulate heliports. The state fire marshal does require a plan review. Prior to use of the heliport, the applicant must provide site plan approval from the state fire marshal office. This is standard for all commercial building and change of use or occupancy projects. Homer City Code 21.70.020(b)(7), Zoning permit application, requires the applicant to provide “copies of any building permits or other permits required by applicable federal, state or local law or regulations.” A zoning permit is required, and documentation from the State Fire Marshal must be received prior to the City issuing a zoning permit and allowing the heliport to operate.

### **Flight Path**

The applicant has provided maps showing the proposed flights path within about 500 feet of the heliport. One approach would follow Homer Spit Road, and the other would follow the beach. The maps also show an approach and departure area over the beach (weather and wind dependent).



### **Highway traffic considerations**

The edge of the boardwalk is about 110 feet from the edge of the pavement of Homer Spit Road. One safety concern is the effect on heavy tourist traffic when a helicopter is taking off and landing so close to the road. The concern is that drivers will stop or otherwise not pay attention to driving, in order to watch the helicopter.

### **Off Site Impacts**

Homer City Code contains standards for off-site impacts. This includes standards for noise, dust, etc. The application provided information addressing each standard. Staff included part of the review here, along with relevant conditions and findings.

21.59.010 (b) Off-Site Impacts, Nuisances, states in part:

*b. Noise. All noise shall be muffled so as not to be objectionable due to intermittences, beat, frequency, or shrillness. Off-site noise, when measured at the lot line, shall not exceed 50 decibels between ten p.m. and six a.m. and 80 decibels at all other times.*

**Applicant response:** The Robinson is within the limits prescribed in this part (FAA Part 36- Noise Standards: Aircraft type and airworthiness Certification and Robinson Helicopter- Community Equivalent Noise Level (CNEL). It has an equivalent noise level that is approximately 61 decibels at 15 feet and approximately 31 decibels at 500 feet. Applicant also provided information that a normal conversation occurs at 60dB, and a motorcycle at 30 feet is about 88 dB. Charts with other noise comparisons and helicopter noise comparisons can be found in the application.

**Finding 1:** The proposed aircraft meets the noise standards of 21.59.010(b) when operated between six a.m. and ten p.m.

**Condition 1:** Off-site noise, when measured at the lot line, shall not exceed 50 decibels between ten p.m. and six a.m. and 80 decibels at all other times.

**Condition 2:** Helicopter landing and departure operations shall be limited to the hours of 9 a.m. through 9 p.m.

*c. Vibration. No vibration that is discernible without instruments, other than that caused by highway vehicles or aircraft, shall be permitted beyond the lot line of the site.*

**Applicant response:** The Robinson R44 is an aircraft and falls within the requirements of this section.

**Finding 2:** Aircraft are exempt from 21.59.010(c), Vibration.

*d. Heat and Glare. No activity shall produce objectionable heat or glare that unreasonably annoys or disturbs a person of ordinary sensibilities beyond the lot line of the site.*

**Applicant response:** The Robinson R44 does not produce heat or glare that is noticeable beyond the lot line.

**Finding 3:** The heliport will not produce objectionable heat or glare.

*e. Water and Solid Waste Pollution. No liquid or solid waste disposal will be allowed on the site or into adjacent drainage ditches, storm sewers, sloughs or other waterways. The discharge of treated or untreated sewage or wastes into the sanitary sewer systems shall conform to the codes and ordinances of the City.*

**Applicant response:** During operations a “duck pond” will be placed under the helicopter to catch wastes produced from the helicopter. Waste will be absorbed by absorbent pads and disposed of properly with local service providers such as Petro Marine.

**Finding 4:** No liquid or solid waste disposal will occur onsite. City sewer serves the boardwalk.

*f. Handling of Dangerous Materials. The storage, handling and use of dangerous materials, such as flammable liquids, incendiary devices, compressed gases, corrosive materials and explosives, shall be in accordance with the regulation and codes of the state fire marshal, the National Fire Protection Association, the U.S. Coast Guard and other applicable law.*

**Applicant response:** A legal fuel distribution system using a portable fuel tank located in the back of a pickup truck with a bonding wire will be used to refuel the helicopter. There are no other dangerous materials being used at the helicopter site.

**Finding 5:** A State Fire Marshal Plan Review is required. No dangerous materials will be used or stored at the site.

**Condition 3:** A State Fire Marshal Plan Review is required prior to commencing heliport operations.

*g. Materials and Equipment Storage.*

*1. All materials and equipment including waste material shall be stored and all grounds maintained in a manner that will not attract or aid in the propagation of insects, animals, or create a health or safety hazard.*

**Applicant response:** There will be no materials or equipment stored on site that meets the requirements of this section.

### **Public Comments**

The Planning Department has received 17 emails in opposition to the heliport, as of the writing of this staff report. The applicant addressed some of the concerns in the application. See page 10 of the application for Mr. Lee’s comments, and the staff report attachments for the public comments.

### **CUP Review Criteria**

The review below includes findings for and against the CUP. The findings in favor are listed first, followed by a finding against if applicable. The Commission may adopt the findings as appropriate to their decision.

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

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

**Finding 6:** HCC 21.28.030(c) authorizes Heliports with an approved Conditional Use Permit in the Marine Commercial District.

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

*21.28.010 Purpose. The purpose of the Marine Commercial District is primarily for water-related and water-dependent uses and the business and commercial uses that serve and support them, including but not limited to fishing, marine transportation, off-shore energy development, recreation and tourism. It is recognized that unique natural features of Homer's marine environment contribute significantly to the economic and social environments, therefore performance standards are required to minimize the impact of development on the natural features on which they depend.*

**Finding For 7:** A low volume heliport is compatible with recreation & tourism. The natural features of the spit such as the beaches will not be impacted by operations because all operations will take place on an elevated platform.

**Finding Against 8:** The proposed use is not compatible with the purpose of the district. A heliport in support of sightseeing is not water related nor water dependent use. Flightseeing charter offices are an allowed use and support tourism and recreation. Actual flight operations are better suited to the airport and the General Commercial 2 District.

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

**Finding For 9:** A heliport will not negatively affect the value of adjoining property greater than anticipated from other permitted or conditionally permitted uses in the district. Marine equipment repair and service, and fish processing have the potential to be noisy, unsightly and undesirable neighbors.

**Finding Against 10:** The value of adjoining property will be more negatively affected by heliports than other permitted or conditionally permitted uses. A heliport raises greater safety concerns and potential offsite impact concerns (noise, dust, vibration) than other uses.

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

**Finding For 11:** The proposal is compatible with the mixed industrial and commercial activities of the area. Across the street is a public campground adjacent to a barge repair area, where welding and metal work are a regular activity. Additional low level, infrequent noise from helicopter takeoffs and landings is compatible with the surrounding land uses.

**Finding Against 12:** The proposal is not compatible with existing uses of surrounding land. Nearby land uses include public and private campgrounds, beaches, and fishing opportunities. The platform is approximately 8 feet from the side lot line, and the adjoining property is a

campground. Noise and disruption from helicopter operations is not compatible with the existing uses of surrounding land.

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

**Finding 13:** The area is served by City of Homer water and waste water, and within the City of Homer emergency response area.

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

**Finding For 14:** The heliport will not unduly harm the neighborhood character of this portion of the Homer Spit. Homer Spit Road is a high traffic, high noise location. The traffic, noise and intensity of use will have negligible effect on the neighborhood.

**Condition 4:** No more than an average of seven (7) departures per day over a one week period. (Staff note: this would allow for six tours, and the final departure of the aircraft to a storage facility per day).

**Finding Against 15:** The proposal will cause an undue harmful effect upon desirable neighborhood character. The visual disruption of five helicopter approaches and departures over a recreational area will have a negative effect on beach users' enjoyment of the natural environment.

**Finding Against 16:** The distraction caused by the arrival and departure of helicopters in close proximity to the highway will have a harmful effect on the safe and orderly flow of traffic.

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

**Finding For 17:** The heliport will not affect the health, safety and welfare of the city as a whole. The applicant will abide by industry standard safety precautions for flight operations, and state fire marshal plan review is required. The safety of the surrounding areas will be addressed by utilizing industry standard flight operations during flight departures and landings.

**Finding Against 18:** The heliport will be unduly detrimental to the health, welfare and safety of the surrounding area. Flight operations introduce new safety concerns to the area. The heliport is right next to a two story building, placing building occupants in unnecessary danger in the case of an accident. The Homer airport is a nearby and safe alternative to air flight operations.

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

**Finding 19:** Proposal does or will comply with the applicable regulations and conditions specified in this title for such use.

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

**Applicable goals and objectives**

**Goal:** "Wise land management of the Spit and its resources to accommodate natural processes, while allowing fishing, tourism, other marine related development, and open space/recreation uses."

**Goal 1.1:** "Maintain the variety of land uses that establish the unique "Spit" character and mix of land uses.

**Goal 1.5:** "Respond to seasonal land use demand fluctuations."

**Goal 3.1:** "Improve the local economy and create year-round jobs by providing opportunities for new business and industrial development appropriate for the Homer Spit."

**Goal 1.6:** "Protect public access to and enjoyment of the Spit's unique natural resources."

**Finding For 20:** A heliport utilizing an existing boardwalk increases recreation and tourism opportunities on the Spit, without negatively affecting the natural process on the Spit. The proposal is not contrary to the land use goals and objectives of the Spit Comprehensive Plan.

**Finding For 21:** Proposal will increase recreational opportunities without increasing built structures or public expense on the Spit.

**Finding Against 22:** Goal 1.6 states "Protect public access to and enjoyment of the Spit's unique natural resources." These resources include the public beach adjacent to the site. Helicopter noise and visual disruption during takeoff and landing is a detriment to the public recreating on public beaches.

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

**Finding 23:** The Community Design Manual does not apply.

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

- 1. Special yards and spaces.**
- 2. Fences, walls and screening.**
- 3. Surfacing of vehicular ways and parking areas.**
- 4. Street and road dedications and improvements (or bonds).**
- 5. Control of points of vehicular ingress and egress.**
- 6. Special restrictions on signs.**
- 7. Landscaping.**
- 8. Maintenance of the grounds, buildings, or structures.**
- 9. Control of noise, vibration, odors, lighting or other similar nuisances.**

**10. Limitation of time for certain activities.**

**11. A time period within which the proposed use shall be developed and commence operation.**

**12. A limit on total duration of use or on the term of the permit, or both.**

**13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.**

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

**Finding For 24:** Conditions 5-9 are necessary to protect the interests of the community and the surrounding area.

**Condition 5:** The boardwalk area must be secured from people walking onto the flight deck.

**Condition 6:** Helicopter arrivals and departures may occur between 9 a.m. and 9 p.m.

**Condition 7:** Helicopter tours shall begin by September 1, 2014, or the CUP will expire and the applicant must reapply.

**Condition 8:** If helicopter tours cease from this location for one summer season after September 1, 2014, the CUP will expire. A tour means one flight with at least one paying passenger between April 15<sup>th</sup> and September 30<sup>th</sup>.

**Condition 9:** Adhere to the requirements of HCC 21.60, Sign Code.

**PUBLIC WORKS COMMENTS:** None submitted.

**FIRE DEPARTMENT COMMENTS:** A State Fire Marshal Plan Review is required.

As mentioned NFPA covers these under 418 and groups these together.

The International Fire Code and International Building Code (Alaska State Code) classifies a Helistop in Chapter 11 of the IFC "Aviation Facilities", and states: a helistop is the same thing as a heliport "except that no fueling, defueling, maintenance, repair or storage of helicopters is permitted". Section 1107 of the IFC specifics on construction, clearances and flammable and class II combustible liquid spillage. "Landing areas on structures shall be maintained so as to confine flammable or Class II combustible liquid spillage to the landing area itself, and provisions shall be made to drain such spillage away from exits or stairways serving the helicopter landing area or from a structure housing such exit of stairway". 1107.8 adds, "before operating helicopters from helistops and heliports, approval shall be obtained from the FAA". The IBC discusses the issue in Section 4 Special Detailed Requirements Based on Use and Occupancy, specifically section 412.7 Heliports and Helistops. 412.7.1 Size "the landing area of helicopters less than 3,500 lbs shall be a minimum of 20 ft in length and width. The landing area shall be surrounded on all sides by a clear area having a minimum average width at roof level of 15 ft. , but with no width less than 5 ft. Section 212.7.3 Means of Egress states, "the means of egress from heliports and

helistops shall comply with the provisions of Chapter 10. Landing areas located on buildings or structures shall have two or more means of egress. For landing areas less than 60 ft in length or less than 2,000 square ft. in area, the second means of egress is permitted to be a fire escape, alternating tread device or ladder leading to the floor below". They would also be required to have a large (80-B:C rating) fire extinguisher on the pad ready for use at all times during operations.

Staff comment: The FAA does NOT currently regulate heliports (unless they used federal funds for construction. State Fire Marshal review is required, but whether or not there are any further federal requirements that the Fire Marshal will require is up to the State Fire Marshal's office.

**STAFF COMMENTS/RECOMMENDATIONS:** Planning Commission approve or deny the CUP with appropriate findings and conditions.

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

Approval:

Findings 1-7, 9, 11, 13, 14, 17, 19, 20, 21 23, 24 and conditions 1-9.

Denial:

Findings 8, 10, 12, 15, 16, 18, and 22.

## ATTACHMENTS

1. List of findings and conditions
2. Application
3. Location map
4. Public Notice
5. Site photographs
6. Public Comments





## **List of Findings and Conditions**

### **Findings For**

**Finding 1:** The proposed aircraft meets the noise standards of 21.59.010(b) when operated between six a.m. and ten p.m.

**Finding 2:** Aircraft are exempt from 21.59.010(c), Vibration.

**Finding 3:** The heliport will not produce objectionable heat or glare.

**Finding 4:** No liquid or solid waste disposal will occur onsite. City sewer serves the boardwalk.

**Finding 5:** A State Fire Marshal Plan Review is required. No dangerous materials will be used or stored at the site.

**Finding 6:** HCC 21.28.030(c) authorizes Heliports with an approved Conditional Use Permit in the Marine Commercial District.

**Finding For 7:** A low volume heliport is compatible with recreation & tourism. The natural features of the spit such as the beaches will not be impacted by operations because all operations will take place on an elevated platform.

**Finding For 9:** A heliport will not negatively affect the value of adjoining property greater than anticipated from other permitted or conditionally permitted uses in the district. Marine equipment repair and service, and fish processing have the potential to be noisy, unsightly and undesirable neighbors.

**Finding For 11:** The proposal is compatible with the mixed industrial and commercial activities of the area. Across the street is a public campground adjacent to a barge repair area, where welding and metal work are a regular activity. Additional low level, infrequent noise from helicopter takeoffs and landings is compatible with the surrounding land uses.

**Finding 13:** The area is served by City of Homer water and waste water, and within the City of Homer emergency response area.

**Finding For 14:** The heliport will not unduly harm the neighborhood character of this portion of the Homer Spit. Homer Spit Road is a high traffic, high noise location. The traffic, noise and intensity of use will have negligible effect on the neighborhood.

**Finding For 17:** The heliport will not affect the health, safety and welfare of the city as a whole. The applicant will abide by industry standard safety precautions for flight operations, and state fire marshal plan review is required. The safety of the surrounding areas will be addressed by utilizing industry standard flight operations during flight departures and landings.

**Finding 19:** Proposal does or will comply with the applicable regulations and conditions specified in this title for such use.

**Finding For 20:** A heliport utilizing an existing boardwalk increases recreation and tourism opportunities on the Spit, without negatively affecting the natural process on the Spit. The proposal is not contrary to the land use goals and objectives of the Spit Comprehensive Plan.

**Finding For 21:** Proposal will increase recreational opportunities without increasing built structures or public expense on the Spit.

**Finding 23:** The Community Design Manual does not apply.

**Finding For 24:** Conditions 5-9 are necessary to protect the interests of the community and the surrounding area.

### **Conditions**

**Condition 1:** Off-site noise, when measured at the lot line, shall not exceed 50 decibels between ten p.m. and six a.m. and 80 decibels at all other times.

**Condition 2:** Helicopter landing and departure operations shall be limited to the hours of 9 a.m. through 9 p.m.

**Condition 3:** A State Fire Marshal Plan Review is required prior to commencing heliport operations.

**Condition 4:** No more than an average of seven (7) departures per day over a one week period. (Staff note: this would allow for six tours, and the final departure of the aircraft to a storage facility per day).

**Condition 5:** The boardwalk area must be secured from people walking onto the flight deck.

**Condition 6:** Helicopter arrivals and departures may occur between 9 a.m. and 9 p.m.

**Condition 7:** Helicopter tours shall begin by September 1, 2014, or the CUP will expire and the applicant must reapply.

**Condition 8:** If helicopter tours cease from this location for one summer season after September 1, 2014, the CUP will expire. A tour means one flight with at least one paying passenger between April 15<sup>th</sup> and September 30<sup>th</sup>.

**Condition 9:** Adhere to the requirements of HCC 21.60, Sign Code.

### **Findings Against**

**Finding Against 8:** The proposed use is not compatible with the purpose of the district. A heliport in support of sightseeing is not water related nor water dependent use. Flightseeing charter offices are an allowed use and support tourism and recreation. Actual flight operations are better suited to the airport and the General Commercial 2 District.

**Finding Against 10:** The value of adjoining property will be more negatively affected by heliports than other permitted or conditionally permitted uses. A heliport raises greater safety concerns and potential offsite impact concerns (noise, dust, vibration) than other uses.

**Finding Against 12:** The proposal is not compatible with existing uses of surrounding land. Nearby land uses include public and private campgrounds, beaches, and fishing opportunities. The platform is approximately 8 feet from the side lot line, and the adjoining property is a campground. Noise and disruption from helicopter operations is not compatible with the existing uses of surrounding land.

**Finding Against 15:** The proposal will cause an undue harmful effect upon desirable neighborhood character. The visual disruption of five helicopter approaches and departures over a recreational area will have a negative effect on beach users' enjoyment of the natural environment.

**Finding Against 16:** The distraction caused by the arrival and departure of helicopters in close proximity to the highway will have a harmful effect on the safe and orderly flow of traffic.

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**Finding Against 22:** Goal 1.6 states "Protect public access to and enjoyment of the Spit's unique natural resources." These resources include the public beach adjacent to the site. Helicopter noise and visual disruption during takeoff and landing is a detriment to the public recreating on public beaches.



# Helicopter Conditional Use Summary

**Sling Blade Aviation LLC,**

**by Eric Lee**

**907-299-7146**

**Homer Spit Road, Homer, Alaska 99603**



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5. KBCS believes that helicopters are already based nearby at the airport and should remain there..... 11

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## Introduction

### Summary

Sling Blade Aviation LLC is planning to begin flight-seeing tours on the Homer Spit from the Marine Commercial District<sup>1</sup>. Estimated start date is summer of 2013.

One light helicopter, with floats, will be used. The maximum weight of the helicopter is 2500 lbs with a passenger seating capacity of 3. The average number of flights per day will be from 3 to 5, operating between the hours of 9am and 9pm. The landing and taking off of a helicopter on the spit, on a regular basis, falls under the "conditional use" permit allowed in the City Code<sup>2</sup>.

The well being of the Homer spit and the City of Homer is the priority. The overall theme and education of each passenger will be of the sensitive and diverse ecosystem surrounding Homer and nearby mountain and parks.

Sling Blade will also help add to the local economy by hiring local residents, buying local products such as fuel, office supplies, advertising on Local Radio and newspapers, and paying local taxes.

Jobs will be created both directly and indirectly. Direct efforts are going to include hiring of at least three pilots, two office staff, and a mechanic. Indirectly, Sling Blade will help support local businesses by keeping tourists and attracting more tourists to the spit. The longer visitors are in the area the more money they will spend at local restaurants, gift shops, and with other commercial services and products.

Above all, Sling Blade will offer a product and service that is of the highest standards in terms of Safety, Health, and Welfare for the community and customers. In the following summary I hope to provide supporting documentation to satisfy the concerns of everyone affected by our service.

### Background

Aircraft operations based at the Homer airport have been using the Homer Spit as an extension of land to get them farther south before having to fly overwater, to rejoin the mainland south of Kachemak Bay. An average of 136 aircraft operations take place per day from the Homer Airport<sup>3</sup>. Adding a helicopter-landing zone to the spit will alleviate the congestion of aircraft at the airport and over flights of the spit. Since Sling Blade is going to be operating on the south side of the bay, in the opposite direction of the Airport, it makes sense to position the landing zone as close as possible to the area of operation.

Homer City Code defines a Heliport: Any place including airports, fields, rooftops, etc., where helicopters regularly land and take off, and where

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<sup>1</sup> City of Homer Title 21 Zoning and Planning 21.10

<sup>2</sup> City of Homer Title 21 Zoning and Planning 21.59.010

<sup>3</sup> AirNav.com



helicopters may be serviced<sup>4</sup>. Sling Blade is not planning to perform maintenance or store helicopters at the landing area.

## Facility and Location

### Heliport site

The take off and landing zone proposed is located in the Marine Commercial Zone of the Homer Spit. It is located on a site approximately one mile from Lands End Resort and on the west side of the main road<sup>5</sup>.

Sling Blade has used three resources to help identify the safe and proper use of the proposed landing zone.<sup>6</sup>

### Approach and Departure Zones

Most of the approaches and departures will be over the water, west of the road. This will reduce the nuisance of noise on the surrounding community and keep the normal approach and departure path from crossing the road. Occasionally, an approach and departure will occur from other directions depending on safety of flight<sup>7</sup>

### Safety of Passengers and On Lookers

The proposed heliport is elevated above the natural surrounding of the beach and parking lot. This makes for a perfect heliport for light helicopters<sup>8</sup> preventing customers and on lookers inadvertent access to the landing area. Currently there is a four-foot gate around the perimeter of the landing zone with one access via a set of stairs and a hinged gate located near the main parking lot. During the hours of operation of the landing zone, access to the area by the public is restricted by a hinged lockable gate, onsite employee monitoring, and posted signs.

A procedure will be used between the onsite employee and the helicopter pilot to identify a safe landing area by using the terms "green deck" and "red deck". As an example; The onsite employee will physically observe the operations area for people and objects that could be a hazard to the helicopter such as loose debris, children, dogs, etc. A VHF radio will be located in the onsite office to allow for communications between the helicopter pilot and onsite employee. After visual observation of the landing area as "clear and safe" the onsite employee will say "green deck"! This will mean to the pilot that the area is safe for landing and/or takeoff. If the onsite employee says "red deck", the area is not safe for landing for takeoff and the pilot will

---

<sup>4</sup> City of Homer Title 21 Zoning and Planning 21.03

<sup>5</sup> See appendix, site location on zoning map

<sup>6</sup> FAA publication – AC 150/5390-2C, U.S. Department of Interior and U.S. Department of Agriculture  
guild – Interagency helicopter Operations Guide IHOG

<sup>7</sup> Diagram of normal approach and departure paths

<sup>8</sup> IHOG and AC 150/5390-2C

not land or take off waiting for further instructions or the words “green deck”.

#### **Maintenance**

There will be no scheduled maintenance performed at the proposed heliport.

#### **Capture of everyday consumable fluids**

While the helicopter is sitting on the landing zone it will drip fluids such as oil and other lubricants. This is normal! In order to capture this a “duck pond”<sup>9</sup> or similar product will be used.

#### **Fueling**

No smoking will be allowed during any operations associated with helicopter operations.

Fueling will be conducted periodically by using a portable tank fitted in the back of a pickup truck. Size of the portable tank will be within the legal requirement of State and Federal road laws. A flexible rubber hose long enough to stretch between the portable tank, located adjacent to the landing zone in the parking lot, to the aircraft will be used. A bonding strap will be used.

To capture any fuel as a result of over servicing the helicopter fuel tank, a “duck pond” will be used to capture the fuel before contact with the area structure or beach<sup>10</sup>. This procedure is more restrictive than refueling operations located at the Homer Harbor for commercial vessels.

## **Operational Planning**

This section concerns other areas of the operations to help provide a safe and professional product for customers and the local community. Sling Blade has used three recognized publications as a reference i.e.; FAA Advisory Circular 150/5390-2C “Heliport Design”, U.S. Department of Interior/ U.S. Department of Agriculture IHOG “Interagency Helicopter Operations Guide”, and Federal Aviation Regulations Part 91 and Airman information manual.

#### **Flight Planning**

The local Homer Flight Service Station will be used as a primary flight following source and our onsite employee will also have the copy of each tour flight which includes the number of passengers, time of departure, and return. Additionally, the onsite office will have the passenger emergency contact information.

