HOMER ADVISORY PLANNING COMMISSION
491 E PIONEER AVENUE
HOMER, ALASKA

January 2, 2014
5:30 Thursday
Cowles Council Chambers

WORK SESSION AGENDA

1. Call to Order 5:30 p.m.

2. Discussion of Items on the Regular Meeting Agenda

3. Bylaws **page 219 of regular meeting packet**

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

5. Commission Comments

6. Adjournment

HOMER ADVISORY PLANNING COMMISSION
491 E PIONEER AVENUE
HOMER, ALASKA

January 2, 2014
6:30 Thursday
Cowles Council Chambers

REGULAR MEETING AGENDA

1. Call to Order

2. Approval of Agenda

3. Public Comment

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

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 December 4, 2013 meeting **pg. 1**

B. Decisions and Findings for Staff Report 13-85 CUP 13-13 Request for more than one building containing a permitted principal use, a residential duplex at 3850 Heath St. **pg. 21**

7. Reports

A. Staff Report PL 14-01, City Planner's Report **pg. 27**

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 14-02, Draft Ordinance 14-XX Amending HCC 21.71.050(d) to allow a simple majority vote for approval of Conditional Use Permits **pg. 41**

B. Staff Report PL 14-04, Draft Ordinance 14-XX Amending HCC 21.12.020 and 21.12.030 to allow one accessory dwelling unit as a permitted use on a lot served by city water and sewer **pg. 47**

9. Plat Consideration

A. Staff Report PL 14-05, Barnett's South Slope Sub. Quiet Creek Park Preliminary Plat **pg. 55**

10. Pending Business

A. Staff Report PL 13-93, Amending the HAPC Bylaws & Policies and Procedures **pg. 219**

11. New Business

12. Informational Materials

A. City Manager's Report from December 9, 2013 City Council Meeting **pg. 239**

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 15, 2014. A work session will be held at 5:30 pm.

Session 13-18, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on December 4, 2013 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: BOS

STAFF: CITY PLANNER ABBOUD
PLANNING TECHNICIAN ENGEBRETSEN
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Venuti called for a motion to approve the agenda.

SLONE/HIGHLAND SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Public Comment

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

None

Reconsideration

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

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

HIGHLAND/SLONE SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

A. Staff Report PL 13-89, City Planner's Report

City Planner Abboud reviewed his staff report.

Public Hearings

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

A. Staff Report PL 13-80, CUP 2013-12 Request to Build a 160' Communication Tower at 5700 Easy Street

City Planner Abboud reviewed the staff report.

Brian Kincaid, applicant and Chief Operating Officer of Kodiak Kenai Cable Company, addressed the Commission regarding this project and noted that a native corporation is the parent company. He explained that he currently runs an undersea fiber optic network that feeds from Anchorage to Kenai and Homer, over the island of Kodiak and to Seward, and have been building out microwave systems to extend broadband service from that network. It has made a huge difference to the Kodiak local community. In progressing the business plan he has been expanding broadband service into smaller villages for schools, libraries, and medical clinics, as these are highly needed services. They have microwave systems carrying the services in Kodiak and Old Harbor, and Akiak is next. He has been building communications in Alaska for 32 years, including undersea fiber, satellite, and microwave. He installed the satellite service to Port Graham and Nanwalek in 1984, and recognized the need and also the potential for broadband service in looking at the Homer area. There are a lot of economics when building a system over so much water that has precluded other carriers from doing it. In selecting a property they looked for one that would be able to feed multiple regions over the whole area from one location. Serving multiple locations results in cutting costs and making it a doable project. Mr. Kincaid explained that studies and surveys were completed in deciding on this property. This is a centrally located point that will be fiber optically connected to the undersea landing station, and will be able to reach Port Graham, Nanwalek, Halibut Cove, the Russian communities at the far east end of Kachemak Bay, and also Nikolaevsk. They considered other locations, but no one location could feed all these areas from one lot. They worked with an environmental agency in the process to determine the property was a valid location. It is also an ideal location because it is close to commercial power and fiber to connect to their landing station. Mr. Kincaid further explained that from a radio frequency (rf) perspective its ideal to be back from a ledge because going over so much water will cause it to reflect back into the antennas as the tide changes. Part of the design is to get it back away from clear visibility of the waterline. The location benefits them from an rf perspective and from a visibility perspective as it is back in a treed area.

Chair Venuti opened the public hearing.

Jim White, Director of Information Services for the Kenai Peninsula School District, said he is responsible for data communications for the school district. Mr. White is in favor of this communications tower and the school district could likely be considered the anchor tenant for the tower. The district has had satellite communication in Nanwalek and Port Graham for over 10 years. What consumers pay for DSL in the tens of dollars, the district pays in the thousands of dollars every month for satellite services to those two communities. The service is poor but has been their only option, so last year he put out an RFP for a microwave terrestrial solution. Mr. White explained that it is expensive for the school district to do it, but not as expensive as what they are paying now, and they will get a tenfold increase in band width. It is very important to the communities as seen from the letters in the meeting packet. Mr. White said they have no other options and this is very important for the school district to get this service to those communities. He believes that by starting this process, other services will also come to the community that will be more affordable to the residents there.

Scott Adams, city resident by annexation and resident of the area for 35 years, commented that Homer Electric Association has a communication tower in the back yard that is approximately 100 foot, the lights at the harbor are 150 foot; now you are going to go another ten foot. The square footage is only by footprint, but you can imagine how tall the tower will be. They want to put 8 foot dishes on it. It might be back in the trees a bit, but there are houses in the area. He thinks it's a bad idea. The covenants of the subdivision say this shouldn't be there, so he thinks they need to have this on the spit or somewhere else. The towers on the ridge now will be dwarfed by this, there will be lights on it, and you'll see it when you drive on Skyline. He is also concerned about air traffic being diverted his way as well because he lives 3/8 of a mile away from this.

Kevin Dee, Executive Director of Ageya, apologized for his late written comments. They have owned a business in an area at the end of Easy Street, behind the tower location. They have been in business since 1984 and adjoin the Wynn Nature Center. They weren't aware of a tower going in until today. Their issues with the application as presented include some inaccurate technical components the City Planner gave. They believe it is an inconsistent application in that the property owner hasn't signed the application. The property was quit claimed from Kyle Clapp to Kelly Clapp and she did not sign. He requested they postpone and reset the clock to allow them to gather more information. They believe they will be a significantly impacted business and property owner on the hill. They have experience in that they have a 100 foot wind turbine on the Ageya wilderness property. While they contacted adjacent property owners, also to properties on Crossman ridge and Lookout Mountain, they knew a 100 foot tower would be affecting anyone who could see it. It was a conforming use, but they worked to be a good neighbor. What's happened here is the Planner is taking a microscopic view according to code, which is what he's supposed to do, and looking from that point of view and just what is touching the property. Mr. Dee said it will affect his property values, his business, and his views. A tower that is 160 feet will be seen from the spit. He can see his wind turbine from the end of the spit and from Lookout Mountain. This will be a huge eyesore affecting many of the property owners. Of the ten phone calls he made today, he reached 8 people who were all opposed. Part of why we live in Homer is the views. They are a tangible commodity that both Bay Realty and Story Realty say affect the components of property value. He supports broadband expansion into the villages; however there are already impacted areas like the tower farm they could use.

Randy Dobbs, General Manager of ACS for the southwest district, which encompasses Soldotna and Homer said he has owned and maintained tower systems for 20 years. He worked with Mr. Kincaid in looking at these sites and stated that this location is a very prime location to bring these services to the communities across the bay. He thinks they have 4 or 5 of these towers across the peninsula and initially people do have issue with them, but typically when they are done, it's the last they hear of it. He supports this project and ACS will be running services to the communities. They currently run a microwave system similar to this into Seldovia and they have been using it as an economic driver in trying to bring businesses into Seldovia, and it has made a powerful impact to the community. He thinks it will also happen in Port Graham and Nanwalek.

Charles Davis, city resident, said he is generally supportive of what the first nation people need to make their lives better, but hopefully the site of this has allowed for an accident to occur. He questions whether it will be near buildings that can be damaged by the blowing over or falling over of the tower. He thinks they are having the same controversy in the valley. Hopefully one of the conditions being considered is that it will be situated in such a way that it can't fall and damage other people's property.

There were no more comments and the public hearing was closed. The floor was open to the applicant and staff to rebut.

Staff had no rebuttal.

Mr. Kincaid commented that they looked at Mr. Dee's property that has the wind turbine and did a lot of studies from surveying. Their line of site will be about the 40 foot level of his wind turbine, so from an elevation stand point the base of his turbine is 100 foot above where this tower will start. The studies also showed you would have to be 30 foot up from the ground at Mr. Dee's house to see the top of the tower, based on the tree line and based on proximity to his property. The business Mr. Dee runs is to the east and it rolls downhill and they think the problem is less and less as you go out into the campsites.

Mr. Kincaid responded to commission questions.

In relation to properties within 160 feet that could be damaged in the event of a fall, Mr. Kincaid explained there are some connexes in the area that are used for storage that could potentially be in the line of a fall. But the FCC is heavily regulated on the tower and its design, and this specific tower is rated at 130 mph for a sustained gust, with icing on it that would obstruct it, which means that it will actually sustain 150 mph of sustained wind. They don't feel there is the potential for it to fall over, and they wouldn't build it if they did.

In relation to site preparation he explained that there is driveway and parking area in front of where they are placing the tower. The piling foundation doesn't require any gravel, and the hut that houses the equipment is inside the tower. They are not planning to gravel underneath it at all, and the effect to the ground surface would be four large pilings driven approximately 30 feet down.

In relation to the quit claim of the property, Mr. Kincaid advised that in working with Chris Story through the process he understands that they were in the process of transferring title from Kyle Clapp

to Kelly Clapp prior to this. His understanding is that Kelly did sign and sees it as a non-issue. City Planner Abboud explained that Kelly Clapp did initial the pages of the CUP application, and the current property owner would be required to sign for any zoning permitting if this is approved.

Regarding lighting, Mr. Kincaid explained that there is a formal procedure to go through, which goes out to comment for air carriers. It is not guaranteed they will require lighting, but if they do, they have specialized lighting that only puts it out in a certain direction, as they will consider the light pollution. They follow FAA guidelines and at this time there is not a ruling. The original environmental survey says it's likely they won't, but he can't imagine they won't ask them to. It is part of the process that comes next.

In response to concern noted in a letter from Joe Lewis Carter, Jr. about having difficulty dealing with the company, Mr. Kincaid explained his dealing with Mr. Carter regarding negotiations to provide broadband to his location. Mr. Kincaid said he would bring service to Mr. Carter, but it was revealed that Mr. Carter did have broadband communication. He thinks that was what Mr. Carter was referring to in the first section.

Question was raised how this tower would benefit Homer. Mr. Kincaid explained that it right now it has no impact to service in Homer. This is a very focused beam system, where basically they are shooting at a dot at a mountain on the other side of the bay. You can't build these long over water shots near the water because of the reflective properties of the water. There may be services deployed from the tower, but in its current design there are no services that affect the city of Homer.

Mr. Kincaid explained that this system does not put out radiation like a typical cell tower environment, these are focused beams. All the energy is focused in a very narrow path, directly to another point across the bay. With a service that is serving an area, it broadcasts down and radiates the area with an rf level deemed safe for the public. This tower does not radiate down.

Mr. Kincaid said he has not been approached by City of Homer Police or Fire Departments about installing communication equipment on the tower, but typically they do get warning systems, and they encourage it.

Mr. Kincaid said that several locations were looked in the search for a spot for the tower. The business plan has to support more than two villages, and they looked from Anchor Point on down through Kachemak Bay. The other end of this will be in up to the east of Port Graham on Dangerous Cape. There are other locations where there are towers in place, but the sight was limited. They made the tower as low as they could to make the path work. Mr. Kincaid explained that they launched a blimp with a measuring stick off of it and flew around in a helicopter with an rf engineer to make it as low as possible while maintaining the clearance to ground they needed.

STEAD/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 13-80 CUP 13-12 AT 5700 EASY STREET FOR PUBLIC UTILITY FACILITIES AND STRUCTURES AS PERMITTED BY HCC 21-12-030(g), WITH STAFF RECOMMENDATIONS AND FINDINGS.

Commissioner Sonneborn commented that the burden of determining whether something will affect adjacent property owners greater than other conditional uses is very difficult. She questioned how

they determine it. City Planner Abboud responded they could go down the list of permitted and conditional uses, make their judgment, and put their value statement on the record.

Commissioner Slone said the applicant has done a pretty good job of proving due diligence and it is clear there will be some residents negatively affected with respect to the view in the area. He agrees it may not be as strong as they have indicated. He doesn't think it will be a measure affect. The project has a tremendous social value for the the communities on the other side of the bay. Since it isn't going to benefit Homer he questions how much of a social obligation they have as City of Homer Planning Commissioners to provide benefit to the other communities.

Commissioner Highland commented that this is difficult when there are people who oppose it and thinks they should consider more time as Mr. Dee asked for to coordinate collection of opposing signatures on a petition. City Planner Abboud explained that this CUP has been noticed three times, starting in October, and we are running out of time to make a decision. Delaying to allow opposition to garner support would be an unusual precedent to set.

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

Motion failed for lack of majority.

SONNEBORN/HIGHLAND MOVED TO RECONSIDER.

Commissioner Sonneborn wanted to have some more discussion before voting yes.

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

Motion carried.

Commissioner Sonneborn commented that she doesn't think they have had good evidence either way to say whether or not this will affect property values. City Planner Abboud said it will affect property values, the question is will it affect them greater than anticipated from any other possibilities that are allowed in the district.

Commissioner Sonneborn responded she sees that although property values will probably be affected by this change in the view shed, they will not be more affected than it would be by other uses like a heliport.

Commissioner Highland said her concern is that in hearing the objections from property owners and thinking about if she was in that situation, it comes up against the technological world and needs, and the better good of a larger area, versus those that are affected living near it. She recognizes the work the company did, and trying to weigh the needs of high tech versus the place where you build your home and business. She is having trouble with it.

Commissioner Stroozas commented that communication towers of this type are here to stay, it's part of life today. This particular project will enable many people outside of Homer to improve their quality of life. We happen to be strategically located to the point that we can enable it to happen. He lives in an area where he looks at these towers all the time. One is about 600 feet from his house. He enjoys the good internet service and everything he gets from them. It has made his life better as it has for many people who live in Homer. Let's help our fellow citizens across the bay and in these communities that need it. This is the 21st century. Let's accept it and move forward.

Chair Venuti asked what happens if this doesn't pass. Mr. Kincaid replied they would have to start again at square one, and go through a budget approval process for spend more money on planning and design. It may not be a deal killer, but likely it would mean areas would fall off from the ability to touch from one site, and would affect the business plan and its whole premise. Cost is a factor from the return on investment stand point in that it is expensive to build this type of system. It is a carrier grade system designed to haul medical clinics so that it will never go down.

Commissioner Slone commented he was conflicted also but reaffirmed that the greater good concept is very significant to him. We are talking about communications to use for education and quality purposes. Enhancing other community's quality of life, more people will want to reside there, and he is certain it will rebound back in some way to the benefit of the people in Homer.

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

Motion carried.

B. Staff Report PL 13-85, CUP 2013-13, Request for more than one building with a principle permitted use, a residential duplex, at 3850 Heath Street

City Planner Abboud reviewed the staff report.

Kenton Bloom, applicant's representative, commented that this is a genuine attempt to make the conglomeration of existing buildings in to something more of a neighborhood approach that will include green spaces and more connectivity. He gave an overview of the uses that make up the general area that include commercial and residential. Mr. Bloom said his client is amenable to all the conditions the City has presented. He highlighted that they are going to add post mounted lighting in the grassy island, and the landscaped areas will be bordered to delineate the green spaces. There will be an enhancement to the green belt area by Heath Street. In the big picture, this is an interim improvement for a long term vision that is being addressed. At some point the sight will have a bigger purpose than these cabins. His client is looking at a 10 to 15 year plan to develop something more in tune with what we want to see in the character of the city. In terms of design, the buildings have porches, and he is encouraging the applicant to cover the porches on the existing buildings as well.

Chair Venuti opened the public hearing.

Charlie Davis, city resident, commented that he doesn't see what the compelling interest is to tell people what to do on the property. He is in favor of letting people do what they want. He doesn't see

the point in regulating. We have the most unique town, and we don't want to make it like Butte, Montana.

There were no further comments and the hearing was closed.

There were no rebuttal comments.
Mr. Bloom responded to Commission questions in reference to Frank Griswold's written comments.

Regarding health, safety, and welfare with respect to the inordinate amount of calls to Homer Police Department from that area, Mr. Bloom said he did not have time to confirm whether that is true. His feeling is that the way it is being approached to create a more attractive space, it will inevitably improve the area if there is a bad situation there. He finds it hard to get to a place where it is a detriment to make it better. He further noted that combining the negative behaviors described with seasonal workers or transients in the same lot as being undesirable is probably not something that they would accept as an honest appraisal.

In respect to the setback concerns, Mr. Bloom reiterated that they are in agreement with the staff's recommendations, so that would mean they would be incompliance with the setback from the top bank of the drainage. It will reduce the square footage in the dwelling and/or change the alignment.

City Planner Abboud responded to concern expressed regarding health hazards from buried vehicles, and other potential to be associated with them. He explained that he doesn't have knowledge of buried vehicles on the property. If there is, maybe it is a different organization that should look at that.

HIGHLAND/SLONE MOVED TO ADOPT STAFF REPORT PL 13-85 CUP 13-13 FOR MORE THAN ONE BUILDING CONTAINING A PRINCIPLE PERMITTED USE ON A LOT AT 3850 HEATH STREET WITH STAFF RECOMMENDATIONS AND FINDINGS.

Question was raised about Mr. Griswold's comments about zoning violations. City Planner Abboud commented that when the applicant comes through for the permit for the duplex, they will look at the whole site. Permitting this building will require that it meet all of today's standards of a site plan review.

In relation to a secondary sewer system, City Planner Abboud explained that water and sewer is approved by Public Works, who will have to approve and sign off on a plan before the City Planner can permit it.

Lastly, regarding the construction of a driveway, City Planner Abboud said in situations like this where you have a long term, existing driveway, the State will most likely permit it. They can request the applicant consult the right of way agent for that. Past experience has shown a drive that has long existed was not altered even though it didn't fit current distance regulations. The courthouse is an example.

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

Motion carried.

C. Staff Report PL 13-98, Draft Ordinance 13-42(A) Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Extend Time Required to Discontinue a Nonconforming Use from 2 months to 24 months.

City Planner Abboud reviewed the staff report and acknowledged the Commission had extensive discussion at the worksession on whether to leave it at less than 24 months or increase it to more than 24 months. He noted that he doesn't have an objection to 24 months. In the bigger picture there are other avenues the Commission can address uses and zoning in the area.

Chair Venuti raised the point of an interest in relation to the Bayview Inn property specifically, and question if it may be a conflict in this matter. City Planner Abboud clarified that this is not a quasi-judicial action. This is a legislative decision that will affect all properties and the discussion needs to be broader than one property. Commissioners Slone and Highland expressed agreement with City Planner Abboud and no other Commissioners expressed objection.

Chair Venuti opened the public hearing.

Corbin Arno, city resident, commented in support of changing it to 36 months. 12 months definitely isn't long enough when dealing with an estate, and 24 may not be enough either. Change it to 36 and let's be done with it.

Scott Adams, city resident, commented that with the 24 month limit the hotel wouldn't have made it because the time has passed. Between their conversations in the last few months the seller was unable to sell because of the lots nonconformity. If they still had it, it would look better to purchase. Saying they fell off the time frame has been revolving around what the Commission and City Council decide. It is unfair to play that into the game, if it would have been longer than 12 months, this issue would already be taken care of, the property would have been sold, and no one would have to be at these meetings over and over again.

Charles Davis, city resident, commented it was his understanding from Council that putting this back to the Commission would result in another solution. It's not really about how many months; it's about what happens to us when we can't continue the use of a property in the same way after 35 or 40 years. Now we have all these complicated rules and it comes down to pinch, and who is it going to pinch next. Hopefully there will be some kind of general solution that would apply in all the different cases. He questioned the compelling interest in doing this to us is.

There were no further comments and the hearing was closed.

Commissioner Sonneborn commented that it seems they are dealing with more than one problem at the same time. The problem that the City doesn't allow enough time for a continuance to happen if someone dies and there is any kind of problem with the estate. She would like them to extend the

amount of time for nonconforming use to be continued. She would like to see them solve the problem for the Bayveiw Inn specifically and look at rezoning the area as mixed use.

Commissioner Stroozas commented that times have changed since these laws were written and in his opinion, it takes longer today to get through the legal process than it used to. A 36 month period is in order in this particular case.

Commissioner Stead doesn't understand why they want to change it at all. He closed several family members' estates in six months or less. He doesn't understand the overall drive of this change. If they want to rezone, we can talk about that. If it's about preserving wealth, then it needs to be done a different way. It doesn't make sense to him to extend it.

Discussion ensued recognizing the various opinions of whether to extend the time limit and the Commission's desire to address the larger issue of nonconforming, allowed uses, and zoning in this particular area.

SLONE/HIGHLAND MOVED THAT THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL ADOPT ORDINANCE 13-42(A) AMENDING THE DEFINITION OF "DISCONTINUED" IN HCC 21.61.015, DEFINITIONS TO EXTEND TIME REQUIRED TO DISCONTINUE A NON CONFORMING USE FROM 12 MONTHS TO 24 MONTHS.

SONNEBORN/SLONE MOVED TO AMEND THIS MOTION TO EXTEND THE TIME FROM 24 TO 36 MONTHS.

Commission Slone commented in disagreement to the amendment. He agrees with Commissioner Stead's comment. He feels like they don't need to reinvent the wheel regarding the nonconforming timeframe. The property owners have other avenues to attempt to find resolve, whether it be to appeal to City Council or to a higher court. The Commission is tasked to review and make recommendation to Council and he doesn't see any basis to modify it.

Commissioner Highland read an excerpt from a point of view by Lane Chesley in a recent edition of the Homer News. He says typically most codes define discontinued as a period of 12 consecutive months where the use ceases to exist and once discontinued it can't come back. She said another idea he included was that under specific conditions it's possible the time period to sell or lease a property would not count against the 12 consecutive month rule. She added that she doesn't agree with 36 months.

Commissioner Slone added that through the process of the Comprehensive Plan and city ordinances defining uses in districts, the community at large has weighed in on how to address the nonconforming uses in their zoning district in that they terminate because the uses are no longer suitable, compatible, or the best use of the property. He reiterated there is no compelling evidence to make this amendment.

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

Motion failed.

Discussion ensued regarding the main motion. Commissioner Slone acknowledged the need for the development of concepts and the need to refine this in the near to immediate future with respect to these types of issues.

Commissioner Sonneborn asked about an amendment to make it 12 months from the time the estate has been settled. City Planner Abboud said the Commission has already made a recommendation to something of that nature.

Commissioner Highland suggested they try to come up with something and incorporate the concept of under specific conditions for discontinuing use. They would have to figure out the specific conditions, look at where are the nonconforming uses are, what are they doing, what problems they are creating, and come up with some specific ideas. She thought this would be an appropriate time to make a couple little changes to it and send it back to Council saying they want to do more work on the issue and consider some broader concepts.

Deputy City Clerk Jacobsen suggested that rather than making amendments on the fly tonight, that the Commission address the ordinance before them and let the Council know if they support the change to 24 months or not, as that is what the Council is asking. The Commission has given Council the message that they want to work on nonconforming for the City, and the Commission can certainly do that at future meetings.

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

Motion carried.

Plat Consideration

A. Staff Report PL 13-94, Paradise Heights Subdivision 2013 Replat Preliminary Plat

Planning Technician Engebretsen reviewed the staff report.

Doug Stark, applicant, commented that the lot line created 25 years ago. They found that the house foundation is a foot and a half over line and this action will resolve that issue.

There were no public comments.

SONNEBORN/SLONE MOVED TO ADOPT STAFF REPORT PL 13-94 AND RECOMMEND APPROVAL OF PARADISE HEIGHTS SUBDIVISION 2013 PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was comment that this looks clean and simple.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 13-95, Tietjen Subdivision 2013 Addition Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant to make a presentation and no public comments.

HIGHLAND/SLONE MOVED TO ADOPT STAFF REPORT PL 13-95 AND RECOMMEND APPROVAL OF TIETJEN SUBDIVISION 2013 ADDITION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

Question was raised regarding water and sewer. Staff explained that it would have to be extended from East End Road.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 13-97, Tietjen Subdivision-Compass Addition Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant to make a presentation or public comment.

HIGHLAND/SLONE MOVED TO ADOPT STAFF REPORT PL 13-97 AND RECOMMEND APPROVAL OF TIETJEN SUBDIVISION COMPASS ADDITION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

D. Staff Report PL 13-96, Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat

Planning Technician Engebretsen reviewed the staff report and the amended recommendations that were provided as a laydown item.

Tony Neal, applicant, gave a brief overview of the history starting in 2005 when the plat was approved by the city and approved by the borough. They got wetlands delineation and an ACOE wetlands permit. They permitted every lot and it was ready to go at that time. Since then they have been sitting on it, renewing the plat at the borough, and to his knowledge it is still ready to go. Having taken time off since the plat was completed they did some thinking about the subdivision in relation to road grades and feedback during the previous process. He worked with Kenton Bloom on redesigning the subdivision by looking at the contours of the area to help ensure the lots are buildable. This plat isn't substantially different, but each lot has an identified building site and total lots have reduced from 90 to 71. In relation to storm water they will be incorporating rain gardens and vegetated depressions to

hold water from lots. They also incorporated shared driveways to preserve land rather than develop more streets that the city has to maintain. Traffic calming techniques have been considered. The development will be done in phases and will take four to five years, giving the city time to make plans for the streets that include Shellfish, Heath, Anderson, and accesses to Mountain View and Elderberry. Mr. Neal explained that they rented the council chambers and held a couple of community meetings a month or so ago. He thinks it's a beautiful project and a credit to Homer. He asked that the Commission approve it.

Kenton Bloom commented that this follows a pattern of development that his company and others have worked on called Kachemak Greenway Design. It is basically orientation around design elements that relate to the environment and landscape, community amenities, and the overall livability of the development. They look at the dynamics of the land, slopes, watersheds, views, existing vegetation, and so forth, and also building sites. From there follow where roads, trails, and lot lines will fall. Community amenities include two kinds of trails, the road based trail running east and west. North and south there will be three non-road based trails on green belts with open space buffers. There are three parks in the area that are associated with drainages, but there is usable land as well to provide a neighborhood amenity and in one case the extension of an intensive trail development at the high school. Relating to livability, they have the site based design; every lot has a proven access and pad elevation. There are four types of lot configurations, downhill slope or uphill slope with either a terrace or a daylight site. The benefit to the developer is that a lot of things can happen during the course of construction because you have more "knowns". Benefit to the City and community is that there is an understanding that it will really work. The other thing that happens with this modeling is ending up with known vegetative or landscaped buffers between lots that end up being open space that can be looked at as protected areas in covenants and subdivision design.

Chair Venuti opened the floor to public comments.

Ginny Espenshade, city resident off Rainbow Court, commented that every day she walks, skis, or snowshoes with her dog up the trail across the high school cross country trail, just below the south border of the subdivision. The trail doesn't show on the plat and in the past, stakes for this subdivision have shown the trail encroach the property. One of her concerns is that it be clarified that it won't impact the high school cross country trail. A lot of the residents were here for the process 8 years ago, and she appreciates the comments of the applicant that some of what they said had merit, and she appreciates the changes to the plat. Primary concern for her is the runoff. When Bear Creek flooded the first time, the streams behind the high school dumped dirt on the football field, even with all the natural vegetation there. The ponds and rain gardens are great, but at least three times there has been flooding down the slopes. Every driveway and roof will change natural vegetation with impervious surfaces. She hopes they consider their role in traffic calming. If they can vote up or down a plat, they can factor in and require assurances. She urged them to look at the record from 2005.

Tom Kizzia, city resident on Mountain View, commented that he does like some of the changes that have been made, including the trails, lower density, and commitment to build Ronda Street to East End. He is still concerned about the density as it is pretty much the same as his neighborhood, which is urban, and this is rural. He doesn't think it qualifies as a large lot or cluster and open space. The main concern with density for him and his neighbors is the traffic coming out into the neighborhoods to the west. There has been a lot of attention to the other end but it feels to him like the developers

and city staff are kind of mumbling into their sleeve about what is going to happen on the west side. It seems that the conversation about an exit on the west side and the effects of traffic, lack of sidewalks, and narrow residential streets should be taken up at this point. Mr. Kizzia expressed concern about drainage after the flood this fall. In his 12 years, there have been several big floods coming down the canyon. It comes into the back side of the subdivision, passed through, and goes out the other side, which is going to be a concern in the future. Just so the Commission is aware of that and confident that the developers have that figured out and under control.

John Fitzpatrick, city resident on Elderberry, commented that his main concern is the traffic and the construction. They had a water main break on Elderberry this summer and the City coming in with the heavy trucks, you could feel the trucks when they drove by, and could feel movement when they were digging. If Elderberry is used as a prime construction he is worried about structure and integrity of the road. He is worried about traffic patterns if a lot of traffic is coming down the small residential road it will really affect him.

SONNEBORN/SLONE MOVED TO EXTEND THE MEETING ADJOURNMENT TIME TO 10:30.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Tim Moore, city resident on Tasmania, commented that he agrees with the idea of fewer lots. Some new information the first time has been some of the water issue and some of the development on the uphill side of the subdivision. There have been some homes built uphill of him and even though the lots are significantly larger, the damage people had in their homes happens almost every spring. The water would overwhelm existing French drains and people have had to add a second one around their property. He has had to French drain around his entire property to deal with the problem. As we develop the hillside it will be an issue. He really likes the recommendation to require the Nelson Avenue through Ronda Street be completed initially, because that would allow the construction not to impact the neighborhoods. Traffic flow has been one of the biggest concerns.

Paul Gavenus, city resident on Rainbow Court, commented that rural residential in city code is supposed to be low density. He asked them to go to Mountain View and decide if that is low density, and that is what this subdivision is almost exactly like as far as the number of lots in the same sized area. He found five things that aren't to code. Lot 55 is under 10,000 sf. The first drive to the east is less than 60 degrees, and then there is a hairpin turn. He thinks that's a health and safety issue. Sophie Court is too long. Curb 11 radius is 100. An 18 foot driveway for an emergency vehicle is not adequate. He said he thinks the shared driveways are a cost cutting measure so he can have more lots with with a driveway through it and not have to have cul-de-sacs. He recommended postponing action to have a traffic assessment. He thinks they should look at some of the letters from 2005 before making a decision.

Kathryn George, city resident on Mountain View, said she was intimately involved in the discussion previously on the subdivision. The speakers tonight have addressed a lot of her concerns. She thinks

water is a huge issue. She is one of the people who had to put in another drain because one house was built on a lot above her. Looking at 71 houses in the area with the history of flooding, slopes, wetlands, and drainage problems, then sees all the impervious surfaces they are bringing to an already problem area, causes her great concern. The people who have houses below the subdivision and the high school will be impacted in just a normal year. When there is a flood event, she is really concerned. She is concerned about the traffic flow and she isn't sure they have it right yet. She thinks it is better than the previous plan, but would like to see it fine-tuned. She is concerned about the flag lots, there are at least seven, which have access, but it isn't really a usable one, therefore there are these private driveways. That causes her concerns with lawsuits and fire department access. She questioned what a fire department accessible shared driveway is. She would like to see the new wetlands map overlay on this subdivision. She recalls before that it was extensive. They talked earlier about the public interest and the public good. She thinks the traffic and the water impacts are important. She questions if the developer is the only person who can build on the lots. She thinks this development could be improved with lower density.

Robert Patton, city resident, lives below the lot by the old Nelson Road. They moved in about 10 years ago, and the drainage comes in right behind his back yard. When they purchased the house it was called seasonal runoff occurring once or twice a year. With the development up by Tasmania and Quiet Creek, he isn't sure where it comes from but now it runs year round. The drainage is a problem. Maybe they will solve it with their little ponds, but it really needs to be addressed. He questions where the water and sewer will come from.

Vivian Findlay, city resident on Elderberry, reiterates what others have already said about the trails. She encourages maintaining the trails around the highs school. She moved from Wasilla where they don't have those wonderful trail systems. She would hate to see those ruined in any way, and she doesn't see any protection in these plans.

Clyde Boyer, city resident on Elderberry, agrees with the testimony presented about the problems. One additional thing to note is that the streets are all platted the same width but on Bayveiw, Kachemak Way, or Mountain View you will see the pavement is about 4 to 6 feet wider than it is on Elderberry. There won't be room for a lot of traffic through there.

Public Works Director Meyer commented that sometimes after spending hours looking at a large subdivision he comes to the meetings and a light bulb comes on with another thing that the city should be asking for. He recommended a water line easement with a pedestrian access along the waterline easement that would run between lot 15 and 16. It would be an extension off what is being referred to old Nelson Ave. He would still like to see a waterline connection to Nelson Way to eliminate the dead end water lines that exist there to help with water quality. Overlaying it with a pedestrian easement would allow pedestrian access up that corridor.

There were no further public comments.

Mr. Bloom commented regarding some of the concerns that were raised. Regarding the shared driveways, he commented that as of today, the city builds and maintains 18 foot wide roads. The purpose for the shared driveways is not a cheap out, but that the corridor would be impacted by a city street that is 75 feet wide. Putting that in a sloped area has an impact on the viability of having

certain sized lots. Putting in a big street will result in smaller lots. The other thing is they are trying to minimize how many people are on the shared driveways. The final design will meet the city standards of alignment in relation to the roadway. He explained the sewer and water is coming from Ronda Street, at East Road.

Mr. Bloom also commented about the drainage. He explained after observing it closely each day for the better part of three and a half weeks, he noticed the issues happening in the bigger drainages are flow through issues from events on the bluff. There is not erosion or catastrophic failures. Poor soils are endemic to Homer and a lot of this bigger flow factor. In the context of what they are doing, those flows will be un-impeded. The more particular issue of draining issues and their mitigation plan, Mr. Neal talked about rain gardens and retention ponds being integrated. Mr. Bloom said they have an engineer who has completed a storm water design that is still in the initial stages, as there is still work to do with Public Works on a lot of contextual issues that happen. That will come later as this is conceptual approval at this point. He added that they feel very confident that the techniques being used today to deal with off-site water are much more advanced than just the French drain building drain. From his experience, those drains fail because they freeze at the outlet. In the big picture, they think site based drainage management is the way to go.

Regarding traffic, Mr. Bloom said that as a surveyor and a designer, he looks at what is required. If he were to put a cul-de-sac at the end of Nelson, he would not be able to get the plat approved. They have to have connectivity. To make the traffic more reasonable for the existing neighborhoods, they feel like traffic calming is the answer. There are different techniques that will be worked out with Public Works because they will be maintaining it.

