

WORK SESSION AGENDA

1. Call to Order 5:30 p.m.
2. Discussion of Items on the Regular Meeting Agenda
3. Capital Improvement Plan Recommendations **pg. 71**
4. Staff Report 13-57, Transitional Residential Zone R-2 July 17, 2013 **pg. 69**
5. Public Comments
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
6. Commission Comments
7. Adjournment

REGULAR MEETING AGENDA

1. Call to Order

2. Approval of Agenda

3. Public Comment

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

4. Reconsideration

5. Adoption of Consent Agenda

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

- A. Approval of Minutes of June 19, 2013 meeting **pg. 1**

6. Presentations

7. Reports

- A. Staff Report PL 13-52, City Planner's Report **pg. 7**

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 13-54, Conditional Fence Permit 744 Ocean Drive Loop **pg. 9**
B. Staff Report PL 13-56, ROW Vacation 202 W. Pioneer Ave. **pg. 27**
C. Staff Report PL 13-55, Spit Flood Insurance Rate Maps (FIRM) and amend Floodplain code **pg. 35**
D. Staff Report PL 13-53, Technical Revisions to Title 21 **pg. 47**

9. Plat Consideration

10. Pending Business

- A. Staff Report PL 13-57, Transitional Residential Zone R-2 July 17, 2013 **pg. 69**
B. Staff Report PL 13-58, Capital Improvement Plan Recommendations **pg. 71**

11. New Business

12. Informational Materials

- A. Shanks, Alyssa. "Homer, More Than a Fishing Town" *Alaska Economic Trends*. 33.6 (June 2013): 12-15.
Print **pg. 73**
B. City Manager's Report from June 24, 2013 City Council Meeting **pg. 77**
C. Letter and Memorandum for Reappointment of Jennifer Sonneborn **pg. 79**
D. KPB Planning Commission Notices **pg. 83**

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 August 7, 2013. A work session will be held at 5:30 pm.

Session 13-08, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on June 19, 2013 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: SLONE

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

HIGHLAND/BOS MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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 June 5, 2013 meeting
- B. Draft Decision and Findings for CUP 13-06, 265 E. Pioneer Avenue, Request to allow building into setbacks in the Central Business District

HIGHLAND/STEAD SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

A. Staff Report PL 13-51, City Planner's Report

City Planner Abboud reviewed his staff report that was included in the packet.

The group discussed challenges Planning staff has with itinerant merchants, mobile vendors, and people who want to operate temporary businesses longer than 60 days but not hook up to city services. They agreed to talk about it further at some future worksession.

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

Pending Business

A. Staff Report PL 13-49 Transitional Residential Zoning R-2

City Planner reviewed the staff report.

The group had discussion of water and sewer and challenges getting it to some areas due to terrain and cost, especially if a lift station is necessary. They also addressed the difference between R2 and Urban Residential because currently they are almost the same. City Planner Abboud said there are agricultural considerations, particularly for larger livestock, and also permitted and non-permitted uses for R2 will need to be established. Another thing to consider is multi-housing family opportunities in the R2. It is challenging in trying to find opportunity to encourage the larger lots to break down into smaller lots and to help encourage more affordable housing. He referenced the map that shows the sewer lines and noted that with the constraints in the areas without sewer, he doesn't know if it realistic to think some of the larger lots on the hill side are appropriate for R2 or even urban zoning. Showing an overlay of infrastructure on this to see how high value we are getting would be helpful in considering if it's feasible. The comprehensive plan addresses a transition zone, and with the current growth rate the demand might be a long time coming, potentially resulting in a long transition. It comes down to following the water and sewer to maximize the system, get costs down, and guide infill to match infrastructure. It was suggested that if they want to proceed with the R2 they could start small in the Hillside Place area.

The Commission had general discussion to gain understanding of what has happened previously in zoning districts and what they are trying to fix through this process of establishing transitional zoning like R2. Mr. Abboud said it boils down to being efficient in use of the infrastructure, and infrastructure should encourage more dense development.

They reviewed the summary of comments listing from a previous worksession and discussed several of the concepts. No formal action was taken but they may continue to discuss the R2 zoning.

New Business

- A. Staff Report PL 13-50, Bridge Creek Water Protection District Mitigation Plan 1015 Quinalt Avenue

Chair Venuti stated he may have a conflict of interest on this issue.

SONNEBORN/BOS MOVED THAT CHAIR VENUTI HAS A CONFLICT OF INTEREST.

Chair Venuti said that the applicants are clients who he has worked within the past and probably in the future. He doesn't feel that the monetary regulations apply, but that he is friends with the applicants.

Deputy City Clerk Jacobsen commented that because there is no financial gain as outlined in code regarding conflict of interest that it would be appropriate to vote this motion down and then make a determination regarding a situation of personal interest.

VOTE: NO: BOS, STEAD, HIGHLAND, SONNEBORN

Motion failed.

STEAD/HIGHLAND MOVED THAT MR. VENUTI HAS A SITUATION OF PERSONAL INTEREST IN THIS.

When asked to describe the nature of the relationship Chair Venuti, he said they are friends and he does know whatever they do will be first class.

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

Motion failed based on the rule that four votes are needed to pass a motion. Because a majority felt that there was a situation of personal interest, Chair Venuti passed the gavel to Vice Chair Bos and left the table.

City Planner Abboud reviewed the staff report.

The Commission agreed by consensus to suspend the rules and allow the applicant to come forward and present their information.

Bruce Craigue confirmed the staff report, in that they won't have to take out any mature trees for their project and they plan to do the drive based on specifications outlined in the engineer's report.

They talked briefly about the the condition of no clearing of mature spruce trees and the applicant confirmed that there is no reason to remove any trees in the area they plan to develop.

Point was raised regarding the memo from Northrim Engineering recommending use of crushed rock would then create a pervious surface for a driveway, negating the need for requesting the allowance. City Planner Abboud explained they would still need to go through this process based on the Bridge Creek Watershed area and this takes it to the maximum limit. Mr. Craigue confirmed that he will use

geotech fabric, as he does with all driveways he builds, and that the carport and house will both run into the catchment basin.

HIGHLAND/STEAD MOVED TO ADOPT STAFF REPORT PL 13-50 WITH MITIGATION MEASURE CONDITIONS 1-4 AND APPROVE THE INCREASE OF IMPERVIOUS COVERAGE TO 6.4% AT 1015 QUINALT AVENUE.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carries.

Chair Venuti returned to the table and resumed the chair.

B. Capital Improvement Plan

Informational Materials

- A. City Manager's Report from June 10, 2013 City Council Meeting
- B. Memo 13-079 Recommendation from reappointment of Rick Foster to the KPB Planning Commission
- C. Memo 13-080 Reappointment of Franco Venuti to the Homer Advisory Planning Commission
- D. KPB Planning Commission Notices

There was no discussion.

Comments of the Audience

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

None

Comments of Staff

None

Comments of the Commission

Commissioner Highland said she would like the Commission to consider looking at heliports throughout the zoning districts. Since they have been delving into it, it seems appropriate to look at it.

Commissioner Sonneborn thought it was a well-run meeting tonight and thanked everyone.

Commissioner Bos wished everyone luck with their fishing and thanked Franco for signing up for another term.

Commissioner Stead said it was a nice meeting. He does get confused by the comp plan and maybe it's because he is an engineer and likes things concrete, but to him the plan is hard to follow.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JUNE 19, 2013

Chair Venuti agrees they need to talk more about heliports and doesn't agree they need to be eliminated across the board. The City needs to set the rules, FAA has good information available, and there may be a time when the facilities are necessary.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:33 p.m. The next regular meeting is scheduled for June 19, 2013 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____





City of Homer

www.cityofhomer-ak.gov

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STAFF REPORT PL 13-52

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: July 17, 2013
SUBJECT: City Planner's Report

City Council Meeting 6.24.13

Memorandum 13-090, from Mayor, Re: Reappointment of Jennifer Sonneborn to the Homer Advisory Planning Commission

Resolution 13-069, A Resolution of the City Council of Homer, Alaska, Approving a Proposed Land Sale and Easement/Long Driveway Agreement Between the City of Homer and Harmon and Pauli Hall, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager.
Recommend adoption.

Resolution 13-068, A Resolution of the City Council of Homer, Alaska, Amending the Land Allocation Plan to Make Lot 2, Tract 1-A, Fishing Hole Subdivision Available for Lease, Establishing the Parameters for Such an Offering, and Authorizing the City Manager to Proceed With a Request for Proposals. City Council.
Recommend adoption.

AMENDED: Every reference to Lot 2, Tract 1-A will include southwest 2/3 of the parcel available for lease.

11

ADOPTED as AMENDED with discussion.

City Council Meeting 7.22.13

Ordinance 13-24, An Ordinance of the City Council of Homer, Alaska Amending the FY 2013 Capital Budget by Appropriating \$98,500 From the Homer Accelerated Roads and Trails Program Fund (HART) for Road Improvements, Trail Construction, and Pedestrian Safety and Walkability Enhancements in Old Town.
Lewis/Roberts.

Introduction June 2

4, 2013, Public Hearing and Second Reading

July 22, 2013.

Memorandum 13-097 from City Clerk as backup.

Ordinance 13- , An Ordinance of the City of Homer, Alaska, Making Technical Corrections to Title 21 of the Homer City Code for its Republication by Code Publishing, Inc. Planning. Recommended dates: Introduction July 22, 2013, Public Hearing and Second Reading August 12, 2013.

Ordinance 13-, An Ordinance of the City of Homer, Amending Homer City Code Chapter 11.12, Street and House Numbering, to Establish Standards and Procedures for the Naming and Renaming of Streets. Burgess. Recommended dates: Introduction July 22, 2013, Public Hearing and Second Reading August 12, 2013.

Activities: Unfortunately we find ourselves shorthanded. Dotti had an accident and will be off for several more weeks and may return on a light-duty basis. That leaves the rest of us with more work and the need to become more familiar with what Dotti had in progress. I do believe we caught most all of it.

We have received yet another proposed revision of the flood maps even before we have accomplished the adoption of the ones currently on the agenda, so it will be deja-vu all over again as we start the process as soon as we finished the last. The new maps incorporate my concerns with the designations of VE zones in and around the slough and the unmarked A zone at Beluga Lake.

By now, all you see is construction around the city. The state is repaving down Baycrest Hill to Pioneer this year. Another project is on the way next year to continue the job to the end of the spit. You may see some new pedestrian zones established in these areas.



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STAFF REPORT PL 13-54

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: July 17, 2013
SUBJECT: Conditional Fence Permit request for 744 Ocean Drive Loop

SYNOPSIS: The applicants propose to install a six (6) foot high fence along the Ocean Drive Loop property line extending 20 feet back along Cranberry and also along driveway to the west. A Conditional Fence Permit is needed when a fence is greater than four (4) feet in height and within 20 feet of the front lot line. Options for the Planning Commission include approval, denial, or you can approve with conditions. Findings have been made that will support approval, denial, or conditional approval from which the Commission may choose.

Applicants: Don McNamara, 811 Ocean Drive Loop, Homer AK 99603
Location: Lot 78 Oscar Munson Sub
Parcel ID: 17717423
Lot Size: 0.25 acres
Zoning: Rural Residential
Land Use: Residential
Surrounding Land Use: North: Residential
South: vacant
East: Residential
West: Residential

Comprehensive Plan: "Appreciation of Homer's spectacular natural setting, its great views, interesting topography, as well as a tradition of concern about the quality of natural resources and the environment." Page 3-1.

"Establish development standards for higher density residential development, landscaping, lighting, grading, viewshed protection." Ch. 4 Implementation.

Code references: HCC21.50.110 Fences. a. Fences may be constructed at the lot line, subject to the limitation of this section.
b. In all residential zoning districts no fence on or within 20 feet of the front lot line may exceed four feet in height
c. No fence may block any sight distance triangle that may be required by the zoning code or any other law.

HCC21.50.120 Fences - Conditional fence permit. a. Except as provided in HCC § 21.50.120(c), fences may be constructed to heights in excess of those allowed by HCC § 21.50.110 only when a conditional fence permit is first approved by the Planning Commission. b. Prior to granting such a permit, the applicant must demonstrate and the Planning Commission must find that:

1. The issuance of such a permit is reasonably necessary, by reason of unusual or special circumstances or conditions relating to the property, for the preservation of valuable property rights for full use and enjoyment of the property;
2. The fence will not create a safety hazard for pedestrians or vehicular traffic;
3. The appearance of the fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood;
4. The fence is a planned architectural feature designed to avoid dominating the site or overwhelming adjacent properties and structures;
5. The orientation and location of the fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood;
6. The fence will be of sound construction.

c. Exception. Under no circumstances will a conditional fence permit be considered for a fence that exceeds the limits of a required sight distance triangle.

21.73.200 Visibility at intersections. a. When a visibility clearance is required by other provisions of the zoning code, visibility clearance for vehicles shall be protected as specified in this section.

b. At the intersection of any private drive or entrance or exit for a parking area with a public street, no fence, wall, hedge or other planning or structure forming a material impediment or visibility between a height of two and one-half feet and eight feet shall be erected, planted, placed or maintained and no vehicle so impeding visibility shall be parked within triangular areas defined by lines connecting points as follows:

Beginning at the point where the midline of **the private drive or entrance or exit for a common parking area** intersects the public right-of-way, thence to a point 35 feet along the right-of-way line in the direction of approaching traffic, thence to a point 25 feet toward the interior of the property at the previously described midline, and thence to point of beginning.

This protected area may sometimes be referred to as a "sight triangle" or "visibility triangle." See Figure 1.

c. Unless otherwise required by law, no visibility clearance area is required on the side of the drive, entrance or exit away from approaching traffic on the same side of the street.

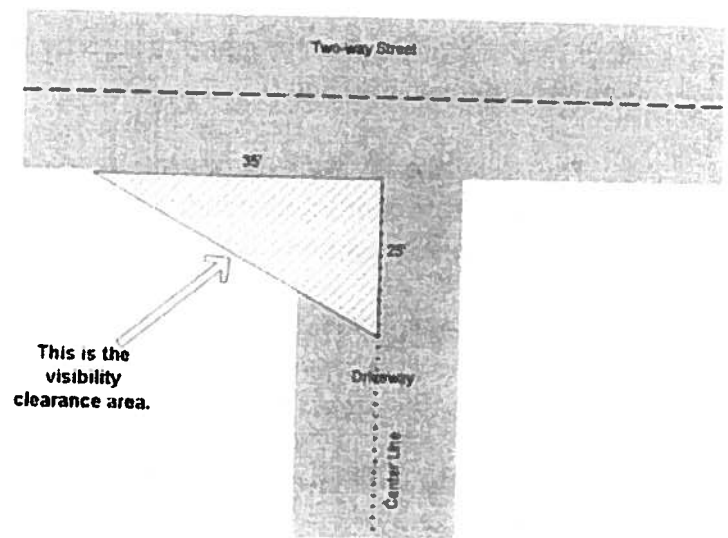


Figure 1.

INTRODUCTION: The property is a corner lot located on the opposite side of the bay from Ocean Drive Loop. Only parts of the fence that exceed 4' within 20' of Ocean Drive Loop are subject to this application per HCC 21.50.110(b). According to the diagram provided by the applicant, the request proposes a 6' fence along a 55' stretch of Ocean Drive Loop near the front property line continuing 20' back along Cranberry and the west side of the driveway.

ANALYSIS: The property is a corner lot and a concern for the sight triangle is present. The site triangle is not allowed to be compromised and Public Works has the right to order anything interfering to be removed. Code describes a site triangle but, only in relation to a driveway. Highlighted in the code citations above are the references to sight triangle in relation to a driveway only. Public Works recognizes that a site triangle applies to intersection, but we have no definitive reference to how the site triangle is calculated for intersecting rights-of-of-way. It is very difficult to surmise that the specification for a *driveway and a street* is applicable for a *street to street intersection*. Most guidelines found in other communities measure the distance from the nearest part of the traveled road. Other factors include

street type, intersection configuration, and speed limit. Additional conversation with Public Works did not provide me with a rule of thumb for this intersection.

An investigation of the site reveals that the property in question is two feet lower in elevation than the existing roadways. After a conversation with the Public Works Director, it was found that the elevation of the road may be lowered with possible road improvements in the future. So this present condition cannot be used as a basis for evaluation. The intersection is also at a right angle, which is not a current standard. A platting action would necessitate that a radius be granted.

REVIEW STANDARDS: Prior to granting such a permit, the applicant must demonstrate and the Planning Commission must find that:

1. The issuance of such a permit is reasonably necessary, by reason of unusual or special circumstances or conditions relating to the property, for the preservation of valuable property rights for full use and enjoyment of the property;

Applicant: *20' along the 3 sides of the lot can hold a lot of plants! We have a small city lot and want to keep moose and rabbits and unleashed dogs out of the organic garden and garden as much of the property as possible/practical. Semidwarf fruit trees will be in the north area.*

Analysis: A fence of less than 6 foot will certainly discourage rabbits and dogs, but not moose so much.

Finding 1: Unusual or special circumstances or conditions do not exist that hinder the full use and enjoyment of the property.

Finding 2: Moose, rabbits and dogs are common concerns and not considered a 'special condition or circumstance'.

Finding 3: It is reasonably necessary to construct a 6 feet fence for full use and enjoyment to keep moose from the property.

2. The fence will not create a safety hazard for pedestrians or vehicular traffic;

Applicant: *The fence will be 8' away from the driving surface, on private property and we will preserve the sight distance triangle growing things within it.*

Finding 4: The fence is located in the site triangle and is prohibited per HCC 21.50.110(c).

Finding 5: The fence does not pose a hazard to pedestrians or vehicular traffic when properly maintained.

Finding 6: The fence does not block the site triangle or significantly compromise visibility.

3. The appearance of the fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood;

Applicant: *Yes. It is a basic chain link fence and won't stand out.*

Finding 7: A six foot chain link fence compromises the appearance and design of existing buildings and structures in the neighborhood.

Finding 8: A 6 foot chain link fence is compatible to the neighborhood and does not detract from the design of appearance of other buildings or structures in the neighborhood.

4. The fence is a planned architectural feature designed to avoid dominating the site or overwhelming adjacent properties and structures;

Applicant: *Yes. It is to protect the organic garden and as the plants grow it will add to the ambiance.*

Finding 9: The fence itself will not dominate the site or overwhelm the adjacent properties when chain links are not obstructed.

5. The orientation and location of the fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood;

Applicant: *Yes. See our map please.*

Finding 10: The orientation and location of the fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood.

6. The fence will be of sound construction.

Applicant: *Yes. Chain link (Sears-manufacturer) 6 feet tall.*

Finding 11: The fence will be of sound construction.

c. Exception. Under no circumstances will a conditional fence permit be considered for a fence that exceeds the limits of a required sight distance triangle. (Ord. 08-29, 2008)

Applicant: *We will not plant any of our fruit trees in the sight distance triangle. The road is actually 2' higher than the property in the sight triangle corner of the lot.*

Finding 12: The fence is over 4ft. tall and therefore exceeds the limits of the required site distance triangle.

Finding 13: The fence will be constructed of a material that does not interfere with the visibility found in the site triangle.

COMMENTS:

Fire Department: None received

Public Works Department: Can see where the 6 foot height could interfere with the sight distance at the intersection of Ocean Drive Loop and Cranberry and for the driveway approach onto the property, much like the requirement for a clear sight triangle when placing a business signs near an intersection or driveway.

STAFF COMMENTS/RECOMMENDATIONS:

The approval or denial is going to be based on the interpretations of the code by the Planning Commission.

The adoption of any of the findings 1, 2, 4, 7 or 12 would be the basis of **denial**. If the only finding 4 and/or 12 are adopted the applicant should be held to the following conditions. The remaining findings for denial may also present the commission to adopt findings that would make the proposal acceptable. I have no particular advice on these conditions at this time.

