

WORK SESSION AGENDA

1. Call to Order 5:30 p.m.
2. Commissioner report on APA training in Anchorage
3. Staff Report PL 13-98 Draft Ordinance 2013-42(A) Amending the **pg 55**
Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Extend Time
Required to Discontinue a Nonconforming Use from 12 Months to 24 Months.
4. Discussion of Items on the Regular Meeting Agenda
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 November 6, 2013 meeting **pg 1**

6. Presentations

7. Reports

- A. Staff Report PL 13-89, 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 13-80, CUP 2013-12 Request to build a 160' communications tower at 5700 Easy Street **pg 9**
- B. Staff Report PL 13-85, CUP 2013-13 Request for more than one building containing a permitted principal use, a residential duplex at 3850 Heath St. **pg 29**
- C. Staff Report PL 13-98, Draft Ordinance 2013-42(A) Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Extend Time Required to Discontinue a Nonconforming Use from 12 Months to 24 Months. **pg 55**

9. Plat Consideration

- A. Staff Report PL 13-94, Paradise Heights Subdivision 2013 Replat Preliminary Plat **pg 65**
- B. Staff Report PL 13-95, Tietjen Subdivision 2013 Addition Preliminary Plat **pg 73**
- C. Staff Report PL 13-97, Tietjen Subdivision-Compass Addition Preliminary Plat **pg 81**
- D. Staff Report PL 13-96, Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat **pg 89**

10. Pending Business

11. New Business

- A.. Staff Report PL 13-93, Resolution 13-XX amending the HAPC Bylaws **pg 101**

12. Informational Materials

- A. KPB Planning Commission Notice of Decisions **pg 121**
- Glacier View Subdivision 2013 Addition Preliminary Plat
 - Yah Sure Subdivision 2013 Preliminary Plat
 - Wintergreen Subdivision Preliminary Plat
 - 10-ft. utility easement vacation along western boundary of Tract A-2A Rumley-Collie Five and 10 ft. utility easement vacation along easterly boundary of Tract A-1A Rumley-Collie Three also shown on Rumley-Collie Subdivision Six Sec. 11, T6S, R13W, S.M.
- D. City Manager's Report from November 25, 2013 City Council Meeting **pg 153**
see Planner's Report 13-89
- C. US Army Corps of Engineers Alaska District Special Public Notice, *Service area guidance for mitigation banks and in-lieu fee programs operating in the U.S. Army Corps of Engineers, Alaska District* **pg 161**

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 January 2, 2014. A work session will be held at 5:30 pm.

Session 13-17, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on November 6, 2013 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS HIGHLAND, SLONE, SONNEBORN, VENUTI

ABSENT: BOS, STEAD, STROOZAS

STAFF: PLANNING TECHNICIAN ENGBRETSSEN
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

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).

Adrienne Sweeney, inn keeper at the Driftwood Inn and AJ Steakhouse, commented regarding ordinance 13-32. She expressed her concern that the change to 24 months is not enough time when a use is discontinued because of death. Sometimes probate takes longer than 24 months, especially when land is involved, and she thinks 36 months is a fair compromise and recommends amending back to 36 months. This amendment is wrapped into the Bayview Inn issue, but the change effects more than just one property. She said she appreciated the City Manager's comments about traffic calming. She is hopeful it will work in Old Town, is excited about the process, and thinks it is a great example for other neighborhoods.

Charles Davis, city resident, commented that he has a different outlook on non-conforming. Last time we went through this was with Guy Rosi, before him it was someone else, then it was someone before them. As a city we have kicked the can down the road to where we have a conditional use permit. He questions why the city has to have so much control that we have to designate every building. What difference does it make if there is another motel up there, particularly when maybe it's the original one? Why do we have to have some draconian zoning law here at the end of the road. The Commission is having a hard time keeping a quorum and doesn't need to keep going through this. Mr. Davis suggested lightening up on controlling business, let people be where they are, and don't make it so complicated because he thinks it's ruining the town. He recently heard at council that it's good that all the businesses are here. The only reason they are here is because of the local people living here.

Corbin Arno, city resident, commented that Bayview Inn is a landmark. He encouraged them to make the place legal; it has been here longer than many of us. He agrees with changing it back to 36 months because you just never know what's going to happen in life.

Reconsideration

Adoption of Consent Agenda

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 6, 2013

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 October 16, 2013 meeting
- B. Decisions and Findings for CUP 13-09 Request to build a cabin in addition to an existing home at 3651 Sterling Hwy
- C. Decisions and Findings for CUP 13-10 Request to build a single family home in addition to an Existing cabin at 4914 Kachemak Drive
- D. Decision and Findings for CUP 13-11 Request for a reduction of the setback from a dedicated right-of-way at 203 W. Pioneer Avenue

Chair Venuti called for a motion to adopt the consent agenda.

HIGHLAND/SLOANE SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

- A. Staff Report PL 13-84 , City Planner's Report

Acting City Planner Engebretsen reviewed the staff report.

There was brief discussion about the Commission's interest in starting to work on safe streets and traffic calming. Mrs. Engebretsen noted that it will be a process that will likely include input from other advisory bodies as well as staff. Staff will look at scheduling a joint meeting with other groups for the second meeting in January worksession as an initial start for the process.

They also touched on scheduling Brianna Allen from Old Town to present at a meeting after the first of the year.

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.

Plat Consideration

None

Pending Business

None

New Business

A. Staff Report PL 13-86 Review of Bylaws

Acting City Planner Engebretsen briefly reviewed the staff report and noted discussion during the worksession about the Commissioner absences as outlined in the bylaws, and also changing the voting requirements to a simple majority regarding CUP's and variances as outlined in city code. She noted that staff doesn't have a recommendation at this time regarding the simple majority issue.

Commissioner Highland expressed interest in Commissioner's being allowed to participate telephonically. She understands that it couldn't be done for the quasi-judicial actions of the meeting, but for the other parts it would be helpful when people are ill or travelling.

Acting City Planner Engebretsen noted that because of the actions the Commission addresses, it would significantly limit what the person on the phone could speak to. She also explained her experience has been that some people do well at participating telephonically but many don't.

SONNEBORN/HIGHLAND MOVED TO AMEND TO AMEND BYLAWS TO ENABLE A SIMPLE MAJORITY TO APPROVE A CONDITIONAL USE PERMIT OR VARIANCE.

Commissioner Slone noted that during the worksession they discussed and agreed that because staff clearly does a more than adequate job of reviewing criteria for CUP and variances to verify compliance with the ordinances that many times there is generally very little discussion necessary by the Commissioners. Four would be adequate from his perspective.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/SLONE MOVED TO ALLOW TELEPHONIC PARTICIPATION EXCEPT FOR PARTICIPATION ON ANY QUASI JUDICIAL MATTERS.

Commissioner Sonneborn commented she isn't sure they need that complication into their meetings. By addressing the voting, they won't have the problem of not enough Commissioners in the future. She thinks it is really important to be here in person. There are times when it is challenging to follow things when you're here in person, and being home with distractions she wouldn't trust that the group is getting full attention. It's only a couple times a month and people just need to plan to be here. If people are ill, their minds aren't up to it, they should be home taking care of themselves. It is okay to miss a meeting sometimes.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 6, 2013

Chair Venuti agreed with Ms. Sonneborn, but said it would be nice to call in and listen. Deputy City Clerk Jacobsen noted that if a Commissioner is absent and would like to hear the discussion, they can request a copy of the recording from the City Clerk's office.

Commissioner Highland reiterated that it is another possibility to participate and not have to miss a meeting if someone has already missed some meetings.

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

Motion failed.

SLONE/HIGHLAND MOVED TO AMEND CITY CODE 1.76.040 C ANY COMMISSIONER WHO SHALL HAVE ~~TWO~~ **THREE** SUCCESSIVE UNEXCUSED ABSENCES SHALL BE SUBJECT TO REMOVAL BY THE COMMISSION BY A MAJORITY VOTE OF THE MEMBERS PRESENT. BYLAWS SECTION 0.5. THREE CONSECUTIVE **UNEXCUSED** OR SIX REGULAR MEETINGS IN A CALENDAR YEAR; AND REFINES THE WORD UNEXCUSED TO DEFINE THAT UNEXCUSED REQUIRES APPROVAL BY THE CHAIR.

Commissioner Slone explained that it gives a little more flexibility for extenuating circumstances they might miss more than three meetings, but requires them to be accountable for their time if the situation arises.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Slone also noted a section of the policy manual that needs clarification under item U. It states "The policy and procedure manual will be endorsed by resolution of the City Council and may be amended at any meeting of the Commission by a majority plus one of the members,". He suggested changing it to the amended policy and procedure manual must subsequently be endorsed by a resolution of the City Council.

- B. Staff Report PL 13-87 Draft Ordinance 13-42 Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Extend Time Required to Discontinue a Nonconforming Uses from 12 to 24 Months

Chair Venuti advised the Commission that he has a conflict of interest on this matter because he is involved with the Bayview Inn property.

There was discussion that with only 3 Commissioners in attendance to address the conflict it was recommended that this matter be postponed to the next meeting.

SLONE/SONNEBORN MOVED TO POSTPONE TO THE NEXT MEETING.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 6, 2013

Motion carried.

C. Staff Report 13-88 Discussion of Comprehensive Plan in the Baycrest Area

Acting City Planner Engebretsen reviewed the staff report.

The Commission discussed the process for rezoning process. There is a community plan in place that says the Baycrest area is residential. There are some options in the process like a community update, but there is still a public process that would need to take place to make any changes. The community has to agree.

Question was raised about allowing hotels and motels in the rural residential zoning district. Acting City Planner Engebretsen explained that it is an option, but it will be inclusive of all rural residential districts which make up about 50% of the city.

Chair Venuti suggested they could consider the mixed use district for that particular area, but probably not past the south end of Rogers Loop.

Discussion ensued about the history of the zoning for the Baycrest area and the businesses that are located there. Commissioner Highland expressed her feeling of urgency in resolving the issue and getting through the process. Acting City Planner Engebretsen advised it is a lengthy process and it is very important that there isn't an appearance of rushing the process because of one particular property.

Acting City Planner Engebretsen said staff will work on preparing some recommendations to consider and also a timeline for the process that the Commission can consider at their December or January meeting.

Further discussion continued regarding the need and ways to inform the public of what is going on.

D. Memo from City Clerk Re: 2014 Meeting Schedule

The Commission reviewed the meeting schedule and discussed the first meeting in January. They agreed that if there are no active applications that need to be addressed at the January 2nd meeting then staff may cancel the meeting.

HIGHLAND/SLONE MOVED TO APPROVE THE 2014 MEETING SCHEDULE FOR THE PLANNING COMMISSION SHOWN IN THE DRAFT RESOLUTION PROVIDED BY THE CITY CLERK.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Informational Materials

A. Homer Arts & Culture Alliance Letter

Commissioner Slone suggested this group may be one that the Commission could hear from at a future presentation. Acting City Planner said staff can find out some more information about the group.

Comments of the Audience

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

Corbin Arno, city resident, commended commented the Commission on their work in dealing with the zoning issue. He believes a majority of the property up there is commercial and he thinks the property owners would love to have mixed use zoning for their businesses. He wished them luck with the process.

Comments of Staff

Acting City Planner Engebretsen said it was a great meeting and there are lots of things coming up to work on.

Comments of the Commission

Commissioner Highland said it was a good and thoughtful meeting to brainstorm ideas for our wonderful city.

Commissioner Slone said he hopes they aren't overwhelming staff with their suggestions for the immediate future.

Commissioner Sonneborn had no comments.

Chair Venuti raised his concern about the erosion of the bluff of the highway just north of Anchor Point. The erosion is as bad as he has seen it and fixing it from the bottom isn't working. He doesn't think the city realizes how serious this is because we will be in trouble if the road goes out. He commended Acting City Planner Engebretsen on the job she is doing.

Acting City Planner Engebretsen noted that citizen outcry goes a long way and suggested contacting Jocelyn Biloon, DOT Area Planner, and our legislators. The city has supported this through the Capital Improvement Plan.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 7:53 p.m. The next regular meeting is scheduled for December 4, 2013 at 6:30 p.m. in the City Hall Cowles Council Chambers.



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STAFF REPORT PL 13-89

TO: Homer Advisory Planning Commission
FROM: Planning staff
MEETING: December 4, 2013
SUBJECT: City Planner's Report

Dinner will be provided for the Commission during the work session. Happy Holidays!

2013 Alaska State Planning Conference was held in Anchorage November 17-19th. Thanks to Commissioners Sonneborn, Slone and Venuti for attending.

Homer Chamber of Commerce Mixer

The EDC liked the idea of hosting a Chamber mixer with the Planning Commission. Tentatively the date of Thursday, May 15th has been reserved. The Planning and Economic Development Commissions would be hosting the event, with a few staff. Is this a date that is likely to work for Commissioners?

January Work Session Speaker: Briana Allen has been invited to speak about the Old Town improvements.

Safe Streets: Julie met with the Transportation Advisory Committee at their last meeting. They are interested in working with the Planning Commission on this issue, and attending a joint work session. Staff is considering mid-January or early February for the work session.

Contact for information Joselyn Biloon, DOT area planner. The Commission had expressed concern over bluff erosion along the highway near Anchor Point. Concerned citizens can reach Ms. Biloon at (907) 269-0508, or joselyn.biloon@alaska.gov

City Council postponed the public hearing regarding the definition of discontinued until their next meeting so the Planning Commission would have time to forward a recommendation.

Attachments: City Managers Report 11/25/2013, with attachments 1 and 5





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STAFF REPORT PL 13-80

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: December 4, 2013

SUBJECT: Conditional Use Permit 13-12 at 5700 Easy Street for "Public utility facilities and structures" as permitted by HCC 21.12.030 (g).

Synopsis: If approved, this CUP will allow one, 160 foot lattice communication tower on the north side of a 5 acre tract on Easy Street. In 2002, this property was annexed into the City of Homer and is located in the Rural Residential District within the Bridge Creek Water Protection District.

Applicant/Property owner:	Kodiak Microwave System 2702 Denali St. Suite 100 Anchorage, AK 99503	Kyle Clapp PO BOX 4034 Homer, AK 99603
Legal:	Lot 4A Eker Estates Kyle Addition	
Parcel ID:	17405125	
Lot Size(s):	5.31 acres	
Zoning Designation:	Rural Residential	
Existing Land Use:	Equipment storage and conex containers	
Surrounding Land Use:	North: Vacant South: Residential East: Vacant West: Vacant	
Comprehensive Plan:	Public Services, Ch 6, pg 6-3, Goal 1, Objective A: Fire and Emergency Services – Maintain and improve the high level of fire protection and emergency services to respond to current and anticipated future needs.	
Wetland Status:	Small riparian area on the west side draining towards Bridge Creek.	
BCWPD:	In Bridge Creek Watershed Protection District	
Utilities:	None	
Public Notice:	Notice was sent to 12 property owners of 14 parcels as shown on the KPB tax assessor rolls	

Impervious coverage and Nonconforming Use: The site was annexed into the City of Homer on March 20, 2002. The Bridge Creek Water Protection District (BCWPD) was adopted on February 25, 2003 to protect the City's water supply by limiting the ground disturbances. Based on a 2003 aerial image it appears that approximately 30% of the lot was, and still is used for equipment storage, driveways and maneuvering areas. It's likely that the site would qualify for nonconforming use, for the existing impervious coverage. This proposal does little to impact the impervious coverage and to date, the property owner has not applied for a nonconforming use.

Foundation: The foundation will consist of four pilings that are capped with a steel plate to accept the bolt pattern from the base of the tower. This foundation has very little impact to the surrounding impervious surface. This is a standalone tower with no guy wires.

Parking: City code does not have parking requirements for a communication site. The applicant shows one parking space at the base of the tower. Once the tower is constructed traffic is limited to antenna maintenance.

Setbacks: The base of the tower is setback at least 20 feet from the north lot line.

Fence: For safety and security a chain link fence will block access to the tower.

Lighting: The FAA may not require tower lighting. At the time of this report the final "Determination of No Hazard to Air Navigation" letter has not been issued. Any lighting needed at the base of the tower to be downlit to avoid light trespass per HCC 21.59.030. See condition 1.

21.71.30 Review criteria.

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

By definition a telecommunication tower is a Public Utility facility and structure:

"Public utility facility or structure," for the purpose of requiring a conditional use permit, means (i) any facility or structure owned and operated by a public or private utility, or (ii) a telecommunications tower or antenna, but it excludes water distribution mains, pressure stations and hydrants, sewage collection lines, manholes and lift stations, underground and overhead electrical, cable and telephone lines and poles, street lights and small wind energy systems."

Finding 1: Public utility facilities and structures are authorized by HCC 21.12.030(g).

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

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

The purpose of the BCWPD is to "benefit the public health, safety, and welfare of the residents of the City of Homer and other customers in the City's water system by restricts land use activities that would impair the water quality, or increase the cost for treatment." HCC 21.40.010 BCWPD Purpose.

Applicant: The system is designed to bring needed broadband services to the communities of Port Graham, Nanwalek, Halibut Cove, Nikolaevsk, and out East End Road. The system will enhance distance learning and real-time telemedicine.

Finding 2: This proposed tower will be a permanent structure on the 5.31 acre parcel. The structure has a base footprint of 196 sf which is low density and would not impair the water quality of the City's water system.

Finding 3: With a Conditional Use Permit, public utility facilities and structures are allowed per HCC 21.12.30(g).

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

Applicant: This area has several tower structures including cellular and wind power. We conducted a survey to confirm that the structure will not be visible from town or the spit. The tower location is hidden from adjacent properties.

Finding 4: No research based evidence has been presented indicated that the value of adjoining property will not be negatively impacted more than from other uses in this district. Other uses permitted or conditionally permitted include multifamily dwellings and kennels. Multi-family dwelling would create more traffic than the proposed use and kennels would create more noise per HCC 21.12.030.

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

Applicant: The current use of the property is equipment storage. Abutting parcels range in size from 1.27 acres to a 40 acre track to the north. This proposal has a relative small footprint for the size of the lot and in comparison with some neighboring development.

Finding 5: The proposal is compatible with the existing surrounding land uses. The land to the north, east and west are vacant parcels. The lot of the south has a single family residence with views focused to the south, away from the proposed tower.

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

Finding 6: Public services and facilities are adequate to serve the proposed use. Public water and sewer are not needed. The property is accessed via Skyline Drive to Easy Street. Skyline Drive is paved state maintained public road.

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

Applicant: The base footprint of the tower is 14' x 14' = 196 sf. The site is surrounded by trees which provide a visible buffer. On average there is one site visit to check equipment every three months.

Finding 7: The newly constructed tower occupies a 14' x 14' base, or 196 sf. The placement and operation of the tower will not generate significant traffic, nor create density or coverage that

will harm the neighborhood. Traffic to and from the site is for maintenance purposes only. The tower will not cause undue harmful effect on the desirable neighborhood character.

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

Applicant: We will have space on the tower if police, fire or other public service providers need broadcast to the surrounding area.

Finding 8: No research based evidence has been presented that indicates that a communication would be detrimental to the health, safety or welfare of the surrounding area or the city as a whole. The towers are part of a telecommunications system that serves the wider area and is an important and necessary service.

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

Finding 9: An approved conditional use permit along with zoning permit requirements are required to comply with conditions of HCC Title 21.

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

"Target high tech industries or professional/web-based activities in these new commercial zones by public provision of access to wireless communication." Homer Comprehensive Plan, Land Use, pg 4-17.

"The City should strive to provide public services and facilities that meet current needs while planning for the future. The City wishes to develop strategies to work with community partners that provide beneficial community services outside of the scope of City government." Homer Comprehensive Plan, Public Services and Facilities, Vision Statement. p6-1.

"Maintain and improve the high level of fire protection and emergency services in Homer to respond to current and anticipated future needs. Public Services, FIRE & EMERGENCY SERVICES – Ch 6, p6-2, Goal 1, Objective A.

"The City shall develop a plan for a satellite facility on Skyline Drive." Implementation Strategies, p6-3.

Finding 10: The facility is located in a rural, low density area. There are several telecommunications sites in the area. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.

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

Finding 11: All lighting must be down lit per the Community Design Manual.

21.71.040 Approval of conditional use. a. The Planning Commission will review and may approve, approve with conditions, or deny an application for conditional use permit. The application shall not be approved unless it is established that the proposal, with conditions if necessary, satisfies the applicable review criteria. b. In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

1. **Special yards and spaces.**
 2. **Fences, walls and screening.** The site will be fenced with a chain link fence.
 3. **Surfacing of vehicular ways and parking areas.**
 4. **Street and road dedications and improvements (or bonds).**
 5. **Control of points of vehicular ingress and egress.**
 6. **Special restrictions on signs.** Per HCC 21.60 Sign.
 7. **Landscaping.**
 8. **Maintenance of the grounds, buildings, or structures.**
 9. **Control of noise, vibration, odors, lighting or other similar nuisances.** Per HCC 21.59.010-030 Off-Site Impacts
 10. **Limitation of time for certain activities.**
 11. **A time period within which the proposed use shall be developed and commence operation.**
 12. **A limit on total duration of use or on the term of the permit, or both.**
 13. **More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations.** Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code.
 14. **Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot. (Ord. 08-29, 2008).**
- Finding 12:** No special conditions are imposed.

STAFF COMMENTS/RECOMMENDATIONS: Approve this proposal with Condition(s):

1. Compliance with HCC 21.59.010 Off-Site Impacts such as noise and vibration.
2. Any lighting needed at the base of the tower shall be downlit to avoid light trespass per HCC 21.59.030 Lighting.

ATTACHMENTS

1. Application
2. Survey dated 9/23/2013
3. Kodiak Microwave System tower dimensions
4. Letter from K & K Fay dated Oct. 15, 2013
5. Email from Scott Adams dated Nov. 4, 2013
6. Letter from Port Graham Village Council dated Oct. 15, 2013
7. Letter dated October 15, 2013, stamp dated Nov. 26, 2013



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Applicant

407-382-7577

Name: Kodiak Microwave System Telephone No.: 907-278-6100

Address: 2702 Denali St Suite 100, Anchorage, 99503 Email: bkincaid@oldharbor.org

Property Owner (if different than the applicant):

Name: Kyle Clapp Telephone No.: 299-4137, Kelly 299-0488

Address: PO Box 4034 Homer, AK 99603 Email:

PROPERTY INFORMATION:

Address: 5700 Easy Street Lot Size: 5.31 acres KPB Tax ID # 17405125

Legal Description of Property: Lot 4A Eker Estates Kyle Addn

For staff use:

Date: 9/26/2013 Fee submittal: Amount \$500 Received by: [Signature]

Date application accepted as complete: Planning Commission Public Hearing Date: 10/16/2013

Credit Card 21-2106

Contract paid Trans 10/14/13

Conditional Use Permit Application Requirements:

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

Circle Your Zoning District

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

15

Answers to City of Homer Conditional Use Permit pages 2, 3, and 4

Page 2 answers in bold

- Y/N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: No
- Y/N Will your development trigger a Development Activity Plan?
Application Status: No
- Y/N Will your development trigger a Storm water Plan?
Application Status: No
- Y/N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required.
Application Status: No
- Y/N Is your development in a floodplain? If yes, a Flood Development Permit is required. **No**
- Y/N Does your project trigger a Community Design Manual review? **No**
If yes, complete the design review application form. The Community Design Manual is online at:
<http://www.ci.homer.ak.us/documentsandforms>
- Y/N Do you need a traffic impact analysis? **No**
- Y/N Are there any nonconforming uses or structures on the property?
- Y/N Have they been formally accepted by the Homer Advisory Planning Commission? **No**
- Y/N Do you have a state or city driveway permit? Status: No
- Y/N Do you have active City water and sewer permits? Status: No

1. Currently the property is being used for storage of equipment and conex containers. Currently no permanent structures exist.
2. We are leasing a 50' square corner on the back side of the property and will have little impact on future use of land.