Mr. Neal added that storm water has always been an issue to him. There isn't much they can do to deal with the issue at Kallman that was mentioned earlier, but they have dedicated all that area to a park and will give the city and easement to maintain the drainage. At the other end on the upper west corner it is wet and their plan will put it into a better channel and the city can maintain it, and hopefully it will be better. Regarding the question whether a development will impact water on a property, Mr. Neal said that developments do that. Each house will change the impacts, as all houses have roofs. When they did the Anderson Subdivision, there weren't the storm water details there are now. In their case, they are working on the mitigation aspect with the rain gardens so when water comes off the roof, it get stopped before it starts to tumble down and flood. He thinks it's a good plan, and similar plans for storm water control are working all over the United States. In looking at the shared driveways, when you build streets, you have pavement, then water running of that. The shared driveways are a benefit to the land and the community. Mr. Neal said the density of the subdivision meets the code requirement. Lastly, Mr. Neal commented that the wetlands that are there have been delineated and staked by engineers. They aren't filling or disturbing the wetlands.

Planning Technician Engebretsen commented on a question about a definition fire department access. She said there is an international code from which she summarized that fire department access means the road is going to be 18 to 20 feet wide and will have a certain amount of material compaction so a water truck or heavy vehicle can travel it. She said there are also rules about grade and turn around areas. It doesn't necessarily have to be a cul-de-sac as there are other configurations that allow a piece of equipment to be turned around. There is a standard and that is what is being asked of the developer.

Commissioner Highland questioned where the steepest slope on the subdivision is located on the development, the wetlands, and the historical trails. Mr. Bloom referenced the drawing to show the park in the southwest corner, and there is no development there. He added that the building areas on the lots are delineated o the drawings. He explained the wetland information is included on a submittal in the packet and a large drawing that is posted. He noted that some of the information on the submittal is low and wet areas, not all of it are designated as wetlands. He wanted them to see the full context of what they are working with. In the low and wet areas are where they are creating some perimeter drainage and the rain gardens so those lots can be usable. They do have a wetlands determination from the ACOE. On the topic of historical trails, Mr. Bloom said there is one trail that goes through the area and they have made an effort maintain the trail corridor. After his survey, it is his opinion that the high school trail doesn't encroach on the the proposed subdivision, but if it did, they would perpetuate it.
Mr. Stead noted that he doesn't see any delineation of rain gardens in the drawing. Mr. Bloom said that the City provides information for building rain gardens, and that is the modeling they will use. They have an engineer involved who is doing the calculations per the city's formula to provide the right sizing for the variety of different revetments, retention ponds, and rain gardens. In terms of providing a specific site detail, the city has a book of standard construction details, which they are fully on board with regarding subdivision development. Regarding drainages, he noted the areas that are delineated on the drawing by bold dashed lines, are areas having drainage easements so the areas can be managed by the city and undisturbed by the developer and future land owners.

There was brief discussion regarding the drainage locations while referencing the drawing.

Commissioner Sonneborn asked for clarification on what a development agreement is. Public Works Director Meyer explained it is an agreement executed by the developer that promises to do things talked about tonight, building roads, water and sewer, dealing with drainage, put in utilities, and so forth, based on a plan approved by Public Works after the plat is approved. In addition the developer puts up a performance bond as a guarantee so that when lots are sold after plat approval, lot owners can have the guarantee that these improvements will be constructed. If the developer doesn't follow through, the city can take over construction with the performance bond.

Planning Technician Engebretsen noted that the City doesn't have the authority to require the developer put in a sidewalk. Things like street lights, sidewalks, and trails are at the developer's desire. If a developer was going to build those and build them to city specs, it could be included in the subdivision development agreement. Commissioner Sonneborn commented for clarification that the developer is saying he is going to put in rain gardens and trails, but there is no way to ensure it is going to happen. She questioned that with all the concern expressed about drainage, where is the assurance these things are going to happen.

City Planner Abboud noted the drainage easements that are being dedicated and Public Works sees they need to be handled. There are not any more requirements for this subdivision, than in any other.

Mr. Neal commented that the ACOE is involved in that and is part of their wetland permit. What the city doesn't cover, the ACOE often does. At the last plat they had a lot of engineering for a storm water retention plan at that time that was complete and kept water from pouring into these creeks. At

that time it was the larger retention ponds, and now they want to use the smaller retention ponds. The ACOE figures it out the way that it should be.

Public Works Director Meyer reiterated the development agreement performance bond being in place to protect the City and future property owners. He added that most of the time drainage improvements are constructed within street rights of way or dedicated easements that the city can have access to. He thinks they can work with the developer to have reasonable conditions in the subdivision agreement for addressing the drainage and rain gardens.

Mr. Neal noted that they aren't planning to sell lots until the subdivision is built out. Since they are doing it that way there won't be a performance bond so all the work has to get done, with the City's and ACOE approval throughout the process. With that approval in hand, then they can sell the lots. It will be built out in phases.

Mr. Bloom added that they are creating a storm water plan that addresses drainage from the larger context. In the plan there are some larger retention ponds, in addition to the rain gardens. They are trying to have no net gain of storm water drainage from the lots construction itself into the ditches using the rain garden concept. They are doing this because they feel it is the right way to address the concern about storm water issues. ACOE wants to see that they don't increase the flow, so they will have to address this whether it is through the city's rain garden design or something other.

Chair Venuti noted the time and the Commission discussed continuing discussion to the next meeting, and potentially scheduling a site visit.

SLONE/HIGHLAND MOVED TO POSTPONE THIS TO THE JANUARY MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Planning Technician Engebretsen encouraged that if the Commission has specific questions or comment for staff to research between now and the next meeting, that they email her so she can provide the information in a staff report for everyone to review.

There was discussion about including the recommendation that Public Works Director Meyer recommended in his comments, and also whether it is relevant to have the 2005 information available to review.

Pending Business

A. Staff Report PL 13-93, Resolution 13-xx amending HAPC Bylaws

The Commission agreed to address this at the next meeting.

New Business

Informational Materials

A. KPB Planning Commission Notice of Decisions
- 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.

B. City Manager's Report from November 25, 2013 City Council Meeting

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 US Army Corps of Engineers, Alaska District

Comments of the Audience

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

Ginny Espenshade commented that the body in 2005 discussed how they would measure the flow of water before and after, and there were specific conditions that it not be increased. There is language from that meeting. If this commission wants to do all that work again, have at it. She thinks they would find some of the discussion, work, and recommendations very helpful.

Katheryn George asked if the public comment is still acceptable since they have postponed the action.

Planning Technician Engebretsen commented that this isn't a CUP hearing and public would be allowed to comment at the first part of the agenda at the next meeting.

Comments of Staff

City Planner Abboud commented that we are not water engineers, and the ACOE has requirements for maintaining flows and things like that. He isn't sure it is in their realm to tie down flows of water. It is good information to know and perhaps Public Works can help with it.

Comments of the Commission

Commissioner Highland welcomed Mr. Stroozas to the Commission. This was a real meeting for his first one. It's the longest they have had for a long time.

Commission Sonneborn thought it was a good meeting and welcomed Mr. Stroozas. She thought there was a lot of good communication and a ton of information exchanged.

Commissioner Stroozas thanked everyone, it was quite an indoctrination.

Commissioners Slone and Stead had no comments.

Chair Venuti said it had been an interesting meeting. It is nice to see a full house and people giving input. He recognized Planning Technician Engebretsen for doing an excellent job during the City Planner's absence.

Adjourn
There being no further business to come before the Commission, the meeting adjourned at 10:39 p.m. The next regular meeting is scheduled for January 2, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

_____
MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

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HOMER ADVISORY PLANNING COMMISSION
December 4, 2013

RE: Conditional Use Permit (CUP) 13-13
Address: 3850 Heath Street
Legal: Lot 1-A-1 Carl Sholin Subd. No. 5

DECISION

Introduction

Seabright Survey + Design (the "Applicant") applied to the Homer Advisory Planning Commission (the "Commission") for a conditional use permit under Homer City Code HCC 21.18.030(k) for "More than one building containing a permitted principal use on a lot" at 3850 Health Street. The property is in the Central Business District and owned by Jose Ramos dba Heath Street Investments.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on December 4, 2013. Notice of the public hearing was published in the local newspaper and sent to 20 property owners of 26 parcels.

At the December 4, 2013 meeting of the Commission, with six Commissioners present, approved the the conditional use permit with six Commissioners voting in favor and none opposed .

After due consideration of the evidence presented, the Homer Advisory Planning Commission hereby makes the following findings of fact and conclusions of law.

Evidence Presented

The Applicant, represented by Kenton Bloom provided testimony describing the proposed improvements which include landscaped areas and outdoor post mounted lights. The applicant also submitted a site plan illustrating the proposed improvements. Charles Davis, a city resident testified about general permitting standards. Prior to the meeting Frank Griswold, a city resident, submitted written comments regarding compatibility, density, traffic circulation, connection to public water and sewer, and provisions of the Community Design Manual. The written comments were provided to the Commission as a laydown. Mr. Griswold did not attend the public hearing.

The criteria for granting a Conditional Use Permit are 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:** Under Homer City Code 21.18.020(h) a duplex dwelling is a permitted principal use in the Central Business District. Homer City Code 21.18.030(k) permits "More than one building containing a permitted principal use on a lot" in the CBD by conditional use permit . The proposed use complies with the maximum building area and lot coverage requirements of Homer City Code 21.18.040(d).

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

> **Finding 2:** Homer City Code 21.18.010 provides that the CBD is meant to accommodate a mixture of residential and nonresidential uses with conflicts being resolved in favor of nonresidential uses. The proposed use will be an additional residential use on a lot that presently contains a mixture of residential and nonresidential uses. As addressed below, there are not conflicts between the proposed residential use and nonresidential uses in its vicinity.

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

> **Finding 3:** The proposed use will have no visual, traffic or other effects that would negatively affect the value of adjoining property. Proposed on-site landscaping and other amenities potentially will positively affect the value of adjoining property.

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 include 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.

> **Finding 5:** Public services and facilities are, or will be prior to occupancy, adequate to serve the proposed use. A paved road provides access to the property. The property presently is served by city water and sewer. Approval of the conditional use is conditioned on the upgrading of the water meter that serves the property.

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

> **Finding 6:** The scale, bulk and density of the project are in harmony with the surrounding CBD neighborhood. The minimal traffic that the duplex residential use will generate will have no harmful effect on the surrounding neighborhood.

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:** As discussed above, the proposal will have minimal off-site effects. 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.

> **Finding 9:** This proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan. By providing additional housing in the Central Business District, it supports and is compatible with the following applicable land use goals and objectives of the Comprehensive Plan:
>
> - Increase the supply and diversity of housing, and encourage infill (Goal 1).
> - Encourage high-quality site development (Goal 3).
> - Promote housing choice by supporting a variety of dwelling options (Goal 5).

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

> **Finding 10:** The proposal will comply with all applicable provisions of the Community Design Manual through the permitting process .

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.** The proposed use complies with the dimensional requirements for the Central Business District.

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

Conclusion

Based on the foregoing findings of fact and law, Conditional Use Permit 13-13 is hereby approved, with findings 1-10 and conditions 1-8.

1. There shall be a landscaped area in front of each building to include trees and shrubs as well as lawn. These landscaped areas shall be visually distinct from the parking lot and driveway surfaces to avoid tenant parking on the landscaped areas. The landscaped areas shall be developed in the areas of green on the CUP Site Plan, Sheet 2 of 3, dated 10/15/2013.

2. The landscaped visual buffer along the west property line shall be on private property and out of the utility easement(s). The buffer shall be a least 10 feet wide and have a total area of at least 500 sf. The new plantings shall consist of at least 50% evergreen with an initial tree trunk size of 1.5 inches or greater in diameter.

3. All landscaping shall be completed within nine months of substantial completion of the project, or within the first full growing season after substantial completion of the project, whichever comes first, HCC 21.50.030(f)(2). See conditions.

4. The proposed structure shall 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 shall 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 shall 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 shall 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 after the date of this Decision and Findings this CUP expires.

Date:_____ _____

Chair, Franco Venuti

Date:_____ _____

City Planner, Rick Abboud

NOTICE OF APPEAL RIGHTS

Pursuant to Homer City Code, Chapter 21.93.060, any person with standing that is affected by this decision may appeal this decision to the Homer Board of Adjustment within thirty (30) days of the date of distribution indicated below. Any decision not appealed within that time shall be final. A notice of appeal shall be in writing, shall contain all the information required by Homer City Code, Section 21.93.080, and shall be filed with the Homer City Clerk, 491 East Pioneer Avenue, Homer, Alaska 99603-7645.

CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on _____, 2013. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

Date:_____ _____

Travis Brown, Planning Technician

Seabright Survey + Design
Kenton Bloom, PLS
1044 East End Road Suite A
Homer, AK 99603

Thomas Klinkner
Birch, Horton, Bittner & Cherot
1127 West 7th Ave
Anchorage, AK 99501

Jose Ramos
Health Street Investments
127 W. Pioneer Avenue
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Frank Griswold
507 Klondike Avenue
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Walt Wrede, City Manager
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(f) 907-235-3118

STAFF REPORT PL 14-01

TO: Homer Advisory Planning Commission
FROM: Planning Staff
MEETING: January 2, 2014
SUBJECT: City Planner's Report

Work session invites: Staff has invited and is scheduling a variety of groups to the HAPC work sessions. Bryan Zak, with Alaska's Small Business Development Center will join the HAPC work session on Jan. 15th to share some of the tools the SBDC uses to assist small businesses in Homer.

Homer Chamber of Commerce "Business after Dark" with the EDC and the HAPC is tentatively scheduled for Thursday, May 15th. The Planning and Economic Development Commissions would be hosting the event, with a few staff.

Beluga Lake Wetlands Public Notice has been issued by the Army Corp of Engineers for a proposed development on the south side of Beluga Lake on A Street. The proposal involves clearing and placing 10,000 cy of fill. Attached are the Public Notice and the City's response which outlines the standards for stormwater, setbacks, buffers and the distance to public utilities.

AK-CESCL Erosion and Sediment Control Training class will be held in Homer February 12-13, 2014. The course will describe the key elements of a Stormwater Pollution Prevention Plan (SWPPP) and provide detailed instructions on how to select, install and maintain stormwater Best Management Practices (BMPs). The course is $350 and offers CEU's for surveyors, engineers, inspectors, and other professional certifications. Registration is through the Kenai Watershed Forum.

Homer City Code online version has gone through an amazing upgraded using the latest technology. Customers can more easily search, follow links and print high quality formatted versions.

City Council extended the time for a discontinued definition to 24 months

Att: Public Notice POA 2013-558 Beluga Lake, City's Response
CESCL course announcement

US Army Corps
of Engineers
Alaska District

KENAI FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
805 Frontage Road, Suite 200C
Kenai, Alaska 99611-7755

Public Notice of Application for Permit

PUBLIC NOTICE DATE: **November 26, 2013**

EXPIRATION DATE: **December 26, 2013**

REFERENCE NUMBER: **POA-2013-558**

WATERWAY: **Beluga Lake**

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Katherine A. McCafferty at (907) 283-3562, by fax at (907) 283-3981, or by email at Katherine.a.mccafferty2@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Peter Fefelov, FEFCO LLC, 4981 East Hill Road, Homer, AK 99603

LOCATION: The project site is located within Section 21, T. 6 S., R. 13 W., Seward Meridian; USGS Quad Map Seldovia C-5; Latitude 59.642107° N., Longitude 151.503061° W.; Bay View Subdivision, Lot 1; Kenai Peninsula parcel number 179-193-01, in Homer, Alaska.

PURPOSE: The applicant's stated purpose is to construct a storage yard for storage of boats, trucks, vans, commercial equipment, fishing equipment, and construction equipment.

PROPOSED WORK: The applicant proposes to place 3,000 cubic yards (CY) of clay, 5,500 CY of pit run gravel, and 1,500 CY of 1 ½ inch minus gravel into 1.7 acres of waters of the U.S., including wetlands. In addition, a 50 foot by 80 foot building would be constructed on the proposed fill and a 20 foot by 50 foot sediment pond would be constructed at the northwest corner of the lot. All vegetative material would be cleared off the property and disposed of at a gravel pit on Kenai Peninsula Parcel number 165-250-64. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated October 24, 2013.

ADDITIONAL INFORMATION:

The proposed project is located on a parcel which shares a border with the Homer Airport Critical Habitat Area.

The proposed project lies within the City of Homer Functional Wetland Assessment (Assessment) area. The wetlands in the northeastern third of the parcel (wetland number 242 in the Assessment) scored as high value. The wetlands in the remainder of the parcel (wetland number 316 in the Assessment) scored as moderate value.

For further information on this project, please contact Mr. Peter Fefelov at (808) 557-0720.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance and Minimization: The applicant has proposed to avoid and minimize impacts to waters of the U.S. by installing silt fence during construction and by building a sediment and water retention pond.

b. Compensatory Mitigation: The applicant has stated that no compensatory mitigation is necessary because all water, rain and snow melt will remain in the watershed.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service is required. However, any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

No EFH species are known to use the project area. We have determined the described activity would not adversely affect EFH in the project area.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(l) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

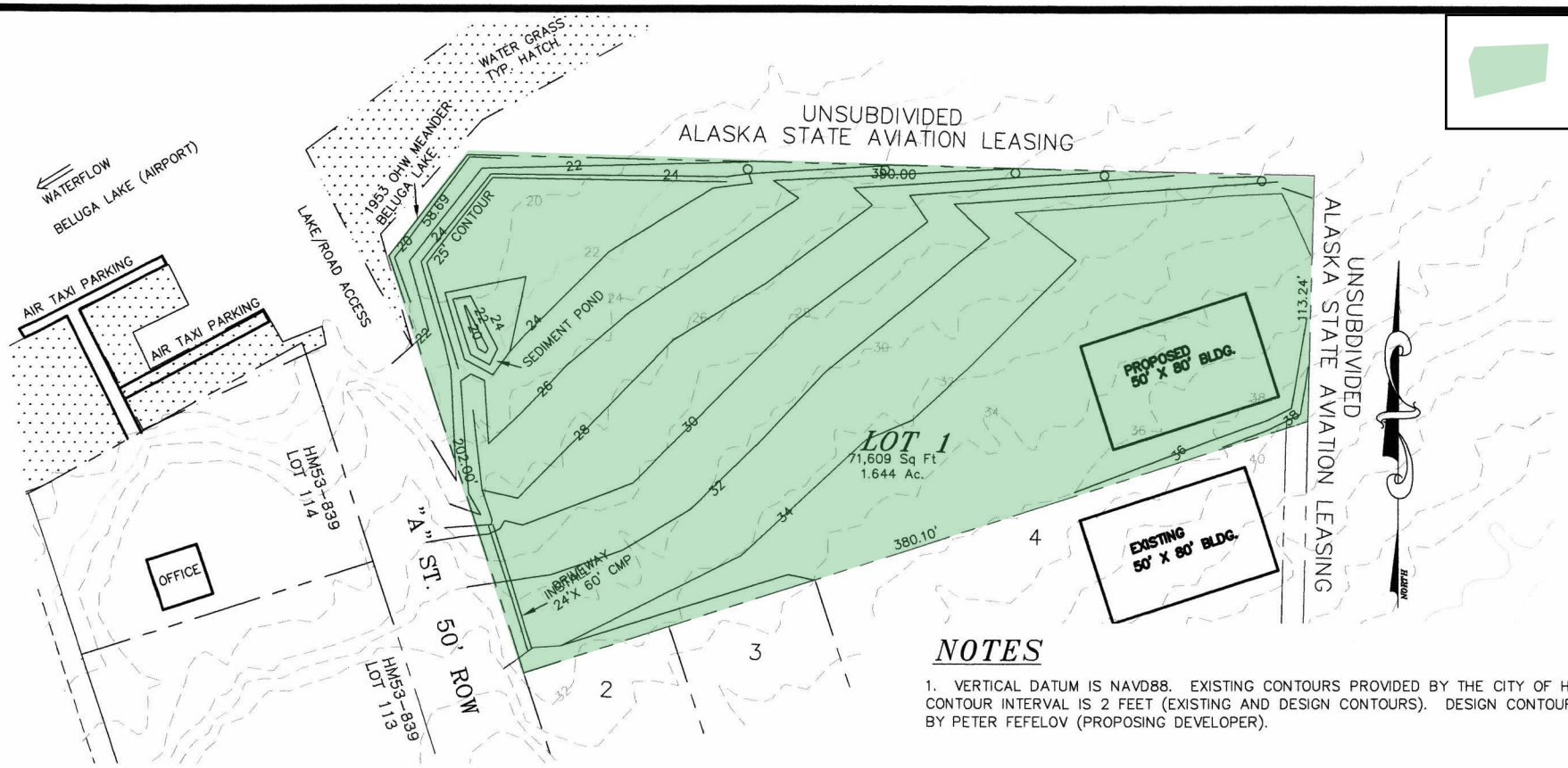
NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2013-558, Beluga Lake, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

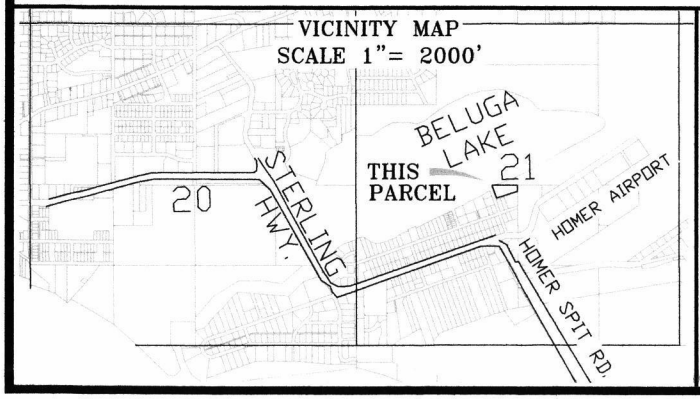
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



NOTES

1. VERTICAL DATUM IS NAVD88. EXISTING CONTOURS PROVIDED BY THE CITY OF HOMER. CONTOUR INTERVAL IS 2 FEET (EXISTING AND DESIGN CONTOURS). DESIGN CONTOURS PROVIDED BY PETER FEFELOV (PROPOSING DEVELOPER).

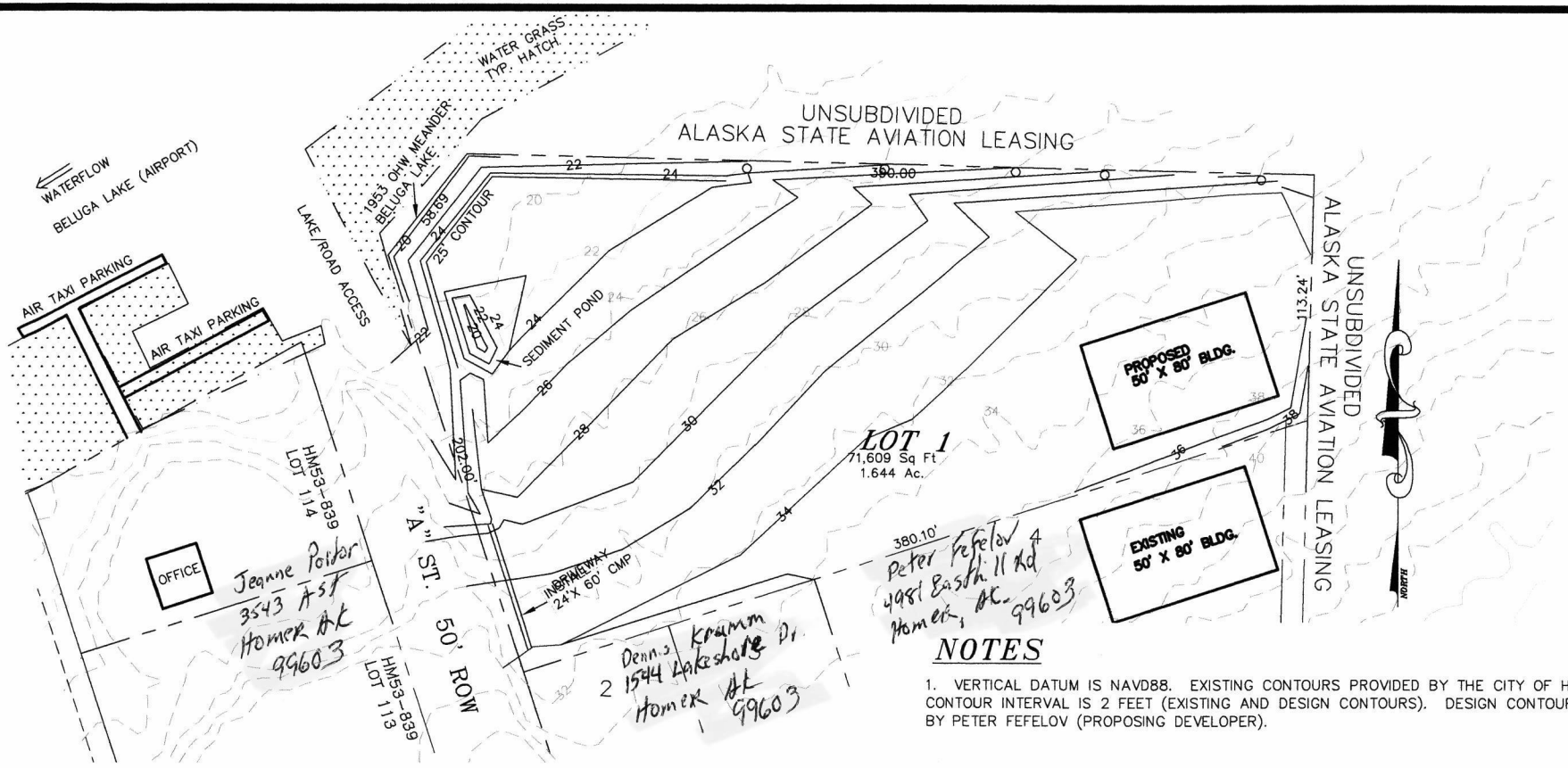


APPLICANT:	PETER FEFELOV, 4981 EAST HILL RD., HOMER, AK 99603
FILE NO.:	POA-2013-558
WATERWAY:	BELUGA LAKE
PROPOSED ACTIVITIY:	STORAGE YARD
SECTION	SW-1/4, 21, T6S, R13W, SM
LAT. 59.6421'N,	LONG. 151.503061'W

PLAT No.	HM53-839
JOB No.	4737
DATE	10-24-2013
SCALE	1"= 50' ON 11"X 17"
TAX PARCEL	17919301
PLAT No.	HM53-839

LOT 1
BAY VIEW SUBDIVISION
WITHIN THE CITY OF HOMER,
HOMER RECORDING DISTRICT

ABILITY SURVEYS
REGISTERED LAND SURVEYORS
(907) 235-8440
152 DEHEL AVE., HOMER, ALASKA 99603



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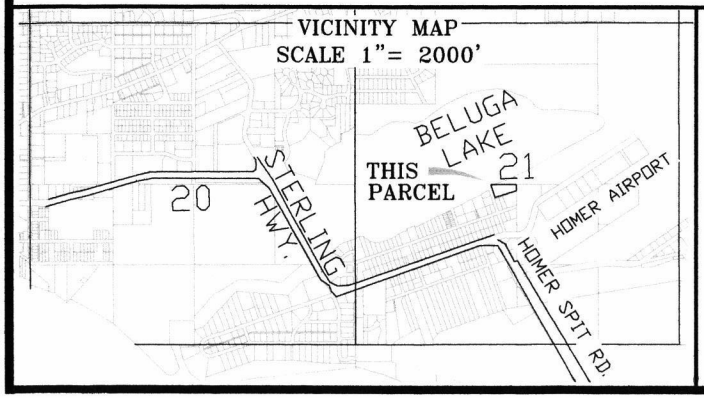

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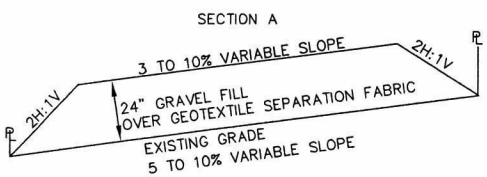

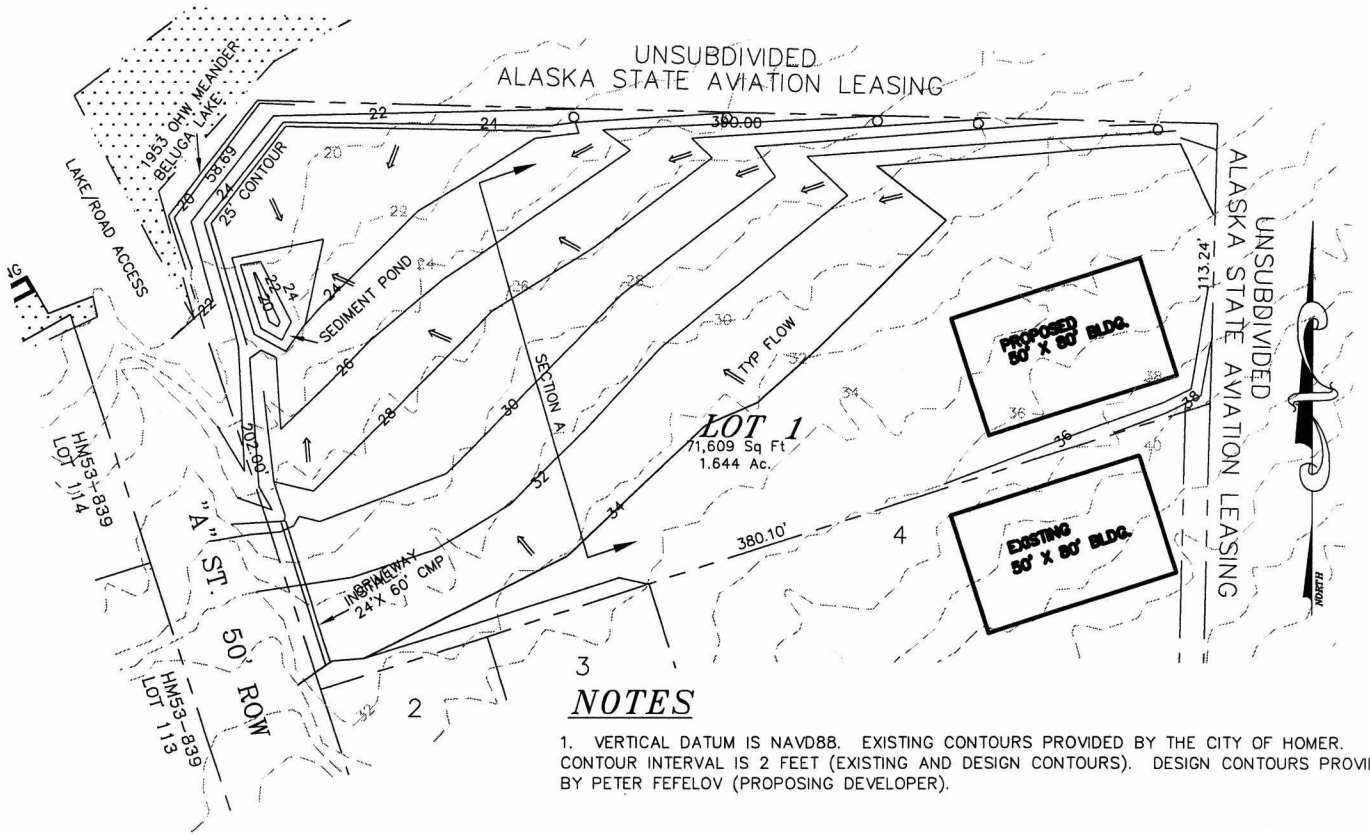

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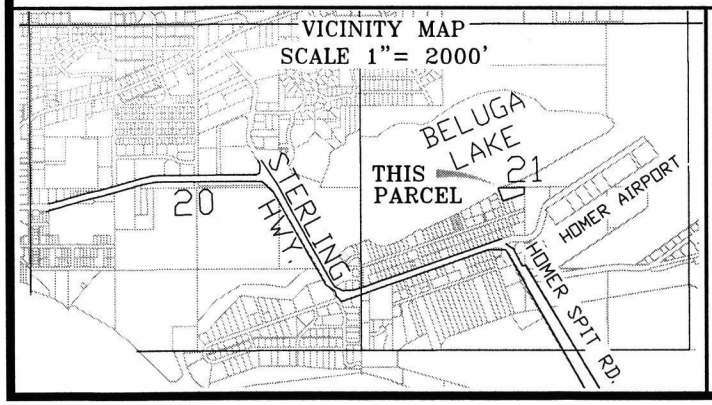

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City of Homer
www.cityofhomer-ak.gov

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

December 24, 2013

US Army Corps of Engineers Alaska District
Kenai Field Office
805 Frontage Road, Suite 200C
Kenai, AK 99611-7755

Re: POA 2013-558

Dear Ms. McCafferty,

This letter is in response to the Public Notice of Application for Permit POA 2013-558 near Beluga Lake.

Based on the public notice the applicant proposes to clear all the vegetative material and fill the site with a total of 10,000 CY of fill. The applicant wishes to construct a storage yard for boats, trucks, vans and commercial equipment. The site plan shows one, 1,000 sf detention pond on the northwest portion of the property.

The purpose of this letter is to notify the ACOE and the applicant of City standards that pertain to the proposed development. Lot 1 Bay View Subdivision is in the General Commercial 1 zoning district which has standards for landscaped buffers, fill and stormwater retention per HCC 21.50.030.

To meet city standards the applicant will need, in part:

A Stormwater Plan (SWP) designed to mitigate 80% of the annual post development runoff based on a 10 year, 3-hr storm event at the rate of 0.5 inches per hour. The SWP to be prepared and signed off by an engineer which certifies that the installed mitigation measures meet the City's Stormwater Plan standards. HCC 21.75.020)SWP.

A Fill and Grading Plan approved by the City which shows:

- Fill will not exceed slope of 50% or 1:2 or one-foot rise to a two-foot run.
- Fill is setback a minimum of 5 feet from the side and rear lot lines, except where common lot lines have the consent of all the owners (HCC 21.50.150)Fill standards)

A visual landscaped buffer of at least 15 ft adjacent to the A Street right-of-way, HCC 21.24.040(f) Screening and HCC 21.50.030(f) Landscaping Requirements (b)(iii). In addition, a minimum 3-foot landscaped buffer along all lot lines is required except where shared driveways and parking areas cross common lot lines, HCC 21.50.030(f) Landscaping Requirements.

Public water and sewer mainlines are at the Lakeshore Drive and A Street intersection. Both water and sewer mainlines would need to be extended approximately 300 lineal feet to provide service to the lot.

If you have any questions feel free to call the Planning Office at 907-235-3106.

Respectfully submitted,

Rick Abboud
City Planner

Cc: Applicant, Peter Fefelov, 4981 East Hill Road, Homer, AK 99603
Property owner(s), Karen Berg-Forrester Managing Venturer, PO Box 371, Homer, AK 99603

ALASKA CERTIFIED EROSION AND SEDIMENT CONTROL LEAD (AK-CESCL) STORM WATER TRAINING PROGRAM

February 12 & 13, 2014
8 am – 5 pm
Homer, Alaska

Sponsored by the Kenai Watershed Forum
Hosted at Islands and Ocean Center

This AK-CESCL training explains the erosion process and how to obtain and comply with the EPA NPDES Construction General Permit. NPDES compliance is required for all projects that disturb a total of one acre or more of soil, and a Certified Erosion and Sediment Control Lead-trained person is required on all USACE and ADOT&PF projects as of January 1, 2008. The course will describe the key elements of a Stormwater Pollution Prevention Plan (SWPPP) and provide detailed instructions on how to maintain a SWPPP, and select, install and maintain stormwater Best Management Practices (BMPs). This AK-CESCL class also meets requirements for recertification.