Condition 1: The fence must not be constructed at a height of greater than 4 foot in the site triangles at the driveway and corner of Ocean Loop Drive.

Condition 2: Applicant to work with the Public Works Department in determining the site triangle at the intersection of Cranberry and Ocean Drive Loop.

OR

The adoption of findings 3, 5, 6, 8, 9, 10, 11 & 13 would be the basis for approval. I recommend the following condition for an approval or modification based on the findings above.

Condition 3: No slats, vegetation or other site obscuring condition shall be allowed to exist on the fence itself. The applicant shall have any view obstructing material that is noticed to be accumulating on the fence removed within three days. Failure may result in revocation of this Conditional Fence Permit and any rights gained thereof.

ATTACHMENTS

1. Vicinity map
2. Application
3. Photos

Vicinity Map

Beluga Slough

VICTORIA PL.

OCEAN DR. LOOP

CHAMBERLY PL.

OCEAN DR. LOOP

PARSON LN.

744 Ocean Drive Loop
Subject Lot

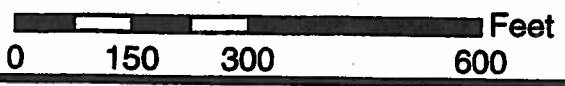


City of Homer
Planning and Zoning Department

7/1/2013

Request for a
conditional fence permit

Lots within in 300 feet are marked
and property owners notified.



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





City of Homer
Planning & Zoning
 491 East Pioneer Avenue
 Homer, Alaska 99603-7645

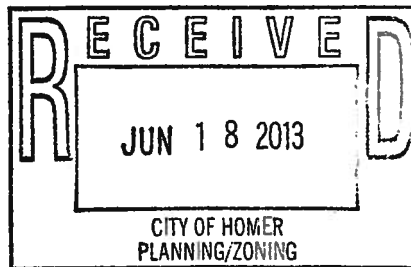
Telephone (907) 235-3106
 Fax (907) 235-3118
 E-mail Planning@ci.homer.ak.us
 Web Site www.cityofhomer-ak.gov

Conditional Fence Permit Application

Homer City Code 21.50.110(b) Fences: b. In all residential zoning districts no fence on or within 20 feet of the front lot line may exceed four feet in height.

HCC 20.50.120 allows exceptions when a Conditional Fence Permit is first approved by the Planning Commission, a \$200 fee.

Applicant	
Name: <u>Don McNamara</u>	Telephone No.: <u>299 7873</u>
Address: <u>811 OCEAN DR Loop</u>	Email: <u>SURF Shack AT ACS ALASKA</u> <u>ORUET</u>
Property Owner (if different than the applicant):	
Name: _____	Telephone No.: _____
Address: _____	Email: _____
PROPERTY INFORMATION:	
Address: <u>744 OCEAN DR</u>	Lot Size: <u>4</u> acres
	KPB Tax ID # <u>17717423</u>
Legal Description of Property: <u>LOT 78 OSCAR MUNSON SUB</u>	
<i>For staff use:</i>	
Date: <u>6/18/13</u>	Fee submittal: Amount <u>300 -</u>
Received by: <u>Travis Brown</u>	Date application accepted as complete <u>6/18/13</u>
Planning Commission Public Hearing Date: <u>7/17/13</u>	



HCC 21.50.120 b. Prior to granting such a permit, the applicant must demonstrate and the Planning Commission must find that:

1. The issuance of such a permit is reasonably necessary, by reason of unusual or special circumstances or conditions relating to the property, for the preservation of valuable property rights for full use and enjoyment of the property; 20' along the 3 sides of the lot can hold a lot of plants!
We have a small city lot and want to keep moose and rabbits and unleashed dogs out of the organic garden + garden as much of the property as possible/practical. Semidwarf fruit trees will be in the north area

2. The fence will not create a safety hazard for pedestrians or vehicular traffic;
The fence will be 8' away from the driving surface, on private property + we will preserve the sight distance triangle growing things within it

3. The appearance of the fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood;
Yes - it is a basic chain link fence + won't stand out.

4. The fence is a planned architectural feature designed to avoid dominating the site or overwhelming adjacent properties and structures;
Yes. It is to protect the organic garden and as the plants grow it will add to the ambiance.

5. The orientation and location of the fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood;
Yes. See our map please.

6. The fence will be of sound construction.
Yes. Chain link (SEARS = manufacturer) 6 feet tall.

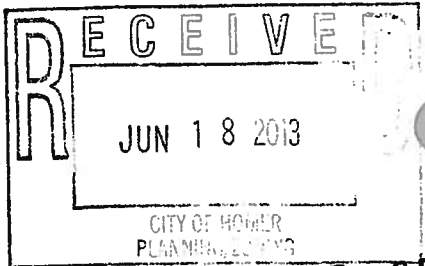
c. Exception. Under no circumstances will a conditional fence permit be considered for a fence that exceeds the limits of a required sight distance triangle. (Ord. 08-29, 2008)
We will not plant any of our fruit trees in the sight distance triangle. The road is actually 2' higher than the property in the sight triangle corner of the lot.

Thank you for your consideration!

Property Owner's signature: Don Williams Date: 6/17/13
and Donna Rae Faulkner



Where the Land Ends and the Sea Begins





20
↓
↑
Alley

50' →

35'

23'
↑
↓
10'

20'
20'
Home

Organic Garden

URBAN BERRY

FENCED AREA

DRIVE

Sight Δ

Sight Δ

= Proposed fence

100'

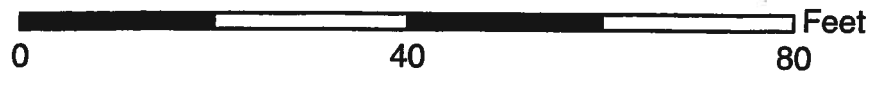
55'

110

35'

60'

OCEAN DRIVE LOOP



1 inch = 20 feet

RECEIVED

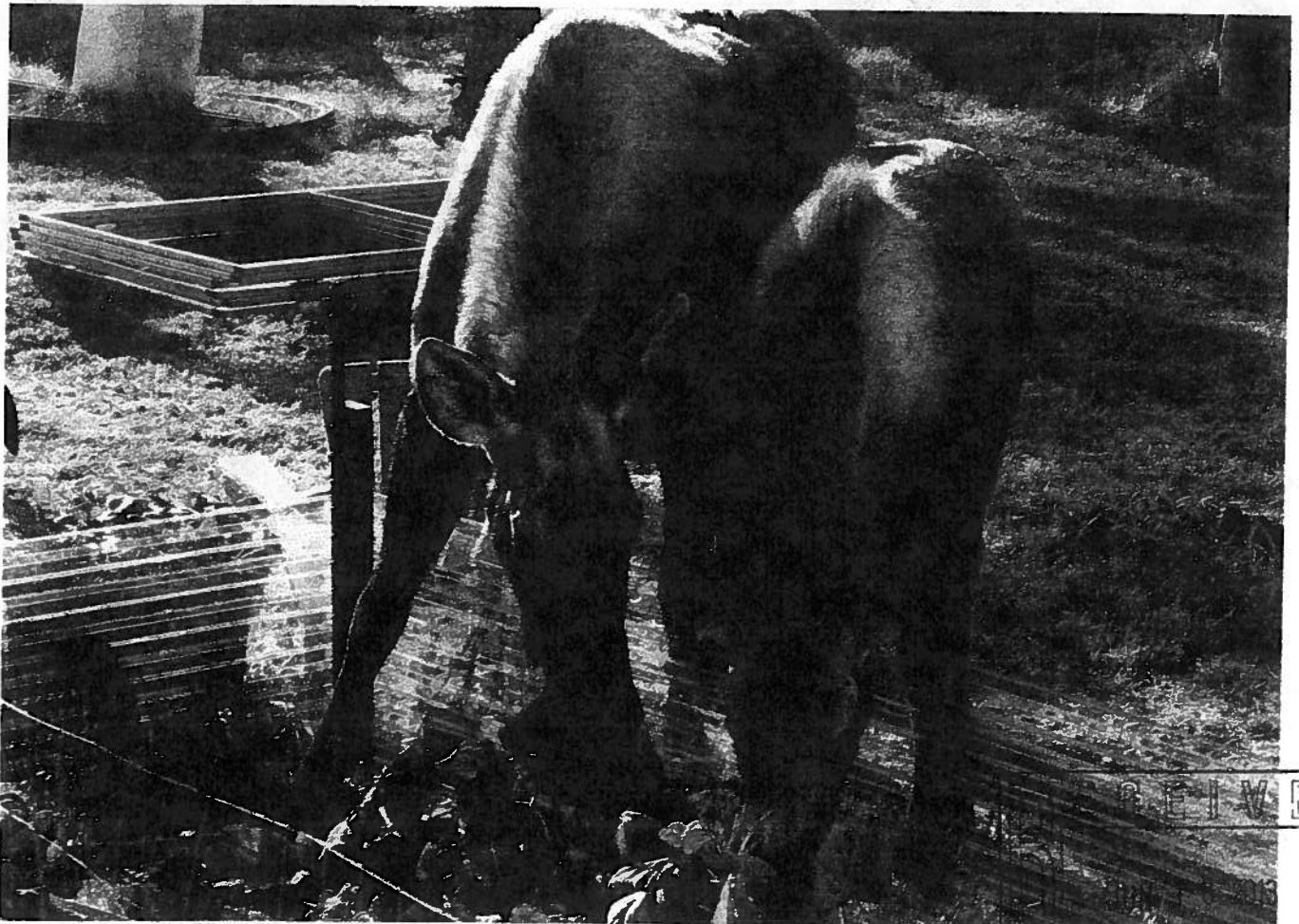
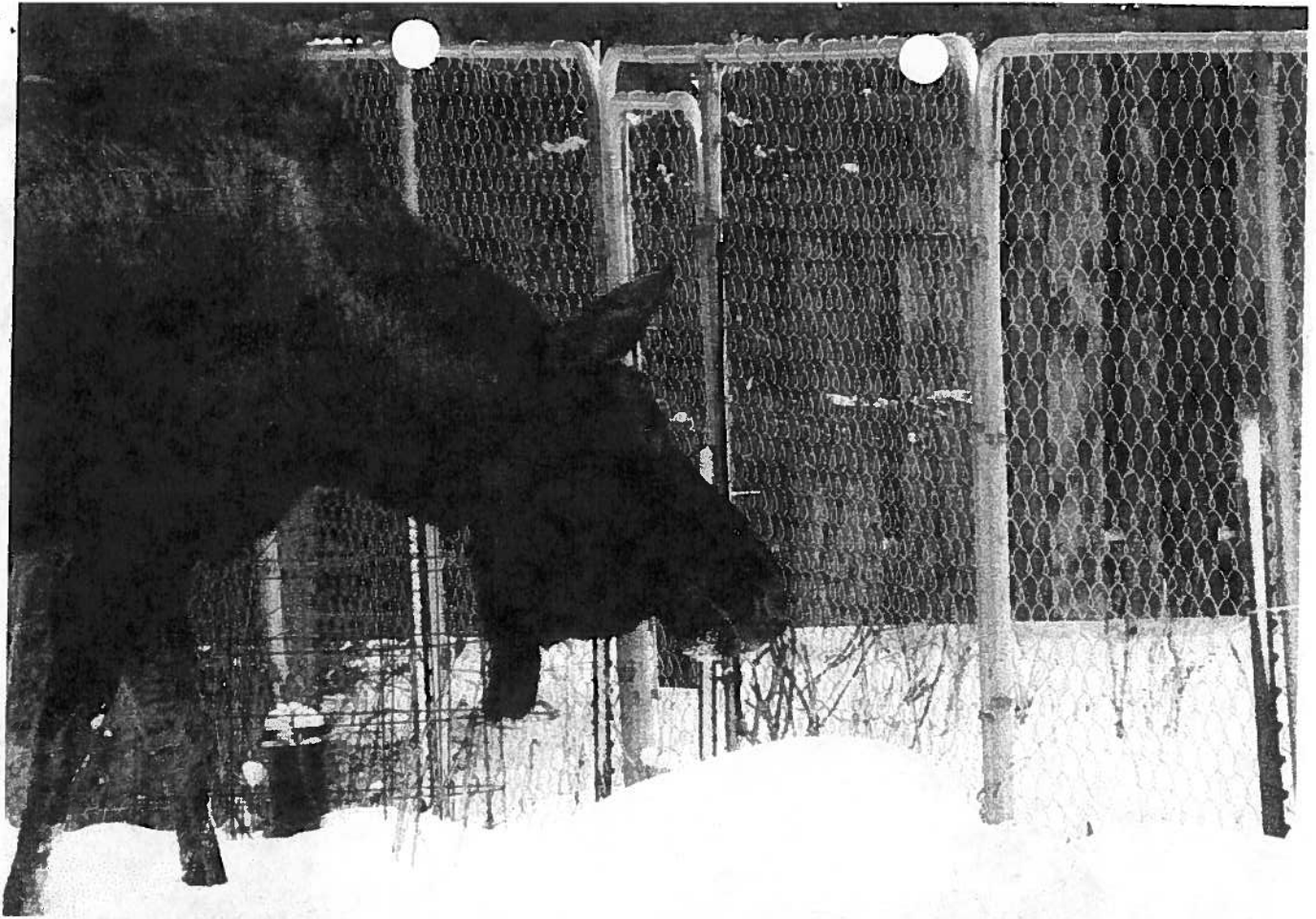
JUN 18 2013

CITY OF HOMER
PLANNING/COMING

3 of 5



Well - it will help deter the moose
and definitely keep the dog - shows that moose out!

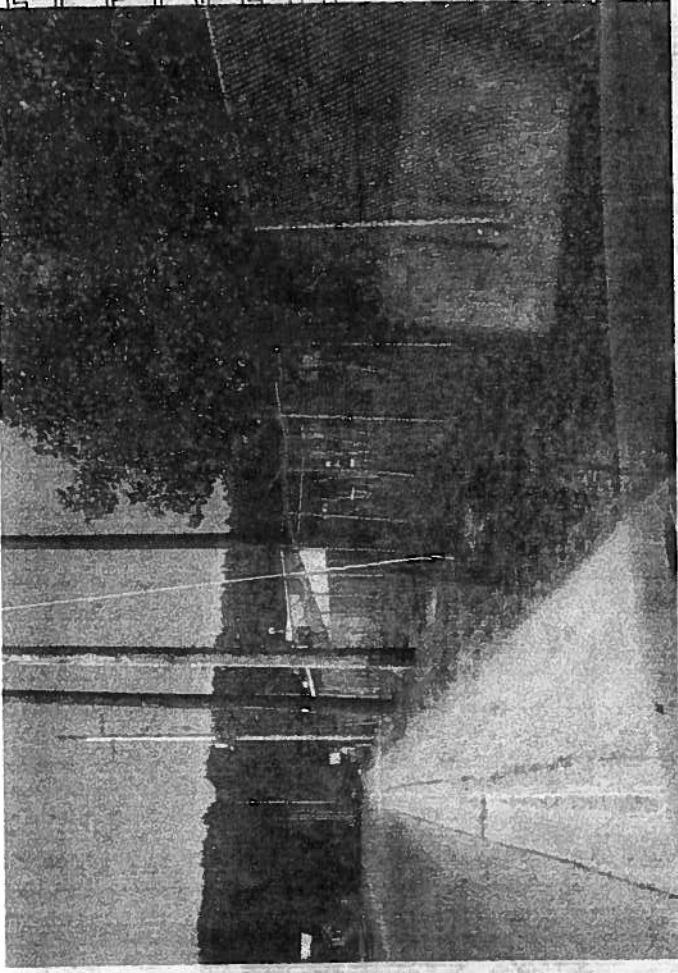


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PLANNING DEPARTMENT

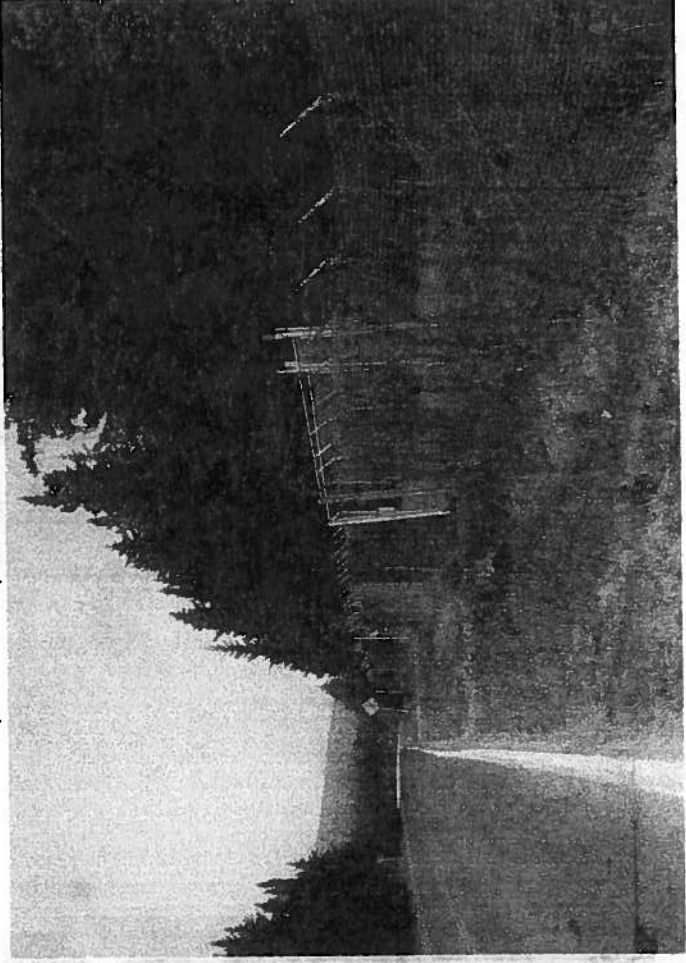
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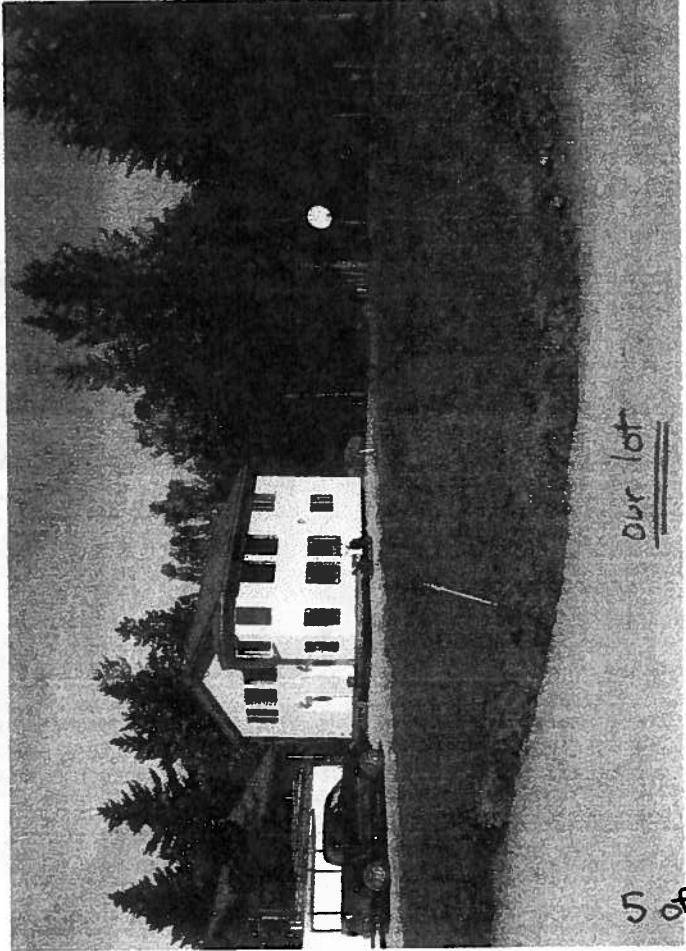
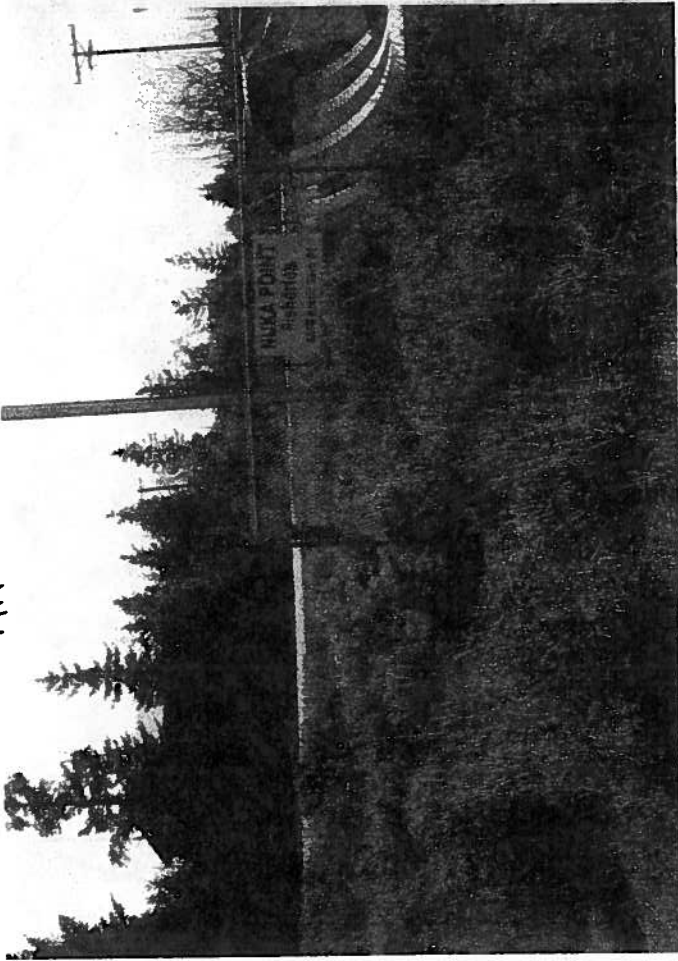
Hea