Conditional Use Information

Page 2 to 3

- a) HCC 21.12.030(g) Public facilities and structures
- b) This system is designed to bring needed broadband services to the communities of Port Graham and Nanwalek. The location will also allow us to serve the same services to Halibut cove, the communities located at the east end of Kachemak Bay and the community of Nikolaevsk. Initially the schools and libraries will get the benefit of this system; after the system is operating the medical clinics are planning to take advantage of the available bandwidth. The general population will also be able to get modern services such as broadband internet connections. The impact of distance learning to supplement local classrooms has proved it worth in many communities and having real-time telemedicine available could potentially save lives.
- c) The area on the bluff currently has several tower structures including cellular and wind power. Our requirements to provide reliable service dictate a tower with sufficient strength to allow 8 foot diameter dishes at 100+ feet. Unlike other systems we selected a location back from the bluff to allow use to operate without impacted the area visually. We conducted a survey with a blimp raised at our antenna heights and then viewed from town and the spit and confirmed the structure would not be visible to the general public. We do not feel our operations will affect the adjoining property values.
- d) As stated the current use of the property is storage. The system will provide crucial services to the surround communities. The location is hidden from most of the adjacent properties.
- e) Yes
- f) Our footprint is small and communications towers are fairly common in the area. Our site was selected based on line of sight to our targeted communities and to be as little visual impact as possible. The site is surrounded by trees and will likely not be able to be seen even from the adjacent road. We will be servicing the equipment only every three months so the traffic is minimal.
- g) Our proposal will have no impact on health, safety or welfare of the immediate city. We would however have space available if police, fire, or other public service providers need to reach the surrounding area that we will be broadcasting to.
- h) No impact other than the statement in g).
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (circle each answer)

YCB

1. Y/N Special yards and spaces. **No**
2. Y/N Fences, walls and screening. **Yes site will be fenced for safety**
3. Y/N Surfacing of parking areas. **No very little traffic site is unmanned**
4. Y/N Street and road dedications and improvements (or bonds). **No**
5. Y/N Control of points of vehicular ingress & egress. **No**
6. Y/N Special provisions on signs. **No**
7. Y/N Landscaping. **No**
8. Y/N Maintenance of the grounds, buildings, or structures. **Yes site will be maintained in keeping with standard telecommunications practices.**
9. Y/N Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances. **No**
10. Y/N Time for certain activities. **No**
11. Y/N A time period within which the proposed use shall be developed. **Yes we are attempting to be completed by 1 quarter 2014**
12. Y/N A limit on total duration of use. **No**
13. Y/N Special dimensional requirements such as lot area, setbacks, building height. **Yes our tower will need to be 160'**
14. Y/N Other conditions deemed necessary to protect the interest of the community. **No**

Parking

1. We will only require one parking space used only during site visits
2. One
3. No



PARKING

1. How many parking spaces are required for your development? _____
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). _____
2. How many spaces are shown on your parking plan? _____
3. Are you requesting any reductions? _____

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

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

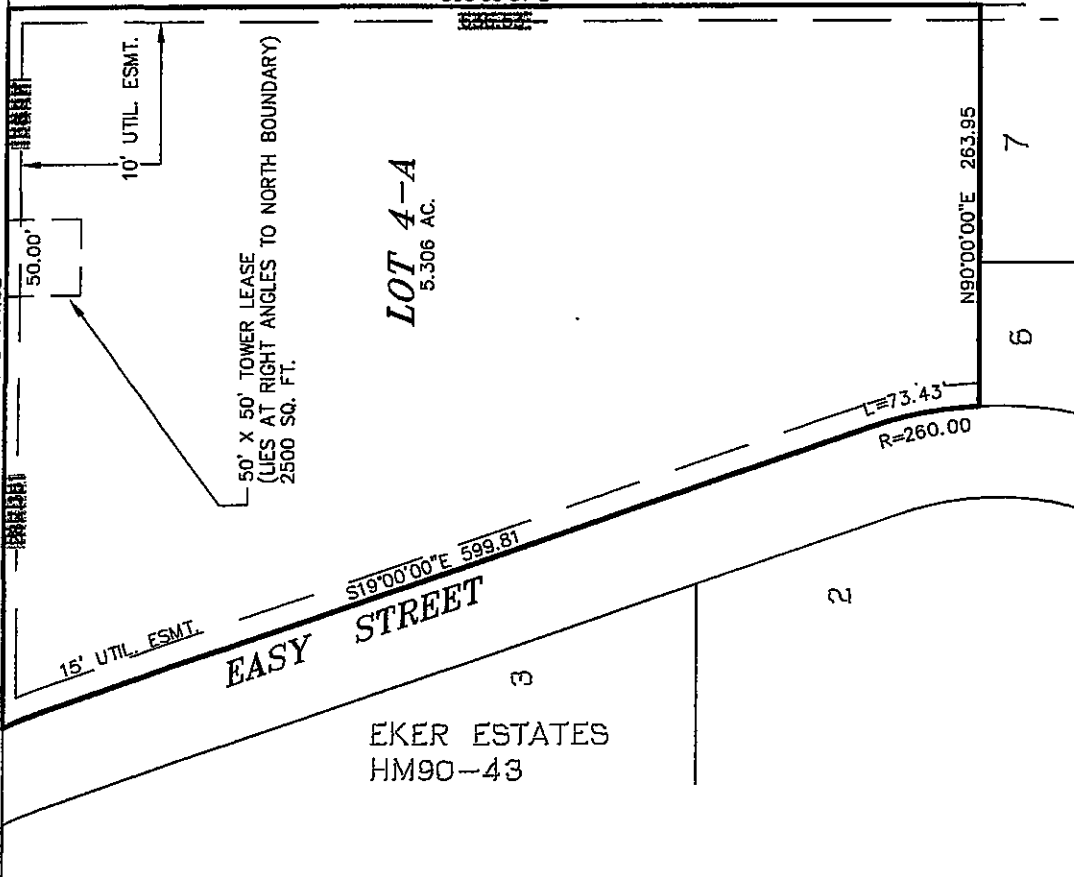
CIRCLE ONE: Owner of record Lessee Contract purchaser

Applicant signature: Brian Kimball Date: 9-25-13

Property Owner's signature: [Signature] Date: 9-25-13



S89°41'57"E 471.32 UNSUBDIVIDED



VICINITY MAP
SCALE: 1" = 1/2 MILE

TOWER SITE LEASE EXHIBIT

WITHIN LOT 4-A,
EKER ESTATES KYLE ADDITION
(PLAT #2009-55),
IN THE NE1/4, SEC 9,
T6S, R13W, S.M.,
CITY OF HOMER,
KENAI PENINSULA BOROUGH
THIRD JUDICIAL DISTRICT,
STATE OF ALASKA,
HOMER RECORDING DISTRICT,

DATE 09/23/2013
SCALE 1"=100'
JOB NO. 4732
DRAWING: 4732-429B

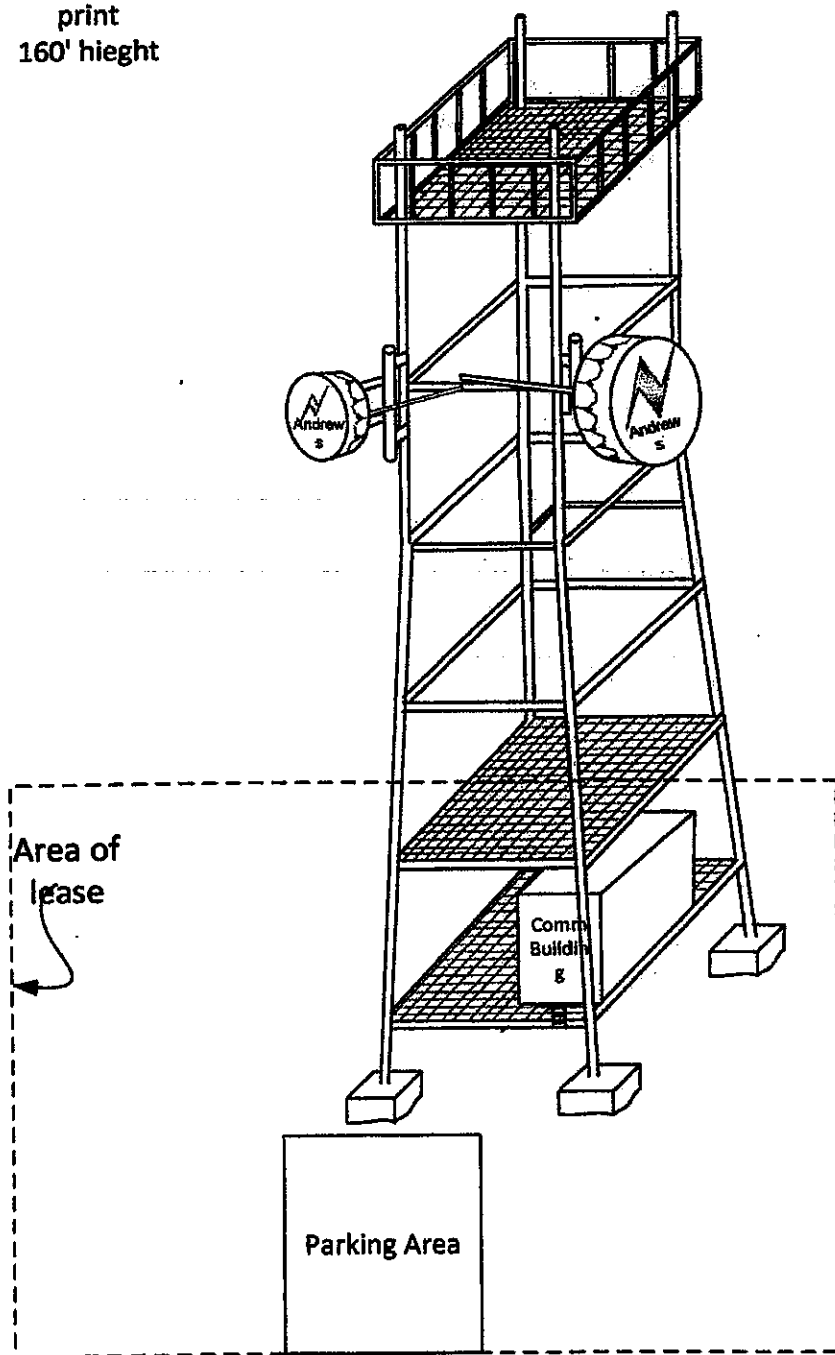
ABILITY SURVEYS
GARY D. NELSON, P.L.S.
(907)235-8440
152 DEHEL AVE., HOMER, ALASKA



Proposed Site Design

**KODIAK MICROWAVE
SYSTEM**

Tower
Dimensions
14'X14' foot
print
160' hieght



Handwritten signature

October 15, 2013

Planning Commission

City of Homer

Planning and Zoning Office

491 East Pioneer Ave.

Homer, Alaska 99603

Att: Mr Travis Brown

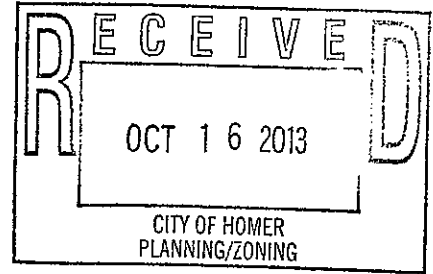
RE: CUP 13-12: 5700 Easy Street for "Public Utility Facilities and Structures proposal to allow construction of one 160' lattice Communications Tower"

Dear Mr. Brown,

As mentioned during my telephone conversation with you, myself, and my wife, Kathleen, strongly oppose the construction of this 160' Tower. We will become year-round residents of Homer, within the next 1-2 years. We also own 1642 Skyline Drive, where there is a strong probability that we will build a home for our children, in the future.

We have numerous, serious, legitimate objections:

- 1) Has a RADIATION IMPACT STUDY been performed, with regards to the negative impact of strong radio waves, in proximity to our home, at 1590 Skyline Drive, Homer, and 1642 Skyline Drive, Homer?
- 2) Has a CANCER STUDY IMPACT been performed, with regards to the negative impact of very strong RADIO WAVES?
- 3) 2) QUALITY OF LIFE ISSUES: We have major concerns, with regards to quality of life issues.
 - A) The HEIGHT of 160' would be an eyesore to our neighborhood. It will be an overbearing monstrosity, that not only will be visually detrimental, but also overlooking our 2 properties, which border this property.
 - B) NOISE CONCERNS: How much noise will be generated? We're very concerned about this.
 - C) WILDLIFE IMPACT: We love "Wildlife". We believe the "Tower" and probable additional buildings, will have a negative impact on the wildlife, which we love.
 - D) LIGHTING: We have a very serious concern, with regards to the lighting. THE FAA MAY REQUIRE LIGHTING. In addition, "LIGHTING" will be a Quality of Life negative concern for our family. It will also be negative to "Wildlife". WE are therefore extremely concerned about light trespass per HCC 21.59.030.
- 4) Section 21.71.30 "REVIEW CRITERIA", Item (b) "Finding 2": mentions that "This proposed tower will be the first structure on the 5.31 acre parcel". Once again, we have both Quality of Life



concerns, as well as negative impact on "Wildlife", in this environmentally sensitive "Watershed Area". would like to know how many structures, and how many square feet of building is proposed for the future.

- 5) Item "d": It alleges that " This proposal is compatible with the existing surrounding land uses". This is INCORRECT. It is an upcoming, residential area, with very strict environmental guidelines, within the EKER ESTATES an environmentally sensitive "Watershed Area".
- 6) We have our bedroom windows, facing the "Proposed Tower". Once again, LIGHTING , NOISE , and POSSIBLE RADIATION or CANCER CAUSING RADIO WAVES deeply concerns us.
- 7) 6) TRAFFIC: We read the proposal. We remain very concerned about additional, commercial traffic, to the residential rural neighborhood. Easy street is a "Dirt Road". Heavy commercial traffic will both dig up the roadway, degrading it, as well as be very noisy, from heavy commercial vehicles travelling the road, due to this project, as well as future building projects on that site.

Before constructing our home, we were advised of the Environmentally sensitive "Watershed District" , and the "Eker Estates" building restrictions. Since this property is also in the "Eker Estates", why would this property owner be allowed to disregard these building restrictions?

In summary, we are very opposed to the 160' Tower.

We Thank You for listening and evaluating our concerns.

Sincerely,

Kevin and Kathleen Fay

2002 Ocean Ave.

Belmar, New Jersey 07719

(732) 681-4128 (cell)

(732) 681-3850 (home)

Travis Brown

From: Jo Johnson
Sent: Monday, November 04, 2013 6:06 PM
To: Travis Brown
Subject: Fwd: City of Homer Alaska Website submission: Contact the City

Hi Travis, this one is 4 u.
Jo

Sent from my iPad

Begin forwarded message:

From: City of Homer Alaska <info@ci.homer.ak.us>
Date: November 4, 2013 at 5:34:38 PM AKST
To: <clerk@ci.homer.ak.us>
Subject: City of Homer Alaska Website submission: Contact the City

<p>

You may view the completed form here: <http://www.cityofhomer-ak.gov/node/9717/submission/655> Details:

Topic: Cell phone tower. Planning Dept. Planning Commission City Council

Details: We live near the area in which a Cell Tower is being presented in front of the planning commission, whether or not to allow off Easy St. We would like to see this not go thur, it should be in the area of the rest of the towers, or maybe on the Spit. Planning dept. states you won't be able to see it from town or the Spit. but we will everyday, as it will be 160' tall. Trees in the area might be 80'-100'@ the most. Planning dept. states property is used for storing equipment, well the trees hide them. Planning dept. also states no homes in certain direction from lot, but there are homes in the area. And yes their value will be affected negatively by this Tower. They should not be allowed to spout up across the ridge. If allowed, this would move air traffic more to the east, as it is we have enough low flying aircraft, don't need any more. What's to say Homer won't continue to allowing more towers and different locations on the ridge. Once again we hope this is shot down.

--Contact Information--

First Name: Scott

Last Name: Adams

Email address: showmethethefish@yahoo.com

Phone number: 907 399-4115

</p>



.....

.....



Native Village of Port Graham

PORT GRAHAM VILLAGE COUNCIL
63998 GRAHAM ROAD, UNIT 1
P.O. BOX 5510 • PORT GRAHAM • ALASKA 99603-5510
907-284-2227 FAX 907-284-2222

October 15, 2013

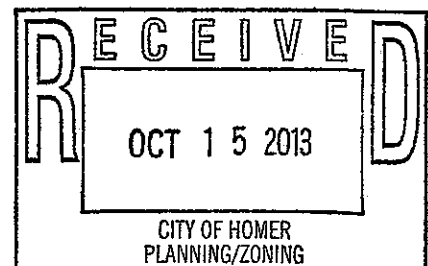
Dear Mr. Travis Brown:

The Port Graham Village Council supports the Permit request from The Old Harbor Native Corporation for a microwave tower system in Homer that will connect Port Graham and the Village of Nanwalek to the internet by a microwave system. Brian Kincaid has met with our council and we believe that this project will help with the problems we currently have with using the internet for business and in the school for on line classes and distance learning for college.

Thank you for your time in considering this important request.

Sincerely,


Patrick Norman Chief Port Graham Village Council



October, 15 2013

To whom it may concern:

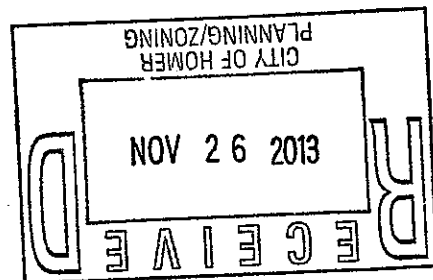
The Nanwalek IRA supports the infrastructure / work that Kodiak Microwave system and ACS are doing to build the Broadband system for the school and community in Nanwalek.

We encourage the commission to grant the permission request, so our community would be able to make use of the Broadband connection which is a more reliable than our satellite based internet.

Cell phone connection would be a plus for our community as it would help the fisherman / hunters feel a little safer knowing that they could call someone if they need help.

Thank you for providing Nanwalek with the chance for better technology.

Staff received this email attachment from Brian Kincaid, the applicant and representative for Kodiak Microwave System.





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 13-85

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: December 4, 2013
SUBJECT: Conditional Use Permit (CUP) 13-11 "More than one building containing a permitted principal use on a lot" at 3850 Heath Street.

SYNOPSIS:

Applicants:

The owner wishes to add a 1,536 sf duplex.
Kenton Bloom, Seabright Survey and Design
144 East End Road, Suite A, Homer, AK 99603
Jose Ramos dba Heath Street Investments
127 W. Pioneer Avenue, Homer AK 99603
3850 Heath Street

Location:

Parcel ID:

Zoning Designation:

Existing Land Use:

Surrounding Land Use:

17711023, Lot 1-A-1 Carl Sholin Sudb. No. 5
Central Business District (CBD)
Multi use, commercial/residential
North: Vacant
South: Commercial
East: Vacant
West: Residential

Comprehensive Plan:

"Guide Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions." Goal 1.

Wetland Status:

Flood Plain Status:

BCWPD:

Utilities:

Public Notice:

No wetlands indicated.

Zone D, Flood hazards undetermined.

Not within the Bridge Creek Watershed Protection District

City water and sewer are available.

Notice was sent to 20 property owners of 26 parcels as shown on the KPB tax assessor rolls.

Introduction

The applicant is applying for a CUP to add a 1,536 sf duplex to a lot in the Central Business District. There are six existing structures on site for a total of 6,106 sf on the 0.94 acre (40,946 sf) lot, as provided in HCC 21.18.030(k).

Storm water: Storm water plans are based on the additional amount of impervious introduced and this proposal does not trigger any requirements.

Parking: When complete, there will be a total of eight, two-bedroom units and one commercial-retail structure. Homer's parking standards requires two parking spaces per residential unit, plus three parking spaces for the commercial-retail building for a total of 21 spaces. The applicant is displaying 22 parking spaces which exceeds to requirements of HCC 21.55 Off-Street Parking.

Community Design Manual (CDM):

GENERAL: While this improvement is found within the CBD and therefore is subject to some criteria in the design manual, the planning commission and planning office seek reasonable applications.

EXTERIOR OF IMPROVEMENT: The application indicates that the outside siding will be wood painted in earth tones. The Siding and Trim section of the CDM describes the use of traditional building material such as brick, stone or wood reflect handicraft and provide texture to buildings exteriors.

LANDSCAPING: The application indicates that lit walkways link the buildings entrances. The front of each building includes a planted area with trees, shrubs as well as lawn. These landscaped areas to be visually distinct from the parking lot and driveway surfaces to avoid tenant parking on the landscaped areas. See condition.



Looking west towards Heath Street.



Looking west at existing parking areas.

The 50 feet of frontage along Heath Street to be landscaped with a 10 foot wide buffer/screening. The landscaped buffer along the west property line to be on private property and out of the utility easements. The buffer to be a least 10 feet wide and have a total area of at least 500 sf. The new plantings to consist of at least 50% evergreen with an initial tree truck size of 1.5 inches or greater in diameter. All landscaping to be completed within nine months or within the first full growing season of the issuance of the Zoning Permit, HCC 21.50.030(f)(2). See conditions.

DRAINAGE: The site plan illustrates and topography change and drainage along the northwest corner of the property. City code requires that all structures to be setback a minimum of 15 feet from the top of the bank of the drainage ditch per HCC 21.50.020(b)(2). See condition.

LIGHTING: New and replacement lights need to be down lit and compliant with HCC 21.59.020-030.

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

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

Finding 1: Homer City Code authorizes "More than one building containing a permitted principal use on a lot" in the CBD per HCC 21.18.030(k).

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

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

Finding 2: The structure is designed to support mixed uses including commercial and residential development compatible with the district.

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

Analysis: The applicant proposes to expand residential activities on the lot. Conflicts in the CBD between residential and commercial are resolved in favor of non-residential uses. Residential uses will not negatively affect adjoining property greater than non-residential uses.

Finding 3: The value of adjoining property will not be negatively affected.

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

Finding 4: The proposed use is compatible with the existing uses along Heath Street which includes a mix of commercial and residential.

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

Analysis: Public utilities first serviced this property in the 1970's. Over the years the utility lines of been extended and added onto as new structures were built. Public Works asks that the owner submit a final site plan that depicts the layout of the water and sewer line for the existing buildings and the proposed extension. In additional the water meter needs to be upsized from the existing 5/8" meter to a 1" meter. See conditions.

Finding 5: Public services and facilities are adequate to serve the proposed use. A paved road along with city water and sewer service the site.

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

Analysis: This CBD purpose supports the mixed-use nature of the proposal. The scale, bulk, coverage and density is compatible with other sites near-by. Traffic generated from eight, two-bedroom units and one small commercial-retail structure in harmony with uses in the CBD.

Finding 6: The scale, bulk and density of the project are in harmony with the CBD.

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

Finding 7: The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole.

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

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

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

Analysis: Ch. 4 Goal 1, Object a. Implementation Strategies, pg 4-4: "inner-city" locations – encourage increased residential uses in mixed use destinations including office residential, and a (future) KBC "college" district.

Finding 9: This proposal is not contrary to the goals and objectives of the Comprehensive Plan. It expands the mixed use in the Central Business District and is well served by existing infrastructure.

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

Analysis: The Planning staff sought a reasonable application of the provisions of the CDM.

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

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

- 1. Special yards and spaces. See Conditions.**
- 2. Fences, walls and screening.** Dumpster to be located so as it is not be visible from Heath Street and screened on three sides with an opaque wall, fence, landscaped berms, evergreen plantings or a combination thereof. See Conditions.
- 3. Surfacing of vehicular ways and parking areas.**
- 4. Street and road dedications and improvements (or bonds). NA**
- 5. Control of points of vehicular ingress and egress. NA - existing.**
- 6. Special restrictions on signs.**
- 7. Landscaping.**
All landscaping to be completed within nine months or within the first full growing season of the issuance of the Zoning Permit, HCC 21.50.030(f)(2).
- 8. Maintenance of the grounds, buildings, or structures. NA**
- 9. Control of noise, vibration, odors, lighting or other similar nuisances. NA**
- 10. Limitation of time for certain activities. NA**
- 11. A time period within which the proposed use shall be developed.** If a Zoning Permit has not been issued within two years of the signed Decisions and Findings this CUP expires.
- 12. A limit on total duration of use or on the term of the permit, or both. NA**
- 13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations.** Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.
- 14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot. NA**

PUBLIC WORKS COMMENTS: Public utilities first serviced this property in the 1970's. Over the years the utility lines of been extended and added onto as new structures were built. Public Works asks that the owner submit a final site plan that depicts the layout of the water and sewer line for the existing buildings and the proposed extension. In additional the water meter needs to be upsized from the existing 5/8" meter to a 1" meter.

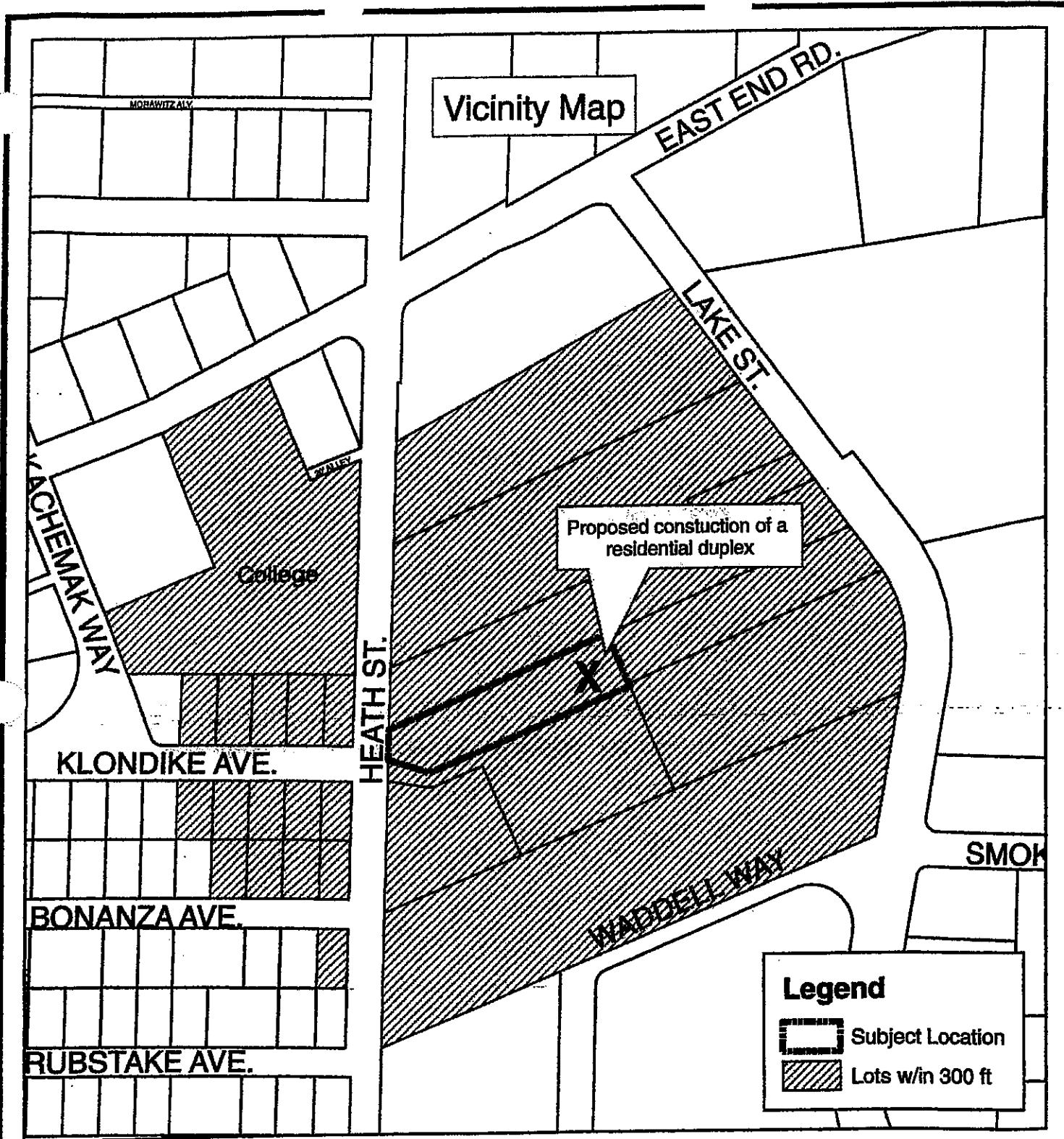
FIRE DEPARTMENT COMMENTS: No comments

Staff recommends approval of CUP 13-11 with conditions:

1. The landscaped area in front of each building to include trees, shrubs as well as lawn. These landscaped areas to be visually distinct from the parking lot and driveway surfaces to avoid tenant parking on the landscaped areas. Sheet 3 of 3, dated 10/15/2013.
2. The landscaped visual buffer along the west property line to be on private property and out of the utility easement(s). The buffer to be a least 10 feet wide and have a total area of at least 500 sf. The new plantings to consist of at least 50% evergreen with an initial tree truck size of 1.5 inches or greater in diameter.
3. All landscaping to be completed within nine months or within the first full growing season of the issuance of the Zoning Permit, HCC 21.50.030(f)(2). See conditions.
4. The proposed structure to be setback a minimum of 15 feet from the top of the bank of the drainage ditch per HCC 21.50.020(b)(2).
5. The dumpster to be located so as to not be visible from Heath Street and screened on three sides with an opaque wall, fence, landscaped berms, evergreen plantings or a combination thereof.
6. Prior to issuance of the Zoning Permit, the owner to submit a final site plan that depicts the layout of the water and sewer lines for the existing buildings and the proposed extension. Public Works request.
7. The water meter to be upsized to a 1" meter prior to service of the proposed duplex. Public Works request.
8. If a Zoning Permit has not been issued within two years of the signed Decisions and Findings this CUP expires.

ATTACHMENTS

1. Vicinity map
2. CUP Application with CDM Review
3. Outdoor Post Light
4. 2005 Survey
5. Site plan dated 10/15/13 sheet 2 of 3



City of Homer
Planning and Zoning Department

October 17, 2013

Request for Conditional Use Permit 2013-13 3850 Heath Street

Property owners w/in 300 ft are notified.

0 150 300 Feet



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



City of Homer

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

Applicant

Name: Seabright Survey + Design Telephone No.: 907-299-7196

Address: 1044 East Road Suit A Homer, AK Email: seabrightz@yahoo.com

Property Owner (if different than the applicant):

Name: Jose Ramos dba Health Street Investments Telephone No.: 229-7196

Address: 127 W. Pioneer Avenue Email: SALMONALASKA@YAHOO.COM

PROPERTY INFORMATION:

Address: 3850 Heath St. Lot Size: 0.94 acres KPB Tax ID # 17711023

Legal Description of Property: Lot 1-A-1 Carl Sholin Sub No. 5

For staff use:

Date: 10/16/13 Fee submittal: Amount \$500
Received by: Travis Brown Date application accepted as complete 10/16/13
Planning Commission Public Hearing Date: Nov. 6, 2013

Conditional Use Permit Application Requirements:

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

Circle Your Zoning District

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	OSR	BCWPD
Level 1 Site Plan	x	x	x						x		x	x
Level 1 ROW Access Plan	x	x							x		x	
Level 1 Parking Plan	x	x										
Level 1 Lighting			x	x	x	x	x	x	x	x		
Level 2 Site Plan			x	x	x		x	x		x		
Level 2 ROW Access Plan			x	x	x		x	x		x		
Level 2 Site Development Requirements			x	x	x	x	x	x	x	x		
Level 3 ROW Access Plan						x						
DARKS/W/Questionnaire				x	x	x	x	x	x	x		

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

- Y/N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: NO
- Y/N Will your development trigger a Development Activity Plan?
Application Status: No
- Y/N Will your development trigger a Storm water Plan?
Application Status: No
- Y/N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: No
- Y/N Is your development in a floodplain? No
- Y/N Does your project trigger a Community Design Manual review?
If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>
- Y/N Do you need a traffic impact analysis? No
- Y/N Are there any nonconforming uses or structures on the property? No
- Y/N Have they been formally accepted by the Homer Advisory Planning Commission?
- Y/N Do you have a state or city driveway permit? Status: Existing access
- Y/N Do you have active City water and sewer permits? Status: Yes
1. Currently, how is the property used? The property is currently mixed use with six existing buildings. There are four residential and two are commercial. How many square feet? The existing buildings total 4,570 sf. The proposed building is residential duplex and is 1,536 sf.