Who should attend? Commercial and residential builders, project engineers, natural resource managers and anyone responsible for creating, maintaining or evaluating a Stormwater Pollution Prevention Plan.

Instructor: Alex Zimmerman, Master Instructor

Participants will gain an understanding of:
- How to comply with EPA's Construction General Permit when writing and implementing a SWPPP
- NPDES permitting, rules and regulations
- Certification and inspection
- Enforcement and potential penalties
- A step-by-step method for SWPPP design, management and implementation
- Basic mechanisms of erosion and sedimentation
- Stormwater and erosion control BMPs
- Site inspection and monitoring
- How erosion prevention can reduce construction costs
- Final stabilization

$350 Registration includes:
- All course materials and fees
- Light breakfast, snacks and lunch both days
- Certification of completion

Class size is limited to 40 participants; please register in advance. Payment is due at time of registration. Make payment out to "Kenai Watershed Forum" and send to: KWF,44129 Sterling Hwy, Soldotna, AK 99669 Please include your completed registration form. For more information, call (907) 260-5449 X1203 or e-mail rhonda@kenaiwatershed.org

ALASKA CERTIFIED EROSION AND SEDIMENT CONTROL LEAD (AK-CESCL) STORM WATER TRAINING PROGRAM

February 12 & 13, 2014
8 am – 5 pm
Homer, Alaska

Sponsored by the Kenai Watershed Forum
Hosted at Islands and Ocean Center

Participant Registration Form

Name

Affiliation Title

Mailing Address

City State Zip

Telephone Email

Do you have any special dietary needs?

Please return this form with $350.00 registration fee to:
Kenai Watershed Forum
44129 Sterling Hwy
Soldotna, AK 99669

Please make checks payable to: **Kenai Watershed Forum.** Registration covers all course materials and fees, light breakfast/snacks/lunch both days, licensing fees for course materials and a certification of completion. To register with a credit card, please fill out the information below. (Visa, MasterCard and American Express Only)

Credit Card Number Credit Card Type Exp Date

Billing Address Telephone

Signature

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 14-02

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: January 2, 2014
SUBJECT: Draft Ordinance 14-XX Amending HCC 21.71.050(d) to allow a simple majority vote for approval of Conditional Use Permits

Requested Action: Conduct a public hearing and forward a recommendation to the City Council.

GENERAL INFORMATION
Under Homer City Code 21.71.050(d), approval of a conditional use permit requires five affirmative votes by the Commission. The Commission consists of citizen volunteers with busy lives. Most of the time, there are five Commissioners at every meeting to hear and make decisions upon conditional use applications, but not always. Reducing the number of yes votes to four will allow the Commission to make a decision at any meeting for which there is a quorum. No other matter the Commission decides upon requires a supermajority.

STAFF COMMENTS/RECOMMENDATIONS:
Conduct a public hearing, consider testimony, and make a recommendation to the City Council.

ATTACHMENTS

1. Draft Ordinance 14-xx Amending HCC 21.71.050(d)
2. Memorandum PL 14-01 Staff Review

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 14-__

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.71.050(d), "COMMISSION HEARING AND PROCEDURES", TO PERMIT FOUR INSTEAD OF FIVE MEMBERS OF THE HOMER ADVISORY PLANNING COMMISSION TO APPROVE A CONDITIONAL USE UNDER THE HOMER CITY CODE.

WHEREAS**,** the Homer Advisory Planning Commission ("Commission") is comprised of appointed members who cannot all attend every Commission meeting despite the best efforts of each of the Commission members; and

WHEREAS, requiring a supermajority to approve all conditional use permits interferes with the Commission's ability to conduct hearings and issue decisions on conditional use permits since a supermajority is not always present at each Commission meeting; and

WHEREAS, it is in the City's best interest to expand the Commission's authority to approve a conditional use permit with four members, which is a majority of the Commission, rather than a supermajority, which is five members;

THE CITY OF HOMER HEREBY ORDAINS:

Section 1. Homer City Code 21.71.050(d) is amended to read as follows:

(d) Approval of the conditional use shall require the affirmative vote of ~~five~~ **four** members of the Commission.

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

CITY OF HOMER

_____
MARY E. WYTHE, MAYOR

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

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form:

_____	_____
Walt E. Wrede, City Manager	Thomas F. Klinkner, City Attorney
Date: _____	Date: _____

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

City of Homer
www.cityofhomer-ak.gov

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

Memorandum PL 14-01

TO: Homer Advisory Planning Commission

THROUGH: Rick Abboud, City Planner

FROM: Julie Engebretsen, Planning Technician

DATE: December 20, 2014

SUBJECT: Draft Ordinance 14-XX Amending HCC 21.71.050(d) to allow a simple majority vote for approval of Conditional Use Permits

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.

Discussion: Comprehensive Plan Chapter 4 Goal 3 Object A states: "Create a clear, coordinated regulatory framework that guides development." One of the implementation strategies states: "Provide a clear and predictable approval process for every development including organizing project review and permitting and providing appropriate staff review."

This proposed amendment will allow a decision on a conditional use permit at any meeting with a quorum of Homer Advisory Commission members. This will give applicants greater certainty as to when their application will be heard by the Commission, and a decision rendered.

Staff response: This amendment is consistent with the Comprehensive Plan.

b. Will be reasonable to implement and enforce.

Staff response: This code amendment will be reasonable to implement and enforce. The amendment relaxes a more stringent code requirement.

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

Staff response: A vote of four Commissioners will still be required to approve a conditional use permit, thus protecting the present and future public health, safety and welfare.

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

Staff response: This amendment is consistent with the intent and wording of other provisions of this title. Within Homer City Code, only Conditional Use Permits require a vote of a supermajority, or five Commissioners. All other business, such as variances, nonconforming reviews, conditional fence permits, public signs and Bridge Creek Watershed mitigation plans only require four affirmative votes for approval. 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 Planning Commission initiated the code amendment at the November 6th, 2013 Work Session, per 21.95.010(b).

21.95.030 Restriction on repeating failed amendment proposals.

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

City of Homer
www.cityofhomer-ak.gov

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

STAFF REPORT PL 14-04

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: January 2, 2014
SUBJECT: Draft Ordinance 14-XX Amending HCC 21.12.020 to allow an accessory dwelling unit as a permitted use

Requested Action: Conduct a public hearing and forward a recommendation to the City Council.

GENERAL INFORMATION

In 2011, the City Council adopted Ordinance 11-44(s), which allowed a single accessory dwelling unit on a lot as a permitted use. Previously, a conditional use permit was required if a homeowner wanted to build a cabin, or other detached dwelling unit, on the same lot a s primary single family home. Duplexes, or a single structure with two dwelling units, were allowed as a permitted use. The result of these regulations was the increased cost and regulatory process requirements for the applicant to build a detached dwelling opposed to an attached dwelling. The Commission considered many such conditional uses over the years, with few if any denials, and few conditions. It was not a productive use of Commission time, or the applicant's money. Ordinance 2011-44(s) allowed these accessory dwellings as a permitted use, with the issuance of a zoning permit.

At the time, the Commission did not allow this use in the Rural Residential District. It was felt with the prevalence of onsite wells and septic systems, greater oversight for public health concerns was warranted. In the past few years, several water and sewer line extensions have been completed in the rural district. This has allowed land owners to apply for conditional use permits, because their land now meets the dimensional requirements for more than one dwelling unit per acre. Staff recommended the Commission allow these accessory dwelling units as a permitted use, where both city water and sewer serve the property. This allows rural residential land owners with city water and sewer to enjoy the same rights as those in other residential districts, and also continues to provide Commission review for those applications not served by city utilities.

STAFF COMMENTS/RECOMMENDATIONS:

Conduct a public hearing, consider testimony, and make a recommendation to the City Council.

ATTACHMENTS

1. Draft Ordinance 14-xx Amending HCC 21.12.020
2. Memorandum PL 14-02 Staff Review

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 14-__

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.12.020, "PERMITTED USES AND STRUCTURES", TO EXPAND THE PERMITTED USES IN THE RURAL RESIDENTIAL DISTRICT TO INCLUDE THE ADDITION OF A DETACHED DWELLING UNIT AS AN ACCESSORY TO A SINGLE FAMILY DWELLING ON A LOT SERVICED BY CITY WATER AND SEWER SERVICES

WHEREAS, the City of Homer, Alaska permits the addition of a detached dwelling unit as an accessory to a single family dwelling in other districts, including but not limited to the urban residential district; and

WHEREAS, it is in the City's best interest to permit the addition of detached dwelling units as an accessory to a single family dwelling in the rural residential district so long as the property at issue is serviced by the City of Homer water and sewer system;

THE CITY OF HOMER HEREBY ORDAINS:

Section 1. Homer City Code 21.12.020 is amended to read as follows:

The following uses are permitted outright in the Rural Residential District:

a. Single-family dwelling;

b. Duplex dwelling;

c. Multiple-family dwelling, only if the structure conforms to HCC 21.14.040(a)(2);

d. Public parks and playgrounds;

e. Rooming house, bed and breakfast and hostel;

f. Home occupations, provided they conform to the requirements of HCC 21.51.010;

g. Agricultural activities, including general farming, truck farming, livestock farming, nurseries, and greenhouses; provided, that:

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

1. Other than normal household pets, no poultry or livestock may be housed and no fenced runs may be located within 100 feet of any residence other than the dwelling on the same lot;

2. No retail or wholesale business sales office is maintained on the premises;

h. Private stables;

i. Private floatplane tie-down as an accessory use incidental to residential use;

j. Storage of personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to residential use;

k. As an accessory use incidental to residential use, the private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, and not more than one recreational vehicle in a safe and orderly manner and separated by at least five feet from any property line, provided no stored equipment, boat or vehicle exceeds 36 feet in length;

l. Other customary accessory uses incidental to any of the permitted uses listed in the RR district; provided, that no separate permit shall be issued for the construction of any detached accessory building prior to that of the main building;

m. Temporary (seasonal) roadside stands for the sale of produce grown on the premises;

n. Mobile homes, subject to the requirements of HCC 21.54.100;

o. Day care homes; provided, however, that outdoor play areas must be fenced;

p. Recreational vehicles, subject to the requirements of HCC 21.54.320;

q. Open space, but not including outdoor recreational facilities described in HCC 21.12.030;

r. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10 kilowatts~~.~~**;**

s. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single family dwelling on a lot serviced by City water and sewer services in compliance with Title 14 of this code.

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

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. WYTHE, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form:

_____	_____
Walt E. Wrede, City Manager	Thomas F. Klinkner, City Attorney
Date: _____	Date: _____

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

City of Homer
www.cityofhomer-ak.gov

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

Memorandum PL 14-02

TO: Homer Advisory Planning Commission

THROUGH: Rick Abboud, City Planner

FROM: Julie Engebretsen, Planning Technician

DATE: December 20, 2014

SUBJECT: Draft Ordinance 14-XX Amending HCC 21.12.020 to allow an accessory dwelling unit in the Rural Residential District

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.

Discussion: Comprehensive Plan Chapter 4, Goal 3 Object A states: "Create a clear, coordinated regulatory framework that guides development." One of the implementation strategies states: "Provide a clear and predictable approval process for every development including organizing project review and permitting and providing appropriate staff review."

Staff response: This amendment is consistent with the Comprehensive Plan.

b. Will be reasonable to implement and enforce.

Staff response: This code amendment will be reasonable to implement and enforce. The amendment relaxes a more stringent code requirement.

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

Staff response: A Conditional Use Permit will still be required for more than one dwelling unit that is not connected to City Water and Sewer.

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

Staff response: This amendment is consistent with the intent and wording of other provisions of this title. All other residential zoning districts, as well as the Central Business District contain a provision allowing an accessory dwelling unit as a permitted use. 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 Planning Commission initiated the code amendment at the October 2nd, 2013 Work Session, per 21.95.010(b).

21.95.030 Restriction on repeating failed amendment proposals.

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

City of Homer
www.cityofhomer-ak.gov

Planning
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STAFF REPORT PL 14-05

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: January 2, 2014
SUBJECT: Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat

Requested Action: Recommend approval of this preliminary plat.

- At the last meeting, the Commission requested a copy of the wetland delineation. The developer supplied the Army Corps of Engineer permits and wetlands delineation, and they are attachments to this staff report.

- Any Commissioner who visited the site will need to report their observations to the Commission at the meeting.

- The public will have the opportunity to comment at the meeting.

- For the Commission's convenience, staff has included all the documents and minutes from the December 4th meeting with this staff report.

General information
At the last meeting, many comments and questions were asked about wetlands and storm water. The information below is provided as background information.

What's a "wetland"? A simple definition of wetland is the combination of the soil type, plants, and depth to the water table is what constitutes a wetland. The ACOE has a manual that specifically outlines the soils, plants, and water table depth that causes a wetland to fall under federal regulation. This is called a 'jurisdictional wetland', because it falls under the purview of ACOE. The Army Corps of Engineers regulates the filling of wetlands, under the Clean Water Act.

What about the wetlands mapping on the Borough Website? Doesn't it show all the wetlands?
This is a great resource for general wetlands information; however, it is not formal wetlands delineation. A developer of a large project must provide more specific, detailed information to the ACOE (see next question).

What does an ACOE permit mean?
When a large development needs to fill wetlands and culvert creeks for road construction and future home sites, the developer goes through a permit process. The process starts with the developer hiring a consultant to formally map (delineate) the wetlands. The consultant does this based on the ACOE requirements, and field work. The consultant and ACOE work together until they both agree where the wetlands are. For example, if ACOE disagrees with part of the mapping, they can require the consultant to revisit the site and do the work over. The end result is this formal '**wetland delineation**.' All permit decisions are made based on

this document. The permit document spells out exactly how much fill may be placed within wetlands on each lot, and any storm water mitigation requirements. See the attached ACOE documentation for more information and an example of a permit. The permits are good for a period of time (attachment states 5 years). For this preliminary plat, the developer will need to work with ACOE since 5 years has passed and the development is not constructed.

What is the result of the permit?
The whole subdivision is covered under one permit. Future home owners do not go and apply for their own permit. The whole subdivision is considered, including roads, utility ditches, house pads and driveways. There may be requirements for onsite water retention on an individual lot, and for overall detention for the subdivision. These requirements are specific to the subdivision.

Are there wetlands that the ACOE does not regulate?
Yes! Its possible to have a boggy or marshy area that does not meet the federal definition of a wetland, and is exempt from regulation under the Clean Water Act. An example would be a ditch next to a road. There are other examples, but the point is that there are areas that one would consider "wet," that do not fall under federal regulation. The City and Borough do not generally regulate these areas either.

What regulations does the City have?
The City has regulations concerning road construction standards. We don't have regulations for subdivisions or individual residential lots regarding sheet flow or impervious surface maximums that address this type of cumulative development over several lots. The City does regulate development of the individual residential lots, per HCC 21.50.020.

What about runoff and drainage concerns during subdivision construction – roads, and utilities?
The US EPA has regulations for wastewater discharge. The state of Alaska has been granted permitting authority for this activity (i.e. things like runoff from construction projects over 1 acre in area). A developer creates a "Storm Water Pollution Prevention Plan (SWPPP)." (This is a completely different 'storm water plan' than the city requires under title 21).

REVISED STAFF recommendations, SR 13-69, 12/4/13

Planning Commission recommends approval of the preliminary plat, with the following comments:

1. Increase the size of lot 2 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 shall 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.
9. Dedicate the area shown as Park "A" as future right of way providing access to the south of the subdivision.
10. A fire department accessible shared driveway provides reasonable access to lot 8, and Tract A, AA Mattox Sub 1958 Addn, in lieu of a full right of way dedication to these lots.

ATTACHMENTS

1. April 23, 2007 Army Corps of Engineer permit and wetland delineation packet
2. Public Comments 12/5/2013-12/26/2013
3. Letter from Tony Neal dated 12/26/2013
4. Staff report 13-96, with all public comments from the meeting, and draft meeting minutes

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
REGULATORY DIVISION
805 FRONTAGE ROAD, SUITE 200C
KENAI, ALASKA 99611-7755

REPLY TO
ATTENTION OF:

April 23, 2007

Regulatory Division
POA-2006-799-4

Mr. Tony Neal
Quiet Creek Park, LLC.
Post Office Box 3368
Homer, Alaska 99603-3368

Dear Mr. Neal:

Enclosed is the signed Department of the Army permit, file number POA-2006-799-4, which authorizes the discharge of approximately 28,570 cubic yards of fill material into approximately 2.16 acres of wetlands for the construction of the Quiet Creek Park subdivision. The project is located within the SE 1/4 section 17, T. 6 S., R. 13 W., Seward Meridian; in Homer, Alaska. Also enclosed is a Notice of Authorization which should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

You may contact me at (907) 283-3519, by email at forrest.e.mcdaniel@poa02.usace.army.mil, or by mail at the letterhead address, if you have questions. For additional information about our Regulatory Program, visit our web site at www.poa.usace.army.mil/reg.

Sincerely,

for Forrest E. McDaniel
Project Manager

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee: Tony Neal, Quiet Creek Park LLC

Permit No.: POA-2006-799-4, Beluga Lake

Issuing Office: U.S. Army Engineer District, Alaska

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Discharge of fill material into wetlands for the construction of an 87 lot subdivision. The work would include the construction of single family house pads, driveways, yards, roads and buried utilities. The amount of fill involved would be approximately 28,570 cubic yards of material into wetlands, resulting in the loss of approximately 2.16 acres of wetlands.

All work will be performed in accordance with the attached plan, sheets 1-12 dated 11/08/2006. A summary of proposed wetland fill on a lot-by-lot basis can be found on sheet 4 of 12.

Project Location: The proposed and existing work is located within SE ¼ of section 17, T. 6 S., R. 13 W., Seward Meridian, in Homer, Alaska.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 30 April 2012. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The maximum amount of wetland fill permitted for lots **1, 7B, 7C, 7D, 9, 10, 11, 12** and **46** is 0.124 acres (5400 sf) each, lot **2** is 0.062 acres (2700 sf), lot **7A** is 0.029 acres (1249 sf), lot **23** is 0.007acres (314 sf), lot **24** is 0.0006 acres (24 sf), lot **38** is 0.0006 acres (29 sf), lot **40** is 0.062 acres (2700 sf), lot **41** is 0.044 acres (1925 sf), lot **43** is 0.046 acres (2018 sf), lot **48** is 0.010 acres (438 sf), lot **52** is 0. 029 acres (1271 sf), lot **53** is 0.024 acres (1070 sf), lot **87** is 0.027acres (1158 sf), lot **88** is 0.048 acres (2091 sf) and lot **90** is 0.002 acres (70 sf). No fill shall be placed in wetlands on the remaining lots since they contain a sufficient area of suitable uplands that can be developed.

2. A copy of the permit shall be provided to the purchaser of each lot.

3. For any lot containing wetlands, language similar to the following shall be placed in the lot deed and plat notes for transfer to future lot owners:

   "This property contains wetlands regulated under Section 404 of the Clean Water Act. Mechanized land clearing and/or filling of these wetlands may require a Department of the Army permit."

4. To compensate for unavoidable impacts to wetlands, Quiet Creek Park LLC will record conservation easements and restrictions for the lots within the subdivision and will provide signs notifying the public of the protected wetland areas. The conservation easement will be enforced by Quiet Creek Park Homeowner Association or by a third party who will protect and maintain the function and the value of these wetlands. No approved wetland fill shall be started until the conservation easement is platted and in place. A copy of the conservation easement, greenbelt easements, and wetland sign wording must be submitted to and approved by the Corps of Engineers prior to work being started.

5. No placement of fill material or mechanized clearing in wetlands shall occur between May 1 and July 15 unless the wetland has already been disturbed to the extent that nesting habitat for migratory birds has been removed.

6. All stormwater retention basins and the stormwater retention swale must be constructed prior to road construction. The total retention volume of the basins will be equal to or greater than 22,800 cubic feet. The basins will be constructed to City of Homer requirements and be transferred to the city for maintenance. If the development of the lot will not allow for the stormwater flow to reach one of the basins or the swale, that parcel shall have and maintain on-site stormwater retention. For those lots, two retention ponds with a capacity of 2,250 gallons each will be constructed to contain surface runoff.

7. This permit does not address the construction of Shellfish Avenue fronting lots 7a, 7b, 7c, and 7d or any utilities place within the road right-of-ways.

8. Project limits of authorized sites shall be clearly identified in the field (e.g., staking, flagging, silt fencing, etc.) prior to clearing and construction to ensure avoidance of impacts to waters of the U.S. (including wetlands) beyond project footprints. No fill or construction materials shall be placed outside the project boundary.

9. No fill or construction materials shall be stockpiled on adjacent wetlands outside the project boundary.

10. You must take the actions required to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property.

11. No fill material would be placed within the 30-foot wide drainage/greenbelt easement, the natural park areas, the four 10-foot wide trail easements, and the three 10-foot wide greenbelt easements. The removal of dead or leaning trees for safety reasons is approved. The permittee has the right to hand-clear select trees to open vistas for potential property owners.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X)Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a revaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain

situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Tony Mead

PERMITTEE

member - manager

18 Jun 07

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

FOR: (DISTRICT ENGINEER) COL KEVIN J. WILSON
DAVE CASEY, FIELD OFFICE MANAGER
SOUTH SECTION, REGULATORY DIVISION

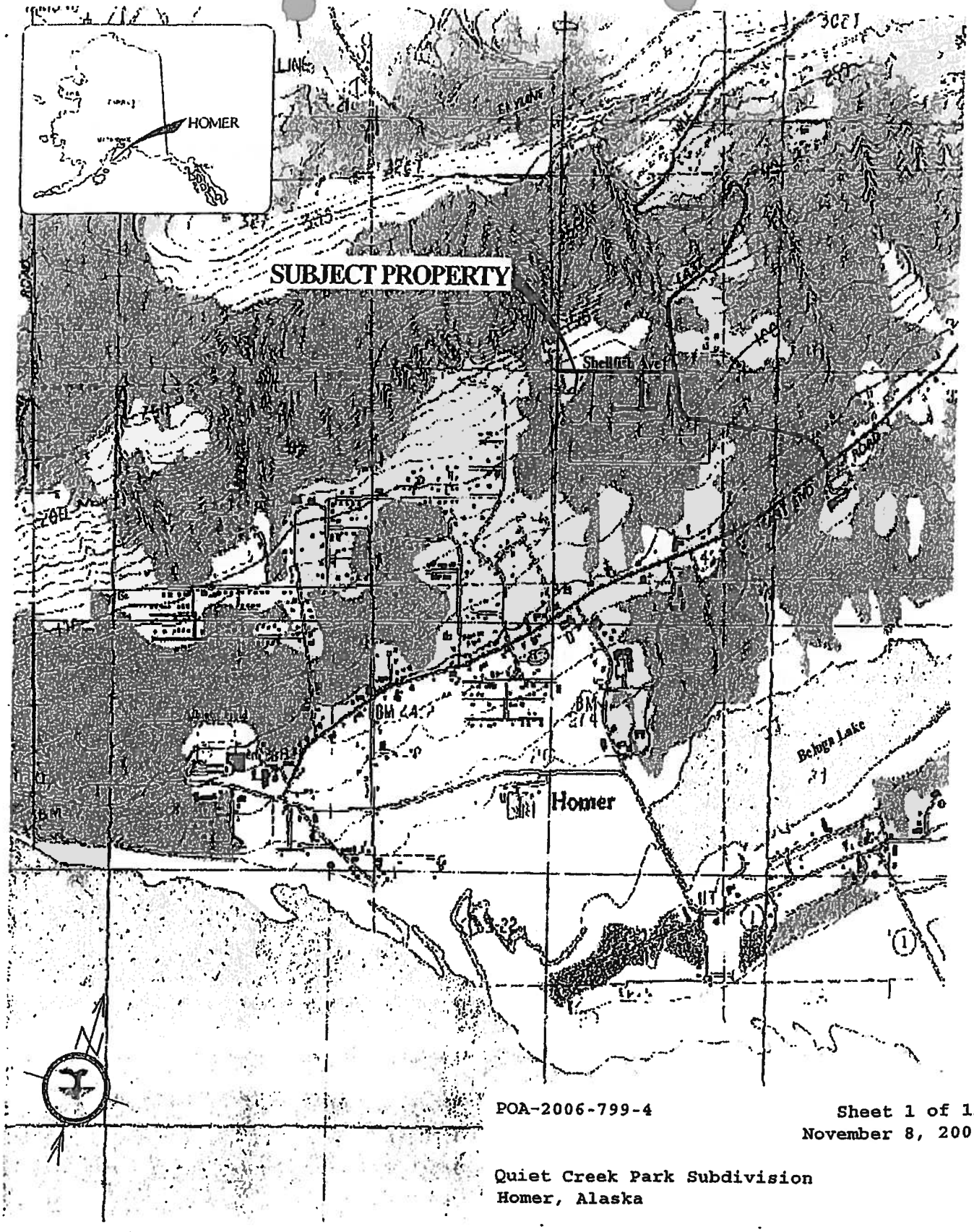
23 Apr 2007

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions have the transferee sign and date below.

(TRANSFEREE)

(DATE)

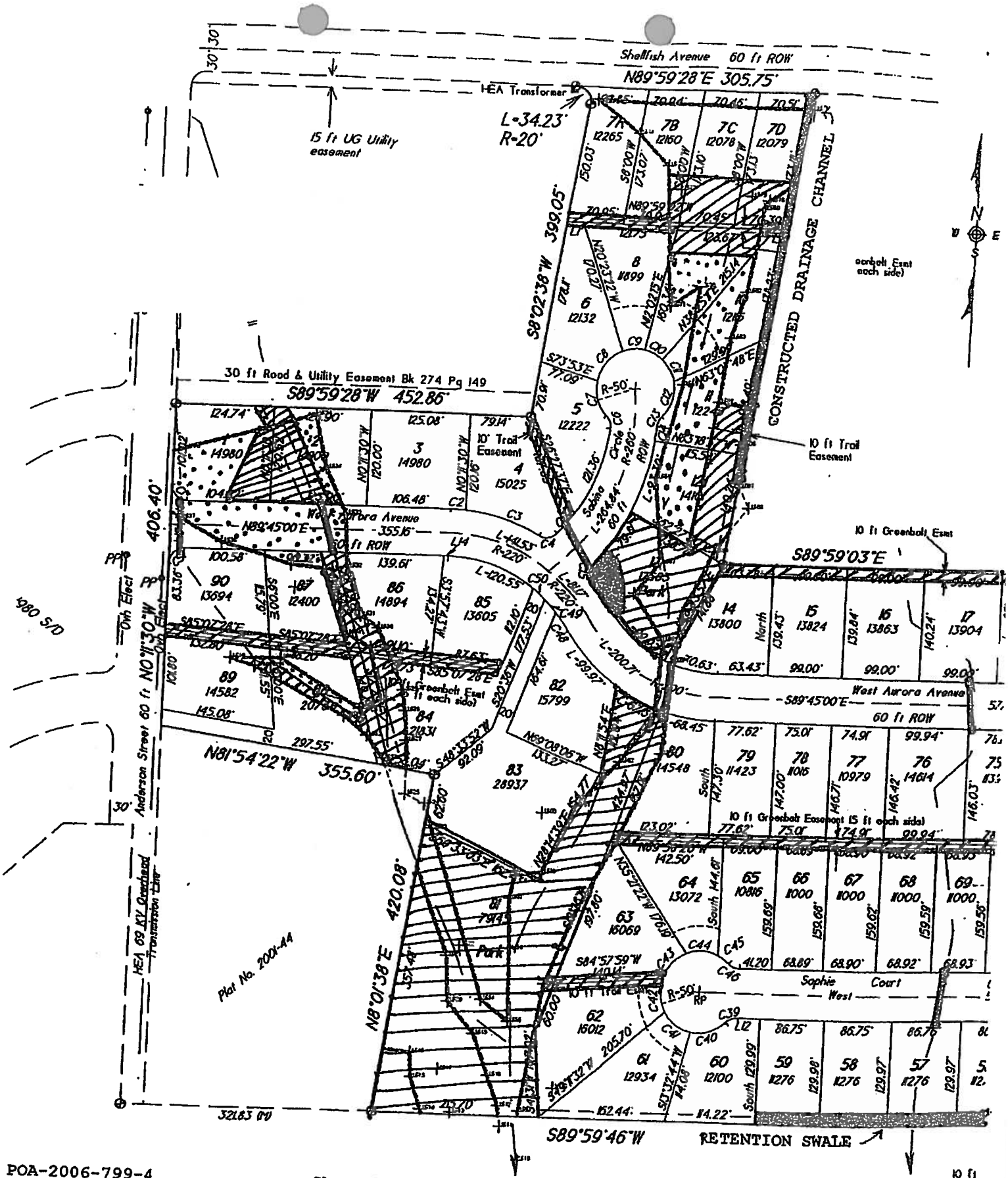


POA-2006-799-4

Sheet 1 of 12
November 8, 2006

Quiet Creek Park Subdivision
Homer, Alaska

PURPOSE: CONSTRUCTION OF HOUSEPADS, LAWNS, DRIVEWAYS, AND ROADS.	LOCATION AND VICINITY Travis/Peterson Environmental Consulting, Inc. 3305 Arctic Boulevard Suite 102 Anchorage, AK 99503	PROPOSED QUIET CREEK SUBDIVISION IN: HOMER, ALASKA



POA-2006-799-4

Sheet 2 of 12
November 8, 2006

Quiet Creek Park Subdivision
Homer, Alaska

S/D

POA-2006-799-4

Sheet 3 of 12
November 8, 2006

Quiet Creek Park Subdivision
Homer, Alaska

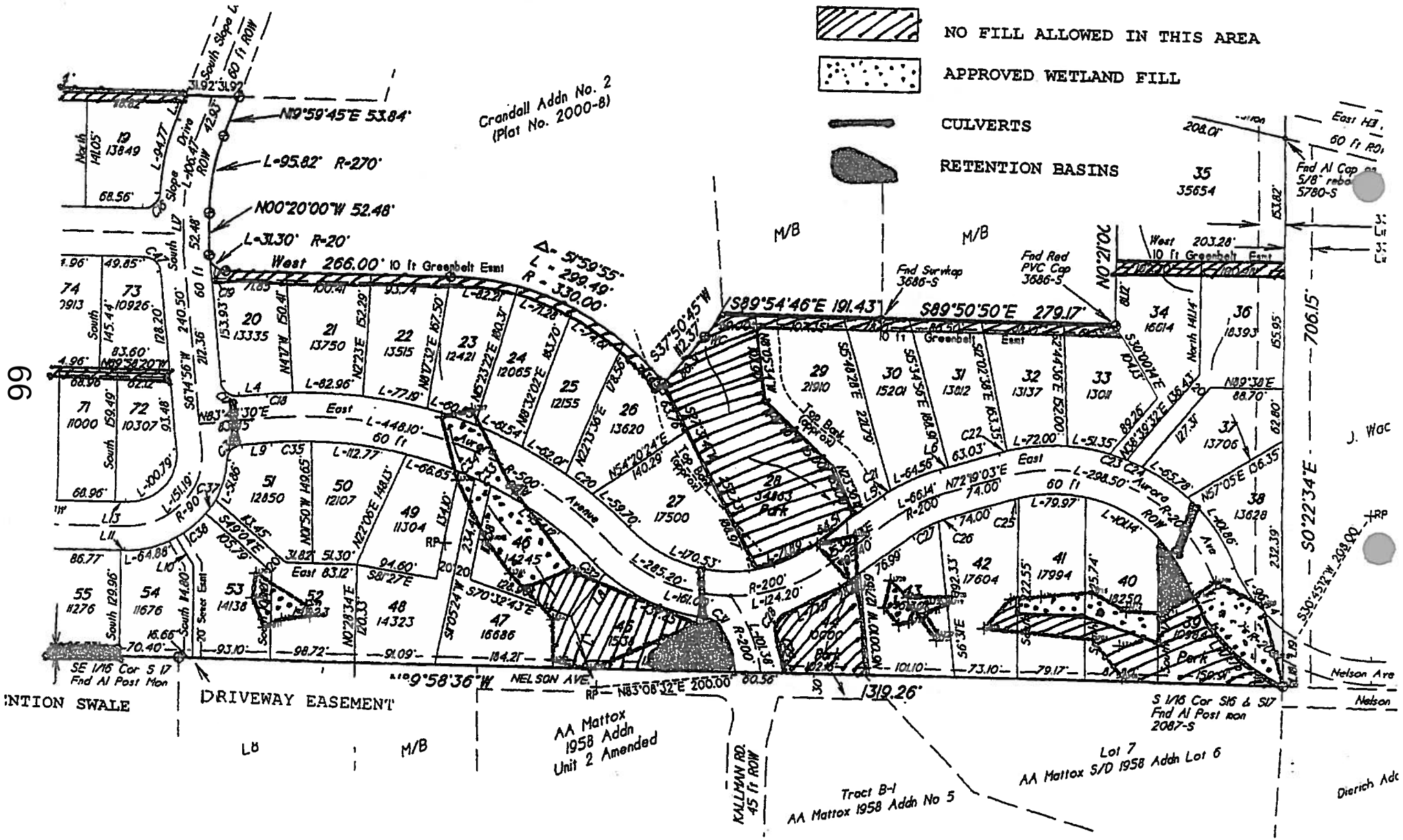


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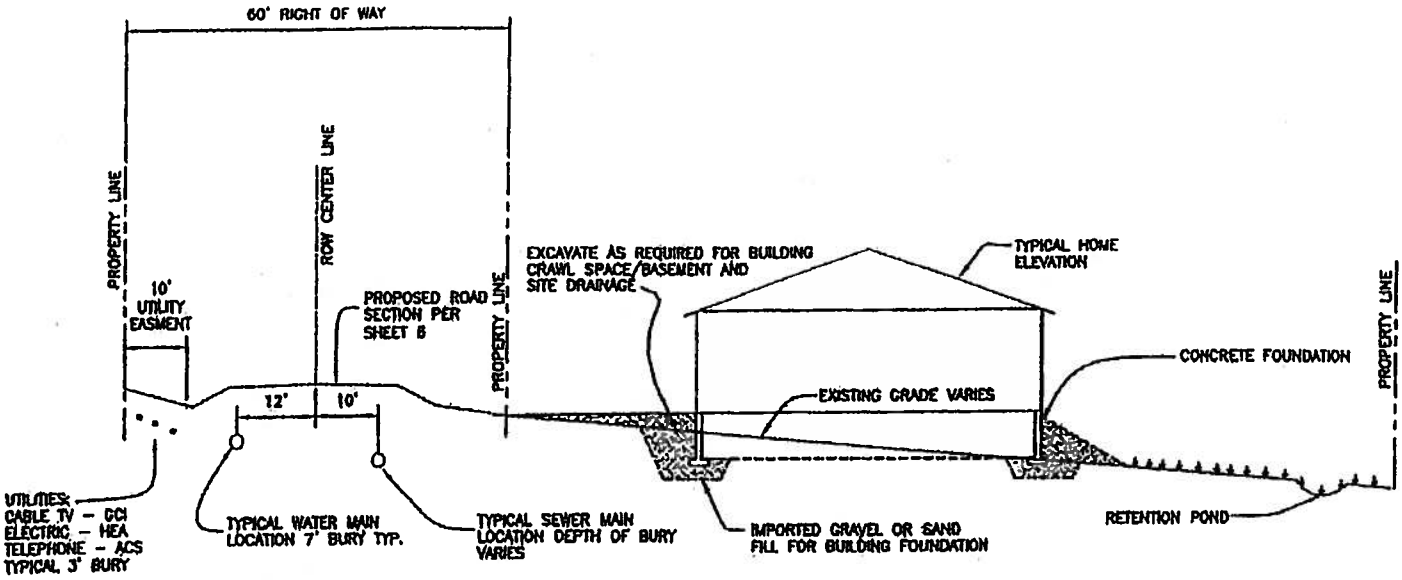
TABLE 1