AIR PORT



you can see through
KACHEMAK DR.



our lot











City of Homer

www.cityofhomer-ak.gov

Planning
 491 East Pioneer Avenue
 Homer, Alaska 99603

Planning@ci.homer.ak.us
 (p) 907-235-3106
 (f) 907-235-3118

STAFF REPORT PL 13-56

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: July 17, 2013

SUBJECT: Right of Way Easement Vacation, 202 E Pioneer Ave, Lot 38 Bunnell's Subdivision

Requested Action: Conduct a public hearing and recommend vacation of a forty foot wide public right of way easement.

GENERAL INFORMATION

Applicants:	Karin Marks 202 W Pioneer Ave Homer, AK 99603	Jamie Sutton 106 W Pioneer Ave Homer, AK 99603
Location:	Pioneer Ave, between Main and Bartlett Streets	
Parcel ID:	17514231	
Zoning Designation:	Central Business District	
Existing Land Use:	Retail/Residential	
Surrounding Land Use:	North: Church South: Commercial Office, Retail/Residential East: Vacant/Restaurant West: Hotel/Commercial/Retail	
Wetland Status:	The 2005 wetland mapping shows no wetland areas.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available.	
Public Notice:	Notice was sent to 26 property owners of 25 parcels as shown on the KPB tax assessor rolls.	

Background

At some point in the late 1970's there was a subdivision between Fairview Ave and Pioneer Ave. The Plat dedicated a north-south right of way, called Swatzell Street. Over the years, more lots were subdivided, using Swatzell as the legal access. Swatzell is included as a road in the 1986 Master Streets and Roads Plan, and the 2005 Homer Transportation Plan, part of the Comprehensive Plan. However to date, none of Swatzell has been constructed. In the last few years, the City proposed a local improvement district to construct a road, water and sewer improvements. The majority of property owners were not in favor of the proposal.

In 2006, the land to the east of the subject property was resubdivided. At the time, the Planning and Public Works Departments recommended following the comprehensive plan, and requiring the dedication of Swatzell Street to Pioneer Ave. The Homer Advisory Planning Commission disagreed, passing a motion that only a 30 foot utility easement was needed. Ultimately, the plat was approved without the dedication of a right of way.

The hypothetical intersection of Swatzell and Pioneer Ave is too close to the intersection of Pioneer and Bartlett; it would not meet city road requirements. In the future, the northern portion of Swatzell Street could be constructed as a cul de sac, or be connected east or west to Main or Bartlett Streets probably north of Noview Ave. Planning staff discussed the vacation with Public Works and staff is in agreement that it is reasonable to vacate the easement. Staff also notes it would be appropriate to revisit the 1986 Master Streets and Roads Plan and the 2005 Comprehensive Plan to reconsider the future transportation needs of this area.

PUBLIC WORKS COMMENTS:

Since it seems apparent that the City is no longer seeing a need to plan for Swatzell Street, this department is requesting that a utility easement be retained to accommodate a water and sewer mainline extension, along with other utilities since there are lots on either side of the existing Swatzell Street that will ultimately need to be serviced. A thirty foot dedication would be preferred, which would still allow for the owners to utilize the area for parking. A twenty foot easement would be the minimum.

Planning staff note: there is an existing 20 easement granted to HEA.

ANALYSIS:

Review standards from Kenai Peninsula Borough Code:

21.28.151 Vehicular access provision. Where a right-of-way is required for logical provision of an existing or future road, the planning commission shall not approve the vacation unless an equal or

superior right-of-way will be provided in exchange. Where 2 or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider the ultimate density of habitation or use and maintain sufficient rights-of-way to serve such anticipated use.

Staff review: The intersection of Swatzell Street and Pioneer Ave does not meet the requirements of HCC 11.04.090 (d). The intersection of Bartlett and Pioneer Avenue is less than 400 feet from Swatzell Street, and municipal road standards require intersection to be spaced at least 600 feet apart.

Finding 1: The easement is not in a good location for the extension of a road connecting to Pioneer Ave.

20.28.160. Other access provisions.

Rights-of-way which provide or could provide access for pedestrians, off-road vehicles, aircraft and similar modes of transport shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation.

Finding 2: The easement does not and could not provide access for aircraft or off road vehicles.

20.28.170. Utility provisions.

All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right-of-way.

Finding 3: A thirty foot utility easement shall be retained.

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

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission recommend approval of the right of way vacation with findings 1-3 and the following comments:

1. Retain a 30 foot utility easement along the eastern property line.

ATTACHMENTS

1. Vacation Petition
2. Public Notice



Kanal Peninsula Borough Planning Department
144 North Blakley
Soldotna, Alaska 99683-7688
Toll free within the Borough 1-800-476-4441, extension 2200
(907) 714-2200

Petition to Vacate Public Right-of-Way / Section Line Easement
Public Hearing Required

Upon receipt of complete application with fees and all required attachments; a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

- Fees - \$500 non-refundable fees to help defray costs of advertising public hearing.
□ City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
□ Name of public right-of-way proposed to be vacated is ... dedicated by plat of ... Subdivision, filed as Plat No. ... in ... Recording District.
□ Are there associated utility easements to be vacated?
□ Are easements in use by any utility company, if so which?
[X] Easement for public road or right-of-way as set out in (specify type of document) written agreement as recorded in Book 60 Page 230 of the Homer Recording District.
□ Section Line Easement. Width of easement must be shown on sketch.
□ Submit three copies of plat or map showing area proposed to be vacated.
Has right-of-way been fully or partially constructed?
Is right-of-way used by vehicles / pedestrians / other?
Has section line easement been constructed?
Is section line easement being used?
Is alternative right-of-way being provided?

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

The decision by the city and borough that Swatgal street will not be built to reach and dump out on Pioneer Ave means that the general public easement is no longer necessary.

The petition must be signed (written signature) by owners of majority of the front feet of land fronting part of the right-of-way or section line easement proposed to be vacated. Each must include address and legal description of his / her property.

Submitted by: Signature Karin J Marks As [X] Petitioner [] Representative

Name KARIN J MARKS
Address 202 W PIONEER AVE
HOMER AK 99603

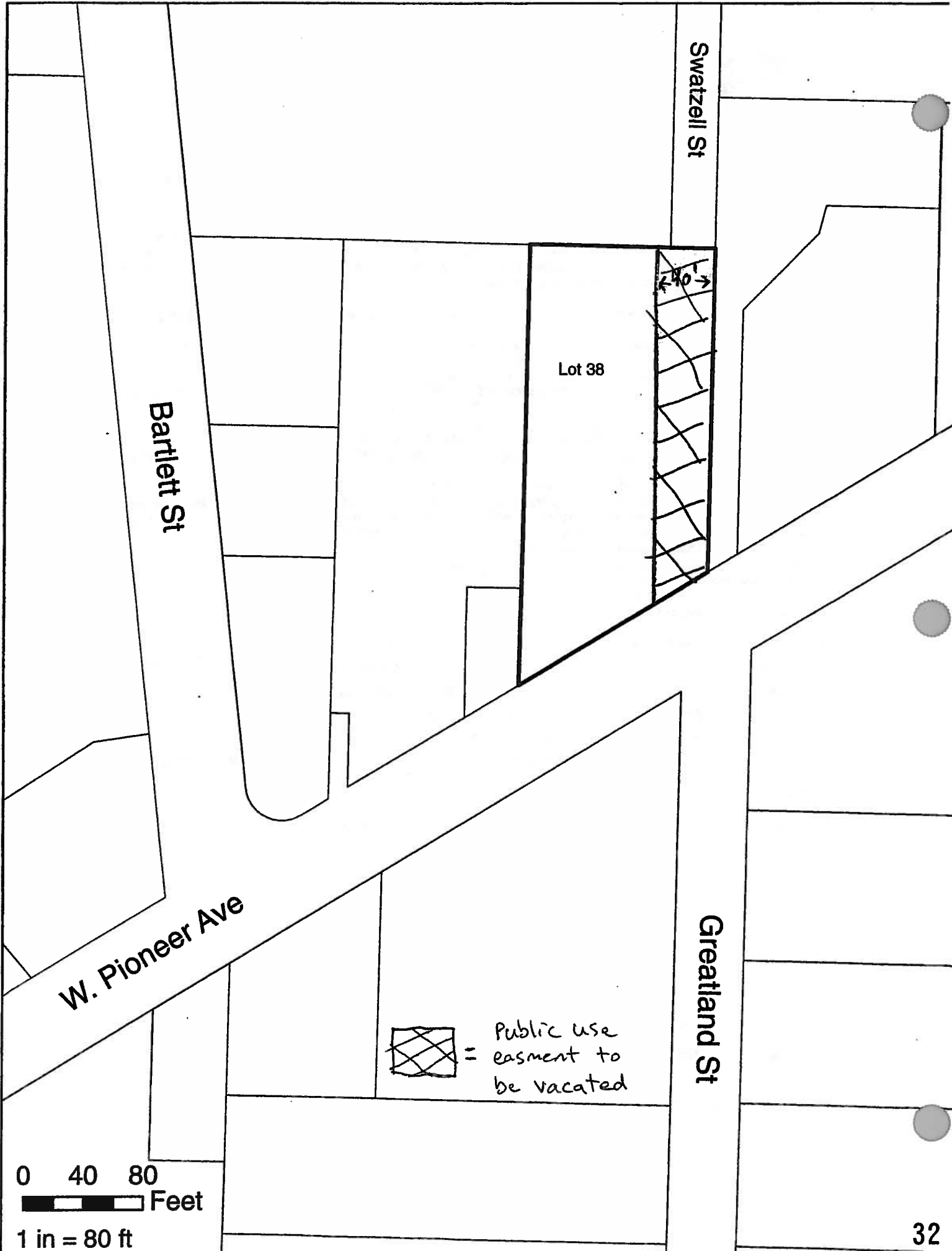
Phone 907-399-7421

Petitioners:

JAMIE SIGN

Signature [Signature]
Name JAMIE SUTTON
Address 106 W PIONEER
HOMER, AK 99603

Signature _____
Name _____
Address _____



Swatzell St

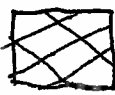
Bartlett St

Lot 38

40' →

W. Pioneer Ave

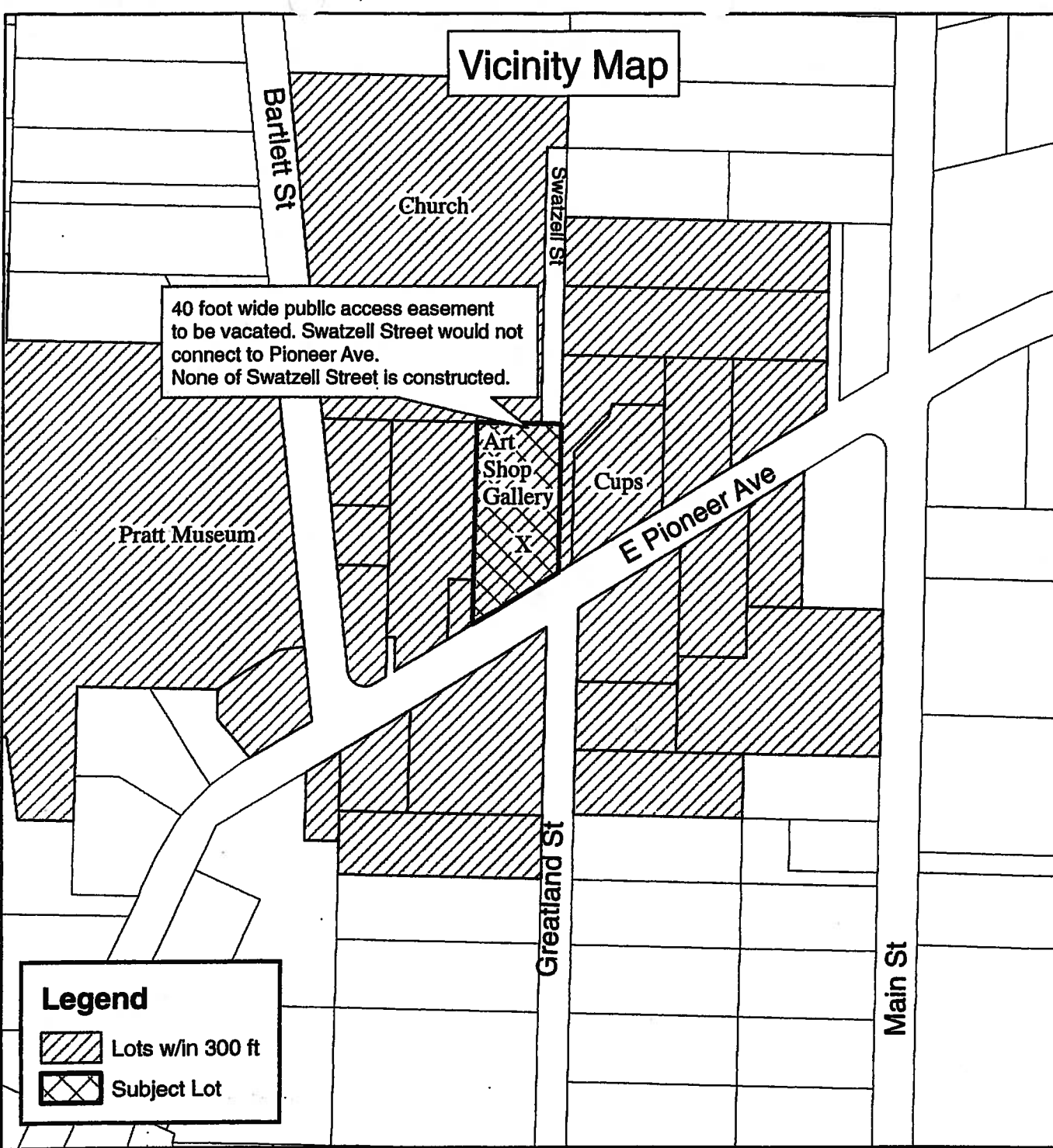
Greatland St

 = Public use easement to be vacated

0 40 80 Feet

1 in = 80 ft

Vicinity Map



Legend

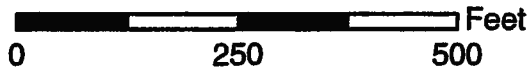
- Lots w/in 300 ft
- Subject Lot



City of Homer
Planning and Zoning Department
 July 1, 2013

**Request to vacate
 a public access easement
 202 E Pioneer Ave
 Lot 38 Bunnell's Subdivision**

Property owners w/in 300 feet are notified.



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





City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

STAFF REPORT PL 13-55

TO: Homer Advisory Planning Commission (HAPC)
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: July 17, 2013
SUBJECT: Draft Ordinance 13-xx adopting Flood Insurance Rate Maps (FIRM) dated November 6, 2013 and amending HCC 21.41 Flood Prone Areas.

Requested Action: Discuss and recommend approval to the City Council

Introduction: The Federal Emergency Management Agency (FEMA) has issued new floodplain maps for the Homer Spit which represents the 1% chance of a flood event happening in any given year.

The map adoption process is two-fold; the maps themselves must be adopted and the City's Floodplain code must be updated. FEMA backed flood insurance policies are only available to citizens in communities that participate in the National Flood Insurance Program (NFIP). Homer is a NFIP community so the City must adopt these new maps and the code amendments by November 6, 2013. The first step is for the HAPC to review the map and code amendments, and then forward a recommendation to the City Council for adoption.

Background: In 1999, FEMA produced Flood Insurance Rate Maps (FIRM), but the City did not join the program. In 2003, after the declaration of disaster from the 2002 floods, the City of Homer joined the NFIP, and adopted flood maps and standards for development in flood zones. Since then engineers, surveyors and the City have disputed the flood elevations on the maps, particularly on the Spit. In 2008 FEMA agreed to resolve the inconsistencies with a new coastal study. In 2008-9 engineers performed 25 surveyed transects perpendicular to the Homer Spit. This elevation data combined with hydrologic (peak flood discharge and frequency) and hydraulic (water elevation) analysis, wave height analysis and storm-surge data. This work led to the creation of the maps now presented to the Commission. Although FEMA's study was focused on the Spit, they re-published maps for the entire City. All reference in code to the 2009 adopted maps will now be changed to the 2013 maps.

"Flood language" is full of acronyms; starting with the Base Flood Elevation or BFE which means the site has a 1% annual chance of a flood at a certain elevation. The FEMA maps also indicate type of flood zones. For example: the Spit has three flood zones:

Velocity Zone with Elevation determined (**VE**) wave height greater than 3 ft; and
AE Zone refers to "coastal AE zones" with stillwater Elevations determined (**AE**) with wave height less than 3.0 ft; Zone X which refers to the 0.2%, or 500yr annual chance of a flood event.

Both the zone and the elevation are noted in the Flood Insurance Study (FIS) and on the new flood maps. For example, **VE 25** means **V**elocity zone with a Base Flood **E**levation of **25** feet. These flood elevations are based on the North American Vertical Datum of 1988 (NAVD88) which is different from a tide elevation. To convert NAVD88 to Mean Lower Low Water (MLLW) add approximately 4 feet.

Map changes: The proposed maps illustrate both the zone and the elevation. For example the Land's End Condominium area goes from an AO 9999 (undetermined elevation) to AE 25 (AE Zone with a BFE of 25 ft). The land around the hockey rink will go from a VE24 (Velocity Zone at 24 ft) to an AE 22 (type of flooding at 22 ft).