---

<sup>9</sup> Picture of “duck pond”

<sup>10</sup> Picture of “duck pond”

### **Communication**

The helicopter and onsite office will have a VHF transceiver to communicate between the local flight service station, onsite office, local traffic, and helicopter. The onsite employees will be trained in the operation of the radio equipment.

### **Flight Risk Assessment**

Common practice among commercial aviation businesses is to use a "flight risk assessment" to place a relative value on identified risks. This procedure will help provide proper controls to help reduce any identified risks of each flight. This might include winds, bird activity, pilot health and experience, and other related identified risks.

### **Emergency Response Plan, ERP**

An ERP will be established and taught to employees. This is a handbook that addresses scenarios such as missing or overdue aircraft, first aid of passengers, and unsuccessful landing or takeoff, etc.

The plan contains procedures to help facilitate a strict set of steps aimed at efficiently dealing with specific emergencies. Each employee will have access to the plan and will be trained accordingly.

## **Addressing City Code 21.59 Off Site Impacts, 21.59.10 "Nuisances"**

Each heading within this City Code has been listed and addressed.

### **Air Pollution**

#### **Smoke**

"The emission of any air contaminant greater than 20 percent opacity from any chimney, stack, vent, opening or process is prohibited."

The Robinson R44 produces no visual smoke in excess list in this section.

#### **Odor and gasses**

"The emission of odors in such quantities as to be objectionable to any person with normal sensitivities at any point beyond the lot line is prohibited. Noxious, toxic, and corrosive gas emissions shall be treated by full control techniques and shall not exceed permissible levels established by federal, state or local laws or regulations."

The Robinson R44 falls within Federal, State or local laws and regulations for emission standards of an internal reciprocating engine.

#### **Particulate Matter**

"All facilities will be designed and operated with the highest and best emission control equipment practicable. Persons responsible for suspected source of air pollution, upon request of the City, shall

provide quantitative and qualitative information regarding the discharge that adequately and accurately describe operation conditions and the discharge of particulate matter. Any responsible person may be required to have its plans and specifications reviewed by the State Department of Environmental Conservation prior to final approval of the plans by the City.”

The Robison R44 has no emissions that are above standards set by Federal, State and local agencies.

### Noise

"All noise shall be muffled so as not to be objectionable due to intermittences, beat, frequency, or shrillness. Off-site noise, when measured at the lot line, shall not exceed 50 decibels between ten p.m. and six a.m. and 80 decibels at all other times."

The Robinson is within the limits as prescribed in this part<sup>11</sup>. It has an equivalent noise level that is approximately 61 decibels at 15 feet and approximately 31 decibels at 500 feet.

### Vibrations

"No vibration that is discernible without instruments, other than that caused by highway vehicles or aircraft shall be permitted beyond the lot line of the site."

The Robinson R44 is an aircraft and falls within the requirements of this section.

### Heat and Glare

"No activity shall produce objectionable heat or glare that unreasonably annoys or disturbs a person of ordinary sensibilities beyond the lot line of the site."

The Robinson R44 does not produce heat or glare that is noticeable beyond the lot line.

### Water and Solid Waste Pollution

"No liquid or solid waste disposal will be allowed on the site or into adjacent drainage ditches, storm sewers, sloughs or other waterways. The discharge of treated or untreated sewage or wastes into the sanitary sewer systems shall conform to the codes and ordinances of the City."

During operations a "duck pond" will be placed under the helicopter to catch any wastes produced from the helicopter. Waste will be absorbed by absorbent pads and disposed of properly with local service providers such as Petro Marine.

### Handling of Dangerous Material

"The storage, handling and use of dangerous materials, such as flammable liquids, incendiary devices, compressed gases, corrosive material and explosives, shall be in accordance with the regulation and codes of the state fire marshal, the National Fire Protection Association, the U.S. Coast Guard and other applicable law."

A legal fuel distribution system using a portable fuel tank located in the back of a pickup truck with a bonding wire will be used to refuel the helicopter. There are no other dangerous materials being used at the heliport site.

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<sup>11</sup> FAA Part 36 – Noise Standards: Aircraft type and airworthiness Certification and Robinson Helicopter - Community Equivalent Noise Level (CNEL).

### **Materials and Equipment Storage**

"1. All materials and equipment including waste material shall be stored and all grounds maintained in a manner that will not attract or aid in the propagation of insects, animal, or create a health or safety hazard. 2. Open storage of material and equipment is permitted, subject to these exceptions and conditions (I) and (II) of section 21.59.010 of City of Homer Code."

There will be no materials or equipment stored on site that meet the requirements of this section.

### **Addressing Public Concerns**

1. **The spit is not intended to be a flight zone for frequenting landing aircraft.**  
All zones within the Planning and Zoning maps of Homer allow for "Heliport" operations under a "Conditional Use Permit" as established by the Homer City Code. The Homer Spit zoning district is no different than any other zoning requirements in and around Homer.
2. **Helicopter flightseeing is not very compatible with the purposes of some of the other zones that have been designated on the Spit, particularly the Conservation Zones. The areas outside of the Marine Industrial Zones are used for recreation, commercial shops, parking for harbor access, sport fishing, bird watching, biking, sightseeing, and more.**  
The location of Sling Blade's landing area is located within the Marine Commercial Zone on the Homer Spit. Flight-seeing is also considered to be a commercial business and conforms to the "Homer Spit Comprehensive Plan".
3. **The frequent takeoff and landing of flightseeing aircraft would add a noise level that would be disturbing, as this in one of Homer's most heavily used recreational areas.**  
The community equivalent noise level (CNEL) is well below normal car traffic decibel level of one Ford F-250 pickup truck at idle. See appendix.
4. **The takeoff and landing of helicopters amongst all this activity is not only disturbing, noisy, and polluting, it can poses an unacceptable safety risk. These safety concerns consist of many birds flying around the Spit. Bald Eagles, shorebirds, geese, cranes, ravens, crows, sea ducks, kittiwakes, and multispecies of gulls' flights mixed with helicopters could lead to tragedy.**  
The helicopter creates no more of a hazard than the many aircraft that fly transit the spit to get to and from both the Homer Airport and the south side of Kachemak Bay.

5. **KBCS believes that helicopters are already based nearby at the airport and should remain there.**

Per Federal Aviation Regulation Part 91.126, helicopters should avoid the flow of fixed wing traffic. Therefore is it much safer to operate in an area that is not designated for fixed wing aircraft.

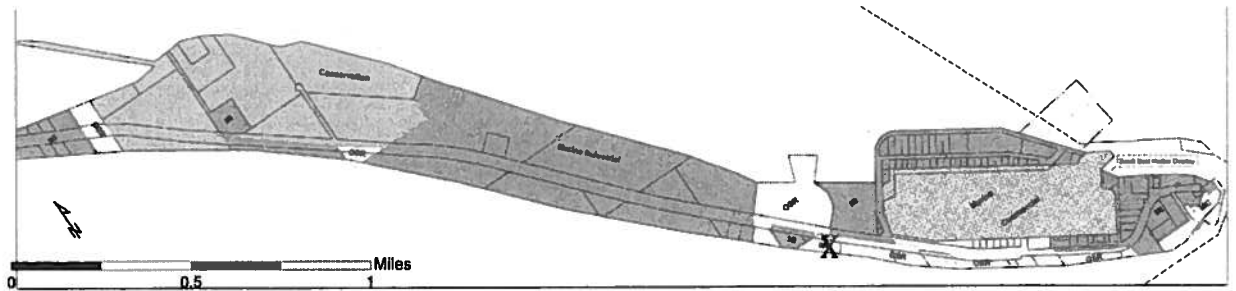
## Appendix

Picture of proposed Helicopter relative to people and a car





**Site location on zoning map/ including normal approach and departure paths**



The black X is the location of the landing zone. The approach and departure will typically be over the water which is down according to this map.

### Robinson Community Equivalent Noise Level

21 Oct 03

**Calculation of Community Noise Equivalent Level (CNEL) For the R44 II Helicopter.**

Reference NASA Contractor Report CR-2376, HANDBOOK OF NOISE RATINGS, Page 200.

Community Noise Equivalent Level may be calculated without taking actual field noise measurements as follows:

$$\text{CNEL} = \text{SEL} + 10 \cdot \log (N_D + 3 \cdot N_E + 10 \cdot N_N) - 49.4$$

Where: SEL is the Sound Exposure Level per flight (SEL has replaced Single Event Noise Exposure Level (SENEL) as the preferred baseline unit since initial publication of CR-2376).

 $N_D$  is the number of daytime flights (7 AM to 7 PM) in a 24 hour period. $N_E$  is the number of evening flights (7 PM to 10 PM) in a 24 hour period. $N_N$  is the number of nighttime flights (10 PM to 7 AM) in a 24 hour period.

It can be seen that the equation logically weights night operations and large numbers of operations heavily as these have the greatest overall impact on the community. Conversely, occasional daytime operations have little effect on overall community noise.

The Sound Exposure Level for the R44 II helicopter measured using Federal Aviation Regulation Part 36, Appendix J procedures is 81.0 dB(A). (Reference R44 II Pilot's Operating Handbook, Page 5-7, attached.)

For a proposed site, assume approximately 12 operations per month or 0.4 operations per day are anticipated. Allowing one takeoff and one landing (2 flyovers) per operation results in 0.8 flyovers per day. Note that less than one flyover per day actually subtracts from the baseline SEL (log of a number less than one is negative). Therefore, flyovers will be conservatively rounded to one per day. No evening or night operations are planned.

For the R44 II at the proposed site:

$$\text{CNEL} = 81.0 + 10 \cdot \log (1 + 0 + 0) - 49.4 = 31.6 \text{ dB}$$

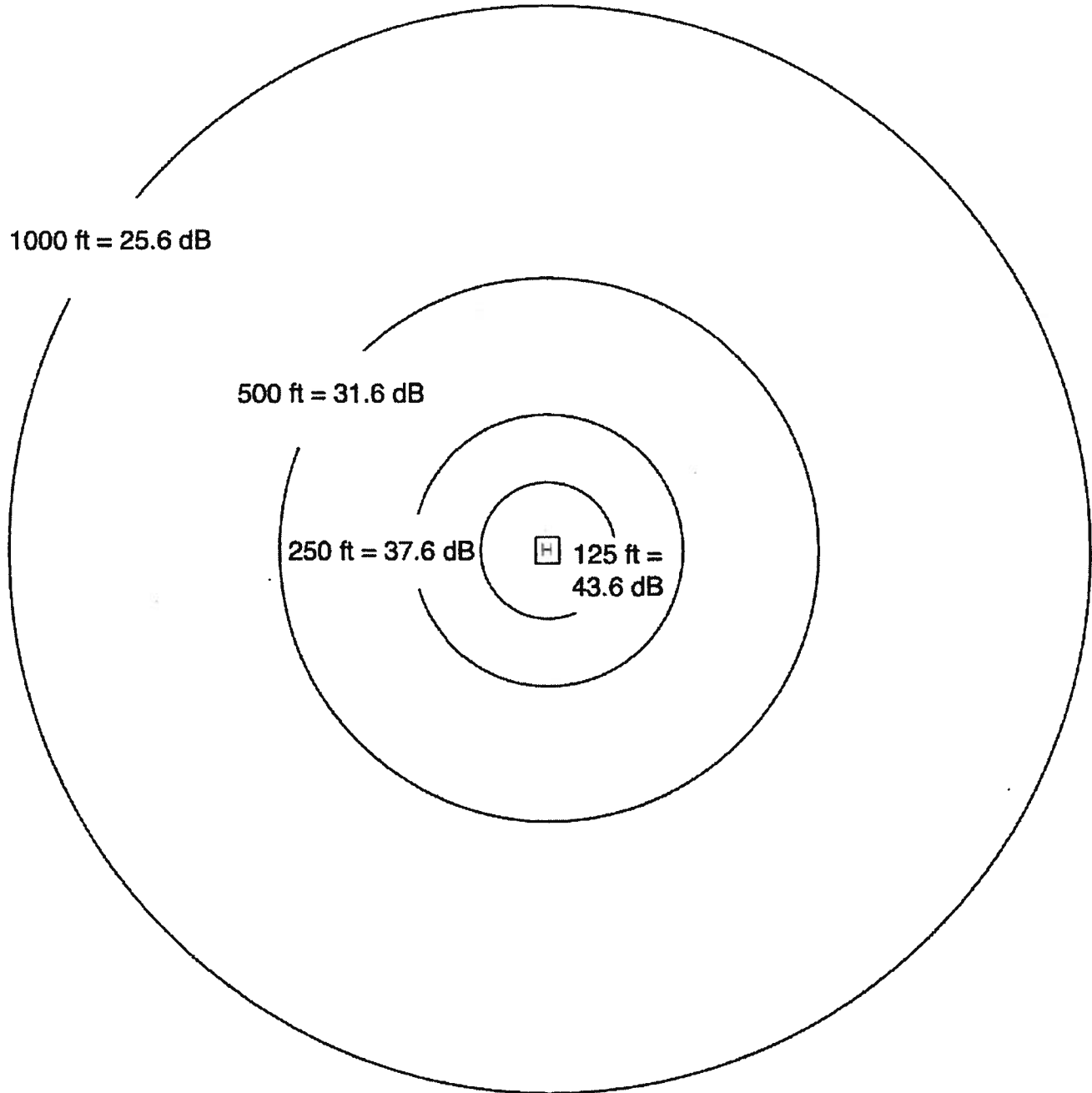
Because the SEL is measured during a 500 foot flyover, the calculated 31.6 dB CNEL can be approximated as a 500 foot ring from the helipad. Standard free-field sound propagation produces a 6 dB change for each halving or doubling of distance. Using this assumption, the 125, 250, 500, and 1000 foot rings of a theoretical CNEL footprint for the R44 II are plotted on the following page.

Dale Taft

*Dale Taft*

Manager, FAA Certification and Experimental Flight Test

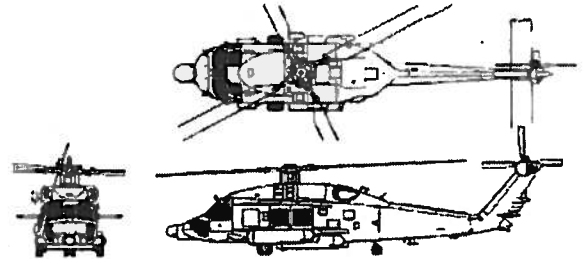
# Robinson R44 Haven II Calculated Noise Contour in CNEL



Refer to 21 Oct 2003 document, Calculation of Community Noise Equivalent Level (CNEL) for the R44 II Helicopter.

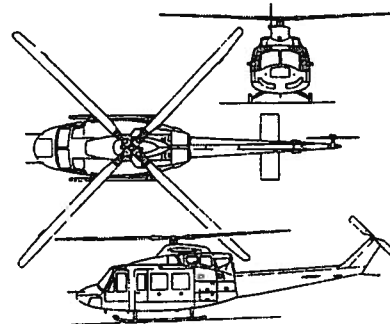
### Comparison of noise, size, capacity of helicopters and F-250 pickup

Type of Helicopter	Coast Guard Rescue MH-60 Jayhawk
Horse power	2 at 3,600 horse power total
People capacity	6
Length of helicopter	65 feet
Height of helicopter	16 feet
Number of main rotor blades	4
Main Rotor Diameter	54 feet
Maximum Take off weight	21,884 LBS (pounds)
Noise in Decibels at 15 feet	UH-60 - 109 Decibels
*Noise in Decibels overhead flyover at 500 feet	UH-60 - similar in size and weight is 90 Decibels



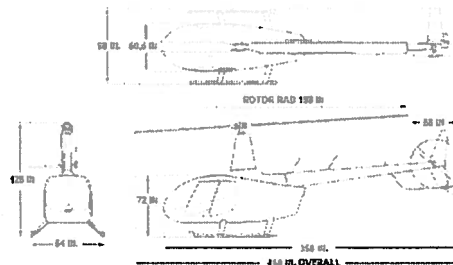
\* Decibel information from <http://www.dtic.mil/dtic/tr/fulltext/u2/a118796.pdf>

Type of Helicopter	Typical Emergency Medical and passenger transport Helicopter Bell 412
Horse power	2 at 1,800 horse power total
People capacity	15
Length of helicopter	56 feet
Height of helicopter	14 feet
Number of main rotor blades	4
Main Rotor Diameter	46 feet
Maximum Take off weight	11,900 LBS (pounds)
*Noise in Decibels at 15 feet	93 decibels
*Noise in Decibels overhead flyover at 500 feet	93 decibels



\*Decibel information -FAR Part 36 testing standards

Type of Helicopter	Flight Seeing Helicopter in Homer, Alaska R44
Horse power	1 at 220 horse power total
People capacity	4
Length of helicopter	38 feet
Height of helicopter	10 feet
Number of main rotor blades	2
Main Rotor Diameter	33 feet
Maximum Take off weight	2,500 LBS (pounds)
*Noise in Decibels at 15 feet	63 decibels
*Noise in Decibels overhead flyover at 500 feet	32 decibels

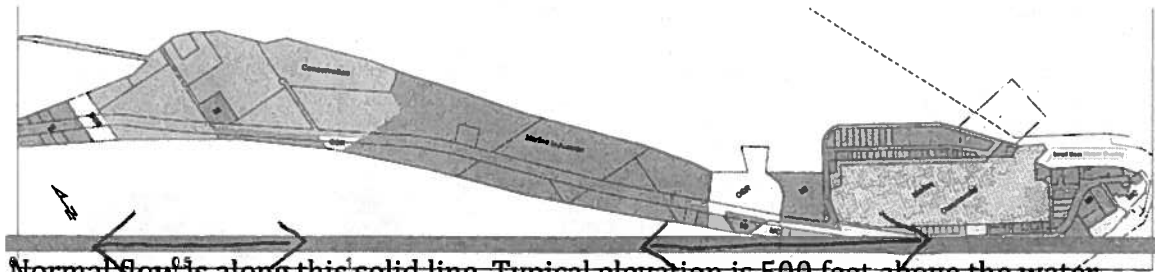


\*Decibel information -FAR Part 36 testing standards, <http://www.pegasus-airpark.com/R44CNELinfo.pdf>

Typical Pick Up Truck	Ford F250 with long bed and super cab
Horse power	1 at 385 horse power total
People capacity	6
Length of truck	22 feet
Height of truck	6 feet
Maximum Take off weight	10,000 LBS (pounds)
*Noise in Decibels inside the cab at idle	70 decibels/ V8 diesel engine
*Noise in Decibels inside the cab at 65 mph	82 decibels/ V8 diesel engine

\* Decibel information from Diesel Power Magazine

**Normal flow and height of aircraft traveling to and from the airport**



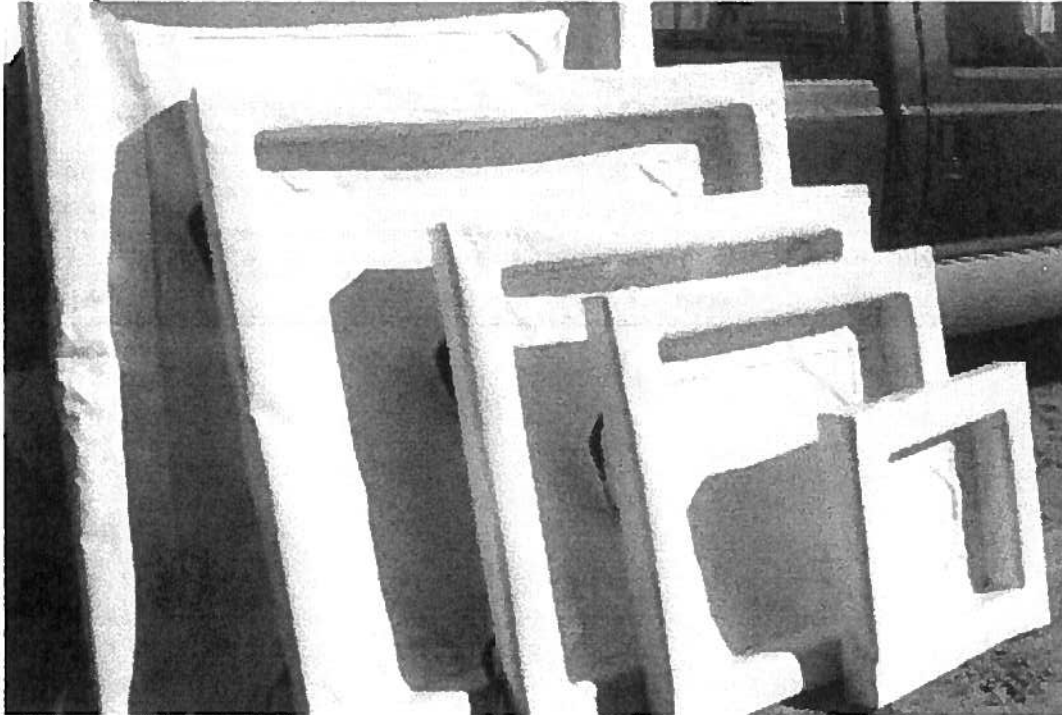
Normal flow is along this solid line. Typical elevation is 500 feet above the water and above. The flow is both to and from the airport.

**Decibel comparison between everyday consumer products**

Threshold of hearing	0 dB	Motorcycle (30 feet)	88 dB
Rustling leaves	20 dB	Foodblender (3 feet)	90 dB
Quiet whisper (3 feet)	30 dB	Subway (inside)	94 dB
Quiet home	40 dB	Diesel truck (30 feet)	100 dB
Quiet street	50 dB	Power mower (3 feet)	107 dB
Normal conversation	60 dB	Pneumatic riveter (3 feet)	115 dB
Inside car	70 dB	Chainsaw (3 feet)	117 dB
Loud singing (3 feet)	75 dB	Amplified Rock and Roll (6 feet)	120 dB
Automobile (25 feet)	80 dB	Jet plane (100 feet)	130 dB

### Duck Pond

There are a variety of reusable sizes to choose from. They are a rubberized system used to contain solid and liquid material for easy clean up and disposal.







# 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.ci.homer.ak.us

## Applicant

Name: Eric Lee Telephone No.: 907-299-2716

Address: P.O. Box 2667 Homer Email: eric.lee.alaska@gmail.com

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

Name: KSMA Coop Telephone No.: 907-235-1958

Address: Homer, AK Email: rental@homerpropertymanagement.com

## PROPERTY INFORMATION:

Address: 3851 Homer Spit Lot Size: Unknown acres KPB Tax ID # Unknown 92-0158 2414

Legal Description of Property: Unknown

## For staff use:

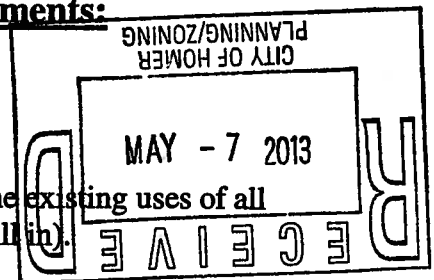
Date: \_\_\_\_\_ Fee submittal: Amount \_\_\_\_\_

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

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

## Conditional Use Permit Application Requirements:

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



## Circle Your Zoning District

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

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

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

☒ Y ☐ N Will your development trigger a Development Activity Plan?  
Application Status: \_\_\_\_\_

☒ Y ☐ N Will your development trigger a Storm water Plan?  
Application Status: \_\_\_\_\_

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

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

☒ Y ☐ N Does your project trigger a Community Design Manual review?  
If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>

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

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

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

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

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

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

*See appendix A*

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

*See appendix A*

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

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

*Appendix A*

- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. *Appendix A*

- c. How will your proposed project affect adjoining property values? *Appendix A*

- d. How is your proposal compatible with existing uses of the surrounding land? Appendix A
- e. Are/will public services adequate to serve the proposed uses and structures?  
Appendix A
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?  
Appendix A
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?  
Appendix A
- h. How does your project relate to the goals of the Comprehensive Plan?  
The 2006 Town Center Plan and the 2008 Comprehensive Plan are online at:  
<http://www.ci.homer.ak.us/documents/planning>  
Appendix A
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (circle each answer)
1. ☒ Y ☐ N Special yards and spaces.
  2. ☒ Y ☐ N Fences, walls and screening.
  3. ☒ Y ☐ N Surfacing of parking areas.
  4. ☒ Y ☐ N Street and road dedications and improvements (or bonds).
  5. ☒ Y ☐ N Control of points of vehicular ingress & egress.
  6. ☒ Y ☐ N Special provisions on signs.
  7. ☒ Y ☐ N Landscaping.
  8. ☒ Y ☐ N Maintenance of the grounds, buildings, or structures.
  9. ☒ Y ☐ N Control of smoke, odors, gases, particulate matters, noise, vibration, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
  10. ☒ Y ☐ N Time for certain activities.
  11. ☒ Y ☐ N A time period within which the proposed use shall be developed.
  12. ☒ Y ☐ N A limit on total duration of use.
  13. ☒ Y ☐ N Special dimensional requirements such as lot area, setbacks, building height.
  14. ☒ Y ☐ N Other conditions deemed necessary to protect the interest of the community.
  15. ☒ Y ☐ N Control of smoke, odors, gases, particulate matters, noise, vibration, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.