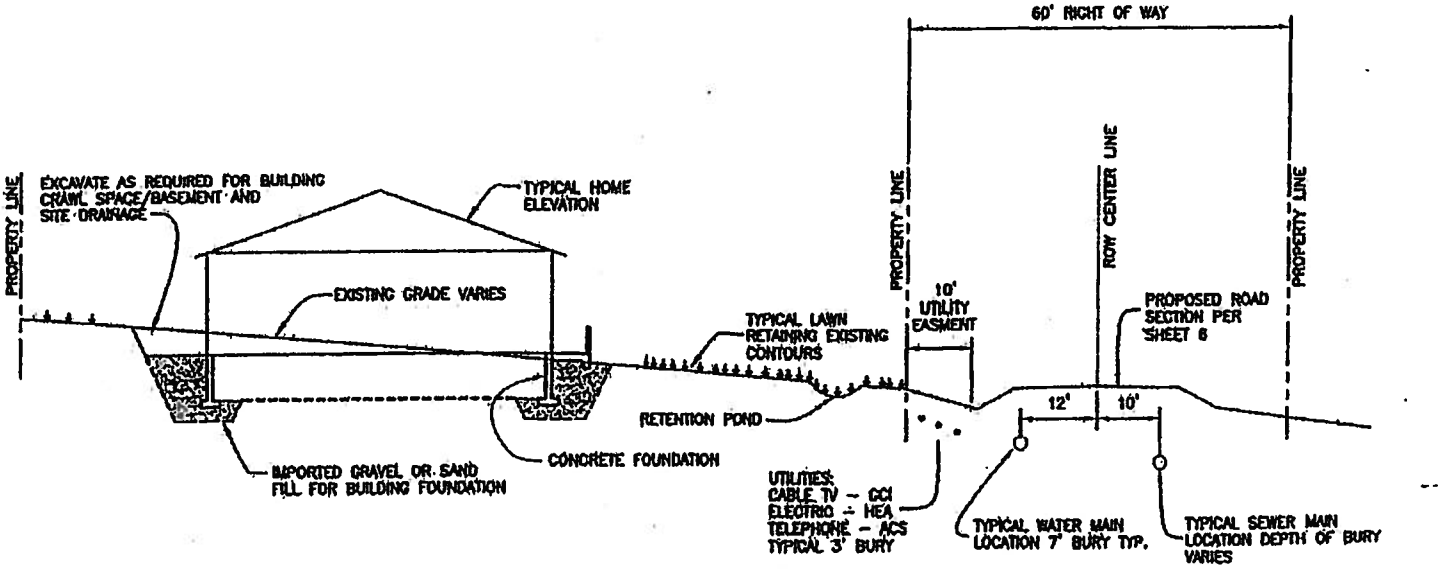
SURVEYED WETLAND ACREAGE AND PROPOSED FILL PER LOT

Lot Number	Surveyed Wetland Area (ft^2)	Requested Fill Area (ft^2)
1	9,721	5,400
2	7,720	2,700
7A	1,249	1,249
7B	6,163	5,400
7C	10,674	5,400
7D	9,037	5,400
9	8,480	5,400
10	5,348	5,400
11	7,366	5,400
12	11,670	5,400
13	7,074	0
14	202	0
23	314	314
24	24	24
38	29	29
39	8,737	0
40	6,784	2,700
41	3,850	1,925
42	945	0
43	2,018	2,018
45	8,212	0
46	9,884	5,400
47	2,937	0
48	438	438
52	1,271	1,271
53	1,070	1,070
63	191	0
64	28	0
80	2,223	0
81	38,991	0
83	2,075	0
84	4,250	0
86	2,282	0
87	2,316	1,158
88	4,182	2,091
89	520	0
90	70	70
Subtotal (ft^2)	*188,342*	*65,623*
Subtotal (acres)	4.32	1.51
Road Right of Way	0.650	0.65
TOTAL	4.97	2.16



A/5 TYPICAL DOWNHILL LOT PLAN

SCALE: NTS



B/5 TYPICAL UPHILL LOT PLAN

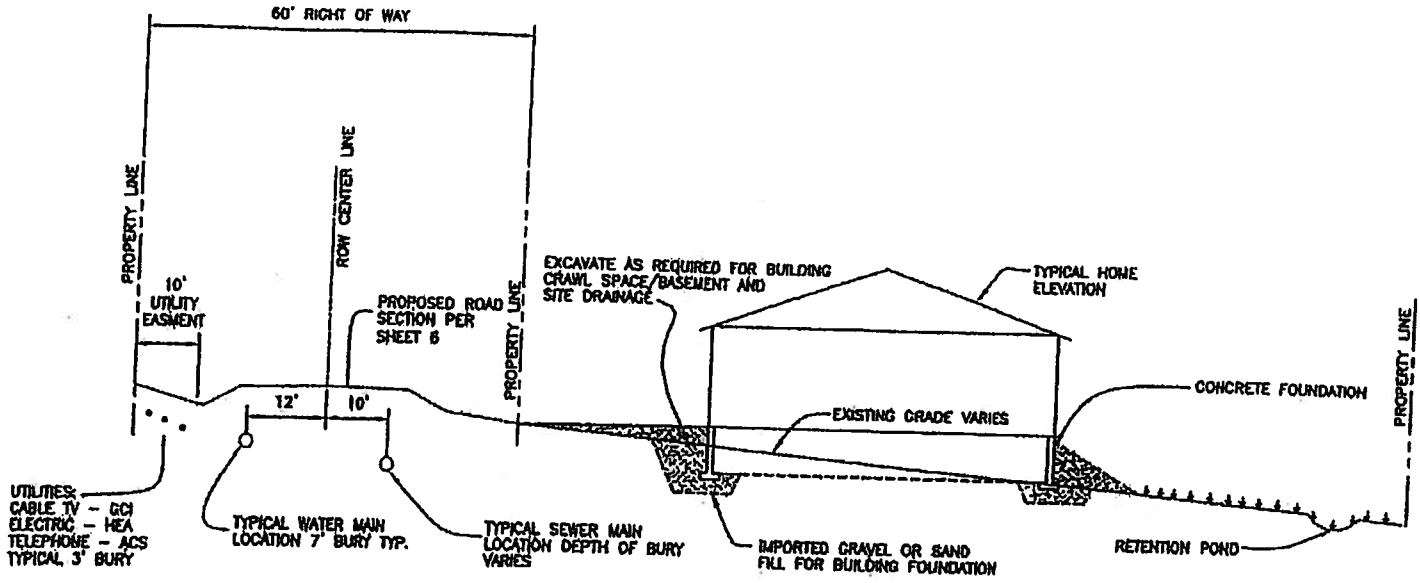
SCALE: NTS

POA-2006-799-4

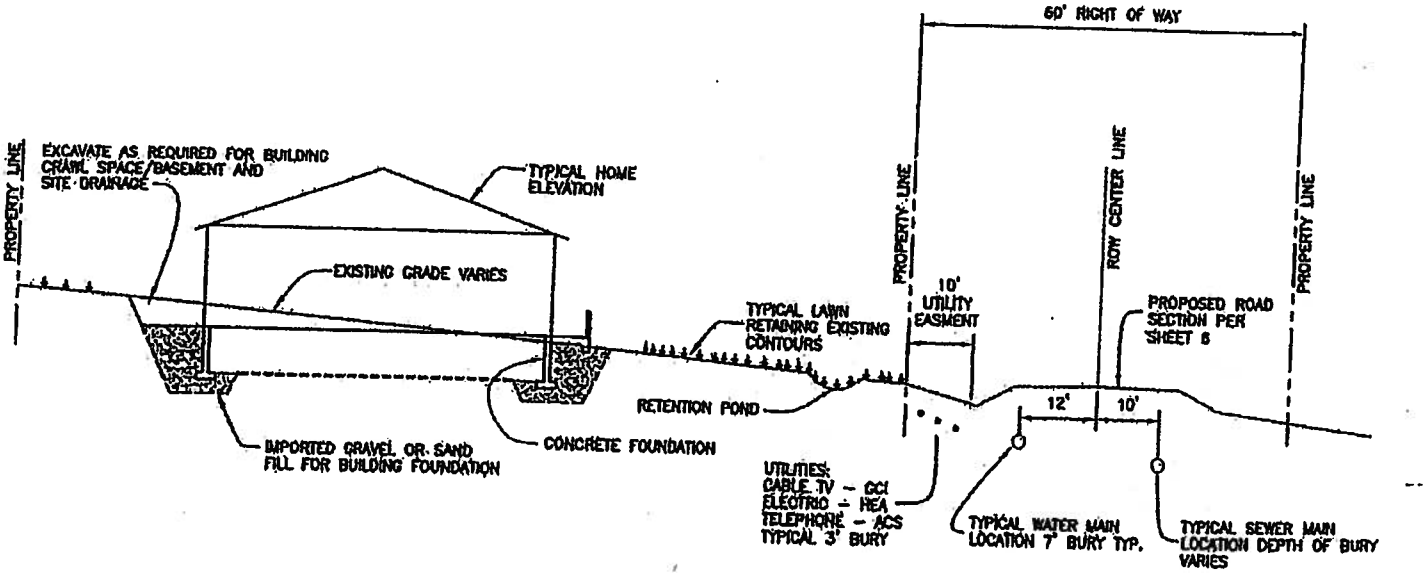
Sheet 6 of 12
November 8, 2006

Quiet Creek Park Subdivision
Homer, Alaska

PURPOSE: CONSTRUCTION OF HOUSEPADS, LAWNS, DRIVEWAYS, AND ROADS.	TYPICAL LOT CROSS-SECTIONS Travis/Peterson Environmental Consulting, Inc. 3305 Arctic Boulevard Suite 102 Anchorage, AK 99503	PROPOSED QUIET CREEK SUBDIVISION IN: HOMER, ALASKA



A/5 TYPICAL DOWNHILL LOT PLAN
SCALE: NTS



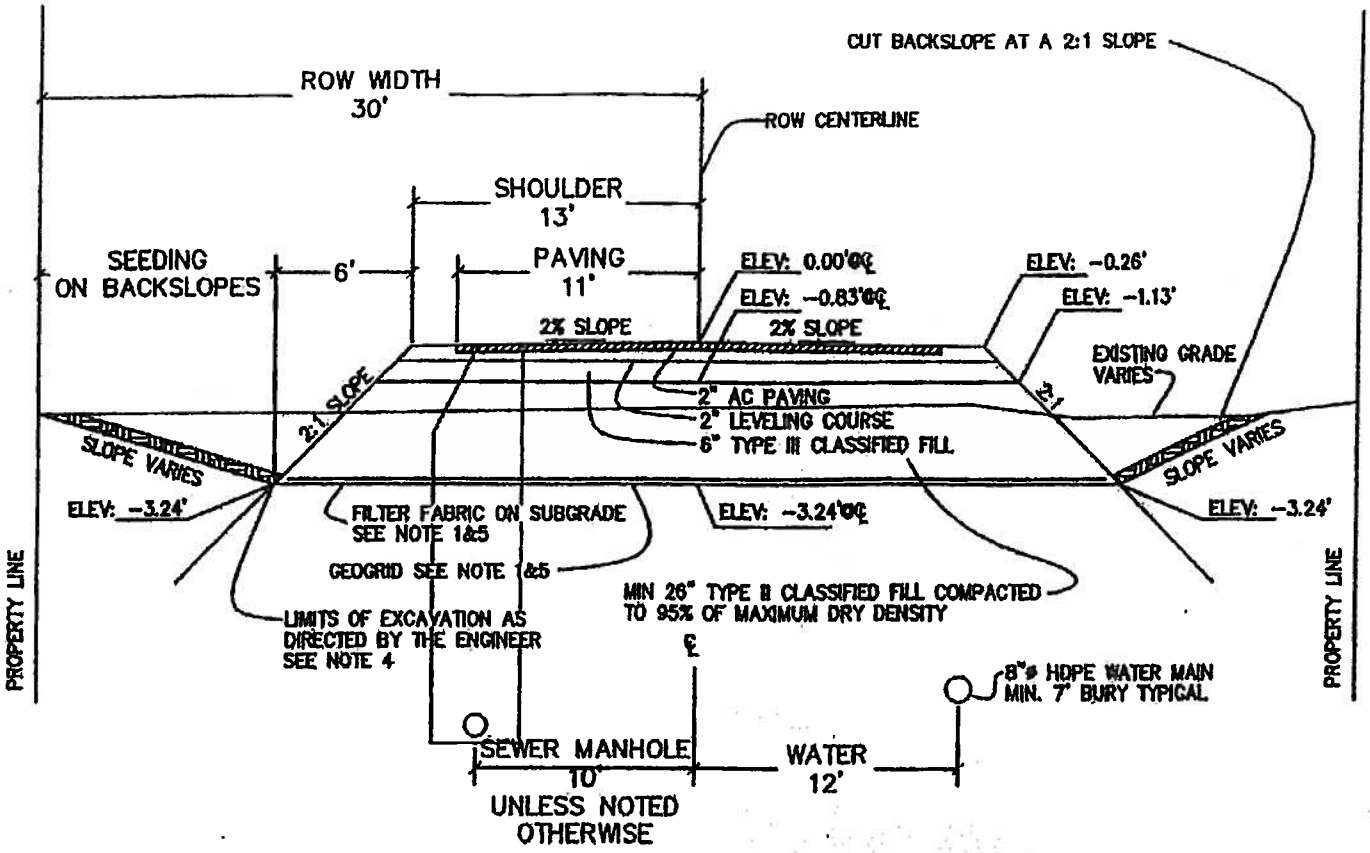
B/5 TYPICAL UPHILL LOT PLAN
SCALE: NTS

POA-2006-799-4

Sheet 6 of 12
November 8, 2006

Quiet Creek Park Subdivision
Homer, Alaska

PURPOSE: CONSTRUCTION OF HOUSEPADS, LAWNS, DRIVEWAYS, AND ROADS.	TYPICAL LOT CROSS-SECTIONS Travis/Peterson Environmental Consulting, Inc. 3305 Arctic Boulevard Suite 102 Anchorage, AK 99503	PROPOSED QUIET CREEK SUBDIVISION IN: HOMER, ALASKA



NOTES

1.) PLACE GEOGRID AND FILTER FABRIC A MINIMUM OF 1' AND A MAXIMUM OF 2' FROM EACH EDGE OF THE EXCAVATION.

2.) COMPACT ALL FILL AND PAVING TO 95% OF MAXIMUM DENSITY.

3.) TYPICAL SECTION IS SYMETRICAL ABOUT ROAD CENTERLINE.

4.) EXCAVATE BEYOND LIMIT INDICATED WHERE DIRECTED BY THE ENGINEER AND BACKFILL WITH TYPE II CLASSIFIED FILL.

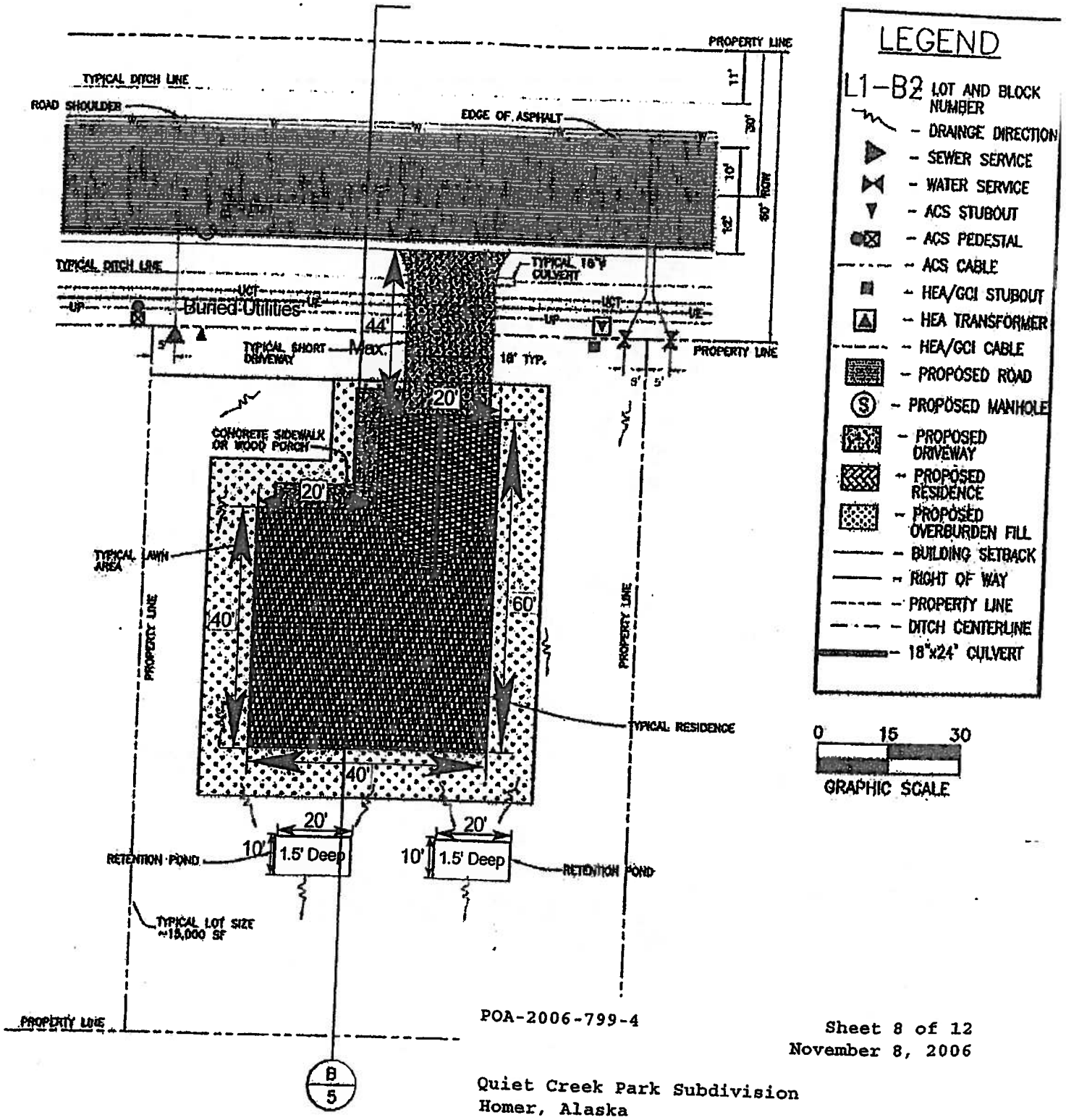
5.) GEOTEXTILE FABRIC SHALL BE JOINED WITH ADJACENT PIECES OF FABRIC BY OVERLAPPING. SECTIONS SHALL BE OVERLAPPED A MINIMUM OF THREE FEET (3'). GEOGRID REINFORCEMENT SHALL BE LAPPED A MINIMUM OF ONE AND ONE-HALF FEET(1 1/2') AT ALL JOINTS.

POA-2006-799-4

Sheet 7 of 12
November 8, 2006

Quiet Creek Park Subdivision
Homer, Alaska

PURPOSE: CONSTRUCTION OF HOUSEPADS, LAWNS, DRIVEWAYS, AND ROADS.	TYPICAL STREET CROSS-SECTION Travis/Peterson Environmental Consulting, Inc. 3305 Arctic Boulevard Suite 102 Anchorage, AK 99503	PROPOSED QUIET CREEK SUBDIVISION IN: HOMER, ALASKA

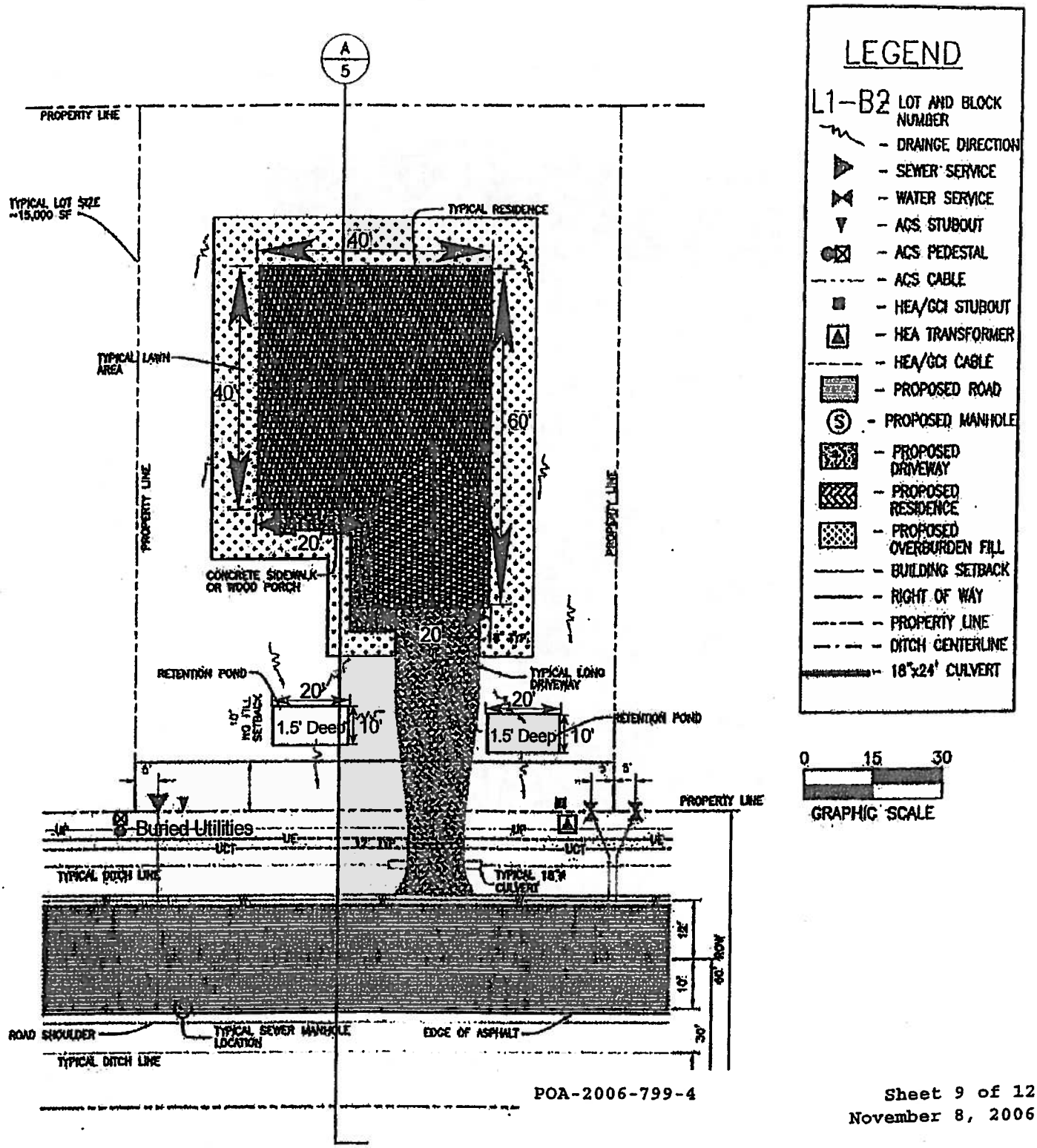


POA-2006-799-4

Sheet 8 of 12
November 8, 2006

Quiet Creek Park Subdivision
Homer, Alaska

PURPOSE: CONSTRUCTION OF HOUSEPADS, LAWNS, DRIVEWAYS, AND ROADS.	TYPICAL DOWNHILL LOT Travis/Peterson Environmental Consulting, Inc. 3305 Arctic Boulevard Suite 102 Anchorage, AK 99503	PROPOSED QUIET CREEK SUBDIVISION IN: HOMER, ALASKA

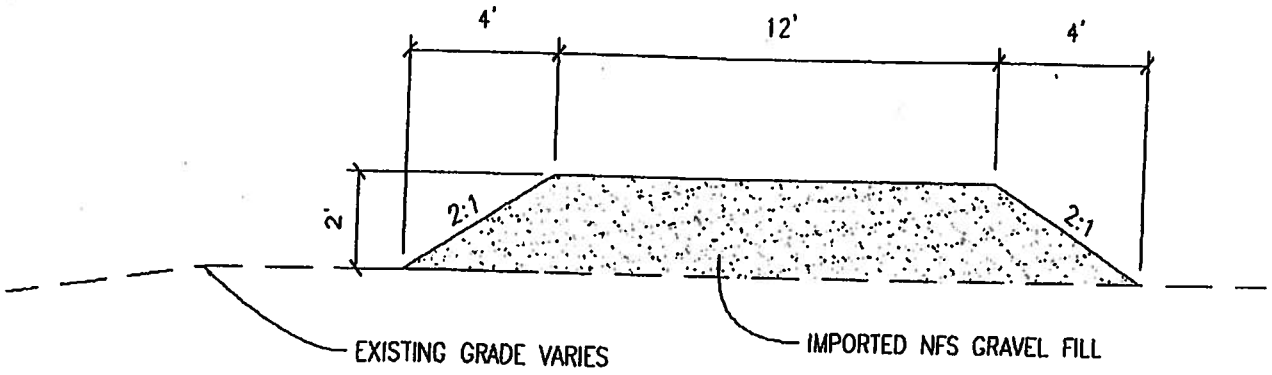


POA-2006-799-4

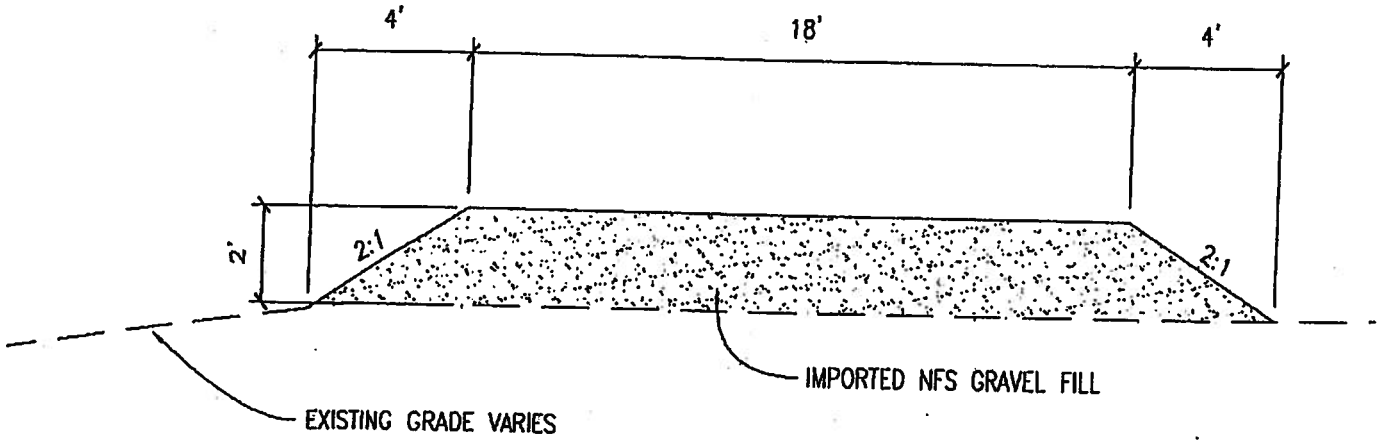
November 8, 2006

Quiet Creek Park Subdivision
Homer, Alaska

PURPOSE: CONSTRUCTION OF HOUSEPADS, LAWNS, DRIVEWAYS, AND ROADS.	TYPICAL UPHILL LOT Travis/Peterson Environmental Consulting, Inc. 3305 Arctic Boulevard Suite 102 Anchorage, AK 99503	PROPOSED QUIET CREEK SUBDIVISION IN: HOMER, ALASKA



A/9 12 FT WIDE DRIVEWAY SECTION
SCALE: NTS



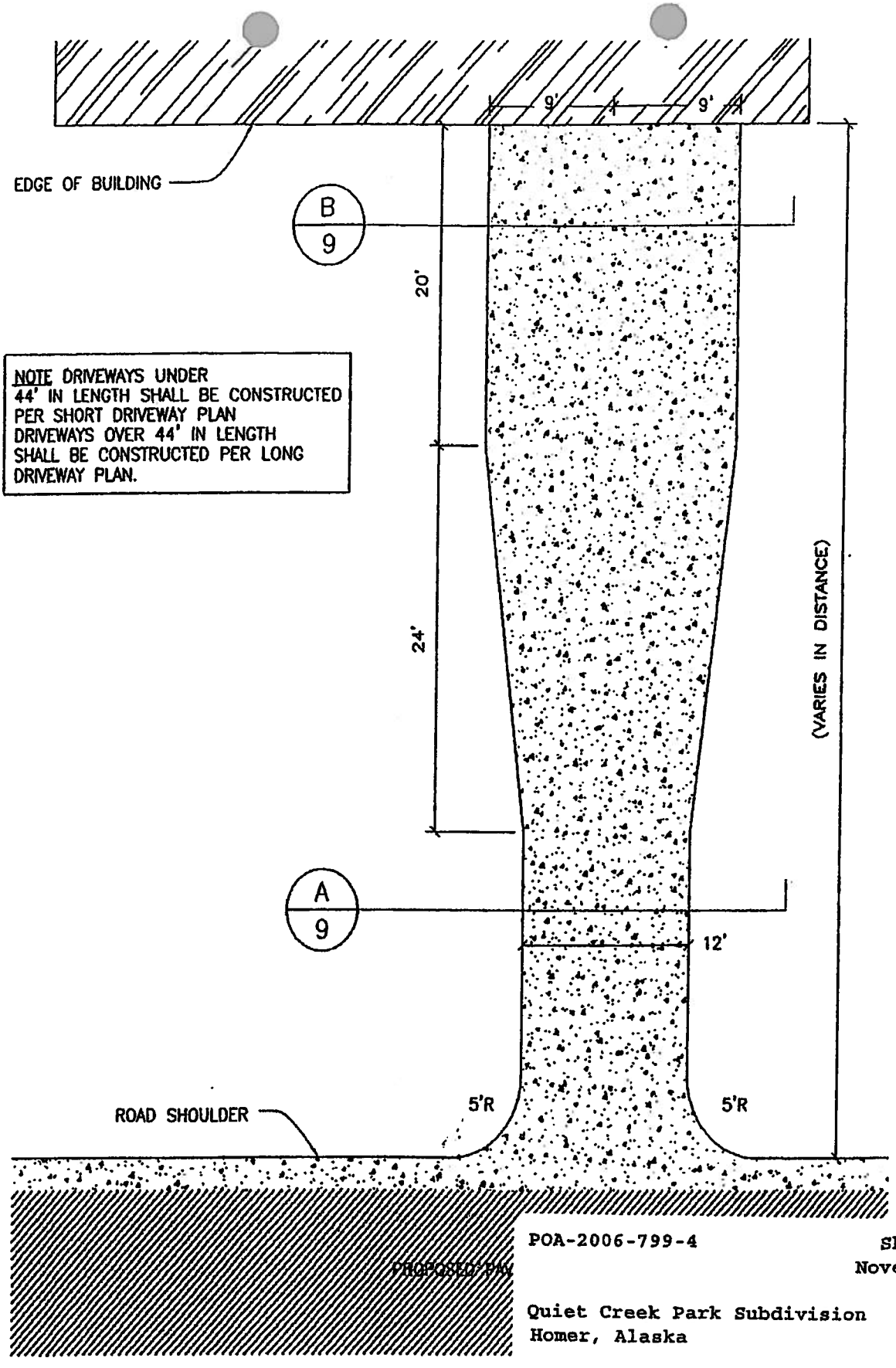
B/9 18 FT WIDE DRIVEWAY SECTION
SCALE: NTS

POA-2006-799-4

November 8, 2006

Quiet Creek Park Subdivision
Homer, Alaska

PURPOSE: CONSTRUCTION OF HOUSEPADS, LAWNS, DRIVEWAYS, AND ROADS	TYPICAL DRIVEWAY CROSS-SECTIONS Travis/Peterson Environmental Consulting, Inc. 3305 Arctic Boulevard Suite 102 Anchorage, AK 99503	PROPOSED QUIET CREEK SUBDIVISION IN: HOMER, ALASKA

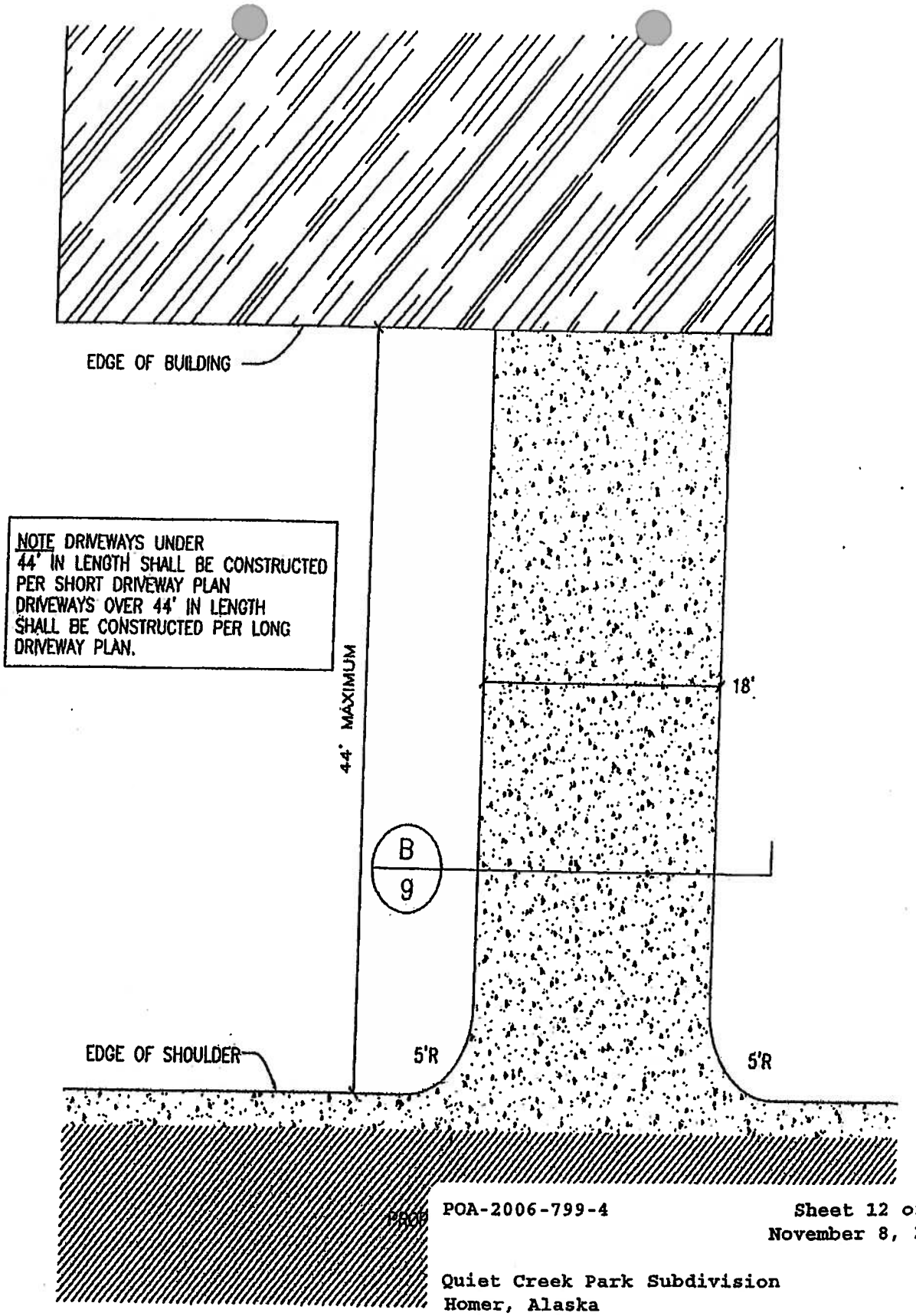


POA-2006-799-4

Sheet 11 of 12
November 8, 2006

Quiet Creek Park Subdivision
Homer, Alaska

PURPOSE: CONSTRUCTION OF HOUSEPADS, LAWNS, DRIVEWAYS, AND ROADS.	TYPICAL LONG DRIVEWAY Travis/Peterson Environmental Consulting, Inc. 3305 Arctic Boulevard Suite 102 Anchorage, AK 99503	PROPOSED QUIET CREEK SUBDIVISION IN: HOMER, ALASKA



POA-2006-799-4

Sheet 12 of 12
November 8, 2006

Quiet Creek Park Subdivision
Homer, Alaska

PURPOSE: CONSTRUCTION OF HOUSEPADS, LAWNS, DRIVEWAYS, AND ROADS.	TYPICAL SHORT DRIVEWAY Travis/Peterson Environmental Consulting, Inc. 3305 Arctic Boulevard Suite 102 Anchorage, AK 99503	PROPOSED QUIET CREEK SUBDIVISION IN: HOMER, ALASKA

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER
Non-Point Source Pollution Water Control Program

555 Cordova Street
Anchorage, AK 99501-2617
Phone: (907) 269-7564
Fax: (907) 334-2415
TTY: (907) 269-7511
http://www.state.ak.us/dec/

April 10, 2007
Certified Mail 7006-0810-0000-8656-7956

Mr. Tony Neal
Quiet Creek Park, LLC
PO Box 3368
Homer, AK 99603

Subject: Trib to Beluga Lake Quiet Creek Subdivision
Reference No. POA-2006-799-4
State ID No. AK0612-01AA

Dear Mr. Neal:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation is issuing the enclosed Certificate of Reasonable Assurance for construction of a subdivision in Homer, Alaska.