SITE	CURRENT FLOOD ZONE & ELEVATION	PROPOSED FLOOD ZONE & ELEVATION
Land's End Condominiums	AO 9999 (undetermined elevation) & VE 24	AE 25
Land's End Hotel	VE 28	AE 25
East of Ice Dock Rd	AO 9999 (undetermined elevation)	VE 23
Chip pad area	AO 9999 (undetermined elevation)	0.2% or 500 yr. chance of flood event.
Fishing hole area	VE 24	AE 20, AE 22 and 0.2% or 500 yr.
Hockey rink area	VE 24	AE 22
Mariner Slough area	VE 32	VE 20

Flood insurance rates are dependent on how high the structure is elevated so to allow a 1% flood event to flow under/through or around a structure. In most part, Homer's Floodplain code requires structures to be elevated one foot above the BFE, also known as BFE +1 which reduces risks and flood insurance premiums.

Community Rating System (CRS) is a program in which participating communities gain Flood Insurance discounts based on activities identified by FEMA to reduce risks associated with flood events. Flood insurance costs for all city residents (whether or not they are in a mapped flood zone) are reduced according to the value assigned to the activities. Seward, Valdez and Anchorage are examples of CRS communities in Alaska. Communities are given CRS "credits" for adopting and maintaining high standards. Homer is already doing the following activities which would provide a 10-15 % discount on all flood insurance policies within the City including:

- Elevation Certificates (Planning Office)
- Flood map information (Planning Office)
- Flood and drainage outreach (Planning and Public Works)
- Open Space Preservation (The Spit has Conservation and Open Space Zones)
- Stormwater Management (Planning and Public Works)

The FEMA specialists had all indicated that with the new Flood Insurance Rate Maps (FIRM) it's time for Homer to apply for the CRS. The Planning staff has the training and background to apply and several of the recommendations in this report, would support a CRS application. The Planning staff has called CRS communities in Alaska to discuss the staff time needed to maintain a CRS designation. For a community of Homer's size, 1-3 hours of staff time per year is needed to submit the year-end report to FEMA.

Floodplain code amendments: One of FEMA's Floodplain Management Specialists, Karen Wood-McGuinness, reviewed Homer's Floodplain code and recommended several amendments. Some of the amendments are required; others should be discussed by the HAPC with recommendations forwarded to City Council. These amendments will make Homer's Floodplain code more consistent, easier to administer and could make the City eligible for additional reduction in Flood Insurance Rates through the Community Rating System (CRS).

Staff recommends these five amendments, and provides an analysis:

1. Update the "Accessory structures" definition.
2. Require "Accessory structures" below the BFE to have openings to allow water flow.
3. Update the "Coastal High Hazard Area" definition to include Limited Wave Action zone.
4. Update the "Substantial improvement" definition.
5. Raise the "Base Flood Elevation" (BFE) and flood proofing for nonresidential structures, HCC 21.41.220(b) & 21.41.220(b)(1).

1. Recommended. Update the "Accessory structures" definition, HCC 21.41.030.

HCC 21.41.030: "Accessory structures" means ~~low-cost~~ buildings such as detached garages, boat houses, ~~small-poles~~; not to be used for human habitation, shall be constructed and placed on the building site so as to offer minimum resistance to the flow of flood waters; shall be anchored to prevent flotation which may result in damage to other structures; and service utilities such as electrical and ~~hearting~~ equipment shall be elevated or flood-protected; **and shall have openings per HCC 21.41.220(a)(2)(ii, iii & iv).** No elevation certificate or variance is required for a development determined by the City to be an accessory structure.

Analysis: The FEMA specialist and staff recommend an amendment to the "**Accessory structures**" definition, HCC 21.41.030. Our current "accessory structure" definition uses the term "low cost." What is "low cost" to one family may not be "low cost" to another. ~~Small poles~~ and ~~hearting~~ appear to be type errors in the existing code.

2. Required. FEMA requires that an "**Accessory structure**" below the Base Flood Elevation must have openings that allow the free movement of water. The requirements for the opening are outlined in HCC 21.41.220(a)(2)(ii, iii & iv).

Analysis: Staff recommends the above amendments to improve the consistency in Title 21, to correct a type error, and to improve safety by allowing the free movement of water.

3. Recommended. Update the “Coastal High Hazard Area” to include “Limit of Moderate Wave Action” the LiMWA zone.

The FEMA specialists recommend an update to the “Coastal high hazard area” definition to include the “Limit of Moderate Wave Action” (LiMWA) zone. Homer does not have any LiMWA flood zones, but adding it to the definitions will contribute to gaining CRS credits.

“Coastal high hazard area” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-V30, VE or V **and LiMWA**”

Analysis: The Homer Spit flood maps identify two flood zones: The AE zone is an area with a 1% chance of stillwater less than 3 feet. The VE zone is an area with a 1% chance of wave height **greater than 3 feet**. In response to significant coastal damage in the A zones caused by wave heights greater than 1.5 feet, FEMA implemented the LiMWA zone in 2009. The LiMWA zone is an “informational layer to assist in safe building practices” and is recommended by the 2006 International Building Code.

The Homer Spit remapping project began before 2009, so our maps do not show LiMWA zones. However, including the LiMWA designation within the “Coastal high hazard area” definition helps Homer earn credits for the Community Rating System. For these reasons, the planning staff also recommends this amendment.

4. Required. FEMA requires an update to the “Substantial improvement” definition, HCC 21.41.030

“Substantial improvement” means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- a. Any project for improvement of a structure to comply with **existing** violations **that have been previously cited based on** state or local health, sanitary, or safety code specifications which are the minimum necessary to assure safe living conditions, or

Analysis: After a flood event, the community is inundated with decisions to rebuild, or not. FEMA has specific standards for determining if a structure can be repaired, known as “Substantial improvement” if the costs of the repair exceeds 50% of the market value of the structure. In the past, the term, “Substantial Improvements” included “existing violations.” FEMA now requires communities to amend the “Substantial Improvement” definition to include **“violations that have been previously cited.”**

5. Recommended. Raise the “Base Flood Elevation” (BFE) for nonresidential structures.

HCC 21.41.220(b). Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated ~~to the level of the~~ **one foot above** base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that ~~below~~ **one foot above** the base flood level the structure is water tight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in HCC § 21.41.090(d)(2);

Analysis: Homer’s flood standards require that all structures to be built to BFE +1 with one exception. The exception allows ‘non residential’ structures in the AE zones to be built at BFE. Staff recommends amending to require all structures be built to BFE +1. This amendment would provide:

- Consistent elevation requirements with all the flood zones and types of structures
- Ease of administering
- Elimination of contradictory code
- Reduced flood insurance rates

Here are two examples of how the contradictory code language could be very costly:

A ‘non residential’ structure built at BFE, is then changed to a residence. A residence is supposed to be built to BFE +1. The property owner seeks to purchase flood insurance of the “noncompliant” residence. Ouch, that’s an expensive policy because the home is too low.

A ‘non residential’ structure that is built at BFE and ‘flood proofed’ refers to building a structure that is impermeable to water. If the structure is flood proofed and not elevated, the flood insurance rate is calculated as if the structure is control (is control?) at BFE -1. Despite

the owner's due diligence in meeting the flood requirements, a flood insurance policy for a structure at a BFE -1, is a very expensive policy. (HCC 21.41.220(b)(5).

Staff Recommendation: Discuss and recommend approval to the City Council

Att: Ordinance 13-xx
Memorandum 13-01

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 13-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HCC 21.41.030, DEFINITIONS, HCC 21.41.040, BASIS FOR ESTABLISHING FLOOD HAZARD AREAS, HCC 21.41.200, STANDARDS-- ALL FLOOD HAZARD AREAS, AND HCC 21.41.220, STANDARDS-- WHERE BASE FLOOD ELEVATION DATA IS PROVIDED, TO ADOPT THE FLOOD INSURANCE RATE MAPS DATED NOVEMBER 6, 2013, AND CODE REVISIONS RECOMMENDED BY FEMA.

WHEREAS, The City must participate in the National Flood Insurance Program to be eligible for emergency federal funding in case of disaster; and

WHEREAS, FEMA has conducted a national map modernization program to switch from paper flood insurance rate maps to digital maps; and

WHEREAS, As part of the program the Homer maps have been updated; and

WHEREAS, The Flood Insurance Rate Maps dated November 6, 2013 must be adopted by the City in order for the City to continue to participate in the floodplain program; and

WHEREAS, The City's floodplain code was reviewed by FEMA and found to need minor adjustments to be compliant with the requirements of the National Flood Insurance Program; and

WHEREAS, It is in the City's best interest to require all structures to be elevated one foot above the base flood elevation; and

WHEREAS, The 2010 Homer Spit Comprehensive Plan within the City of Homer Comprehensive Plan of 2008, Section 3, Goal 1.4, states, "All development should recognize, value and complement the unique natural resources on the Homer Spit"; and

WHEREAS, The Homer Advisory Planning Commission conducted a public hearing on July 17, 2013, and recommend that the City Council adopt this ordinance.

THE CITY OF HOMER ORDAINS:

Section 1. The definitions of "Accessory Structures," "Coastal high hazard area" and "Substantial improvement" in HCC 21.41.030, Definitions, are amended to read as follows:

"Accessory structures" means ~~low-cost~~ buildings such as detached garages; and boat houses, ~~small poles,~~ that are not designed or intended to be used for human habitation, ~~shall be constructed and placed on the building site so as to offer minimum resistance to the flow of flood~~

47 ~~waters; shall be anchored to prevent flotation which may result in damage to other structures;~~
48 ~~and service utilities such as electrical and heating equipment shall be elevated or flood proofed.~~
49 ~~No elevation certificate or variance is required for a development determined by the City to be an~~
50 ~~accessory structure.~~

51
52 "Coastal high hazard area" means an area of special flood hazard extending from offshore
53 to the inland limit of a primary frontal dune along an open coast and any other area subject to
54 high velocity wave action from storms or seismic sources. The area is designated on the FIRM
55 as Zone V1-V30, VE₁ or V **and LiMWA.**

56
57 "Substantial improvement" means any repair, reconstruction, rehabilitation, addition, or
58 other improvement of a structure, the cost of which equals or exceeds 50 percent of the market
59 value of the structure before the "start of construction" of the improvement. This term includes
60 structures which have incurred "substantial damage", regardless of the actual repair work
61 performed. For the purposes of this definition "substantial improvement" is considered to occur
62 when the first alteration of any wall, ceiling, floor, or other structural part of the building
63 commences, whether or not that alteration affects the external dimensions of the structure. The
64 term does not, however, include either:

65 a. Any project for improvement of a structure to ~~correct~~ **correct** ~~comply with existing~~ violations
66 **that have been previously cited based on** ~~of~~ state or local health, sanitary, or safety code
67 specifications which are the minimum necessary to assure safe living conditions, or

68 b. Any alteration of a "historic structure" listed on the National Register of Historic
69 Places or a State Inventory of Historic Places, provided that the alteration will not preclude the
70 structure's continued designation as a "historic structure."

71
72 Section 2. HCC 21.41.040, Basis for establishing flood hazard areas, is amended to read
73 as follows:

74
75 21.41.040 Basis for establishing flood hazard areas. The areas of special flood hazard
76 identified by the Federal Insurance Administration in a scientific and engineering report entitled
77 "The Flood Insurance Study for the City of Homer, Alaska," dated ~~September 25, 2009~~
78 **November 6, 2013**, with accompanying Flood Insurance Rate Maps (FIRM), are hereby adopted
79 by reference and declared to be a part of this ordinance. The Flood Insurance Study and FIRM
80 **are is on file in the Planning Department and Zoning office.**

81
82 Section 3. HCC 21.41.200 Standards ~~all~~ flood hazard areas, is amended by adding
83 paragraph (b)(4) to read as follows:

84
85 4. Accessory structures shall be constructed and placed on the building site so as
86 to offer minimum resistance to the flow of flood waters; shall be anchored to prevent
87 flotation which may result in damage to other structures; shall have only service utilities
88 such as electrical and heating equipment that are elevated or flood-proofed; and shall
89 have openings as required by HCC 21.41.220(a)(2)(ii), (iii) and (iv). No elevation
90 certificate or variance is required for a development determined by the City to be an
91 accessory structure
92



City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603
Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Memorandum 13-01

TO: Homer Advisory Planning Commission

FROM: Rick Abboud

DATE: July 17, 2013

SUBJECT: Draft Ordinance 12-xx, adopting Flood Insurance Rate Maps (FIRM) dated November 6, 2013 and amending HCC 21.41 Flood Prone Areas.

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

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

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

Staff response: The proposed amendments are consistent with the Comprehensive Plan and support several objectives in the Land Use Chapter including; developing clear and well-defined land use regulations, requiring development practices that protect environmental functions, and encouraging high quality site design and buildings..

b. Will be reasonable to implement and enforce.

Staff response: The proposed amendment provide a clear direction to the delineation of lands for regulation and clear guidelines for the development of those lands as recommended by the Federal Emergency Management Agency (FEMA).

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

Staff response: The proposed amendments have been crafted with the specific goal of protecting life and property in relation to scientifically identified and delineated hazards to the citizens of Homer Alaska.

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

Staff response: The amendments have been reviewed by the City Attorney and are deemed consistent with the intent and wording of the other provision of this title.

21.95.010 Initiating a code amendment.

Staff response: The code amendment was initiated by the City Planner as permitted by HCC 21.95.010(d)

21.95.030 Restriction on repeating failed amendment proposals.

Staff response: This section of code is found to be not applicable.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

STAFF REPORT PL 13-53

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: July 17, 2013
SUBJECT: Technical Revisions to Title 21

Requested Action: Hold hearing on revisions and forward to City Council with recommendation.

GENERAL INFORMATION

The City is in the process of having the City code hosted on-line by a private company. This company will also update the code as the Council adopts new ordinances, rather than City staff. This is a common practice among municipalities nationwide (Homer is unusual in that we don't already do this). The result will be a searchable city code on line, with much better formatting.

The Attorney together with the new code publishing service has made recommendations to better clarify the identified sections of code. The recommendations do not introduce any substantial changes in code. The Attorney and Code Publishing report are included. The changes include things like specifying which version of a technical handbook will be used, removing duplicate information, and adding language to sections, rather than requiring the reader to flip between city code sections. The zoning map reference will be updated to the current version of the zoning map, which includes the recent rezoning on the Spit.

STAFF COMMENTS/RECOMMENDATIONS:

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

ATTACHMENTS

1. Memorandum 13-02
2. Draft ordinance
3. Excerpt of Code Publishing Inc comments
4. Memo dated June 4, 2013 from City Attorney Klinkner to City Planner Abboud





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(f) 907-235-3118

Memorandum 13-02

TO: Homer Advisory Planning Commission

THROUGH: Rick Abboud, City Planner

FROM: Julie Engebretsen, Planning Technician

DATE: July 17, 2013

SUBJECT: Draft Ordinance 13-xx Technical Revisions to Title 21

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

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

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

Staff response: The proposed amendments are consistent with the Comprehensive Plan.

b. Will be reasonable to implement and enforce.

Staff response: The proposed amendments do not substantially change city code or policies.

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

Staff response: The proposed amendments will improve the usability of the zoning code and increase the ability to promote public health, safety and welfare.

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

Staff response: The amendments have been reviewed by the City Attorney and are deemed consistent with the intent and wording of the other provision of this title.

21.95.010 Initiating a code amendment.

Staff response: The code amendment was initiated by the City Planner as permitted by HCC 21.95.010(d)

21.95.030 Restriction on repeating failed amendment proposals.

Staff response: This section of code is found to be not applicable.

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**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 13-__

AN ORDINANCE OF THE CITY OF HOMER, ALASKA, MAKING
TECHNICAL CORRECTIONS TO TITLE 21 OF THE HOMER CITY CODE
FOR ITS REPUBLICATION BY CODE PUBLISHING, INC.

WHEREAS, Code Publishing, Inc. has performed a legal analysis of the current Homer
City Code, that has identified Code provisions that require technical correction; and

WHEREAS, It is desirable that the technical corrections identified by Code Publishing,
Inc. be adopted to assure that the republished Code is as accurate and current as possible.

NOW, THEREFORE, THE CITY OF HOMER HEREBY ORDAINS:

Section 1. Subsection (a) of Homer City Code 21.10.030, Zoning map, is amended to
read as follows:

21.10.030 Zoning map. a. The official zoning map shall be kept in the City offices, **in
either paper or electronic form.** The "Homer Zoning Map" dated **June 7, 2013** ~~September 28,
1982~~ is adopted by reference and declared to be part of this title, together with all amendments
subsequently approved by ordinance.

Section 2. Homer City Code 21.16.060, Traffic Requirements, is amended to read as
follows:

21.16.060 Traffic Requirements. A conditional use permit is required for every use that:
a. Is estimated to generate more than 100 vehicle trips during any hour of the day ~~based
on the proposed land use and density, or~~ calculated utilizing the Trip Generation Handbook,
Institute of Transportation Engineers, **9th** ~~(current~~ edition);
b. Is estimated to generate more than 500 vehicle trips per day ~~based on the proposed
land use and density, or~~ calculated utilizing the Trip Generation Handbook, Institute of
Transportation Engineers, **9th** ~~(current~~ edition);
c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during
any hour of the day due to a change in land use or intensity of use; **or**
d. Is expected to generate traffic that will detract from the safety of, or degrade by one
level of service, the highway, road, street, alley or intersection.