## PARKING

1. How many parking spaces are required for your development? 1-3  
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). —
2. How many spaces are shown on your parking plan? 12+
3. Are you requesting any reductions? NO

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

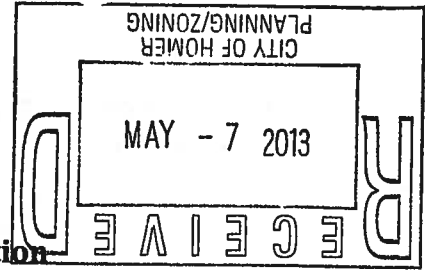
I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property:

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

Applicant signature:       Date: 5/7/13

Property Owner's signature: Stan Ryback 4 KSMA      Date: 05/16/13

Sling Blade Aviation LLC  
Homer, Alaska 99603  
907-299-2716



**Conditional Use Permit Application**  
**Appendix A**

1. Currently, how is the property used? Are there buildings on the property?  
How many square feet? Uses within the building(s)?  
The property is currently being used for retail space. Kachemak Bay Oysters is using a building, which has been built on a set of steel pilings. Adjacent to the building is the remaining foundation in the form of an open-air patio of approximately 10,000 square feet of usable deck space.

I will be using the deck as a landing zone for a small three passenger helicopter. The deck is built on steel pilings and is sturdy enough to hold a 2500 lb helicopter.

Research has been completed to determine structure of the deck. The helicopter is only planning to use the deck for a landing and takeoff area.

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

I'm proposing to use the deck as a "Heliport" for a "Homer Spit" based flight seeing company named "Sling Blade Aviation LLC".

The property has sufficient development to maintain a safe operation. The location, height above the street, helicopter approach and departure paths, and safety rails make this spot a ideal location for this type of commercial tourism.

*perhaps give details*

**Conditional use information**

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

- B. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district.  
The deck offers a perfect landing and takeoff area because of its remote location and wide space for approaches. The location of the entire area is remote enough not to disturb other people or businesses. The deck is also elevated above the street and parking areas providing a natural security area for on lookers. It is also located within the emergency vehicle service area.

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

It shouldn't have any effect. This operation only requires the deck for landing and taking off. There is nothing to be built or altered.

*construct safety gate*  
*off site noise*  
*effect on nearby camp ground*  
*Hawks*

D. How is your proposal compatible with existing uses of the surrounding land?  
My proposal uses the assets that have already been built on the spit. The service that is provided adds to the potential activities available to the commercial tourism industry on the Homer Spit.

E. Are/will public services adequate to serve the proposed uses and structures?  
For this proposal services such as electric, telephone, heating fuel are not required. The location of the operation area falls within the emergency/ medical services of Homer.

F. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?

Helicopter operations generate a natural curiosity in surrounding people. The visibility and the curiosity that a helicopter business brings will increase the number of visitors to the immediate area of the operation.

The helicopter has a small capacity of only three people at a time. The existing parking area is more than adequate for onlookers and customers for the Helicopter flight seeing and adjacent businesses.

The area will not be negatively affected. More than likely the area will see increase in visitors wanting and willing to spend money in local stores.

G. Will your proposal be detrimental to the health, safety or welfare of the surrounding area of the city as a whole?

No, the flight seeing operation is environmentally friendly. Maintenance operations will take place at the local airport.

H. How does your project relate to the goals of the Comprehensive Plan  
On page 4 of the "Homer Spit Plan" contained in the Comprehensive Plan, the opening paragraph summarizes; the spit's natural processes can be shared with fishing, tourism, other marine related development, and open space/recreational uses.

Helicopter flight seeing is a tourist activity. This type of operation draws tourists to the Homer Spit which brings environmental awareness and spending dollars for other businesses that use the tourist on the spit as a revenue source.

This proposal fits within the plan by adding choices to the commercial tourist market on the spit, does not subtract land that can be used for recreational/camping, and does not interfere with Marine transport and industrial plans.

**Subject: Re: Conditional Use Permit application**

**Date:** Friday, May 17, 2013 10:06 AM

**From:** Eric Lee <eric.lee@bma-hq.com>

**To:** Eric Lee <eric.lee@bma-hq.com>

On 5/10/13 2:22 PM, "Eric Lee" <eric.lee@bma-hq.com> wrote:

Hi Dotti,

Thanks for talking with me the other day.

Let me know how you want the information delivered for completing my application. In this instance, I can answer the questions via this message then print and place in my file?

1. There has been studies produced for noise from an R44. I found a study using research from NASA that shows a Robinson R44 II produces 61db at 15 feet. See attachment A-2
2. Hours of operation will be from about 9 or 10 am to 7 or 8 pm. This depends on the demand for operations.
3. I'm planning for about 4 to 5 trips per the 10 hours of availability per day.
4. Common industry practice is to complete a risk assessment before each flight. I developed one for my current company (Bald Mountain Air Service). Each assessment accounts for weather including wind and visibility, pilot experience, helicopter limits, passenger loads, etc. The risk assessment is used as a guide to help determine suitable limits for normal operations. In this case the wind limit of the helicopter is demonstrated at 25 kts. If the conditions are not favorable for flight then a delay or cancellation would be necessary. Most days the wind blows across the deck parallel to the building allowing for uneventful departures and arrivals into the wind. Any winds beyond this speed or from a different direction would have additional factors to consider such as gusts and other weather factors.
5. The helicopter weighs approximately 900 lbs empty and 2500 lbs loaded. A typical commercial deck space is built to hold an average of 50 pounds per square foot. The contact surface of the Robinson landing skids is about 40 square feet. This gives me about 62.5 lbs per square foot or 12 lbs over the estimated limit. This can be "shored" up with additional decking to spread the

load. I've talked with the owners agent about adding wood to the surface of the deck . Adding one 4ft by 16ft plywood to the surface below the each skid will reduce the load per square foot to 20lbs per square foot. **I have since found a report in an email from the engineer working on the deck in question and he writes that the deck I'm using is 100ft per square foot of load potential. I'm well within the parameters. See attachment A-3**

The R44 has an overall length is 38 feet and the width is 16 feet (main rotor radius).

I'll be in Homer on Monday and hope to meet Mr. Abboud before the Monday City Council Meeting.

Regards,

Eric Lee  
907-299-2716  
Eric.lee.alaska@gmail.com

On 5/9/13 9:52 AM, "Dotti Harness" <DHarness@ci.homer.ak.us> wrote:

Eric,

It was nice to meet you in the Planning Office.

The second reading of the Marine district ordinance is before the City Council on May 13th. Documents for the May 13th meeting will be posted soon at:

<http://www.cityofhomer-ak.gov/citycouncil/city-council-regular-meeting-52>

We talked briefly about additional information that you will need to provide before your application is considered a complete. I'm sure other questions may surface if your application proceeds.

1. Noise and wind effects of the helicopters. City code has standards for noise:

"HCC 21.59.010 (b) Noise. All noise shall be muffled so as not to be objectionable due to intermittences, beat, frequency, or shrillness.



Off-site noise, when measured at the lot line, shall not exceed 50 decibels between ten p.m. and six a.m. and 80 decibels at all other times."

2. Hours of operation
  3. Number of trips anticipated
  4. Safety measures in strong winds on the KSMA deck.
  5. Does the deck area meet or exceed the safety standards for the type of helicopter you'll be using? Wing span (radius), model.
- I'll be out of town from May 13-24th so I have cc:d is Travis who you met and Rick Abboud, the City Planner.
- Dotti Harness-Foster

Planning & Zoning

235-3106

*Attach A-2 + A-3*

21 Oct 03

## Calculation of Community Noise Equivalent Level (CNEL) For the R44 II Helicopter.

Reference NASA Contractor Report CR-2376, HANDBOOK OF NOISE RATINGS, Page 200.

Community Noise Equivalent Level may be calculated without taking actual field noise measurements as follows:

$$\text{CNEL} = \text{SEL} + 10 \cdot \log (N_D + 3 \cdot N_E + 10 \cdot N_N) - 49.4$$

Where: SEL is the Sound Exposure Level per flight (SEL has replaced Single Event Noise Exposure Level (SENEL) as the preferred baseline unit since initial publication of CR-2376).

 $N_D$  is the number of daytime flights (7 AM to 7 PM) in a 24 hour period. $N_E$  is the number of evening flights (7 PM to 10 PM) in a 24 hour period. $N_N$  is the number of nighttime flights (10 PM to 7 AM) in a 24 hour period.

It can be seen that the equation logically weights night operations and large numbers of operations heavily as these have the greatest overall impact on the community. Conversely, occasional daytime operations have little effect on overall community noise.

The Sound Exposure Level for the R44 II helicopter measured using Federal Aviation Regulation Part 36, Appendix J procedures is 81.0 dB(A). (Reference R44 II Pilot's Operating Handbook, Page 5-7, attached.)

For a proposed site, assume approximately 12 operations per month or 0.4 operations per day are anticipated. Allowing one takeoff and one landing (2 flyovers) per operation results in 0.8 flyovers per day. Note that less than one flyover per day actually subtracts from the baseline SEL (log of a number less than one is negative). Therefore, flyovers will be conservatively rounded to one per day. No evening or night operations are planned.

For the R44 II at the proposed site:

$$\text{CNEL} = 81.0 + 10 \cdot \log (1 + 0 + 0) - 49.4 = 31.6 \text{ dB}$$

Because the SEL is measured during a 500 foot flyover, the calculated 31.6 dB CNEL can be approximated as a 500 foot ring from the helipad. Standard free-field sound propagation produces a 6 dB change for each halving or doubling of distance. Using this assumption, the 125, 250, 500, and 1000 foot rings of a theoretical CNEL footprint for the R44 II are plotted on the following page.

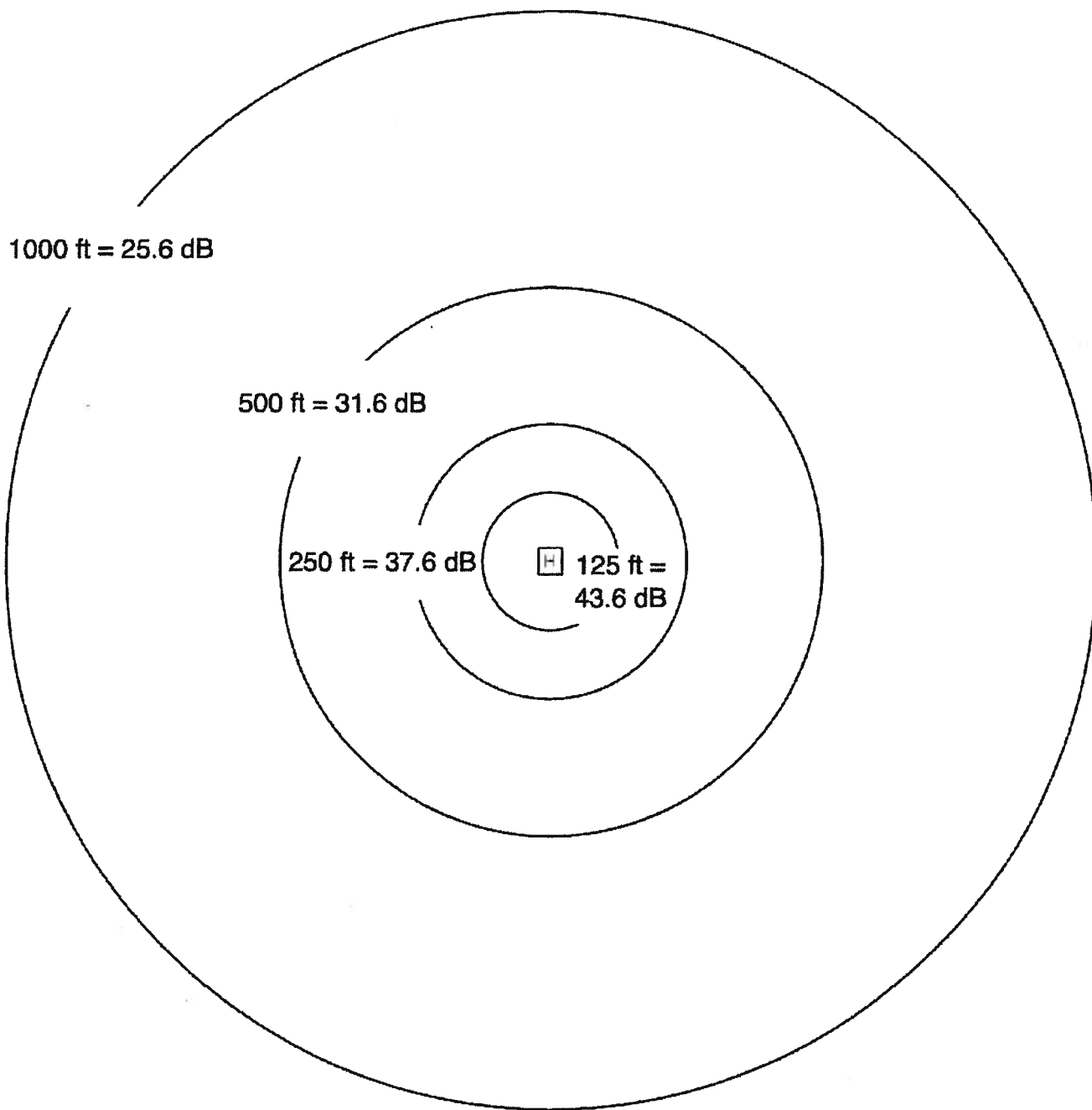
Dale Taft

*Dale Taft*

Manager, FAA Certification and Experimental Flight Test

A-2

## Robinson R44 Raven II Calculated Noise Footprint in CNEL



A-2

Refer to 21 Oct 2003 document, Calculation of Community Noise Equivalent Level (CNEL) for the R44 II Helicopter.

From: "Sean Crosby" <scrosby@alaskaoyster.com>  
Subject: **Fw: KSMA Building**  
Date: May 14, 2013 3:07:49 PM AKDT  
To: <eric.lee.alaska@gmail.com>

Hi Eric,  
Below is directly from the engineer, today. 100 lb psf.  
sean c

----- Original Message -----

From: Matthew Dura  
To: 'Sean Crosby'  
Sent: Tuesday, May 14, 2013 3:02 PM  
Subject: RE: KSMA Building

Sean,

The exterior deck was designed for a 100psf area load, per IBC 2006 since it is an exit way.

Thanks,

Matthew Dura P.E.  
Nelson Engineering P.C.  
155 Bidarka St.  
Kenai, AK 99611  
Office: (907) 283-3583  
Cell: (907) 252-8639

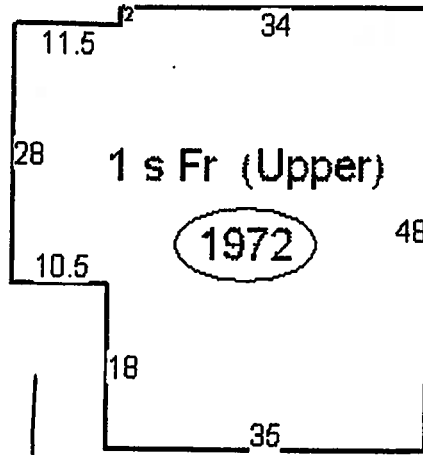
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From: Sean Crosby [mailto:scrosby@alaskaoyster.com]  
Sent: Tuesday, May 14, 2013 12:14 PM  
To: Matthew Dura  
Subject: KSMA Building

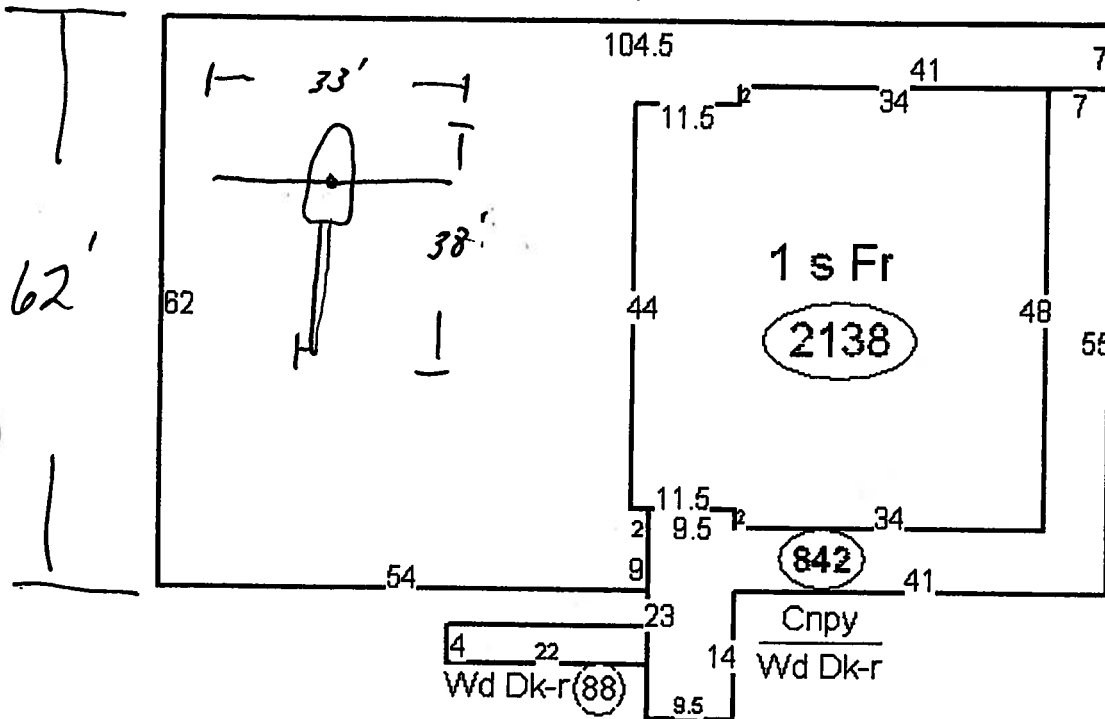
Hi Mathew,  
You guys did our building here on the Homer spit. The KSMA building (oyster building).  
Just wondering if you can send me something stating what the load limit is on the outside deck?  
Need it for an event real soon.  
thanks,  
Sean Crosby KSMA  
235-1935

A-3

01  
02  
03

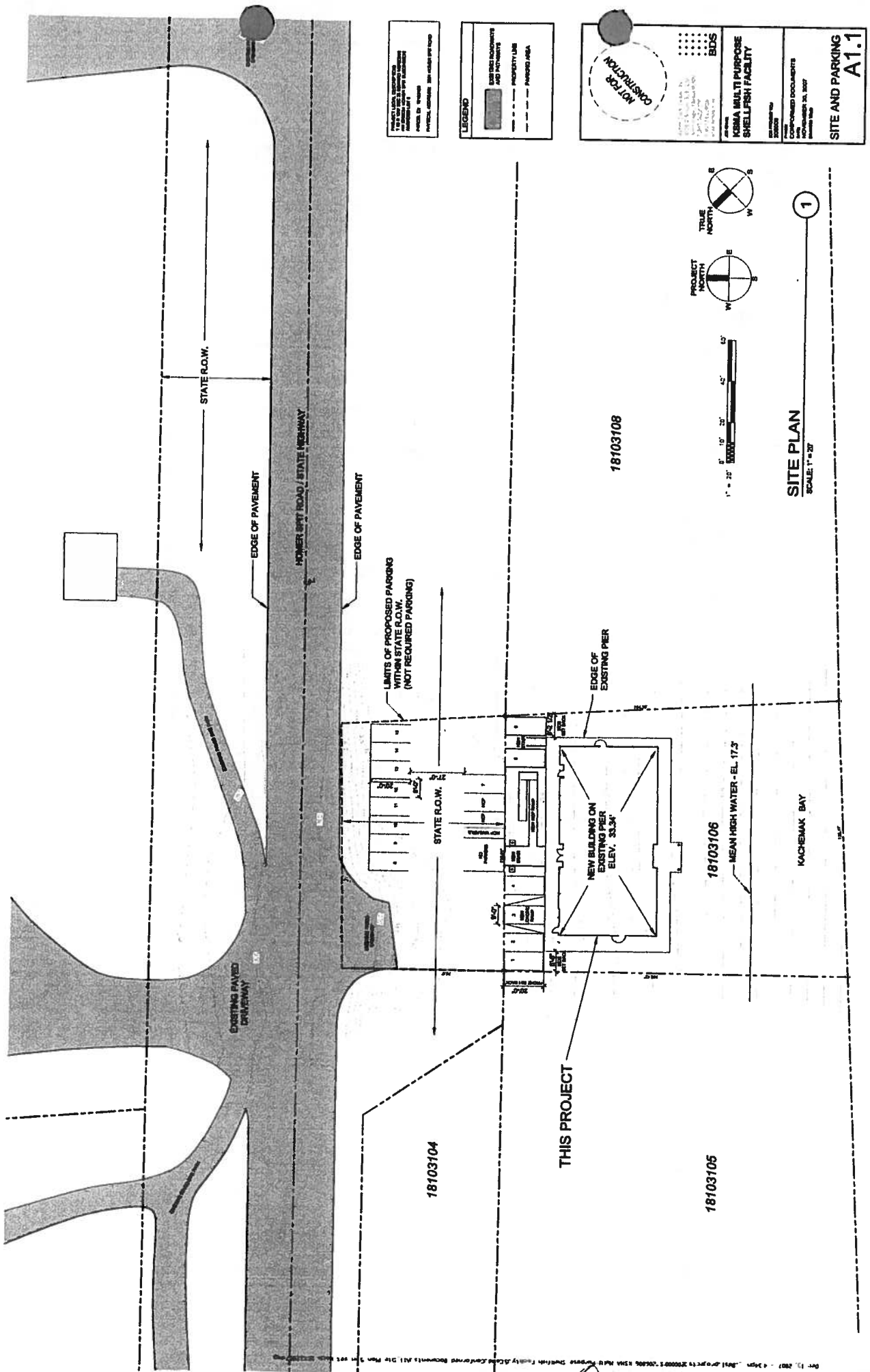


Helicopter landing zone  
54'



A-1

← Homer Spit Road →



**CITY-OWNED PROPERTY,  
NOW BEING USED AS  
PARKING**

**PROPOSED KSMA  
PARKING ON CITY  
PROPERTY, 5  
SPACES**

## PARKS BUILDING

Picnic Area

STATE R.O.W.