2. What is the proposed use of the property? How do you intend to develop the property?
The CUP is for an additional residential duplex. These apartments will serve lower income users. The building will include a porch similar to the other buildings on the property.

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

- a. What code citation authorizes each proposed use and structure by conditional use permit?
HCC 21.18.030(K) More than one building containing a permitted principal use on a lot.
HCC 21.18.040(d) No lot shall contain more than 8,000 sf of building area (all buildings combined), nor shall any lot contain building area in excess of 30% of the lot area, without an approved CUP.

The total square footage including the new building is 6,096.

- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. The purpose of the Central Business District is to accommodate a mixture of residential and non-residential uses. The proposed use is compatible with the CBD. The mixed use nature of the property reflects that.
- c. How will your proposed project affect adjoining property values? Neutral. There will be little or no effect on the adjoining properties
- d. How is your proposal compatible with existing uses of the surrounding land? The use is compatible as there is existing mixed use in the surrounding area and a demand for additional rentals in the CBD.
Are/will public services adequate to serve the proposed uses and structures?
Yes, existing water and sewer from the City of Homer.
- e. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected? The addition of the duplex will not have a measurable impact on traffic and no negative impact is expected. The building layout is in keeping with the established development pattern. The total square footage well within the limits for a CUP.
- f. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole? There is no reason to expect that this proposed building will have any negative effects.
- g. How does your project relate to the goals of the Comprehensive Plan?
The 2010 Comprehensive Plan are online at:
<http://www.ci.homer.ak.us/documents/planning>

Chapter 4, Goal 1 Object A, Implementation Strategies, pg 4-4: "Inner-city" locations – encourage increased residential uses in mixed use designations including office residential, KBC "college" district, gateway mixed use district and east side commercial districts; also encourage residential as a secondary use in the GC1 district. We feel this proposal meets the intention of the Comprehensive Plan by providing additional lower cost housing in the CBD.

- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (**circle each answer**)
 - 1. Y/N Special yards and spaces. Yes
 - 2. Y/N Fences, walls and screening. Yes
 - 3. Y/N Surfacing of parking areas. No
 - 4. Y/N Street and road dedications and improvements (or bonds). N/A

5. Y/N Control of points of vehicular ingress & egress. Yes
6. Y/N Special provisions on signs. Yes
7. Y/N Landscaping. Yes
8. Y/N Maintenance of the grounds, buildings, or structures. Yes
9. Y/N Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances. Yes
10. Y/N Time for certain activities. Yes
11. Y/N A time period within which the proposed use shall be developed. Yes
12. Y/N A limit on total duration of use. No
13. Y/N Special dimensional requirements such as lot area, setbacks, building height. No
14. Y/N Other conditions deemed necessary to protect the interest of the community. Yes

PARKING

1. How many parking spaces are required for your development? One parking space needed for each one-bedroom unit.
2. How many spaces are shown on your parking plan? There are 22 parking spaces.
3. Are you requesting any reductions? No

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

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

CIRCLE ONE: Owner of record Lessee Contract purchaser

Applicant signature: Kathy T. Brown Date: 10/15/13

Property Owner's signature: [Signature] Date: 11/15/13

Community Design Manual (CDM) Review Application Requirements

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

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

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

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

The development of this parcel has evolved over the years and now encompasses six buildings. The proposed addition of the duplex will complete this process. The existing site is already developed with all grades and drainages in place. This proposed development will include 24' x 64' single storey duplex. The site will be regarded with 4-6" of 1-1/2" gravel. The landscaped areas are in green and the pathways are in gray. The surrounding topography will be complemented by the overall facelift being given the property.

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

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

The proposed building will provide additional lower cost housing in the CBD. The attached porch and landscaping will ground the building in the landscape. The siding will be wood.

- Y/N Does the building design avoid false pitch roofs? If no, see pg. 11-13. Yes

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

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

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

The proposed building is not fronting on Heath street and is residential.

Y/N Are the windows regularly spaced and aligned with other doors and windows in the same plane? Yes

- Y/N Does the building design include reflective glass? If so, Commission approval is required. No

Siding and Trim: *Page 15*

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

Siding Color: Type: Earth tone

Trim Color: White

Type: Aztec Allweather trim with wood texture

Does the siding include:

- Y/N Metal panels No
- Y/N Sheet siding like T1-11 No
- Y/N Concrete panels No
- Y/N Tile No
- Y/N Smooth Concrete Blocks No
- Y/N Vertically ribbed or vertically grooved material No

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

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

We have no awnings nor tenant themes.

- Y/N Does the building design avoid the use of color to promote a theme or tenant specific identity? Yes
For example a typical Pizza Hut, McDonalds, Taco Bell building promotes a theme.

- Y/N Does the building design avoid use of neon, tube shaped lighting? Yes
- Y/N Does the building avoid back-lit awnings? Yes
- Y/N Does the use of awning provide weather protection over walkways and entrances? Yes
- Y/N Are the awnings consistent in design? Multiple awning design is not permitted. Pg 16. N/A
- Y/N Is the awning design secondary and complimentary of the building design? N/A

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

Describe the roofing material: Asphalt shingles
 What color is the roofing material? Greens, Browns

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

What is the main color on the exterior walls? Earth tones
 What color is the trim as in the fascia, cornice, window and door trim? White
 Describe the use and color of accents such as molding, shadow lines, door frames: N/A

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

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

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

- Secondary structures as support buildings
 - The façade (the exterior wall exposed to public view) the 'streetscape'.
- The existing
- Building height variation that reflects the location of individual tenants.
- Building addition rooflines are offset from main roof creating an interesting whole.
- Roof design
- The roof is a Gable Roof sloping at 4/12
- Window proportions
- The window and door proportions on the façade are not addressed.
- Fencing
- There will be no fencing.

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

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

The walkways will all be a minimum of 5' wide, gravel and link the building entrances to the parking areas. There lawn adjacent to these walkways. Lighting will be designed to limit illumination to pedestrian areas and parking lots. Lighting will be downward directional and either mounted on the building or on poles not to exceed 12' in height.

- Y/N or NA. Are the walkways 5 ft wide or greater? Yes
- Y/N or NA. Are the walkways visually distinct from the surrounding surfaces? No
- Y/N or NA. Are vegetative strips 3 ft wide or greater? Yes
- Y/N or NA. Are walkways 100 ft long or greater? If so, include lighting and seating. No
- Y/N or NA. Are historic events and structures identified? N/A
- Y/N or NA. Does you plan avoid walkways which cross parking stalls? We have allowed some walkways to cross the stalls in an attempt to maintain more landscaped area.

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

Describe any building focal points that create a “visual draw,” and/or the buildings’ prominent entrance.

The entire front of these buildings will be a wide planting area that includes planting trees and shrubs as well as lawn. The frontage on Heath St. will also be landscaped.

Describe the building’s outdoor leisure area. Include walkway location and widths for covered and uncovered walkways, plaza surfaces (brick, stone, aggregate concrete, colored, textured) landscaping, shrubbery, flowers, viewing platforms, seating and signage. Describe areas for outdoor sales/carts, art displays and outdoor dining. The site plan shows the pathways in relation to the porches and landscaping. All pathways are a minimum of 5' wide and are gravel. The porches are/will be wood. The common greenbelt fronting the buildings will make the development more cohesive and visually attractive.

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

- Primary structures shall incorporate either a prominent portico or plaza which is visible to the public and useable to customers or clients. Its size shall be at least 10% of the main level interior floor area. (CDM page 20) Each building has a porch that invites interaction between the buildings and the parking lot.
- If the floor area (total sf of all floors) is greater than 5,000 sf., then 5% of the floor area must be devoted to an outdoor leisure area.

The landscaped areas in front of each building provide ample outdoor leisure area.

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

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

- Y/N Does the leisure area have trash receptacles, seating and/or tables. No

- Y/N Does the outdoor leisure area include walkways? If so, the walkways must be 8 ft wide or greater (p. 24). The leisure areas are bounded by the parking lot and the building access walkways. No other walkway is required.

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

N/A

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

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

Describe the site's proposed landscaping, and any planned retention of the existing vegetation. Provide a landscaping plan that includes:

- clearing limits No clearing required
- trees that will be thinned or topped None
- areas which will be completely cleared None
- the distance between buildings and trees No trees exist on site
- how existing vegetation will be protected during construction There will be minimal disturbance to existing vegetation
- how and where existing native vegetation will be retained. Existing vegetation along the northerly property line will not be affected.
- how and when the cleared areas will be replanted The landscaped areas will be planted after the proposed building is constructed and the site grading is completed.

The property is already developed and generally cleared. The areas where existing trees and alders are located are being preserved.

- Y/N Is clearing limited to no more the 50% of the significant vegetation? Yes
- Y/N Does the plan include shrub planting on blank walls? Possible
- Y/N Does the plan include a minimum 3 ft landscaped buffer along all lot lines? Yes
- Y/N Does the plan include a minimum 15-ft buffer from the top of a bank or drainage? The northeast corner of the proposed duplex is 5' from the existing drainage
-

Fences. Pg 31 of the CDM.

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

No fencing is planned

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

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

Number of curb cuts? 1 Width of curb cuts? 35ft. Distance between the curb cuts? N/A

Number of parking spaces? 22 Number parking spaces in front of the building? N/A

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

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

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

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

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

Parking garages. Pg 35 of the CDM.

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

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

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

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

- Y/N Does your plan avoid utility lighting? Yes
- Y/N Does your plan avoid lit accents, canopies, color bars, stripes? Yes

Outdoor furnishings. Pg 37-38 of the CDM.

Describe the outdoor furnishings, their location, type, style, manufacturer, series, and color. If in the right-of-way, approval by Public Works and the Planning Commission is required. There will be a variety of ways for tenants to make seating available to themselves and their guests.

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



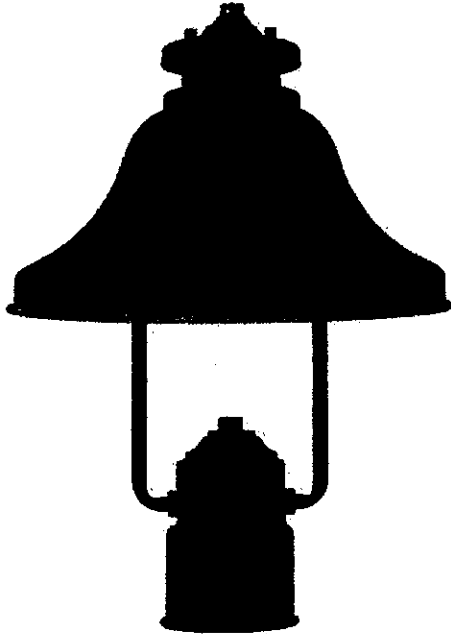
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- Bronze finish.
- Dark Sky compliant.
- Takes one 100 watt bulb (not included).
- 15 1/4" high.
- 11" wide.
- Post not included.

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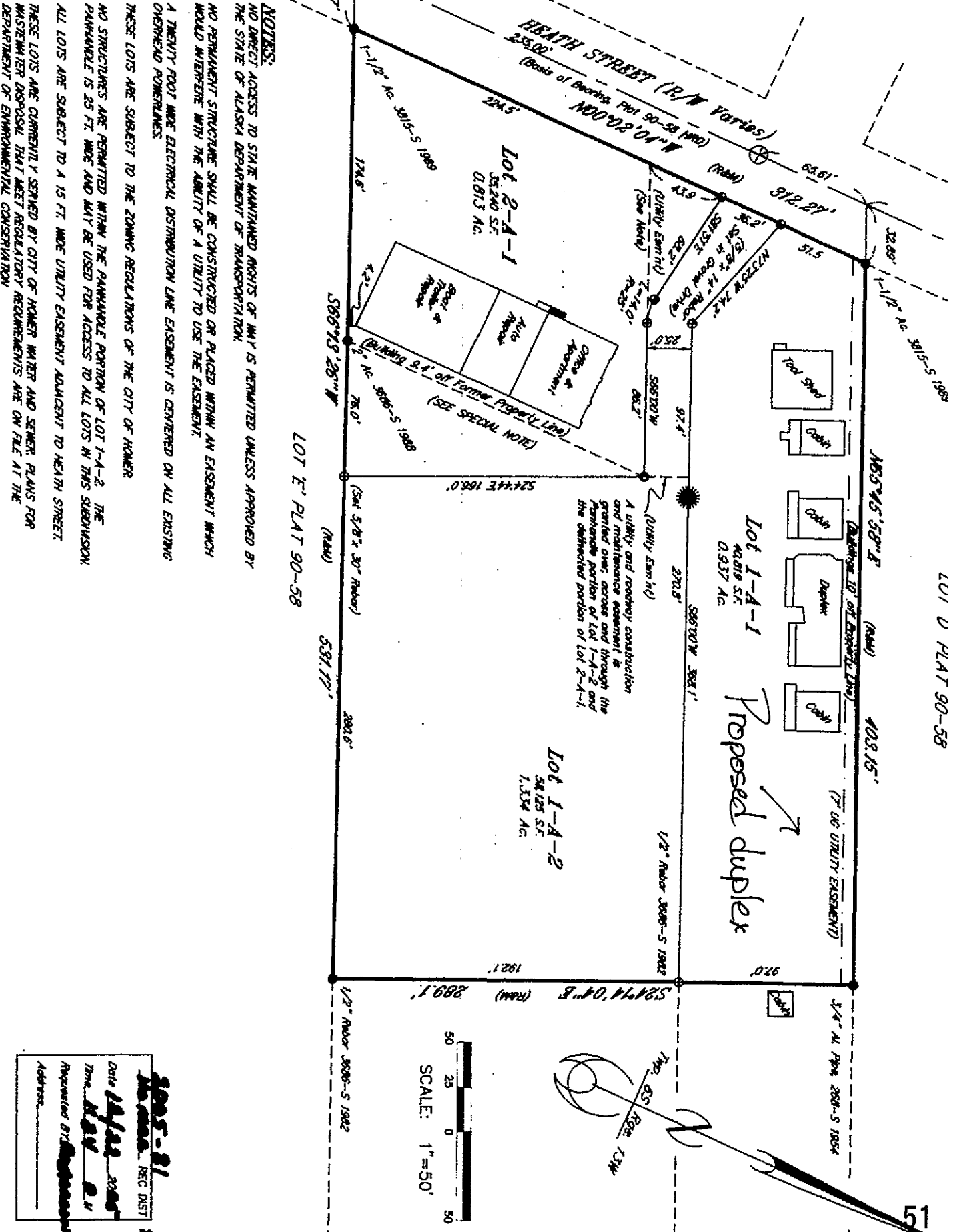
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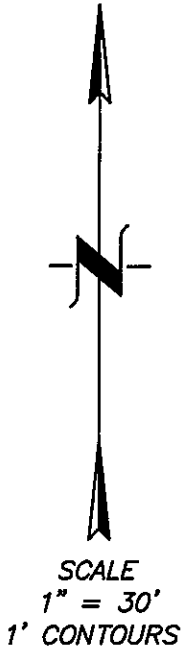
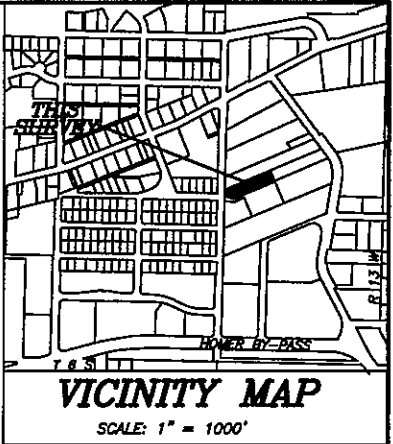
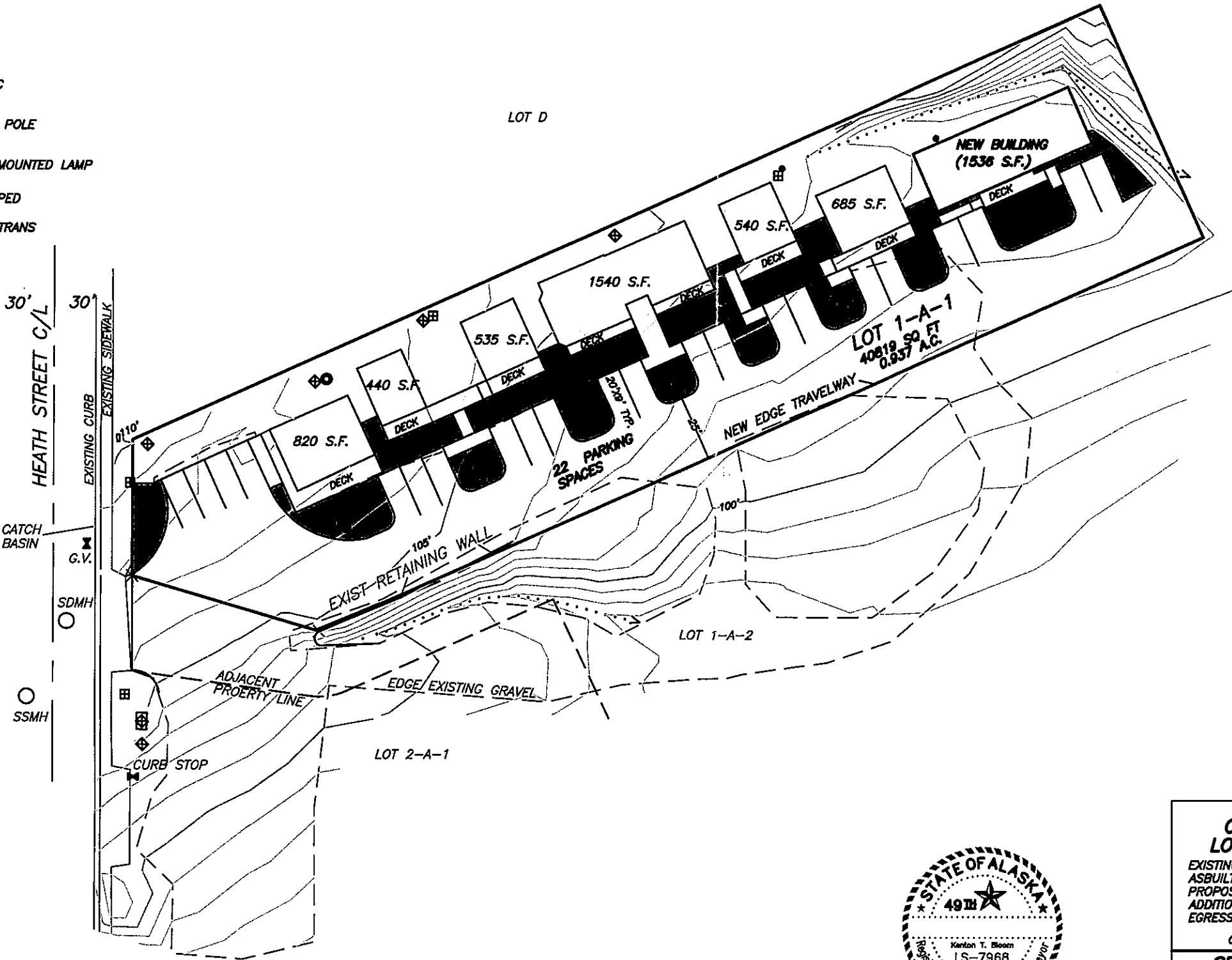


NOTES

TOTAL BUILDING SQUARE
FOOTAGE = 6,096

LEGEND

- 4" PVC
- UTILITY POLE
- ⊕ POST MOUNTED LAMP
- ⊞ TELE PED
- ⊞ ELEC TRANS



CARL SHOLIN SUBD NO. 5 LOT 1-A-1 C.U.P. SITE PLAN		
EXISTING SITE CONDITIONS WITH TOPOGRAPHY AND ASBUILT LOCATIONS OF IMPROVEMENTS OVERLAID WITH PROPOSED NEW SITE PLAN INCLUDING BUILDING ADDITIONS, PARKING, LANDSCAPING, INGRESS AND EGRESS AND SITE DRAINAGE IMPROVEMENTS		
CONTAINING 0.937 ACRES MORE OR LESS		
SEABRIGHT SURVEY + DESIGN KENTON T. BLOOM, P.L.S.		
1044 EAST ROAD, SUITE A HOMER, ALASKA 99603 (907) 235-4247		
DRAWN BY: K.B.	CHKD BY: KB	JOB #13-29
DATE: 10/15/2013	SCALE: 1"=30'	SHEET #2 OF 3



City of Homer

www.cityofhomer-ak.gov

Planning

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Staff Report 13-98

TO: Homer Advisory Planning Commission

FROM: Rick Abboud, City Planner

DATE: December 4, 2013

SUBJECT: Draft Ordinance 2013-42(A) Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Extend Time Required to Discontinue a Nonconforming Use from 12 Months to 24 Months.

Introduction

The Commission recently weighed in on Ordinance 13-37, that proposed an exception to the definition of "discontinued" and did not recommend that a specific exception be made for the time it may take to deal with the death of an "operator." This was upheld and ordinance 13-37 was voted down by the City Council. Since this was a legislative change, I did not want to introduce a particular situation that this was to remedy. Rather we should look at how this affects all possible circumstances.

At the October 14th meeting of the City Council, (after resolution 13-102 failed to grant specific relief of code to the Bayview Inn) a directive was issued to the Planning Commission to look at a more universal solution that takes a look at the continuance of nonconformities in general as it affects the entire city.

Then at the subsequent City Council meeting held October 28th, Councilman Zak introduced Ordinance 13-42, proposing to extend the term in which a nonconformity could be discontinued and resumed from 12 to 36 months. Council amended this to 24 months rather than the proposed 36 months resulting in Ordinance 13-42(A).

This staff report will attempt to address a universal solution as well as Councilman's Zak's proposal.

Background

As you all know by now, the issue of the death of an owner/operator has resulted in a business becoming unable to continue in its previous configuration after it was nonconforming and not resumed within the 12 months now allowed in code. The business is one defined as a motel.

"Hotel" or "motel" means any building or group of buildings containing six or more guest rooms that are used, rented or hired out to be occupied for sleeping purposes by guests. "Hotel" or "motel" also means any building or group of buildings containing five or less guest rooms that are used, rented or hired out to be occupied for sleeping purposes by more than fifteen guests. The terms "hotel" and "motel" exclude bed and breakfast, rooming house, dormitory, shelter for the homeless, and hostel.

1. A hotel is not a permitted or conditionally permitted use in the Rural Residential District.
2. The hotel is found near an area that has been subject to discussion about the possibility of a zoning change to a commercial zone.
3. Councilman Zak proposes that any use be allowed to be discontinued for up to 24 months, up from the 12 currently allowed.

Discussion

Hotel

Hotels could be considered for a conditional use permit in the Rural Residential District. A hotel is certainly something not traditionally found in the RR district, although there may be some activities that are similar in impact, whether a collection of cabins or a more traditional single structure that accommodate many guests on a nightly basis. A conditional use permit can be reviewed and noticed for neighborhood input. Special conditions may be considered. It also provides an option for businesses that have or will evolved into a hotel. It is not much of a stretch to compare the impacts of rather large bed and breakfast operations to those of small hotels. On the other hand, I would guess that most in the large geographic area of the Rural Residential area would be opposed to inviting opportunities for hotels to operate in their neighborhood. By definition the Rural Residential area really does not support this activity.

21.12.010 Purpose. The purpose of the rural residential district is primarily to provide an area in the City for low-density, primarily residential, development; allow for limited agricultural pursuits; and allow for other uses as provided in this chapter. (Ord. 08-29, 2008).

Additionally, a change like this would be tough to be considered in compliance with the comprehensive plan. Consideration would have to be given to the circumstances which might have to exist for such an activity, such as infrastructure and space requirements (utility and minimum lot requirements as an example). If it is not acceptable for the entire zone, it may be worth considering if a zoning district change is in order.

Zoning Classification

Thoughts have been expressed about the possibility of up zoning to a commercial district along upper Baycrest. There are several commercial operations in the vicinity. The neighborhood could be noticed and given a chance to provide input on this option. It would also open up the opportunity for more signage for business.

Both of the above options would take some time. Perhaps 6-12 months to notice property owners, hold open house(s) craft and propose changes and then go through the adoption process of the comprehensive plan and then on to a change the Homer City Code.

I know that there are those who will see this as overly burdensome. I have to respect the Comprehensive Plan as a guiding document. If a change in code is not first presented in the Comprehensive Plan, it is not very defensible that the change should just be pushed through. The Comprehensive Plan provides a measure of assurance that the community should consult

when weighing an investment. Did someone make a purchase on a relative assurance that a hotel would not be proposed next to their family home? They must be given a proper opportunity to reflect and contribute.

24 months

Currently, the 12 months found in code before a discontinued use has to be resumed is the standard of most all communities who wish to eventually see an end to such uses. The Council shaved the proposal down to 24 from 36, which I believe was a step in the right direction. But curiously, does not offer relief to the Bayview Inn, which I am not sure that the council may realize.

After consideration of the issue, I do not oppose the concept of lengthening the time requirement. It would seem that 24 months is a reasonable amount of time in consideration of the seasonal nature of some of our businesses in town. Since this option has been introduced by council, they would like a recommendation for their next meeting.

Staff recommendation:

1. Discuss whether nonconforming uses city wide should be allowed to re-open up to 24 months after they are discontinued and forward a recommendation to City Council.
2. Make recommendations if the Commission wishes to go forward with other suggestions.

Attachments:

1. Ordinance 13-42(A)
2. Memo 13-03
3. Excerpt for HAPC Minutes 11.6.13



CITY OF HOMER
HOMER, ALASKA
Zak
ORDINANCE 13-42(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE DEFINITION OF "DISCONTINUED" IN HOMER CITY CODE 21.61.015, DEFINITIONS, TO EXTEND THE TIME REQUIRED TO DISCONTINUE A NONCONFORMING USE FROM 12 MONTHS TO 24 MONTHS.

WHEREAS, The City's zoning code permits the continuation of a lawful nonconforming use subject to limitations; and

WHEREAS, One such limitation is that the right to maintain a nonconforming use terminates when the use ceases and has not substantially resumed for a period of 12 consecutive months; and

WHEREAS, Due to factors outside the control of the former or successor operator of a nonconforming use, the time required for a successor operator to resume the operation of the use may exceed 12 months, resulting in an unfair forfeiture of the right to maintain the use; and

WHEREAS, A 24-month limit on the time a nonconforming use may cease will provide a more reasonable time for a successor operator to accomplish the steps necessary to resume operation of the use.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The definition of "Discontinued" in HCC 21.61.015, Definitions, is hereby amended to read as follows:

"Discontinued" means that a nonconforming use has ceased, and has not substantially resumed, for a period of 24 consecutive months, regardless of intent.

Section 2. This Ordinance is of a permanent and general character and shall be included in the City Code.

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

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

Walt Wrede, City Manager Thomas F. Klinkner, City Attorney

Date: Date:

Fiscal Note: N/A



City of Homer

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Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum 13-03

TO: Homer Advisory Planning Commission

FROM: Rick Abboud

DATE: July 17, 2013

SUBJECT: Draft Ordinance 13-42(A), AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE DEFINITION OF "DISCONTINUED" IN HOMER CITY CODE 21.61.015, DEFINITIONS, TO EXTEND THE TIME REQUIRED TO DISCONTINUE A NONCONFORMING USE FROM 12 MONTHS TO 24 MONTHS.

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 amendment is consistent with the Comprehensive Plan and support Goal 3, Implementation strategy 3 (HCP 8-3); "Ensure that zoning and land use regulations do not unduly restrict entrepreneurial development..."

b. Will be reasonable to implement and enforce.