Section 3. Homer City Code 21.18.060, Traffic Requirements, is amended to read as
follows:

21.18.060 Traffic Requirements. A conditional use permit is required for every use that:

- 45 a. Is estimated to generate more than 100 vehicle trips during any hour of the day based
46 ~~on the proposed land use and density, or~~ calculated utilizing the Trip Generation Handbook,
47 Institute of Transportation Engineers, 9th (~~current~~ edition);
48 b. Is estimated to generate more than 500 vehicle trips per day ~~based on the proposed~~
49 ~~land use and density, or~~ calculated utilizing the Trip Generation Handbook, Institute of
50 Transportation Engineers, 9th (~~current~~ edition);
51 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during
52 any hour of the day due to a change in land use or intensity of use; or
53 d. Is expected to generate traffic that will detract from the safety of, or degrade by one
54 level of service, the highway, road, street, alley or intersection.
55

56 Section 4. Homer City Code 21.20.100, Traffic Standards, is amended to read as follows:
57

58 21.20.100 Traffic Requirements Standards. A conditional use permit is required for
59 every use that:

- 60 a. Is estimated to generate more than 100 vehicle trips during any hour of the day based
61 ~~on the proposed land use and density, or~~ calculated utilizing the Trip Generation Handbook,
62 Institute of Transportation Engineers, 9th (~~current~~ edition);
63 b. Is estimated to generate more than 500 vehicle trips per day ~~based on the proposed~~
64 ~~land use and density, or~~ calculated utilizing the Trip Generation Handbook, Institute of
65 Transportation Engineers, 9th (~~current~~ edition);
66 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during
67 any hour of the day due to a change in land use or intensity of use; or
68 d. Is expected to generate traffic that will detract from the safety of, or degrade by one
69 level of service, the highway, road, street, alley or intersection.
70

71 Section 5. Subsection (e) of Homer City Code 21.22.040, Dimensional Requirements, is
72 amended to read as follows:
73

74 e. Building Area and Dimensions – Retail

- 75 1. The total floor area of retail business uses within a single building shall not
76 exceed 8,000 square feet.
77 2. In buildings with more than 8,000 square feet of building area retail business
78 use (not including the area for stocking and warehousing) is limited to no more than
79 8,000 square feet of floor area.
80 3. ~~No retail business use, no wholesale business use, and no building the main use~~
81 ~~of which is retail business or wholesale business that is made nonconforming by this~~
82 ~~chapter may be expanded or enlarged in any manner beyond the size and intensity that~~
83 ~~existed on September 26, 2006.~~
84

85 Section 6. Homer City Code 21.22.110, Traffic Requirements, is amended to read as
86 follows:
87

88 21.22.110 Traffic Requirements. A conditional use permit is required for every use that:

89 a. Is estimated to generate more than 100 vehicle trips during any hour of the day
90 calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers,
91 9th edition;

92 b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing
93 the Trip Generation Handbook, Institute of Transportation Engineers, 9th edition;

94 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips
95 during any hour of the day due to a change in land use or intensity of use; or

96 d. Is expected to generate traffic that will detract from the safety of, or degrade by
97 one level of service, the highway, road, street, alley or intersection ~~is estimated or expected to~~
98 ~~generate traffic in excess of the criteria contained in HCC § 21.18.060.~~
99

100 Section 7. Homer City Code 21.24.060, Traffic Requirements, is amended to read as
101 follows:
102

103 21.24.060 Traffic Requirements. A conditional use permit is required for every use that:

104 a. Is estimated to generate more than 100 vehicle trips during any hour of the day
105 calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers,
106 9th edition;

107 b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing
108 the Trip Generation Handbook, Institute of Transportation Engineers, 9th edition;

109 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips
110 during any hour of the day due to a change in land use or intensity of use; or

111 d. Is expected to generate traffic that will detract from the safety of, or degrade by
112 one level of service, the highway, road, street, alley or intersection ~~is estimated or expected to~~
113 ~~generate traffic in excess of the criteria contained in HCC § 21.18.060.~~
114

115 Section 8. Homer City Code 21.26.060, Traffic Requirements, is amended to read as
116 follows:
117

118 21.26.060 Traffic Requirements. A conditional use permit is required for every use that:

119 a. Is estimated to generate more than 100 vehicle trips during any hour of the day
120 calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers,
121 9th edition;

122 b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing
123 the Trip Generation Handbook, Institute of Transportation Engineers, 9th edition;

124 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips
125 during any hour of the day due to a change in land use or intensity of use; or

126 d. Is expected to generate traffic that will detract from the safety of, or degrade by
127 one level of service, the highway, road, street, alley or intersection ~~is estimated or expected to~~
128 ~~generate traffic in excess of the criteria contained in HCC § 21.18.060.~~
129

130 Section 9. Homer City Code 21.27.060, Traffic Requirements, is amended to read as
131 follows:
132

133 21.27.060 Traffic Requirements. A conditional use permit is required for every use that:

[Added language underlined. Deleted language stricken through.]

- 134 a. Is estimated to generate more than 100 vehicle trips during any hour of the day based
135 ~~on the proposed land use and density, or~~ calculated utilizing the Trip Generation Handbook,
136 Institute of Transportation Engineers, 9th (~~current~~ edition);
137 b. Is estimated to generate more than 500 vehicle trips per day ~~based on the proposed~~
138 ~~land use and density, or~~ calculated utilizing the Trip Generation Handbook, Institute of
139 Transportation Engineers, 9th (~~current~~ edition);
140 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during
141 any hour of the day due to a change in land use or intensity of use; or
142 d. Is expected to generate traffic that will detract from the safety of, or degrade by one
143 level of service, the highway, road, street, alley or intersection.
144

145 Section 10. Homer City Code 21.28.060, Traffic Requirements, is amended to read as
146 follows:
147

- 148 21.28.060 Traffic Requirements. A conditional use permit is required for every use that:
149 a. Is estimated to generate more than 100 vehicle trips during any hour of the day
150 calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers,
151 9th edition;
152 b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing
153 the Trip Generation Handbook, Institute of Transportation Engineers, 9th edition;
154 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips
155 during any hour of the day due to a change in land use or intensity of use; or
156 d. Is expected to generate traffic that will detract from the safety of, or degrade by
157 one level of service, the highway, road, street, alley or intersection ~~is estimated or expected to~~
158 ~~generate traffic in excess of the criteria contained in HCC § 21.18.060.~~
159

160 Section 11. Homer City Code 21.30.060, Traffic Requirements, is amended to read as
161 follows:
162

- 163 21.30.060 Traffic Requirements. A conditional use permit is required for every use that:
164 a. Is estimated to generate more than 100 vehicle trips during any hour of the day
165 calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers,
166 9th edition;
167 b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing
168 the Trip Generation Handbook, Institute of Transportation Engineers, 9th edition;
169 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips
170 during any hour of the day due to a change in land use or intensity of use; or
171 d. Is expected to generate traffic that will detract from the safety of, or degrade by
172 one level of service, the highway, road, street, alley or intersection ~~is estimated or expected to~~
173 ~~generate traffic in excess of the criteria contained in HCC § 21.18.060.~~
174

175 Section 12. Homer City Code 21.50.010, Site development standards – general, is
176 amended to read as follows:
177

178 21.50.010 Site development standards – general. a. All development in all zoning districts
179 must comply with minimal site development standards. There are various levels of standards set
180 forth in this chapter.

181 b. The level of site development standards required is specified in the applicable zoning
182 district regulations. ~~If applicable zoning district regulations do not specify any level of standards,~~
183 ~~then level one standards apply.~~

184
185 Section 13. The first paragraph of Homer City Code 21.50.020, Site development
186 standards – level one, is amended to read as follows:

187
188 21.50.020 Site development standards – level one. This section establishes level one site
189 development standards. ~~Level one site development standards apply in all zoning districts, unless~~
190 ~~otherwise provided by another provision of the zoning code.~~

191
192 Section 14. The first paragraph of Homer City Code 21.50.030, Site development
193 standards – level two, is amended to read as follows:

194
195 21.50.030 Site development standards – level two. This section establishes level two site
196 development standards. ~~Level two standards apply when specified by the applicable zoning~~
197 ~~district regulations or by another provision of the code.~~

198
199 Section 15. The first paragraph of Homer City Code 21.50.040, Site Development
200 standards - Level three, is amended to read as follows:

201
202 21.50.040 Site Development standards - Level three. This section establishes level three
203 site development standards. ~~Level three standards apply when specified by the applicable zoning~~
204 ~~district regulations or by another provision of the code.~~

205
206 Section 16. Subsection (b) of Homer City Code 21.50.120, Fences – Conditional fence
207 permit, is amended to read as follows:

208
209 b. Prior to granting such a permit, the applicant must demonstrate and the Planning
210 Commission must find that:

211 1. The issuance of such a permit is reasonably necessary, by reason of unusual or
212 special circumstances or conditions relating to the property, for the preservation of
213 valuable property rights for full use and enjoyment of the property;

214 2. The fence will not create a safety hazard for pedestrians or vehicular traffic;

215 ~~3. The appearance of the fence is compatible with the design and appearance of~~
216 ~~other existing buildings and structures within the neighborhood;~~

217 34. The fence is a planned architectural feature designed to avoid dominating the
218 site or overwhelming adjacent properties and structures;

219 45. The orientation and location of the fence is in proper relation to the physical
220 characteristics of the site and the surrounding neighborhood;

221 56. The fence will be of sound construction.
222

[Added language underlined. Deleted language stricken through.]

223 Section 17. Subsection (b) of Homer City Code 21.52.060, Commercial, noncommercial
224 and industrial PUDs, is amended to read as follows:

225
226 b. A planned unit development that includes commercial, noncommercial or industrial
227 uses shall comply with the following requirements and conditions:

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

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

231 3. The PUD shall be developed with a unified architectural treatment in exterior
232 building materials, colors and design features.

233
234 Section 18. Homer City Code 21.57.210, Building and Aesthetics, is amended to read as
235 follows:

236
237 21.57.210 Building and Aesthetics. This section sets minimum requirements to help
238 create an aesthetically attractive facade by reducing the perceived mass of large buildings,
239 creating structures in scale with existing development, and creating a pedestrian friendly
240 environment, while recognizing that buildings for certain uses may not be able to fully achieve
241 these goals. In such instances, the Commission may allow increased landscaping and proper
242 sitting may be utilized to mitigate the perceived mass and visual impacts of the large building.

243 a. If a building facade exceeds 60 feet in length, it shall be divided into smaller elements
244 by jogging the wall in or out a minimum of four feet for at least ten feet in length, or by adding
245 an element such as a porch, recessed entry, bay window, projecting trellis or similar substantial
246 architectural feature at intervals so that no continuous wall plane is more than 60 feet in length.

247 b. The portion of the building within public view shall incorporate human-scale elements
248 such as windows, arcades, lower roof overhangs, awnings, or architectural features.

249 c. The design shall provide architectural features that contribute to visual interest at the
250 pedestrian scale and reduce the massive scale effect by breaking up the building wall, front, side,
251 or rear, with color, texture change, and repeating wall offsets, reveals, or projecting ribs.

252 the massive scale of large buildings. Parapet walls shall be architecturally treated to
253 avoid a plain monotonous style.

254 e. Entryways shall be designed to orient customers and ~~to be add aesthetically pleasing~~
255 ~~character to buildings by providing inviting customer entrances that are protected from the~~
256 weather. Each entrance shall be clearly defined and highly visible.

257 f. The buildings shall have exterior building materials and colors that are ~~aesthetically~~
258 ~~pleasing and compatible in with the overall development plan. Construction material shall~~
259 ~~provide~~ color, texture and scale.

260 g. Public Spaces. No less than five percent of the floor area shall be dedicated to interior
261 or exterior public spaces.

262
263 Section 19. This Ordinance is of a permanent and general character and shall be included
264 in the City Code.

265

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

268

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CITY OF HOMER

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MARY E. WYTHE, MAYOR

274

275

276 ATTEST:

277

278

279

280 _____
JO JOHNSON, CMC, CITY CLERK

281

282

283 AYES:

284 NOES:

285 ABSTAIN:

286 ABSENT:

287

288

289 First Reading:

290 Public Reading:

291 Second Reading:

292 Effective Date:

293

294

295 Reviewed and approved as to form:

296

297

298

299 _____
Walt Wrede, City Manager

City Attorney

300

301 Date: _____

Date: _____

[Added language underlined. ~~Deleted language stricken through.~~]



March 13, 2013

Jo Johnson, City Clerk
City of Homer
491 East Pioneer Ave.
Homer, AK 99603

Dear Ms. Johnson:

Attached you will find our legal analysis of the Homer City Code for your review. The code has been thoroughly reviewed for state and federal constitutional issues and apparent conflicts by our legal team. On the following pages, you may approve any recommended action steps and/or address questions. As you review our findings, you will notice that there is a column provided to the right of each comment. You may use this space for any personal notations and for any questions that you may have.

Our attorney has recommended items that need immediate action in order to bring the code into legal compliance, and, where possible, has recommended amending language for this purpose. Other changes that require legal drafting or a major revision by counsel are also indicated. A single "clean up" ordinance may be useful for all such recommended changes. Other recommendations that are not legally required are optional and may be made at any time. We have flagged all such items for consideration.

Please note that our legal team's analysis is not provided as legal practice advice to the municipality. As codifiers, we are, by definition, prohibited from making substantive non-editorial changes. Our report is not provided as legal advice on municipal issues, but as a reference tool to assist the municipality in analyzing the code's currency.

Thank you for your assistance in these matters. Please do not hesitate to contact us if you have any questions.

Sincerely,



Josh Clarridge, Editor
Code Publishing, Inc.

Enclosure: legal analysis



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	what constitutes a violation of this section. Recommendation: Does the City wish to address this issue prior to republication?	
	Title 20	
39.	20.08.030 Nuisance animals. Subsection (a) of this section, prohibiting owners permitting animals to make “repeated or continued noise” in a manner that “annoy[s] another person,” is too vague to be enforceable, as no owner can know what noises are a problem until they are charged with a violation. A more specific and enforceable approach might include periods of time, e.g., “one hour sustained noise, or three hours’ total noise over three consecutive days.” There are many specific approaches that can work, but whatever they are must put animal owners on notice as to what they must prevent. Recommendation: Does the City wish to address this issue by ordinance prior to republication?	
40.	Subsection (b) of this section says that “The owner of any animal shall not permit the same to defecate, dig upon or injure private or public property or a public thoroughfare.” As written, this makes no exception for the animal defecating, digging upon, or injuring its owner’s property, which presumably is not meant to be an offense. Inserting “belonging to another person” between “public property” and “or a public thoroughfare” would correct the issue. To do so would require an amending ordinance. Recommendation: Does the City wish to amend this section by ordinance prior to republication?	
	Title 21	
41.	21.02.010 Comprehensive Plan – Adoption. Subsection (b) of this section lists several documents with various years of editions. There might not be updated versions of these documents, but if there are, an amending ordinance should specify the new editions. Recommendation: No action is required if there are no updated editions, but the City should be advised of the document dates.	
42.	21.10.030 Zoning map. Subsection (a) of this section says the current Homer Zoning Map is dated September 28, 1982. The map on the Homer website is dated April 4, 2012, but has yet to be adopted in the City Code. Assuming the 2012 map replaced the 1982 map, an amending ordinance should adopt the April 4, 2012, map officially. Recommendation: Does the City wish to address this issue prior to republication?	
43.	21.16.060 Traffic requirements. See “Adoption by Reference.” Recommendation: Does the City wish to amend by ordinance prior to republication?	
44.	21.18.060 Traffic Requirements. See “Adoption by Reference.” Recommendation: Does the City wish to amend by ordinance prior	

	to republication?	
45.	21.20.100 Traffic Standards. See "Adoption by Reference." Recommendation: Does the City wish to amend by ordinance prior to republication?	
46.	21.22.040 Dimensional requirements. Subsection (e)(3) of this section notes that nonconforming use may not "be expanded or enlarged in any manner beyond the size and intensity that existed on September 26, 2006." The word "intensity" has no specifics attached to it, e.g., vehicular traffic or noise/light emission, and while that is acceptable, it is also the sort of word that can draw the City into lengthy legal battles with a property owner interpreting "intensity" differently. Recommendation: No action is required, but the City may wish to make an administrative interpretation or amend this ordinance to give specifics regarding intensity.	
47.	21.27.060 Traffic Requirements. See "Adoption by Reference." Recommendation: Does the City wish to amend by ordinance prior to republication?	
48.	21.30.030 Conditional uses and structures. See "Adoption by Reference." Recommendation: Does the City wish to amend by ordinance prior to republication?	
49.	21.41.040 Basis for establishing flood hazard areas. The listed date of the Flood Insurance Study is September 25, 2009. If there is an updated study, it should be referenced here. Recommendation: Does the City wish to update this reference?	
50.	21.50.120 Fences – Conditional fence permit. The requirement in subsection (b)(3) of this section that fence appearance "is compatible with the design and appearance of other existing buildings and structures within the neighborhood," is too vague to be enforceable, as there are no guidelines and/or specifics as to what is or is not compatible. An ordinance amending this section is required to give fence builders an idea of what will make a permit granted or denied. Normally, pure aesthetic choices are insufficient grounds for permit denial; something else must be present to enforce this provision. Recommendation: Does the City wish to address this issue prior to republication?	
51.	21.52.060 Commercial, noncommercial and industrial PUDs. Subsection (b)(3) of this section requires PUDS to "be developed with a unified architectural treatment." Similar phrasing appears in other city codes, but there does not appear to a standard definition for the term. As such, unless the City is aware of a specific definition that avoids being about pure aesthetics (see comments for HCC 21.50.120), this should be clarified by ordinance. Recommendation: Action is not as urgent on this section as it is with HCC 21.50.120, but the City may wish to add specifics if it cannot articulate to a resident what the term means apart from aesthetic considerations.	
52.	21.54.250 Noise. This section states that "Noise emanating from a	

	recreational vehicle park and its occupants shall not unreasonably disturb or interfere with the peace, comfort and repose of persons with ordinary sensibilities." Although this is acceptable, it is ripe for a lengthy legal challenge due to lack of specifics. Recommendation: Specifying decibel levels, such as in HCC 7.06.010(e)(1) through (3), would cut off the uncertainty in this section, but no action is required.	
53.	21.57.210 Building and Aesthetics. See comments on HCC 21.50.120 regarding terms like "aesthetically pleasing" and "compatible." These are too vague to be enforceable for the reasons stated in that comment. Recommendation: Does the City wish to address this issue prior to republication?	
54.	21.59.010 Nuisances. Subsection (d) of this section prohibits "objectionable heat or glare that unreasonably annoys or disturbs a person of ordinary sensibilities beyond the lot line of the site." Although this is acceptable, it is ripe for a lengthy legal challenge due to lack of specifics. Recommendation: Specifying light output levels in lumens or a similar unit would cut off the uncertainty in this section, but no action is required.	
	Title 22	
55.	22.10.030 Definitions. Subsection (a) of this section lists the Non-Motorized Transportation and Trail Plan as a document from 2004. See comment and recommendation for HCC 21.02.010.	
56.	22.10.055 Underground utilities. Subsection (b) of this section requires several types of cables to be worked on by April 14, 1987. Absent ongoing litigation or similar concerns, this passage can be safely reworded to exclude this mandate. Recommendation: Although this is not urgent, the next housekeeping ordinance may condense this section to currently relevant parts.	



MEMORANDUM

TO: RICK ABOUD
CITY PLANNER
CITY OF HOMER

FROM: THOMAS F. KLINKNER

RE: TECHNICAL CORRECTIONS TO HCC TITLE 21

FILE NO.: 506,742.563

DATE: JUNE 4, 2013

I have prepared a draft ordinance that makes technical corrections to Homer City Code Title 21 in response to the legal review by Code Publishing. This follows the ordinance that I prepared in early May that made technical corrections to the remainder of the Code based on the Code Publishing legal review. I have addressed Title 21 separately, because amendments to Title 21 are subject to Planning Department and Planning Commission review before they are presented to the Council. The following memorandum addresses each item in the legal review regarding Title 21 in the order in which it appears in the legal review, a copy of which accompanies this memorandum, indicating where the recommended change appears in the ordinance, or explaining why the ordinance does not include the recommended change.

1. Zoning Code and Level One Site Development Standards. The regulations for each zoning district specify the level of site development standards that applies in the district. HCC 21.50.010(b) also states that, “[t]he level of site development standards required is specified in the applicable zoning district regulations.” Thus, as the legal review points out, additional statements in HCC 21.50.010 – 21.50.040 regarding the application of site development standards in zoning districts are redundant. Sections 12 through 15 of the ordinance eliminate these redundant references.

2. Adoption by Reference. The legal review questions the appropriateness of referring in the Code to the ITE “Trip Generation Handbook [] (current edition),” because it has the effect of delegating to the ITE, a private organization, the setting of standards under the City’s zoning regulations. The legal review suggests substituting a reference to the “Trip Generation Handbook, second edition,” which it identifies as the current edition of this document. However, on the ITE website I find a reference to a “Trip Generation Handbook, 9th edition.”

Sections 2 through 4 and 6 through 11 of the ordinance adopt a reference to the ITE "Trip Generation Handbook, 9th edition" in each zoning district that refers to this publication. These sections also adopt a uniform format for traffic requirements in each zoning district where they appear. If it turns out that the reference to a 9th edition is not correct, please substitute in the ordinance the correct current edition number.

3. **HCC 21.02.010.** Item 41 in the legal review questions whether the years of adoption of elements of the comprehensive plan in HCC 21.02.010 are current. I understand that all of the years of adoption in HCC 21.02.010 are current, so I have not included any amendment of this section in the ordinance. If my understanding is incorrect, please let me know.

4. **HCC 21.10.030.** Item 42 in the legal review points out that the City zoning map that appears on the City's website is dated April 4, 2012. You also pointed out that the Planning Department now refers to an official zoning map that is maintained in electronic, rather than paper, form. Section 1 of the ordinance amends HCC 21.10.030 to make these changes.