**EDGE OF PAVEMENT**

- EDGE OF PAVEMENT

**LIMITS OF PROPOSED PARKING  
WITHIN STATE R.O.W.  
(NOT REQUIRED PARKING)**

PROJECT LOCAL DESCRIPTION  
7 66 13W SEC 34-000000-000000  
IN 000000 0000 0000 0000  
AMENDED LOT 0

PARCELS: 000000

PARCELS ADDRESS: 0000 0000 0000 0000

### LEGEND

### EXISTING ROADS AND PATHWAYS

**PROPERTY LINE**

**PARKING AREA**

8.25' Side setback

**EDGE OF  
EXISTING PIER**

**18103108**

- $\frac{1}{2}$  scale

0' 10' 20' 40' 60'

1° = 20''

[illegible]

**KSMA MULTI PURPOSE  
SHELLFISH FACILITY**

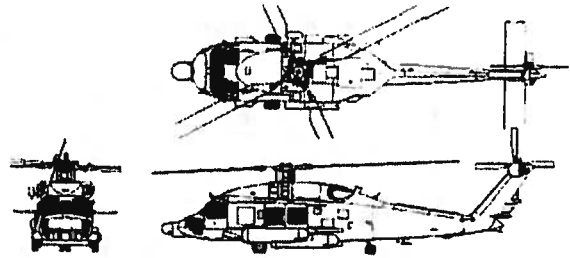




Sling Blade Aviation LLC  
Eric Lee  
Appendix to Conditional Use Permit

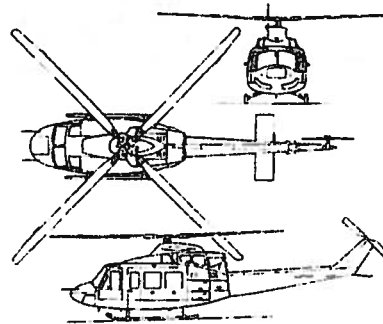
Type of Helicopter	Coast Guard Rescue MH-60 Jayhawk
Horse power	2 at 3,600 horse power total
People capacity	6
Length of helicopter	65 feet
Height of helicopter	16 feet
Number of main rotor blades	4
Main Rotor Diameter	54 feet
Maximum Take off weight	21,884 LBS (pounds)
Noise in Decibels at 15 feet	UH-60 - 109 Decibels
*Noise in Decibels overhead flyover at 500 feet	UH-60 - similar in size and weight is 90 Decibels

\* Decibel information from <http://www.dtic.mil/dtic/tr/fulltext/u2/a118796.pdf>



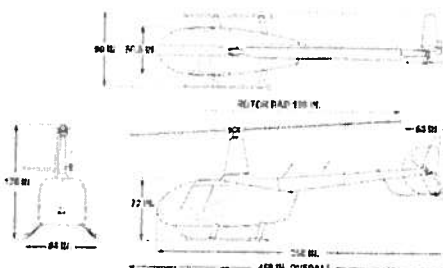
Type of Helicopter	Typical Emergency Medical and passenger transport Helicopter Bell 412
Horse power	2 at 1,800 horse power total
People capacity	15
Length of helicopter	56 feet
Height of helicopter	14 feet
Number of main rotor blades	4
Main Rotor Diameter	46 feet
Maximum Take off weight	11,900 LBS (pounds)
*Noise in Decibels at 15 feet	93 decibels
*Noise in Decibels overhead flyover at 500 feet	93 decibels

\*Decibel information -FAR Part 36 testing standards



Type of Helicopter	Flight Seeing Helicopter in Homer, Alaska R44
Horse power	1 at 220 horse power total
People capacity	4
Length of helicopter	38 feet
Height of helicopter	10 feet
Number of main rotor blades	2
Main Rotor Diameter	33 feet
Maximum Take off weight	2,500 LBS (pounds)
*Noise in Decibels at 15 feet	63 decibels
*Noise in Decibels overhead flyover at 500 feet	32 decibels

\*Decibel information -FAR Part 36 testing standards, <http://www.pegasus-airpark.com/R44CNELinfo.pdf>



Typical Pick Up Truck	Ford F250 with long bed and super cab
Horse power	1 at 385 horse power total
People capacity	6
Length of truck	22 feet
Height of truck	6 feet
Maximum Take off weight	10,000 LBS (pounds)
*Noise in Decibels inside the cab at idle	70 decibels/ V8 diesel engine
*Noise in Decibels inside the cab at 65 mph	82 decibels/ V8 diesel engine

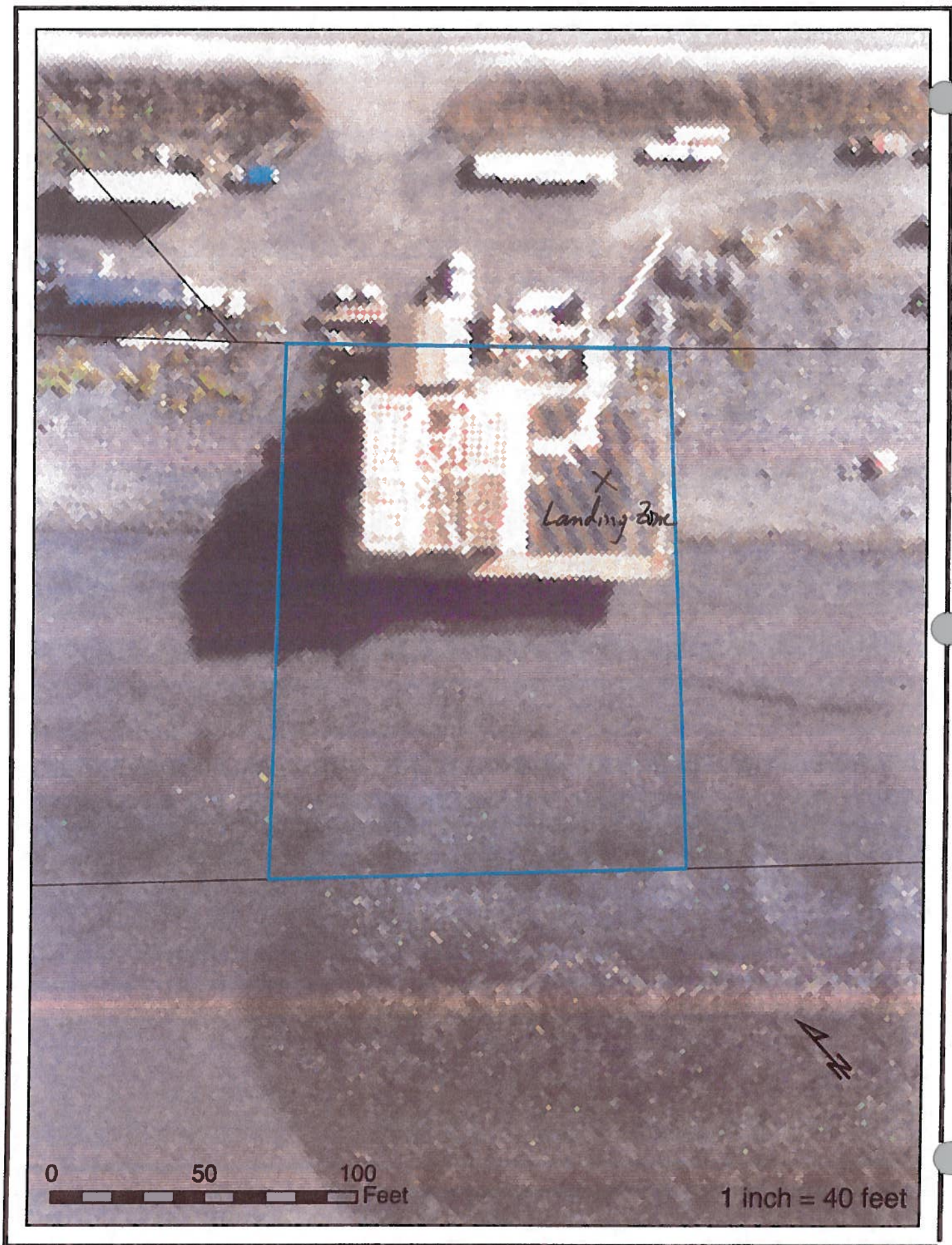
\* Decibel information from Diesel Power Magazine

**Decibel Chart to compare different everyday sounds to a Robinson R44**

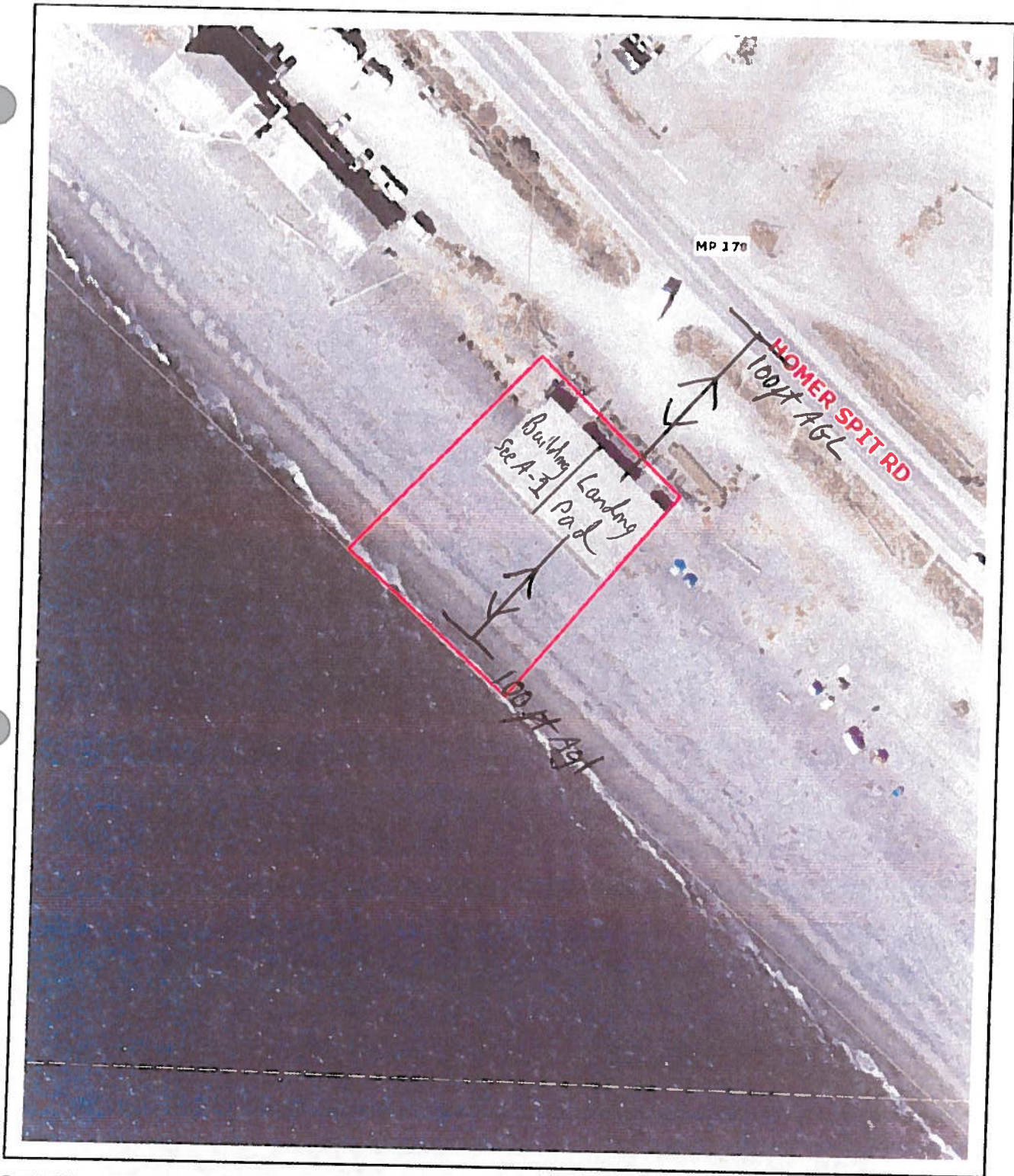
Threshold of hearing	0 dB	Motorcycle (30 feet)	88 dB
Rustling leaves	20 dB	Foodblender (3 feet)	90 dB
Quiet whisper (3 feet)	30 dB	Subway (inside)	94 dB
Quiet home	40 dB	Diesel truck (30 feet)	100 dB
Quiet street	50 dB	Power mower (3 feet)	107 dB
Normal conversation	60 dB	Pneumatic riveter (3 feet)	115 dB
Inside car	70 dB	Chainsaw (3 feet)	117 dB
Loud singing (3 feet)	75 dB	Amplified Rock and Roll (6 feet)	120 dB
Automobile (25 feet)	80 dB	Jet plane (100 feet)	130 dB











## KPB Parcel Viewer

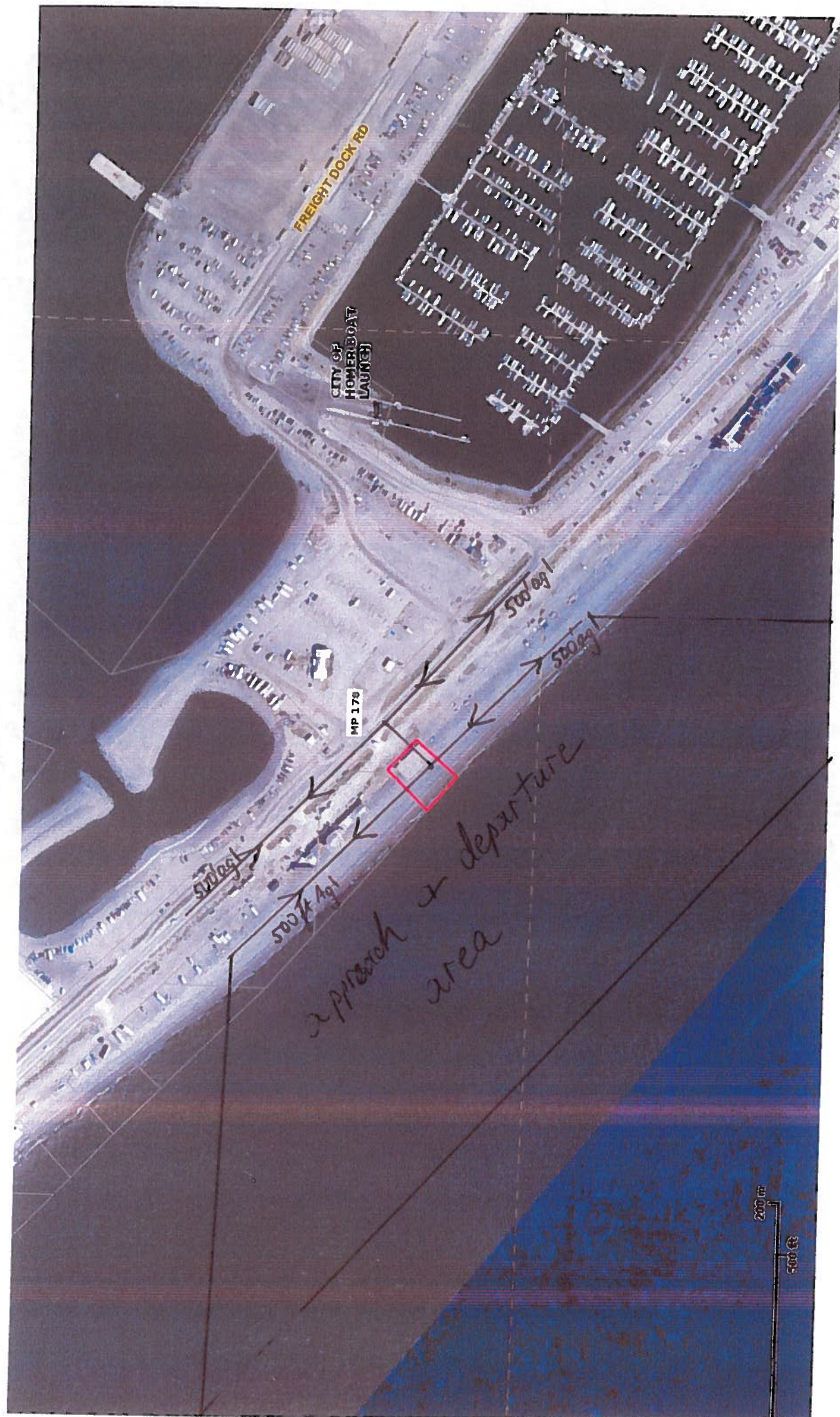


Printed: May 15, 2013

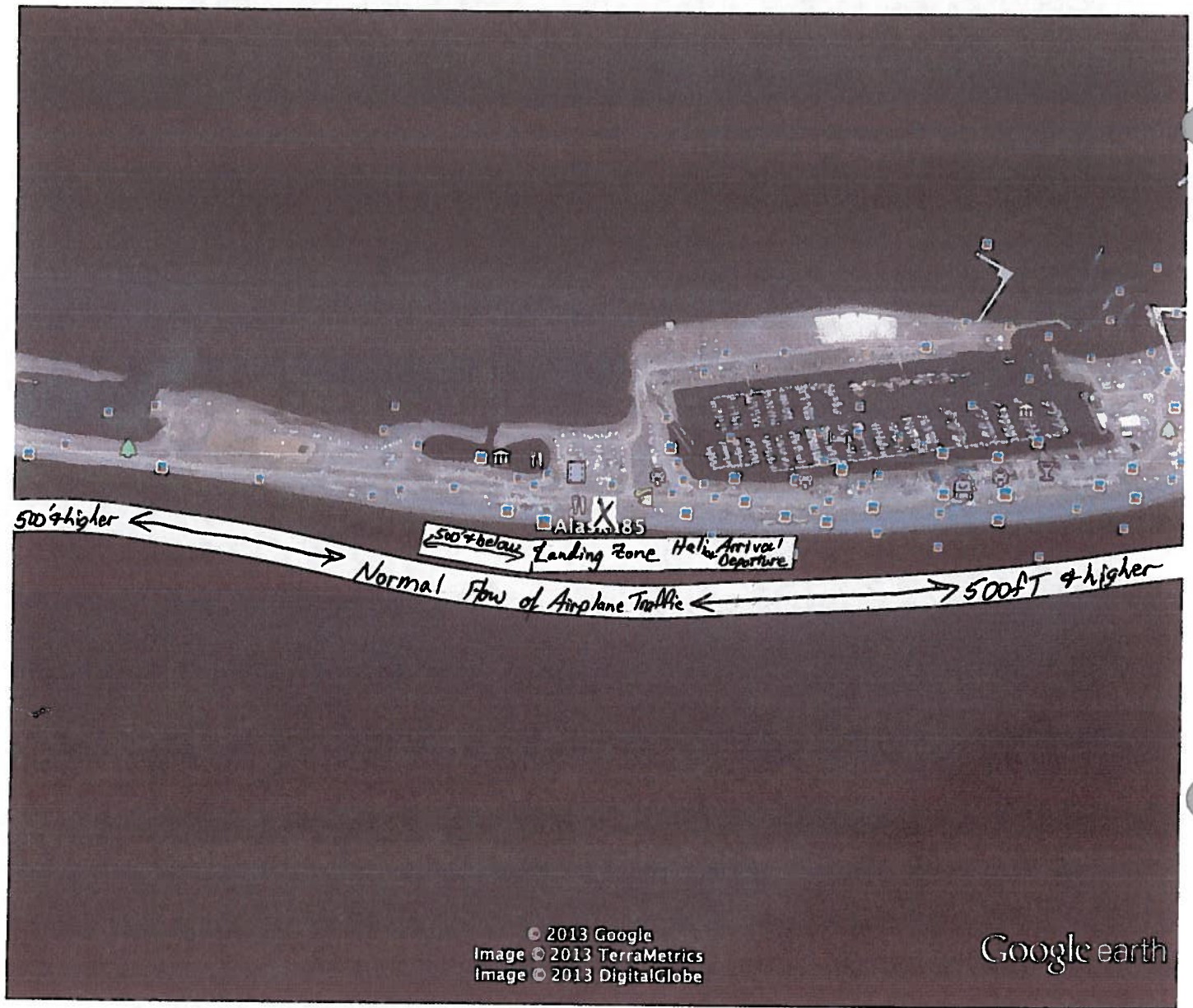












Google earth

feet 3000  
km 1



## **PUBLIC NOTICE**

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, June 5, 2013 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

**A request for Conditional Use Permit 13-07 for use of a lot as a heliport pursuant to HCC 21.28.030(c). The owner has proposed to provide take-off and landing for a flightseeing operation using a lightweight, 3-passenger helicopter in the Marine Commercial District at 3851 Homer Spit Rd. Lot 6 Homer Spit Subdivision Amended T6S R13W Sec 35 S.M.**

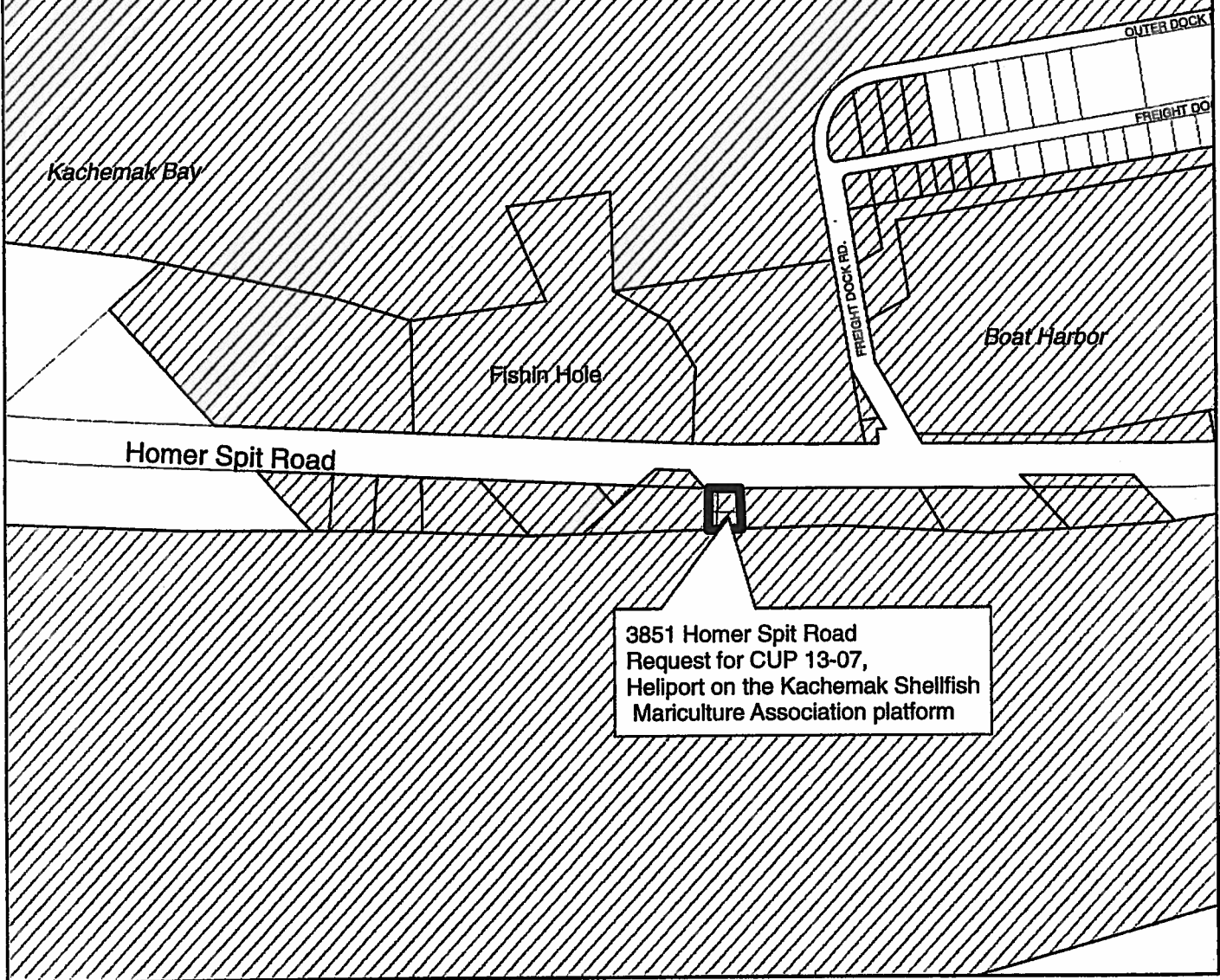
Anyone wishing to present testimony concerning these matters may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 1600 FEET OF PROPERTY.**

.....

# Vicinity Map



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

**Request for CUP 13-07, a heliport at  
 3851 Homer Spit Road**

Marked lots are within 1600 feet  
 and property owners notified.

0 250 500 1,000 Feet



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

Pier One  
Theater

THE FISHIN' HOLE SUB.  
NO. 1  
18103116

Tract 2

THE FISHIN' HOLE SUB. NO. 2  
TRACT 1-A  
18103117

Restrooms  
RV  
Dump

PARKS  
BUILDING  
Picnic

18103104

20' front  
setback

STATE R.O.W.