Staff response: The proposed amendment does not change the premise or concept for enforcement currently found in code. It will be reasonable to implement and enforce.

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

Staff response: The proposed amendment does not hinder the future public health, safety and welfare by supporting currently accepted uses.

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 a member of the City Council as permitted by HCC 21.95.010(a)

21.95.030 Restriction on repeating failed amendment proposals.

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

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

PRESENT: COMMISSIONERS HIGHLAND, SLONE, SONNEBORN, VENUTI

ABSENT: BOS, STEAD, STROOZAS

STAFF: PLANNING TECHNICIAN ENGBRETSSEN
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

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).

Adrienne Sweeney, inn keeper at the Driftwood Inn and AJ Steakhouse, commented regarding ordinance 13-32. She expressed her concern that the change to 24 months is not enough time when a use is discontinued because of death. Sometimes probate takes longer than 24 months, especially when land is involved, and she thinks 36 months is a fair compromise and recommends amending back to 36 months. This amendment is wrapped into the Bayview Inn issue, but the change effects more than just one property. She said she appreciated the City Manager's comments about traffic comments about traffic calming. She is hopeful it will work in Old Town, is excited about the process, and thinks it is a great example for other neighborhoods

Charles Davis, city resident, commented that he has a different outlook on non-conforming. Last time we went through this was with Guy Rosi, before him it was someone else, then it was someone before them. As a city we have kicked the can down the road to where we have a conditional use permit. He questions why the city has to have so much control that we have to designate every building. What difference does it make if there is another motel up there, particularly when maybe it's the original one? Why do we have to have some draconian zoning law here at the end of the road. The Commission is having a hard time keeping a quorum and doesn't need to keep going through this. Mr. Davis suggested lightening up on controlling business, let people be where they are, and don't make it so complicated because he thinks it's ruining the town. He recently heard at council that it's good that all the businesses are here. The only reason they are here is because of the local people living here.

Corbin Arno, city resident, commented that Bayview Inn is a landmark. He encouraged them to make the place legal; it has been here longer than many of us. He agrees with changing it back to 36 months because you just never know what's going to happen in life.

Reconsideration

Adoption of Consent Agenda

Motion carried.

C. Staff Report 13-88 Discussion of Comprehensive Plan in the Baycrest Area

Acting City Planner Engebretsen reviewed the staff report.

The Commission discussed the process for rezoning process. There is a community plan in place that says the Baycrest area is residential. There are some options in the process like a community update, but there is still a public process that would need to take place to make any changes. The community has to agree.

Question was raised about allowing hotels and motels in the rural residential zoning district. Acting City Planner Engebretsen explained that it is an option, but it will be inclusive of all rural residential districts which make up about 50% of the city.

Chair Venuti suggested they could consider the mixed use district for that particular area, but probably not past the south end of Rogers Loop.

Discussion ensued about the history of the zoning for the Baycrest area and the businesses that are located there. Commissioner Highland expressed her feeling of urgency in resolving the issue and getting through the process. Acting City Planner Engebretsen advised it is a lengthy process and it is very important that there isn't an appearance of rushing the process because of one particular property.

Acting City Planner Engebretsen said staff will work on preparing some recommendations to consider and also a timeline for the process that the Commission can consider at their December or January meeting.

Further discussion continued regarding the need and ways to inform the public of what is going on.

D. Memo from City Clerk Re: 2014 Meeting Schedule

The Commission reviewed the meeting schedule and discussed the first meeting in January. They agreed that if there are no active applications that need to be addressed at the January 2nd meeting then staff may cancel the meeting.

HIGHLAND/SLONE MOVED TO APPROVE THE 2014 MEETING SCHEDULE FOR THE PLANNING COMMISSION SHOWN IN THE DRAFT RESOLUTION PROVIDED BY THE CITY CLERK.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

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STAFF REPORT PL 13-94

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: December 4, 2014
SUBJECT: Paradise Heights Subdivision 2013 Replat Preliminary Plat

Requested Action: Preliminary Plat approval for the shifting of a common lot line.

GENERAL INFORMATION

Applicants:	Doug and Sandy Stark 2073 Horizon Court Homer, AK 99603	Johnson Surveying Gerard Johnson, RLS PO Box 27 Clam Gulch, AK 99568
Location:	Horizon Court, south of Skyline Drive	
Parcel ID:	17409023, 24	
Size of Existing Lot(s):	1.05 and 1.02 acres	
Size of Proposed Lots(s):	1.013 and 1.054 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Single Family Home on eastern lot. Western lot is vacant.	
Surrounding Land Use:	North: Residential South: Bluff/private subdivision park East: Residential West: Residential/Vacant	
Comprehensive Plan:	Chapter 4 Goal 1 Objective B: Promote a pattern of growth characterized by a concentrated mixed use center and a surrounding ring of moderate to high density residential and mixed use areas with lower densities in outlying areas.	
Wetland Status:	The 2005 wetland mapping shows no wetland areas. A small drainage may be present, although the aerial imagery does not line up well with the property lines.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer is not available.	

Public Notice:	Notice was sent to 25 property owners of 23 parcels as shown on the KPB tax assessor rolls.
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ANALYSIS:

This subdivision is within the Rural Residential District. This plat meets the minimum lot size requirement of 40,000 square feet per lot when city water and wastewater are not available. The common lot line of these lots will be shifted west, so the existing home meets the side yard building setback area. The surveyor stated to staff he will verify the setback is met with a field survey prior to recording the plat. The setback requirement is seven feet for a two story home per HCC. 21.12.040.(b)(2).

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

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

Staff Response: The plat meets these requirements.

2. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

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

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

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

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. Lots will be served by onsite well and septic.

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

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

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

Staff Response: The plat meets these requirements. Contours are shown.

PUBLIC WORKS COMMENTS: *No comments. An installation or subdivision development agreement will not be required*

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

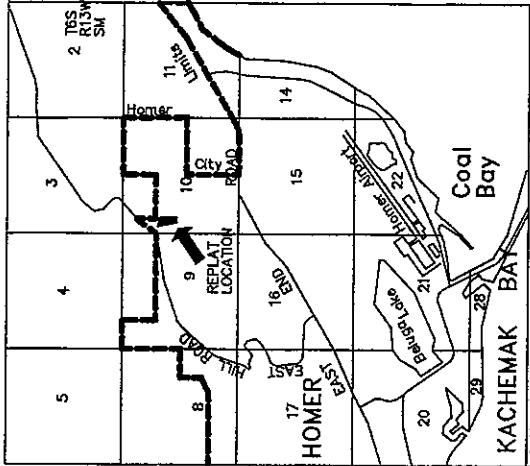
STAFF COMMENTS/RECOMMENDATIONS:

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

1. Add a plat note stating development is subject to the City of Homer Zoning Code.
2. Carry over the parent plat notes regarding the 20 foot building setback from the right of way.

ATTACHMENTS

1. Preliminary Plat
2. Vicinity Map
3. Public Notice



PARADISE HEIGHTS SUBD., 2013 Replat

PRELIMINARY PLAT

A replat of Lots 14A & 14B Paradise Heights Subd., HRD 79-4. Located in the NW 1/4 Section 10, T6S R13W, SM, City of Homer, Alaska. Homer Recording District Kenai Peninsula Borough

Prepared for Douglas & Sandra Stark
2073 Horizon Court
Homer, AK 99603

Prepared by Johnson Surveying
Box 27
Clam Gulch, AK 99568

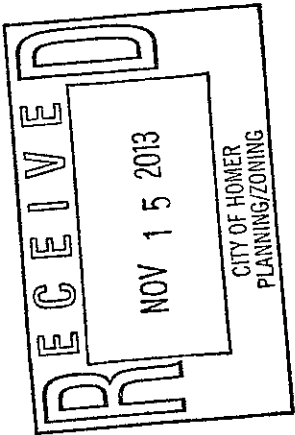
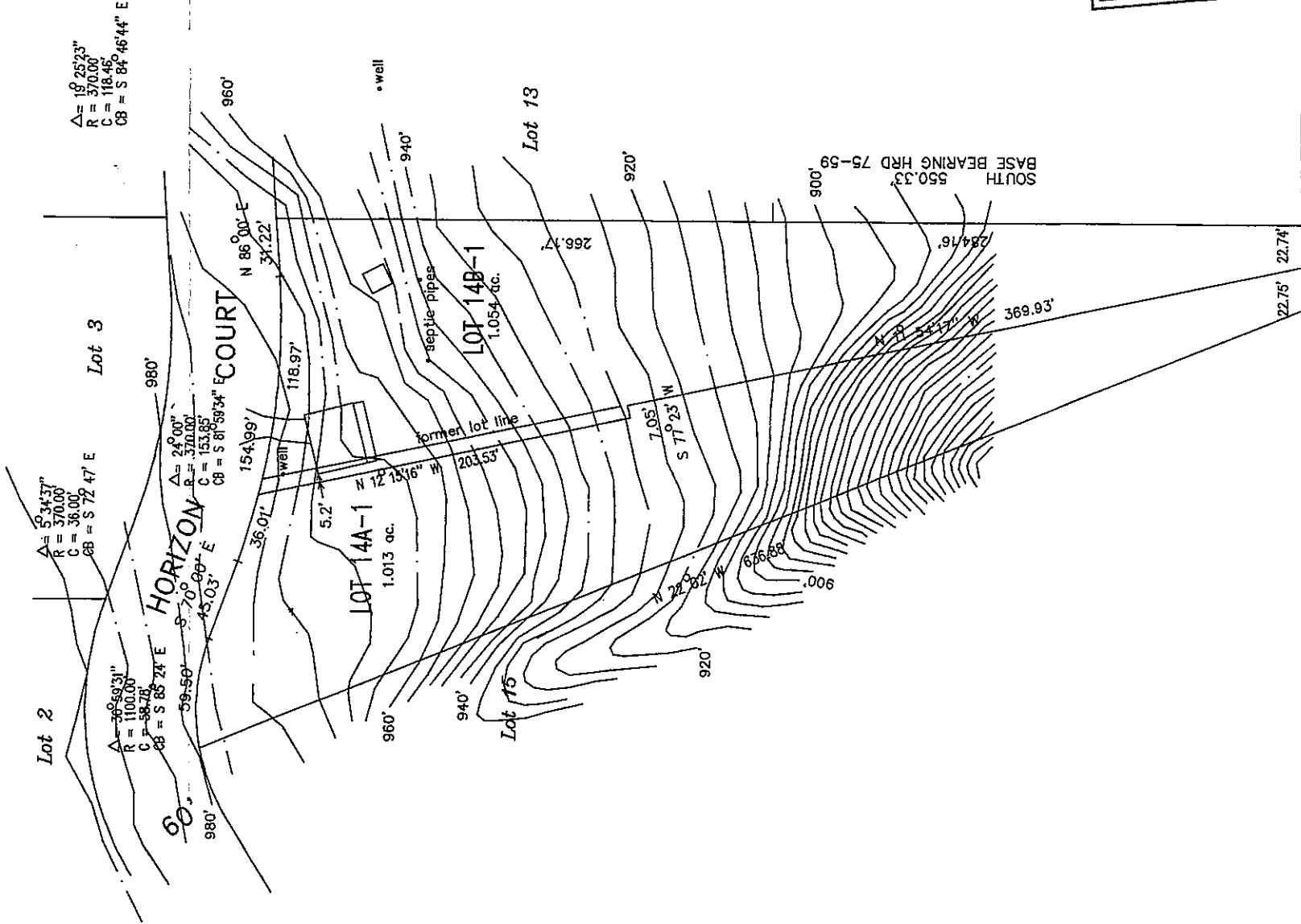
SCALE 1" = 50'
28 October, 2013

AREA = 2.068 acres

VICINITY 1" = 1 mile MAP

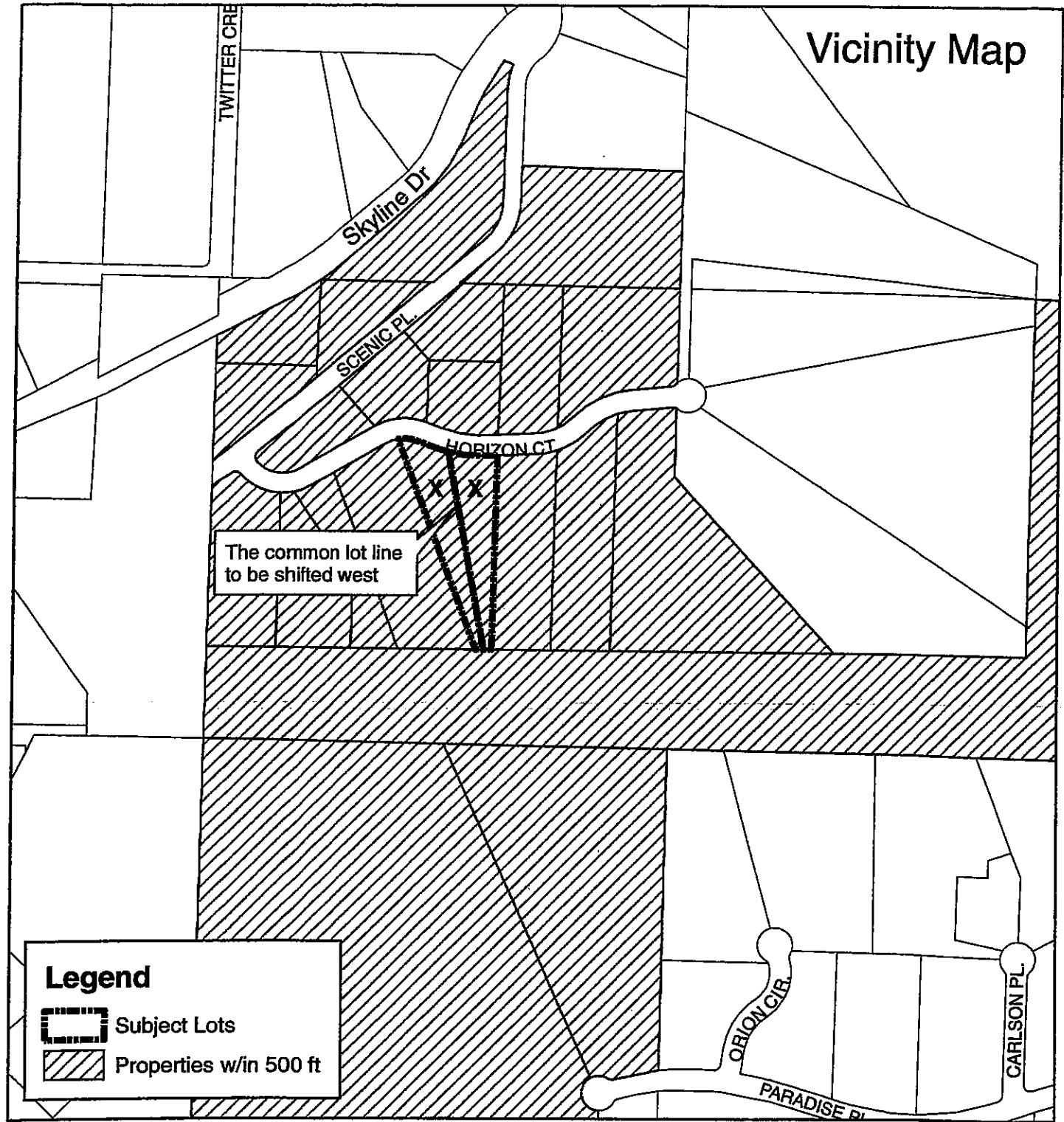
NOTES

1. There is a 15' utility easement fronting on all street ROWs. Existing structure predates granting of this easement and is not subject to it.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. Contour interval 4'. Grade in area not contoured, (southern portion) exceed 25%.
4. Lots to be served by onsite well and septic.



45.49'
S 89° 08' 39" W
Paradise Heights Park

Vicinity Map



City of Homer
Planning and Zoning Department

November 14, 2014

Paradise Heights Subd 2013 Replat Preliminary Plat

Lots within 500 feet are marked and
property owners notified.

0 250 500 Feet



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

NOTICE OF SUBDIVISION

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this because you are an affected property owner within 500 feet of the proposed subdivision and are invited to comment.

Proposed subdivision under consideration is described as follows:

Paradise Heights Subdivision 2013 Replat Preliminary Plat

The location of the proposed subdivision(s) affecting you is provided on the attached map(s). A preliminary plat showing the proposed subdivision may be viewed at the City of Homer Planning and Zoning Office. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, December 4, 2013 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska.

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

For additional information, please contact the City of Homer Planning and Zoning Office at 235-3106

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

VICINITY MAP ON REVERSE



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 13-95

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: December 4, 2013
SUBJECT: Tietjen Subdivision 2013 Addition

Requested Action: Preliminary plat approval for one lot to be divided into four.

GENERAL INFORMATION

Applicants:	James Udelhoven PO Box 126 Kasilof, AK 99610	Johnson Surveying PO Box 27 Clam Gulch, AK 99568
Location:	Southeast corner of Little Fireweed Lane and Eagle Place	
Parcel ID:	17928006	
Size of Existing Lot(s):	8.609 acres	
Size of Proposed Lots(s):	1.946, 2.358, 1.946 & 2.359 acres	
Zoning Designation:	East End Mixed Use	
Existing Land Use:	Vacant	
Surrounding Land Use:	North: Commercial/storage South: Residential East: Vacant West: Residential	
Comprehensive Plan:	Goal 1 Objective B: Promote a pattern of growth characterized by a concentrated mixed use center, and a surrounding ring of moderate-to-high density residential and mixed use areas with lower densities in outlying areas.	
Wetland Status:	Not indicated as wetlands.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are not available.	
Public Notice:	Notice was sent to 21 property owners of 24 parcels as shown on the KPB tax assessor rolls.	

ANALYSIS:

This subdivision is within the East End Mixed Use District and creates four lots from one.

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

1. Within the title block:

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

Staff Response: The plat meets these requirements.

2. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

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

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

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

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

Staff Response: The plat meets these requirements.

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

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

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

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

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

Staff Response: The plat meets these requirements.

PUBLIC WORKS COMMENTS: The standard radius needs to be dedicated at the two intersections (20 feet).

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

STAFF COMMENTS/RECOMMENDATIONS:

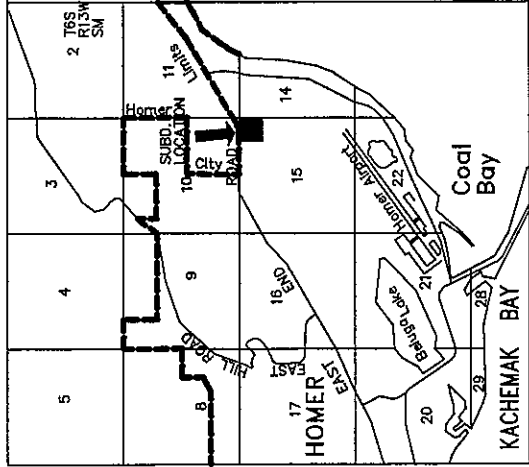
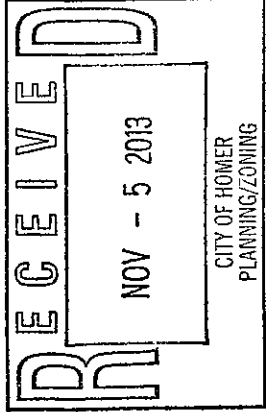
Planning Commission recommend approval of the preliminary plat with the following comments:

1. Add plat note the all development is subject to City of Homer regulations.
2. Dedicate standard radius at the two intersections.

ATTACHMENTS

1. Preliminary Plat
2. Vicinity Map





TIETJEN SUBDIVISION, 2013 ADDN. PRELIMINARY PLAT

A subdivision of Tract D Tietjen Subd., HRD 70-591.
Located in the NE 1/4 Section 15, T6S R13W, SM, City of Homer, Alaska.
Homer Recording District Kenai Peninsula Borough

Prepared for Prepared by

James Udelhoven
P.O. Box 126
Kasilof, AK 99610

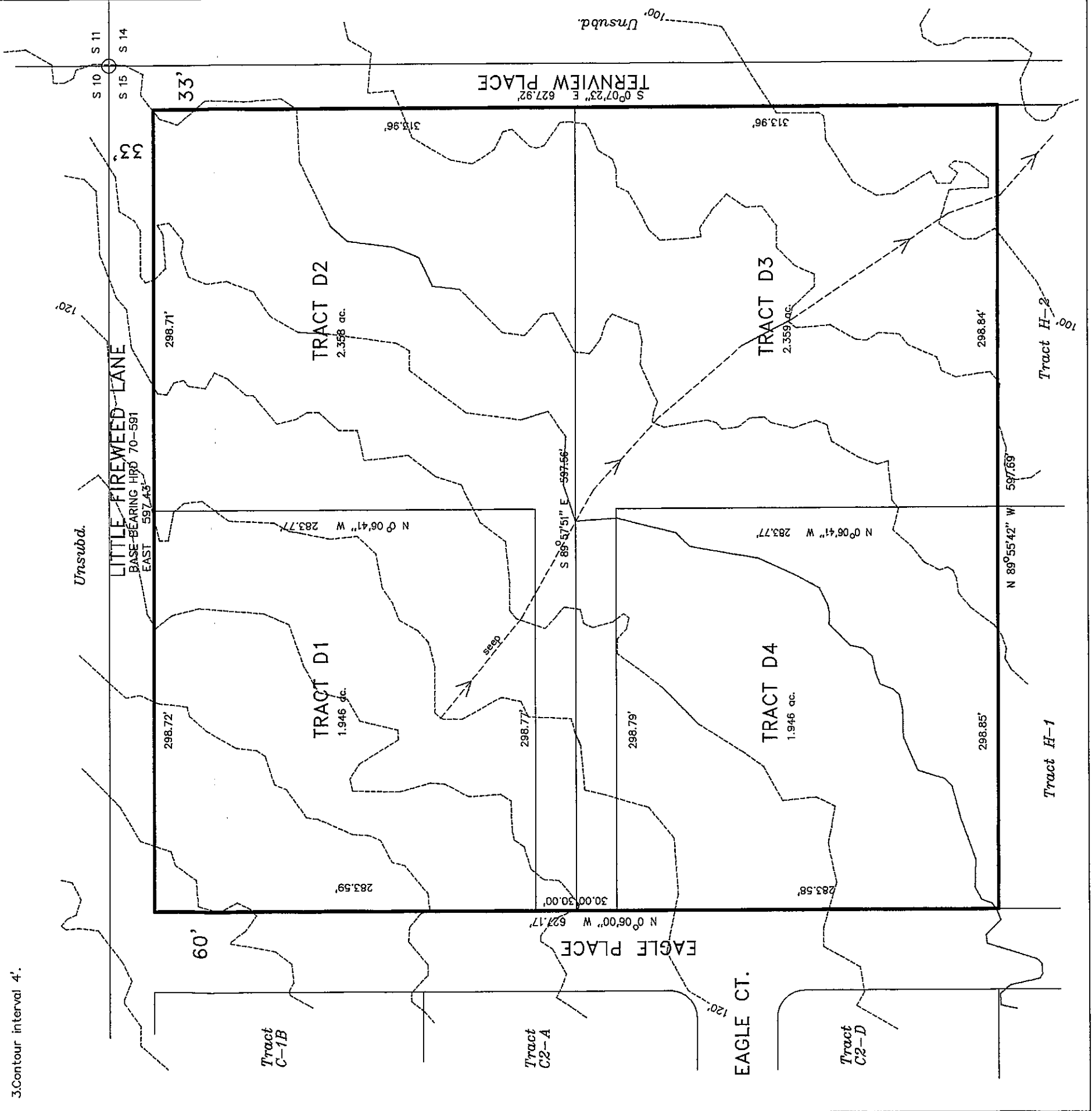
Johnson Surveying
Box 27
Clam Gulch, AK 99568

SCALE 1" = 83' AREA = 8.609 acres
18 October, 2013

VICINITY 1" = 1 mile MAP

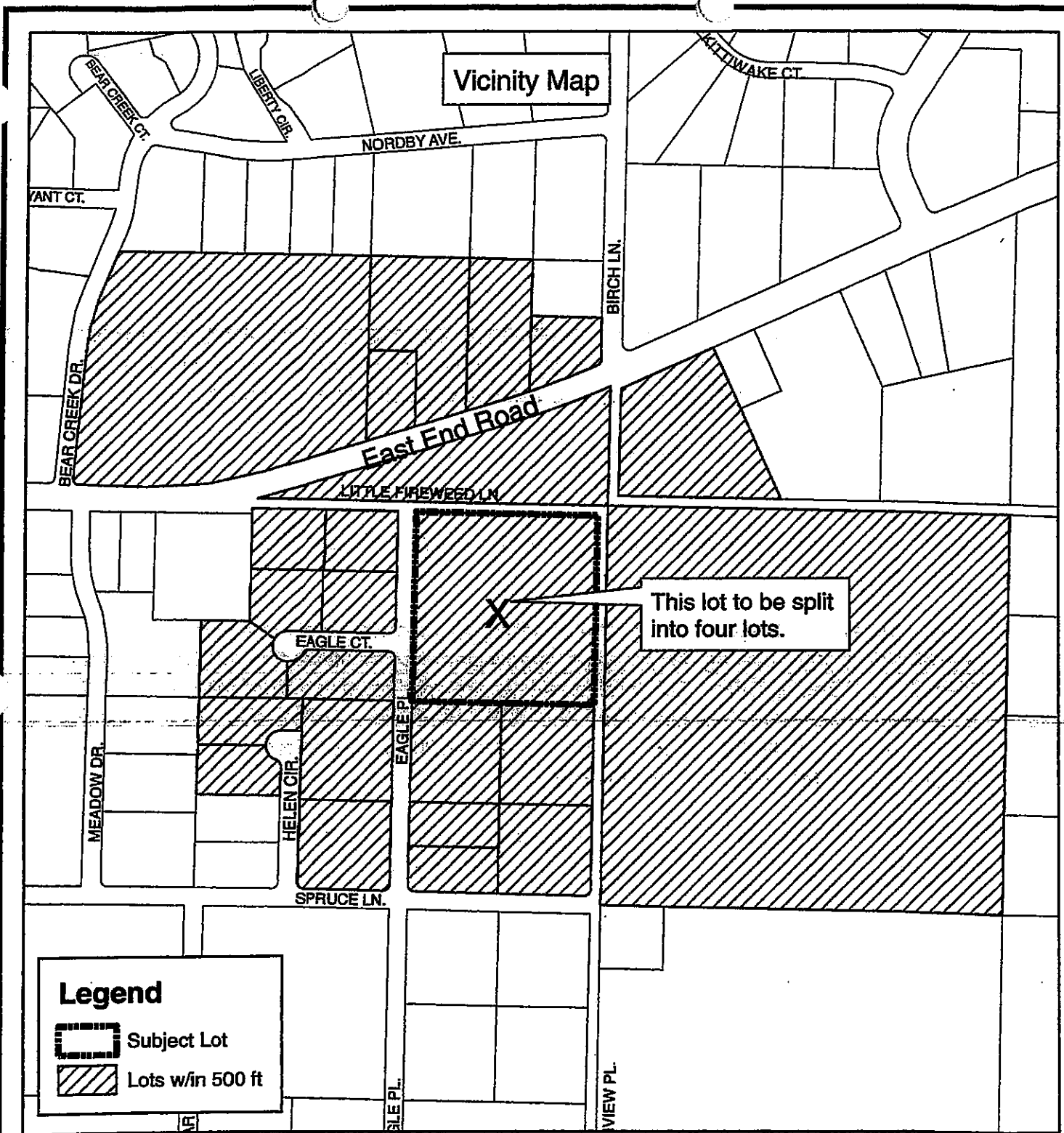
NOTES

1. There is a 15' utility easement fronting on all streets.
2. Lots to be served by onsite well & septic.
3. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
4. Contour interval 4'.





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*City of Homer
Planning and Zoning Department*

November 14, 2014

Tietjen Subdivision 2013 Addition Preliminary Plat

Lots within 500 feet are marked and
property owners notified.