5. **HCC 21.22.040(e)(3).** Item 46 in the legal review suggests that the use of the term "intensity" in this provision is unclear. In my opinion, this provision adds nothing to the general nonconforming use standards in HCC 21.61.040, which provides in specific terms that a nonconforming use may not be enlarged or increased. Therefore Section 5 of the ordinance strikes this provision.

6. **HCC 21.41.040.** Item 49 in the legal review questions whether the September 25, 2009 date for the Flood Insurance Study is correct. Because it appears that this date is correct, the ordinance does not amend this section. If a different date is correct, please let me know.

7. **HCC 21.50.120(b)(3).** Item 50 in the legal review questions whether the current language in HCC 21.50.120(b)(3) is enforceable. I believe that the remaining provisions of HCC 21.50.120(b) provide adequate standards for conditional fence permits, so Section 16 of the ordinance strikes this provision.

8. **HCC 21.52.060(b)(3).** Item 51 in the legal review questions whether the current language in HCC 21.52.060(b)(3) is enforceable. Section 17 of the ordinance adds more specific standards to this provision.

9. **HCC 21.54.250.** Item 52 in the legal review suggests that the nuisance standard in this section should be made more quantitative. My review of other codes with more quantitative standards indicates that those standards should be adopted only after more thorough study than I can undertake in preparing this technical correction ordinance. Therefore, the ordinance does not amend this section.

10. **HCC 21.57.210.** Item 53 in the legal review questions whether the current language in HCC 21.57.210(e) and (f) is enforceable. Section 18 of the ordinance revises these subsections to provide more specific standards.

11. HCC 21.59.010. Item 54 in the legal review suggests that the nuisance standard in this section should be made more quantitative. It is my opinion that more quantitative standards should be adopted only after more thorough study than I can undertake in preparing this technical correction ordinance. Therefore, the ordinance does not amend this section.

TFK/TFK

cc: Walt Wrede
Jo Johnson





City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

STAFF REPORT PL 13-57

TO: Homer Advisory Planning Commission
FROM: Julie Engebretsen, Planning Technician
THROUGH: Rick Abboud, City Planner
MEETING: July 17, 2013
SUBJECT: Transitional Residential Zone R-2

The Comprehensive plan has lists of goals and objectives to accomplish during the life of the plan (20 years) and recommends a timeframe for consideration. However, some of these items may not be prime for implementation in the near term. The Commission has discussed the R-2 district at four work sessions. Staff feels the Commission has some interest in pursuing specific topics, but not as much enthusiasm for creating a whole new district at this time. Staff would like to work on topics that interest the Commission! There is no pressing need for the R-2 district at this time; our collective efforts may be more fruitful working on something else. There are many recommended tasks in the Comprehensive Plan; perhaps there is something else the Commission would prefer to focus on.

The Commission has several options on what steps to take next:

1. Continue to draft the new R-2 zoning district.
2. Stop working on the R2 district until the need arises in the future for the district.
3. Continue to explore multifamily housing standards, city wide.
4. Explore ideas for green infrastructure incentives and regulation, city wide.

Staff Recommends the Commission discuss 1-4 above. Please provide staff direction on what the Commission would like to work on.





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(f) 907-235-3118

STAFF REPORT PL 13-58

TO: Homer Advisory Planning Commission

THROUGH: Rick Abboud, City Planner

FROM: Travis Brown, Planning Clerk

MEETING: July 17, 2013

SUBJECT: Capital Improvement Plan Recommendations

At the June 19, 2013 Planning Commission Work Session, Katie Koester presented the draft *City of Homer Capital Improvement Plan 2014-2019*. Each commission will have the opportunity to make recommendations to City Council for which projects they consider a priority. City Council's final list will be used to lobby money from state and federal sources and for grant applications.

The Planning Commission's 2012 recommendations:

1. Main Street Reconstruct
2. Alternate Water Source
3. Port and Harbor Building
4. Large Vessel Haul Out
5. Alaska Maritime Academy
6. Deep Water Dock

Staff Recommendation

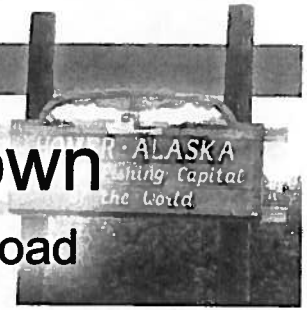
Each commissioner please come prepared to the meeting with their **top five** projects. Each project gets one point. The five projects with the most points will become the priority recommendation to City Council.



By ALYSSA SHANKS

Homer More Than a Fishing Town

An economically diverse city at the end of the road



The city of Homer was inhabited long before its namesake, Homer Pennock, arrived and lured other settlers with the ultimately unfulfilled promise of gold.

Alaska Natives had used the area's bountiful natural resources for thousands of years before Russians first arrived seeking fish, furs, and trade. After the Russians came the beginning of coal mining, then the 1896 arrival of gold mining company promoter Pennock.

Homer's beginning as an official city started with a roar. In 1964, the Good Friday earthquake destroyed the port and caused the Homer Spit to sink 2 to 8 feet into the water. Homer became an incorporated city four days later, on March 31, and the port was eventually rebuilt with federal funds.

Today, the southernmost town on the state's contiguous highway system is a growing and economically diverse community. Since 2000, the city has added residents at an average rate of 0.6 percent annually for a 2012 population of about

5,200. In 2005, the growing town finally got its first traffic light.

Despite some similarities to the rest of the state, Homer has key differences in industry makeup, income, and demographics.

Older and less diverse

Homer has grown in past years from attracting new residents as well as from births. The 2000 and 2010 censuses show approximately 2,000 adults between ages 25 and 54 moved to the area and often brought children with them. Like much of Alaska, more 20-to-24-year-olds left than arrived, which is typical for young people everywhere when they pursue outside job opportunities or further education.

Though Homer isn't a retirement community, it does have an older population — a high percentage of people between 55 and 74 moved to Homer over the last two decades, reflected in the area's higher median age of 44 versus 33.8 for the whole state. (See Exhibit 1.)

Homer stands out in other ways as well. Its population is overwhelmingly Caucasian — over 90 percent on average between 2007 and 2011 compared to 67 percent statewide — with just 5 percent Alaska Native or American Indian residents versus 14 percent statewide. Less than 1 percent were black and just one-tenth of 1 percent were Native Hawaiian or Pacific Islander.

Homer also has a large population of veterans despite being nowhere near a military installation. Its veteran residency rate is 14.2 percent — slightly less than the state as a whole but much



This aerial photo shows the Homer Spit. Photo courtesy of the Alaska ShoreZone Program, National Oceanic and Atmospheric Administration, National Marine Fisheries Service

higher than the nation's 9.1 percent.

Some costs are higher

Many facets of everyday life cost more in Homer than in the encompassing Kenai Peninsula Borough or Anchorage. (See Exhibit 2.) Food costs in 2008 were 13 percent higher than in Anchorage while transportation and clothing cost 20 and 21 percent more, respectively.

The highest relative costs were for utilities and airfare, at 63 and 56 percent more than Anchorage. These costs will likely come down over the next few years as natural gas is piped into Homer and households transition to gas from other heating methods.

Not everything in Homer is more expensive, though. Housing, which is typically a family's largest expenditure, was 21 percent cheaper than in Anchorage, and Homer's medical costs were just 3 percent higher.

A different industry mix

Homer's distribution of jobs in health care, manufacturing, and transportation is nearly identical to the state's overall job market, but the similarities end there. (See Exhibit 3.) Homer has no oil or mining to speak of — key industries in Alaska — and its high proportions of local government and leisure and hospitality far exceed the state average.

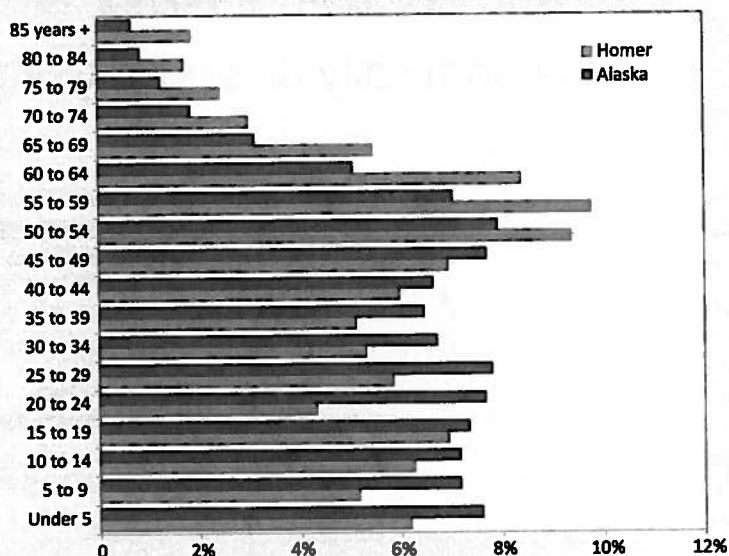
Local government is Homer's largest sector, which is common for small communities, and its most common occupation is a teacher or instructor. Public schools make up most of local government, which was responsible for 19.5 percent of Homer's employment in 2011.

Leisure and hospitality, a frequent proxy for tourism, was the second-largest industry at 16.3 percent. It includes food and entertainment such as hotels, restaurants, bars, bowling alleys, and movie theaters.

Earnings versus income

Homer's industry makeup largely

1 Homer Residents Tend to Be Older Homer and Alaska, 2010

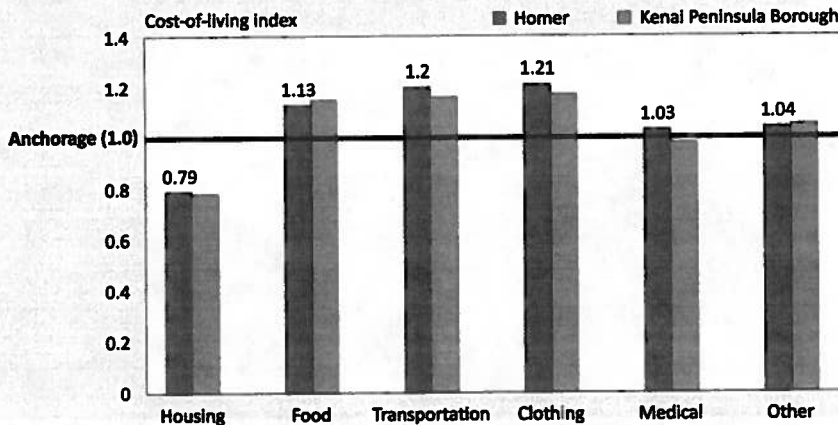


Source: U.S. Census Bureau

explains its low average earnings of \$36,000 in 2011, considerably less than the statewide average of \$48,900. The area has relatively few high-paying jobs — such as those in oil and gas — and has a higher proportion of lower-paying leisure and hospitality jobs.

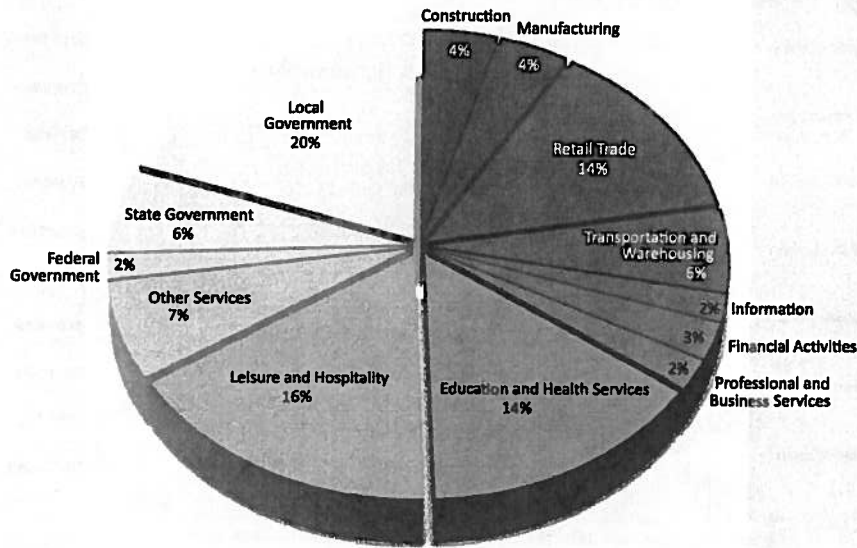
Leisure and hospitality's average pay is \$16,500 a year, partly because many of its jobs are part-

2 Most Costs Are Higher in Homer Relative to Anchorage and Kenai borough, 2008



Source: Alaska Geographic Differential Study, 2008

3 Local Government Largest Industry Homer, 2011



Source: Alaska Department of Labor and Workforce Development, Research and Analysis Section

time. Even statewide, this industry averaged just \$20,300 per year.

Homer's earnings were lower than the statewide average in every category except local government. (See Exhibit 4.) However, average earnings don't tell the whole story, because not everyone who lives in Homer works in Homer. Sixteen percent of employed Homer residents worked outside the Kenai Peninsula Borough in 2011 — 6 percent worked in Anchorage and 4 percent in the North Slope Borough. These commuters' earnings were not reported in Homer but still infused money into the Homer economy.

Per capita income, an inclusive measure of all money going into residents' pockets and not just their wages, was also lower than the statewide average by nearly \$14,200 and below the Kenai Peninsula Borough average by \$10,300.

Like earnings, though, part of the difference in income is due to data availability. At the borough level, a higher percentage of income came from transfer payments, including retirement and disability insurance, than at the statewide level. However, this level of detail doesn't exist for Homer, where transfer

payments are likely significant because 14.5 percent of the population was 65 or older in 2010, compared to just 7.7 percent statewide.

Fishing an important piece of the economy

Sport and commercial fishing are important pieces of Homer's economy, but because most seafood harvesters are considered self-employed, their earnings are reported differently and they aren't counted in the previous jobs and earnings breakdown.

On the commercial fishing side, the number of pounds of fish caught and gross earnings have been on the rise over the last decade (see Exhibit 5) but volatile due to changes in fish prices and the amount available for harvest.

The highest grossing year was 2008, when commercial fishing brought more than \$86 million into Homer. However, it was in 2010 that the greatest poundage came across the docks, with more than 122 million pounds of crab, halibut, herring, various shellfish and groundfish, sablefish, and salmon.

Among sport fishermen, more than 35,600 salt

4 How Earnings Compare in Homer Versus Alaska average, 2011

Industry	Homer	Statewide
Total	\$36,008	\$48,845
Natural Resources and Mining	n/a	\$112,910
Construction	\$55,463	\$70,125
Manufacturing	\$25,199	\$38,518
Trade, Transportation, and Utilities	\$37,642	\$41,760
Retail Trade	\$25,952	\$28,663
Transportation and Warehousing	\$45,555	\$58,906
Information	\$34,475	\$58,488
Financial Activities	\$43,052	\$52,210
Professional and Business Services	\$33,948	\$56,890
Health Care and Social Assistance	\$25,336	\$44,336
Leisure and Hospitality	\$16,501	\$20,316
Other Services	\$29,662	\$29,991
Federal Government	\$71,767	\$71,784
State Government	\$49,430	\$51,205
Local Government	\$49,256	\$43,066

Source: Alaska Department of Labor and Workforce Development, Research and Analysis Section

water anglers logged a total of 56,400 fishing days in Homer in 2011 and caught an estimated 73,100 pounds. This generated additional business for other Homer industries such as retail and leisure and hospitality, as fishermen need lodging and food and many spend money on additional gear and services during their trip.

A busy port

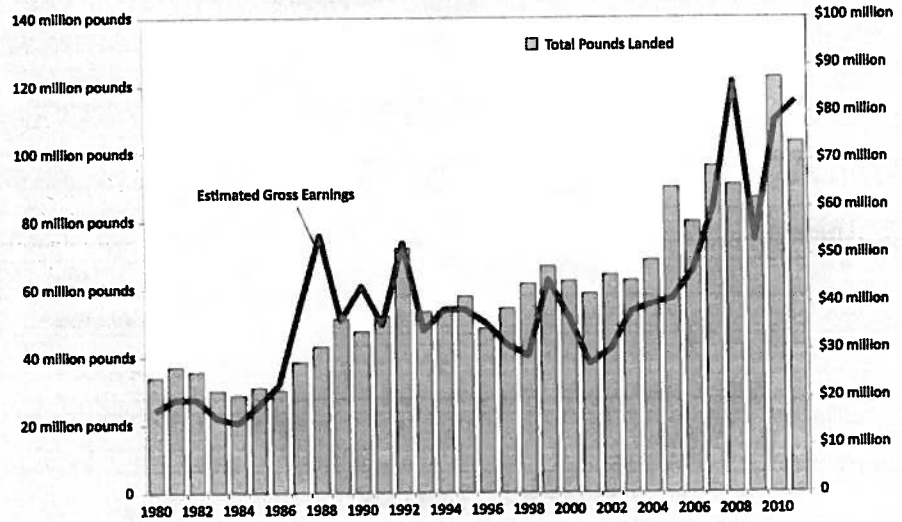
The Homer deep water port and harbor is extremely popular, and it has seen many large vessels since its repair and completion in 1964. For its size, it's well-equipped to serve the needs of vessels large and small. Services include everything from carpentry, hydraulics, welding, and general repair to finance and insurance — and recently, a small Coast Guard Station.

There were nearly 800 annual reservations for moorage in 2012, more than 1,700 monthly transient moorage sales, and more than 2,200 daily transient moorage sales. Approximately 1,300 additional boats were on the waiting list for a stall.

Industries foster balance

Despite the characteristics that make Homer unique, its economy shares a key similarity to many Alaska communities — seasonal jobs such as fishing and tourism boost the town in the summer while its public services, the industrial harbor, retail, lodging, and manufacturing provide stable, year-round jobs and keep money flowing.

5 Pounds of Seafood and Total Earnings Homer, 1980 to 2011



Source: Commercial Fisheries Entry Commission



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

MANAGER'S REPORT

June 24, 2013

TO: MAYOR WYTHE / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

1. **Port and Harbor Bond Sale:** The Bond sale closed on June 19th in Seattle. The City has transferred \$290,100 to the Bank of New York to hold as a reserve fund and the \$4,200,000 in sale proceeds have been transferred to a City account.
2. **Health Insurance Broker:** Just a reminder, we are confirmed for a workshop with the City health insurance broker, Jeff Paxton for 5:15 PM on Thursday, June 27. Please mark your schedules.
3. **Animal Shelter RFP:** The contract for operating the Animal Shelter expires at the end of December 2013. An RFP for Animal Shelter services has been prepared and will hit the streets this week. If you know companies or individuals that are interested and qualified, please have them contact the Clerk's office.
4. **Pier One Lot:** At the last meeting, I was asked to prepare a resolution that would offer the entire lot for lease. Such a resolution appears on your agenda for consideration. One of the questions that came up was whether the Pier One Theatre would be able to apply for a long term lease. After looking into this a bit, it appears that the answer is no. The line between the Marine Industrial Zoning District and Open Space/Recreation District is just to the South of the Fishing Hole, almost hugging the rim. Therefore, the Pier One Theatre (and the campground) is in the Marine Industrial District and would not be eligible to receive a lease.
5. **Water and Sewer Rates:** This packet contains a substitute resolution which cleans up some confusing language and presents the fees in a way that we believe is clearer and more understandable. Since the resolution was prepared, John has continued to work with the numbers provided by the Task Force and has discovered that they will not provide the revenue that is needed, especially on the sewer side. This will be explained at the meeting. At the workshop, John will have a new rate schedule that is based upon the correct numbers and 2014 revenue and expenditure projections.
6. **Sterling Highway Paving:** The DOT/PF contractor has pretty much completed the sidewalk concrete work. Asphalt grinding is scheduled to start today. They plan to do the Homer Hill first. Traffic will be reduced to two lanes from four during this phase. Folks will need to be patient and assume that travel in and out of town will take a little longer. Twenty minute delays can be expected during the paving phase, however, the contractor currently plans to do that at night.
7. **Deed Transfer Agreement:** Last week I went to Anchorage to sign the Deed Transfer Agreements between the City and DOT/PF regarding ownership and maintenance of Olson Lane, West Bunnell, and Mission Road. You will recall that this was part of the Spit Trail funding agreement approved by Council.