LIMITS OF PROPOSED PARKING  
WITHIN STATE R.O.W.  
(NOT REQUIRED PARKING)

6.5' side  
setback

THIS PROJECT

Proposed  
Site

8.25' Side set

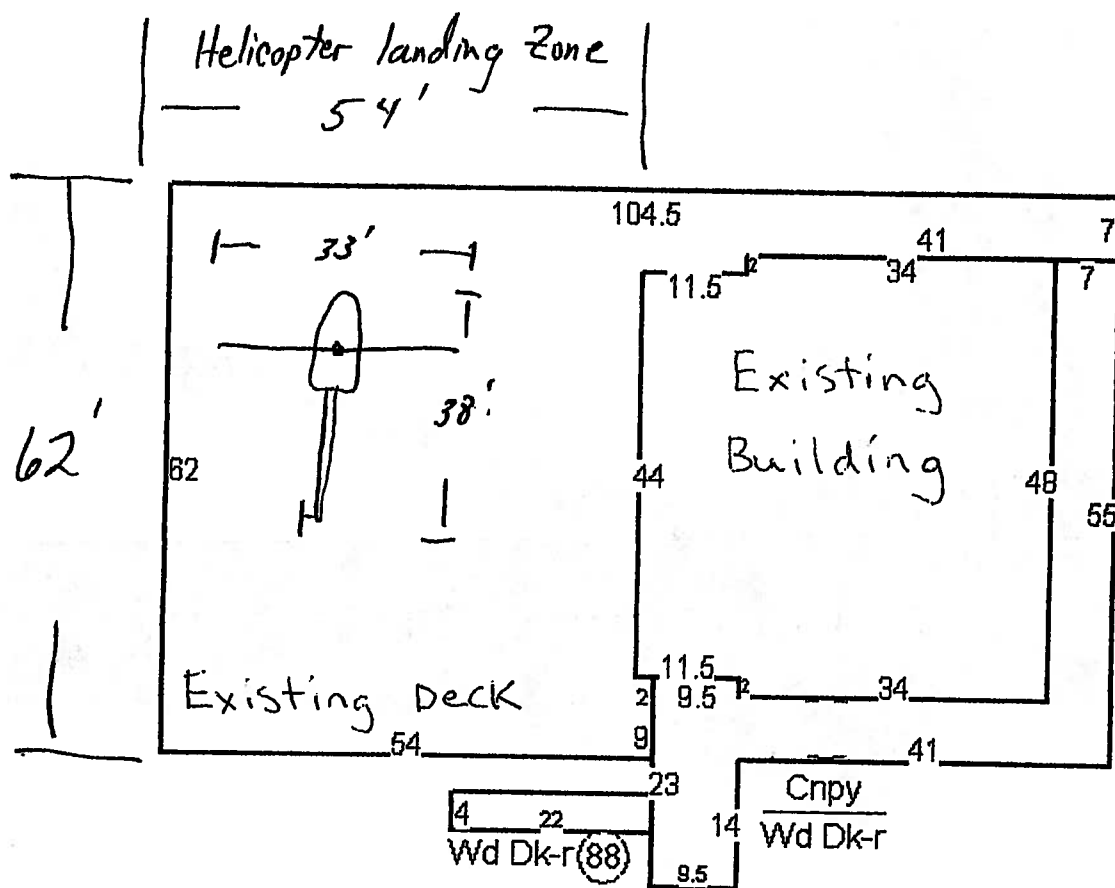
EDGE OF  
EXISTING PIER

port Shed  
for charters

18103105

18103106

MEAN HIGH WATER - EL. 17.3'



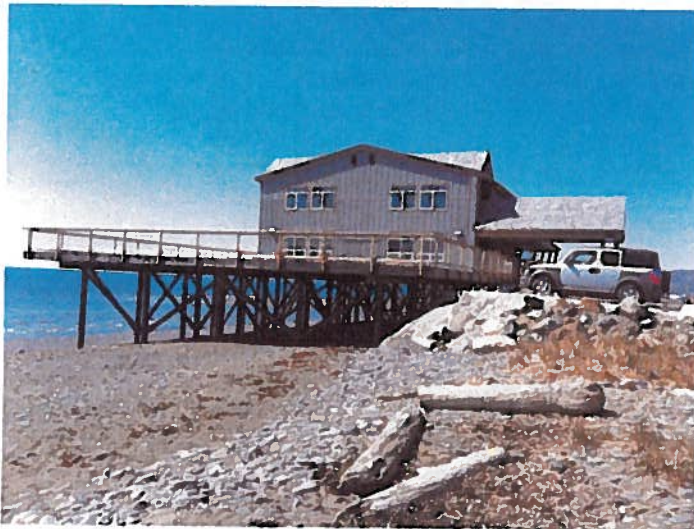
A-1

← Homer Spit Road →



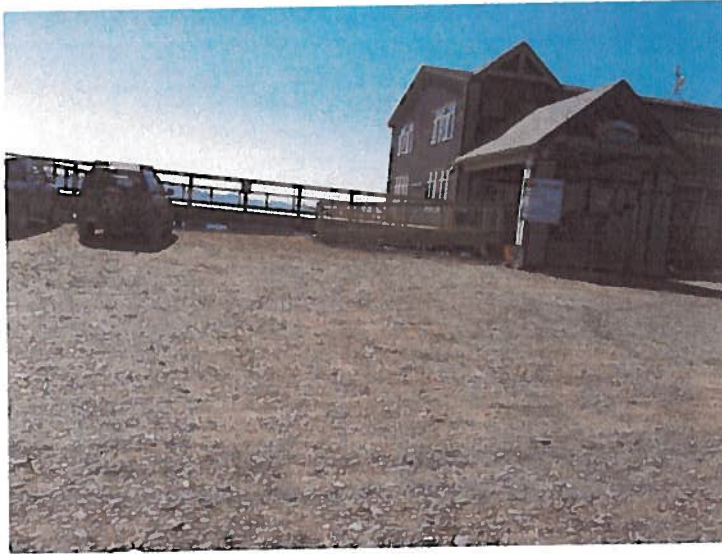
From the campground looking up to the platform

5/28/13 Site Photos from staff



From the campground looking up the Spit





View of the parking lot and proposed heliport from the edge of the parking lot.



Kenai Peninsula Borough Tax assessor photo, dated 9/20/2011

**Travis Brown**

---

**From:** Frank Mullen <mullenf@alaska.net>  
**Sent:** Friday, May 24, 2013 10:02 AM  
**To:** Travis Brown  
**Subject:** oppose helicopter flightseeing

Dear Mr. Brown;

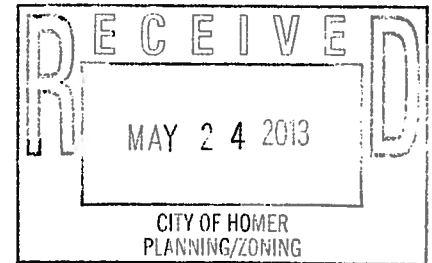
I am opposed to the issuance of a conditional use permit for helicopter flightseeing on the Homer spit.

This could set an unfortunate and possibly irreversible precedent which could open the door to future intrusive activities. I believe that most visitors to the Homer spit value the viewshed, the relative serenity, and the awesome wildlife viewing opportunities. Flightseeing helicopters coming and going will certainly have a negative impact on all these considerations.

The airport is only a few miles away and is the appropriate venue for this activity.

Thanks for your consideration,

Frank Mullen  
PO Box 2577  
Homer, AK 99603







## Travis Brown

---

**From:** Nina Faust <aknina51@gmail.com>  
**Sent:** Monday, May 27, 2013 10:34 PM  
**To:** Travis Brown  
**Cc:** Jo Johnson  
**Subject:** RE: Conditional Use Permit 13-07--Heliport on the Spit

Please forward to all Planning Commission Members and include in their packets for the June 5 meeting. Thank you.  
Nina

P.O. Box 2994  
Homer, AK 99603

May 25, 2013

Planning Commission  
City of Homer  
Homer, Alaska 99603

### **RE: Conditional Use Permit 13-07--Heliport on the Spit**

Dear Planning Commission Members:

I am opposed to granting a Conditional Use Permit to establish a heliport on the Spit for a variety of reasons. I was actively involved in commenting on the Homer Spit Comprehensive Plan. There was strong sentiment at many of the well-attended meetings that maintaining the ambience of the Spit and not turning it into a 'Coney Island' carnival atmosphere was very important to local residents. Establishing a heliport for flightseeing is a step in that direction.

Granting this CUP will set a precedent for heliports and flightseeing off the Homer Spit, a direction that will not enhance the Spit's appeal to visitors. Many businesses with potential for serious impacts to a community start small but grow incrementally to a point where impacts become overwhelming. This has happened in some Southeast Alaskan communities where helicopter flightseeing is now having a dramatic impact on the quiet that residents used to enjoy. If one of the intentions is to provide flightseeing to cruise ship patrons and the number of cruise ships visiting grows, the impacts could be substantial.

I have talked to FAA personnel to understand their oversight for helipads. From what I have been told by one official, if the helipad does not involve federal monies, there are no standards that will really apply. They will suggest flight paths, but that is still not a required standard. This seems to leave all the legal, safety, and liability concerns to City oversight. If there is a worst case scenario, how much responsibility and liability will fall on the City and hence the taxpayers? Mixing unnecessary helicopter landings in the middle of a busy recreational, marine, and industrial area is not a good idea.

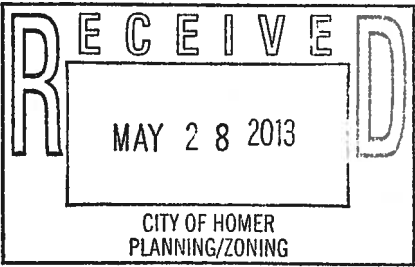
With nearby Conservation Areas set aside for shorebirds and other birds and the unpredictable flights of Bald Eagles, gulls, and sea ducks all along the Homer Spit, allowing helipads or even allowing fixed wing craft to land on Spit beaches amid beachwalkers and other recreational users is a dangerous mix. Perhaps the City should consider not allowing these sorts of landings on the Spit. With the airport very nearby, pilots can land there where fueling, maintenance, safety equipment in case of accident, and airport liability is all covered. Why even take on this additional and potentially very expensive liability? How much more will it cost the City?

Some other charter operators have expressed concern that allowing helipads on the Spit is unfair for those who operate at the airport. Why not just approve an office on the Spit and encourage a shuttle off the Spit. The Spit is already very congested. The idea of generating even more traffic to the Spit and adding helicopter flights just seems contradictory to solving the problems associated with too many people on the Spit. A shuttle could benefit many businesses throughout the community by being scheduled to fit the start times of various businesses' offerings for visitors around the community. Maybe the cost of providing the shuttle could be spread between many tourist related businesses to decrease the footprint of transportation.

I urge the Planning Commission to deny this Conditional Use Permit for a helipad. This issue should be addressed comprehensively. Helipads are a contentious issue, whether on the Spit or in the middle of a residential neighborhood somewhere else in the Homer area. A broader discussion of this one issue is probably warranted. In the meantime, I feel it is not wise to move forward on this CUP. Please deny this CUP.

Sincerely,

Nina Faust



May 29, 2013

\*via email\*

Homer Advisory Planning Commission

491 East Pioneer Avenue,

Homer, Alaska 99603

Re: A request for Conditional Use Permit 13-07 for use of a lot as a heliport pursuant to HCC 21.28.030(c).

Dear Planning Commission Members:

As a resident of the Homer area, and an Alaska resident for over 20 years, I urge that this Conditional Use Permit 13-07 be denied. Allowing sightseeing helicopter landings in a crowded multiple use area, adjacent to the main roadway, and across the street from the Dudiak fishing lagoon and city campgrounds will result in significant noise, blowing dust and debris, and human safety issues. The Homer airport is less than five minutes away, and is much better suited as a base for this activity.

Before deciding on the future of the Homer Spit, it might be appropriate to study the impacts of helicopters on heavily used recreation sites elsewhere in Alaska. At Denali National Park, the McKinley Airstrip is located approximately one mile from the Park's campground and a few hundred yards from the visitor center. In the early 2000's the National Park Service eliminated commercial air traffic from that airstrip to reduce noise and visitor conflicts created by aircraft landing and taking off from the airstrip. Today, only private aviation and NPS administrative aircraft, including two helicopters, use the airstrip. While the number of visitor complaints have decreased over the last decade, the Park still receives numerous written complaints about aircraft noise originating from the airstrip. This noise disturbs campers, hikers, bicyclists and other park visitors.

Talkeetna also has had to deal with numerous complaints from community residents about noise from helicopters landing and taking off over the community. Specific recommended flight paths have been agreed upon by the aviation industry and the local community council, but low level passes by helicopters flying into or out of the airport regularly provoke new noise complaints.

The applicant for this Conditional Use Permit claims that he will be arriving and departing over the ocean to the West and Southwest of the Spit, thus not creating a conflict with campers, fishermen and Spit traffic. When the winds are westerly or southwesterly, it is likely that the helicopter approach will be from the east or northeast over the camping and fishing areas, and across the Spit road at a very low altitude. While the noise calculations provided with the Permit request indicate that the R-44 is a very quiet helicopter (and it is,

compared to a Bell Jet Ranger, a Hughes 500, or larger helicopters) the manufacturer specifications indicate a noise level of 81 db in level operation. During landing and takeoff the db level can be significantly higher. If landing and taking off to the northeast, that noise will be a short term, but significant impact on some Spit users.

The noise impact in the application appendix was based upon one flight per day. I can't imagine that any helicopter tour business is financially viable with only one flight per day. It is not difficult to imagine that, if the business model is viable, there will be many more flights per day. When cruise ships are in port the helicopter could be landing and taking off every 30-60 minutes. If the business is successful, the stage will be set for additional operators to move onto the Homer Spit with their helicopter tour operations, increasing the noise, congestion and visitor use conflicts.

The Homer Airport is only a few minutes away, less than a mile past Beluga Lake where the majority of Homer Air Taxi operators are based. They are all economically viable businesses, who solicit visitors at storefronts on the Spit and transport them by van to their aircraft on the Lake. It is not only feasible, but desirable that this operation is based at the Homer Airport, and guests are picked up by van on the Spit, transported to the Airport for their helicopter tour flight, and returned by van at the conclusion of the flight. Since only three people can ride in the helicopter at once, perhaps a van would not be necessary...a passenger car would be adequate.

Over my career I have spent hundreds of hours flying in helicopters in Alaska and the Lower 48. I have flown numerous missions in the Robinson R-44. It is a good, dependable, and quiet (as helicopters go) aircraft. I do not object to helicopter flightseeing in Kachemak Bay and the lower Cook Inlet. I do think that helicopter flightseeing operations should be based at the Homer Airport, consolidating aviation operations and logistical support in one place which is easily and quickly accessible to the public, whether they arrive on a cruise ship or a motor vehicle.

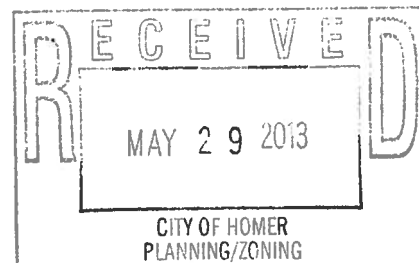
Denying this Conditional Use Permit will not prevent helicopter tour operations in the Homer Area. It will minimize the public risk and the City of Homer's liability. It will minimize the visitor use conflicts along the Homer Spit. It will still allow the public who wants to take a helicopter tour to do so with little effort. Denying this Conditional Use Permit is good for the public, good for our residents, and good for business.

Thank you for your consideration.

/s/

Paul R. Anderson

P.O. Box 1977





Homer, AK 99603



Planning Commission  
City of Homer  
Homer, Alaska 99603

May 29, 2013

RE: Conditional Use Permit 13-07-Heliport on the Spit

Dear Planning Commission Members,

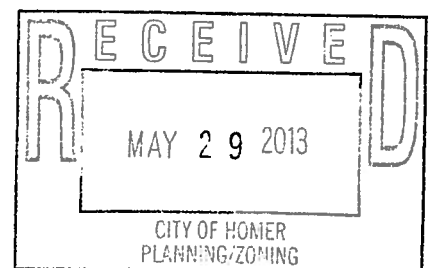
Please consider voting against granting a Conditional Use Permit (CUP) to establish a heliport on the Spit for the following reasons:

1. Granting this CUP will set a precedent for heliports and flightseeing off the Homer Spit. This would be a detrimental to the Homer Spit's appeal.
2. Mixing unnecessary helicopter landings in the middle of a busy recreational, marine, and industrial area could create a dangerous situation. Any unforeseen accidents would be better handled at the airport rather than on a crowded public beach. Have all the liability and legal issues been fully addressed?
3. Other charter operators who operate from the airport would have an extreme disadvantage. Shuttles from an office on the Spit to the airport would appear to be the solution to this problem.
4. In the Appendix Conditional Information (G) Sling Blade Aviation LLC states that all maintenance will occur at the airport. Since the helicopter needs to be at the airport anyway, why not keep it there and be better equipped should of any unpredicted situations develop?

I request the Planning Commission deny the CUP for this heliport. I feel that all the issues have not been addressed and that further discussion is necessary. Please deny this Conditional Use Permit.

Sincerely,

Cindy Birkhimer







**Travis Brown**

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**From:** Bob Shavelson <bobshavelson@gmail.com>  
**Sent:** Wednesday, May 29, 2013 12:57 PM  
**To:** Travis Brown  
**Subject:** Fwd: Heliport CUP on Spit

Dear Planning Commission -

We are writing to oppose the conditional use permit for helicopter operations on the Homer Spit.

Like many who live and work here, the Spit is an incredible resource, and we walk, bike, beach comb or picnic in the area of the proposed CUP every month of the year.

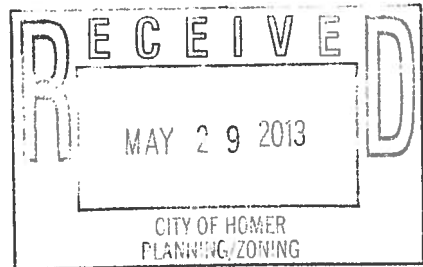
Helicopters are uniquely disruptive vehicles that promise to completely change the complexion and experience of the Spit, and their use conflicts with many if not most the existing uses on the Spit. Even a small helicopter's noise and movements will significantly degrade other uses.

Furthermore, allowing this highly disruptive use will set a bad precedent for similar operations to follow.

The Spit serves locals and tourists alike, and it makes little sense to disrupt the balanced uses we've achieved there with helicopter traffic. The airport is close by and provides a sensible and feasible alternative.

Thank you -

Bob Shavelson, Miranda Weiss & Family





## Travis Brown

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**From:** Toby Wheeler <tobywheelerji@yahoo.com>  
**Sent:** Wednesday, May 29, 2013 9:05 AM  
**To:** Department Planning  
**Subject:** Helipad on Spit

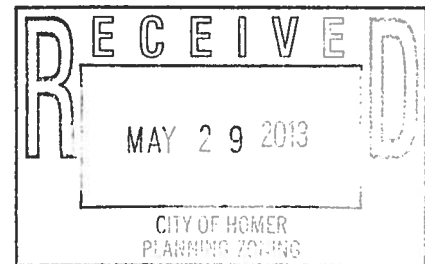
Hello,

I would not like to see a conditional use permit for a helipad on the Spit. Lets keep helicopters at the airport and away from all users of the Spit. It is only 10 minutes to the airport. I lived in Juneau in the 90's and was not appreciative of all the noise pollution generated by helicopters.

I am a resident of the city of Homer and own a business on the spit.

Thanks for considering my feedback on this issue,

Sincerely, Toby Wheeler 235 1944





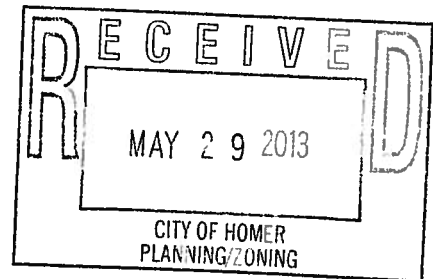
## Travis Brown

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**From:** Tami Reiser <tkreiser@gci.net>  
**Sent:** Tuesday, May 28, 2013 10:20 PM  
**To:** Department Planning  
**Subject:** Proposed helipad on the spit

Please do not allow helicopter flights from the spit. We have an airport, and it is safer and more appropriate to base a helicopter operation at the airport. A company that operates helicopter tours could easily book from the spit and transport their clients to the airport, just as the charter boats book and transport to the harbor. The spit is a unique area and hosts bird habitat, campers and tourists, fisherman and local businesses. I do not believe anyone would be well-served by having helicopter traffic that close by.

Thank you for your time and consideration,  
Tamara Reiser  
Homer resident







<http://kachemakbaybirders.org/>

May 29, 2013

Homer Advisory Planning Commission  
491 East Pioneer Avenue  
Homer, Alaska 99603

Dear Commission Members:

Kachemak Bay Birders, a Homer-based birding club, wishes to comment on the Conditional Use Permit Application 13-07 from Eric Lee to establish a heliport on the Homer Spit. Based on our knowledge of birds in the Homer Spit area, we believe that a heliport meant for general aviation (which is what is being proposed) poses a very high risk to both people and birds. In addition, we know from our observations on the Homer Spit that low flying helicopter traffic is more disruptive to migrating birds than planes, often causing evasive flight.

Not all species of birds pose significant risk to aircraft but large, gliding birds definitely do. Gulls and eagles, which routinely glide up and down the spit at low elevation while foraging, will be particularly risky to helicopters that are landing and taking off on the spit. This situation is totally dismissed by the applicant when he says; "The helicopter creates no more of a hazard than the many aircraft that fly transit the spit to get to and from both the Homer Airport." The aircraft he refers to are not flying at the same elevation as these birds. Not being aware of these subtle differences seems to us to increase the potential for a helicopter/bird collision.

For the past five years the Kachemak Bay Birders has been monitoring the spring shorebird migration on the Homer Spit. Our protocol asks the observer to note any disturbances to shorebirds. From these observations we know that helicopters are more disruptive than planes because their flight pattern approaches flocks of birds feeding and resting in the intertidal area. Only planes taking off are noisy and their flight pattern and noise is away from, not directed to the birds. Numerous scientific studies (available upon request) have documented the disproportional impact of helicopters on migratory birds, compared to fixed-winged aircraft. Again, the applicant over generalizes and does not seem to be aware of what is or is not a risk or disturbance.

We are concerned that disturbance a helicopter pad on the spit to migratory shorebirds might reduce the value of Homer as a destination for eco-tourists and birdwatchers, especially during the shorebird festival. Other communities in the region (e.g. Kenai, Seward, Cordova, Yakutat) are beginning to cash in on their migratory birds to attract visitors, sometimes in direct competition to our popular Homer events. Increased helicopter traffic on the spit would devalue

Homer as a destination for human and avian visitors alike, resulting in very tangible negative impacts for the Homer business community.

Unfortunately, the FAA does not oversee development of heliports for general aviation use. The FAA says in its Part 139 Airport Certification document that "it is not in the public interest to certificate heliports at this time and has exempted operators of heliports from complying with Part 139 requirements... Heliports typically are used by general aviation operators and serve very few air carrier operations....Congress has not given FAA the authority to certificate facilities serving general aviation operations." This means that the burden and knowledge needed to avoid the risks and liabilities associated with this Conditional Use Permit Application now rest with the Homer Advisory Planning Commission. We urge that unless you feel absolutely certain that there will be no risk or nuisance resulting from the proposed heliport that you take the rational precautionary approach and deny the Conditional Use Permit 13-07.

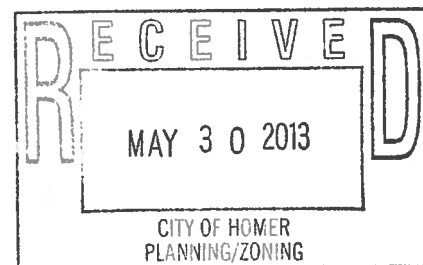
Also, we note that denying this permit application does not preclude offering helicopter services in the Kachemak Bay area. Helicopter service will still be available at the Homer Airport. Though travel of an extra mile or two from a cruise ship may not be as convenient, the extra convenience of a heliport in the middle of the spit is not at all worth the risk and nuisance to the public and birds.

We thank you for this opportunity.

Sincerely,



George Matz, Chair





## Travis Brown

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**From:** Gary and Terri <sealion@xyz.net>  
**Sent:** Thursday, May 30, 2013 8:21 AM  
**To:** "planning "@ci.homer.ak.us  
**Subject:** Helipad CUP hearing testimony

Greetings Members of the Planning Commission,

I am opposed to allowing helicopters to land at the proposed helipad site adjacent to the "Oyster Coop" building on the West side of the Spit for the following two reasons;

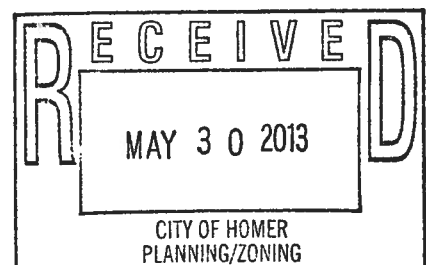
1) I own and operate (for 21 years) Sea Lion Gallery and Lodging less than .5 miles from the proposed site. Our art gallery atmosphere is one of contemplative browsing. The helicopter noise is not compatible. Also, and possibly MORE important, we have overnight lodging with a second floor viewing deck on the West side of the Spit road. The obnoxious "whomp whomp" noise is obviously not compatible with our overnight guest's sleep or their overall enjoyment of my property. As it is now we already have helicopters and single engine aircraft that fly the beach along the Spit at low altitude. It can be incredibly loud and disruptive. This is NOT good for my business.