Feet
0 250 500



*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

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STAFF REPORT PL 13-97

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: December 4, 2013
SUBJECT: Tiejen Subdivision-Compass Addition

Requested Action: Recommend approval of this preliminary plat that divides one 4.34 acre lot into three smaller lots.

GENERAL INFORMATION

Applicants:	Compass Ross Properties 59065 Meadow Lane Homer, AK 99603	Edge Survey and Design 12501 Old Seward Hwy, D Anchorage, AK 99515
Location:	On the northwest corner of Spruce Lane and Meadow Drive	
Parcel ID:	17928010	
Size of Existing Lot(s):	4.34 acres	
Size of Proposed Lots(s):	Lot F-1A will be 1.156 acres	
	Lot F-1B will be 1.592 acres	
	Lot F-1C will be 1.592 acres	
Zoning Designation:	East End Mixed Use	
Existing Land Use:	3600 sf shop	
Surrounding Land Use:	North: Residential South: Equipment storage East: Vacant West: Vacant	
Comprehensive Plan:	Promote a pattern of growth characterized by a concentrated mixed use center, and a surrounding ring of moderate-to-high density residential and mixed use areas with lower densities in outlying areas. (Ch 4. Goal 1. Objective B)	
Wetland Status:	Only a small discharge slope on the lower southwest corner of the lot.	
Flood Plain Status:	Not within a mapped flood hazard area.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	No utilities available.	
Public Notice:	Notice was sent to 25 property owners of 26 parcels as shown on the KPB tax assessor rolls.	

ANALYSIS:

This subdivision is within the East End Mixed Use District. This plat divides one 4.34 acre lot into three smaller lots. There is an existing 3,600 sf shop on the property. This preliminary plat does not show the location of the shop, therefore staff requests confirmation from the surveyor that the existing building does not create setback or encroachments issues. The setback requirement is twenty from rights-of-way and a minimum of five feet from the side and rear lot lines for a single story structure per HCC. 21.27.040(b)(1).

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

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

Staff Response: The plat meets these requirements.

2. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. A 20 foot corner radius needs to be dedicated on the southeast corner of Lot F-1C.

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

Staff Response: The plat meets these requirements.

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

Staff Response: Private parcels are shown.

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

Staff Response: The plat meets these requirements. A 15' utility easement needs to be dedicated along all rights-of-way.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. No drainage systems or flood areas within the subdivision.

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

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

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. Water and sewer are not provided.

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

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

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

Staff Response: The plat meets these requirements. The ground has a gentle slope to the south

PUBLIC WORKS COMMENTS: The standard 20 foot radius needs to be dedicated at the SE corner of Lot F-1C. The standard 15' utility easement needs to be dedicated along all ROWs.

FIRE DEPARTMENT COMMENTS: No concerns with this plat.

STAFF RECOMMENDATIONS:

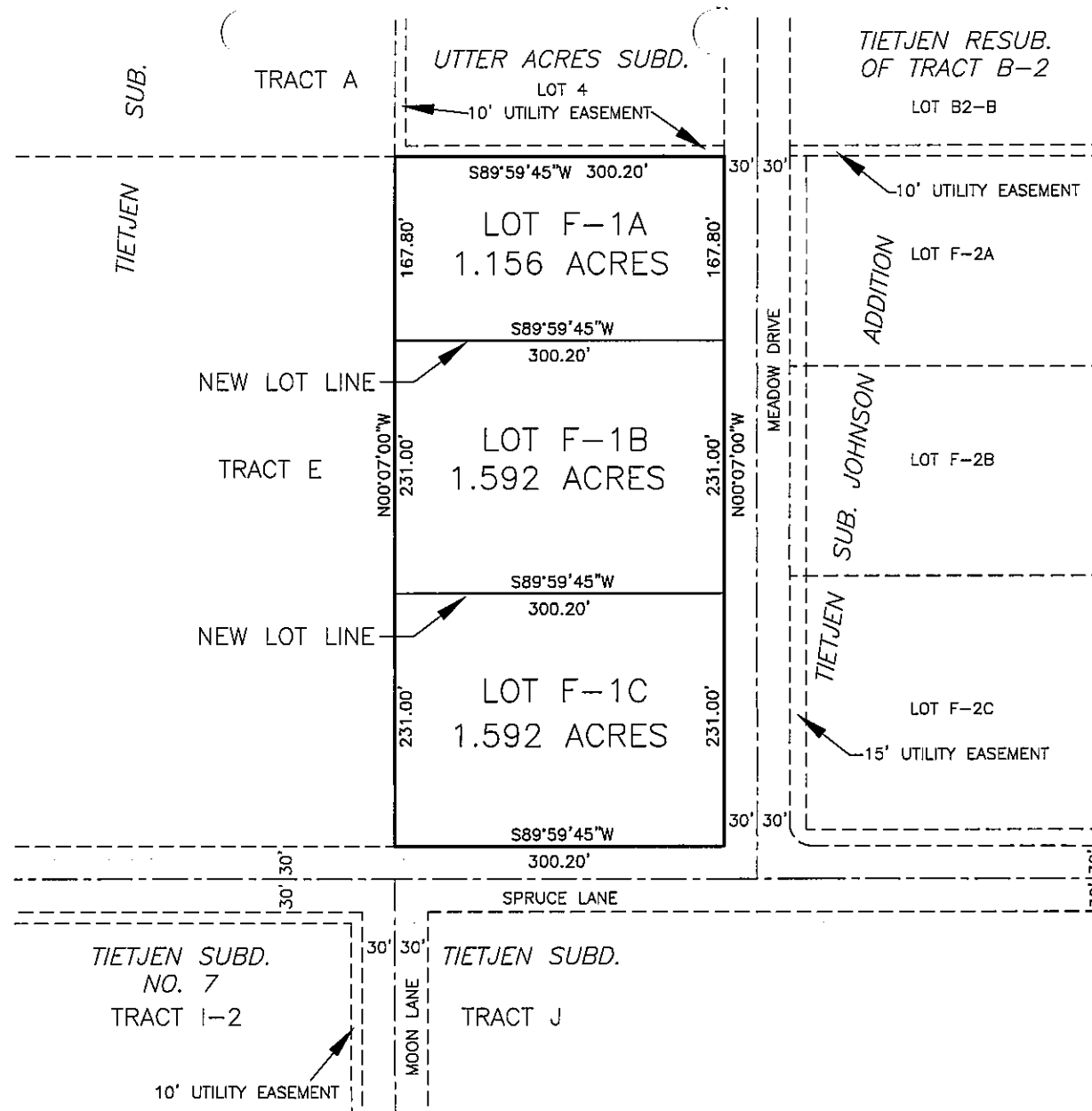
Planning Commission recommend approval of the preliminary plat with the following comments:

1. Dedicate a 20 foot radius on the SE corner of Lot F-1C.
2. A 15 foot utility easement to be dedicated along all rights-of-way.

ATTACHMENTS

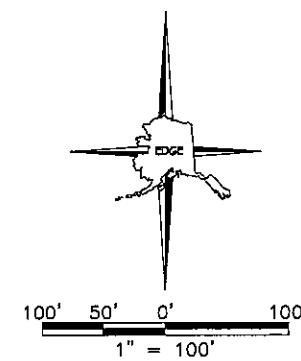
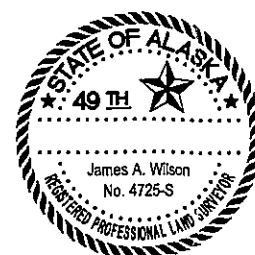
1. Preliminary Plat
2. Letter from Compass Rose Properties
3. Location map





I JAMES A. WILSON, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT OF TIETJEN SUBDIVISION-COMPASS ADDITION, LOT F-1A, F-1B, F-1C, IS A TRUE AND CORRECT REPRESENTATION OF LANDS ACTUALLY SURVEYED AND THAT THE DISTANCES AND BEARINGS ARE SHOWN CORRECTLY AND ALL PERMANENT EXTERIOR CONTROL MONUMENTS, ALL OTHER MONUMENTS, AND LOT CORNERS HAVE BEEN SET AND STAKED, OR IF THE FINAL COMPLETION IS ASSURED BY SUBDIVISION AGREEMENT, THEY WILL BE SET AS SPECIFIED IN SAID SUBDIVISION AGREEMENT. LOT CORNERS WILL BE SET BY N/A. MONUMENTS TO BE SET BY N/A.

JAMES A. WILSON 4725-S DATE



TAX CERTIFICATION

ALL REAL PROPERTY TAXES LEVIED BY THE KENAI PENINSULA BOROUGH ON THE AREA SHOWN ON THIS PLAT HAVE BEEN PAID IN FULL. IF APPROVAL IS SOUGHT BETWEEN JANUARY 1 AND THE TAX DUE DATE, THERE IS ON DEPOSIT WITH THE CHIEF FISCAL OFFICER AN AMOUNT SUFFICIENT TO PAY ESTIMATED REAL PROPERTY TAX FOR THE CURRENT YEAR

DATE AUTHORIZED OFFICIAL

BUILDING SETBACKS

A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

WASTEWATER DISPOSAL

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

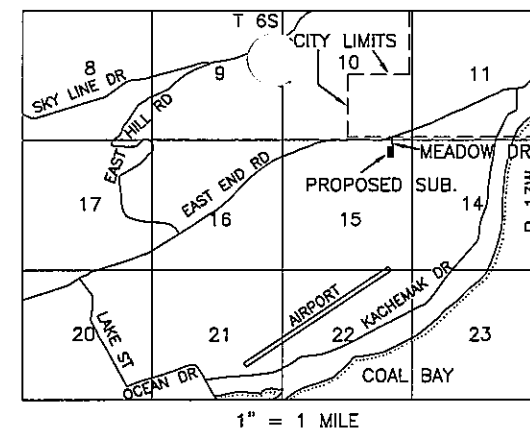
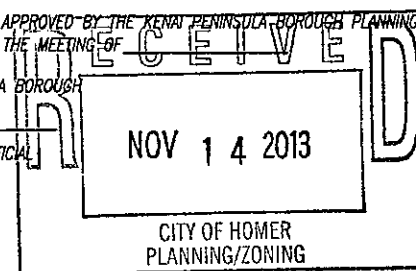
(SIGNATURE OF) ENGINEER LICENSE # DATE

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

BY: AUTHORIZED OFFICIAL



CERTIFICATE OF OWNERSHIP AND DEDICATION

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

OWNER: COMPASS ROSE PROPERTIES LLC.
59065 MEADOW LN
HOMER, AK 99603

NOTARY ACKNOWLEDGMENT

FOR: SUBSCRIBED AND SWORN BY ME THIS DAY OF 20

NOTARY PUBLIC MY COMMISSION EXPIRES:

NOTES

1. THERE IS NOT CITY SEWER OR CITY WATER LOCATED ON THE PROPERTY, OR ON ANY ADJACENT LOTS.
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.

<p>12501 OLD SEWARD, D ANCHORAGE, AK 99515 Phone (907) 344-5990 Fax (907) 344-7794</p>		
<p>Plat of TIETJEN SUBDIVISION-COMPASS ADDITION, LOT F-1A, F-1B, F-1C A SUBDIVISION OF TRACT F-1, TIETJEN SUBDIVISION, PLAT 70-591, HRD LOCATED WITHIN NE 1/4 SEC. 15, T.6S., R.13W., S.M. WITHIN THE CITY LIMITS OF HOMER, AK, HOMER RECORDING DISTRICT CONTAINING 4.340 ACRES, M/L</p>		
DRAWN BY: JS	DATE: 11/5/2013	FIELD BOOK: NA
CHECKED BY: TW	SCALE: 1" = 100'	SHEET: 11 OF 1



8115111

November 12, 2013

Compass Rose Properties LLC
59065 Meadow Ln
Homer, AK 99603

City of Homer
Planning Department

Dear Planners;

I am the managing director of Compass Rose Properties LLC. We own lot 179-280-10 in Tietjen Subdivision at 4915 Meadow Dr. The current lot is approximately 5 acres, and we built a 3600 square foot storage shop on it last year. The area has no city water or sewer. No waste water is generated and will not be in the future.

We purchased the property in 2011 because it was one of the few undeveloped areas with GC1 in the city, and we wanted to be able to store fishing gear and heavy equipment. Since we built our shop the area is now called the East End Mixed Use District (EEMU).

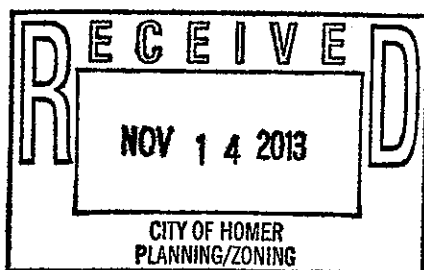
The enclosed preliminary plat intends to divide this property into three parcels. We would like to sell one lot to a fellow commercial fisherman who intends to store gear and eventually build a storage shop similar to mine. The plan is to use on-site water and waste water. It is interesting to note that the nearest neighbor on Spruce St. also stores boats and equipment on his lot. Also note that a similar sized lot was divided into three lots right across the Meadow Dr. last year.

If you have any questions please call.

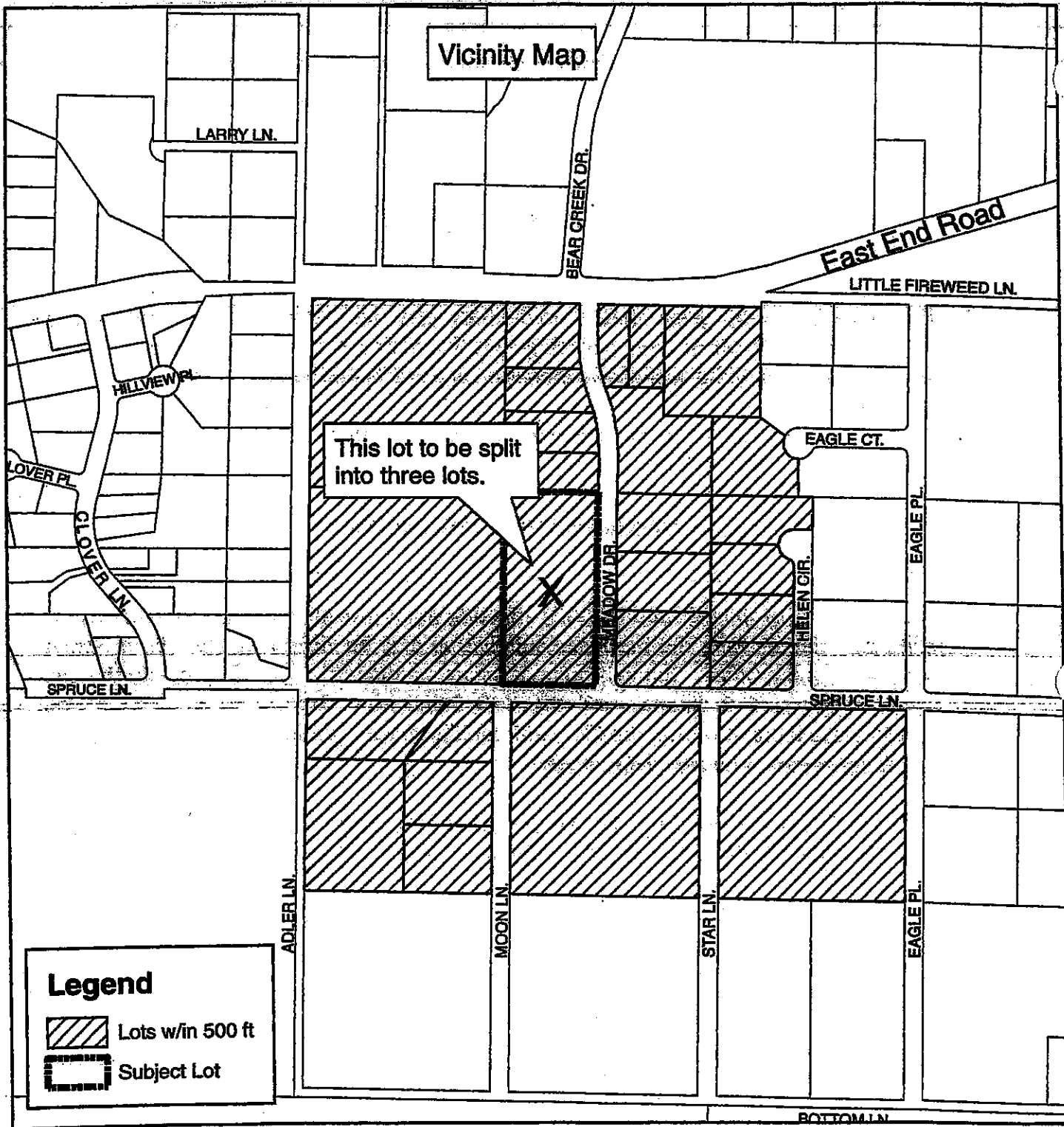
Sincerely,





299-0112



Vicinity Map



Legend

-  Lots w/in 500 ft
-  Subject Lot




City of Homer
Planning and Zoning Department

November 14, 2014

Tietjen Subdivision Compass Addition Preliminary Plat

Lots within 500 feet are marked and
property owners notified.

 Feet
0 250 500



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 13-96

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: December 4, 2013
SUBJECT: Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat

Requested Action: Recommend approval of this preliminary plat.

GENERAL INFORMATION

Applicants: Quiet Creek Park LLC
Tony Neal
PO Box 3368
Homer, AK 99603
Seabright Survey + Design
1044 East End Rd Ste A
Homer, AK 99603

Location: North of Homer High School
Parcel ID: 17702089
Size of Existing Lot(s): 37.07 acres
Size of Proposed Lots(s): 9,700 square feet to 29,645 square feet. Most lots are ¼ to ½ acre in size.

Zoning Designation: Rural Residential District
Existing Land Use: Vacant
Surrounding Land Use: North: Residential/Vacant
South: Residential/High School/Urban Residential, Residential
Office
East: Residential/Vacant
West: Urban Residential. Single family homes.

Comprehensive Plan: Guide Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions.(Ch 4. Goal 1) Objective B: Promote a pattern of growth characterized by a concentrated mixed use center and a surrounding ring of moderate to high density residential and mixed use areas with lower densities in outlying areas.

Wetland Status: Some wetlands and drainages present. Staff doesn't have a copy of the ACOE wetlands delineation to provide the Commission. The delineation shows much different information than the general mapping the City has. The applicant will be working with ACOE on permitting requirements, as developers of all large projects that impact wetlands must do.

Flood Plain Status:	Zone D, flood hazards undetermined.
BCWPD:	Not within the Bridge Creek Watershed Protection District.
Utilities:	City water and sewer are available; the developer will extend them as part of the subdivision.
Public Notice:	Notice was sent to 191 property owners of 178 parcels and 15 condominiums as shown on the KPB tax assessor rolls. Notice was mailed to property owners within 1000 feet, rather than the 500 feet required by code. This was to ensure all residents on affected side streets were notified, and followed the public notice used during previous preliminary plat process.

What is the City and the Planning Commissions Role in reviewing a preliminary plat?

City staff reviews the plat and make recommendations regarding street layout, utility and trail easements, and if the lots will be the minimum lot size requirements under title 21. According to the HAPC Policies and Procedures Manual, the Commissions role is:

"This review provides the opportunity for the City to make comments and recommendations to the Kenai Peninsula Borough Planning Commission. The Kenai Peninsula Borough holds platting powers for the entire borough, both inside and outside the city limits. The Homer Advisory Planning Commission acts as an advisory body to the Borough Planning Commission on plat matters inside city limits and within the Bridge Creek Watershed Protection District.

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

The purpose statement of the Borough platting regulations states: "The purpose of this title is to promote an adequate and efficient street and road system, to provide utility easements, to provide minimum standards of survey accuracy and proper preparation of plats, and to protect and improve the health, safety and general welfare of the people. (KPB 20.04.010)."

What is required of a Subdivision this large? The developer by code must construct, at his expense, a road provide trail easements where supported by the Trails Plan, and install all utilities, including water mains, fire hydrants, sewer mains, power, gas line, and etc. The construction of trails, sidewalks, bike lanes, street lights and paving are optional. The developer must also meet any state and federal requirements, such as wetland permitting, but these are generally outside the City's jurisdiction.

The City has very limited storm water control requirements, and has no power to require the developer to construct any improvement outside of the boundaries of the subdivision, including roads or storm water improvements. For example, in this subdivision, the developer will build all of South Slope Drive that is within the subdivision. However, the existing road is not constructed all the way to his property line. Therefore, if the City wishes to have a through street connection, the City will have to build that section of road. If the developer wishes they can build a road to city standards in a right of way outside of the subdivision boundary. Prior to the mid 1980's, the City did not require the construction of dedicated streets. Many roads were

platted but not constructed. This leaves the community with a legacy of streets that are not built and unconnected.

What is outside of code requirements that the developer plans to construct?

The developer plans to pave all the streets, build a gravel pedestrian trail along Nelson Ave, build some of the trail connections, and build Rhonda Street, connecting this subdivision to East End Road. The developer and the City are also interested in traffic calming along Nelson Ave, particularly at the intersection with South Slope Drive. Those conversations will be ongoing as the Planning Commission discusses traffic calming in 2014.

Will this subdivision be phased?

The developer can choose to phase the subdivision. Generally for a large project subdivisions are constructed in phases, but they can be built and platted all at once. The timing and number of lots in each phase is up to the developer. There is no Homer City code regarding these considerations. The developer has stated he does plan to phase the development, beginning with road construction from East End Road along Rhonda, to Nelson Ave. he would then build west on Nelson Ave, to about the intersection with South Slope Ave. **See Chief Painter's comments at the end of the staff report and staff recommendations.**

What holds the developer to doing anything?

Before a lot can be recorded as part of a subdivision, all improvements must be constructed to that lot, including the road and all utilities. The developer consults with the Public Works Department to meet these requirements. When everything is constructed, Public Works issues a letter to the Kenai Peninsula Borough stating that the improvements are constructed and meet city code. Then the Borough can allow the subdivision to be recorded, making the plat an official document and the lots may be sold.

ANALYSIS:

This subdivision is within the Rural Residential District. In 2005, the developer submitted a very similar subdivision layout. The 2005 plat still has preliminary approval from the Borough. The developer has submitted this new design, which changes the rights of way and reduces the number of lots, as his preferred alternative.

This plat includes 71 residential lots and four parks. The plat generally meets the goals of the 2008 Comprehensive Plan, 2005 Homer Transportation Plan, and the 2004 Homer Non-Motorized Transportation and Trail Plan. All but one lot meets the dimensional requirements of the district; see staff recommendations regarding the single lot that is less than the required 10,000 square feet required. The subdivision utilizes shared driveways in three locations, and long panhandle lots north of Sabine Circle. Staff does not generally like these configurations. However, the land is too steep for the alternative, dedicated cul-de-sacs, to meet city road standards.

Road Connections

The 2005 Homer Transportation Plan, a part of the Comprehensive Plan, shows road connections each direction out of this subdivision (north, east, south and west). The developer has shown three road connections on this plat: north to South Slope Drive, east on Nelson/Ronda Ave to East End Road, and west to Anderson Street. From Anderson street cars will travel either on Mountain View or Elderberry Drives. There is no proposed connection to the south. The surveyor and Public Works agree that a connection to Kallman Road is too steep to construct and would not meet City road standards. Public Works has recommended

using the area on the far east of the subdivision, proposed as Park A, as a future right of way to the south. **Staff recommendations the Commission determine if a right of way dedication at the location of Park A is useful, or if the road requirement to the South be waived due to steep terrain.**

Trail Connections

The Homer Non-Motorized Transportation and Trail Plan shows two general trail connections through this area. From South Slope Drive, one trail would extend south to the High School, and over to the Kramer Lane area. The other would extend west. The proposed plat shows several trail connections, above and beyond the recommendations of the Comprehensive Plan. The developer also intends to build a gravel pathway adjacent to Ronda St and Nelson Ave. This construction is outside of city code requirements, but is subject to the Design Criteria Manual if the City is going to accept the trail for maintenance.

Traffic calming

Staff has briefly discussed traffic calming with the surveyor. Any traffic calming is outside of the city code and is at the developer's discretion and subject to approval by Public Works. At this time, the discussion has focused on two ideas. The first would be using narrow lanes and a wide shoulder on one side of the road to slow traffic speeds and create a maintained bike lane. The second is the use the intersection of Nelson Ave and South Slope Drive to create a sort of pinch point, possibly by using curb bulb outs or a raised intersection to slow traffic through the intersection. South Slope Drive would probably have a stop sign.

Shared Driveways

There are three shared driveways shown on the plat. **Staff recommends these driveways meet fire department access requirements.**

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

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

Staff Response: The plat meets these requirements.

2. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: Private parcels are shown. Private shared driveway easements, public trail easements and public parks are shown.

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

*Staff Response: The plat meets some these requirements. **Staff recommends** the developer clarify which creeks shown on the plat have a drainage easement and the width of the easements. Drainage and maintenance easements are being granted to the City of Homer.*

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. Drainage systems are shown within the subdivision.

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

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

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. The developer will install water and sewer utilities.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. This information was provided on a separate sheet.

PUBLIC WORKS COMMENTS: Public Works has been encouraging a connection to the South (with Kallman/Kramer Street being the most obvious location). Public Works agrees that a connection to

Kallman/Kramer is not reasonable, based the steep topography. We do recommend that provisions be made for a future connection south from the SE corner of the subdivision (as shown on the attached map).

A subdivision development agreement or a construction agreement is required.

FIRE DEPARTMENT COMMENTS: There should be at least two ways to access the area. During an emergency not only do responders need to be able to get to any location within the city by at least two different routes, residents should be able to evacuate, if needed by more than one way (in case the primary route is blocked). I also highly recommend placement of fire hydrants within the new subdivisions so that residents can benefit from the ISO rating schedule that rewards homes within 1,000 ft (by roadway) of working hydrants (and within 5 miles of a fire station) with lower insurance rates. If hydrants aren't installed and operational the property automatically jumps from an ISO 5 to an ISO 8B (on a scale of 1-10).

STAFF RECOMMENDATIONS:

A. Planning Commission determine if a right of way dedication at the location of Park A is useful, or if the road requirement to the South be waived due to steep terrain.

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

1. Increase the size of lot 9 to meet the dimensional size requirement of 10,000 square feet. Elimination or reduction in size of Park A to meet this requirement is acceptable.
2. A development agreement is required.
3. The shared driveways should meet fire department access requirements.
4. The developer shall clarify with Public Works prior to final platting which creeks shown on the plat have a drainage easement and the width of the easements.
5. Continue the 15 foot utility easement around the bulb of Sophie Court
6. Work with the City of Homer and the Kenai Peninsula Borough address officer on E911 compliant street names
7. During the first phase of construction, build Nelson Ave and Ronda Street from East End Road all the way to the intersection with South Slope Drive, and that portion of South Slope Drive within the subdivision.
8. Construct fire hydrants as part of the subdivision.

ATTACHMENTS

1. Surveyors letter
2. Preliminary Plat
3. Vicinity Map
4. Drawing from Public Works Director Meyer

SEABRIGHT SURVEY + DESIGN

Kenton Bloom, PLS

1044 East Road Suite A

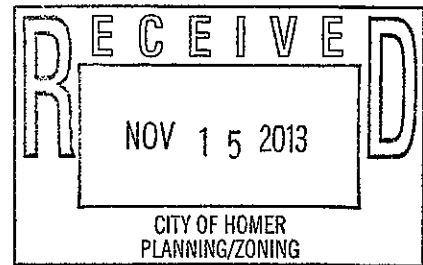
Homer, Alaska 99603

(907) 235-4247 (& fax)

seabrightz@yahoo.com

November 15, 2013

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



RE: **Quiet Creek Park**

Dear Planning Department:

Seabright Survey + Design is pleased to submit this revised preliminary plat of **Quiet Creek Park**. This design, consistent with Kachemak Greenway Design, reflects some significant revisions. This subdivision encompasses an impressive diversity of qualities. We feel this will be the most beautiful subdivision in Homer.