8. City Paving Projects: You may have noticed that the City paving projects are underway. The ones we have received the most comments on so far are Fish Dock, Ice Dock, and Fairview Ave.

9. Gas Lines: So far, things appear to be going pretty well with the gas lines. Enstar reports that Chumley's is about 50% done with the trunk line project. So far, we have spent about 50% of the legislative grant. Enstar expects to have the Hospital and the High School connected with gas flowing by the end of July. UTI, the contractor working on the distribution system within the City is making great progress. They have been doing an excellent job working with residents to minimize impacts and so far we have received no complaints about their activities. Enstar reports that approximately 500 people and businesses have signed up for the service so far.

10. Governor's Picnic: Plans and preparations for the Governor's Picnic are moving along rapidly. Fundraising for the picnic has been pretty successful and the overall plan sounds very good. Katie can give you a full update at the meeting if you wish.

11. Deep Water Dock TORA: This week I was in Anchorage to work on several changes to the TORA Agreement which the Council has already approved by resolution. The changes are mostly not substantive, but if they become so, I will bring it back to Council for approval.

ATTACHMENTS

None



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

June 25, 2013

Jennifer Sonneborn
38550 Tranquility Rd.
Homer, AK 99603

Dear Jennifer,

Congratulations! Council confirmed/approved your reappointment to the Advisory Planning Commission during their Regular Meeting of June 24, 2013, via Memorandum 13-090 for a three-year term that will expire July 1, 2016.

Currently on file is your 2012 Public Official Conflict of Interest Disclosure Statement. In October you will be notified to complete the 2013 disclosure statement. Public officials are required to comply with this reporting requirement pursuant to HCC 1.18.043.

Thank you for your willingness to serve the City of Homer on the Advisory Planning Commission. Let's see what else the future holds in store for us!

Cordially,


Beth Wythe, Mayor

Enc: Memorandum 13-090
Certificate of Reappointment
Cc: Homer Advisory Planning Commission

City of Homer

Homer, Alaska

Mayor's Certificate of Appointment

Greetings

Be It Known That

Jennifer Sonneborn

Has been reappointed to

serve as

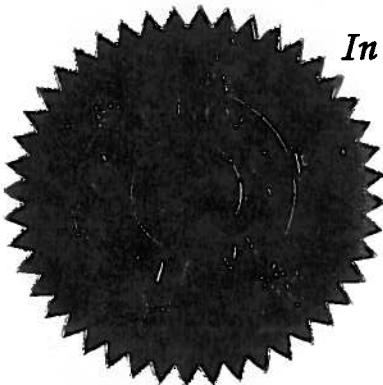
“Commissioner”

on the

“Advisory Planning Commission”

This appointment is made because of your dedication to the cause of good government, your contributions to your community and your willingness to serve your fellow man.

*In Witness whereof I hereunto set my hand
this 25th day of June, 2013.*



Mary E. Wythe
Mary E. Wythe, Mayor

Attest:

J. Johnson
Jo Johnson, CMC, City Clerk



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

MEMORANDUM 13-090

TO: HOMER CITY COUNCIL

FROM: MARY E. WYTHE, MAYOR

DATE: JUNE 18, 2013

SUBJECT: REAPPOINTMENT OF JENNIFER SONNEBORN TO THE HOMER ADVISORY PLANNING COMMISSION

Jennifer Sonneborn is reappointed to the Homer Advisory Planning Commission for a three-year term. Her appointment will expire July 1, 2016.

RECOMMENDATION:

Confirm the reappointment of Jennifer Sonneborn to the Homer Advisory Planning Commission.

Fiscal Note: N/A

Jo Johnson

From: Melissa Jacobsen
Sent: Monday, June 10, 2013 5:45 PM
To: Jo Johnson
Subject: FW: Request for Reappointment

Importance: High

From: Renee Krause
Sent: Monday, June 10, 2013 4:56 PM
To: Melissa Jacobsen
Subject: Request for Reappointment
Importance: High

Jennifer Sonneborn, Planning Commissioner called to say she would like to be re-appointed.

Renee Krause, CMC
Deputy City Clerk I
City of Homer
491 E. Pioneer Avenue
Homer, Alaska 99603
Ph. 907-235-8121 ext. 2224
Fax. 907- 235-3143
rkrause@ci.homer.ak.us

"Successful is the person who has lived well, laughed often and loved much, who has gained the respect of children, who leaves the world better than they found it, who has never lacked appreciation for the earth's beauty, who never fails to look for the best in others or give the best of themselves."

The information contained in this message is proprietary and/or confidential. If you are not the intended recipient, please: (i) delete the message and all copies; (ii) do not disclose, distribute or use the message in any manner; and (iii) notify the sender immediately. In addition, please be aware that any message is subject to archiving and review by persons other than the intended recipient. Thank you.

KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF SUBDIVISION/REPLAT

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are within 600 feet of the proposed subdivision, or a beneficial interest holder, and are invited to comment. *If you are an owner adjacent to a half right-of-way being dedicated, please be aware that you may be required to match the dedication if your property is subdivided in the future.*

Proposed plat under consideration is described as follows:

Bay View Sub 2013 Replat

KPB File 2013-103

[Seabright/Hall]

Location: City of Homer

Please Turn Over For Map

A proposed preliminary plat replats 2 Lots into 1 Lot 106-A.

The location of the proposed plat is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the Planning Department. Subdivision reviews are conducted in accordance with KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning Department. **Comments should be guided by the requirements of that Ordinance.**

Public hearing will be held by the Kenai Peninsula Borough Plat Committee or Planning Commission on **Monday, July 15, 2013**, commencing at **5:30 p.m.** or as soon thereafter as business permits. Meeting to be held in the Assembly Chambers of the George A. Navarre Kenai Peninsula Borough Administration Building, 144 N. Binkley Street, Soldotna, Alaska.

Anyone wishing to testify may come to the above meeting to give testimony or may submit a written statement to the attention of Sylvia Vinson-Miller or Maria Sweppy Kenai Peninsula Borough Planning Department - 144 N. Binkley Street - Soldotna, Alaska 99669. Please provide written testimony to the Planning Department by **Friday, July 12, 2013**. [Written comments may also be sent by Fax to 907-714-2378].

For additional information contact Sylvia Vinson-Miller or Maria Sweppy, Resource Planning Department, 907-714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough).

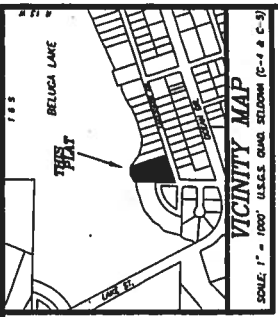
Paul Voeller
Platting Officer
Mailed June 25, 2013

NOTARY'S ACKNOWLEDGMENT
 SUBSCRIBED AND SWORN TO BEFORE ME THIS
 DAY OF _____, 2013.
 FOR: _____
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES _____

- NOTES**
1. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
 2. THESE LOTS ARE SERVED BY CITY OF KENAI WATER AND SEWER SERVICES.
 3. THE FRONT 15' OF THE 20' SETBACK FROM THE FRONT PROPERTY LINE AND THE ENTIRE SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT.
 4. DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
 5. THE BASIS OF BEARINGS FOR THIS PLAT IS THE KENAI CITY AND BOROUGH RECORDS. THE KENAI CITY AND BOROUGH RECORDS BRASS CAP AT THE S.E. OF LAKESHORE DR. AND 70' ST. AS WELL AS THE S.I. OF LANDINGS ST. AND LAKESHORE DR. RECORD BEARING IS N 70° 47' 13" E.
 6. SOME OR ALL OF THE PROPERTY SHOWN ON THIS PLAT HAS BEEN DESIGNATED BY FEMA OR THE KENAI PENINSULA BOROUGH AS A FLOOD HAZARD AREA DISTRICT AS OF THE DATE THIS PLAT IS FILED WITH THE CITY OF KENAI RECORDS. THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS.

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

KENTON T. BLOOM, PLS. 7988-5 DATE _____



CERTIFICATE OF OWNERSHIP
 I, HENRY GENTRY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED IN THIS PLAT OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

HENRY GENTRY
 14322 BRIDGE RD
 KENAI, ALASKA 99829

2013-103

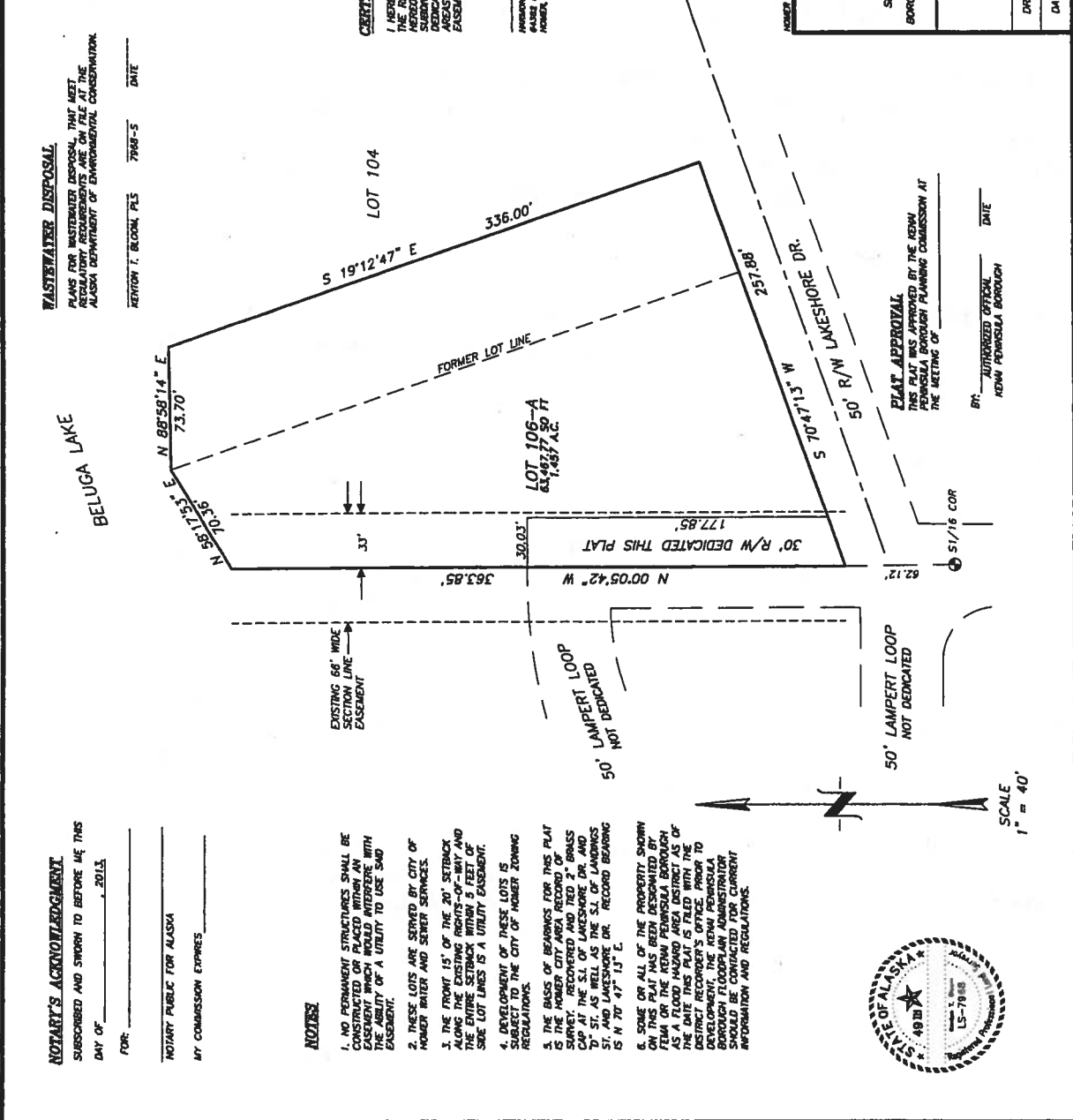
NOTARY RECORDING DISTRICT AND FILE No. 2013-

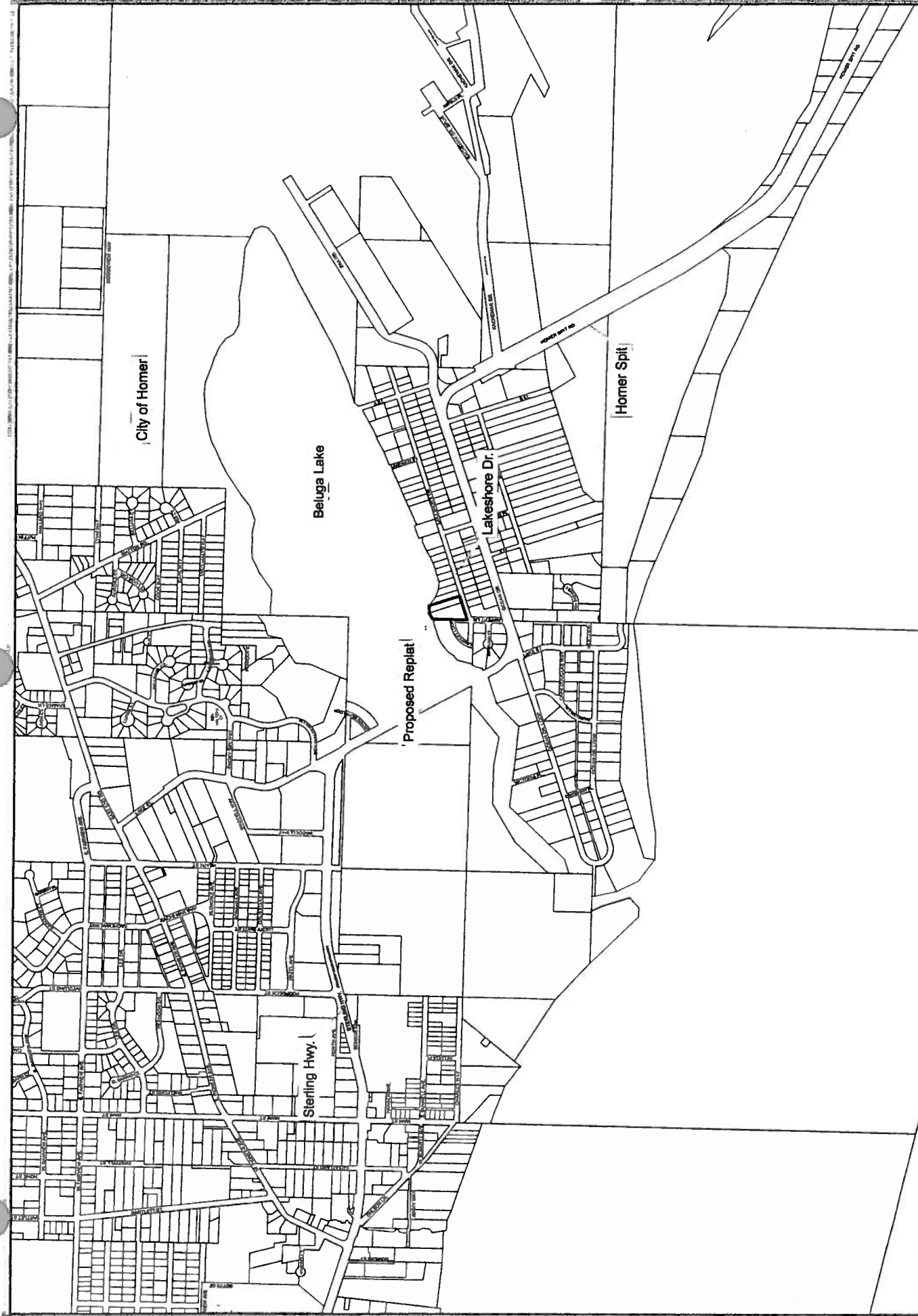
**BAY VIEW SUBDIVISION
 2013 REPLAT**

A REPLAT OF LOTS 105 AND 106 (PLAT #0000039) BAY VIEW SUBDIVISION, S.I. LOCATED WITHIN THE CITY OF KENAI BOROUGH THIRD JUDICIAL DISTRICT, STATE OF ALASKA CONTAINING 1.503 ACRES MORE OR LESS

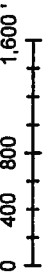
SEABRIGHT SURVEY + DESIGN
 KENTON T. BLOOM, P.L.L.S.
 1044 EAST ROAD, SUITE A
 HOMER, ALASKA 99801
 (907) 235-4247

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





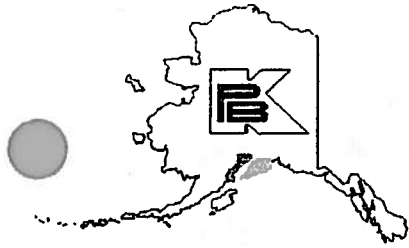
Date: 6/10/2013



Vicinity Map

The information depicted herein is for a graphical representation only and is not a source of information. The Kansas Geographic Information System assumes no responsibility for any errors on this map.





KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF SUBDIVISION/REPLAT

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are within 600 feet of the proposed subdivision, or a beneficial interest holder, and are invited to comment. *If you are an owner adjacent to a half right-of-way being dedicated, please be aware that you may be required to match the dedication if your property is subdivided in the future.*

Proposed plat under consideration is described as follows:

West Hill Sub Cason 2013 Addn.

KPB File 2013-114

[Anderson/Cason]

Location: City of Homer

Please Turn Over For Map

A proposed preliminary plat combines 4 Lots making it into Lot 1A.

The location of the proposed plat is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the Planning Department. Subdivision reviews are conducted in accordance with KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning Department. **Comments should be guided by the requirements of that Ordinance.**

Public hearing will be held by the Kenai Peninsula Borough Plat Committee or Planning Commission on **Monday, July 15, 2013**, commencing at **5:30 p.m.** or as soon thereafter as business permits. Meeting to be held in the Assembly Chambers of the George A. Navarre Kenai Peninsula Borough Administration Building, 144 N. Binkley Street, Soldotna, Alaska.

Anyone wishing to testify may come to the above meeting to give testimony or may submit a written statement to the attention of Sylvia Vinson-Miller or Maria Sweppy Kenai Peninsula Borough Planning Department - 144 N. Binkley Street - Soldotna, Alaska 99669. Please provide written testimony to the Planning Department by **Friday, July 12, 2013**. [Written comments may also be sent by Fax to 907-714-2378].

For additional information contact Sylvia Vinson-Miller or Maria Sweppy, Resource Planning Department, 907-714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough).