2) The proposed helipad is disruptive and dangerous to the copious avian wildlife that habituate the Spit. I often see flocks of 100-200 gulls roosting on the beach or water nearby, between this proposed site and my building. Also there are many shorebirds and Bald Eagles, even right on the Oyster Coop beach. I have participated in both the Shorebird Festival and the ongoing Shorebird Monitoring Project facilitated by George Matz. During the scheduled shorebird counts I have witnessed the disruption caused by low altitude aircraft flyovers on the Spit. I had three different helicopters and two single engine prop planes fly over my area at the mid-spit just during our last two hour count on May 25.

This count was just a two hour period. The noise causes birds to flush.

It seems like a no-brainer to keep aircraft at the airport. Why permit this helipad on the busy, peopled spit when we already have a designated landing/takeoff place within minutes drive? This make little sense to me. Please deny the this permit!

Gary Lyon  
235 8767





## Travis Brown

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**From:** Bette Seaman <betteseaman@gci.net>  
**Sent:** Thursday, May 30, 2013 8:06 AM  
**To:** Department Planning  
**Subject:** Helicopters on the spit

To the planning commissioners,

I do not think it is a good idea. We have a nice airport designed for that purpose less than 5 miles away, an inexpensive cab ride away. I am against it for these reasons:

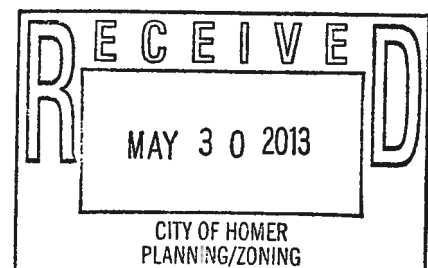
Safety issues. That is an area that is full of people. It doesn't make sense to have a helicopter landing next door to a campground and a theater. Weather is a factor here, and the pressure to fly will be there if the cruise ship is in for only a few hours.

A helicopter holding a few tourists will be a noisy disturbance for a lot of people in the campground and surrounding area.

Environmental issues. The spit is home to many nesting and migrating birds. Aircraft are disturbing to birds. We have many tourists who come to Homer just to see birds.

If the reason a helicopter company does not want to use the airport is that it is expensive, then I would be in favor of the city structuring airport fees such that it encourages tourist operations.

Thank you.  
Bette Seaman





**Travis Brown**

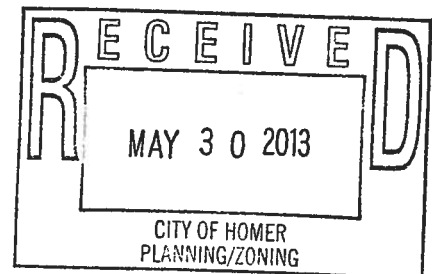
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**From:** John and BJ Hitchcock <hitchcock613@msn.com>  
**Sent:** Thursday, May 30, 2013 8:24 AM  
**To:** Department Planning  
**Subject:** Heliport

We are writing to express our opposition to a heliport on the Homer Spit. The airport is a far safer location for helicopter traffic. There is an awful lot of congestion (people, vehicles, birds, dogs, boats) in this area and we believe that helicopters would be an unnecessary safety hazard. The airport is equipped for emergency response in the event of an accident, the Spit is not. Helicopters stir up an awful lot of dust, sand and pebbles when they land and take off. On the Spit this would be especially dangerous. The Spit also is registered as an International Bird Area (IBA) by Bird Life International and the National Audubon Society. We believe having helicopter traffic within an IBA would have a detrimental impact on the birds.

Sincerely,

John and BJ Hitchcock





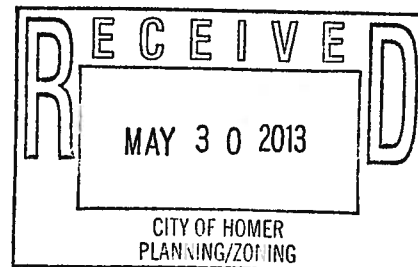
## Travis Brown

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**From:** Jo Johnson  
**Sent:** Thursday, May 30, 2013 8:26 AM  
**To:** Travis Brown  
**Subject:** FW: Comments on Conditional Use Permit for the spit

Travis,  
Did you get this one?

*Jo Johnson*



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**From:** Lani Raymond [<mailto:lanir67@alaska.net>]  
**Sent:** Thursday, May 30, 2013 8:24 AM  
**To:** Jo Johnson  
**Subject:** Comments on Conditional Use Permit for the spit

Please make a copy of this letter available to the City Council.

The City should not allow helicopters to land and take off from the Spit. There are numerous reasons for this:

The most obvious reason is that it does not have to be done. The alternative of having people transported a very short distance in 5-10 minutes to the airport where there are safe, appropriate aviation facilities already in place.

There are too many birds, some of them large, which would be dangerous for takeoffs/landings. These birds do not deserve to be killed off by the FAA just so helicopters can safely land there. The airport is the safe, logical place for this activity.

Noise from helicopters is annoying to everyone (except the people in the helicopter perhaps). Why do we want to degrade the Spit in this manner? Business people who have housing facilities, the large hotel at Land's End, the Condo owners will be greatly affected as this noise would increase from year to year. Tourists and locals who come to the spit to eat a meal or shop, people who walk the beaches and anyone who enjoys spending time on the Spit for relaxation or exercise will be adversely affected.

The City plan for the Spit states that the natural beauty and quality of the Spit were to be preserved. How can the interests of one, tiny infinitesimal sliver of the population be more important than all the people who come to enjoy our Spit? Especially if this tiny sliver will greatly decrease the value and enjoyment for all others? And most especially since the airport, an existing, appropriate facility, is only minutes away!!

When the City considers what to allow out there, it should consider if by allowing one particular activity, others—and in this case many other activities—are going to be seriously degraded? The value to us all, locals and tourists, out on the Spit of being able to walk on our beaches and trail and enjoy the beauty of this area are priceless. The helicopters can use the airport!

Lani Raymond  
41640 Gladys Ct.  
Homer, AK 99603



**DAVID C. RASKIN, PH.D.**

**59975 EIDER AVENUE  
HOMER, ALASKA 99603**

**(907) 235-0514  
DAVIDC.RASKIN@ME.COM**

**30 May 2013**

**Homer Advisory Planning Commission  
491 East Pioneer Avenue  
Homer, Alaska 99603**

**Dear Commission Members:**

**We urge you to reject the Conditional Use Permit Application 13-07 from Eric Lee to establish a heliport on the Homer Spit. Helicopter operations have no place on the Homer Spit. The excessive noise and turbulence created by helicopters would severely degrade the enjoyment of the Spit by tourists and the general public and present a threat to the many species of birds that feed and nest on or near the Spit. There is already a major helicopter operation at the Homer Airport, which can adequately serve all of the needs for helicopter service in our area.**

**We regularly use the Homer Spit for wildlife viewing, birding, cycling, walking, shopping, and eating in restaurants. We spend considerable time on our boat that is moored in the Homer Harbor. The noise and disruptions that would be caused by helicopters landing and taking off from the Spit would be offensive and unpleasant for us and the thousands of people who visit, shop, and camp on the Spit. Helicopters would disrupt the important resident, nesting, and migratory birds that depend on the Spit for their reproduction and survival.**

**Another major impact of the proposed heliport is the potential for serious disruption to shorebirds and the attendees at the Kachemak Bay Shorebird Festival. This is an internationally-recognized event that draws serious birders and scientists from around the nation and the world. It is the largest nature event on the Kenai Peninsula and brings substantial income to Homer. Operation of a heliport on the Homer Spit would disperse the shorebirds, interfere with their crucial feeding to sustain them on their annual spring and fall migrations, and seriously degrade the experiences for those who have traveled thousands of miles to experience this natural spectacle.**

**The operation of a heliport on the Homer Spit is not in the public interest. It would be disruptive to visitors, damaging to wildlife, and have negative impacts on the Homer economy, especially the local businesses on the Spit and in town. We urge you to reject this ill-advised application.**

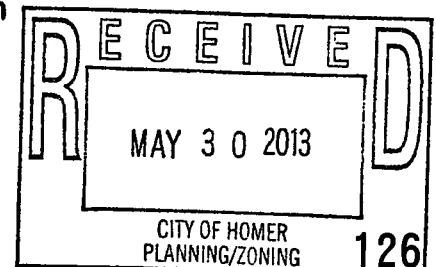
**Sincerely yours,**



**David C. Raskin, Ph.D.**



**Marga M. Raskin**





## Travis Brown

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**From:** Rika Mouw <rika@alaska.com>  
**Sent:** Thursday, May 30, 2013 11:09 AM  
**To:** Department Planning  
**Subject:** Heliport conditional use permit

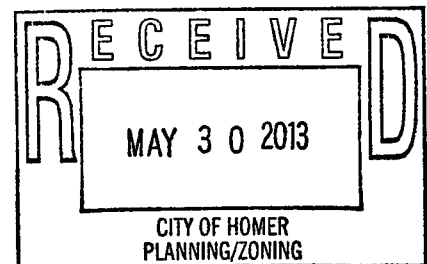
Dear members of the Planning Commission, I want to first applaud you for taking the action of eliminating heliports from the list of uses in the Spit Comprehensive Plan. I was dismayed by the council's action to reinsert this incompatible use on the Spit. Very dismayed. The current application of a conditional use permit to operate a helicopter sight seeing business from the Spit is alarming not only for a business that is not compatible with the current uses on the Spit, but the location of a helipad on the deck of a building that people frequent is irresponsible and incredibly disruptive. The noise level alone is intrusive, but the safety issue is a huge factor to consider. The wind on the Spit is almost constant. Wind will determine which direction a helicopter can take off and land.....or hover. I adamantly oppose this conditional use permit for several reasons as listed below.

- 1) The noise level is unacceptable and incompatible with the already established summer time uses on the Spit in the area proposed. There is no reason to duplicate a business on the Spit that is already available from the airport.
- 2) The safety of operating a helicopter landing on the deck of a building that is frequented by customers of the building and surrounded by campers is irresponsible. With the wind that is ever present on the Spit, it is not simple take-off and landing event.
- 3) This is another non-essential activity that requires a lot of fossil fuel which in this day and age is contrary to the eco-tourism Homer touts. Additional air traffic in general is hardly an asset to this community and certainly not for the users of the Kachemak State Park either. Imagine hiking across the bay and having more air traffic than what already exists circling around. Helicopters are different than airplanes because they can hover and circle overhead, causing more of a disturbance. Imagine hiking in the State Park and having to listen to a helicopter flying, circling or hovering overhead.
- 4) This sort of air traffic is disruptive to birds. This activity is disruptive to birders.
- 5) Our quality of life will be diminished by this activity and the Spit experience will not be enhanced by this activity.
- 6) The numbers do not pencil out for a business as outlined. It appears to be that this is just an initial foot in the door proposal that should be looked at with caution and the awareness that what is stated in the permit application is just the tip of the iceberg.

Thank you again for the initial action you took on the Spit Comprehensive Plan. This permit should be denied and the Comp Plan revisited by striking heliports from even a conditional use permit.

Sincerely,

Rika Mouw  
Homer





## Travis Brown

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**From:** John Mouw <mouw@alaska.com>  
**Sent:** Thursday, May 30, 2013 11:38 AM  
**To:** Department Planning  
**Subject:** Oppose conditional use permit application for heliport on Spit  
**Attachments:** r44\_1\_poh\_full\_book.pdf.pdf; ATT08022.htm; r44\_1\_poh\_full\_book.pdf-1.pdf.pdf; ATT08023.htm; r44\_1\_poh\_full\_book.pdf.pdf; ATT08024.htm

Dear Planning Commissioners,

I oppose approval of the conditional use permit applied for by Eric Lee for a helicopter operation on the Spit. Because of noise issues, I don't think that such use is compatible with current uses or uses envisioned by the Comprehensive Plan.

When I heard that heliports would be confirmed as a conditional use on the Spit in the Marine Commercial District, I was disappointed. Helicopters are noisy machines and because of that, have a big impact on surrounding areas. We frequently hear about helicopter noise issues, whether it be from helicopters of the wealthy flying to the Hamptons, or sightseeing flights over national parks -- the sources are many, the complaints always the same. Helicopter noise is loud and disruptive.

I was quite surprised to see, while reviewing the appendix to Sling Blade Aviation LLC's Conditional Use Application, that the claimed noise level of the R44 helicopter was 31.6 dB at 500 feet, similar to the 30 dB of a quiet whisper at 3 feet. Has helicopter design evolved to the point where helicopters are dramatically quieter? Well, no they haven't.

Curious, I looked online and learned about noise levels and noise generated by helicopters. In sound level tests, referred to in the Robinson Helicopter Company information on CNEL that is included in the application, 81.9 dB was the sound level recorded during a 500 foot flyover. This sound level is confirmed by other tests, including those conducted by the US Department of Transportation. The results of these tests can be easily found online.

The CNEL (Community Noise Equivalent Level) is determined using a formula that considers the number of operations, the times of day, and then averages the sound level over 24 hours. The calculation used to arrive at a sound level for the R44 of 31.6 decibels is based on 1 daytime operation, 0 evening flights, and 0 nighttime flights. Does Sling Blade really plan to have only 1 operation per day?

Using the verified, actual, recorded sound level of 81.9 dB at 500 feet, one can calculate that the noise level at 250 feet is 87.9 dB (sound of a motorcycle), 93.9 dB at 125 feet (inside a subway), and will be approximately 100 dB (lawn mower at 3 feet) near the source. The Fishing Hole is approximately 600 feet away, campground 500 feet, Pier One Theater 400 feet, the Spit Trail 150 feet, and the beach is very close. Users of each of these areas will not care that the CNEL is like a quiet whisper, they will have to deal with the loud noise of a helicopter.

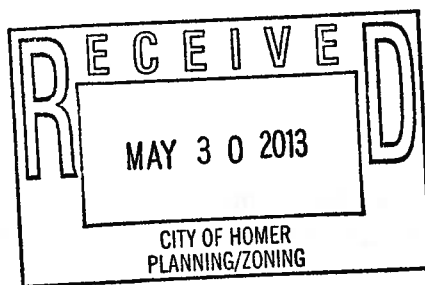
Since aircraft take off and land into the wind, and with prevailing winds and day breezes coming from the west, Sling Blade will have to fly over the Fishing Hole, Pier One and campground at times to ensure safe operations. All landings and takeoffs should not be over the water (beach) as indicated in the application.

Attached is the page (4-15) from the R44 Pilot's Operating Handbook regarding noise abatement, recognizing that helicopter noise is irritating and giving suggestions to minimize noise irritation. Also attached are pages from the same handbook giving "Noise Characteristics" (5-7) and approach and landing instructions (4-13).

Thank you very much for considering my comments.

John Mouw

Homer



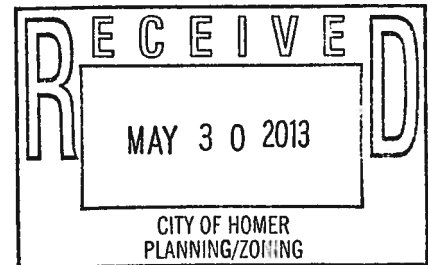
### NOISE ABATEMENT

To improve the quality of our environment and to dissuade overly restrictive ordinances against helicopters, it is imperative that every pilot minimize noise irritation to the public. Following are several techniques which should be employed when possible.

1. Avoid flying over outdoor assemblies of people. When this cannot be avoided, fly as high as practical, preferably over 2000 feet AGL.
2. Avoid blade slap. Blade slap generally occurs at airspeeds below 100 KIAS. It can usually be avoided by maintaining 100 KIAS until rate of descent is over 1000 FPM, then using a fairly steep approach until airspeed is below 65 KIAS. With the right door vent open, the pilot can easily determine those flight conditions which produce blade slap and develop piloting techniques to eliminate or reduce it.
3. When departing from or approaching a landing site, avoid prolonged flight over noise-sensitive areas. Always fly above 500 feet AGL and preferably above 1000 feet AGL.
4. Repetitive noise is far more irritating than a single occurrence. If you must fly over the same area more than once, vary your flight path to not overfly the same buildings each time.
5. When overflying populated areas, look ahead and select the least noise-sensitive route.

#### NOTE

Above procedures do not apply where they would conflict with Air Traffic Control clearances or instructions or when, in the pilot's judgment, they would result in an unsafe flight path.







**NOISE CHARACTERISTICS**

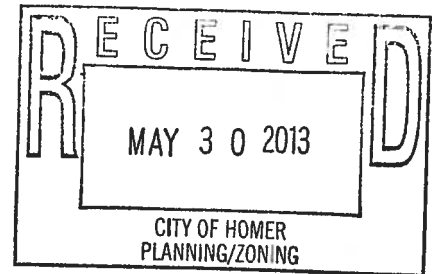
The following noise level complies with FAR Part 36, Appendix J, noise requirements and were obtained by FAA approved data from actual noise tests.

Model: R44  
Engine: Lycoming O-540-F1B5  
GW: 2400 lbs  
Vh: 108 KTAS

The Sound Exposure Level (SEL) for a level flyover at 500 feet AGL is 81.9 dB(A) for a clean helicopter configuration with doors on and no external kits installed. Operation with doors off at Vh = 94 KTAS does not increase the SEL.

**NOTE**

No determination has been made by the Federal Aviation Administration that the noise levels in this handbook are or should be acceptable or unacceptable for operation at, into, or out of any airports.





### APPROACH AND LANDING

1. Make final approach into wind at lowest practical rate of descent with initial airspeed of 60 knots.
2. Reduce airspeed and altitude smoothly to hover. (Be sure rate of descent is less than 300 FPM before airspeed is reduced below 30 KIAS.)
3. From hover, lower collective gradually until ground contact.
4. After initial ground contact, lower collective to full down position.

#### **CAUTION**

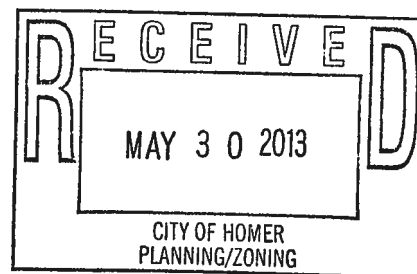
When landing on a slope, return cyclic control to neutral before final reduction of rotor RPM.

#### **CAUTION**

Never leave helicopter flight controls unattended while engine is running.

#### **CAUTION**

Hold throttle closed if passenger is entering or exiting left front seat with engine running and left seat collective installed.



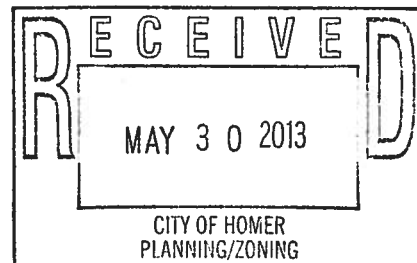


## Travis Brown

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**From:** Jeanne Walker <jeannemarie.walker@gmail.com>  
**Sent:** Thursday, May 30, 2013 1:24 PM  
**To:** Travis Brown  
**Subject:** helicopter landing on the spit

I am appalled by the City Council's decision to allow helicopter landings/takeoffs on the Spit. The noise and distracting disturbance is NOT conducive to spit activities like camping, biking, walking, boating, fishing, and birding. We have a nearby airport that adequately handles air traffic in one location. Please do not allow a helipad on the Spit. Thank you for this opportunity to comment, please copy this to the Planning Commission members Jeanne Walker





## Travis Brown

---

**From:** Jo Johnson  
**Sent:** Thursday, May 30, 2013 4:36 PM  
**To:** Duane Howe  
**Cc:** Travis Brown  
**Subject:** RE: Flightseeing helipad on the Homer Spit

Mr. Howe,  
Thank you for your comments. I have forwarded them to the Planning Department for their upcoming meeting.

*Jo Johnson*

City Clerk  
City of Homer  
491 E. Pioneer Ave.  
Homer, AK 99603  
907-235-3130 Fax 907-235-3143

*PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to this address will be available for public inspection under Alaska public records law.*

---

**From:** Duane Howe [<mailto:duhowe@alaska.net>]  
**Sent:** Thursday, May 30, 2013 4:31 PM  
**To:** Jo Johnson  
**Subject:** Flightseeing helipad on the Homer Spit

My first reaction to this idea is: What is the point? Why would anyone want to pay for a ride in a helicopter or any other kind of airplane to see what you can already see from the spit anyway? This would be a costly way to travel to see whatever you can already see from where you already are just by being there. Taking off and landing on the spit would be unnecessarily dangerous with the number of people that are usually present on the spit at any time during the season when the helicopter would be in operation. Hundreds if not thousands of people would be on the spit at any time when the helicopter would be in operation. A crash could easily kill a number of people in addition to the passengers.

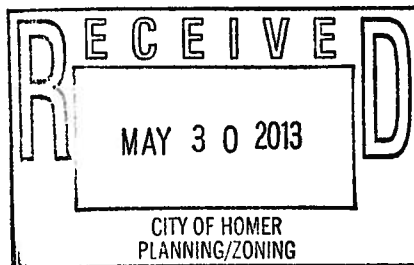
In addition to the people who would be affected by the helicopter there are hundreds of birds flying around on and near the spit at all times of the year. The eagles, ducks, hawks, pigeons, and gulls could get in the way of the helicopter at any time while it is taking off or landing or just flying around. With two different blades to fly into a copter would be twice as likely as an airplane to hit one or more of the many birds that would be in the area.

Choppers are also noisy. The spit is supposed to be an area in which to enjoy the scenic view and wildlife. I fail to see what a copter could add to that. If a person wants to fly over the nearby mountains or glaciers they can easily higher an airplane from the local airport for less cost than a chopper would cost.

I cannot see that this could be anything but a bad idea that would detract from the otherwise beneficial values of the spit.

I think this is a bad idea that cannot add to the value of the spit plan in any way.

Duane Howe  
41640 Gladys Ct.  
Homer, AK 99603







# City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

Telephone (907) 235-3106  
Fax (907) 235-3118  
E-mail [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
Web Site [www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## STAFF REPORT PL 13-45

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** June 5, 2013  
**SUBJECT:** West Hill Subdivision Cason 2013 Addition Preliminary Plat

**Requested Action:** Preliminary plat approval for the vacation common lot lines. Four smaller lots will be combined into one large lot.

## GENERAL INFORMATION

Applicants:	Velton Lynn Cason 3932 Balchen Drive Anchorage, AK 99517	Jerry Anderson, PLS PO Box 797 Springfield, MO 65801
Location:	Corner of West Hill Road and Highland Drive	
Parcel ID:	17348011, 175020 37, 23, 83	
Size of Existing Lot(s):	1.11, 1.93, 1.68, 3.93 acres	
Size of Proposed Lots(s):	8.155 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Vacant	
Surrounding Land Use:	North: Residential/Vacant South: Residential/Park East: Residential/Vacant West: Residential/Vacant	
Comprehensive Plan:	Goal 1 Objective B: Promote a pattern of growth characterized by a concentrated mixed use center, and a surrounding ring of moderate-to-high density residential and mixed use areas with lower densities in outlying areas.	
Wetland Status:	The 2005 wetland mapping shows there may be a creek/drainage along the western lot line. If there is an actual creek in the ravine, it may be off the property.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are not available.	
Public Notice:	Notice was sent to 42 property owners of 43 parcels as shown on the KPB tax assessor rolls.	

## ANALYSIS:

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

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

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

*Staff Response: The plat meets these requirements.*

2. North point;

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements.*

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

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

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements. The plat states "approximate center of drainage" along the northwestern property line.*

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

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

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

*Staff Response: The plat meets these requirements.*

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

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

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

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

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

*Staff Response: The plat meets these requirements. There is a ravine along the back lot line. Some of the area may be over 20% grade but without a field survey its hard to determine. Slope information is not required for final platting.*

#### **PUBLIC WORKS COMMENTS:**

1. Dedicate the required 15' utility easement along the Highland and West Hill ROWs.
2. Dedicate the radius in the ROW at the intersection of Highland and West Hill Road.
3. A note references the drainage along the northern boundary of the lots. A drainage easement should be dedicated to accommodate maintenance.

**An installation or subdivision development agreement will not be required.**

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

#### **STAFF COMMENTS/RECOMMENDATIONS:**

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

1. Dedicate the required 15' utility easement along the Highland and West Hill right of ways.
2. Dedicate the radius in the right of way at the intersection of Highland and West Hill Road.