Department of Environmental Conservation regulations provide that any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Director, Division of Water, 555 Cordova St., Anchorage, AK 99501, within 15 days of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the Corps of Engineers and the Office of Project Management and Permitting of our actions and enclosing a copy of the certification for their use.

Sincerely,

James Rypkema
Program Manager

Enclosure
cc: (with encl.)
Forest McDaniel, ACOE, Kenai
Stewart Seaberg, DNR/OHMP
F&WS
Mike Travis, Travis/Peterson
Tom Atkinson, DNR/OPMP
Phil North, EPA, AK Operations
William Ashton, ADEC Anch
Greg Drzewiecki, ADEC Anch

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance, in accordance with Section 401 of the Federal Clean Water Act and the Alaska Water Quality Standards, is issued to Quiet Creek Park LLC., PO Box 3368, Homer, AK 99603, for the construction of an 87 parcel subdivision. Thirty-three of the parcels contain some wetlands. The work would include the construction of single family house pads, driveways, yards, roads, and buried utilities for public sewer and water, telephone, video and electricity. The amount of fill involved would be approximately 28,570 cubic yards of fill material into 2.75 acres of wetlands.

Based on pre-application coordination with the U.S. Army Corps of Engineers the applicant has agreed to the following mitigation efforts and special conditions:

1. Increasing the lot size to reduce the number of lots affecting the wetlands.
2. The project will avoid some stream and wetlands impacts by proposing natural park areas (lots 13, 28, 39, 44, 45 and 81) that will be protected by a conservation easement enforced by the Quiet Creek Park Homeowners Association. The park areas will preserve 1.45 acres of wetlands and 2.4 acres of upland buffer adjacent to the stream channels. There will also be five 10-foot wide trail easements, three 10-foot wide greenbelt easements, and a 30-foot wide drainage/greenbelt easement; for a total of approximately 0.81 acres. Quiet Creek Park LLC proposes to record conservation easements and restrictions for the lots within the subdivision and will provide signs notifying the public of the protected wetland areas.
3. The proposed plans minimize disturbance of the wetland areas by limiting excavation and fill around the rear and sides of buildings to 10 feet beyond the building perimeter.
4. Each lot will be connected to City of Homer water and sewer utility.

The proposed activity is located at Section 17 T. 6 S., R 13 W., Seward Meridian, in Homer, Alaska.

Public notice of the application for this certification was given as required by 18 AAC 15.180.

Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a Corps of Engineers permit, reference number POA-2006-799-4, and a discharge may result from the proposed activity.

Having reviewed the application and comments received in response to the public notice, the Alaska Department of Environmental Conservation certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative measures are adhered to.

1. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products. Material such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze or other pollutant spills as a result of construction activities.

2. Fuel storage and handling activities for earth moving equipment must be sited and conducted so there is no petroleum contamination of surface runoff and water bodies.

3. The boundaries of site preparation, excavation, and fill areas must be staked or flagged or both prior to construction to prevent inadvertent encroachment outside the necessary area.

4. Natural drainage patterns shall be maintained, to the extent practicable, without introducing ponding or drying.

5. Prior to fill placement, a silt fence or similar structure shall be installed on a line parallel to and within 5' of the proposed fill toe of slope within all wetland areas that contain standing water that is connected to any natural body of water or where the fill toe is within 25' of such a water body. This structure shall remain in place until the fill has been stabilized or contained in another manner.

6. Runoff discharged to surface water from a construction site disturbing 1 or more acres must be covered under EPA's NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities in Alaska (AKR10-0000). This permit requires that a Storm Water Pollution Prevention Plan (SWPPP), describing construction runoff and erosion control, be prepared and implemented. For projects that disturb greater than 5 acres, this SWPPP must also be submitted to ADEC (Greg Drzewiecki 907-269-7692) prior to construction. Please contact EPA directly concerning the NPDES storm water permit. In addition, because each lot is part of a larger, common development, the construction on each lot must be covered by EPA's Construction General Permit.

7. Construction equipment shall not be operated in the project area if equipment is leaking fuel, oil, hydraulic fluid, or any other hazardous material. Operation of tracked or wheeled equipment in the water shall be kept to a minimum. Equipment shall be inspected on a daily basis for leaks. If leaks

are found the equipment shall not be used and pulled from service until the leak is repaired.

8. Disturbed ground and exposed soil not covered with fill, structures, or appurtenances must be stabilized and revegetated with endemic species, grasses, or other suitable vegetation in an appropriate and timely manner to minimize erosion and sedimentation, so that a durable vegetative cover is established and maintained.

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18AAC15.100).

Date April 10, 2007

James Rypkema
Program Manager

STATE OF ALASKA

SARAH PALIN
GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT & PERMITTING
ALASKA COASTAL MANAGEMENT PROGRAM

■ SOUTHCENTRAL REGIONAL OFFICE
550 W. 7TH AVENUE, SUITE 705
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470 / FAX: (907) 269-3981

❑ CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99801-0030
PH: (907) 465-3562 / FAX: (907) 465-3075

❑ PIPELINE COORDINATOR'S OFFICE
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 257-1351 / FAX: (907) 272-3829

April 4, 2007

Dr. Eddie Packee
Travis/Peterson Environmental Consulting, Inc. (TPECI)
329 2nd Street
Fairbanks, AK 99701

Subject: Quiet Creek Park Subdivision
State ID NO. AK 0612-01AA, Corps ID # POA-2006-799-4
Final Consistency Response

Dear Dr. Packee:

The Office of Project Management & Permitting (OPMP) has completed the State's review of your proposed project for consistency with the Alaska Coastal Management Program (ACMP). OPMP has developed the attached final consistency response based on reviewers' comments.

Based on an evaluation of your project by the Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources and the affected coastal resource district, OPMP *concurs* with your certification that the project is consistent with the ACMP and affected coastal district's enforceable policies.

This is the *final consistency decision* for your project. This consistency response is only for the project as described. If you propose any changes to the approved project, including its intended use, prior to or during its siting, construction, or operation, you must contact this office immediately to determine if further review and approval of the revised project is necessary.

By copy of this letter, I am informing the U.S. Army Corps of Engineers of OPMP's final finding. If you have any questions regarding this process, please contact me at 907-269-7468 or email tom_atkinson@dnr.state.ak.us.

Sincerely,

Tom Atkinson
Project Review Supervisor

Cc via email:

William Ashton, DEC/ Anchorage
Gary Williams, Coastal Zone Coordinator, KPB
Ashley Reed ACMP Liaison, DMLW, Anchorage
Lee McKinley, DNR/OHMP, Soldotna
Ginny Litchfield, DNR/OHMP, Soldotna
Amber Wheat, DNR/OHMP, Soldotna
Pamela Russell, Kenai River Center
Linda Markham, DOT/PF, Anchorage
Margie Goatley, DNR/SHPO, Anchorage
Mark Fink, DFG, Anchorage
Ellen Simpson, DFG, Anchorage
Michele Powdrill, DNR/OPMP, Juneau
Jackie Hewett, Kenai River Center, Soldotna
Jane Gabler, KPB, Soldotna
Donna Boltz, Port of Anchorage, Anchorage
Forrest McDaniel, COE Regulatory Branch, Kenai
Phil North, EPA, Kenai
Rob Spangler, USFS
Jeni Evans, USFS Seward Ranger District, Seward
Jeanne Hanson, NMFS
Janet Herr, NMFS
Glen Yankus, NPS, Anchorage
Joe Meade, USFS
Gary Sonnevil, Field Supervisor, US Fish and Wildlife Service, Kenai
Mark Luttrell, President, Resurrection Bay Conservation Alliance, Seward
Mona Painter, Cooper Landing Community Club, Cooper Landing
Rick Rogers, Chugach Alaska Corporation, Anchorage
Bob Shavelson, Cook Inlet Keeper, Homer
Gary Porter, Bald Mountain Scientific
Randi Iverson, Alaska's Sadie Cove Wilderness Lodge
Violet Yeaton, Port Graham VM Council
Chief Pat Norman, Port Graham
Julie Engbretsen, City of Homer
Paul Gavenus, Homer
Diana Sedor, Homer

Cc via surface mail:

Robert L. Baldwin, FOCL, Cooper Landing
Celina Sumner, Seward Phoenix Log, Seward
Brenda Trefon, Kenaitze Indian Tribe, IRA
Adjacent Property Owners

ALASKA COASTAL MANAGEMENT PROGRAM
FINAL CONSISTENCY RESPONSE
CONCURRENCE

DATE ISSUED: APRIL 4, 2007

PROJECT TITLE: QUIET CREEK PARK (QCP) SUBDIVISION

STATE ID. NO.: AK 0612-01AA

Corps ID # POA-2006-799-4

AFFECTED COASTAL RESOURCE DISTRICT(S): KENAI PENINSULA BOROUGH

PROJECT DESCRIPTION:
The proposed project consists of constructing a 38-acre, 81-house residential subdivision. Thirty-three of the proposed 15,000 square foot lots would contain wetlands. Footprints for house/garage/yard and driveway are estimated to be 4,400 square foot and 1,000 square foot, respectively. Foundations would require approximately 6' deep excavations, on top of which would be 500-cy compacted gravel footings, 2' wide by 2' deep. Excavation and fill around the rear and sides of buildings would be limited to 10 feet beyond the building perimeter. Excavated material would be incorporated into onsite fills, and lawns would be constructed by tilling existing soil, without fill.

The typical short driveway (for houses built downhill of access roads) would be 18 feet wide and up to 44 feet long. The typical long driveway (for houses constructed uphill of access roads) would be between 12-18 feet wide and would vary in length. The typical filled driveway surface area would be 1,000 square feet. Vegetation in front yards would typically be disturbed by trenching 3'- 9' deep to connect to underground city water, city sewer, telephone, electric and video utilities. Access roads would be 26' wide across the top.

Storm water management measures would include both immediate and long-term erosion and sedimentation protection for all fills, stockpiles, and exposed slopes containing materials finer than gravel. Each lot (both uplands and wetlands) would include two 2,250 gallon retention ponds to contain surface runoff.

Three conservation easements or dedicated parks, located on six of the platted lots (13, 28, 39, 44, 45 and 81), would preserve 1.45 acres of wetlands and 2.4 acres of upland buffers adjacent to the stream channels. Five 10-foot wide trail easements, three 10-foot wide greenbelt easements, and a 30-foot wide greenbelt/drainage easement, together encompassing approximately 0.8

wetland acres, would further preserve wetlands. QCP would provide signs notifying the public of protected wetland areas.

The project would be located in the City of Homer, north of Kallman Rd, within the southeast quarter of Section 17, Township 6S, Range 13W, Seward Meridian, at Lat. 59.5665 degrees North, Long. 151.5264 West.

SCOPE OF THE PROJECT SUBJECT TO REVIEW:
To construct single-family house pads, driveways, yards, roads and buried utilities, approx. 28,570 cubic yards (cy) of excavated material and gravel fill would be discharged into 2.16 acres (reduced from 2.75 acres when this review began) of the 5 wetland acres in the site.

Culverts would be placed at 3 intermittent, non-anadromous stream crossings and three minor drainage crossings. Wetland fill, with 6,375 cy of useable excavation, type II gravel, type III gravel, leveling course and asphalt pavement, would be required to place culverts, estimated to be 24", 48" and 60" in diameter, necessary to construct West Aurora Ave. Constructing East Aurora Ave. would require filling wetlands with 3,220 cy of similar materials to place culverts with estimated diameters of 24" and 60". Nelson Rd. (connecting the subdivision to East Hill Rd.) would require filling about 0.44 acres of wetlands with 2,245 cy of similar materials.

CONSISTENCY STATEMENT: OPMP concurs with the consistency certification QCP submitted.

AUTHORIZATIONS: The Alaska Dept. of Environmental Conservation shall issue the 401 Certificate of Reasonable Assurance within five days after OPMP issues the final consistency determination that concurs with the applicant's consistency certification, unless DEC considers additional time to be necessary to fulfill its statutory or regulatory authority. DEC will review any activities subject to DEC permits, certifications, approvals, and authorizations for consistency with 11 AAC 112.310. The issuance of the permits, certifications, approvals, and authorizations by DEC establishes consistency with 11 AAC 112.310 for those specific activities.

Please note that, in addition to their consistency review, State agencies with permitting responsibilities will evaluate this proposed project according to their specific permitting authorities. Agencies will issue permits and authorizations only if they find the proposed project complies with their statutes and regulations in addition to being consistent with the coastal program. An agency permit or authorization may be denied even though the State concurs with the ACMP. Authorities outside the ACMP may result in additional permit/lease conditions. If a requirement set out in the final project description is more or less restrictive than a similar requirement in a resource agency authorization, QCP shall comply with the more restrictive requirement. Applicants may not use any State land or water without DNR authorization.

APPEAL: This final consistency response is a final administrative order and decision under the ACMP and for purposes of Alaska Appellate Rules 601-612. Any appeal from this decision to the superior court of Alaska must be made within thirty (30) days of the date this determination is issued.

ENFORCEMENT: Pursuant to 11 AAC 110.260(e) and 110.445(e), if after receiving this final consistency response, the applicant fails to implement an adopted alternative measure, or if the applicant undertakes a project modification not incorporated into the final determination and not reviewed under 11 AAC 110.800-11 AAC 110.820, State resource agency may take enforcement action according to the resource agency's statutory and regulatory authorities, priorities, available resources, and preferred methods.

ADVISORIES:
Please be advised that although OPMP concurs with your certification that the project is consistent with the ACMP, you are still required to meet all applicable State and federal laws and regulations. This consistency finding may include reference to specific laws and regulations, but this in no way precludes your responsibility to comply with other applicable laws and regulations.

If the proposed activities reveal cultural or paleontological resources, please stop any work that would disturb such resources and immediately contact the State Historic Preservation Office (907-269-8720) and the U.S. Army Corps of Engineers (907-753-2712) so that consultation per section 106 of the National Historic Preservation Act may proceed.

Final Consistency Response Prepared By:
Tom Atkinson, Project Review Supervisor
Office of Project Management & Permitting
550 W. 7TH Ave., Suite 705
Anchorage, AK 99501
(907) 269-7468

April 4, 2007

ACMP CONSISTENCY EVALUATION

Pursuant to the following evaluation, the project as proposed is consistent with applicable ACMP statewide and affected coastal resource district enforceable policies (copies of the policies are available on the ACMP web site at http://www.alaskacoast.state.ak.us).

STATEWIDE ENFORCEABLE POLICIES
11 AAC 112.200. Coastal development
a) In planning for and approving development in or adjacent to coastal waters, districts and state agencies shall manage coastal land and water uses in such a manner that those uses that are economically or physically dependent on a coastal location are given higher priority when compared to uses that do not economically or physically require a coastal location. (b) Districts and state agencies shall give, in the following order, priority to (1) water-dependent uses and activities; (2) water-related uses and activities; and (3) uses and activities that are neither water-dependent nor water-related for which there is no practicable inland alternative to meet the public need for the use or activity **Evaluation:** b) The proposed project site has no measurable quantity or percentage of seawater. Thus, this standard does not apply. c) OPMP defers to the United States COE to interpret compliance with the referenced standards.
11 AAC 112.210. Natural hazard areas
Evaluation: The project site is not in a designated natural hazard area; therefore this standard does not apply.
11 AAC 112.220. Coastal access
Evaluation: The project site is not in a coastal area; therefore this standard does not apply.
11 AAC 112.230. Energy facilities
Evaluation: Not applicable.
11 AAC 112.240. Utility routes and facilities
Evaluation: Not applicable.
11 AAC 112.250. Timber harvest and processing
Evaluation: Not applicable.
11 AAC 112.260. Sand and gravel extraction
Evaluation: Not applicable.
11 AAC 112.270. Subsistence
Evaluation: The project site is not in a designated subsistence area; therefore this standard does not apply.

11 AAC 112.280. Transportation routes and facilities

Evaluation: Not applicable.

11 AAC 112.300. Habitats

The Habitat Standard requires that habitats in the coastal area be managed so as to avoid, minimize, or mitigate significant adverse impacts to habitat. In addition, streams must be managed to avoid, minimize, or mitigate significant adverse impacts to active floodplains.

Evaluation:
Though the proposed project site contains intermittent drainages, it contains no streams or other habitats to which this standard applies.

11 AAC 112.310. Air, land, and water quality.

Evaluation: Notwithstanding any other provision of this chapter, the statutes and regulations of the Department of Environmental Conservation with respect to the protection of air, land, and water quality identified in AS 46.40.040(b) are incorporated into the program and, as administered by that department, constitute the exclusive components of the program with respect to those purposes. (Eff. 7/1/2004, Register 170)

11 AAC 112.320. Historic, prehistoric, and archeological resources.

Evaluation: QCP has been advised to contact DNR/SHPO and the U.S. Army Corps of Engineers and the Alaska State Troopers should a site of cultural or historical significance be suspected or revealed and to stop any work that would disturb any resources.

APPICABLE AFFECTED COASTAL RESOURCE DISTRICT ENFORCEABLE POLICIES

Kenai Peninsula Borough Coastal Zone Management Program (KPBCZMP) enforceable policies 2.4. Dredging and Filling and 2.5. Disposal of Dredged Material.
These policies require that dredging and filling in wetlands shall limit the area of disturbance to as small an area as possible; minimize sediment flowing away from the dredge site, and maintain the circulation and drainage patterns in the area of the fill.

OPMP received two comments from citizens relevant to the issues KPBCZMP policies 2.4 & 2.5 address. Paul Gavenus copied OPMP with his 3/7/07 letter to the Corps, and asked that OPMP consider his comments in the ACMP review. Though Mr. Gavenus did suggest changes to the proposed QCP plan, he did not (per 11 AAC 110.510 (b)) cite specific enforceable policies and explain how QCP's proposed project would be inconsistent with those policies. After the ACMP review began, QCP altered the project in a manner that partially addresses one of Mr. Gavenus' concerns by removing one of the retention ponds from an easement/park area. Also, QCP's reducing the amount of fill by 21% (see below) since initiation of this review and modifying project design to improve on-site water retention partially addresses Mr. Gavenus' concern about run-off.

Diana Sedor submitted comments to OPMP expressing concern that QCP development would worsen existing frequent run-off, culvert plugging, and flooding conditions in the Kramer Lane vicinity, downslope from QCP's proposed site. Ms. Sedor did not (per 11 AAC 110.510 (b)) cite specific enforceable policies and explain how QCP's proposed project would be inconsistent

with those policies. QCP's reducing the amount of fill and modifying project design to minimize run-off partially addresses Ms. Sedor's concerns.

Evaluation: Following initiation of this ACMP review, QCP revised the development plan to avoid and minimize impacts to wetlands and provided a more comprehensive scheme of on-site water retention. As a result, the impact to wetlands has been reduced by 0.59 acres to 2.16 acres of unavoidable wetland impact.

QCP modified the project design to minimize water run-off by providing retention basins on lots 13, 45 and 39. A 450' x 10' swale along the southern property margin extending from lot 59 through 52 is designed to intercept and retard sheet flow from the central portion of the project. The total water retention capacity is 22,800 cubic feet. The calculated run-off due to hardened surfaces is approximately 20,000 cubic feet based on a 10-year, 3-hour storm event.

QCP proposes to use Best Management Practices to minimize sediment escapement as a result of site excavation and proposes to maintain natural drainage systems on-site.

The project, as revised, still causes a loss of wetland habitat. QCP has sought to minimize the loss by reducing wetlands impacts by an additional 21%. As a mitigation measure QCP will dedicate three areas totaling 2.4 acres of the 11.2 acres of wetlands in a conservation easement. In addition 5, 10-foot wide trail easements, 3, 10-foot wide greenbelt easements and a 30-foot wide greenbelt/drainage easement totaling 0.81 acres will be protected from development.

KPBZMP enforceable policy 2.7. Cumulative Impacts
This policy requires that proposed new and existing development consider the cumulative effects of such activity on ambient air and water quality and coastal habitats. QCP development will cause substantial run-off due to hardened surfaces throughout the site. The cumulative impact to downstream properties due to increased water volume is a substantial concern on the Homer bench.

Evaluation: QCP has utilized a modest 10-year, 3-hour storm event to calculate the amount of water retention area required to maintain the current rate of discharge from the site in its natural state. Although OPMP would prefer that QCP base calculations on a 10-year, 6-hour event to generate a more conservative water retention capacity, the City of Homer has previously expressed confidence in the 10-year, 3-hour scenario. OPMP defers to the City's expertise. The City of Homer has been apprised of the proposed project plan and alterations/clarifications QCP has made to it in response to Kenai Peninsula Borough Coastal District and U.S. Army Corps of Engineers concerns. The City has not commented as part of this ACMP review. QCP must submit the final drainage plan to the City of Homer for approval.

This notice of authorization must be conspicuously displayed at the site of work.

United States Army Corps of Engineers
Beluga Lake

A permit to: fill approx. 2.16 acres of wetlands to construct a subdivision

at: Quiet Creek Park in Homer, Alaska

has been issued to: Mr. Tony Neal **on:** 23 Apr 2007

Address of Permittee: Post Office Box 3368, Homer, Alaska 99603

Permit Number:

POA-2006-799-4

FOR: *District Commander*
DAVE CASEY
FIELD OFFICE MANAGER
REGULATORY DIVISION

ENG FORM 4336, Jul 81 (33 CFR 320-330) EDITION OF JUL 70 MAY BE USED (Proponent: CECW-O)

Rec'd 5.2307
AGN

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
REGULATORY DIVISION
805 FRONTAGE ROAD, SUITE 200C
KENAI, ALASKA 99611-7755

REPLY TO
ATTENTION OF:

May 22, 2007

Regulatory Division
POA-2006-799-M

Tony Neal
Quiet Creek Park LLC
Post Office Box 3368
Homer, Alaska 99603

Dear Mr. Neal:

Enclosed is the signed Department of the Army (DA) permit modification, file number POA-2006-799-M, Beluga Lake. Also enclosed is a Notice of Authorization that should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Also enclosed is a Notification of Administrative Appeals Options and Process and Request for Appeal form regarding this DA Permit Modification (see section labeled "Initial Proffered Permit").

You may contact me at (907) 283-3519, by email at forrest.e.mcdaniel@poa02.usace.army.mil, or by mail at the letterhead address, if you have questions. For additional information about our Regulatory Program, visit our web site at www.poa.usace.army.mil/reg.

Sincerely,

Forrest E. McDaniel
Project Manager

Enclosures

Copies Furnished without Permit:

Mr. Mike Travis
Travis/Peterson Environmental Consulting, Inc.
3305 Artic Boulevard, Suite 102
Anchorage, Alaska 99503

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
REGULATORY DIVISION
805 FRONTAGE ROAD, SUITE 200C
KENAI, ALASKA 99611-7755

REPLY TO
ATTENTION OF:

May 22, 2007

Regulatory Division
POA-2006-799-M

DEPARTMENT OF THE ARMY
PERMIT MODIFICATION

Department of the Army permit number POA-2006-799-4, was issued to Tony Neal, Quiet Creek Park LLC on April 23, 2007, to:

Discharge of fill material into wetlands for the construction of an 87 lot subdivision. The work would include the construction of single family house pads, driveways, yards, roads and buried utilities. The amount of fill involved would be approximately 28,570 cubic yards of material into wetlands, resulting in the loss of approximately 2.16 acres of wetlands.

The permit is hereby modified as follows: The construction of Nelson Avenue to the east of Quiet Creek Park Subdivision has been approved. The proposed roadway will impact an additional .20 acres of wetland, resulting in the total loss of approximately 2.36 acres of wetlands for the development of Quiet Creek Park Subdivision.

The proposed work is located within SE ¼ of section 17, T. 6 S., R. 13 W., Seward Meridian, in Homer, Alaska

All other conditions under which the subject authorization was made remain in full force and effect.

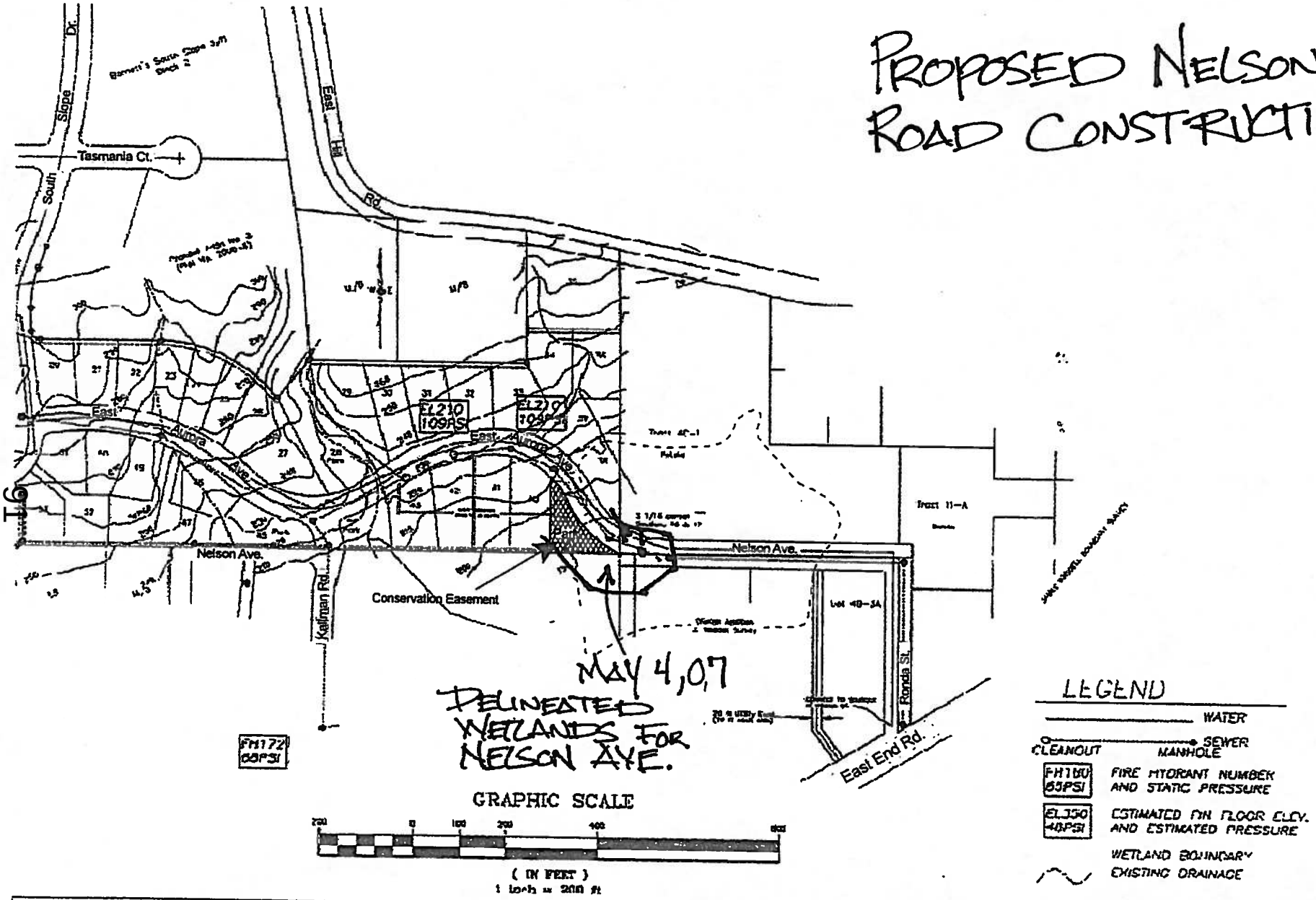
This authorization and the enclosed modified plans should be attached to the original permit. Also enclosed is a Notice of Authorization that should be posted in a prominent location near the authorized work.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Forrest E. McDaniel
Project Manager

Enclosures

PROPOSED NELSON AVE ROAD CONSTRUCTION



PURPOSE: CONSTRUCTION OF HOUSEPADS, LAWNS, DRIVEWAYS, AND ROADS. TONY NEAL	SITE PLAN - NELSON/RONDA EXTENSION Travis/Peterson Environmental Consulting, Inc. 3305 Arctic Boulevard Suite 102 Anchorage, AK 99503	PROPOSED QUIET CREEK SUBDIVISION IN: HOMER, ALASKA POA-2006-799-M

This notice of authorization must be conspicuously displayed at the site of work.

United States Army Corps of Engineers
Beluga Lake

A permit to construct Nelson Avenue to the east side of Quiet Creek Park Subdivision

at SE ¼ of section 17, T. 6 S., R. 13 W., Seward Meridian, in Homer, Alaska

has been issued to Tony Neal, Quiet Creek Park LLC **On** May 22, 2007

Address of Permittee Quiet Creek Park LLC, Post Office Box 3368
Homer, Alaska 99603

Permit Number:

POA-2006-799-M

FOR: District Commander
FORREST E. MCDANIEL
PROJECT MANAGER
REGULATORY DIVISION
(Proponent: CHOW-0)

ENG FORM 4336, Jul 81 (33 CFR 320-330) EDITION OF JUL 70 MAY BE USED

Quiet Creek Preliminary Plat Public Comments

Dec. 5 – Dec. 26

Comment 1 Becky Paul, Dec. 5

Comment 2 William T. Abbott, Dec. 8

Comment 3 Geoff Coble, Dec. 17

Comment 4 Katherine George - Mike Gracz letter, Dec. 18

Comment 5 Katherine George – Homer Wetland Complexes and Management Strategies Poster, Dec. 20

Comment 6 Katherine George – Homer Wetlands Strategy, Dec. 20

Comment 7 Katherine George – soil maps and tables, Dec. 21

Comment 8 Katherine George – rain gardens, Dec. 22

Comment 9 Tom Kizzia, Dec. 23

Comment 10 Paul Gavenus, Dec. 23

Comment 11 Virginia Espenshade, Dec. 23

Comment 12 Francie Roberts, Dec. 23

Travis Brown

From: Rebecca Paul <RPaul2@KPBSD.k12.ak.us>
Sent: Thursday, December 05, 2013 1:37 PM
To: Travis Brown
Subject: RE: Barnett's South Slope Subdivision

Travis,

Thank you for your response. I have edited my letter. Please submit this one!!

Happy Holidays.

Dear Travis and City of Homer Planning and Zoning,

I am strongly opposed to the proposed development of Barnett's South Slope Subdivision as it is today.

I have been a resident of Homer since 1978. I own multiple properties in the Homer area.

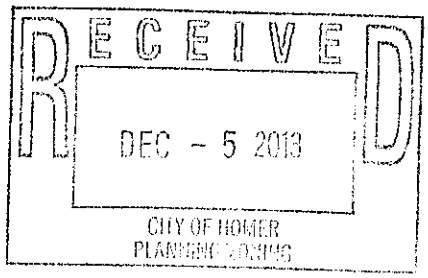
I now live on Mountain View Drive. I have been adversely affected by the recent development in the Anderson subdivision area above my home. My neighbors, as well, have been adversely affected with water issues, significant water run-off into basements, into the yards and driveways. **This has been costly**. The City and Corp of Engineers allowed this development without the consideration of water drainage, the wetlands, the impact on wildlife and most importantly, property values. This clearly has had a negative impact on the taxpaying citizens of Homer in one of the most desirable areas in the community.

Additionally, the road as proposed by the developers to join with Mountain View and/or Elderberry will be a hazard to the families and children who play in the quiet neighborhood. I pay a large mortgage to live in the quiet residential area at the "top" of Homer. My privacy, my property values, my reason for living in Homer will be impacted to the extent that I will no longer wish to own my current property or reside in the area.

Please reconsider this proposal to have larger lots, to add strict covenants that protect the neighbors, our values and to respect the wetlands. All of this comes together in a bigger picture for the economic health of the entire community not simply for one developers pocket.