The total number of lots now totals 71, a reduction of over 20%. The Public Trails along with 4 Parks and many other open-space setbacks will integrate pedestrian trail access, greenbelts and residential neighborhoods. The roadways have been re-aligned to help minimize cut and fill. We envision 20 MPH speeds with 9' wide driving lanes and a 5' wide pedestrian lane along the full length of Nelson Avenue. We are working with the City on traffic calming at the South Slope Drive intersection and the Anderson Street intersection.

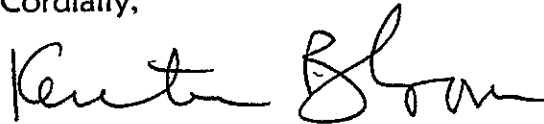
The storm water plan addresses drainage flows at each lot and at each drainage by employing rain gardens and retention ponds. These are specifically scaled for the amount of runoff that is expected. In general, all of the drainages with year-round flows will be minimally impacted. Ditching and other drainage enhancements will be re-seeded. Trails will provide access for drainage maintenance.

The wetlands submittal for a National Permit is being prepared for the Corps of Engineers. The total fill of wetland is reduced in this revised design. We will be avoiding low wet areas as much as possible during construction.

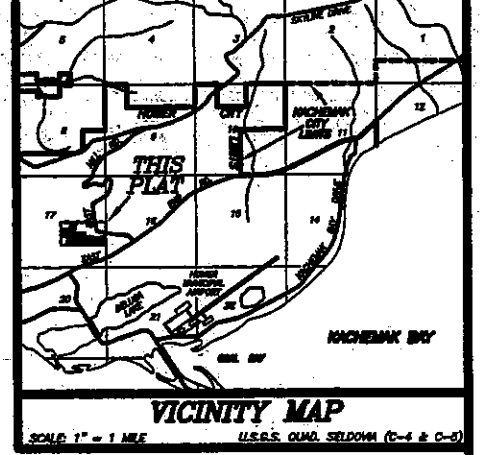
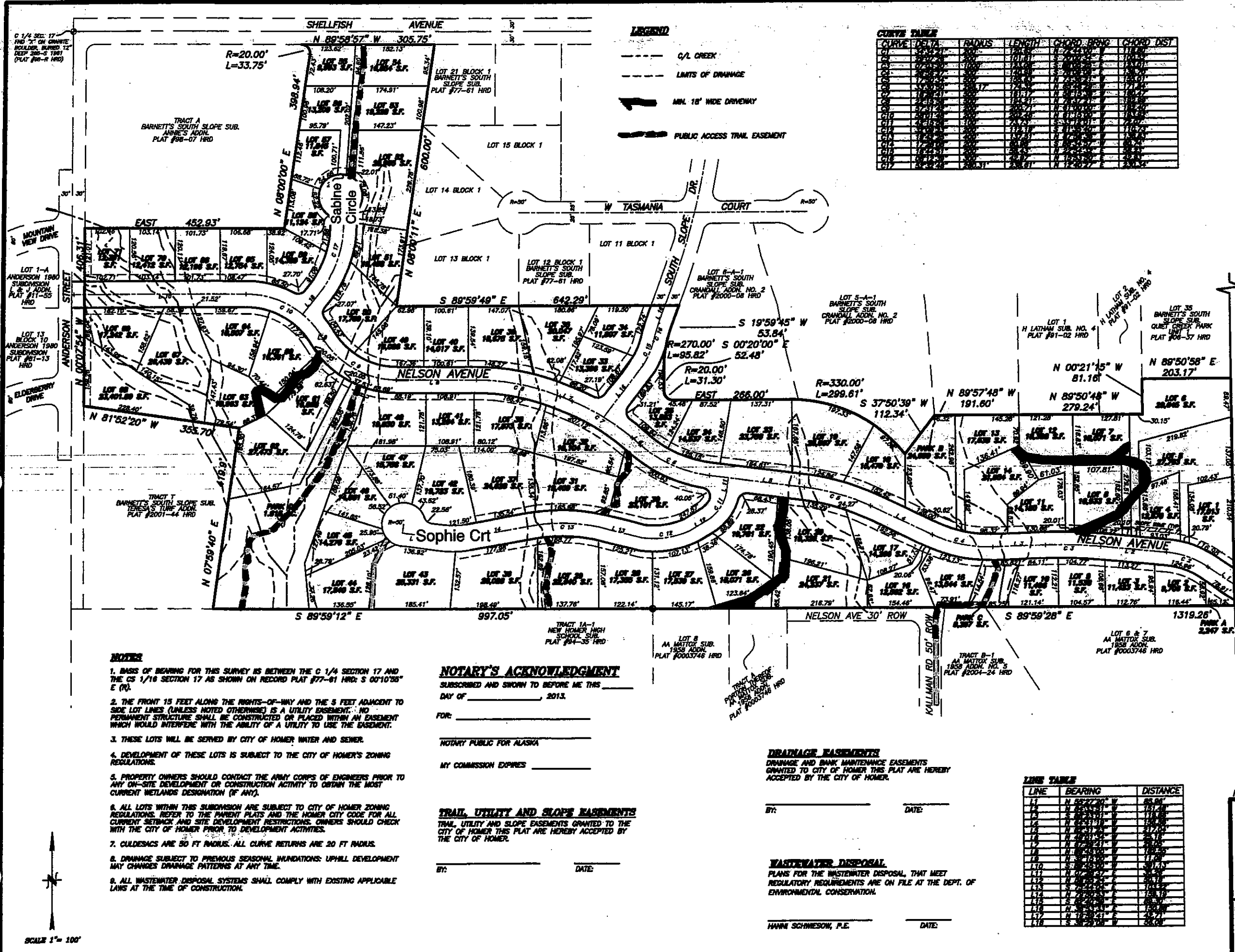
We have held a couple of neighborhood meetings to invite comment and to respond to questions and concerns. We have also met with the planning staff in a process of sharing information, clarifications and addressing concerns. We appreciate everyone's attention to this project and the positive working atmosphere.

We are providing you with a check for \$7,100.00 for platting review fees and two each full size copies. Please find the 2 PDF 11"x17" in an email for your review. We look forward to working with the City of Homer on this project within city limits. Thank you for your consideration. Please feel free to call with any questions or concerns.

Cordially,

A handwritten signature in black ink, appearing to read "Kenton Bloom". The signature is fluid and cursive, with the first name "Kenton" and last name "Bloom" clearly distinguishable.

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



CERTIFICATE OF OWNERSHIP
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

TONY NEAL, MANAGER
FOR: QUIET CREEK PARK LLC
P.O. BOX 3368
HOMER, AK 99603-3368



RECEIVED
NOV 15 2013
CITY OF HOMER
PLANNING/ZONING

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

HOMER RECORDING DISTRICT KPB FILE No. 2013-
BARNETT'S SOUTH SLOPE SUB. QUIET CREEK PARK
BEING A SUBDIVISION OF THE UNSUBDIVIDED REMAINDER OF BARNETT'S SOUTH SLOPE SUBDIVISION AS PER PLAT #2001-44 LOCATED WITHIN THE SE 1/4, SEC. 17, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 38.05 ACRES

SEABRIGHT SURVEY + DESIGN
1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 235-4247 (and fax)
seabright@yahoo.com
DRAWN BY: K.K. DATE: AUGUST 2013 SCALE: 1" = 100'

- NOTES**
1. BASIS OF BEARING FOR THIS SURVEY IS BETWEEN THE C 1/4 SECTION 17 AND THE C 1/16 SECTION 17 AS SHOWN ON RECORD PLAT #77-61 HRD; S 00°10'35" E (R).
 2. THE FRONT 15 FEET ALONG THE RIGHTS-OF-WAY AND THE 5 FEET ADJACENT TO SIDE LOT LINES (UNLESS NOTED OTHERWISE) IS A UTILITY EASEMENT. 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. THESE LOTS WILL BE SERVED BY CITY OF HOMER WATER AND SEWER.
 4. DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF HOMER'S ZONING REGULATIONS.
 5. PROPERTY OWNERS SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLANDS DESIGNATION (IF ANY).
 6. ALL LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE PARENT PLATS AND THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.
 7. CULDESACS ARE 50 FT RADIUS. ALL CURVE RETURNS ARE 20 FT RADIUS.
 8. DRAINAGE SUBJECT TO PREVIOUS SEASONAL INUNDATIONS: UPHILL DEVELOPMENT MAY CHANGE DRAINAGE PATTERNS AT ANY TIME.
 9. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.

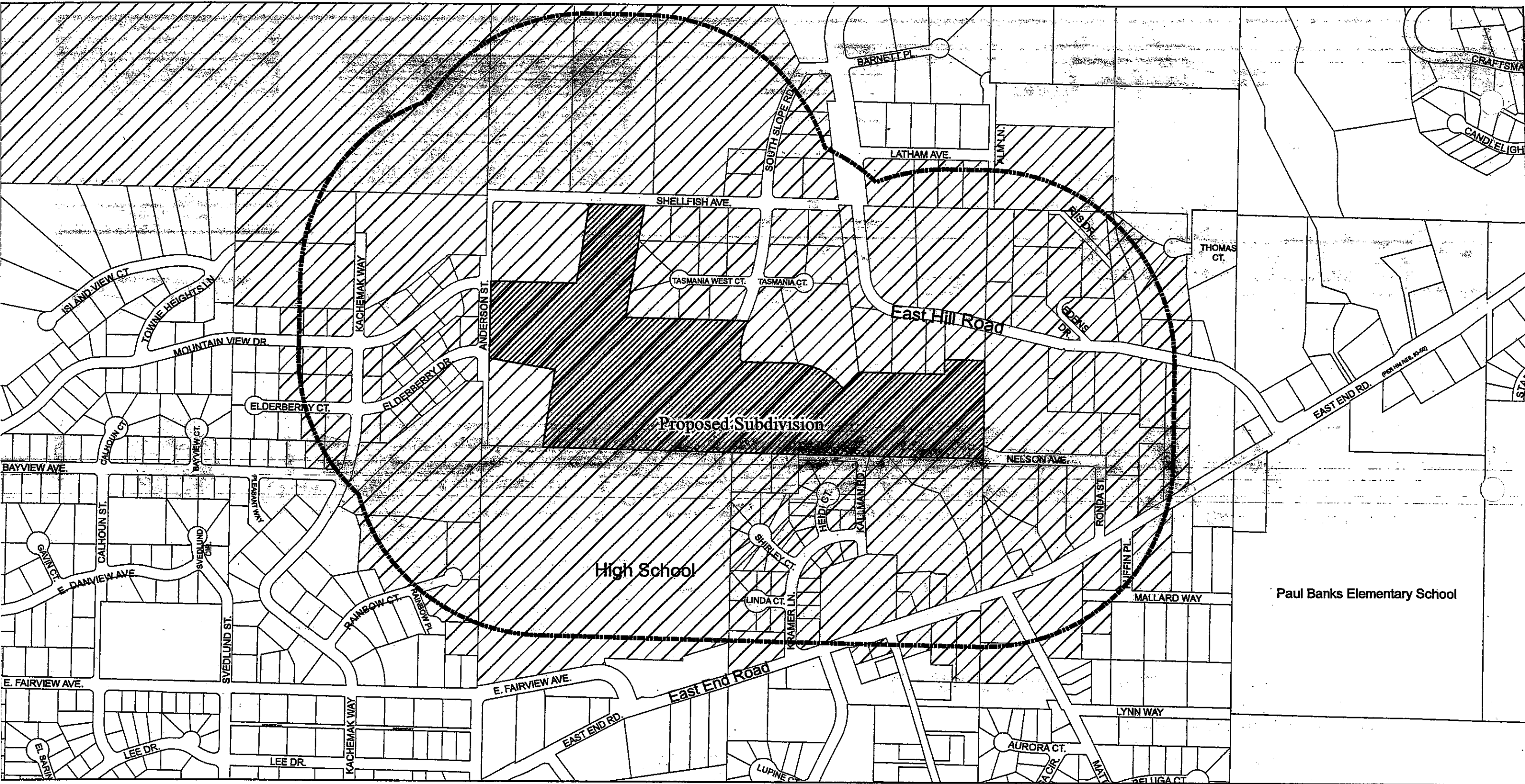
NOTARY'S ACKNOWLEDGMENT
SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 2013.
FOR: _____
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

TRAIL, UTILITY AND SLOPE EASEMENTS
TRAIL, UTILITY AND SLOPE EASEMENTS GRANTED TO THE CITY OF HOMER THIS PLAT ARE HEREBY ACCEPTED BY THE CITY OF HOMER.
BY: _____ DATE: _____

DRAINAGE EASEMENTS
DRAINAGE AND BANK MAINTENANCE EASEMENTS GRANTED TO CITY OF HOMER THIS PLAT ARE HEREBY ACCEPTED BY THE CITY OF HOMER.
BY: _____ DATE: _____

WASTEWATER DISPOSAL
PLANS FOR THE WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPT. OF ENVIRONMENTAL CONSERVATION.
HANN SCHMESON, P.E. DATE: _____

LINE	BEARING	DISTANCE
1	N 89°57'20" W	85.84'
2	S 89°57'20" E	171.68'
3	N 89°57'20" W	171.68'
4	S 89°57'20" E	85.84'
5	N 89°57'20" W	85.84'
6	S 89°57'20" E	171.68'
7	N 89°57'20" W	171.68'
8	S 89°57'20" E	85.84'
9	N 89°57'20" W	85.84'
10	S 89°57'20" E	171.68'
11	N 89°57'20" W	171.68'
12	S 89°57'20" E	85.84'
13	N 89°57'20" W	85.84'
14	S 89°57'20" E	171.68'
15	N 89°57'20" W	171.68'
16	S 89°57'20" E	85.84'
17	N 89°57'20" W	85.84'
18	S 89°57'20" E	171.68'
19	N 89°57'20" W	171.68'
20	S 89°57'20" E	85.84'



City of Homer
Planning and Zoning Department

November 18, 2014

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.

Vicinity Map



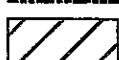
Barnett's South Slope Subdivision
Quiet Creek Park Preliminary Plat



0 250 500 1,000 Feet

Lots within 1000 feet are marked and property owners notified.

Legend

-  Subject Lot
-  1000 feet from Subdivision
-  Properties w/in 1000 feet





City of Homer

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Planning

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Staff Report 13-93

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: December 4, 2013
SUBJECT: Amending the HAPC Bylaws & Policies and Procedures

At the November 6, 2013 meeting, the Planning Commission directed staff to bring forth amendments to the HAPC Bylaws and Policies and Procedures Manual. The changes to the documents are listed below. Final action on these amendments will be at the January 2nd meeting. Amendments must be presented in writing at one meeting, and may be acted upon at the next meeting. This meeting is the first where the proposed amendments are provided in writing. A separate staff report will introduce an accompanying ordinance at the January 2nd meeting to provide needed code amendments to Title 21 and Title 1.

1. Remove the majority plus one vote needed for Conditional Use Permits and Variances.

a. From HAPC Bylaws, pg 4, Section K. Quorum; Voting:

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

From the HAPC Policies and Procedures Manual:

b. Page 4 of 8, Conditional Use Permits, delete text stating "~~Approval of a conditional use permit requires five yes votes.~~"

c. Page 8 of 8, Variances, delete text stating "~~Approval of a variance requires five yes votes.~~"

2. Amend the number of times a Commissioner may miss meetings from three consecutive or six regular meetings in a calendar year; to three consecutive unexcused absences, with the Chair approving absences or six regular meetings in a calendar year.

a. From HAPC Bylaws, pg 5, Section O. Vacancies:

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

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

Requested action:

The HAPC review and move to amend the bylaws and policies and procedures manual.

Attachments:

1. Draft minutes excerpt from 11/6/2013 meeting
2. Draft Bylaws
3. Draft Policy and Procedures

Pending Business

None

New Business

A. Staff Report PL 13-86 Review of Bylaws

Acting City Planner Engebretsen briefly reviewed the staff report and noted discussion during the worksession about the Commissioner absences as outlined in the bylaws, and also changing the voting requirements to a simple majority regarding CUP's and variances as outlined in city code. She noted that staff doesn't have a recommendation at this time regarding the simple majority issue.

Commissioner Highland expressed interest in Commissioner's being allowed to participate telephonically. She understands that it couldn't be done for the quasi-judicial actions of the meeting, but for the other parts it would be helpful when people are ill or travelling.

Acting City Planner Engebretsen noted that because of the actions the Commission addresses, it would significantly limit what the person on the phone could speak to. She also explained her experience has been that some people do well at participating telephonically but many don't.

SONNEBORN/HIGHLAND MOVED TO AMEND TO AMEND BYLAWS TO ENABLE A SIMPLE MAJORITY TO APPROVE A CONDITIONAL USE PERMIT OR VARIANCE.

Commissioner Slone noted that during the worksession they discussed and agreed that because staff clearly does a more than adequate job of reviewing criteria for CUP and variances to verify compliance with the ordinances that many times there is generally very little discussion necessary by the Commissioners. Four would be adequate from his perspective.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/SLONE MOVED TO ALLOW TELEPHONIC PARTICIPATION EXCEPT FOR PARTICIPATION ON ANY QUASI JUDICIAL MATTERS.

Commissioner Sonneborn commented she isn't sure they need that complication into their meetings. By addressing the voting, they won't have the problem of not enough Commissioners in the future. She thinks it is really important to be here in person. There are times when it is challenging to follow things when you're here in person, and being home with distractions she wouldn't trust that the group is getting full attention. It's only a couple times a month and people just need to plan to be here. If people are ill, their minds aren't up to it, they should be home taking care of themselves. It is okay to miss a meeting sometimes.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 6, 2013

Chair Venuti agreed with Ms. Sonneborn, but said it would be nice to call in and listen. Deputy City Clerk Jacobsen noted that if a Commissioner is absent and would like to hear the discussion, they can request a copy of the recording from the City Clerk's office.

Commissioner Highland reiterated that it is another possibility to participate and not have to miss a meeting if someone has already missed some meetings.

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

Motion failed.

SLONE/HIGHLAND MOVED TO AMEND CITY CODE 1.76.040 C ANY COMMISSIONER WHO SHALL HAVE ~~TWO~~ **THREE** SUCCESSIVE UNEXCUSED ABSENCES SHALL BE SUBJECT TO REMOVAL BY THE COMMISSION BY A MAJORITY VOTE OF THE MEMBERS PRESENT. BYLAWS SECTION 0.5. THREE CONSECUTIVE **UNEXCUSED** OR SIX REGULAR MEETINGS IN A CALENDAR YEAR; AND REFINE THE WORD UNEXCUSED TO DEFINE THAT UNEXCUSED REQUIRES APPROVAL BY THE CHAIR.

Commissioner Slone explained that it gives a little more flexibility for extenuating circumstances they might miss more than three meetings, but requires them to be accountable for their time if the situation arises.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Slone also noted a section of the policy manual that needs clarification under item U. It states "The policy and procedure manual will be endorsed by resolution of the City Council and may be amended at any meeting of the Commission by a majority plus one of the members,". He suggested changing it to the amended policy and procedure manual must subsequently be endorsed by a resolution of the City Council.

- B. Staff Report PL 13-87 Draft Ordinance 13-42 Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitionis, to Extend Time Required to Discontinue a Nonconforming Uses from 12 to 24 Months

Chair Venuti advised the Commission that he has a conflict of interest on this matter because he is involved with the Bayview Inn property.

There was discussion that with only 3 Commissioners in attendance to address the conflict it was recommended that this matter be postponed to the next meeting.

SLONE/SONNEBORN MOVED TO POSTPONE TO THE NEXT MEETING.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

HOMER ADVISORY PLANNING COMMISSION BY-LAWS

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

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

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

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

- 1. First and third Wednesday of each month at 7:00 p.m.
- 2. Agenda deadline is two weeks prior to the meeting date at 5:00 p.m. Agenda items requiring public hearing must be received three weeks prior to the Commission hearing. However, conditional use applications may be scheduled for public hearing in accordance with HCC 21.94. Preliminary plats must be submitted the Friday two weeks before the Commission meeting.
- 3. Items will be added to the agenda upon request of staff, the Commission or a Commissioner.
- 4. Public notice of a regular meeting shall be made as provided in HCC Chapter 1.14
- 5. Meetings will adjourn promptly at 10:00 p.m. An extension is allowed by vote of the Commission.

Procedure: The Chair will entertain a motion to extend the meeting until a specific time. After the motion has been seconded, the Commission will vote. A yes vote will extend the meeting until the specified time. A no vote will require that the Chair conclude business at or before 10:00 pm and immediately proceed to comments of the audience, the Commission and adjournment.

D. Special Meetings:

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

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

E. Duties and Powers of the Officers:

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

F. Committees

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

G. Motions to Reconsider:

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

H. Conflict of Interest:

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

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

I. Situation of personal interest

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

J. Ex parte Communications

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

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

K. Quorum; Voting:

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

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

L. Findings:

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

M. Consensus:

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

N. Abstentions:

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

O. Vacancies:

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

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

P. Procedure for Consideration of Agenda Items:

The following procedure will normally be observed:

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

Q. Procedure for Consideration of Public Hearing Items:

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

R. Procedure for Consideration of Preliminary Plats :

The following procedure will normally be observed:

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

S. The Commission shall act as a Body:

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

T. By-Laws Amended:

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

U. Procedure Manual:

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

**REGULAR MEETING
AGENDA**

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Public Comment**
The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
- 4. Reconsideration**
- 5. Adoption of Consent Agenda**
All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.
- 6. Presentations**
- 7. Reports**
- 8. Public Hearings**
Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.
- 9. Plat Consideration**
- 10. Pending Business**
- 11. New Business**
- 12. Informational Materials**
- 13. Comments of The Audience**
Members of the audience may address the Commission on any subject. (3 minute time limit)
- 14. Comments of Staff**
- 15. Comments of The Commission**
- 16. Adjournment**
Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.
Notice of the next regular or special meeting or work session will appear on the agenda following "adjournment."



1



Policies and Procedures

Homer Advisory Planning Commission



2014

Resolution 14-xx

QUALIFICATION STATEMENT

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

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INTRODUCTION

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

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

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

PUBLIC TESTIMONY AND COMMENT

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

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

Comment time limits

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

Public Comment

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

Public Hearings and Plats

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

Comments on topics not on the agenda

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

DELIBERATION of QUASI-JUDICIAL DECISIONS

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

APPEALS (Quasi Judicial)

PURPOSE

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

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

Public Hearing

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

Review Standards

In reviewing an appeal request, the Commission will consider:

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

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

Determination

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

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

REVIEW OF BRIDGE CREEK WATERSHED PROTECTION DISTRICT

PURPOSE

The Commission may approve development within the Bridge Creek Watershed Protection District (BCWPD) subject to the standards provided in the zoning ordinance and in compliance with the

Comprehensive Plan, for those uses or structures specified within the Bridge Creek Watershed Protection District ordinance. The purpose is to prevent the degradation of the water quality and protect the Bridge Creek Watershed to ensure its continuing suitability as a water supply source for the City's public water utility. These provisions benefit the public health, safety, and welfare of the residents of the City of Homer and other customers of the city's water system by restricting land use activities that would impair the water quality, or increase the cost for treatment.

Conditional Use

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

Preliminary Plats

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

REVIEW POLICIES FOR CONDITIONAL USE PERMITS (Quasi -Judicial)

PURPOSE

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

Public Hearing

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

Review Standards

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

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

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

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

Determination

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

Appeals

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

NONCONFORMITY REVIEW POLICIES

PURPOSE

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

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

Public Hearing

The Commission shall conduct a public hearing per HCC 21.94.

Review Standards

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

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

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

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

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

Nonconforming Uses of Land/Structures

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

Legally existing structures are those that:

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

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

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

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

Determination

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

Appeals

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

PRELIMINARY PLAT REVIEW POLICIES

PURPOSE

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

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

Procedures

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

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

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

ZONING ORDINANCE AMENDMENTS

PURPOSE

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

Initiation/Application

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

Public Hearing

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

Review Standards

The Commission will generally review the zoning amendment to determine:

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

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

Determination

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

POLICY FOR REVIEW OF ZONING VARIANCES (Quasi-Judicial)

PURPOSE

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

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

Public Hearing

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

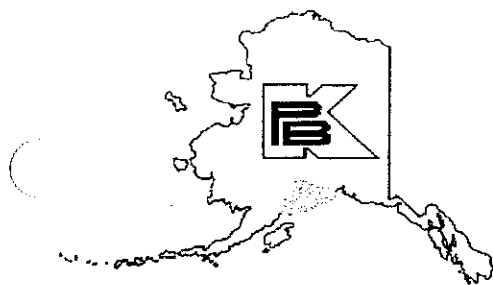
Review Standards

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

Determination

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

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



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

October 29, 2013

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE

MEETING OF OCTOBER 28, 2013

RE: Glacier View Subdivision 2013 Addition Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of October 28, 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.

AMENDMENT A: An amendment motion passed by unanimous consent to grant exception to KPB 20.20.110, additional right-of-way on Grubstake Avenue, 50' right-of-way based on the following findings of fact.

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

Findings

1. The subdivision is within the City of Homer.
2. Development in the subdivision is subject to the requirements of the zoning district.
3. The 50-foot right-of-way width was acceptable when the parent plat was recorded in 1975.
4. The proposed plat is decreasing the number of parcels fronting Grubstake Avenue.
5. The proposed plat is not creating the need for an exception to KPB Code.
6. Homer Advisory Planning Commission did not recommend additional right-of-way be dedicated for Grubstake Avenue.
7. Lot sizes along the block's portion of Grubstake Avenue range in size from 5,663 to 12,632 square feet.
8. Most lots fronting Grubstake Avenue within the subject block contain 6,098 square feet.
9. Grubstake Avenue is paved and city maintained.

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

Findings

1. The subdivision is within the City of Homer.
2. Development in the subdivision is subject to the requirements of the zoning district.
3. The 50-foot right-of-way width was acceptable when the parent plat was recorded in 1975.
4. The proposed plat is decreasing the number of parcels fronting Grubstake Avenue.
5. The proposed plat is not creating the need for an exception to KPB Code.
6. Homer Advisory Planning Commission did not recommend additional right-of-way be dedicated for Grubstake Avenue.
7. Lot sizes along the block's portion of Grubstake Avenue range in size from 5,663 to 12,632 square feet.
8. Most lots fronting Grubstake Avenue within the subject block contain 6,098 square feet.
9. Grubstake Avenue is paved and city maintained.

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

Findings

1. The subdivision is within the City of Homer.
2. Development in the subdivision is subject to the requirements of the zoning district.
3. The 50-foot right-of-way width was acceptable when the parent plat was recorded in 1975.
4. The proposed plat is decreasing the number of parcels fronting Grubstake Avenue.
5. The proposed plat is not creating the need for an exception to KPB Code.
6. Homer Advisory Planning Commission did not recommend additional right-of-way be dedicated for Grubstake Avenue.
9. Grubstake Avenue is paved and city maintained.

AMENDMENT B: An amendment motion passed by unanimous consent to grant exception to KPB 20.20.230, remove plat note for 20-foot building setback to allow setback to be governed by City Code based on the following findings of fact.

Findings

1. The subdivision is within the City of Homer.
2. HM 75-13 depicts a 20-foot building setback along Grubstake Avenue.
3. KPB Ordinance 80-4 (Amending the Subdivision Ordinance to Clarify Building Setback Requirements in the Area of the Borough within the Boundaries of a First-Class City) was enacted on February 19, 1980.
4. Ordinance 83-25, enacted on May 3, 1983, delegated zoning regulations to the City of Homer.
5. The parent plat was recorded prior to zoning regulations being delegated from KPB to the City of Homer.
6. Building setbacks within the subdivision must comply with the requirements of the zoning district per KPB 20.20.235
7. Removing the 20-foot building setback from the plat will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.