#### **ATTACHMENTS**

1. Preliminary Plat
2. Vicinity Map
3. Surveyor's Letter



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

Velton Lynn Cason  
3932 Balchen Drive  
Anchorage AK 99517

NOTARY'S ACKNOWLEDGMENT  
For Velton Lynn Cason  
Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_ 2013

Notary Public for Alaska My Commission Expires:

SURVEYORS CERTIFICATE  
I hereby certify that this plat was prepared from the most recent record plats and my survey notes from prior surveys. No additional field surveys were made in conjunction with this plat. I declare that the information shown hereon is true and correct to the best of my knowledge and belief.

Jerry A. Anderson Date

PLAT APPROVAL  
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 2013  
KENAI PENINSULA BOROUGH

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

VICINITY MAP 1" = 800'



STATE OF ALASKA	49TH
JERRY A. ANDERSON	
NO. 3686-S	
REGISTERED PROFESSIONAL SURVEYOR	
JOB No.	2140
DATE:	MAY 2, 2013
SCALE:	1" = 80'
BASE MAP:	AR-68
FIELD BOOK:	N/A
LOCATION:	WEST HILL
SECTION:	W/2 W/2 Sec. 13
TOWNSHIP:	06N
RANGE:	14W

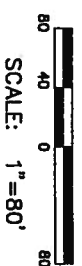
\*\*WEST HILL SUBDIVISION\*\*  
"CASON 2013 ADD'N"  
A COMBINATION OF LOT 1, HW 75-11, LOT 1 BLOCK 1 HW 74-1225 AND THE ADJACENT UNDEVELOPED PARCELS INTO A SINGLE TRACT. WITHIN THE NE1/4 SW1/4 AND THE SE1/4 NW1/4 Sec. 13, T19N 05R 14W S4M HOMER RECORDING DISTRICT WITHIN THE KENAI PENINSULA BOROUGH AND THE CITY OF HOMER ALASKA CONTAINING 2.155 AC.

JERRY ANDERSON PLS  
SURVEYING & BOUNDARY SOLUTIONS  
JERRY ANDERSON PLS  
417-830-0978  
P.O. BOX 797  
SPRINGFIELD MO 65801

WASTEWATER DISPOSAL  
This tract is greater than 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal.  
Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

GENERAL NOTES:

- 1.) HOMER CITY CODE REGULATES SETBACKS WITHIN THE CITY LIMITS.
- 2.) NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- 3.) DEVELOPMENT WITHIN THE CITY OF HOMER IS SUBJECT TO CITY OF HOMER ZONING REGULATIONS.



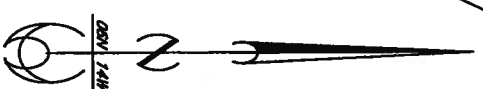
SCALE: 1" = 80'

CADASTRAL NOTE  
PER PLAT HW87-37, THE BASIS OF COORDINATES IS POINT No. 39, THE SECTION CORNER COMMON TO SECTIONS 17, 18, 19 & 20 AT THE INTERSECTION OF FAIRMEN AVENUE AND MAIN STREET, WHICH HAS BEEN ASSIGNED A NORTH AND EAST COORDINATE OF 50,000.00.  
BASIS OF BEARING IS THE GLO BEARING OF N00°07'W TO THE 1/4 CORNER COMMON TO SECTIONS 17 & 18.

SYMBOL LEGEND

- ① Brass Cap Monument, LS-268 (1/4 Corner)
- 5/8" Rebar, source unknown
- 1/2" x 24" Rebar, LS-3686
- 2x2 Hub & Tick, LS-1301
- ⊕ Bernstein Monument LS-1301

RECEIVED  
MAY 17 2013  
CITY OF HOMER  
PLANNING/ZONING



SECTION 13 RANGE 14W  
SECTION 18 RANGE 13W

REC. DIST.	20
DATE	____
TIME	____
REQUESTED BY:	____
ADDRESS	____

## **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:

### **West Hill Subdivision Cason 2013 Addition Preliminary Plat**

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, June 5, 2013 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska.

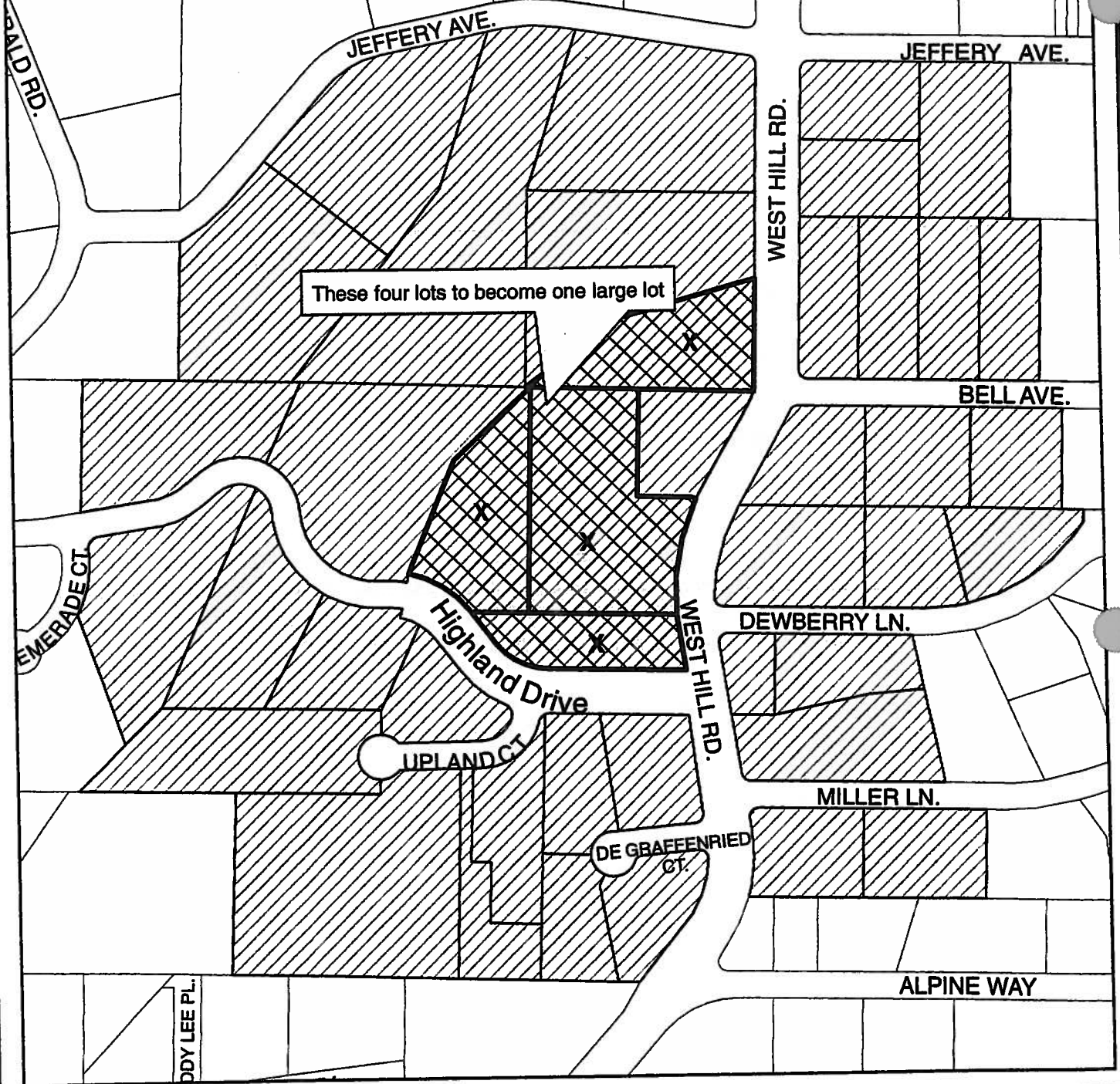
Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting. Written comments can be faxed to 907-235-3118.

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

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

**VICINITY MAP ON REVERSE**

# Vicinity Map



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

## West Hill Subdivision Cason 2013 Addition Preliminary Plat

Properties within 500 feet are marked  
 and property owners notified.

0 250 500 Feet



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

Velton Lynn Cason  
3932 Balchen Drive  
Anchorage AK 99517

May 5, 2013

City of Homer  
Planning Department  
491 East Pioneer Ave  
Homer AK 99603

Attn: Julie Engebretsen, Planner

Re: West Hill Subdivision, Cason 2013 Addition.

Dear Ms. Engebretsen,

Please schedule this lot-line vacation plat for the June 5<sup>th</sup> meeting. Either I will attend or a representative will be there on my behalf. Technical questions/issues should be directed to Mr. Jerry Anderson, PLS, the surveyor who prepared the plat.

Please send Mr. Anderson copies of all correspondence, staff reports and minutes via email:  
[jandersonsurveyor@gmail.com](mailto:jandersonsurveyor@gmail.com)

Attached are:

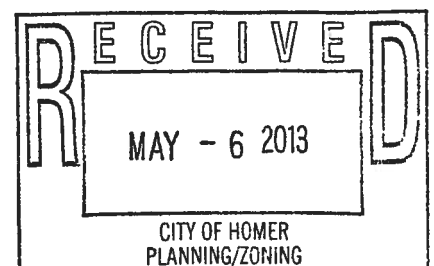
1. Plat, 18x24 (full size), 2 copies
2. Reduced Plat (11x17 and 8-1/2x11), 1 copy each.
3. Kenai Peninsula Borough submittal letter.
4. Check to the City for the filing fee of \$200.00.

Please call me at (907) 243-5437, if I can be of assistance.

Yours truly,



Velton Lynn Cason









## City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

Telephone (907) 235-3106  
Fax (907) 235-3118  
E-mail [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
Web Site [www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

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### STAFF REPORT PL 13-49

**TO:** Homer Advisory Planning Commission  
**FROM:** Julie Engebretsen, Planning Technician  
**THROUGH:** Rick Abboud, City Planner  
**MEETING:** June 6, 2013  
**SUBJECT:** Transitional Residential Zone R-2 May 30, 2013

There were two items staff worked on as a result of the conversation at the last work session.

1. Creating a more specific map of the potential R-2 areas.
2. Doing an inventory of current conditions and density.

Also, staff has summarized the discussion from the work session at the end of this staff report. Since there are no minutes at work sessions, we need to find a way to document the discussion, besides a recording (or start discussing more of these items on the record so there are formal minutes.)

#### R-2 Map See Attached.

Discussion points:

1. How close should sewer be, in order to call the area R-2? Sewer mainline within 500 feet? Already serving the lot?
2. Commissioner thoughts?

#### Current conditions and density

Staff analyzed several neighborhoods in Homer to figure out the average number of housing units per acre. I did not include vacant lots; I just looked at what is actually built and how much land is used. In areas along the beach, I only included the land above the bluff. No beach area was used.

Bayview Ave – bluff side – 28 units over 15 acres, 23,000 sq ft per unit  
Kachemak Drive, middle section, 16 units over 10 acres, .55 or 24,000 sq ft per unit  
Ocean Drive Loop 51 units on 34.63 acres, .61 acres of 27,000 sq ft/unit  
Sabrina/Rochelle area: 84 units on 19.36 acres, .23 acres/unit or 10,000 sq ft per unit  
El Sarino Ct, (near senior center) 9728 sq ft/unit.  
Waddell Road, 8850 sq ft/unit  
East Hill area on map, is about .97 acres or 42500 sq ft /unit  
West Hill area on map is 1.18 acres per unit.

A few thoughts:

- Based on the pattern of El Sarino Ct and Waddell road, an R-2 density could be minimum lot size of 8700 square feet, single family or duplex, with an additional 5500 of lot area per dwelling unit thereafter. So if someone has a ½ acre lot, they could fit a 4 plex. That is the

size and density of the CUP on Lakeshore Drive the Commission recently approved. Its also the density of the Old Town Cottages – 8 units on 1 acre.

- How would R-2 be different than Urban Residential? UR minimum lot size is 7500 sq ft, (vs 8,700) so that's about the same. What would be different is the number of apartment units you could fit on a lot. Very roughly, using Conifer Woods as the example, the density is about 15 units/acre. Beluga Lake apartments on Ocean Drive Loop is about 16 units on 0.8 acres. These are about 800 sq ft apartments in a two story building. Potentially a developer could build three stories, and smaller apartment units, and get more units an acre. At some point the parking takes up too much space and limits the number of dwelling units possible, because of the open space requirements.
- A note about multifamily dwelling standards. I have never liked how our code reads. When someone asks "how many units can I have", here is the answer: The total floor area shall not be more than four-tenths (.4) the lot area; and, The total open area shall be at least 1.1 times the total floor area. Open area is any portion of the lot not covered or used for parking spaces and maneuvering. (??) It would be a lot cleaner to be able to say, the zoning allows 8 units per acre, AND, here are the standards...15 foot building setbacks, dumpster screening, drainage plan, open space requirements, building coverage limits, etc. So as we work through these R-2 multifamily ideas, think about how they could be used city wide to make our code more user friendly, and to get the attractive development that is discussed in the comprehensive plan.


#### Summary of comments from the May 15, 2013 work session


- No heliports
- Is it possible to require construction be completed sooner? Siding can remain unfinished for years.
- How can environmental concerns such as stormwater and wetlands be incorporated? See Homer Stormwater Manual. "Developable area" may be a useful concept for new development.
- Would like to discuss housing aesthetics
- Would like to talk about affordable housing
- Schedule an open house in August
- Zero lot line might be appropriate in a shared development, but not a lot by lot basis
- Have a minimum lot size requirement when sewer is present, allow larger lot coverage but plan for police/fire emergency access
- Use building footprint as a limiting factor. Concern is for drainage. No zero lot line for rentals/apartments, it limits the options for dealing with drainage. A 15 foot setback for multifamily is one idea.
- If sewer is available, but water is not, there can be some provision for more housing units by using a cistern.


#### **Attachments**


1. 5/31/13 R-2 Working Map
2. Missing Middle Housing; Responding to the Demand for Walkable Urban Living

**Legend**

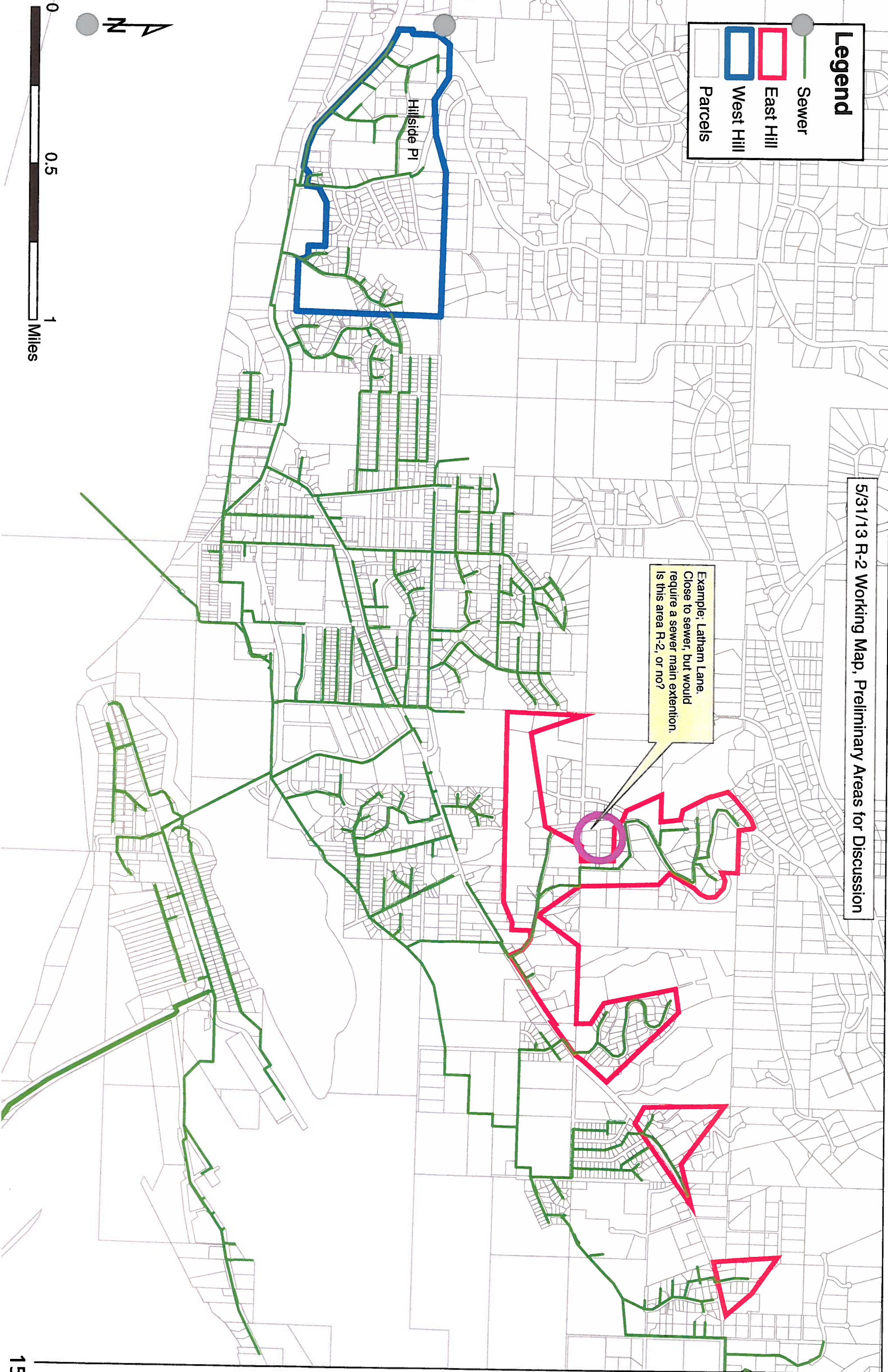
Sewer

East Hill

West Hill

Parcels

Example; Latham Lane.  
Close to sewer, but would  
require a sewer main extension.  
Is this area R-2, or no?



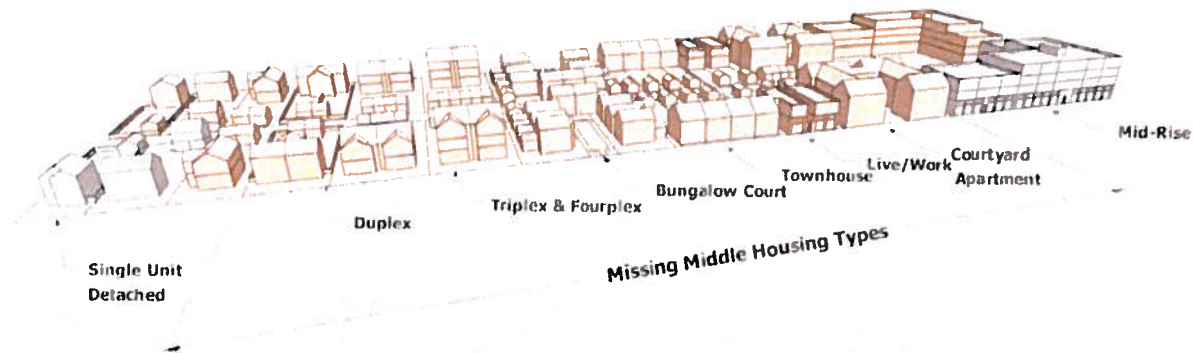


# Missing Middle Housing: Responding to the Demand for Walkable Urban Living

By Daniel Parolek

The mismatch between current US housing stock and shifting demographics, combined with the growing demand for walkable urban living, has been poignantly defined by recent research and publications by the likes of Christopher Nelson and Chris Leinberger and most recently by the Urban Land Institute's publication, *What's Next: Real Estate in the New Economy*. Now it is time to stop talking about the problem and start generating immediate solutions! Are you ready to be part of the solution?

Unfortunately, the solution is not as simple as adding more multi-family housing stock using the dated models/types of housing that we have been building. Rather, we need a complete paradigm shift in the way that we design, locate, regulate, and develop homes. As *What's Next* states, "it's a time to rethink and evolve, reinvent and renew." Missing Middle housing types, such as duplexes, fourplexes, bungalow courts, mansion apartments, and live-work units, are a critical part of the solution and should be a part of every architect's, planner's, real estate agent's, and developer's arsenal.



*Diagram of missing middle housing types illustrating the range of types and their location between single-family homes and mid-rise buildings*

Well-designed, simple Missing Middle housing types achieve medium-density yields and provide high-quality, marketable options between the scales of single-family homes and mid-rise flats for walkable urban living. They are designed to meet the specific needs of shifting demographics and the new market demand and are a key component to a diverse neighborhood. They are classified as "missing" because very few of these housing types have been built since the early

1940's due to regulatory constraints, the shift to auto-dependent patterns of development, and the incentivization of single-family home ownership.

The following are defining characteristics of Missing Middle housing:

## **A walkable context**

Probably the most important characteristic of these types of housing is that they need to

be built within an existing or newly created walkable urban context. Buyers or renters of these housing types are choosing to trade larger suburban housing for less space, no yard to maintain, and proximity to services and amenities such as restaurants, bars, markets, and often work. Linda Pruitt of the Cottage Company, who is building creative bungalow courts in the Seattle area, says the first thing her potential customers ask is, "What can I walk to?" So this criteria becomes very important in her selection of lots and project areas, as is it for all Missing Middle housing.

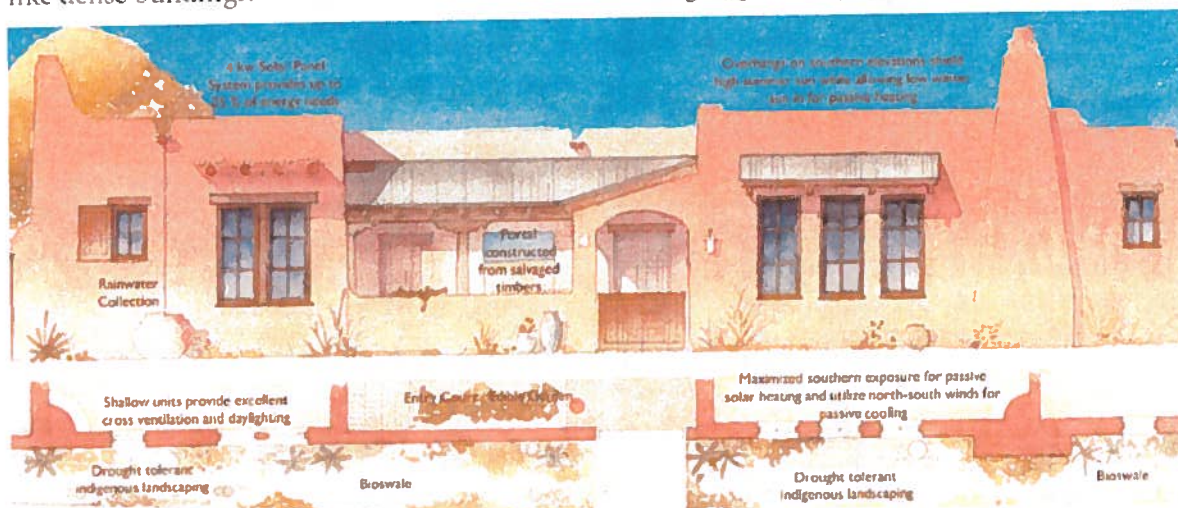
### Medium density but lower perceived densities

As a starting point, these building types typically range in density from 16 dwelling units/acre (du/acre) to up to 35 du/acre, depending on the building type and lot size. It is important not to get too caught up in the density numbers when thinking about these types. Due to the small footprint of the building types and the fact that they are usually mixed with a variety of building types, even on an individual block, the perceived density is usually quite lower—they do not look like dense buildings.

A combination of these types gets a neighborhood to a minimum average of 16 du/acre. This is important because this is generally used as a threshold at which an environment becomes transit-supportive and main streets with neighborhood-serving, walkable retail and services become viable.

### Small footprint and blended densities

As mentioned above, a common characteristic of these housing types are small- to medium-sized building footprints. The largest of these types, the mansion apartment or side-by-side duplex, may have a typical main body width of about 40-50ft, which is very comparable to a large estate home. This makes them ideal for urban infill, even in older neighborhoods that were originally developed as single-family but have been designated to evolve with slightly higher intensities. As a good example, a courtyard housing project in the Westside Guadalupe Historic District of Santa Fe, New Mexico sensitively incorporates 6 units and a shared community-room building onto a ¼ acre lot. In this project, the buildings are designed to be one room deep to maximize cross ventilation/passive cooling and to enable the multiple smaller structures to relate well to the existing single-family context.