Thank you!

Becky Paul
West Homer Elementary



FAXED Dec. 8, 2013

Date: December 4, 2013

To: Homer Advisory Planning Commission, via fax to 907-235-3118

From: William T. Abbott & Ly T. Abbott, owners of 457 Mountain View Drive and 456 Elderberry Drive in Homer, Alaska

RE: Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat

As owners of two lots affected by the development of this new subdivision (one lot with an improvement, our home in Homer built on it, the second lot contiguous with it and maintained as a vacant lot to build on later after "downsizing" to a much smaller house to be built on it), we would like to register our concerns about this new subdivision being allowed to go further at this time along this route that seems to be leading to full and unstoppable and uncheck able development. We do not believe that sufficient commitments have been made yet by the developer to utilize traffic calming, traffic slowing techniques; we do not believe that sufficient commitments have been made yet to keep these new access and/or egress routes to/from the Quiet Creek Park Subdivision from becoming traffic routes utilized mainly for convenience (such as, by students leaving school in droves to go to lunch or return, "blasting" through these routes unmindful and uncaring of their traffic's damaging effects on the peace of mind of the residential communities living on the Mountain View Drive and Elderberry Drive). Please hold off on approving this replat at this time. Thank you for your attention to this important matter.

Sincerely,

William T. Abbott Ly T. Abbott

William T. Abbott
111 Rolling Meadow Trail, Georgetown, TX 78633 Phone 512-868-2540
(100% Disabled American Veteran residing in Texas under VA Care for Agent Orange caused pulmonary fibrosis)

WILLIAM T. ABBOTT
& LY T. ABBOTT
512-868-2540

RECEIVED
DEC - 8 2013
CITY OF HOMER
PLANNING/ZONING

COBLE GEOPHYSICAL SERVICES

GEOPHYSICAL CONSULTING

P.O. Box 1637 Homer, Alaska 99603-1637 (907) 235-1066 Groundwater/Surface Water Geophysics

12/17/13

Rick Abboud, Planning Commissioner

RE: Traffic Blockage – Kramer Lane
Problems with Traffic Load From Proposed Quiet Creek Subdivision

Cc: Planning Commission, City Council

Dear Rick,

Please note that if 70 homes are to also access the small Kramer neighborhood, there likely will need to be a stoplight to control traffic. It is currently a problem when more than four cars are waiting to turn onto East End Road from Kramer, causing blockage of the Entrance/Exit of the SVT Health and Wellness Medical Center, and the Entrances/Exits to the Homer Professional Building.

Adding 70 homes worth of traffic to that scenario was not acceptable in 2006, as shown in the reprinted Homer News Article below:

Story last updated at 8:10 AM on Wednesday, January 18, 2006
Panel approves Foothills, Quiet Creek subdivisions

BY MICHAEL ARMSTRONG
STAFF WRITER

After months of meetings before the Homer Advisory Planning Commission, the Kenai Peninsula Borough Plat Committee last week approved final plats for two controversial Homer subdivisions. By unanimous consent, the plat committee approved LeRoy Cabana's Foothills Subdivision near West Homer Elementary School and Tony Neal's Quiet Creek Park Subdivision near Homer High School. The borough plat committee is the body that grants final plats.

Both plats were approved with conditions — but not all of the conditions recommended by the Homer Advisory Planning Commission. The two subdivisions had street names duplicating other borough names or used street descriptions — "lane" instead of "road" — that didn't fit borough code. The borough plat committee required the subdivision owners to comply with street naming requirements.

Most controversial was the Quiet Creek subdivision. Counting Tony Neal and his surveyor, Roger Imhoff, 10 Homer residents went to Soldotna to testify on the plat.

"We made an enormous effort to go up there," said Brian Bennett, who lives on Kachemak Way to the west of the proposed subdivision. "For every person that was there, there were at least five people who would have liked to attend."

The Homer commission made approving the plat contingent on several conditions, including a phase-in of road construction ***so that roads in Quiet Creek would not increase traffic into neighborhoods to the west until the city built better east-west and north-south roads outside the***

subdivision. It stipulated that runoff from Quiet Creek not impact down slope neighborhoods. It required that West Aurora Avenue be offset from intersecting with Mountain View Drive and Elderberry Drive — that is, not meet those intersections directly. It also stipulated that if a final wetlands determination would result in roads being changed the plat go back to the Homer commission for reapproval.

The borough planning staff recommended only the last two of those conditions.

"The Homer Advisory Planning Commission put in a lot of safeguards," said Ginny Espenshade, another Homer resident who testified. "I would have been more comfortable if they (the borough plat committee) had quoted those. That's what's awkward. Our local body put hours and hours into it."

Neal said he is having a private contractor do a wetlands assessment. Once that's done, he plans to apply with the U. S. Army Corps of Engineers for an individual permit to develop wetlands in the subdivision, including roads, utilities easements and lots.

At a Nov. 16 Homer planning commission meeting, Homer Public Works Director Carey Meyer raised issues about the 640-foot length of one cul-de-sac, Sophie Court. Homer city code limits cul-de-sacs to 600 feet, he said. Bennett raised this point at the borough plat committee meeting and the commissioners discussed this point, but they took no action on making the cul-de-sac shorter.

Borough platting officer Mary Toll said she did not see a shorter limit referenced in the Homer commission's recommendations. Sophie Court does not exceed the borough code cap of 1,000 feet for cul-de-sacs, Toll said.

Neal said he asked for and received a waiver from the city to make the cul-de-sac longer.

It was unclear if the city of Homer could require Neal to build his subdivision in phases so Quiet Creek's roads wouldn't increase neighboring traffic. Homer regulates subdivisions through an installation agreement. City planner Beth McKibben said Homer Public Works administers the installation agreement, but this generally covers how sewer and water lines would be connected and other construction issues.

As a practical matter, Neal said it wouldn't be unrealistic to start his subdivision at the eastern, or Nelson Avenue, end and work west.

With the plat approved, Neal said after he has applied for a Corps of Engineers permit, he would go to the city of Homer for his subdivision agreement. He anticipates having all permits and agreements done over the next three months and in time to start construction this summer.

The major controversy with the Foothills Subdivision had been concern over trails and sidewalks. Because of its proximity to West Homer Elementary School, people testifying before the Homer commission urged the plat include pedestrian pathways. The Homer commission granted a conditional approval that required complying with a section of the borough planning code requiring pedestrian paths under certain conditions. Since the borough does not have the power to accept or enforce trails, the borough planning department staff recommended that the city of Homer accept pedestrian easements on the plat. In approving the Foothills Subdivision plat, the borough plat committee accepted the staff recommendations.

Michael Armstrong can be reached at michael.armstrong@homernews.com.

Of course the problems associated with traffic have only increased since then, yet no changes in the road infrastructure have been made. We spoke out at the time and feel that if the City continues to compromise infrastructure ignoring the obvious needs of other businesses, emergency and medical access there will be an obvious problem for residences on Kramer Lane and surrounding neighborhoods.

Please let me know if you would like any further information concerning this serious problem. Thank you,

Sincerely,

Geoff Coble, M.S., PG
Coble Geophysical Services
Homer Professional Building
910 East End Rd, Suite #1
Homer, Alaska 99603

Travis Brown

From: Katherine George <kgeorge@acsalaska.net>
Sent: Friday, December 20, 2013 11:57 AM
To: Department Planning
Subject: QuietCreek.pdf
Attachments: QuietCreek.pdf

The accompanying map illustrates the relative size of Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat, 2013, the immensity of the watershed and drainages, and the extent of the wetlands. The letter from Mike Gracz speaks for itself.

Please print this cover letter and a COLOR copy of the enclosed pdf document to include in the Planning Commission packet for consideration for the January 2, 2014 meeting.

Thank you.

Katherine George

Mike Gracz
PO Box 15301
Fritz Creek, AK 99603

18 December 2013

To whom it may concern,
I am writing to urge caution with approval of the proposed plat in the area shown on the reverse of this page (outlined in blue). I am writing as an expert in wetland science, and the views I express are my own. I am not writing to oppose any plat in that area. Further, the City needs housing, and higher density within the City Limits is preferred over sprawl. However, the density proposed for that area and its proximity to wetlands at the headwaters of a stream flowing past the High School, under East End Road, and along Lake Street could potentially cost the citizens of Homer more than the revenue the proposed subdivision will bring to the City.

Increased flooding and damage to downstream properties will likely occur if stormwater runoff from the new subdivision is not carefully managed. Increased impervious surface area, such as lawns, roads, rooftops, and driveways, causes an increase in surface flow during rain events. The runoff from impervious surfaces will flow across the surface producing a peak flow greater than if natural infiltration into the soil occurred. If the runoff from the new impervious surfaces of the subdivision is channeled to the west into the stream draining the wetlands there (see reverse), greater floods will result. For example, an inch of rain over an hour over 30 acres of impervious surface can produce a flow of about 30 cubic feet per second, about a third of the flow in the Anchor River when it is low. In order to minimize the potential costs of flooding, an adequate plan to buffer, detain, and retain stormwater runoff from the subdivision is required. This may or may not be possible with a subdivision of the density proposed in that area. Numerous studies find that once impervious surface area exceeds 10%, problems occur. An Anchorage study found a threshold of 5% impervious surface before water quality declined.

Please be certain that before approval, adequate stormwater management features such as natural soil buffers, swales, and detention ponds are included as part of the subdivision. The current configuration and proximity of the subdivision to a stream flowing through town appears to be an accident waiting to happen. A properly constructed subdivision could avoid unnecessary costs to all of us.

Sincerely,

Mike Gracz
907-235-3788


Wetlands (green)
106
0
0.25
0.5 Miles

Travis Brown

From: Katherine George <kgeorge@acsalaska.net>
Sent: Friday, December 20, 2013 11:43 AM
To: Department Planning
Subject: Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat, 2013

In 2005-2006 a multi-agency group composed of representatives of the City of Homer, US Army Corps of Engineers, Environmental Protection Agency, US Fish and Wildlife Service, Kachemak Bay Research Reserve, Cook Inlet Keeper, Kenai Watershed Forum, Natural Resources Conservation Service, and Alaska Department of Fish & Game met extensively for nine months to assess Homer Wetlands. The resulting "Homer Wetland Complexes and Management Strategies" poster is a summary of their findings.

http://cookinletwetlands.info/downloads/HomerComplexesStrategiesPoster.pdf

Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat, 2013 is part of the Quiet Creek Management Area. Here is what the resource document says about Quiet Creek:

This large wetland is an area of discharge of water from the slope of Diamond Ridge. It retains water that would otherwise flow rapidly through downtown Homer and as such it is important for flood control. It also has high value moose habitat.

. Maintain greenbelts with storm water retention designed into them on City-owned Parcels.
. Retain as much natural vegetation on individual lots as is practicable1.
. Maintain a 50 ft setback of natural vegetation on either side of the stream channel1.
. Crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety.
. Loss of moose habitat should be mitigated3.

1- Natural vegetation consists of the vegetation that would be on the site without human manipulations. Lawns are not natural vegetation. Natural vegetation retains water and filters runoff. It is important to relieve flood control and remove pollutants from water running buildings, paved areas, lawns and cleared ground.

3-un noted.

[Loss of moose habitat could be mitigated for in several ways: 1) a donation to Kachemak Moose Habitat Inc. toward buying a parcel of significant value, 2) pay for the placement of a conservation easement protecting moose habitat through the Kachemak Heritage land trust, and 3) buy an important moose habitat parcel.]

Please include this cover letter and a COLOR copy of the poster in the Planning Commission packet for the January 2, 2014 meeting to be used in their decision making process.

Thank you.

Katherine George

Homer Wetland Complexes and Management Strategies

Moose Population and Movements Around Homer

Moose have been abundant on the Kenai Peninsula for over 100 years (Lutz 1960). Moose are an important resource for hunters and are a desired spectacle for local wildlife viewers and tourists.
Densities around the state vary according to the quality of the habitat, predation levels, and other factors. The moose population around the greater Homer area (south of the Anchor River to Kachemak Bay) is currently over 500 animals and is considered a high-density population (Schwartz and Franzman 1989) with about 3 moose per square mile. This Homer moose population is currently the most abundant and productive population on the Kenai Peninsula. Moose from this population likely act as a "source" population in providing dispersing individuals to areas of lower moose densities around the lower Kenai Peninsula (Labonte et al. 1998).

Moose have evolved and adapted to habitat changes influenced by fire (Spencer and Hakala 1964, Loranger et al. 1990) and other natural disturbances. While disturbances such as fire increase the quality and quantity of browse for moose over time with the regeneration of new plant growth, the habitat changes caused by human development can remove important moose forage, eliminate access to existing forage, and/or fragment available browse into small and disconnected areas.

Moose and humans have shared the landscape in various Alaskan communities for many years. Moose inhabit areas within Anchorage because there still is available habitat. However, human-moose conflicts continue to increase as the human population grows and the amount of moose habitat decreases. Moose have been radiocollared in Anchorage using GPS technology that records locations multiple times each day. The data have not been analyzed; however, moose in urban areas appear to spend most of their time in natural areas including parks, greenbelts, and undeveloped properties near developments (R. Sinnott, Anchorage-ADF&G biologist, pers. comm.). These "green areas" provide moose browse, cover to escape from human disturbance and to stay cool, bedding areas for rest and food processing, and undisturbed areas for calving.

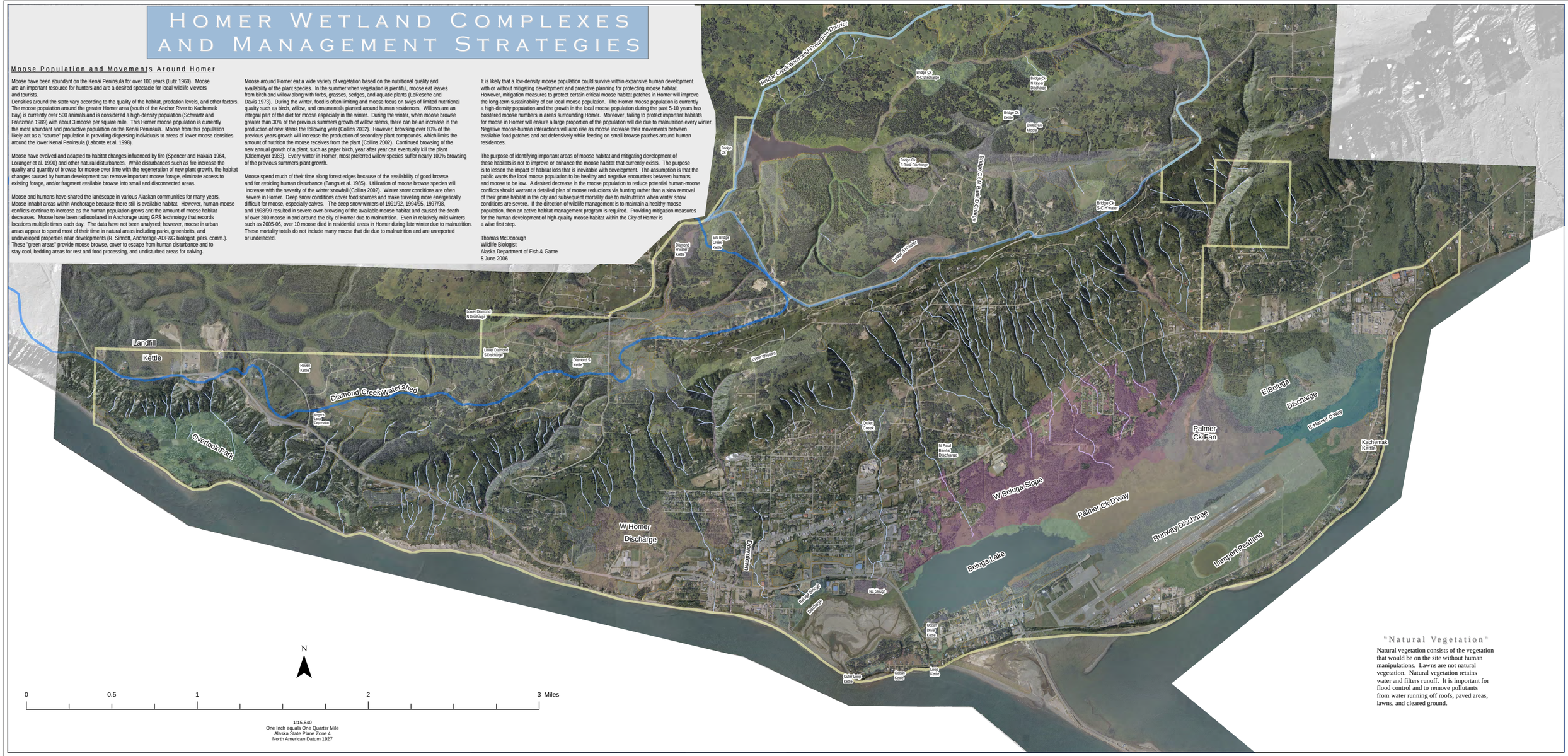
Moose around Homer eat a wide variety of vegetation based on the nutritional quality and availability of the plant species. In the summer when vegetation is plentiful, moose eat leaves from birch and willow along with forbs, grasses, sedges, and aquatic plants (LeResche and Davis 1973). During the winter, food is often limiting and moose focus on twigs of limited nutritional quality such as birch, willow, and ornamentals planted around human residences. Willows are an integral part of the diet for moose especially in the winter. During the winter, when moose browse greater than 30% of the previous summers growth of willow stems, there can be an increase in the production of new stems the following year (Collins 2002). However, browsing over 80% of the previous years growth will increase the production of secondary plant compounds, which limits the amount of nutrition the moose receives from the plant (Collins 2002). Continued browsing of the new annual growth of a plant, such as paper birch, year after year can eventually kill the plant (Oldemeyer 1983). Every winter in Homer, most preferred willow species suffer nearly 100% browsing of the previous summers plant growth.

Moose spend much of their time along forest edges because of the availability of good browse and for avoiding human disturbance (Bangs et al. 1985). Utilization of moose browse species will increase with the severity of the winter snowfall (Collins 2002). Winter snow conditions are often severe in Homer. Deep snow conditions cover food sources and make traveling more energetically difficult for moose, especially calves. The deep snow winters of 1991/92, 1994/95, 1997/98, and 1998/99 resulted in severe over-browsing of the available moose habitat and caused the death of over 200 moose in and around the city of Homer due to malnutrition. Even in relatively mild winters such as 2005-06, over 10 moose died in residential areas in Homer during late winter due to malnutrition. These mortality totals do not include many moose that die due to malnutrition and are unreported or undetected.

It is likely that a low-density moose population could survive within expansive human development with or without mitigating development and proactive planning for protecting moose habitat. However, mitigation measures to protect certain critical moose habitat patches in Homer will improve the long-term sustainability of our local moose population. The Homer moose population is currently a high-density population and the growth in the local moose population during the past 5-10 years has bolstered moose numbers in areas surrounding Homer. Moreover, failing to protect important habitats for moose in Homer will ensure a large proportion of the population will die due to malnutrition every winter. Negative moose-human interactions will also rise as moose increase their movements between available food patches and act defensively while feeding on small browse patches around human residences.

The purpose of identifying important areas of moose habitat and mitigating development of these habitats is not to improve or enhance the moose habitat that currently exists. The purpose is to lessen the impact of habitat loss that is inevitable with development. The assumption is that the public wants the local moose population to be healthy and negative encounters between humans and moose to be low. A desired decrease in the moose population to reduce potential human-moose conflicts should warrant a detailed plan of moose reductions via hunting rather than a slow removal of their prime habitat in the city and subsequent mortality due to malnutrition when winter snow conditions are severe. If the direction of wildlife management is to maintain a healthy moose population, then an active habitat management program is required. Providing mitigation measures for the human development of high-quality moose habitat within the City of Homer is a wise first step.

Thomas McDonough
Wildlife Biologist
Alaska Department of Fish & Game
5 June 2006



"Natural Vegetation"

Natural vegetation consists of the vegetation that would be on the site without human manipulations. Lawns are not natural vegetation. Natural vegetation retains water and filters runoff. It is important for flood control and to remove pollutants from water running off roofs, paved areas, lawns, and cleared ground.

Synopsis

In 2005-2006 representatives of the City of Homer, US Army Corps of Engineers, Environmental Protection Agency, US Fish & Wildlife Service, Kachemak Bay Research Reserve, Cook Inletkeeper, Kenai Watershed Forum, Natural Resources Conservation Service, and Alaska Department of Fish & Game met to assess Homer wetlands. After a thorough review of methods, a scoring protocol was developed and all wetlands were scored.
These strategies arose from that effort and are currently being used by some agency personnel to comment on Clean Water Act Section 404 wetland permits.

Beluga Lake

Prohibit fill in Beluga Lake or the two associated wetland polygons (docks are permitted).

Beluga Slough

Development in tidally influenced wetlands should be prohibited.

Beluga Slough Discharge Slope

Development should be encouraged in this core area of Homer. Mitigate for the loss of moose habitat. Further development north of Bunnel Avenue and east of Main Street should be discouraged. A goal of this plan is to bring private parcels in this area into conservation status. Development in tidally influenced wetlands should be prohibited.

Bridge Creek Wetlands

The wetland management strategy for this watershed is the same as the Bridge Creek Watershed Protection ordinance, which includes a prohibition on filling wetlands.

Diamond Creek Wetlands

Maintain large lot sizes. Maintain a 100 ft setback of natural vegetation along either side of Diamond Creek and its tributaries. Crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Downtown wetlands

On City-owned parcels, maintain greenbelts incorporating storm water retention designs. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

East Beluga Discharge

Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Site design should include hydrologic connectivity to upstream and downstream parcels. Moose habitat values are high throughout. Moose habitat should be preserved or mitigated. Development along the border with the East Homer Drainageway Complex should maintain an 85 ft buffer of natural vegetation.

East Homer Drainageway

This area should be targeted for preservation and restoration. Encourage purchasing of private lots by Kachemak Heritage Land Trust, Moose Habitat Incorporated and others.
If possible, restore hydrology and repair or implement suitable storm water management measures along Kachemak Drive. Some fill may be allowed along Kachemak Drive.

Kachemak Kettle

Maintain a 100 ft buffer along the East Homer Drainageway. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Lampert Peatland

Maintain a 100 ft buffer around Lampert Lake. Mitigate for lost hydrologic, general habitat, and moose habitat functions in wetlands west of Lampert Lake. Discourage further development of wetlands east of Lampert Lake. Prohibit wetland filling more than 400 ft from Kachemak Drive.

Landfill Kettle

Restrict development to the south side of the wetlands and along the highway. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated. The peatlands should be preserved and buffered with a 50 ft setback of undisturbed natural vegetation as they are highly functional for water retention and filtering.

Loop Kettle

Loss of moose habitat should be mitigated.

NE Slough

Retain natural vegetation as is practicable. Preserve existing wetlands for water quality functions and moose habitat.

N. Paul Banks Discharge

Encourage development here. Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Ocean Kettle

Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Ocean Drive Kettle

Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Outer Loop Kettle

Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Overlook Park

Public lands: Maintain in conservation status and manage according to site management plan. Private Lands: Maintain moose habitat by limiting fill to the minimum necessary for a residence and minimum driveway and parking. No ditching or changes to drainageways should be allowed. Locate roads out of wetlands and out of drainageways to the extent possible. Maintain a 100 ft setback of natural vegetation on either side of Overlook Creek.

Palmer Drainageway and Fan

Maintain a 100 ft setback of natural vegetation on either side of Palmer Creek. Crossings should be perpendicular to the channel via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. All of these wetlands should be preserved. A wetlands bank with Moose Habitat Incorporated will target private parcels in this area, along with the East Homer Drainageway, for purchase and preservation. Wetlands within the City of Homer that have been targeted for moose mitigation are eligible to receive credits from this bank.

Quiet Creek

Retain natural vegetation as is practicable. Maintain a 50' setback of natural vegetation on either side of the stream channel. Crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. Loss of moose habitat should be mitigated.

Raven Kettle & Roger's Loop Depression

Avoid wetland fill. Maintain the hydrologic integrity of drainageways and water retention and filtration capacity of the complex. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/ or runoff retention ponds. Loss of moose habitat should be mitigated.

Runway Discharge

Within the airport boundary wetland hydrology should be maintained. Public lands: Those tracts outside the airport boundary should be maintained and managed for the values of the Homer Airport Critical Habitat Area.
Private lands: Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Upper Woodard

On City-owned parcels, maintain greenbelts incorporating storm water retention designs. Retain as much natural vegetation on individual lots as is practicable. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

West Beluga Slope

Public lands: Publicly owned lands should be preserved as undisturbed wetlands.
Private lands: These should be prioritized and purchased over time for inclusion in a mitigation bank whose purpose is to preserve moose habitat. Development should be discouraged. A master plan should be developed for this area as it is a very important wetland complex, and it is probably the most threatened in the City of Homer.

West Homer Discharge

Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Wetlands mapped at 1:12,500, 2005.
Background imagery from Aerometric, 2003.
Prepared by Mike Gracz, Kenai Watershed Forum mike@kenaiwatershed.org
907-235-2218
4 February 2011, updated December 2013.

Travis Brown

From: Katherine George <nowthereis1@gmail.com>
Sent: Friday, December 20, 2013 8:22 PM
To: Department Planning
Subject: Homer Wetlands Strategy.doc [Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat, 2013]
Attachments: Homer Wetlands Strategy.doc

This is the document from which the Quiet Creek Wetlands Strategy is excerpted. I thought this might be helpful since you were unable to print the "Homer Wetland Complexes and Management Strategies" poster in a size large enough to read the text.

Katherine George

[1]Complex (# polygons)	Overall Functional Scores (Range/Average±Standard Deviation)	Ownership	Special Considerations	Recommended Strategy [1, 2, 3]
Augustine Drive (1)	Hydrology: High (93/93±0) Habitat: Low (33/33±0) Species: Low (17/17±0) Moose: Low (10/10±0)	Private	This wetland is dominated by an alder thicket on the hillside below the Homer Hill. A subdivision, one large lot and the Sterling Highway are superimposed on this wetland. About half of the lots are developed as of 2003.	• Retain natural vegetation as is practicable[1]. • Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds[2].
Bear Creek (1)	Hydrology: High (93/93±0) Habitat: Low (33/33±0) Species: Low (17/17±0) Moose: Low (10/10±0)	Private	This is a small intermittent stream.	• Maintain a 50 ft setback of natural vegetation on either side of the stream channel[1]. • Crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety.
Beluga Lake (3)	Hydrology: High (90-114/100±13) Habitat: Medium to high (69-112/83±25) Species: High (76-97/89±11) Moose: Low to high (10-50/37±11)	Public and private	Beluga Lake is managed as a float plane basin. However, its size and position downstream of much of the development in Homer and above Beluga Slough make hydrologic functions very important. In particular it serves important water quality functions and provides habitat for resident fish species (ADF&G). While Beluga Lake will continue to be managed as a float plane basin, its water quality functions should be maintained. Water	• Prohibit fill in Beluga Lake or the two associated wetland polygons (docks are permitted).

			flowing into the lake from streets and other surfaces should be pre-treated with swales and suitable water retention structures.	
Beluga Slough (1)	Hydrology: High (99/99±0) Habitat: Medium (69/69±0) Species: High (85/85±0) Moose: Low (10/10±0)	Public and private	Beluga Slough is a tidally influenced wetland. As such it is an ecologically important part of Homer's coastal ecosystem. Brackish waters are rare along the Cook Inlet shoreline. They provide valuable rearing habitat for juvenile marine organisms, detrital nutrient inputs to near shore waters, and feeding and resting areas for shore birds and waterfowl.	• Development in tidally influenced wetlands should be prohibited.
Beluga Slough Discharge Slope (8)	Hydrology: Medium (70-90/76±8) Habitat: Low to Medium (43-60/50±7) Species: Medium (65-68/66±1) Moose: High (50/50±0)	Public and private	This complex includes wetlands in the Bunnel Avenue neighborhood. The neighborhood has been infilling lately. The U.S. Fish and Wildlife Service owns a large portion of the wetlands below the Islands and Oceans Visitor Center. Some lots in this area are in tidally influenced Beluga Slough wetlands.	• Development should be encouraged in this core area of Homer. • Mitigate for the loss of moose habitat[2]. • Further development north of Bunnel Avenue and east of Main Street should be discouraged. A goal of this plan is to bring private parcels in this area into conservation status. • Development in tidally influenced wetlands should be prohibited.
Bidarka Discharge Slope	Hydrology: Medium (81/81±0) Habitat: Low	Private	This wetland discharges into lower Bidarka Creek.	• Maintain a 100 ft setback of natural vegetation on either side of the stream channel[1].

(2)	(44/44±0) Species: Medium (65/65±0) Moose: High (50/50±0)			• Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3].
Bidarka Kettle (1)	Hydrology: High (92/92±0) Habitat: Low (36/36±0) Species: Low (45/45±0) Moose: Medium (30/30±0)	Public and private	This site is disturbed by Highland Drive, which was constructed through the center of the wetland.	• A City owned lot (#17502056) within this wetland should be preserved to retain some of the remaining wetland functions. • Where uplands exist on a lot they must be used prior to filling wetlands. • If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3].
Bidarka W/U (1)	Hydrology: Medium (90/90±0) Habitat: Low (31/31±0) Species: Low (45/45±0) Moose: Medium (30/30±0)	Private	Highland Drive was constructed through the middle of this wetland. Many of the lots have already been developed.	• Retain natural vegetation as much as is practicable[1]. • Offset impacts from hardened surfaces with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3].
Bridge Creek Watershed (82)	Hydrology: Low to medium (55-85/66±15) Habitat: Low to high (47-76/57±10)	Public and private	This watershed provides the drinking water supply for the City of Homer. A watershed plan exists to maintain the quality and	• The wetland management strategy for this watershed is the same as the Bridge Creek Watershed Protection ordinance,

	Species: Low to high (35-125/64±17) Moose: Medium to high (10-50/44±10)		quantity of drinking water for those using it.	which includes a prohibition on filling wetlands.
Cutoff Creek (1)	Hydrology: High (94/94±0) Habitat: Low (49/49±0) Species: Medium (68/68±0) Moose: High (50/50±0)	Private	This site drains a largely developed area consisting of commercial development, a residential area and transportation facilities. It has been impacted by fill adjacent to the Sterling Highway.	• Preserve existing wetlands for water quality functions and moose habitat. • Crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety.
Claus Creek (1)	Hydrology: Medium (78/78±0) Habitat: Low (51/51±0) Species: Medium (65/65±0) Moose: High (50/50±0)	Private	This stream is on the extreme east end of Homer. It drains a developing hillside that is in Kachemak City.	• Maintain a 100 ft setback of natural vegetation on either side of the stream channel[1]. • Crossings should be perpendicular, via bridge or oversized culvert, and should involve the minimum amount of fill necessary for safety.
Diamond Creek Lower Headwater (14)	Hydrology: Low to medium (60-101/74±12) Habitat: Medium to high (34-49/42±5) Species: Low to high (37-67/56±9) Moose: Low to High (30-50/47±7)	Private	Much of the area is subdivided into large lots. These are the headwaters of Diamond Creek. Land use in this area affects water quality through the entire length of the creek. Hydrologic and water quality concerns are significant. The majority of the polygons have high value moose habitat.	• Maintain large (minimum ___ sq.ft.) lot sizes. • Maintain a 100 ft setback of natural vegetation along either side of Diamond Creek and its tributaries[1]. • Crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. • Where uplands exist on a lot they must be used prior to filling

				wetlands. • If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3].
Diamond Creek Upper Headwater (28)	Hydrology: Medium to High (66-99/81±9) Habitat: Low to medium (29-55/41±7) Species: Low to medium (35-67/57±10) Moose: Medium to high (30-50/43±10)	Private	Much of the area is subdivided into large lots. These are the headwaters of Diamond Creek. Land use in this area affects water quality through the entire length of the creek. Hydrologic and water quality concerns are significant. Twenty-nine of the thirty polygons have highest value moose habitat. The rest are medium value for moose.	• Maintain large (minimum ___ sq.ft.) lot sizes. • Maintain a 100 ft setback of natural vegetation along either side of Diamond Creek and its tributaries[1]. • Crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. • Where uplands exist on a lot they must be used prior to filling wetlands. • If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3].
Downtown Wetlands (26)	Hydrology: Medium to High (84-99/91±3) Habitat: Low to medium (22-51/38±10)	Public and private	This is the core of Homer, up and downhill of Pioneer Avenue. As one might expect of an urban area wildlife values are low. But	• Maintain greenbelts with storm water retention designed into them on City-owned Parcels. • Where uplands exist on a lot

	Species: Low to medium (35-45/38±5) Moose: Medium to high (30/30±0)		because of the importance of wetlands to storm water control hydrologic values are high. It is expected that this area will fill in over time. Ideally a storm water plan should be developed for this area.	they must be used prior to filling wetlands. • If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3].
East Beluga Discharge (12)	Hydrology: Low to high (59-91/75±13) Habitat: Low to medium (45-57/46±7) Species: Medium (65-75/68±3) Moose: High (50/50±0)	Private	This area will likely experience expansion of Homers industrial development. It borders wetlands that are targeted as core moose habitat area and the Homer Airport Critical Habitat Area.	• Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds[2]. • Site design should include hydrologic connectivity to upstream and downstream parcels. • Moose habitat values are high throughout. Moose habitat should be preserved or mitigated[3]. • Development along the border with the East Homer Drainage Way Complex should maintain an 85 ft buffer of natural vegetation[1].
East Homer Drainageway (9)	Hydrology: Low to medium (66-78/71±4) Habitat: Low to medium (32-54/43±7) Species: Medium (68-80/71±5) Moose: High	Public and private	This complex has high value moose habitat. It is contiguous with the Homer Airport Critical Habitat Area. Some drainage ditches have been constructed in this complex.	• This are should be targeted for preservation and restoration. Encourage purchasing of private lots by KHLT, Moose Conservation and others. • If possible, restore hydrology and repair or implement suitable

	(50/50±0)			storm water management measures along Kachemak Drive. • Some fill may be OK along Kachemak Drive.
Jakes Creek (1)	Hydrology: Medium (78/78±0) Habitat: Low (51/51±0) Species: Medium (65/65±0) Moose: High (50/50±0)	Private	This stream is on the bluff west of Palmer Creek and drains a developed hillside.	• Maintain a 100 ft setback of natural vegetation on either side of the stream channel[1]. • Crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety.
Kachemak Depression (2)	Hydrology: Medium (77-78/78±1) Habitat: Low (30-33/32±2) Species: Medium (62-65/64±2) Moose: High (50/50±0)	Public	This wetland has been degraded and isolated from a previously large wetland complex. It is airport property and is surrounded by development.	• Loss of moose habitat should be mitigated[3].
Kachemak Kettle (8)	Hydrology: Low to Medium (62-82/73±8) Habitat: Low (37-47/42±3) Species: Medium (56-65/62±4) Moose: High (50/50±0)	Private		• Maintain a 100 ft buffer along the East Homer Drainage Way. • Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3].
Kennedy Kettle (3)	Hydrology: Medium to high (77-109/92±16) Habitat: Low to medium	Private	This is a fairly disturbed wetland. Roads and house pads have been placed along the edges. However,	• Accelerated runoff from hardened surfaces will be offset with swales and/or runoff

	(41-59/52±10) Species: Medium (55-63/58±5) Moose: High (50/50±0)		it is still hydrologically connected to Beluga Slough. Water quality problems here make protection of downstream waters particularly important. It has high value moose habitat.	retention ponds[2]. • Loss of moose habitat should be mitigated[3].
Lampert Peatland (26)	Hydrology: Low to high (70-112/91±11) Habitat: Low to medium (43-84/59±10) Species: Medium to high (75-117/88±11) Moose: High (50/50±0)	Public and private	This complex has a mixture of high wetland values and high development pressure. The Homer Airport Master Plan includes filling wetlands to the west of Lampert Lake. Over the past several years there have been proposals to fill wetlands along Kachemak Drive to expand industrial activity in this area. An Aleutian Tern colony existed at the east end of this complex. That habitat still exists. Birds are known to rotate among suitable nesting sites over a period of years. So this site may be used by Aleutian Terns for nesting again at some time. The area is also hydrologically important to the Homer Airport Critical Habitat Area. It provides a steady flow of clean water from the south side of the airport to the wetlands adjacent to Beluga Lake.	• Maintain a 100 ft buffer around Lampert Lake[1]. • Mitigate for lost hydrologic, general habitat and moose habit functions of wetlands west of Lampert Lake[3]. • Discourage further development of wetlands east of Lampert Lake. • Prohibit wetland filling more than 400 ft from Kachemak Drive. Note: It may be more difficult to meet these goals than in other wetland complexes.
Landfill Drainage way (1)	Hydrology: High (97/97±0) Habitat: Low	Public and private	This wetland drains a sparsely developed residential area, ditches of the Sterling Highway and the	• Maintain the water quality and moose habitat functions of this site by preserving the wetland.