Paul Voeller
Platting Officer
Mailed June 25, 2013

CERTIFICATE OF OWNERSHIP
 I hereby certify that I am the owner of the real property shown and described herein, 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 plan. I declare that this information shows hereon to be 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

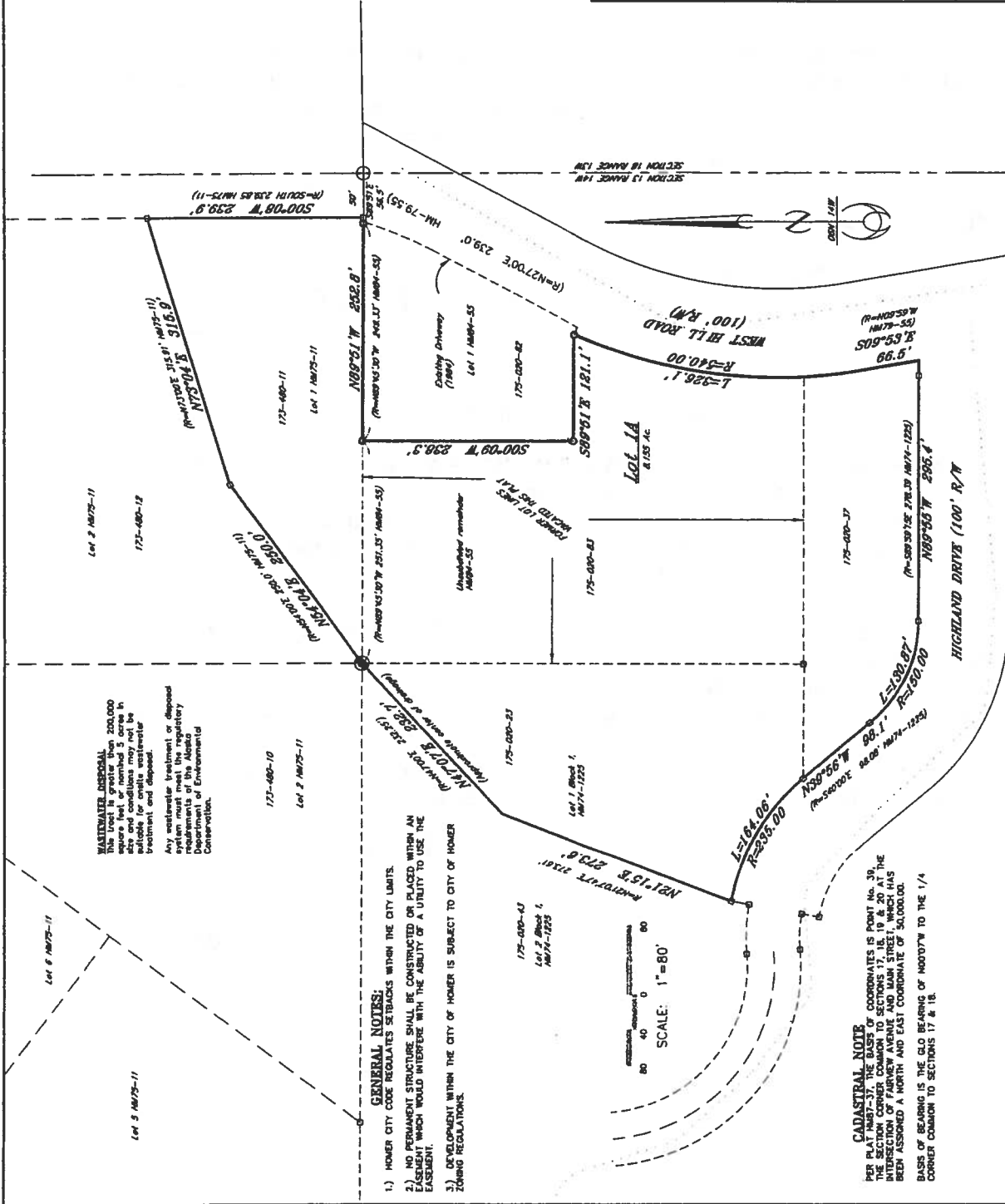
BY _____
 Authorized Official

JOB NO. 2140
DATE: MAY 2, 2013
SCALE: 1" = 80'
BASE MAP: AF-68
FIELD BOOK: N/A
LOCATION: WEST HILL
SECTION: W/2 W/2 Sec. 17
TOWNSHIP: 06N
RANGE: 14W

"WEST HILL SUBDIVISION"
"CASON 2013 ADD'N"
 A CONTINUATION OF LOT 1, NW 1/4-11, LOT 1, BLOCK 7, NW 1/4-1229 AND THE ADJACENT INCORPORATED PARCELS AND A SINGLE BLOCK, THE 1/4 SECTION 17, T1/2 S1/2 W1/2 Sec. 17, T1/2 S1/2 W1/2 Sec. 17, KENAI PENINSULA BOROUGH AND THE CITY OF HOMER, ALASKA CONTAINING 8.153 AC.

SURVEYING & BOUNDARY SOLUTIONS
 JERRY ANDERSON PLS
 417-630-0978
 1000 SPRINGFIELD RD. #500
 SPRINGFIELD MO 65801

2013-114



REC. DIST.
 Date _____ TIME _____
 REQUESTED BY: _____
 ADDRESS _____

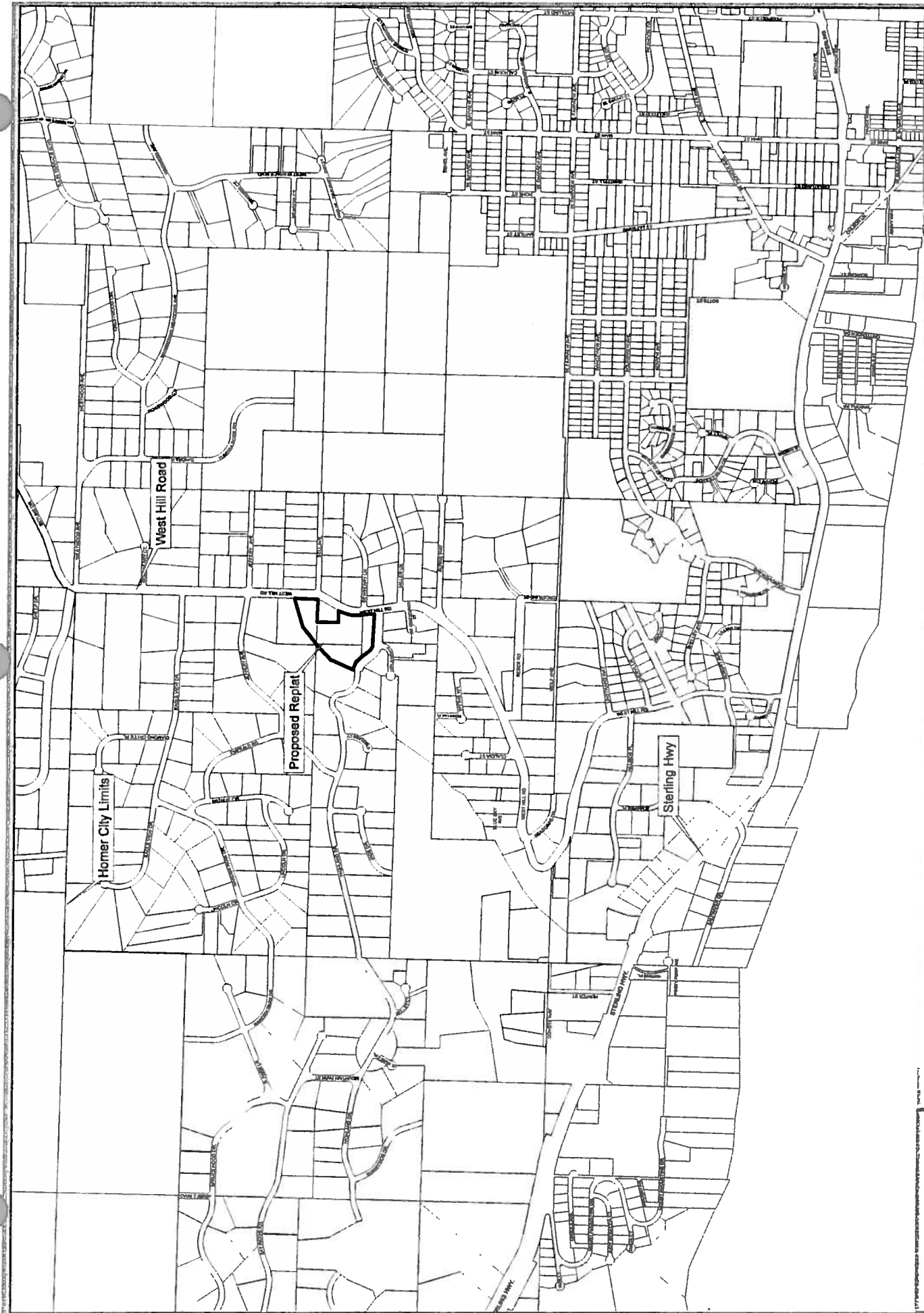
SYMBOL LEGEND

①	Bress Cap Monument, LS-268 (1/4 Corner)
●	5/8" Rebar, source unknown
□	1/2" x 24" Rebar, LS-3668
⊠	2x2 Hub & Tack, LS-1301
⊕	Bermlite Monument LS-1501

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.

WATERWATER JURISDICTION:
 Within 200.000 square feet or nonhard 3 acres in area and conditions may not be subject to waterwaster treatment and disposal.
 Any wastewater treatment or disposal requirements of this Alaska Department of Environmental Conservation.

CADASTRAL NOTE:
 PER PLAT MAPS THE POINTS OF COORDINATES IS POINT NO. 30 THE SECTION CORNER COMMON TO SECTIONS 17, 18, 19 & 20 AT THE INTERSECTION OF FAIRVIEW AVENUE AND MAIN STREET, WHICH HAS BEEN ASSIGNED A NORTH AND EAST COORDINATE OF 540000.00. BASIS OF BEARING IS THE OLD BEARING OF N00007W TO THE 1/4 CORNER COMMON TO SECTIONS 17 & 18.



Date: 6/24/2013



Vicinity Map

The information depicted hereon is for a graphical representation only of best available sources. The Kanai Peninsula Borough assumes no responsibility for any errors on this map.







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**MIKE NAVARRE
BOROUGH MAYOR**

July 1, 2013

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE

MEETING OF JUNE 24, 2013

RE: Scenic View Subdivision Scenic Grove Addn No. 2 2013 Replat Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of June 24, 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.

Please contact the Planning Department if you need additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent July 1, 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

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

Subdivider/Petitioner: Harmon Hall
64362 Bridger Rd.
Homer, AK 99603-9213

KPB File Number: 2013-100

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

STAFF REPORT

Planning Commission Meeting: 6/24/13

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

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

- 1. Questa Woods Estates 2013 Replat; KPB File 2013-092 [Johnson / Stoltz]
- 4. Lynn Subdivision 2013 Addition; KPB File 2013-097 [Johnson / Lynn]
- 7. Kraxberger Subdivision No. 1; KPB File 2013-099 [McLane / Kraxberger]
- 8. Scenic View Sub Scenic Grove; Addn. No. 1 2013 Replat; KPB File 2013-100 [Seabright / Hall]
- 9. Bear Run Subdivision 2013 Replat; KPB File 2013-101 [Seabright / Saxton, Rush]

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

END OF STAFF REPORT

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

Commissioner Ecklund pointed out that a laydown item had solved the issues with the Ronne Subdivision No. 2 and asked if it could be moved to the grouped agenda. Mr. Voeller replied that would be fine with staff.

MOTION: Commissioner Ecklund moved, seconded by Commissioner Gross to include Agenda Item 6, Ronne Subdivision No. 2 to the grouped agenda.

VOTE: The motion passed by unanimous consent

ECKLUND YES	GROSS YES	RUFFNER YES	TAURIAINEN ABSENT	WHITNEY YES	4 YES 1 ABSENT
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Due to the addition of agenda item 6, Chairman Ruffner again opened the meeting for public comment. Seeing and hearing no one wishing to comment, Chairman Ruffner closed the public hearing and opened discussion among the Committee.

MOTION: Commissioner Ecklund moved, seconded by Commissioner Whitney to grant approval of the following preliminary plats per staff recommendations and conditions.

- 1. Questa Woods Estates 2013 Replat; KPB File 2013-092 [Johnson / Stoltz]
- 4. Lynn Subdivision 2013 Addition; KPB File 2013-097 [Johnson / Lynn]
- 6. Ronne Subdivision No. 2; KPB File 2013-098; [Cline / Ronne]
- 7. Kraxberger Subdivision No. 1; KPB File 2013-099 [McLane / Kraxberger]
- 8. **Scenic View Sub Scenic Grove; Addn. No. 1 2013 Replat; KPB File 2013-100 [Seabright / Hall]**
- 9. Bear Run Subdivision 2013 Replat; KPB File 2013-101 [Seabright / Saxton, Rush]

VOTE: The motion passed by unanimous consent

ECKLUND YES	GROSS YES	RUFFNER YES	TAURIAINEN ABSENT	WHITNEY YES	4 YES 1 ABSENT
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AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

8. Scenic View Subdivision Scenic Grove Addn. No. 1 2013 Replat
KPB File 2013-100; Seabright/Hall

STAFF REPORT

Plat Committee Meeting: 6/24/13

Location: City of Homer
Proposed Use: Residential
Water: City
Sewer: City per the submittal
Zoning: Rural Residential
Assessing Use: Vacant
Parent Parcel Number(s): 179-240-33, 179-240-34, 179-240-35

Supporting Information:

The proposed subdivision is a simple replat of three lots into one lot containing approximately 4 acres. Per KPB 20.14.020, a soils report is not required. The subdivision fronts Spruce Lane, constructed Adam Drive, and State maintained East End Road.

Homer Advisory Planning Commission approved the plat on May 1 subject to:

1. Dedicate a 15-foot utility easement along East End Road and Spruce Lane per 22.10.051(a).
Borough staff comments: The requested utility easement is on the plat provided for KPB review.
Staff recommends the easement be granted, not dedicated.

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

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

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

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

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

Platting staff comments: The plat complies with the following portions of 20.12.060: A-E, G, 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

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
Platting Staff Comments: The 8' trail easement has been shown and labeled. This easement was granted by the parent plat with the City of Homer's signature on the plat accepting the easement. Staff recommends the source of the trail easement be noted on the subject plat.
- H. Approximate locations of areas subject to inundation, flooding or storm water overflow; when adjacent to lakes or non-tidal streams the line of ordinary high water, wetlands. If applicable, cite the appropriate study which identifies a flood plain;
Platting Staff Comments: Per GIS mapping, the plat has no low wet areas. The Homer City staff report noted a drainage may be along the western boundary. The parent plat shows a bank and approximate location of a drainage weaving along the western boundary. The soils report prepared for the parent plat shows a drainage along the western boundary. Additional information was requested from the surveyor.
- K. Within the limits of first class cities, the approximate location of known existing municipal sewers, water mains, and other utilities within the subdivision and immediately abutting thereto;
Platting Staff Comments: A second submittal showing and labeling the water lines was requested from the surveyor. Staff asked for confirmation about the existence of sewer lines.
- M. Approximate locations of slopes over 20 percent in grade. (Ord. No. 78-37, § 2(part), 1979)
Platting Staff Comments: Per the review of the parent plat in 2005, slopes within the subdivision do not exceed 10 percent.

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

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

2. KPB 20.14 -- Wastewater Disposal

Platting Staff Comments: Per the submittal the plat is served by city sewer service; however, a soils report was prepared for the parent plat, and an engineer signed the plat in 2005. Confirmation that the sewer line has not been extended to these lot(s) via email from Dan Gardner on June 10, 2013. Sewage disposal is on-site and staff recommends the wastewater disposal note be carried forward from the parent plat and note that engineer's signature is of record from parent plat HM2006-18.

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, 20.20.140, 20.20.160, 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, 20.20.120, 20.20.130, 20.20.150, 20.20.220, 20.20.230, 20.20.240, and 20.28.

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

20.20.040. - Easements—Requirements.

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

20.20.050. - Lots on major streets—Access requirements.

Platting Staff Comments: Google Earth imagery shows guard rails along the East End Road frontage of the plat with a break for a driveway approach. Obtaining a second driveway approach off East End Road would require removing the existing guard rails and installing new ones.

20.20.070. - Alleys.

Platting Staff Comments: Homer Planning and Zoning Commission did not request alleys.

20.20.100. - Half streets.

Platting Staff Comments: Both parent plats (HM 587 and HM 2006-18) provided more than a half dedication for Adams Drive. Additional right-of-way for Adams Drive was acquired from parcels fronting Adams Drive by a State Department of Transportation right-of-way acquisition plat (HM 2010-32). DOT's right-of-way map was recorded in 2010; however, the project was surveyed and approved by DOT in 2002.

20.20.110. - Streets—Width requirements.

Platting Staff Comments: Right-of-way width for Adams Drive varies from 56.25 to 62.81 feet. The parent plat (HM587), which was recorded in 1952, provided the original 30-foot dedication for Adam Drive. The State Department of Transportation acquired additional right-of-way for Adams Drive by HM 2010-32.

Although the Committee approved staff's recommendation to provide sufficient right-of-way to bring Adams Drive to a full 60-foot width when the replat of Lot 2 Tract B was reviewed in 2005 (HM 2006-18), the right-of-way is still less than 60 feet wide along most of its length.

Homer Advisory Planning Commission did not require additional right-of-way for Adams Drive when they reviewed the subject plat on May 1.

Tracts east of the subject property contain 2.64 and 10 acres. Further subdivision is likely. The remaining right-of-way match to bring Adams Drive to a full 60-foot width can be obtained when the parcels to the east are further subdivided.

20.20.170. - Pedestrian ways required when.

Platting Staff Comments: The parent plat (HM2006-18) granted an 8-foot pedestrian trail easement along Adams Drive. The City of Homer signed an acceptance statement of the trail easement on the parent plat.

20.20.180. - Lots—Dimensions.

Platting Staff Comments: Lot 2-A-1 complies with the 3:1 depth to width ratio due to right-of-way frontage along its eastern boundary.

20.20.250. - Different standards in cities.

Platting Staff Comments: Homer Planning and Zoning Department did not request different standards.

20.20.260. - Flood plain requirements.

Platting Staff Comments: The City of Homer administers the floodplain program within their jurisdiction per Homer City Code Chapter 12.12 Flood Damage Prevention. Per the Homer City staff report, the plat is within Zone D, flood hazards undetermined. Homer Planning and Zoning Commission did not recommend a plat note.

The plat is not affected by the Anadromous Stream Habitat Protection District.

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

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

Platting staff comments: The plat complies with the following portions of 20.16: 20.16.080, 20.16.100, 20.16.110, and 20.16.160.

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

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

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

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

20.16.030. - Certificate of borough finance department required.

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

20.16.050. - Plat specifications.

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

20.16.060. - Improvements—Installation agreement required.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.060.*

20.16.090. - Accuracy of measurements.

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

20.16.120. - Utility easements.

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

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.

Work with Louise Hooyer at DOT (907-269-0713) to verify the ROW and monumentation shown for the State road is correct [louise.hooyer@alaska.gov].

20.16.155. - Certificates, statements and signatures required.

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

20.16.170. - Approval—Authority—Certificate issued when.

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

20.16.180. - Administrative approval.

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

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

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

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

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

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

END OF STAFF REPORT

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

- 9. Bear Run Subdivision 2013 Replat
KPB File 2013-101; Seabright/Saxton, Rush

STAFF REPORT

Plat Committee Meeting: 6/24/13

Location:	On Greer Drive, Homer area within Kachemak Bay APC
Proposed Use:	Residential
Water/Sewer:	On-site
Zoning:	Unrestricted
Assessing Use:	Residential, Accessory Building
Parent Parcel Number(s):	172-160-05, 172-160-06

Supporting Information:

The proposed plat subdivides 2 tracts created by a 1976 paper plat into 3 lots ranging in size from 4 to 8.7 acres. A soils report is required for Lot 9-A, and an engineer will sign the plat. The subdivision fronts Borough (or State) maintained Greer Road. Lot 13-A also fronts constructed Trappers Lane.

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

Kachemak Bay Advisory Planning Commission is inactive at this time.

Physical addresses may be affected by the replat. Carrie Henson, Addressing Officer, can answer questions about the effect of the replat on addresses.

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