Please contact the Planning Department if you need additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent October 29, 2013 to:

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

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

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

Subdivider/Petitioner: David Whitmire
PO Box 2481
Homer, AK 99603

KPB File Number: 2013-175

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

5. Glacier View Subdivision 2013 Addition
KPB File 2013-175; Johnson/Whitmire

Staff Report given by Patti Hartley

Plat Committee Meeting: 10/28/13

Location:	City of Homer
Proposed Use:	Residential
Water/Sewer:	City
Zoning:	Central Business District
Assessing Use:	Residential, Accessory Building
Parent Parcel Number(s):	177-107-29, 177-107-30

Supporting Information:

The proposed subdivision is a simple replat of two lots into one lot containing approximately 12,000 square feet. City water and sewer serve the subdivision. Lot 4A fronts constructed Grubstake Avenue.

Homer Advisory Planning Commission approved the proposed replat on September 18, 2013 subject to:

1. Dedicate the required 15-foot utility easement along Grubstake Avenue.
Borough staff comments: The requested utility easement is shown on the plat submitted for KPB review.

Per the submittal, a greenhouse and shed encroach in the utility easement along the southern boundary. **Staff recommends** a note be placed on the final plat to indicate that acceptance of the plat by the Borough does not indicate acceptance of any encroachments by the City of Homer or the Kenai Peninsula Borough.

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

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

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

Exception(s) Requested:

- A. Additional right-of-way on Grubstake Avenue, 50' right-of-way (KPB 20.20.110).

Staff Discussion: Based on the size of the majority of lots fronting Grubstake Avenue within the subject block and existing development, it appears unlikely this right-of-way can be brought to a full 60-foot width.

Findings

1. The subdivision is within the City of Homer.
2. Development in the subdivision is subject to the requirements of the zoning district.
3. The 50-foot right-of-way width was acceptable when the parent plat was recorded in 1975.
4. The proposed plat is decreasing the number of parcels fronting Grubstake Avenue.
5. The proposed plat is not creating the need for an exception to KPB Code.
6. Homer Advisory Planning Commission did not recommend additional right-of-way be dedicated for Grubstake Avenue.

7. Lot sizes along the block's portion of Grubstake Avenue range in size from 5,663 to 12,632 square feet.
8. Most lots fronting Grubstake Avenue within the subject block contain 6,098 square feet.
9. Grubstake Avenue is paved and city maintained.

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-9 support this fact.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-9 support this fact.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-6, and 9 support this fact.

Exception(s) Requested:

- B. Remove plat note for 20-foot building setback to allow setback to be governed by City Code (KPB 20.20.230).

Staff Discussion: HM 75-13 depicts a 20-foot building setback along Grubstake Avenue.

KPB Ordinance 80-4 (Amending the Subdivision Ordinance to Clarify Building Setback Requirements in the Area of the Borough within the Boundaries of a First-Class City) was enacted on February 19, 1980. Ordinance 83-25 delegated zoning regulations to the City of Homer three years later.

The proposed plat is within the City of Homer and is subject to the requirements of the zoning code. Removing the 20-foot building setback from the plat will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.

As older subdivisions within cities are brought to the Committee for a replat, building setback notes will be requested to be removed.

Findings

1. The subdivision is within the City of Homer.
2. HM 75-13 depicts a 20-foot building setback along Grubstake Avenue.
3. KPB Ordinance 80-4 (Amending the Subdivision Ordinance to Clarify Building Setback Requirements in the Area of the Borough within the Boundaries of a First-Class City) was enacted on February 19, 1980.
4. Ordinance 83-25, enacted on May 3, 1983, delegated zoning regulations to the City of Homer.
5. The parent plat was recorded prior to zoning regulations being delegated from KPB to the City of Homer.
6. Building setbacks within the subdivision must comply with the requirements of the zoning district per KPB 20.20.235
7. Removing the 20-foot building setback from the plat will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.

Staff reviewed the exception request and recommends granting approval, subject to the final plat adding a note stating the plat is subject to the City of Homer zoning regulations.

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

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

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

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

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

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

Platting staff comments: The plat complies with the following portions of 20.12.060: B-G, J, K, and M.

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

Platting staff comments: Additional information is provided for the following portions of 20.12.060 or additional information, revision or corrections are required

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

*Platting Staff Comments: **Staff recommends:***

 - *Confirm the aliquot description; it appears the plat is in the NW1/4.*
 - *Correct the Range: R13W*

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

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

2. KPB 20.14 -- Wastewater Disposal

Platting Staff Comments: Staff recommends the wastewater disposal note per KPB 20.14.070 be placed on the final plat.

3. KPB 20.20 Design Requirements -- 20.20.010. - Standards applicable.

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

Platting staff comments: The following portions of 20.20 are not applicable to the subject plat: 20.20.020, 20.20.030, 20.20.050, 20.20.060, 20.20.080, 20.20.090, 20.20.100, 20.20.120, 20.20.130, 20.20.140, 20.20.150, 20.20.220, 20.20.240, 20.20.250, and 20.28.

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

20.20.040. - Easements—Requirements.

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

20.20.070. - Alleys.

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

20.20.160. - Blocks—Length requirements—Generally.

Platting Staff Comments: The block is less than 400 feet. The subdivision is within the City of Homer. Development within the subdivision must comply with the requirements of the zoning district. Glacier View Subdivision was developed in phases beginning in the 1950s. Grubstake Avenue was dedicated in 1954, and Hazel Avenue was dedicated in 1985.

The block appears to provide good access for the adjacent subdivisions as well as a loop access to East Pioneer Avenue to the north and the Sterling Highway to the south. The City of Homer owns the parcel to the south, which has a trail per the Homer City staff report. Homer Advisory Planning Commission approved the plat subject to granting a 15-foot utility easement along Grubstake Avenue.

Staff recommends the Committee concur that existing conditions justify a variance from the requirement.

20.20.170. - Pedestrian ways required when.

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

20.20.235. - Building setbacks—Within cities.

Platting Staff Comments: Approval of the exception to 20.20.230 to remove the 20-foot building setback depiction from the plat will allow it to come into compliance with the setback requirements of the zoning district.

20.20.260. - Flood plain requirements.

Platting Staff Comments: The City of Homer administers a floodplain program per HCC 21.41 Flood Prone Areas. Per the Homer City staff report, the plat is not within a mapped flood hazard area.

Per KPB GIS mapping, the subdivision 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, and 20.16.110.

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

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

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

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

20.16.030. - Certificate of borough finance department required.

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

20.16.050. - Plat specifications.

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

20.16.060. - Improvements—Installation agreement required.

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

20.16.090. - Accuracy of measurements.

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

20.16.120. - Utility easements.

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

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.

The KPB notes on the parent plat (See PC Resolutions 98-51 and 2004-02) do not affect the subject plat.

20.16.155. - Certificates, statements and signatures required.

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

20.16.160. - Survey and monumentation.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.160. Plats of this nature are exempt from 20.16.160 if desired. **Staff recommends** the monumentation of record be shown stating date, type of monument and source; a note be added to state the information shown is of record and cite the source(s); and note if the tie to the Basis of Bearing is computed from record or measured.*

20.16.170. - Approval—Authority—Certificate issued when.

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

20.16.180. - Administrative approval.

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

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

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

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

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

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

END OF STAFF REPORT

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

MAIN MOTION: Commissioner Whitney moved, seconded by Commissioner Bryson to approve Glacier View Subdivision 2013 Addition based on staff recommendations, conditions and findings

AMENDMENT A MOTION: Commissioner Whitney moved, seconded by Commissioner Bryson to grant exception to KPB 20.20.110, Additional right-of-way on Grubstake Avenue, 50' right-of-way; citing the 9 findings and tying them to the three facts in the following manner.

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

Findings

1. The subdivision is within the City of Homer.
2. Development in the subdivision is subject to the requirements of the zoning district.
3. The 50-foot right-of-way width was acceptable when the parent plat was recorded in 1975.
4. The proposed plat is decreasing the number of parcels fronting Grubstake Avenue.
5. The proposed plat is not creating the need for an exception to KPB Code.
6. Homer Advisory Planning Commission did not recommend additional right-of-way be dedicated for Grubstake Avenue.
7. Lot sizes along the block's portion of Grubstake Avenue range in size from 5,663 to 12,632 square feet.
8. Most lots fronting Grubstake Avenue within the subject block contain 6,098 square feet.
9. Grubstake Avenue is paved and city maintained.

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

Findings

1. The subdivision is within the City of Homer.
2. Development in the subdivision is subject to the requirements of the zoning district.
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9. Grubstake Avenue is paved and city maintained.

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

Findings

1. The subdivision is within the City of Homer.
2. Development in the subdivision is subject to the requirements of the zoning district.
3. The 50-foot right-of-way width was acceptable when the parent plat was recorded in 1975.
4. The proposed plat is decreasing the number of parcels fronting Grubstake Avenue.
5. The proposed plat is not creating the need for an exception to KPB Code.
6. Homer Advisory Planning Commission did not recommend additional right-of-way be dedicated for Grubstake Avenue.
9. Grubstake Avenue is paved and city maintained.

AMENDMENT A VOTE: The motion passed by unanimous consent

BRYSON YES	CARLUCCIO ABSENT	COLLINS YES	GROSS YES	HOLSTEN ABSENT	WHITNEY YES	4 YES 2 ABSENT
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AMENDMENT B MOTION: Commissioner Whitney moved, seconded by Commissioner Collins to grant exception to KPB 20.20.230, remove plat note for 20-foot building setback to allow setback to be governed by City Code; citing the 7 findings and tying them to the three facts.

Findings

1. The subdivision is within the City of Homer.
2. HM 75-13 depicts a 20-foot building setback along Grubstake Avenue.
3. KPB Ordinance 80-4 (Amending the Subdivision Ordinance to Clarify Building Setback Requirements in the Area of the Borough within the Boundaries of a First-Class City) was enacted on February 19, 1980.
4. Ordinance 83-25, enacted on May 3, 1983, delegated zoning regulations to the City of Homer.
5. The parent plat was recorded prior to zoning regulations being delegated from KPB to the City of Homer.
6. Building setbacks within the subdivision must comply with the requirements of the zoning district per KPB 20.20.235
7. Removing the 20-foot building setback from the plat will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.

AMENDMENT B VOTE: The motion passed by unanimous consent

BRYSON YES	CARLUCCIO ABSENT	COLLINS YES	GROSS YES	HOLSTEN ABSENT	WHITNEY YES	4 YES 2 ABSENT
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MAIN MOTION VOTE: The motion passed by unanimous consent

BRYSON YES	CARLUCCIO ABSENT	COLLINS YES	GROSS YES	HOLSTEN ABSENT	WHITNEY YES	4 YES 2 ABSENT
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AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

9. Camelot By The Sea Sub Dykstra Replat
KPB File 2013-179; Cline/Dykstra

Staff Report given by Patti Hartley

Plat Committee Meeting: 10/28/13

Location: On Troll Drive, Seward area
Proposed Use: Residential/Recreational
Water/Sewer: On-site
Zoning: Unrestricted
Assessing Use: Residential, Vacant
Parent Parcel Number(s): 144-180-22, 144-180-23

Supporting Information:

The proposed subdivision is a simple replat of two lots into one lot containing approximately 1.4 acres. A soils report is not required. The subdivision fronts KPB maintained Troll Drive.

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

The property is not within an advisory planning commission. Notice of the proposed replat was mailed to the Seward/Bear Creek Flood Service Area.

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

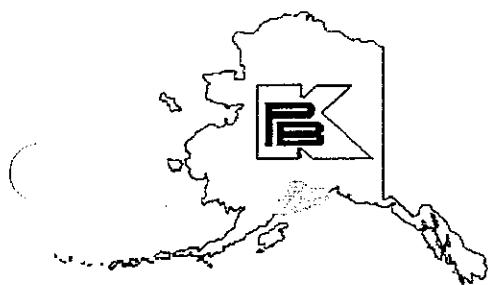
Staff recommends that notes be placed on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception(s) Requested: KPB 20.20.110. Per the submittal, the existing right-of-way (Troll Drive) is 50 feet wide, which met KPB standards when the parent plat was recorded in 1971. The current ROW contains an existing gravel road. There are no road grades over 4% along the frontage. This plat reduces the number of potential driveways using the road. Troll Drive dead ends approximately 600 feet south of this parcel at the south boundary of the parent subdivision. Troll Drive connects to an existing 60-foot ROW (Excaliber Way) approximately 150 feet west of this parcel.

Staff Discussion: KPB GIS mapping indicates Troll Drive is KPB maintained. Comments from the KPB Roads Department were not available when the staff report was prepared. Platting staff's recommendation may change based on recommendations from the KPB Roads Department.

Surveyor Findings

1. Troll Drive (originally Knight Drive) is 50 feet wide, an acceptable width when the parent plat was recorded.
2. The current ROW contains an existing gravel road.



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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MIKE NAVARRE
BOROUGH MAYOR

October 29, 2013

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE

MEETING OF OCTOBER 28, 2013

RE: Yah Sure Subdivision 2013 Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of October 28, 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 October 29, 2013 to:

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

Advisory Planning Commission/Community Council:

Homer Advisory Planning Commission
491 East Pioneer Ave.
Homer, AK 99603

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

Subdivider/Petitioner: Point of View, LLC
Boyd & Elizabeth Walker
3726 Lake St. #B
Homer, AK 99603-7663

KPB File Number: 2013-178

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS

AND ARCHITECTURE

1100 EAST 58TH STREET

CHICAGO, ILLINOIS 60637

TEL: 773-936-5000

FAX: 773-936-5001

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AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

Staff Report given by Patti Hartley

Plat Committee Meeting: 10/28/2013

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) – 7 Plats
2. Lower Winding Trails 2013 Replat; KPB File 2013-172 [Seabright / Black]
 3. Inlet Dreams Sub 2013 Replat; KPB File 2013-174 [Integrity / Shuey, Priest]
 4. Bremond Farms Est. 2013 Addn; KPB File 2013-181 [Integrity / Bremond, Alaksa Christian College]
 6. Ness-Johansen Sub Penning Addn. No. 2; KPB File 2013-176 [Johnson / Bender]
 7. Ninilchik River Est. Wilson Replat No. 2; KPB File 2013-177 [Johnson / Wilson]
 8. Yah Sure Subdivision 2013; KPB File 2013-178 [Ability / Point of View LLC]
 10. Clan Maxwell Est. Avalon Height Addn. No. 3; KPB File 2013-180 [Lang & Assoc. / Avalon Heights Land Trust]

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.

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

MAIN MOTION: Commissioner Bryson moved, seconded by Commissioner Whitney to grant approval of the following preliminary plats.

2. Lower Winding Trails 2013 Replat; KPB File 2013-172 [Seabright / Black]
3. Inlet Dreams Sub 2013 Replat; KPB File 2013-174 [Integrity / Shuey, Priest]
4. Bremond Farms Est. 2013 Addn; KPB File 2013-181 [Integrity / Bremond, Alaska Christian College]
6. Ness-Johansen Sub Penning Addn. No. 2; KPB File 2013-176 [Johnson / Bender]
7. Ninilchik River Est. Wilson Replat No. 2; KPB File 2013-177 [Johnson / Wilson]
8. **Yah Sure Subdivision 2013; KPB File 2013-178 [Ability / Point of View LLC]**
10. Clan Maxwell Est. Avalon Height Addn. No. 3; KPB File 2013-180 [Lang & Assoc. / Avalon Heights Land Trust]

AMENDMENT MOTION: Commissioner Bryson moved, seconded by Commissioner Whitney to amend the motion to approve the preliminary plats per staff recommendations.

AMENDMENT VOTE: The motion passed by unanimous consent

BRYSON YES	CARLUCCIO ABSENT	COLLINS YES	GROSS YES	HOLSTEN ABSENT	WHITNEY YES	4 YES 2 ABSENT
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MAIN MOTION VOTE: The motion passed by unanimous consent

BRYSON YES	CARLUCCIO ABSENT	COLLINS YES	GROSS YES	HOLSTEN ABSENT	WHITNEY YES	4 YES 2 ABSENT
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AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

8. Yah Sure Subdivision 2013
KPB File 2013-178; Ability/Point of View LLC

STAFF REPORT

Plat Committee Meeting: 10/28/13

Location: City of Homer
Proposed Use: Commercial
Water/Sewer: City
Zoning: Central Business District
Assessing Use: Commercial, Vacant
Parent Parcel Number(s): 177-120-24, 177-120-25

Supporting Information:

The proposed subdivision reconfigures an interior lot line to bring a building addition into conformance with zoning district requirements. The subdivision is served by city water and sewer. The plat fronts paved Lake Street.

Homer Advisory Planning Commission approved the plat on October 2, 2013 subject to:

1. Dedicate the required 15-foot utility easement along Lake Street per HCC 22.10.051(a).
Borough staff comments: The plat submitted for KPB review grants the requested utility easement.
2. Add a plat note stating development of these lots is subject to the City of Homer zoning regulations.
Borough staff comments: The plat submitted for KPB review has the requested plat note.

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-C, E, F, J, and K.

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

Platting staff comments: Additional information is provided for the following portions of 20.12.060 or additional information, revision or corrections are required

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams;
Platting Staff Comments: Staff recommends the Township and Range be added.
- G. The names of adjacent subdivisions or an indication that the adjacent land is not subdivided;
Platting Staff Comments: Staff recommends the status label to the northeast be corrected: Lot 2 Block 1.

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

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

2. KPB 20.14 -- Wastewater Disposal

Platting Staff Comments: The appropriate wastewater disposal note is on the plat. The Alaska Department of Environmental Conservation approved and signed the parent plat on June 28, 1985.

3. KPB 20.20 Design Requirements -- 20.20.010. - Standards applicable.

Platting staff comments: The plat complies with the following portions of 20.20: 20.20.035, 20.20.110, 20.20.120, 20.20.160, 20.20.180, 20.20.190, 20.20.200, 20.20.210, and 20.20.235.

Platting staff comments: The following portions of 20.20 are not applicable to the subject plat: 20.20.020, 20.20.030, 20.20.060, 20.20.080, 20.20.090, 20.20.100, 20.20.130, 20.20.140, 20.20.150, 20.20.220, 20.20.230, 20.20.240, and 20.28.

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

20.20.040. - Easements—Requirements.

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

20.20.050. - Lots on major streets—Access requirements.

Platting Staff Comments: Lake Street is 80 feet wide adjoining the proposed plat. Both lots have existing accesses off Lake Street.

20.20.070. - Alleys.

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

20.20.170. - Pedestrian ways required when.

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

20.20.250. - Different standards in cities.

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

20.20.260. - Flood plain requirements.

Platting Staff Comments: The City of Homer administers a floodplain program through HCC 21.41 Flood Prone Areas. Per the Homer City staff report, the plat is not affected by a mapped flood hazard area.

Per River Center review, the subdivision 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, and 20.16.110.

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

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

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

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

20.16.030. - Certificate of borough finance department required.

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

20.16.050. - Plat specifications.

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

20.16.060. - Improvements—Installation agreement required.

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

20.16.090. - Accuracy of measurements.

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

20.16.120. - Utility easements.

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

20.16.130. - Easements.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.130.*

20.16.140. - Other data required by law.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.140.*

20.16.145. - Plat notes.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to Plat.

20.16.155. - Certificates, statements and signatures required.

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

*Per the State of Alaska business corporation database, Point of View LLC is equally owned by Boyd Walker and Elizabeth Walker. If both owners do not sign the plat, **staff recommends** the owner who does not sign the plat provide a letter of non-objection to this platting action.*

20.16.160. - Survey and monumentation.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.160.*

20.16.170. - Approval—Authority—Certificate issued when.

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

20.16.180. - Administrative approval.

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

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

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

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

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

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

END OF STAFF REPORT

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

10. Clan Maxwell Est. Avalon Height Addn. No. 3
KPB File 2013-180; Lang & Assoc./Avalon Heights Land Trust

STAFF REPORT

Plat Committee Meeting: 10/28/13

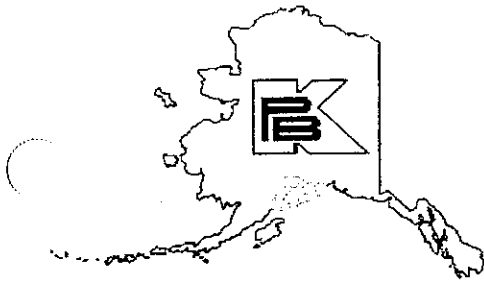
Location:	On Maximillian Drive, Seward area
Proposed Use:	Residential, Recreational
Water/Sewer:	On-site
Zoning:	Unrestricted
Assessing Use:	Vacant
Parent Parcel Number(s):	144-010-60

Supporting Information:

The proposed plat subdivides an approximate 36-acre tract into two 1-acre lots and a 33-acre tract. A soils report is required for the 1-acre lots, and an engineer will sign the plat. The subdivision fronts 66-foot Big Bear Street and 33-foot section line easement.

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





KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

November 14, 2013

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE

MEETING OF NOVEMBER 12, 2013

RE: Wintergreen Subdivision Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of November 12, 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 November 14, 2013 to:

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

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

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

Subdivider/Petitioner: Atz K. Kilcher & Bonnie Dupree
841 Goldberry Ct.
Homer, AK 99603-9264

KPB File Number: 2013-186

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

Staff Report given by Patti Hartley

Plat Committee Meeting: 11/12/13

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)
– 3 Plats

4. Beaver Dam Estates 2013 Replat; KPB File 2013-185 [Johnson/Springer]
5. Wintergreen Sub; KPB File 2013-186 [Seabright / Kilcher, Dupree]
6. Lofty Estates Unit 9 2013 Replat; KPB File 2013-187 [Seabright / Schwiesow, Bettini, Bechtel, Buckelew]

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.

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

MAIN MOTION: Commissioner Gross moved, seconded by Commissioner Holsten to grant approval of the following preliminary plats as presented by staff

4. Beaver Dam Estates 2013 Replat; KPB File 2013-185 [Johnson/Springer]
5. **Wintergreen Sub; KPB File 2013-186 [Seabright/Kilcher, Dupree]**
6. Lofty Estates Unit 9 2013 Replat; KPB File 2013-187 [Seabright/Schwiesow, Bettini, Bechtel, Buckelew]

VOTE: The motion passed by unanimous consent

CARLUCCIO YES	COLLINS YES	GROSS YES	HOLSTEN YES	LOCKWOOD YES	5 YES
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AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

5. Wintergreen Subdivision (name to change)
KPB File 2013-186; Seabright/Kilcher, Dupree

STAFF REPORT

Plat Committee Meeting: 11/12/13

Location: City of Homer
Proposed Use: Residential
Water/Sewer: On-site
Zoning: Rural Residential
Assessing Use: Residential, Vacant
Parent Parcel Number(s): 173-241-64, 173-241-65

Supporting Information:

The proposed subdivision is a simple replat of two lots into one lot containing approximately 5.5 acres. A soils report is not required. The subdivision fronts constructed Goldberry Court.

Homer Planning and Zoning Commission approved the plat on October 2, 2013.

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.

Although the proposed plat is within the City of Homer, KPB GIS indicates it is also within the Kachemak Bay Advisory Planning Commission. Kachemak Bay APC is inactive at this time.

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

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

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

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

Platting staff comments: The plat complies with the following portions of 20.12.060: B, E, F, and J.

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

Platting staff comments: Additional information is provided for the following portions of 20.12.060 or additional information, revision or corrections are required

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

*Platting Staff Comments: The plat's name is a description of the platting action. **Staff recommends** the name be revised, e.g., Wintergreen Subdivision Atz Addition or Wintergreen Subdivision 2013 Replat. **Staff recommends** the spelling of District in the legal description be corrected.*
- C. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines, political subdivision or municipal corporation boundaries abutting the subdivision;
*Platting Staff Comments: **Staff recommends** a pointer or additional right-of-way be provided on the final plat clarifying that Goldberry Court abuts the subject property.*
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams;
*Platting Staff Comments: **Staff recommends** the suffix for East End Road be noted on the vicinity map. Since the vicinity map has several other labels of prominent features and streets, the East End Road label could be removed.*
- G. The names of adjacent subdivisions or an indication that the adjacent land is not subdivided;

*Platting Staff Comments: **Staff recommends** a status label be provided for the lot to the west: Lot 6-B.*

- H. Approximate locations of areas subject to inundation, flooding or storm water overflow; when adjacent to lakes or non-tidal streams the line of ordinary high water, wetlands. If applicable, cite the appropriate study which identifies a flood plain;

Platting Staff Comments: Per the parent plat and the Homer City staff report, the plat has low wet areas. The surveyor was requested to provide a second submittal showing and labeling low wet areas. The note typically recommended by staff to put the public on notice about low wet areas is on the plat (Note 5).

- K. Within the limits of first class cities, the approximate location of known existing municipal sewers, water mains, and other utilities within the subdivision and immediately abutting thereto;

Platting Staff Comments: City water and sewer lines do not extend to the subdivision.

- M. Approximate locations of slopes over 20 percent in grade. (Ord. No. 78-37, § 2(part), 1979)

Platting Staff Comments: Per KPB GIS mapping, the plat does not have slopes greater than 20 percent. Additional information was requested from the surveyor.

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: A soils report was submitted for the parent plat, and an engineer signed the plat. The proposed subdivision replats two lots into one lot containing approximately 5.5 acres.

Staff recommends the wastewater disposal note be revised per KPB 20.14, e.g.: *The parent subdivision for the lot resulting from this platting action was approved by the Kenai Peninsula Borough on May 8, 2006. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.*

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, 20.20.090, 20.20.110, 20.20.120, 20.20.190, 20.20.200, and 20.20.210.*

Platting staff comments: *The following portions of 20.20 are not applicable to the subject plat: 20.20.020, 20.20.030, 20.20.050, 20.20.060, 20.20.080, 20.20.100, 20.20.130, 20.20.140, 20.20.150, 20.20.220, 20.20.230, 20.20.240, and 20.28.*

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

20.20.040. - Easements—Requirements.

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

20.20.070. - Alleys.

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

20.20.160. - Blocks—Length requirements—Generally.

Platting Staff Comments: The block is generally defined by Westwood Avenue, Tundra Rose Road, Jeffery Avenue, and West Hill Road. The block is slightly longer than allowed by 20.20.160. Based on the subject plat's location, it cannot practically help bring the block into strict compliance. The subdivision is within the

City of Homer. Development within the subdivision must comply with the requirements of the zoning district. Homer Advisory Planning Commission did not voice concern about block length. **Staff recommends** the Committee concur that existing conditions justify a variance from the requirement.

20.20.170. - Pedestrian ways required when.

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

20.20.180. - Lots—Dimensions.

Platting Staff Comments: The panhandle for the replatted lot is approximately 49 feet wide, and Lot 5-A-1 contains about 5.5 acres. **Staff recommends** a note be placed on the final plat indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography per current 20.20.180.

20.20.235. - Building setbacks—Within cities.

Platting Staff Comments: The plat is within the City of Homer. **Staff recommends** reference to the building setback be removed from Plat Note 3, e.g.: The front 15' along the existing right-of-way and 20 feet within 5 feet of side lot lines is a utility easement.

20.20.250. - Different standards in cities.

Platting Staff Comments: Homer Planning and Zoning Commission did not request application of different standards.

20.20.260. - Flood plain requirements.

Platting Staff Comments: River Center review was not available when the staff report was prepared.

The City of Homer administers the floodplain program through HCC 21.41 Flood Prone Areas. Per the Homer City staff report, the plat is not within a mapped flood hazard area.

Per KPB GIS mapping, the subdivision 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, and 20.16.110.

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

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

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

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

20.16.030. - Certificate of borough finance department required.

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

20.16.050. - Plat specifications.

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

20.16.060. - Improvements—Installation agreement required.

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

20.16.090. - Accuracy of measurements.

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

20.16.120. - Utility easements.

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

20.16.130. - Easements.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.130. **Staff recommends** the plat note number for the 15-foot utility easement on the face of the plat be corrected: See also Note 3.*

Staff recommends the second sentence of Plat Note 2 be removed because Plat Note 3 provides for a greater utility easement.

20.16.140. - Other data required by law.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.140.*

*A note for the private restrictive covenants affecting the proposed plat has been provided. **Staff recommends** the following phrase be eliminated from Plat Note 7: are attached to this plat.*

The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.