	(34/34±0) Species: Medium (69/69±0) Moose: High (50/50±0)		Homer Landfill. It drains into Diamond Creek. The high rating for hydrology reflects the importance of this site to water quality maintenance. This site also has high value moose habitat.	
Landfill Kettle (13)	Hydrology: Medium to high (70-95/82±9) Habitat: Low to medium (36-44/39±3) Species: medium (39-65/55±8) Moose: high (30-50/42±10)	Private	Water from this complex flows into Diamond Creek. Water quality and hydrology are important considerations for Diamond Creek. The water retention and filtering functions of this site are important because it filters pollutants draining from the highway, the ADOT yard and the dump.	• Restrict development to the south side of the wetlands and along the highway. • Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3]. • The peatlands should be preserved and buffered with a 50 ft setback of undisturbed natural vegetation as they are highly functional for water retention and filtering.
Loop Kettle (5)	Hydrology: Low to medium (83-89/85±13) Habitat: Medium to high (52-56/55±2) Species: Low to high (55-56/56±1) Moose: Low to High (50/50±0)	Private	This complex is a remnant broken up by residential and commercial development. It has high value moose habitat.	• Loss of moose habitat should be mitigated[3].
NE Slough (4)	Hydrology: Medium (75-81/79±3) Habitat: Medium (59-64/62±2)	Public	This area is a relatively undisturbed area adjacent to Beluga Slough. It is owned by the City of Homer and acts as a buffer	• Retain natural vegetation as is practicable[1]. • Preserve existing wetlands for water quality functions and

	Species: Medium (55-65/58±5) Moose: High (50/50±0)		for a portion of Beluga Slough. It has high value moose habitat.	moose habitat.
North Paul Banks Discharge (2)	Hydrology: Low to medium (66-77/72±8) Habitat: Low to medium (45-49/47±3) Species: Medium (65-66/66±1) Moose: High (50/50±0)	Private	This area is in a developing part of Homer. The site has high value moose habitat.	• Encourage development here. • Retain natural vegetation as is practicable[1]. • Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3].
Ocean Drive (11)	Hydrology: Medium (76-106/89±12) Habitat: Low (45-57/51±5) Species: Medium (55-65/57±4) Moose: High (50/50±0)	Private	These wetland polygons are surrounded by development in the Ocean Drive area. Wetlands in this area protect water quality in Beluga Lake. The area has high value moose habitat.	• Retain natural vegetation as is practicable[1]. • Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3].
Outer Loop Kettle (4)	Hydrology: Medium to high (88-105/92±9) Habitat: Low to medium (49-61/55±2) Species: Medium (55-56/56±1) Moose: High (50/50±0)	Private	This complex is disturbed by a road and house pads. It has a core that is still intact that has high hydrologic function because of surrounding land use. The site has high value moose habitat.	• Retain natural vegetation as is practicable[1]. • Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3].
Overlook Park and Creek (32)	Hydrology: Low to medium (54-80/76±13) Habitat: Medium to high (41-75/51±11)	Public and private	Most of this complex is owned by Alaska Department of Natural Resources and is in conservation status. The eastern portion is	• Public lands: Maintain in conservation status and manage according to site management plan.

	Species: Low to high (35-100/67±14) Moose: Low to High (10-50/16±8)		composed of several private lots. Private Lands: Selected portions of the wetland on private lands have high value moose habitat.	• Private Lands: Maintain moose habitat by limiting fill to the minimum necessary for a residence and minimum driveway and parking[3]. • No ditching or changes to drainage ways should be allowed. • Locate roads out of wetlands and out of drainage ways to the extent possible. • Maintain a 100 ft setback of natural vegetation on either side of Overlook Creek [1].
Palmer Creek, Discharge, Drainageway, and Fan (24)	Hydrology: Low to high (51-104/62±13) Habitat: Low to high (33-94/58±12) Species: Medium to high (65-95/73±10) Moose: High (50/50±0)	Public and private	This area includes Palmer Creek, the Palmer Creek Fan and the Palmer Creek Drainageway. Most of this area is in public ownership. Alaska Department of Natural Resources and the Kenai Peninsula Borough are the primary land owners. The Homer Airport Critical Habitat Area (HACHA) is almost fully contained in these wetland complexes. Wetlands upstream in the HACHA play an important support role in providing a steady supply of clean water.	• Maintain a 100 ft setback of natural vegetation on either side of Palmer Creek[1]. • Crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. • All of these wetlands should be preserved. A wetlands bank with Moose Conservation will target private parcels in this area, along with the East Homer Drainageway, for purchase and preservation. • Wetlands within the City of Homer that have been targeted for moose mitigation are eligible to receive credits from this bank.

Quiet Creek (1)	Hydrology: High (92/92±0) Habitat: Medium (60/60±0) Species: Medium (75/75±0) Moose: High (50/50±0)	Private	This large wetland is an area of discharge of water from the slope of Diamond Ridge. It retains water that would otherwise flow rapidly through downtown Homer and as such it is important for flood control. It also has high value moose habitat.	• Maintain greenbelts with storm water retention designed into them on City-owned Parcels. • Retain as much natural vegetation on individual lots as is practicable[1]. • Maintain a 50 ft setback of natural vegetation on either side of the stream channel[1]. • Crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. • Loss of moose habitat should be mitigated[3].
Raven Drainages, Kettle and Depression (14)	Hydrology: Low to medium (66-75/72±4) Habitat: Low (36-43/39±3) Species: Medium (56-65/59±4) Moose: High (50/50±0)	Private	This is a residential area of large lots. All lots contain uplands. There is generally no need to fill wetlands in order to develop these lots.	• Avoid wetland fill. • Maintain the hydrologic integrity of drainage ways and water retention and filter capacity of the complex. • Where uplands exist on a lot they must be used prior to filling wetlands. • If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3].
Runway Discharge	Hydrology: Low to high (62-106/84±16)	Public and private	Except at the extreme east end of this complex the lands are part of	• Within the airport boundary wetland hydrology should be

(14)	Habitat: Low to medium (36-65/52±8) Species: Medium (56-65/56±17) Moose: Low to high (10-50/38±19)		either Homer Airport lands or Homer Airport Critical Habitat Area. Airport lands are fenced and available only to avian wildlife. Private lands are within or adjacent to the Ocean Drive area and are subject to development.	maintained. • Public lands: Those tracts outside the airport boundary should be maintained and managed for the values of the Homer Airport Critical Habitat Area. • Private lands: Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3].
Three Sixty Creek (2)	Hydrology: Low to medium (61-79/70±3) Habitat: Low (45-48/47±2) Species: Medium (69-75/72±4) Moose: High (50/50±0)	Private	This stream runs under the Sterling Highway on Homer Hill.	• Maintain a 100 ft setback of natural vegetation on either side of the stream channel[1]. • Crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. • Where uplands exist on a lot they must be used prior to filling wetlands. • If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3].

Three Sixty Creek Discharge (1)	Hydrology: Medium (76/76±0) Habitat: Low (41/41±0) Species: Medium (56/56±0) Moose: High (50/50±0)	Private	This is a small headwater wetland on Three Sixty Creek. The site has high value moose habitat.	• Retain natural vegetation as is practicable[1]. • Where uplands exist on a lot they must be used prior to filling wetlands. • If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3].
Upper Woodard (11)	Hydrology: Low to medium (61-80/66±6) Habitat: Low to medium (35-58/46±6) Species: Low to medium (37-75/60±13) Moose: Medium to high (30-50/41±10)	Private	This complex is the headwater of Woodard Creek. The water retention function of these wetlands is important for flood control downstream in downtown Homer. Much of it is expected to be subdivided for residential development.	• Maintain greenbelts with storm water retention designed into them on City-owned Parcels. • Retain as much natural vegetation on individual lots as is practicable[1]. • Where uplands exist on a lot they must be used prior to filling wetlands. • If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3].
West Beluga Slope (57)	Hydrology: Low to high (50-92/69±8) Habitat: Low to high (45-88/54±7) Species: Low to high	Public and Private	This is the largest wetland complex in Homer. When combined with contiguous wetlands that extend past the airport to Kachemak Drive it	• Public lands: Publicly owned lands should be preserved as undisturbed wetlands. • Private lands: These should be prioritized and purchased over

	(35-86/67±8) Moose: Medium to high (30-50/49±4)		forms a complex of over 1600 acres. The size and complexity of this large expanse of wetland provides habitat to moose, birds and a wide variety of other animals. Moose bred in Homer largely support the moose population in the greater Homer area. This system of wetland provides the most important moose habitat in Homer. This large wetland also holds and filters an immense amount of water. The water eventually flows into Kachemak Bay. This wetland complex plays an important part in preventing pollutants generated in Homer from polluting the Bay.	time for inclusion in a mitigation bank whose purpose is to preserve moose habitat. • Development should be discouraged. • Master Plan should be developed for this area as this is a very important wetland complex and is the most threatened in the City of Homer.
West Fairview Creek (1)	Hydrology: Medium (83/83±0) Habitat: Low (47/47±0) Species: Medium (68/68±0) Moose: High (50/50±0)	Private		• Maintain a 100 ft setback of natural vegetation on either side of the stream channel[1]. • Crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. • Moose habitat should be preserved or mitigated[3].
West Fairview Creek Discharge (1)	Hydrology: Medium (74/74±0) Habitat: Low (40/40±0) Species: Low	Public and private		• Retain natural vegetation as is practicable[1]. • Accelerated runoff from hardened surfaces will be offset with swales and/or runoff

	(37/37±0) Moose: Medium (30/30±0)			retention ponds[2]. • Loss of moose habitat should be mitigated[3].
West Homer Discharge (11)	Hydrology: Low to high (60-91/73±10) Habitat: Low (28-51/39±7) Species: Medium (35-65/55±11) Moose: Medium to high (30-50/45±9)	Public and private	This area has been largely subdivided and is being developed.	• Retain natural vegetation as is practicable[1]. • Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds[2]. • Loss of moose habitat should be mitigated[3].
Woodard Creek (1)	Hydrology: Medium (90/90±0) Habitat: Low (51/51±0) Species: Medium (73/73±0) Moose: High (50/50±0)	Public and private	This stream flows through a fairly densely developed portion of Homer. Only the canyon portion of the stream is not developed to the banks.	• Maintain a 100 ft setback of natural vegetation where possible on either side of the stream channel[1]. • Minimize additional crossings of the creek. • If no other alternatives, crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety.

[1] Natural vegetation consists of the vegetation that would be on the site without human manipulations. Lawns are not natural vegetation. Natural vegetation retains water and filters runoff. It is important to relieve flood control and remove pollutants from water running buildings, paved areas, lawns and cleared ground.

[2] See Chapter ?? of the Homer Wetlands Plan for instructions on how to determine mitigation for lost moose habitat.

Travis Brown

From:	Katherine George <kgeorge@acsalaska.net>
Sent:	Saturday, December 21, 2013 5:57 AM
To:	Department Planning
Subject:	Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat, 2013 - soil maps
Attachments:	PlanningBinder.pdf

The following soil maps and tables about Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat, 2013 were compiled by Stephanie Schmit, Natural Resources Conservation Service, Homer, AK. Included is information about wetlands, soil types, hydric* ratings, soil limitations for building site development, and soil limitations for paths and trails in this area.

*Soils become hydric when they are flooded or saturated so often or so long that oxygen in the root zone, and just below it, gets used up by microorganisms and chemical processes. This causes the soil to become oxygen deprived, or *anaerobic*. Hydric soils are often organic, that is, largely made up of peat or muck. Generally, hydric soils have severe limitations for land uses that need to be built on a stable, dry, strong, bearing surface—uses like roadbeds or building foundations.

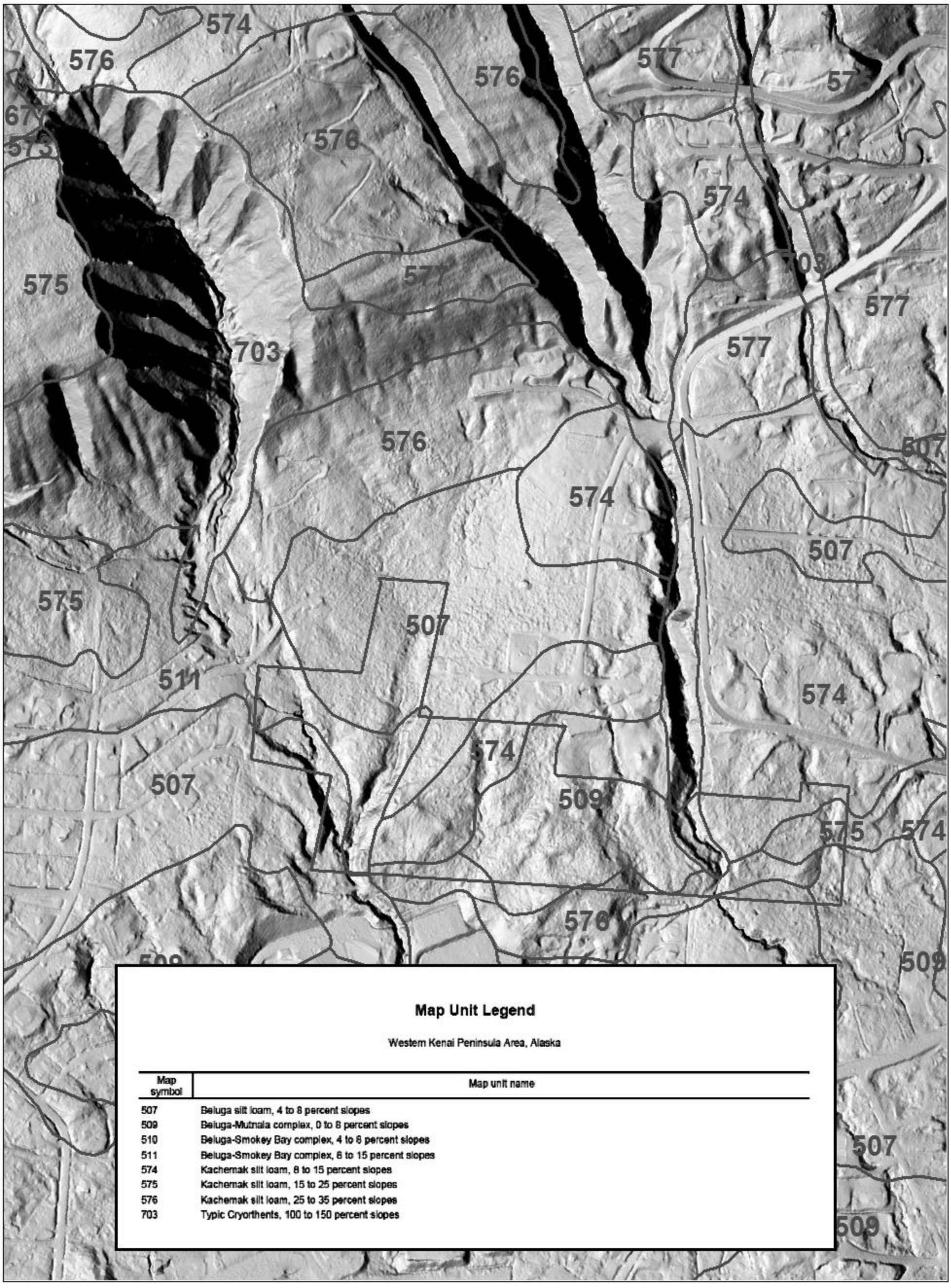
Removal of hydric souls to make building possible causes the area to lose its sponge-like function and it no longer functions as a wetland. It no longer has the ability to slow, spread, filter, and absorb water. Couple this with slopes and there is more water moving at a faster rate through and out of the area, impacting properties downstream.

Please include this cover letter and COLOR copies of the pdf in the Planning Commission packet for the January 2, 2014 meeting, to be used in their decision making process.

Thank you.

Katherine George

Western Kenai Peninsula Soil Map



Map Unit Legend

Western Kenai Peninsula Area, Alaska

Map symbol	Map unit name
507	Beluga silt loam, 4 to 8 percent slopes
509	Beluga-Mutnala complex, 0 to 8 percent slopes
510	Beluga-Smokey Bay complex, 4 to 8 percent slopes
511	Beluga-Smokey Bay complex, 8 to 15 percent slopes
574	Kachemak silt loam, 8 to 15 percent slopes
575	Kachemak silt loam, 15 to 25 percent slopes
576	Kachemak silt loam, 25 to 35 percent slopes
703	Typic Cryorthents, 100 to 150 percent slopes

Legend

Parcel 17702089

Soil Map Units

1,400 Feet

N W E S

USDA NRCS

Component Legend

Western Kenai Peninsula Area, Alaska

[This report shows only the major soils in each map unit]

Map unit symbol and name	Pct. of map unit	Component name	Component kind	Pct. Slope		
				Low	RV	High
507:						
Beluga silt loam, 4 to 8 percent slopes						
	87	Beluga	Series	4	5	8
509:						
Beluga-Mutnala complex, 0 to 8 percent slopes						
	55	Beluga	Series	0	2	8
	40	Mutnala	Series	0	6	8
510:						
Beluga-Smokey Bay complex, 4 to 8 percent slopes						
	60	Beluga	Series	4	5	8
	37	Smokey Bay	Series	4	6	8
511:						
Beluga-Smokey Bay complex, 8 to 15 percent slopes						
	50	Beluga	Series	8	10	15
	47	Smokey Bay	Series	8	12	15
574:						
Kachemak silt loam, 8 to 15 percent slopes						
	80	Kachemak	Series	8	11	15
575:						
Kachemak silt loam, 15 to 25 percent slopes						
	80	Kachemak	Series	15	20	25
576:						
Kachemak silt loam, 25 to 35 percent slopes						
	80	Kachemak	Series	25	30	35
703:						
Typic Cryorthents, 100 to 150 percent slopes						
	80	Typic Cryorthents	Taxon above family	100	120	150

Map Unit Description

Western Kenai Peninsula Area, Alaska

[Minor map unit components are excluded from this report]

Map unit: 507 - Beluga silt loam, 4 to 8 percent slopes

Component: Beluga (87%)

The Beluga component makes up 87 percent of the map unit. Slopes are 4 to 8 percent. This component is on alluvial fans. The parent material consists of silty and clayey slope alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is poorly drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches is very high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 15 inches during April, May, June, July, August, September. Organic matter content in the surface horizon is about 82 percent. This component is in the R170XD424AK Lower Bench Toe Slopes ecological site. Nonirrigated land capability classification is 5w. This soil meets hydric criteria.

Map unit: 509 - Beluga-Mutnala complex, 0 to 8 percent slopes

Component: Beluga (55%)

The Beluga component makes up 55 percent of the map unit. Slopes are 0 to 8 percent. This component is on alluvial fans. The parent material consists of silty and clayey slope alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is poorly drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches is very high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 15 inches during April, May, June, July, August, September. Organic matter content in the surface horizon is about 82 percent. This component is in the R170XD424AK Lower Bench Toe Slopes ecological site. Nonirrigated land capability classification is 5w. This soil meets hydric criteria.

Component: Mutnala (40%)

The Mutnala component makes up 40 percent of the map unit. Slopes are 0 to 8 percent. This component is on moraines on till plains. The parent material consists of ash influenced loess over loamy till. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is very high. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 82 percent. This component is in the F170XD443AK Picea Glauca-Betula Papyrifera/calamagrostis Canadensis-Equisetum Arvense ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Map unit: 510 - Beluga-Smokey Bay complex, 4 to 8 percent slopes

Component: Beluga (60%)

The Beluga component makes up 60 percent of the map unit. Slopes are 4 to 8 percent. This component is on alluvial fans. The parent material consists of silty and clayey slope alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is poorly drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches is very high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 15 inches during April, May, June, July, August, September. Organic matter content in the surface horizon is about 82 percent. This component is in the R170XD424AK Lower Bench Toe Slopes ecological site. Nonirrigated land capability classification is 5w. This soil meets hydric criteria.

Component: Smokey Bay (37%)

The Smokey Bay component makes up 37 percent of the map unit. Slopes are 4 to 8 percent. This component is on alluvial fans. The parent material consists of stratified alluvium and/or colluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is somewhat poorly drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches is very high. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 15 inches during January, February, March, April, May, June, July, August, September, October, November, December. Organic matter content in the surface horizon is about 72 percent. This component is in the R170XD424AK Lower Bench Toe Slopes ecological site. Nonirrigated land capability classification is 4w. This soil does not meet hydric criteria.

Map unit: 511 - Beluga-Smokey Bay complex, 8 to 15 percent slopes

Component: Beluga (50%)

The Beluga component makes up 50 percent of the map unit. Slopes are 8 to 15 percent. This component is on alluvial fans. The parent material consists of silty and clayey slope alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is poorly drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches is very high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 15 inches during April, May, June, July, August, September. Organic matter content in the surface horizon is about 82 percent. This component is in the R170XD424AK Lower Bench Toe Slopes ecological site. Nonirrigated land capability classification is 5w. This soil meets hydric criteria.

Component: Smokey Bay (47%)

The Smokey Bay component makes up 47 percent of the map unit. Slopes are 8 to 15 percent. This component is on alluvial fans. The parent material consists of stratified alluvium and/or colluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is somewhat poorly drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches is very high. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 15 inches during January, February, March, April, May, June, July, August, September, October, November, December. Organic matter content in the surface horizon is about 72 percent. This component is in the R170XD424AK Lower Bench Toe Slopes ecological site. Nonirrigated land capability classification is 4w. This soil does not meet hydric criteria.

Map unit: 574 - Kachemak silt loam, 8 to 15 percent slopes

Component: Kachemak (80%)

The Kachemak component makes up 80 percent of the map unit. Slopes are 8 to 15 percent. This component is on moraines on till plains. The parent material consists of ash influenced loess over glacial drift. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is very high. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 90 percent. This component is in the R170XY201AK Loamy Slopes, Mountain Slopes ecological site. Nonirrigated land capability classification is 4e. This soil does not meet hydric criteria.

Map unit: 575 - Kachemak silt loam, 15 to 25 percent slopes

Component: Kachemak (80%)

The Kachemak component makes up 80 percent of the map unit. Slopes are 15 to 25 percent. This component is on moraines on till plains. The parent material consists of ash influenced loess over glacial drift. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is very high. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 90 percent. This component is in the R170XY201AK Loamy Slopes, Mountain Slopes ecological site. Nonirrigated land capability classification is 6e. This soil does not meet hydric criteria.

Map unit: 576 - Kachemak silt loam, 25 to 35 percent slopes

Component: Kachemak (80%)

The Kachemak component makes up 80 percent of the map unit. Slopes are 25 to 35 percent. This component is on moraines on till plains. The parent material consists of ash influenced loess over glacial drift. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is very high. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 90 percent. This component is in the R170XY201AK Loamy Slopes, Mountain Slopes ecological site. Nonirrigated land capability classification is 6e. This soil does not meet hydric criteria.

Map unit: 703 - Typic Cryorthents, 100 to 150 percent slopes

Component: Typic Cryorthents (80%)

The Typic Cryorthents component makes up 80 percent of the map unit. Slopes are 100 to 150 percent. This component is on sea cliffs.

Map Unit Description

Western Kenai Peninsula Area, Alaska

Map unit: 703 - Typic Cryorthents, 100 to 150 percent slopes

Component: Typic Cryorthents (80%)

The parent material consists of debris slide deposits derived from interbedded sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is high. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 90 percent. This component is in the R169XY101AK Alpine Ridges ecological site. Nonirrigated land capability classification is 7e. This soil does not meet hydric criteria.

Map Unit Description

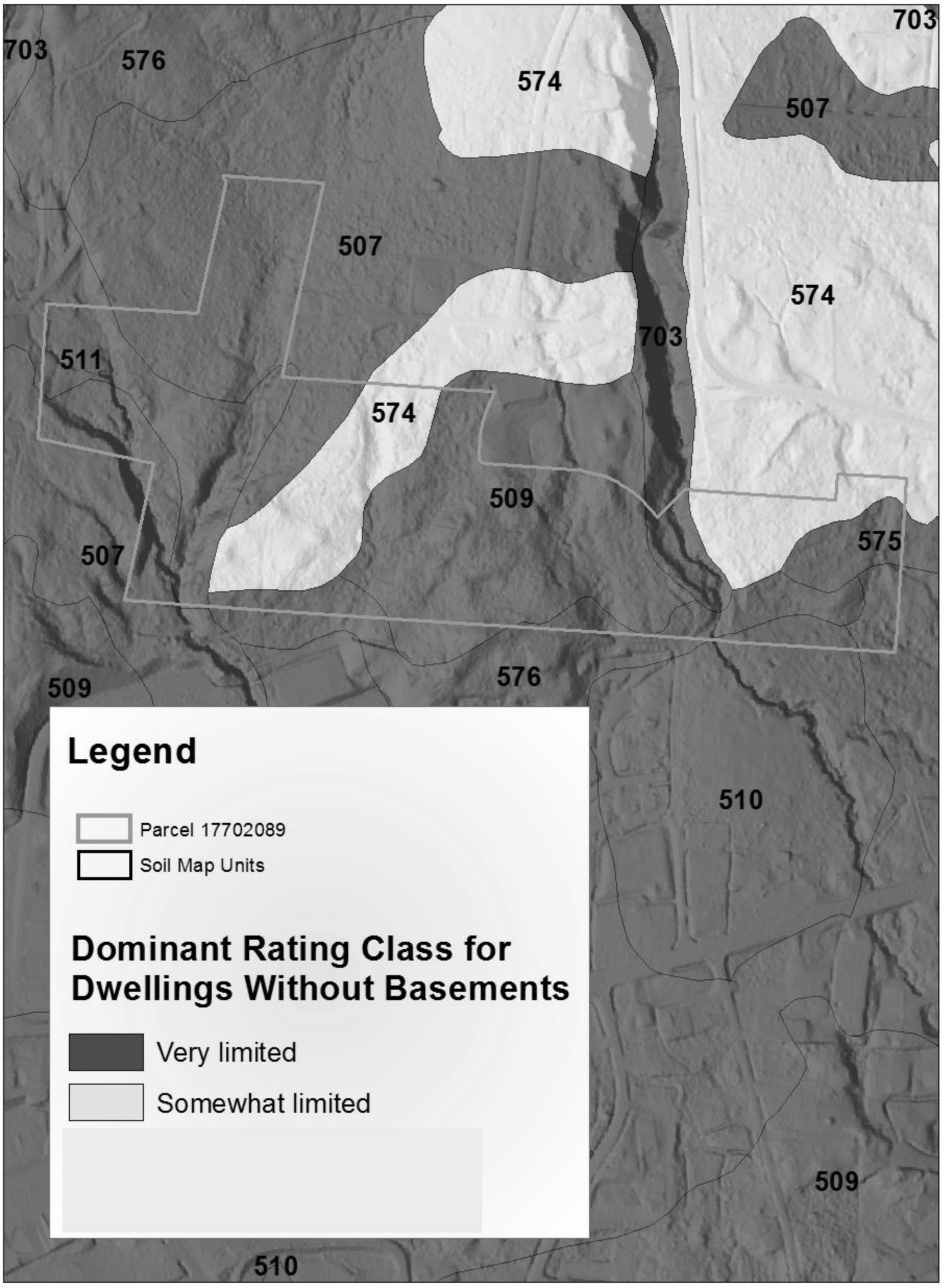
The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Western Kenai Peninsula Soil Map
Soil Limitations for Building Site Development
Dwellings Without Basements



Dwellings Without Basements

Aggregation Method: Dominant Condition
Tie-break Rule: Higher

Western Kenai Peninsula Area, Alaska
Survey Area Version and Date: 11 - 02/03/2011

Map symbol	Map unit name	Rating	Component name and % composition Rating reasons
507	Beluga silt loam, 4 to 8 percent slopes	Very limited	Beluga 87% Depth to saturated zone Smokey Bay 10% Depth to saturated zone Slikok 3% Flooding Depth to saturated zone Organic matter content Subsidence
509	Beluga-Mutnala complex, 0 to 8 percent slopes	Very limited	Beluga 55% Depth to saturated zone Starichkof 5% Ponding Subsidence Depth to saturated zone Organic matter content
510	Beluga-Smokey Bay complex, 4 to 8 percent slopes	Very limited	Beluga 60% Depth to saturated zone Smokey Bay 37% Depth to saturated zone Slikok 3% Flooding Depth to saturated zone Organic matter content Subsidence
511	Beluga-Smokey Bay complex, 8 to 15 percent slopes	Very limited	Beluga 50% Depth to saturated zone Slope Smokey Bay 47% Depth to saturated zone Slope Slikok 3% Flooding Depth to saturated zone Organic matter content Subsidence
574	Kachemak silt loam, 8 to 15 percent slopes	Somewhat limited	Kachemak 80% Slope Tuxedni 10% Slope Depth to saturated zone Redoubt 8% Slope
575	Kachemak silt loam, 15 to 25 percent slopes	Very limited	Kachemak 80% Too steep Redoubt 10% Too steep
576	Kachemak silt loam, 25 to 35 percent slopes	Very limited	Kachemak 80% Too steep Redoubt 10% Too steep
703	Typic Cryorthents, 100 to 150 percent slopes	Very limited	Typic Cryorthents 80% Too steep Beluga 5% Depth to saturated zone Slope Kachemak 5% Too steep

Dwellings Without Basements

Rating Options

Attribute Name: Dwellings Without Basements

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification of the soil. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

Aggregation Method: Dominant Condition

Aggregation is the process by which a set of component attribute values is reduced to a single value to represent the map unit as a whole.

A map unit is typically composed of one or more "components". A component is either some type of soil or some nonsoil entity, e.g., rock outcrop. The components in the map unit name represent the major soils within a map unit delineation. Minor components make up the balance of the map unit. Great differences in soil properties can occur between map unit components and within short distances. Minor components may be very different from the major components. Such differences could significantly affect use and management of the map unit. Minor components may or may not be documented in the database. The results of aggregation do not reflect the presence or absence of limitations of the components which are not listed in the database. An on-site investigation is required to identify the location of individual map unit components.

For each of a map unit's components, a corresponding percent composition is recorded. A percent composition of 60 indicates that the corresponding component typically makes up approximately 60% of the map unit. Percent composition is a critical factor in some, but not all, aggregation methods.

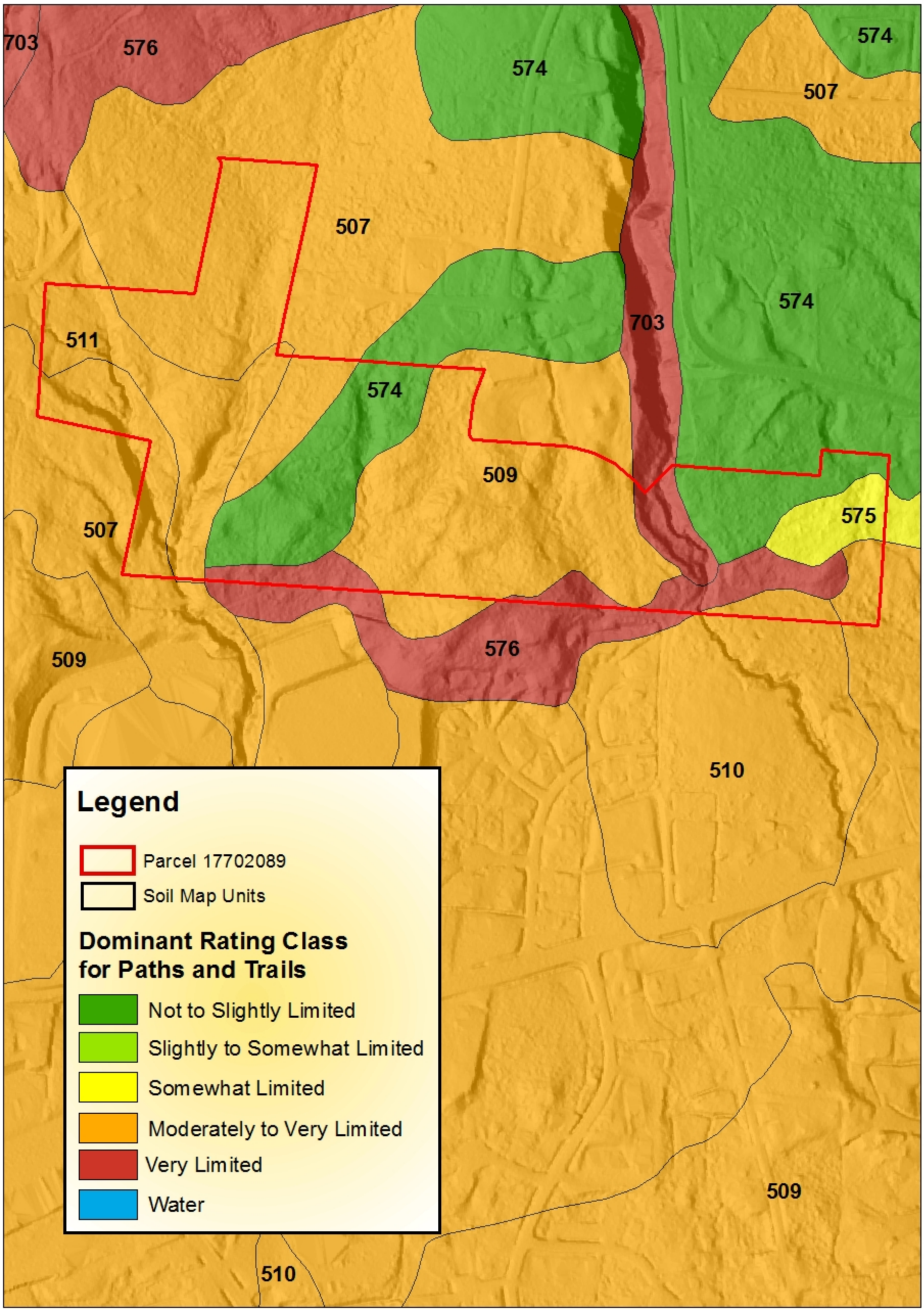
For the attribute being aggregated, the first step of the aggregation process is to derive one attribute value for each of a map unit's components. From this set of component attributes, the next step of the aggregation process derives a single value that represents the map unit as a whole. Once a single value for each map unit is derived, a thematic map for soil map units can be generated. Aggregation must be done because, on any soil map, map units are delineated but components are not.