*This courtyard housing project in Santa Fe, NM incorporates 6 units on a ¼ acre lot (24 du/acre) in a form that is compatible with adjacent single-family homes.*



*A new mansion apartment in the East Beach project successfully integrated into a neighborhood with mostly single-family homes*

### **Smaller, well-designed units**

One of the most common mistakes by architects or builders new to the urban housing market is trying to force suburban unit types and sizes into urban contexts and housing types. The starting point for Missing Middle housing needs to be smaller-unit sizes; the challenge is to create small spaces that are well designed, comfortable, and usable. As an added benefit, smaller-unit sizes can help developers keep their costs down, improving the pro-forma performance of a project, while keeping the housing available to a larger group of buyers or renters at a lower price point.

### **Off-street parking does not drive the site plan**

The other non-starter for Missing Middle housing is trying to provide too much parking on site. This ties back directly to the fact that these units are being built in a walkable urban context. The buildings become very inefficient from a development potential or yield standpoint and shifts neighborhoods below the 16 du/acre density threshold, as discussed above, if large parking areas are provided or required. As a starting point, these units should provide no more than 1 off-street parking space per unit. A good example of this is newly constructed mansion apartments in the new East Beach neighborhood in Norfolk, Virginia. To enable these lower off-

street parking requirements to work, on-street parking must be available adjacent to the units. Housing design that forces too much parking on a site also compromises the occupant's experience of entering the building or "coming home" and the relationship with its context, especially in an infill condition, which can greatly impact marketability.

### **Simple construction**

The days of easily financing and building complicated, expensive Type-I or II buildings with podium parking are behind us, and an alternative for providing walkable urban housing with more of a simple, cost-effective construction type is necessary in many locations. What's Next states, "affordability—always a key element in housing markets—is taking on a whole new meaning as developers reach for ways to make attractive homes within the means of financially constrained buyers." Because of their simple forms, smaller size, and Type V construction, Missing Middle building types can help developers maximize affordability and returns without compromising quality by providing housing types that are simple and affordable to build.

### **Creating community**

Missing Middle housing creates community through the integration of shared community spaces within the types, as is the case for courtyard housing or bungalow courts, or simply from the proximity they provide to the community within a building and/or the neighborhood. This is an important aspect, in particular within the growing market of single-person households (which is at nearly 30% of all households) that want to be part of a community. This has been especially true for single women who have proven to be a strong market for these Missing Middle housing types, in particular bungalow courts and courtyard housing.





*Fourplexes like this one in the Midtown neighborhood of Sacramento are highly sought after.*

### Marketability

The final and maybe the most important characteristic in terms of market viability is that these housing types are very close in scale and provide a similar user experience (such as entering from a front porch facing the street versus walking down a long, dark corridor to get to your unit) to single-family homes, thus making the mental shift for potential

buyers and renters much less drastic than them making a shift to live in a large mid-rise or high-rise project. This combined with the fact that many baby boomers likely grew up in similar housing types in urban areas or had relatives that did, enables them to easily relate to these housing types.

This is a call for architects, planners, and developers to think outside the box and to begin to create immediate, viable solutions to address the mismatch between the housing stock and what the market is demanding—vibrant, diverse, sustainable, walkable urban places. The Missing Middle housing types are an important part of this solution and should be integrated into comprehensive and regional planning, zoning code updates, TOD strategies, and the business models for developers and builders who want to be at the forefront of this paradigm shift.

The market is waiting. Will you respond?



*Dan Parolek is principal of Opticos Design, an architecture and urban design firm with a passion for vibrant, sustainable, walkable urban places. This article originally appeared on Logos Opticos: Composing Vibrant Urban Places.*

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## **LOOKING FOR SOMETHING NEW TO DO IN 2013?**

The City of Homer is looking for a representative on the  
Kenai Peninsula Borough Planning Commission.

Candidates must be qualified voters of the Kenai Peninsula Borough who reside  
within the City of Homer.

Stop by the City Clerk's department at City Hall for an application (data sheet) or call the  
City Clerk at 235-3130. This appointment will be made by Mayor Wythe.





**MANAGER'S REPORT**  
**May 28, 2013**

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

**FROM:   WALT WREDE**

**UPDATES / FOLLOW-UP**

1. Pier One Lot: At the last meeting there was a workshop to discuss a revised and updated concept plan for the large tract the Pier One Theatre is located on. One of the lingering issues was whether to make a small, 10,000 square foot section of that parcel available for lease. There was general agreement that this agenda should contain a resolution that would get the issue on the table for further discussion and possible action. I drafted a resolution for Council consideration however, when reviewing my notes, I found that I was not clear about Council intent on two specific issues. The first issue was whether Council intended for this offering to be exclusively for non-profits. I wrote the resolution as though that was Council's intent, however, Rick and Jo recalled it differently. It was their interpretation that Council wanted to leave it open for business and for profit proposals also. Second, there was some uncertainty about the 30% discount for non-profits that was discussed. I took it to mean that non-profits would have to pay rent that was within 30% of market value. Rick and Councilmember Lewis took it to mean that non-profits got a 30% discount or a credit when comparing proposals. So, these are issues that the Council will want to address when the resolution is on the table.
2. Health Insurance Broker: The City health insurance broker will be in Homer the week of June 24 to meet with some of his other Homer clients, including the South Peninsula Hospital. We would like him to meet with the Council sometime soon to discuss a variety of issues including implementation of the national health care law, plan costs and utilization, cost projections moving forward, and ideas for containing costs. He could come to the Council meeting on June 24 however, we thought there might be too much to talk about in a one hour work session. But we could make it work. He would also be available on one of the other days during the week, especially Tuesday or Wednesday. This might be attractive because we could focus on one issue and not be limited to an hour. We would like to know Council's thoughts on that.
3. Capital Budget: By the time you read this, you will probably be aware that the Governor signed the Capital Budget on the 21<sup>st</sup>. He did not veto any Homer projects. So, this means that we can start this year on the harbor projects and the Skyline Fire station. The sale of Homer's harbor bonds also occurred this week. Closing on the bond sale is next month in Seattle.
4. Northern Economics Contract: This week I signed a contract with Northern Economics so that they can begin work on the port and harbor rate study and the analysis of the economic impacts of having the endeavor Drill Rig moored at the Deep Water Dock. We will keep you up to date on how that project is going.

5. New Bathrooms: This week I also signed a construction contract with Steiner's Construction to build the new restrooms that were included in the \$6 Million Cruise ship head tax grant. You will recall that two of those restrooms are located on Pioneer Ave., something that tourists and business owners have been asking for years. This, along with the new RV parking lot designations will hopefully be a real assist to the downtown businesses.
6. DWD Fenders: The new Deep Water Dock fenders are now installed. This was a big project and a substantial improvement to the dock. Jay Brandt was the contractor. This project accounted for about \$ 2 Million of the \$6 Million cruise ship grant. It is fortunate that the new fenders were in place in time for the first cruise ship landing this year. These fenders will provide much better protection for both the dock and the vessels mooring there and will really improve conditions in bad weather.
7. Spit Trail and Harbor Trail: Portions of these projects are all out to bid separately. For example, PW has bid paving, boardwalk replacement, restrooms construction, and shoreline protection separately for obvious reasons. Some of this work will happen this summer. Boardwalk replacement will likely occur after Memorial day to minimize disruption during the busy summer season. Carey can provide more detail on these projects if Council wishes.
8. Strategic Planning: Several meetings ago I provided a memorandum about strategic planning which included some suggested action items. Step one was mostly a staff endeavor and included a list and status of all projects underway and pending, a draft mission statement, and a report on all City plans, including goals achieved, goals outstanding, and recommendations on priorities. The departments are getting ready to do this. The Mayor's vision was that strategic planning should happen concurrently with CIP development. At the last meeting when Council discussed the new, accelerated CIP schedule, this was mentioned and I think the general sentiment was that we should do this next year and that timing was an issue this year (not enough of it). This could use a little more discussion.
9. HERC Building: Since the Boys and Girls Club is ceasing operations temporarily at the end of the school year, this building will be basically vacant and placed on warm status until we get additional information and come up with a course of action. The building is being used on occasion by the new City employees responsible for permitting, locating, and inspecting the placement of the gas lines. In the meantime, I often receive inquiries about renting the building. The most recent was from DOT/PF and Quality Asphalt Paving, the contractor that got the Sterling Highway repaving contract. They wanted about 1,500 square feet of office space and lots of parking. This one was attractive because it was short term (4 months), they were willing to pay market rates, and it would help a fellow government agency manage a big project that benefits Homer. But I have consistently told everyone no due to Fire Marshall issues, budget limitations, and the fact that the Council has not authorized any new leases there. Please let me know if you disagree with this decision.
10. New Finance Director Arrives: The first day of work for the new Finance Director, Zhiyong (John) Li will be May 28, the day of the Council meeting. He will be here just in time to get immersed in the water and sewer rate discussion.

Lucky John. I warned him about this in the interest of full disclosure! Hope you will help me welcome John to Homer.

11. The Economy: We are starting to see some indirect and anecdotal information that would suggest that there might be an uptick in the economy. Hotels, B&Bs, charter operators, and tour guides have indicated that reservations are generally up. Also, in addition to all of the construction we have been talking about, there might be an improvement in the housing market. Rick reports that he approved zoning permits for four new homes in one day alone last week. Hopefully, these indicators signal a trend.
12. Alaska Business Monthly Article: This magazine is about to publish an article on Homer and natural gas. There is great interest in this around the state and within the business community. The reporter interviewed me and she also spoke with various folks at Enstar and local businesses.

## ATTACHMENTS



**CITY OF HOMER**  
**2014-2019 CAPITAL IMPROVEMENT PLANNING PROCESS**  
**FY 2014 LEGISLATIVE REQUEST DEVELOPMENT SCHEDULE**

ACTION	TIME FRAME
City Council approval of schedule	May 13, 2013
Solicit new/revised project information from City departments, local agencies and non-profits	May 14
Input for new draft requested by	June 14
Prepare and distribute draft CIP to City advisory groups for review and input	(Meeting dates): Planning Commission June 19, July 17
	Parks and Recreation Commission June 20, July 18
	Port and Harbor Commission June 26, July 24
	Library Advisory Board July 2
	Economic Development Commission June 11, July 9
	Transportation Advisory Committee No meeting in time frame.
Administrative review and compilation	July 25 - August 7
City Council worksession to review proposed projects	August 12
Public Hearing on CIP/Legislative request	August 26
Adoption of resolutions by City Council	September 9
Administration compilation of CIP	September 10 – September 30
Administration forwards requests for Governor's Budget (Local Election)	October 1
Distribution of CIP and State Legislative Request	October 2013 & January 2014
Compilation/distribution of Federal Request	February 2014





CITY OF HOMER  
HOMER, ALASKA

Planning

RESOLUTION 13-042

A RESOLUTION OF THE CITY COUNCIL OF HOMER,  
ALASKA, AMENDING THE HOMER ADVISORY PLANNING  
COMMISSION BYLAWS.

WHEREAS, The Homer Advisory Planning Commission began review and discussion of  
their Bylaws and Policy and Procedures manual at their January 16, 2013 regular meeting; and

WHEREAS, The Homer Advisory Planning Commission introduced their final  
amendments to the Bylaws and Policy and Procedures manual at their March 6, 2013 meeting;  
and

WHEREAS, The Homer Advisory Planning Commission took final action to approve  
their recommendations and forward to the City Council for adoption at their April 3, 2013  
regular meeting; and

WHEREAS, Planning staff determined that the proposed amendment to the Policy and  
Procedures Manual regarding Zoning Ordinance Amendments Review Standards was  
accomplished with the adoption of Resolution 12-004.

NOW, THEREFORE, BE IT RESOLVED that the City of Council of Homer, Alaska  
hereby amends the Homer Advisory Planning Commission Bylaws, as shown in attachment A.

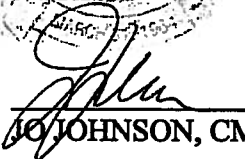
PASSED AND ADOPTED by the City Council of Homer, Alaska, this 13<sup>th</sup> day of May,  
2013.

CITY OF HOMER



FRANCIE ROBERTS, MAYOR PRO TEMPORE

ATTEST



JO JOHNSON, CMC, CITY CLERK

Fiscal note: NA

**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.

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

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

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

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

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

72 **F. Committees**  
73

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

93 **G. Motions to Reconsider:**

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

103 **H. Conflict of Interest:**

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

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

122 **I. Situation of personal interest**

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

131 **J. Ex parte Communications**

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

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

**K. Quorum; Voting:**

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

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

**L. Findings:**

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

**M. Consensus:**

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

**N. Abstentions:**

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

185 **O. Vacancies:**

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

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

198  
199 **P. Procedure for Consideration of Agenda Items:**

200  
201 The following procedure will normally be observed:

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

206  
207 **Q. Procedure for Consideration of Public Hearing Items:**

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

232  
233 The following procedure will normally be observed:

- 234  
235 1. Staff presents report and makes recommendations;  
236 2. Applicant makes presentation;  
237 3. Public comment is heard on the item;  
238 4. Applicant may make a response;  
239 5. Commission may ask questions of applicant, public and staff.  
240

241 **S. The Commission shall act as a body. A member of the Commission may not**  
242 **speak or act for the Commission without recommendation or direction given**  
243 **by the Commission. The Chair or Chair's designee shall serve as the official**  
244 **spokesperson of the Commission.**  
245

246  
247 **ST. By-Laws Amended:**

248  
249 The by-laws may be amended at any meeting of the Commission by a majority  
250 plus one of the members, provided that notice of said proposed amendment is  
251 given to each member in writing. The proposed amendment shall be introduced at  
252 one meeting and action shall be taken at a subsequent Commission meeting. The  
253 by-laws will be endorsed by a resolution of the City Council.  
254

255 **TU. Procedure Manual:**

256  
257 The policy and procedure manual will be endorsed by resolution of the City  
258 Council and may be amended at any meeting of the Commission by a majority  
259 plus one of the members, provided that notice of said proposed amendment is  
260 given to each member in writing. Proposed amendments to the procedure manual  
261 shall be introduced at one meeting and action shall be taken at a subsequent  
262 Commission meeting.  
263  
264  
265

266 HOMER ADVISORY PLANNING COMMISSION  
267 491 E. PIONEER AVENUE  
268 HOMER, ALASKA  
269

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

270 **REGULAR MEETING**  
271 **AGENDA**

272 **1. Call to Order**

273  
274 **2. Approval of Agenda**

275  
276 **3. Public Comment**

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

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- 4. Reconsideration**
- 5. Adoption of Consent Agenda**

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

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.
- 9. Plat Consideration**
- 10. Pending Business**
- 11. New Business**
- 12. Informational Materials**
- 13. Comments of The Audience**

Members of the audience may address the Commission on any subject. (3 minute time limit)
- 14. Comments of Staff**
- 15. Comments of The Commission**
- 16. Adjournment**

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





## **KENAI PENINSULA BOROUGH**

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

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

**MIKE NAVARRE  
BOROUGH MAYOR**

May 16, 2013

### **NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE MEETING OF MAY 13, 2013**

**RE:** Forest Glen Subdivision 2013 Replat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of May 13, 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 an exception to KPB 20.20.230, 20-foot building setback – plat note removal citing the 8 findings.

#### *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 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 6 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 May 16, 2013 to:

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

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



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

**Subdivider/Petitioner:** Homer Independent Baptist Church  
PO Box 112  
Homer, AK 99603-0112

**KPB File Number:** 2013-064



## AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

3. Forest Glen Subdivision 2013 Replat  
KPB File 2013-064; Seabright/Homer Independent Baptist Church

Staff Report given by Patti Hartley

Plat Committee Meeting: 5/13/2013

Location: City of Homer  
Proposed Use: Church  
Water/Sewer: City  
Zoning: Gateway Business  
Assessing Use: Church, Commercial Parking Lot, Vacant  
Parent Parcel Number(s): 175-260-09, 175-260-10, 175-260-11

### Supporting Information:

The proposed subdivision is a simple replat of three lots into one lot containing 3 acres. City water and sewer serve the subdivision. Lot 1-A fronts rights-of-way on three boundaries.

Homer Planning and Zoning Commission approved the plat on March 20, 2013, subject to:

1. Change Thomas Street to Glenview Street per City of Homer Resolution 2010-10.  
*Borough staff comments: The street name was corrected on the plat submitted to KPB.*
2. Add a radius to the southeast corner of lot at the corner of Sterling Highway and Glenview Street.  
*Borough staff comments: KPB Code only requires a curve-return radius at acute angel intersections of less than 60 degrees. KPB Code 20.20.250 – Different standards in cities allows for local design standards to be honored. Homer City Code HCC 11.04.090 (b) calls for a minimum 20-foot radius at all intersections. Plat Note 4 addresses this situation although not correctly depicted on the plat. Staff recommends the surveyor incorporate a radius return of 20 feet at the southeast corner of proposed Lot 1-A per City of Homer recommendation(s).*
3. Change Note 2: The front 15' of the 20' setback along the existing rights-of-way and the entire setback within 10' of the only side lot line is a utility easement.  
*Borough staff comments: KPB platting staff prefers the word setback to be eliminated from this kind of note since building setbacks in a city are controlled by the zoning district per KPB 20.20.235. Staff recommends the note be revised slightly: The front 15' along the existing rights-of-way and 20' within 10' of the only side lot line is a utility easement.*
4. Change Note 3: These lots are served by City of Homer municipal sewer collection system.  
*Borough staff comments: The note was corrected on the plat submitted to KPB.*
5. Remove depiction of the 20' building setback along Sterling Highway and rely only on Note 1 or depict setback on all rights-of-way.  
*Borough staff comments: Building setbacks within cities are per KPB 20.20.235. The parent plat was recorded prior to KPB delegating zoning to the City of Homer. A building setback note and/or depiction may only be removed by Plat Committee approval. An exception to KPB 20.20.230/plat note removal is being requested so the building setback depiction may be removed from the plat, and the plat can conform to the zoning district.*
6. Indicate adjacent subdivision names.  
*Borough staff comments: Per KPB 20.12.060.G, staff recommends compliance with the Homer Advisory Planning Commission's recommendation.*
7. Add a plat note: Development of these lots is subject to the City of Homer Zoning Regulations.  
*Borough staff comments: The note is on the plat submitted for KPB review.*

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

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

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

**Staff Discussion:** HM 73-1324 depicts a 20-foot building setback along the Sterling Highway. 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.
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 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 6 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.

**Staff recommends** Plat Note 1 be removed.

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, C, E, F, and J.

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

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

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:***

- *Include the City of Homer.*
- *Correct the spelling of Subdivision.*

- 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 section be included: 19.*

- G. The names of adjacent subdivisions or an indication that the adjacent land is not subdivided;

*Platting Staff Comments: **Staff recommends** the names of the adjacent subdivisions be noted per Homer Advisory Planning Commission recommendation.*

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

*Platting Staff Comments: KPB GIS mapping indicates former Lot 3 and part of former Lot 2 may be affected by a low wet area. Per the Homer City staff report, the plat is within Zone D, flood hazards undetermined. Per the Homer City staff report, the plat meets this requirement, and they did not request the typical plat note for subdivisions affected by low wet areas. **Staff recommends** a note be placed on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination, if applicable.*

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

*Platting Staff Comments: Per the Homer City staff report, the plat met this requirement.*

- M. Approximate locations of slopes over 20 percent in grade. (Ord. No. 78-37, § 2(part), 1979)

*Platting Staff Comments: None per KPB GIS 4-foot contours.*

**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, 20.20.060, 20.20.110, 20.20.120, 20.20.140, 20.20.180, 20.20.190, 20.20.200, 20.20.210, and 20.20.235.

Platting staff comments: The following portions of 20.20 are not applicable to the subject plat: 20.20.020, 20.20.030, 20.20.080, 20.20.090, 20.20.100, 20.20.110, 20.20.130, 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.

20.20.050. - Lots on major streets—Access requirements.

*Platting Staff Comments:* The plat has more than 200 feet of highway frontage.

20.20.070. - Alleys.

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

20.20.160. - Blocks—Length requirements—Generally.

*Platting Staff Comments:* The block length is less than 800 feet. Hilly terrain affects much of the surrounding area. Cul-de-sacs and serpentine-type streets serve much of the area. The size and shape of Lot 1-A are dictated by the parent lots. The parent plat was recorded in 1973. Frontage on Forest Glen Drive allows the subdivision to access off a side street instead of the Sterling Highway, which is on a long hill in this area. **Staff recommends** the Committee concur that existing conditions justify a variance from the requirement.

20.20.170. - Pedestrian ways required when.

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

20.20.220. - Lots—Double frontage prohibited when.

*Platting Staff Comments:* Lot 1-A has triple frontage and is less than 250 feet deep. The parent plat was recorded in 1973. The size and shape of Lot 1-A are dictated by the parent lots. Frontage on Forest Glen Drive allows reverse frontage from the Sterling Highway. **Staff recommends** the Committee concur that triple frontage is acceptable based on other physical conditions and reverse frontage.

20.20.250. - Different standards in cities.

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

20.20.260. - Flood plain requirements.

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

*Platting Staff Comments:* Per the River Center review, the plat is not within a mapped flood hazard zone, and it is not affected by the Anadromous Stream Habitat Protection District.

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



**Preparation requirements generally.**

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

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

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

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

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

20.16.030. - Certificate of borough finance department required.

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

20.16.050. - Plat specifications.

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

20.16.060. - Improvements—Installation agreement required.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.060.*

20.16.080. - Dimensional data required.

*Platting Staff Comments: **Staff recommends** the bearing be provided on the western boundary.*

20.16.090. - Accuracy of measurements.

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

20.16.120. - Utility easements.

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

20.16.130. - Easements.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.130.*

20.16.140. - Other data required by law.

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

20.16.145. - Plat notes.

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

**Staff recommends** the plat note numbers be sequential.

**Staff recommends** Plat Notes 4 and 6 be revised to reflect the single lot of the replat: This lot is served by City...; Development of this lot is subject to . . .

**Staff recommends** the following note be placed on the plat: "No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."

20.16.155. - Certificates, statements and signatures required.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.155. **Staff recommends** documentation be provided confirming who can sign the plat on behalf of the church prior to final plat.*

20.16.160. - Survey and monumentation.

*Platting Staff Comments: Staff recommends compliance with 20.16.160.*

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

20.16.170. - Approval—Authority—Certificate issued when.

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

20.16.180. - Administrative approval.

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

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

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

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

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

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

#### **END OF STAFF REPORT**

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

**MAIN MOTION:** Commissioner Foster moved, seconded by Commissioner Carluccio to approve the preliminary plat of Forest Glen Subdivision 2013 Replat with staff recommendations.

**AMENDMENT MOTION:** Commissioner Foster moved, seconded by Commissioner Carluccio 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 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 6 states the subdivision is subject to the City of Homer zoning regulations.

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

CARLUCCIO YES	FOSTER YES	GROSS YES	LOCKWOOD ABSENT	RUFFNER YES	TAURIAINEN ABSENT	WHITNEY YES	5 YES 2 ABSENT
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**MAIN MOTION VOTE:** The motion passed by unanimous consent .

CARLUCCIO YES	FOSTER YES	GROSS YES	LOCKWOOD ABSENT	RUFFNER YES	TAURIAINEN ABSENT	WHITNEY YES	5 YES 2 ABSENT
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#### AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

4. Inlet Breeze Subdivision Part Four (name to change)  
KPB File 2013-065; Integrity/White

Staff Report given by Patti Hartley

Plat Committee Meeting: 5/13/2013

Location: On Miller Loop Road in Nikiski  
 Proposed Use: Residential, Recreational, Agricultural, Commercial  
 Water/Sewer: On-site  
 Zoning: Unrestricted  
 Assessing Use: Commercial Mobile Home Park  
 Parent Parcel Number(s): 017-253-99

#### Supporting Information:

The proposed plat subdivides a 61-acre parcel into 17 lots and two tracts. Lot sizes are approximately 44,000 square feet each, Tract B contains 5 acres, and Tract C contains 36 acres. A soils report is required for the lots, and an engineer will sign the plat. The subdivision fronts rights-of-way on three boundaries. This platting action is providing the following dedications per KPB 20.20.030:

- 1) 60-foot right-of-way for Inlet Breeze Street.
- 2) 30-foot half right-of-way for West Warren Avenue. The parcel to the south contains 100 acres. It is reasonable to expect a matching dedication in the future.
- 3) 60-foot right-of-way for Janna Avenue.

West Warren Avenue and Inlet Breeze Street dedicated by this plat provide a loop access to Miller Loop Road for the block.

Notice of the proposed plat was mailed to the beneficial interest holder per KPBPC Resolution 2000-25 on April 16, 2013. They will be 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