20.16.145. - Plat notes.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to Plat.

20.16.155. - Certificates, statements and signatures required.

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

*KPB records indicate the subdivision may have two owners. **Staff recommends** all owners per the final Certificate to Plat be included under the Certificate of Ownership. If more than one person owns the subdivision, **staff recommends** the Certificate of Ownership be revised accordingly, e.g., I to we, am to are, owner to owners.*

20.16.160. - Survey and monumentation.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.160*

20.16.170. - Approval—Authority—Certificate issued when.

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

20.16.180. - Administrative approval.

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

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

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

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

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

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

END OF STAFF REPORT

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

6. Lofty Estates Unit 9 2013 Replat
KPB File 2013-187
Seabright/Schwiesow, Bettini, Bechtel, Buckelew

STAFF REPORT

Plat Committee Meeting:

Location:	On Diamond Ridge Road, Homer area within Kachemak Bay APC
Proposed Use:	Residential
Water/Sewer:	On-site
Zoning:	Unrestricted
Assessing Use:	Residential, Vacant
Parent Parcel Number(s):	173-530-44, 173-530-45

Supporting Information:

The proposed subdivision reconfigures an interior lot line between two lots. The replatted lots retain the same size as their parent lots. It appears this platting action resolves encroachments. A soils report is not required. The subdivision fronts State maintained Diamond Ridge Road.

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, and the following conditions and findings:



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

October 30, 2013

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLANNING COMMISSION MEETING OF OCTOBER 28, 2013

RE: Vacate the 10-foot utility easement along the westerly boundary of Tract A-2A granted by Rumley – Collie Five (Plat HM 89-36); and vacate the 10-foot utility easement along the easterly boundary of Tract A-1A granted by Rumley – Collie Three (Plat HM 87-67); also shown on Rumley – Collie Subdivision Six (Plat HM 2000-28); within Section 11, Township 6 South, Range 13 West, Seward Meridian, Alaska, City of Homer and within the Kenai Peninsula Borough. KPB File 2013-164

During their regularly scheduled October 28, 2013 meeting, the KPB Planning Commission approved the utility easement vacation as petitioned based on the following findings of fact.

Findings:

1. Per the petition, the easement proposed for vacation is not being used by utility companies.
2. Three affected utility companies have provided written non-objection to the vacation.
3. No surrounding properties will be denied utilities.
4. No letters of objection have been received.
5. Notice of the proposed vacation was sent to the utility companies for review.
6. Homer Electric has utility easements along the East End Road.
7. The City of Homer has no objection to the vacation.
8. The preliminary plat Rumley – Collie Subd Eight combines Tracts B and C making it Tract BC was approved by the Borough Plat Committee on September 23, 2013.
9. The utility easements within Tracts B and C will eliminate all building encroachments running thru Tract BC.
10. All other utility easements will remain in place.
11. If the vacation is approved, it will be finalized by recording Rumley – Collie Subdivision Eight.

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

Notice of the Planning Commission decision and draft, unapproved minutes were sent October 30, 2013 to:

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

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

AGENDA ITEM H. VACATIONS NOT REQUIRING A PUBLIC HEARING

1. Vacate the 10-foot utility easement along the westerly boundary of Tract A-2A granted by Rumley – Collie Five (Plat HM 89-36); and vacate the 10-foot utility easement along the easterly boundary of Tract A-1A granted by Rumley – Collie Three (Plat HM 87-67); also shown on Rumley – Collie Subdivision Six (Plat HM 2000-28); within Section 11, Township 6 South, Range 13 West, Seward Meridian, Alaska, City of Homer and within the Kenai Peninsula Borough. KPB File 2013-164

Staff Report given by Max Best

PC Meeting: 10/28/2013

Purpose as stated in petition: Lots are being replatted and combined. Vacation eliminates utility easement running thru the center of the resulting lot. Also easement area is being used by lot owner.

Petitioner(s): Douglas Fraiman for East End Mini Storage LLC of Homer, Alaska.

Notification:

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

Statement(s) of non-objection

Homer Electric Association
Alaska Communications Systems
Enstar Gas Company
City of Homer

Findings:

1. Per the petition, the easement proposed for vacation is not being used by utility companies.
2. Three affected utility companies have provided written non-objection to the vacation.
3. No surrounding properties will be denied utilities.
4. No letters of objection have been received.
5. Notice of the proposed vacation was sent to the utility companies for review.
6. Homer Electric has utility easements along the East End Road.
7. The City of Homer has no objection to the vacation.
8. The preliminary plat Rumley – Collie Subd Eight combines Tracts B and C making it Tract BC was approved by the Borough Plat Committee on September 23, 2013.
9. The utility easements within Tracts B and C will eliminate all building encroachments running thru Tract BC.
10. All other utility easements will remain in place.
11. If the vacation is approved, it will be finalized by recording Rumley – Collie Subdivision Eight.

Based upon the above findings, **staff recommends** granting the vacation as petitioned.

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

END OF STAFF REPORT

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

MOTION: Commissioner Ecklund moved, seconded by Commissioner Collins to vacate the 10-foot utility easement along the westerly boundary of Tract A-2A granted by Rumley – Collie Five and to vacate the 10-foot utility easement along the easterly boundary of Tract A-1A granted by Rumley – Collie Three based on the following findings of fact.

Findings:

1. Per the petition, the easement proposed for vacation is not being used by utility companies.
2. Three affected utility companies have provided written non-objection to the vacation.
3. No surrounding properties will be denied utilities.
4. No letters of objection have been received.
5. Notice of the proposed vacation was sent to the utility companies for review.
6. Homer Electric has utility easements along the East End Road.
7. The City of Homer has no objection to the vacation.
8. The preliminary plat Rumley – Collie Subd Eight combines Tracts B and C making it Tract BC was approved by the Borough Plat Committee on September 23, 2013.
9. The utility easements within Tracts B and C will eliminate all building encroachments running thru Tract BC.
10. All other utility easements will remain in place.
11. If the vacation is approved, it will be finalized by recording Rumley – Collie Subdivision Eight.

Commissioner Foster asked about the inclusion of staff recommendations from Homer Advisory Planning Commission. Mr. Best replied that those recommendations have to do with the preliminary plat. Commissioner Foster understood then that everything has been taken care of. Mr. Best replied that was correct.

VOTE: The motion passed by unanimous consent.

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

AGENDA ITEM J. SUBDIVISION PLAT PUBLIC HEARINGS

Vice Chairman Gross reported that the Plat Committee reviewed and conditionally approved 11 preliminary plats.

AGENDA ITEM K. OTHER/NEW BUSINESS

AGENDA ITEM L. ASSEMBLY COMMENTS

AGENDA ITEM M. LEGAL REPRESENTATIVE COMMENTS

AGENDA ITEM N. DIRECTOR'S COMMENTS

Mr. Best stated that staff is working on drafting up new Building Setback standards. They thought that they could have more restrictive standards of when they could allow it and when they shouldn't allow it. It may give the commission more of a basis to deny some of them.

Mr. Best asked the commission to be careful due to flooding and mudslides that is happening around the Borough.

Chairman Bryson asked if there were questions for Mr. Best. Hearing none the meeting proceeded.



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

November 25, 2013

TO: MAYOR WYTHER / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

NOTE: Some of these items appeared in the last report. I have updated them and brought them back in case the Council wanted to discuss.

1. Deep Water Dock Tidelands: As noted in prior reports, the City has applied for conveyance of approximately 13 acres of state owned tide and submerged lands under and around the Deep Water Dock. The City current has a long term lease with the State and the Department of Natural Resources (DNR) for use of these lands. Conveyance of title to the City is important because it will facilitate proposed dock expansion and provide the City with more control over uses of the dock. DNR is presently in the process of evaluating the City's request. It has reached a preliminary finding and proposes to convey the land. We are currently in the public comment period on the proposed conveyance. A copy of the public notice is attached for your information. After the comment period closes, DNR will produce a Final Findings and Decision.
2. Kachemak Drive Path: Attached for your information are two letters from the Homer Foundation and the Homer Area Trails Group regarding a recent presentation to the Council from Homer Area Trails.
3. AAHPA Resolutions: Attached are a set of resolutions that were recently adopted by the Alaska Association of Harbor and Port Administrators. We bring these to you for your information. Bryan will be available to discuss them if you wish. If Council wants to adopt a similar City resolution(s) we can bring them forward for consideration at the next meeting.
4. Deep Water Dock Feasibility Study: Good news here. The amended TORA is now (finally!) signed and we hope to begin the feasibility study soon.
5. Mariner Lagoon: You may have noticed that the entrance to the Lagoon has been closed by recent storms and the result was a big lake. The City, in cooperation with the Corps of Engineers, has dredged the entrance when necessary in order to maintain flushing action and prevent erosion and damage to bird habitat. At the time this

report was written, the Public Works Department was preparing to re-open the entrance in response to public comments and concern.

6. Proposed New Legislation: The Alaska Department of Fish and Game has permitting authority in the Kachemak Bay and Fox River Critical Habitat Area. You will recall that there is a conflict between this plan and relevant state statutes regarding whether a drill rig can moor at the Deep Water Dock and put its legs down. ADF&G has strongly recommended that legislation is needed to address this problem. We are taking this issue on and Katie will be working with ADF&G and our legislators to craft legislation for introduction this session.
7. Improvements at Load and Launch Ramp: This agenda contains a resolution which pledges that the City will provide a 25% match for the proposed load and launch ramp improvements. The source of the funds is yet to be determined as you can see from the Now Therefore Be It Resolved clause. Attached is a memorandum from Katie which discusses some of the possible funding sources. Council may want to consider whether it wants to add this project to the CIP List. It is not there now but putting it there might help leverage funds from other sources.
8. Public Safety Building: At the time this report was written, the RFP for GC/CM proposals was being prepared and we anticipate it will be on the street prior to the meeting. We have tried to project how long it might take before we get some preliminary cost estimates and the soonest might be late February or early March. Keep in mind that we need to advertise, select a proposal review team, select a contractor, draft a scope of work and a contract, have Council approve the contract, and commence work. This process takes time. Recall that one of the first things you want them to do is evaluate several sites. In light of this, and the fact that community buy-in with this project seems tenuous at best right now, Council might want to re-evaluate its lobbying strategy for this upcoming session.
9. Grant Aviation: The City has settled its lawsuit against Grant Aviation for \$25,000. We have received the funds and are in the process of dismissing the lawsuit.
10. New Port and Harbor Building: The most recent committee meeting was very productive. Based upon the meeting, the staff has given new direction to the architects. Cost savings and budget cuts were requested in some key areas and other possible sources of money were identified to fund some features of the proposed design. The consultants were asked to prepare new costs estimates for the Committee meeting on December 4.
11. Planning Commission Initiative: I recently attended a Planning Commission workshop to discuss traffic calming and pedestrian safety. The Commission is interested in this topic, wanted an update on what was being done in this area (if anything) and if there was a role it could play. I provided updates on where we are and discussions to date. We agreed that an appropriate role for the planning staff would be to take the lead in drafting a policies and procedure manual with assistance and input from Public Works, Police, and the Transportation Committee. The Commission would review the document and send it to the Council for final approval.

ATTACHMENTS

1. Letter from State DNR, Re: Deep Water Dock Tidelands
2. Letters from Homer Foundation and Homer Area Trails Group
3. AAHPA Resolutions
4. Trans-Foreland Pipeline Project
5. City of Homer Project Update



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Natural Resources

Division of Mining, Land & Water
Water Resources Section

550 West 7th Avenue, Suite 1020
Anchorage, Alaska 99501-3579
Main: 907.269.8600
TDD: 907.269.8411
Fax: 907.269.8947

October 25, 2013

City of Homer
Walt Wrede, City Manager
491 East Pioneer Ave
Homer, AK 99603

Re: Proposed tidelands Conveyance for the City of Homer

Dear Mr. Wrede,

The purpose of this letter is to provide notice to the city of Homer of a proposed conveyance of state tidelands to the city of Homer in accordance with AS 38.05.945.

Enclosed is a copy of the public notice that explains the proposed actions. Please distribute this letter to those within your organization that may have an interest and submit your comments, if any, by November 26, 2013.

Please contact the adjudicator of this case file, John Dwyer at (907) 269-8531, or email at john.dwyer@alaska.gov if you have any questions concerning these actions.

Sincerely,

A handwritten signature in black ink, appearing to read "John Dwyer".

John Dwyer
Municipal Entitlement Adjudicator

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
PUBLIC NOTICE UNDER AS 38.05.945
CONVEYANCE OF TIDE AND SUBMERGED LAND UNDER AS 38.05.825

CITY OF HOMER
ALASKA DIVISION OF LANDS
ADL 231763

The Department of Natural Resources (DNR), Division of Mining, Land and Water, Resource Assessment & Development, Municipal Entitlement Unit proposes to convey 13.273 acres of state owned tide and submerged lands (tidelands) to the City of Homer pursuant to AS 38.05.825. The tide and submerged land being considered is located in Kachemak Bay off of the Homer Spit.

The public is invited to comment on this action as described in the Preliminary Decision. The Preliminary Decision is available on the DNR Municipal Entitlement website at: <http://dnr.alaska.gov/mlw/muni/>. The public notice is available on the Alaska Online Public Notice System: <http://dnr.alaska.gov/commis/pic/pubnotfrm.htm>.

You may request a copy of the Preliminary Decision or the public notice from the DNR, Resource Assessment and Development Section, Municipal Entitlement Unit, Attention John Dwyer, 550 W. 7th Avenue, Suite 1050, Anchorage, AK 99501-3579; by phone (907) 269-8531, by fax (907) 269-8915 or by electronic mail: john.dwyer@alaska.gov. Comments may be provided in written form to the Division, Attention: John Dwyer at the same above address, fax or electronic mail and must be received on or before November 26, 2013 in order to ensure consideration.

Following the comment deadline, those written responses received will be considered and this decision may be modified to incorporate public comments in a Final Finding and Decision (FFD). Only persons who comment in writing during the public comment period will be eligible to file an administrative appeal of the FFD. A copy of the FFD will be sent to any person who comments on the PD. The FFD will include the appeal instructions. Please direct all inquiries or questions to John Dwyer at the above address, phone, fax or by electronic mail.

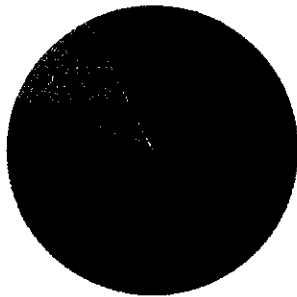
The Department of Natural Resources is prepared to accommodate individuals with disabilities by providing auxiliary aids or services when requested. Individuals with audio impairments who wish to respond to this decision by telephone may call the Department of Natural Resources, Public Information Center in Anchorage between the hours of operation: 10:00 a.m. to 5:00 p.m., Monday through Friday at TTY: (907) 269-8411.



City of Homer Project Update

The City of Homer Public Works Department has been busy this summer maintaining, improving and constructing new infrastructure. As Homer heads into winter, it is a good time to take stock of all that has been accomplished.

2013 COH Funding Source for all Construction Projects



- State Grant
- User Fees/Property Owner
- City Funds including HART/HASWP
- Federal Grant

The pie chart to the left shows how the funding for capital construction projects is divided this year. The largest category, state grants, consists of grants obtained through the state capital budget process with the help of Homer legislators. User Fees/ Property Owner represents funding from user fees such as moorage at the Port and Harbor and special assessment districts where property owners each pay for a share of an improvement. The City of Homer taxpayer paid for 12% of the improvements, mostly through the Homer Accelerated Road and Trail and Homer Accelerated Water and Sewer Programs where a percentage of sales tax is dedicated to road/trail and water/sewer projects, respectively. Federal grants make up the smallest slice of the pie at 7%.

Natural Gas

Trunk Line

The trunk line brings gas from Anchor Point into Homer. It is complete and gas is flowing. (Funding: State Legislative Grant and user tariff)

Distribution System

A little over one mile of the Natural Gas Distribution system scheduled for this year is left to construct. Contractor United Technologies Incorporated anticipates wrapping up this years construction by mid-November. Construction will resume next year on the second phase (outer City) as soon as weather allows in the spring. (Funding: Property owners through a special assessment district)

Converting City Buildings to Natural Gas

City facilities scheduled to be converted to natural gas this year include: sewer treatment plant, public works, animal shelter, library, city hall and airport terminal. Conversions began the first week of November. (Funding: City of Homer General Fund and Sewer Reserve)



Enstar contractors trenching the trunk line.

Homer Spit

Harbor Entrance/ Spit Trail Shore Protection

This project protects the new spit trail extension and the mouth of the harbor from erosion. Rip rap was installed this summer and the project is 100% complete. (Funding: Cruise Ship Passenger Vessel tax revenue through ADOT)

Spit Restrooms

Public Restrooms at End of the Road Park (end of the spit next to Land's End) and the Deep Water Dock will be complete in November. (Funding: Cruise Ship Passenger Vessel tax revenue)

Deep Water Dock Fender Replacement

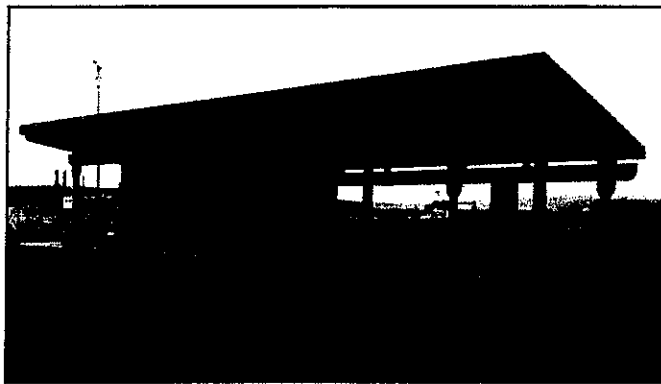
New heavy-duty fenders and floating camels were installed this summer on the face of the Deep Water Dock. This will provide better protection for large vessels, including cruise ships, that dock in Homer. (Funding: Cruise Ship Passenger Vessel tax revenue)

Spit Trail Extension

This project extends the popular Homer Spit Trail from the Nick Du-
diak Fishing Lagoon to the end of the Spit at End of the Road Park
and around the Harbor basin. Trail improvements include paved
lookout areas with benches and interpretive signage. Construction
of the lookouts has begun and End of the Road Park will be paved
this fall with construction completion anticipated in spring of 2014.
(Funding: Cruise Ship Passenger Vessel tax revenue through ADOT)



View of the new fenders at the Deep Water Dock from the water.



The staging area provides a dry place and restrooms for cruise ship passengers and other users of the Deep Water Dock.

Spit Trail Boardwalk Replacement Project

This project replaces the aging boardwalk along the Harbor. The project is 80% complete and waiting for handrails to be installed in November. (Funding: Cruise Ship Passenger Vessel tax revenue through ADOT)

Deep Water Dock Trail/ Cruise Ship Bus Staging Area

This project creates a shelter and paved staging area for cruise ship passengers complete with public restrooms and a guard shack. Construction is in its final stages and should be complete by mid-November. (Funding: Cruise Ship Passenger Vessel tax revenue)

Water Sewer

Redwood Tank Demolition

The 40 year old water tank was removed this fall. (Funding: Water Reserve)

Sewer Treatment Plant Headworks Intake Screen Replacement

The original treatment plant headworks (screening and solids removal at the beginning of the sewer treatment process) is being upgraded to facilitate better treatment. New screens are currently in production with a target installation date this December. (Funding: Sewer Reserve)

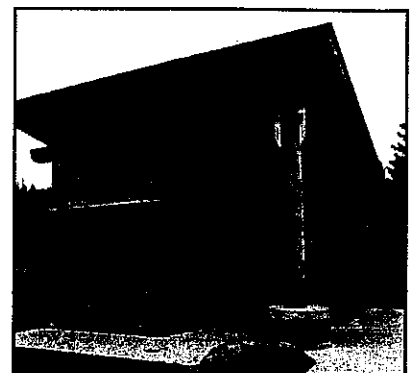
Kachemak Drive Water and Sewer, Phase II

Water and sewer lines from East End Road south 8200 feet on Kachemak Drive were installed this summer. (Funding: Property owners through a special assessment district and Homer Accelerated Water and Sewer Program)

Downtown Homer

Downtown Restrooms

Two new public restrooms are nearing completion - one at WKFL park and the other on the west end of Pioneer across from Bartlett and Main. The restroom structure is complete and interior finish work will be wrapped up by the middle of November. (Funding: Cruise Ship Passenger Vessel tax revenue)



Restroom on Pioneer Avenue.

Karen Hornaday Park Pavilion

The final stage of Phase II improvements to Karen Hornaday Park are well underway. This includes building a new picnic shelter complete with a fire circle and benches. The shelter should be complete by mid-November. (Funding: State of Alaska Legislative Grant. Bench and fire pit sponsored by Homer-Kachemak Bay Rotary Club and private donor).



Karen Hornaday Park Pavillion under construction.



New signage and cross walks in Old Town make it a safer environment for pedestrians.

Old Town Pedestrian Safety Improvements

The businesses and residents in Old Town have been working with the City on pedestrian crossings, road improvements, non-motorized trails and signage. Paving and signage is complete and striping will occur with decent weather in the spring. (Funding: Homer Area Roads and Trails)

Beluga Slough Trail Improvements

Slippery plastic board walk was replaced this summer with estuary friendly raised boardwalk on the popular Beluga Slough trail. Interpretive signage along the trail is the last stage to complete this project. (Funding: Coastal Impact Assistance Program, U.S. Fish and

Wildlife)

City Roads

City Street Repaving

Various local streets were paved this summer including portions of Soundview, Fish Dock Road, Ice Dock Road, Smoky Bay Way, Klondike Avenue W. Fairview, Town Heights Land, Greatland street and FAA drive. (Funding: Homer Accelerated Roads and Trails)

Crittenden/Waddell Road

This project brought the road and drainage at Crittenden and Waddell up to urban road standards. (Funding: property owners through a special assessment district and Homer Accelerated Roads and Trails)

More in the works...

Projects currently in the design phase:

New Water Storage Tank

Shellfish Water Main Extension

Kachemak Drive Phase III Water Main Extension

Homer Spit Cast Iron Water Main Replacement

New Port and Harbor Building

New Satellite Fire Station on Skyline Drive

Deep Water Dock Expansion (feasibility study)

New Public Safety Building (Preliminary Design)

Ramp 3 Replacement

Electrical Upgrades for Large Vessels (System 5 at Homer Harbor)

Harbor Float Replacement

Chip Pad Runoff Water Quality Improvements

Homer Spit Barge Haulout Facility



Paving Fish Dock Road on the Homer Spit.



US Army Corps
of Engineers
Alaska District

Special Public Notice

SUBJECT: Service area guidance for mitigation banks and in-lieu fee programs operating in the U.S. Army Corps of Engineers, Alaska District

PUBLIC NOTICE DATE: October 31, 2013

EXPIRATION DATE: November 15, 2013

PURPOSE: Due to the increased interest in compensatory mitigation in Alaska, the need for consistency (where appropriate) is evident. In an effort to provide direction for the regulated public, mitigation bank sponsors, and in-lieu fee program sponsors, the U.S. Army Corps of Engineers, Alaska District (Corps) has drafted the following guidance for establishing service areas for mitigation banks and in-lieu fee programs proposing credits to compensate for losses under Section 404 of the Clean Water Act, and Section 10 of the Rivers and Harbors Act of 1899. It is the Corps' intent to apply a watershed approach to approval of new mitigation bank and in-lieu fee sites immediately. This notice and service area example is to inform interested parties of the new guidance and request comments. This notice may also be viewed at the Corps website: www.poa.usace.army.mil/Missions/Regulatory/SpecialPublicNotices.

AUTHORITY: Compensatory Mitigation for Losses of Aquatic Resources, 33 Code of Federal Regulations (CFR) Part 332 (Mitigation Rule)

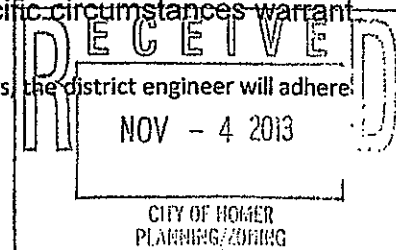
LOCATION: All mitigation bank and/or in-lieu fee sites proposed throughout the State of Alaska

BACKGROUND: A service area is the watershed, eco-region, physiographic province, and/or other geographic area within which the mitigation bank or in-lieu fee program is authorized to provide compensatory mitigation required by DA permits¹. The service area must be appropriately sized to ensure that the aquatic resources provided will effectively compensate for adverse environmental impacts across the entire service area (33 CFR 332.8(d)(6)(ii)(A)).

The Mitigation Rule requires the Corps and the Environmental Protection Agency to take a watershed approach to compensatory mitigation. A watershed approach is intended to maintain and improve the quality and quantity of aquatic resources within watersheds through strategic selection of compensatory mitigation sites. Therefore, the primary factor the Corps will use when determining service areas will be based on the U.S. Geological Survey Hydrological Unit Codes (HUC) which are mapped to identify sub-regions and watersheds.

GUIDELINES: In Alaska, establishment of service areas will follow these guidelines unless site specific circumstances warrant deviation from them. If site specific circumstances warrant

¹ In determining the appropriate compensatory mitigation to offset DA permitted impacts, the district engineer will adhere to the general compensatory mitigation requirements outlined in 33 CFR 332.3



deviation from these guidelines, the mitigation bank or in-lieu fee sponsor shall provide supporting documentation to justify this. All proposed service areas will be reviewed by the IRT and approved by the Corps. Each approved mitigation bank site or in-lieu fee project for umbrella instruments will have its own service area identified in the umbrella mitigation bank instrument or the in-lieu fee program instrument that correspond to the guidance below. As a result, the in-lieu fee program or mitigation bank site may not provide compensation throughout the advance credit service area identified in the in-lieu fee program instrument or general service area in the Umbrella Mitigation Bank Instrument.

1. Primary Service Areas². The primary service area is the designated geographic area, as described above, wherein a mitigation bank or in-lieu fee program can reasonably be expected to provide appropriate compensation for impacts to aquatic resources. For purposes of addressing Corps mitigation requirements, a mitigation bank's or in-lieu fee program's primary service area will have priority over any other approved mitigation bank's or in-lieu fee program's secondary or tertiary service areas, where appropriate credits are available.

In the Municipality of Anchorage, the primary service areas shall be established using a 10-digit HUC (watershed). In all other regions, the primary service areas shall be established using an 8-digit HUC (sub-basin) (see attached Service Area Guidance Example).

2. Secondary Service Areas. The secondary service area is the designated geographic area wherein a mitigation bank or in-lieu fee program can reasonably be expected to provide appropriate compensation for impacts to aquatic resources.

The secondary service area may be utilized for compensatory mitigation for any DA permit if: there are no available credits at any primary service area mitigation banks or in-lieu fee programs; and the applicant can demonstrate with supporting documentation that the credits in the secondary service area will compensate for the lost aquatic functions at the impact site.

In the Municipality of Anchorage, the secondary service areas shall be established using an 8-digit HUC (sub-basin). In all other regions, the secondary service areas shall be established using a 6-digit HUC (basin).

3. Umbrella Service Areas. For the purpose of this document, the umbrella service area is the maximum designated geographic area wherein an umbrella mitigation bank or in-lieu fee program can reasonably be expected to provide compensation for impacts to wetlands, streams, stream corridors, and/or other aquatic resources.

The umbrella service area shall be established using a 4-digit HUC, eco-region, or similar approach determined to be more appropriate through consultation with the IRT and approval by the Corps. Advanced credits not associated with an in-lieu fee project site may be utilized for compensatory mitigation for any DA permit if there are not available credits of the type and/or amount in the primary or secondary service area of a mitigation bank or in-lieu fee program.

Attachment

² In accordance with Mitigation Rule (33 CFR 332.3(b)(2)), preference will be given to mitigation bank credits, unless the in-lieu fee program has released credits, or the district engineer determines an alternative to mitigation bank credits to be environmentally preferable (33 CFR 332.3(a)(1)).