The aggregation method "Dominant Condition" first groups like attribute values for the components in a map unit. For each group, percent composition is set to the sum of the percent composition of all components participating in that group. These groups now represent "conditions" rather than components. The attribute value associated with the group with the highest cumulative percent composition is returned. If more than one group shares the highest cumulative percent composition, the corresponding "tie-break" rule determines which value should be returned. The "tie-break" rule indicates whether the lower or higher group value should be returned in the case of a percent composition tie. The result returned by this aggregation method represents the dominant condition throughout the map unit only when no tie has occurred.

Tie-break Rule: Higher

The tie-break rule indicates which value should be selected from a set of multiple candidate values, or which value should be selected in the event of a percent composition tie.

Western Kenai Peninsula Soil Map
Soil Limitations for Paths and Trails



1,000 Feet

N W E S

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

The information in this table indicates the dominant soil condition but does not eliminate the need for onsite investigation. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the limitation. See text for further explanation of ratings in this table.)

Paths and trails

Map symbol Soil name	Percent of map unit	Rating class Limiting features	Value
507			
Beluga	87	**Somewhat limited**	
		Depth to saturated zone	0.86
Smokey Bay	10	**Somewhat limited**	
		Depth to saturated zone	0.86
		Dusty	0.33
Slikok	3	**Very limited**	
		Depth to saturated zone	1
		Organic matter content	1
		Ponding	1
		Dusty	0.5
509			
Beluga	55	**Somewhat limited**	
		Depth to saturated zone	0.86
Mutnala	40	**Somewhat limited**	
		Dusty	0.36
Starichkof	5	**Very limited**	
		Depth to saturated zone	1
		Organic matter content	1
		Ponding	1
		Dusty	0.5
510			
Beluga	60	**Somewhat limited**	
		Depth to saturated zone	0.86

Smokey Bay	37	**Somewhat limited**	
		Depth to saturated zone	0.86
		Dusty	0.33
Slikok	3	**Very limited**	
		Depth to saturated zone	1
		Organic matter content	1
		Ponding	1
		Dusty	0.5
511			
Beluga	50	**Somewhat limited**	
		Depth to saturated zone	0.86
Smokey Bay	47	**Somewhat limited**	
		Depth to saturated zone	0.86
		Dusty	0.33
Slikok	3	**Very limited**	
		Depth to saturated zone	1
		Organic matter content	1
		Ponding	1
		Dusty	0.5
574			
Kachemak	80	**Not limited**	
Tuxedni	10	**Somewhat limited**	
		Dusty	0.36
Redoubt	8	**Very limited**	
		Water erosion	1
		Dusty	0.35
Starichkof	2	**Very limited**	
		Depth to saturated zone	1
		Organic matter content	1
		Ponding	1
		Dusty	0.5
575			
Kachemak	80	**Somewhat limited**	
		Slope	0.5
Redoubt	10	**Very limited**	
		Water erosion	1

		Slope	0.5
		Dusty	0.35
Tuxedni	10	**Somewhat limited**	
		Dusty	0.36
576			
Kachemak	80	**Very limited**	
		Slope	1
Redoubt	10	**Very limited**	
		Slope	1
		Water erosion	1
		Dusty	0.35
Tuxedni	10	**Somewhat limited**	
		Dusty	0.36
703			
Typic Cryorthents	80	**Very limited**	
		Slope	1
		Water erosion	1
Badland, sea cliffs	10	**Not rated**	
Beluga	5	**Somewhat limited**	
		Depth to saturated zone	0.86
		Dusty	0.33
Kachemak	5	**Very limited**	
		Slope	1
		Dusty	0.33

Paths and Trails

Paths and trails for hiking and horseback riding should require little or no slope modification through cutting and filling.

The ratings are based on the soil properties that affect trafficability and erodibility. These properties are stoniness, depth to a water table, ponding, flooding, slope, and texture of the surface layer.

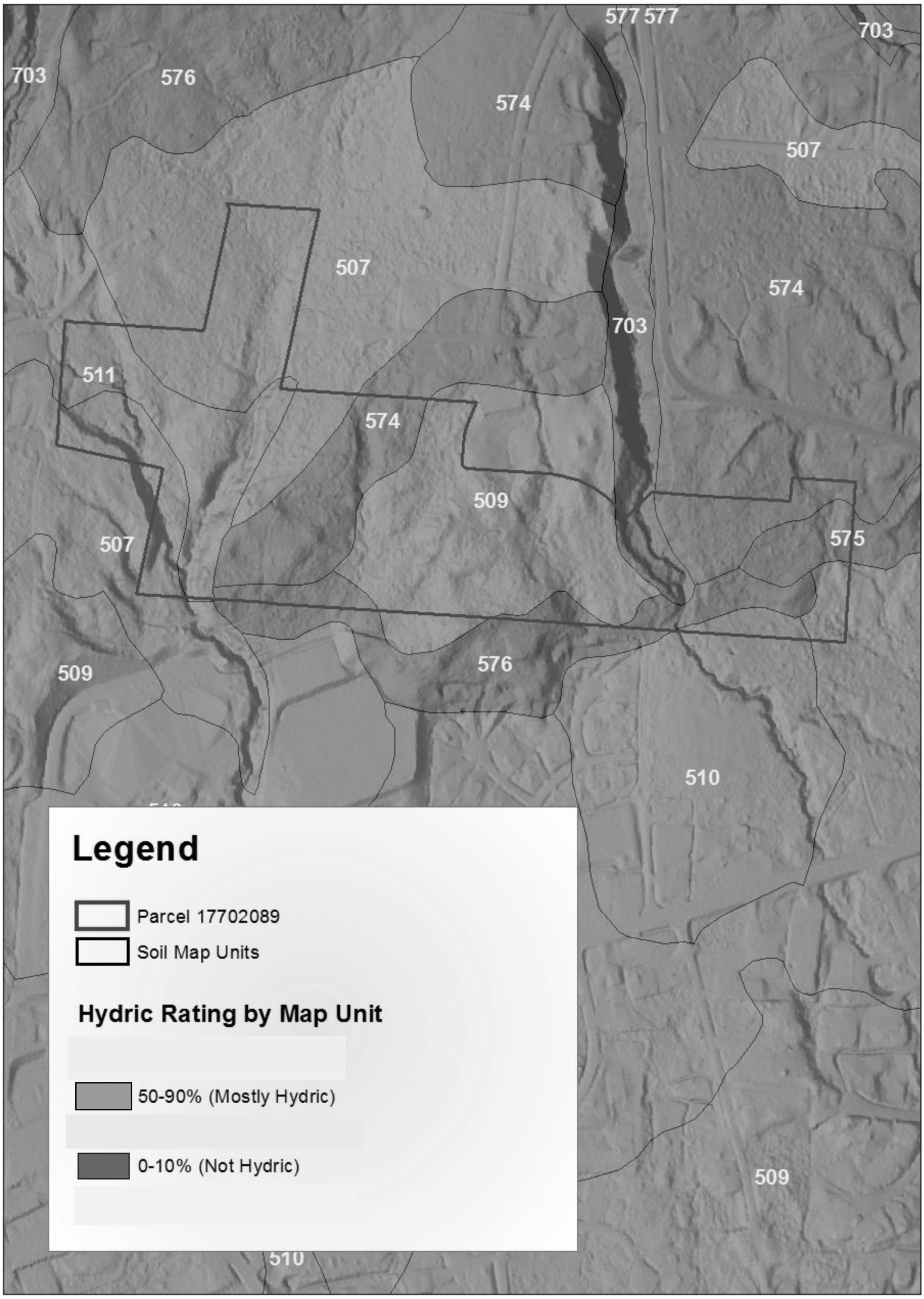
The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

Western Kenai Peninsula Soil Map
Hydric Rating by Map Unit



Hydric Rating by Map Unit

Aggregation Method: Percent Present Tie-break Rule: Lower

Western Kenai Peninsula Area, Alaska Survey Area Version and Date: 11 - 02/03/2011

Map symbol	Map unit name	Percent of map unit with hydric soils
507	Beluga silt loam, 4 to 8 percent slopes	90
509	Beluga-Mutnala complex, 0 to 8 percent slopes	60
510	Beluga-Smokey Bay complex, 4 to 8 percent slopes	63
511	Beluga-Smokey Bay complex, 8 to 15 percent slopes	53
574	Kachemak silt loam, 8 to 15 percent slopes	2
575	Kachemak silt loam, 15 to 25 percent slopes	0
576	Kachemak silt loam, 25 to 35 percent slopes	0
703	Typic Cryorthents, 100 to 150 percent slopes	5
Application Version: 6.1.0.0		12/13/2013

Hydric Rating by Map Unit

This rating indicates the proportion of map units that meets the criteria for hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor nonhydric components in the higher positions on the landform, and map units that are made up dominantly of nonhydric soils may have small areas of minor hydric components in the lower positions on the landform. Each map unit is designated as "all hydric," "partially hydric," "not hydric," or "unknown hydric," depending on the rating of its respective components.

All hydric means that all components listed for a given map unit are rated as being hydric, while "not hydric" means that all components are rated as not hydric. "Partially hydric" means that at least one component of the map unit is rated as hydric, and at least one component is rated as not hydric. "Unknown hydric" indicates that at least one component is not rated so a definitive rating for the map unit cannot be made.

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

The NTCHS definition identifies general soil properties that are associated with wetness. In order to determine whether a specific soil is a hydric soil or nonhydric soil, however, more specific information, such as information about the depth and duration of the water table, is needed. Thus, criteria that identify those estimated soil properties unique to hydric soils have been established (Federal Register, 2002). These criteria are used to identify map unit components that normally are associated with wetlands. The criteria used are selected estimated soil properties that are described in "Soil Taxonomy" (Soil Survey Staff, 1999) and "Keys to Soil Taxonomy" (Soil Survey Staff, 2006) and in the "Soil Survey Manual" (Soil Survey Division Staff, 1993).

If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and Vasilas, 2006).

References:

Federal Register. July 13, 1994. Changes in hydric soils of the United States.
Federal Register. September 18, 2002. Hydric soils of the United States.
Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.
Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.
Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservatior
Soil Survey Staff. 2006. Keys to soil taxonomy. 10th edition. U.S. Department of Agriculture, Natural Resources Conservation Service.

Cook Inlet Wetlands

Legend

- Parcel 17702089
- Wetlands

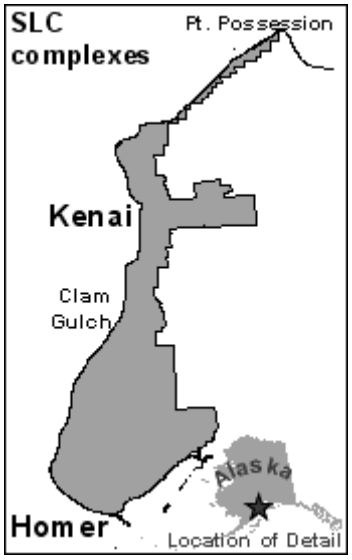
1,500 Feet

N
W E
S

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

Identification_Information: Citation: Citation_Information:
Originator: Mike Graco, Kenai Watershed Forum
Publication_Date: December 2013
Title: Cook Inlet Wetlands
Geospatial_Data_Presentation_Form: vector digital data (polygons)
Online_Linkage: <http://cookinletwetlands.info/downloads/cookinletwetlands.zip>

Wetland Classification and Mapping of the Kenai Lowland, Alaska



Map Unit Descriptions

Geomorphic Component: **Discharge Slope**

Map Units: SCL; SLC; SCLd; SLCd

Extent:
SCL: 10 wetland polygons; 62.5 ha; 0.04% of wetland area; 0.06% of wetland polygons.
SLC: 7 wetland polygons; 49.0 ha; 0.03% of wetland area; 0.04% of wetland polygons.

A wetland mapped as SCL at the edge of a parking area in Kachemak City (polygon 50155).

Wetland Indicators

Type: Mineral or Peat

Average depth to water table:
SC: 54.8 cm; n=5
SL: 35.0 cm; n=113

Organic layer thickness:
SC: 39.1 cm; n=7
SL: 34.8 cm; n=126

Average depth to redoximorphic features:
SC: 17.2 cm; n=6
SL: 26.3 cm; n=78

Common Soils:
SC: **BELUGA**, **NIKOLAI**, **KALIFONSKY**
SL: **CHUNILNA**, **SPENARD**, **COAL CREEK**, **NIKOLAI**, **TRUULI**, **DOROSHIN**

Common Plant communities:

SC component:
Bluejoint - Field horsetail
Bluejoint streamside
Barclay's willow / Rich

SL component:
Lutz spruce / Barclay's willow / Bluejoint

A logged wetland mapped as SLC Bridge Creek watershed, the City of Homer's drinking water supply (polygon 116).

Lutz spruce / Field horsetail – Bluejoint
Lutz spruce / Sitka alder / Field horsetail
Lutz spruce / Barclay's willow / Field horsetail / Crowberry
Lutz spruce / Rusty menziesia / Field horsetail
Lutz spruce / Barclay's willow / Ericaceous shrub
Lutz spruc / Barclay's willow / Field horsetail

Accuracy assessment: 1 polygon interpreted as SCL on aerial photographs was field checked. It was revised to SCA.

Wetlands mapped as SCL and SLC are mixtures of Lutz spruce (*Picea* X *lutzii*) and bluejoint reedgrass (*Calamagrostis canadensis*) on foot- and toeslopes where groundwater discharges to near the surface, at least seasonally. When bluejoint reedgrass is in the understory of a Lutz spruce woodland or forest the wetland polygon is designated **SL**. Polygons designated as SCL are segregated mosaics of spruce and bluejoint present at a scale too fine to map each component separately at the mapping scale. SCL is used where bluejoint openings cover more area, and SLC where Lutz spruce covers more. Only a few wetland polygons have been mapped as SCL or SLC. They are found around the City of Homer and south of Clam Gulch on the coastal bluff near Corea Creek.

In Homer, the names **SCLd** and **SLCd** refer to wetlands that were either SCL or SLC but are now disturbed.

Travis Brown

From:	Katherine George <kgeorge@acsalaska.net>
Sent:	Sunday, December 22, 2013 11:51 PM
To:	Department Planning
Subject:	Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat, 2013 - rain gardens
Attachments:	raingarden links for Kathy.pdf

The developer has proposed construction of rain gardens in the Quiet Creek Subdivision as a solution for handling excess storm water so that there will be no net gain; that because of rain gardens there will be no more water exiting the subdivision after development than there is now.

So what do rain gardens really do? What are the pros and cons of their construction and use? The following letter is in answer to my questions, provided by Homer Soil and Water Conservation District Special Projects Coordinator Devony Lehner. She states that the principal function of rain gardens is to reduce stormwater pollution.

Furthermore, gardens can't be constructed until you know how much impervious surface they'll have to address and what the site conditions will be (e.g. cleared areas, topography, vegetation, etc.) after development. Until the roofs are on and the driveways built, the location and size of the rain garden is unknown.

In addition, rain gardens do require maintenance. Maintenance needs will be rain-garden specific. Some could need lots of maintenance (if they're capturing large amounts of sediment and tending to clog up, for example). Some would need less if they're just slowing clean roof runoff. Rain garden plants need to be taken care of, just as any plants do.

Rain garden construction and maintenance would be at the discretion of the individual property owners, not the developer. And it is my understanding that the City of Homer has no approved standards for construction of rain gardens.

Developers can put in a great big retention pond but those need to be carefully sized, located, and engineered to do what they're supposed to do. On steep slopes, you need to factor in whether retention pond soils--which are saturated and subjected to increased water pressures because of the water being stored--could fail and slump downslope. These kinds of "unintended consequences" are why it's so important to know your site conditions and how much runoff you're going to need to store.

Please include copies of this cover letter and COLOR copies of the pdf document in the Planning Commission packet for the January 2, 2014 meeting, to be used in their decision making process.

Thank you.

Katherine George

Hi Kathy,

Below are a few examples online links that explain that the principal function of rain gardens is to reduce pollutants in stormwater runoff. I've highlighted relevant text.

Perhaps try contacting Bill Rice, USFWS engineer in Anchorage. Engineers like him, with familiarity in hydrology or geohydrology, can provide guidance on how to calculate how much stormwater runoff a rain garden will hold given its soils and size. Soils that are "poorly drained" or "very poorly drained" (like 507 and 509 in the proposed subdivision area) are inherently poorly suited for rain gardens because of their low infiltration rates.

Anchorage Fish & Wildlife Field Office
Phone Directory

605 West 4th Avenue, Rm G-61
Anchorage, Alaska 99501

Phone: 271-2888;
800-272-4174
Fax: 907-271-2786

Employee/E-mail	Job Title	Branch	Phone Number
Benolkin, Elizabeth elizabeth_benolkin@fws.gov	Biologist	Habitat	271-2718
Brna, Phil phil_brna@fws.gov	Biologist	Conservation Planning Assistance	271-2440
Cote, Margaret margaret_cote@fws.gov	Budget Assistant	Admin	786-3520
de Zeeuw, Maureen maureen_dezeeuw@fws.gov	Biologist	Conservation Planning Assistance	271-2777
Gerken, Jon Jonathan_Gerken@fws.gov	Biologist	Fisheries	271-2776
Goldberg, Gary gary_goldberg@fws.gov	Administrative Officer	Admin	786-3813
Klein, Kim kimberly_klein@fws.gov	Biologist	Endangered Species	271-2066
Lance, Ellen ellen_lance@fws.gov	Branch Chief	Endangered Species	271-1467
McBride, Doug doug_mcbride@fws.gov	Branch Chief	Fisheries	271-2871
McClain, Danielle danielle_mcclain@fws.gov	Computers/Biotech	Admin	271-3063
McCracken, Betsy betsy_mccracken@fws.gov	Biologist	Fisheries	271-2783
Perdue, Meg margaret_perdue@fws.gov	Biologist	Habitat	271-6647
Rice,William william_rice@fws.gov	Hydrologist	Hydrologist/Engineer/Branch Chief	271-1798
Shaw, Cathy catherine_shaw@fws.gov	Office Assistant/Reception	Admin	271-2888
Spegon, Jennifer jennifer_spegon@fws.gov	Branch Chief	Conservation Planning Assistance	271-2768
Tanner, Theresa theresa_tanner@fws.gov	Biologist	Fisheries	271-1799
Verbrugge, Lori lori_verbrugge@fws.gov	Biologist	Environmental Contaminants	271-2785

From: http://www.tappwater.org/raingardens.aspx

Build a Rain Garden

Rain gardens are an attractive green solution to reduce storm water pollution and improve overall water quality. Storm water becomes polluted when it runs over pavement and comes into contact with automotive fluids, sediment, trash, pet waste, and lawn fertilizer. Ordinarily, this storm water "runoff" flows directly to rivers, lakes and streams without treatment. By directing storm water runoff to a rain garden filled with native plants, pollutants can be absorbed by the deep plant roots instead of contaminating our rivers, lakes and streams.

From: http://cwsec-sc.org/how-can-a-rain-garden-help/

Increased development and impervious surfaces like roads, rooftops and parking lots are reducing the amount of water that can be absorbed by the ground and increasing the amount of contaminants that wash off these surfaces into near by stormwater collection systems and ultamately into our rivers, lakes, streams and ocean. Contrary to popular belief, stormwater does not get diverted to a water treatment facility. Pollutants like car oils, grease and fertilizers that are common products generated by households and commercial sites, get picked up by stormwater and literally dumped directly into our waters. One natural way to reduce this threat to our water and the ecosystems that rely on it is to use rain gardens.

Rain gardens are shallow, generally flat bottomed depressions, designed to collect rainwater and allow selected plants, bacteria and soils to naturally filter and remove pollutants from the water as it soaks into the ground. Rain gardens can allow an estimated 30 percent increase in water absorption into the ground, compared to conventional urban landscapes. Not only do rain gardens provide a line of defense for our waters by increasing ground water absorption and reducing stormwater pollution, but they also serve as beautiful features to the landscape.

The effectiveness of a rain garden in removing pollutants

Pollutant	Source of pollutant	% Removed by rain garden
Copper	Roof shingles, oil, grease, soil	43-97%
Lead	Roof shingles, oil, grease, soil	70-95%
Zinc	Roof shingles, oil, grease, soil	64-95%
Phosphorus	Detergents, fertilizers, pet waste	65-87%
Total nitrogen	Fertilizer, pet waste, organic matter	49-67%
Calcium	Fertilizer, pet waste, organic matter	27%

Source: U.S. EPA on National Pollutant Discharge Elimination System storm water program

To learn more about the potential benefits of a rain garden in your yard or place of business, please visit Clemson University's non-point source toolbox at http://www.clemson.edu/public/carolinaclear/cc_toolbox/, where you can find information on how to construct a rain garden, what native plants work best and the rain garden manual itself.

See also "What Can I Do? Build A Rain Garden!" for more information on how to be proactive in preventing stormwater pollution and rain gardens Resource: Rain Garden Presentations

From: http://www.anchorageraingardens.com/RGmanualWEB.pdf

In most places in Anchorage rainwater does not slowly filter naturally into the ground. Instead water enters our stormwater collection system and flows directly into local lakes and streams. This water can carry pollutants such as animal waste, oil from leaking cars, road salts, and fertilizers. By allowing stormwater to filter into the ground where it falls, we can reduce the impact of these pollutants on our local lakes and streams. If we allow this polluted water into our local lakes and streams, we run the risk that it could harm wildlife, including salmon populations.

And finally, these are some of the key inputs you need to know in order to calculate how much stormwater runoff you'll be dealing with as you design a particular rain garden or system of rain gardens (excerpted from http://extension.oregonstate.edu/stormwater/lid-infiltration-facility-calculator-aka-rain-garden-calculator). I've mentioned to you the importance of knowing the drainage area upslope of the area being developed (in this case, the subdivision), as well as the importance of knowing how well the native soil can infiltrate runoff.

24 Hour Rainfall Depth [in]: Enter the size of the storm that you're required or wish to infiltrate.
Drainage Area [sf]: Enter the area that's draining to the stormwater planter. Some highly urbanized jurisdictions like the City of Portland only require infiltration of impervious areas; however, more rural areas or cities with lower infiltration volume requirements should include pervious drainage areas as well. Impervious and pervious areas of different types must be done in separate iterations. When you've accounted for all the areas that drain to the facility, you can add up the results to get the size of your facility.
Drainage Area Runoff Coefficient: This is the C in Q=CIA of the rational method. Click here to learn more about the rational method and to see typical values if you'd like to model this for all areas, not just impervious areas, draining to the planter. Choosing the upper end of the range for the particular land cover is safe. For instance, according to the link provided, lawns are have a runoff coefficient between 0.05 and 0.35, so enter 0.35. If you're only managing impervious area, then leave this at 0.9 or increase it to 0.98 to be more conservative.
Native Soil Infiltration Rate [in/hr]: Enter the infiltration rate of the native soils. This would come from running an infiltration test (see fact sheet provided) in the location of the infiltration facility at the depth where the constructed facility intersects with the native uncompacted soil. This number cannot be altered by the design. If the infiltration rate is low, then the facility will have to be bigger or will incorporate a rock trench.

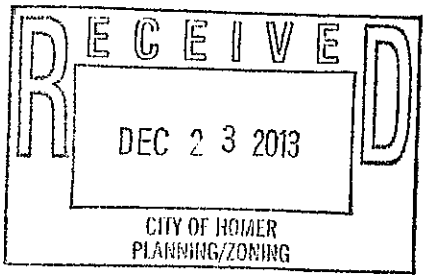
The point of all this is that the developer should show the city how he

- calculated the amount of surface and subsurface runoff (including stormwater) that currently flows into and through the development site and
- will prevent these runoff volumes leaving the site from increasing above current levels.

This means that both current pre-development runoff volumes and post-development runoff volumes need to be calculated based on current conditions and post-development conditions on the site.

I hope this is useful.

Devony



December 21, 2013

City of Homer Advisory Planning Commission

Dear Commissioners,

I am writing as a close neighbor of the proposed Quiet Creek Park subdivision. I join my other neighbors in asking that the commission take another look at this plan and make further changes so that the final proposal better suits the terrain and existing adjacent residential areas.

I recognize that this tract is private land and not destined to remain a nature reserve. But I feel like there are still twice as many houses being crammed onto that plat - even with the recent changes - as the area can reasonably support.

We bought our houses here knowing the land could someday be developed through in-filling according to the city's comprehensive plan. We also knew the land was zoned "rural residential." The comprehensive plan says that means an area of "larger lot sizes or cluster subdivisions to preserve sense of open space." The 10,000-square-foot minimum lot size gives developers useful flexibility in an R-3 zone but is surely not meant as a prescription for cramming the maximum number of lots into a rural zone. The proposal has roughly the same density as our urban-residential neighborhood.

In particular I hope the commission will address:

* Drainage. Every so often the Quiet Creek is not so Quiet. In the past decade I have seen several floods pour out of the canyon above and across the proposed development's western side. The water spreads across the lower-lying lands, which presumably helps disperse it. Does the city really want to take responsibility for channelizing the ravines and pushing the floods downhill toward the high school? Hardening off much of the land, with roofs and driveways, will of course add to the problem; the notion of compensating with "rain gardens" according to the city's design specs is commendable but does not seem to be enforceable.

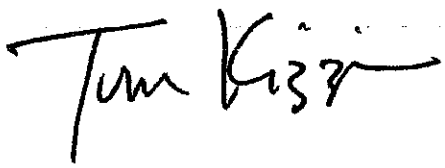
* Traffic. The plan speaks of exiting west into our neighborhood via Anderson Street, but there is no Anderson Street. Is the city committing to build the connector street with public money? Who will provide real commitments about traffic calming? We are concerned about heavy trafficon our local streets. Imagine if someone was building 71 new homes at the end of your block. Is the city planning to rebuild and widen our streets and add sidewalks? A special concern, highlighted by many skidding stops this past week, is Kachemak Way, whose turns would have to carry much more traffic as the collector for this new neighborhood.

In short, we are worried that a poorly planned subdivision will bring floods of water and floods of traffic. Cutting the proposed number of lots in half would seem one prudent way to reduce these concerns.

We hope that the finished Quiet Creek project can be one that enhances the community of Homer, rather than one that leads to a future of recrimination and heartache.

Thank you for your work,

Tom Kizzia
531 Mountain View Drive
Homer

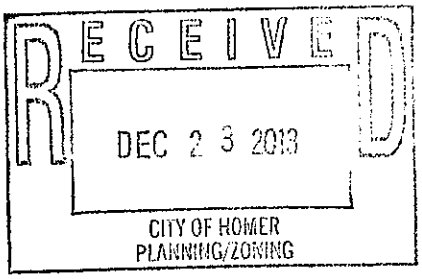


DEC 23 2013 AM 11:59 PK

Paul R. Gavenus
P.O. Box 1752
Homer, AK 99603
Physical Address: 566 Rainbow Court

December 23, 2013

Homer Advisory Planning Commission
c/o City Clerk's Office
491 East Pioneer Avenue
Homer, AK 99603



RE: South Slope Quiet Creek Subdivision 2013 Preliminary Plat

Dear Commissioners:

I contend that the Quiet Creek Park preliminary plat does not conform to City of Homer Code.

Ordinance 21.28.020 Purpose of Provisions lists those things the City has the authority to designate, regulate, and restrict. Among those are:

(d) Regulate and limit the density of population;
(g) Prevent undue concentration of population; and
(h) Lessen congestion on streets and highways

QCP is in the rural residential district of the City. The purpose of the RR district (Code 21.44.010) is to

(a) Provide an area for low density in the City.

QCP, as presented, is not low density. It is essentially equal in density to the Mountainview/Bayview neighborhood. MV/B is zoned urban residential, which allows for medium density per code.

The ramifications of allowing a subdivision of this density, especially on this piece of property, are many.

(1). A traffic impact analysis by a qualified engineer should be required before approval. If this analysis finds that Kachemak Way, now listed as a local residential street, will become a collector, major upgrades at great cost will be necessary. Curve radii will need to be changed and a run out where it intersects Pioneer will need to be addressed.

(2) Roughly 30 % of this subdivision is wetlands. Undisturbed storm water is an issue. Adding the amount of impervious surface proposed will increase the possibility of damage to downstream properties, including the Homer High School.

I urge you to postpone approval until these issues can be addressed. Many of the answers can be found in the requirements stipulated in the 2005 Plat Approval.

Thank You,

Paul Stevens

Virginia M. Espenshade
P.O. Box 1752
Homer, AK 99603
Physical Address: 566 Rainbow Court

December 23, 2013

Homer Advisory Planning Commission
c/o City Clerk's Office
491 East Pioneer Avenue
Homer, AK 99603

RE: South Slope Quiet Creek Subdivision 2013 Preliminary Plat

Dear Commissioners:

Thank you for the opportunity to provide citizen input regarding the 2013 version of the Quiet Creek subdivision. As you consider approval of this large, dense subdivision on the slope behind the High School, I hope you pay particular attention to the following issues:

1. Storm water runoff. Mention was made by applicant or his surveyor of the Army Corps of Engineers permit already obtained. Ostensibly this reference is to the 2007 permit. I encourage you to review said permit, especially the requirement of a large retaining pond or swale along part of the southern boundary of the subdivision. This swale does not appear to be included in the 2013 preliminary plat. The applicant asks us to trust on site rain gardens as storm water control. As you decide if that is sufficient (and enforceable) storm water control, the ACOE report can inform you as to its importance for the safety and property rights of those below the subdivision. Consider the November 2002 flood which deposited debris and silt on the High School fields and track, and even ended up on the SBS parking lot. Consider the appreciable cost to the City of Homer of clean up and possible liability for future storm water damage. At the very least, I ask that you specify in any approval of the 2013 plat that the applicant must apply for a new Corps of Engineer permit. I have been told that such an admonition is unnecessary, since by law the applicant must do so. I ask for an explicit requirement because of the confusing language in the applicant's presentation as to whether this 2013 plat constitutes a new plat or an amended plat. The Corps delineation map is probably still pertinent, and it shows about of the third of the acreage involves wetlands within the ACOE jurisdiction.
2. Traffic. The impact of 71 new homes (72 if you include a lot that was part of the 2005 plat and already subdivided and conveyed as South Slope Subdivision Quiet Creek Park Unit 1) on exist city roads is a safety concern. If the additional traffic changes the

characteristic of local streets to connectors, (such as Kachemak Way, for example), at what point does good planning address the required changes to these streets, and how the existing neighborhoods will be affected.

3. Notice. While I understand now that the City Administration consider this process as an approval process of a new plat, please consider whether the notice sent out to neighbors was clear on that point. The applicant himself referenced the plat as a "revised" version of the 2005 plat in his cover letter, and referenced the previous ACOE permit in his presentation. Consider whether the dozens of property owners who testified in 2005 were properly noticed that their previous testimony will not be part of the 2013 record.

Thank you for taking the time to read the public input. I wish you and your families a Merry Christmas and a Happy New Year.

Sincerely,

Virginia Espenshade

Virginia (Ginny) Espenshade

From: Francie Roberts <francieroberts@gmail.com>
Sent: Monday, December 23, 2013 7:38 AM
To: Department Planning
Subject: Include in Planning Commission packet for January 2nd please

Dear Planning Department, I would like this included in the packet for the January 2nd meeting of the commission. If you cannot see this letter, please email me back so I can utilize another method of getting the material to you. Francie Roberts

Dear Homer Advisory Planning Commission Members,

As you consider the plat for the Quiet Creek subdivision, I would like to remind you the proposed subdivision contains a large amount of delineated wetlands. These wetlands serve multiple purposes for the Homer area. It is my understanding that they act like a sponge to absorb excess water in the area. Without this happening, development downslope will be adversely affected. Intensely developing a wetland area removes much of the topsoils that absorb water, causing water to move more quickly to the lower areas.

Currently the Kenai Peninsula Borough is examining the October, 2013, flooding on Kalifornsky Beach Road. The following pdf documents and photos illustrate the consequences of ignoring the value of wetlands before development occurs. We need to be asking that developers provide us with catch point based watershed delineations (eg. pg. 7) during the platting process so that we are identifying problems before they happen, not after the fact.

I believe that the designated wetlands within Quiet Creek Subdivision, just as they are now, have an unstated economic value to the city. The following articles are just a few of many that support the idea that there is a definite financial gain to the City for keeping these wetland areas undeveloped.

"The Economic Value of Wetlands: Wetlands' Role in Flood Protection in Western Washington" by Washington State Dept. of Ecology [https://fortress.wa.gov/ecy/publications/publications/97100.pdf]

In this report it is argued that economic valuation of wetlands' flood protection services can provide a strong rationale for Western Washington communities to protect their remaining wetlands. After describing the general economic rationale for pricing non-marketed natural resource services like flood protection and outlining the approaches economists use to establish such values, it is shown how the "alternative/substitute cost" method can be used to produce a proxy for the value of the flood protection services that many wetlands currently provide for "free."

"Wetlands: Protecting Life and Property from Flooding" by US Environmental Protection Agency. [http://water.epa.gov/type/wetlands/upload/Flooding.pdf]

FEMA encourages the use of wetlands for stormwater detention in lieu of, or in conjunction with, traditional structural flood control measures. Cited studies indicate that wetlands may play a part in flood abatement. Several examples illustrate how communities across the country are restoring wetlands in order to reduce the threat and costs of flood damage.

"Reducing Flood Damage Study: Too Much Drainage, Too Much Damage" by The Wetlands Initiative, Chicago, Illinois. [http://www.wetlands-initiative.org/what-we-do/reducing-flood-damage-study.html]

The Wetlands Initiative argues that there is economic value in replacing structural solutions with ecological ones and in returning the floodplain to its basic functions—holding floodwaters, improving water quality, and supporting rich, biodiverse habitats.

Kenai Peninsula Borough Code 20.04.010 (Purpose of provisions) 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." Please remember this is the mandate to consider, as you begin deliberations to determine the viability of this subdivision. Please consider whether the density is appropriate for the wetlands in this area. I think it is an important enough issue that it is worth taking as much time as needed to learn all the details of the proposed development.

Francie Roberts

K-Beach flooding Presentation Oct 3rd 2013.pdf

flood photographs 11-05-13AssemblyMTG_OEMpresentationPHOTOS (1).pdf

Redoubt Reporter headline.tiff

162

N

1996

2003

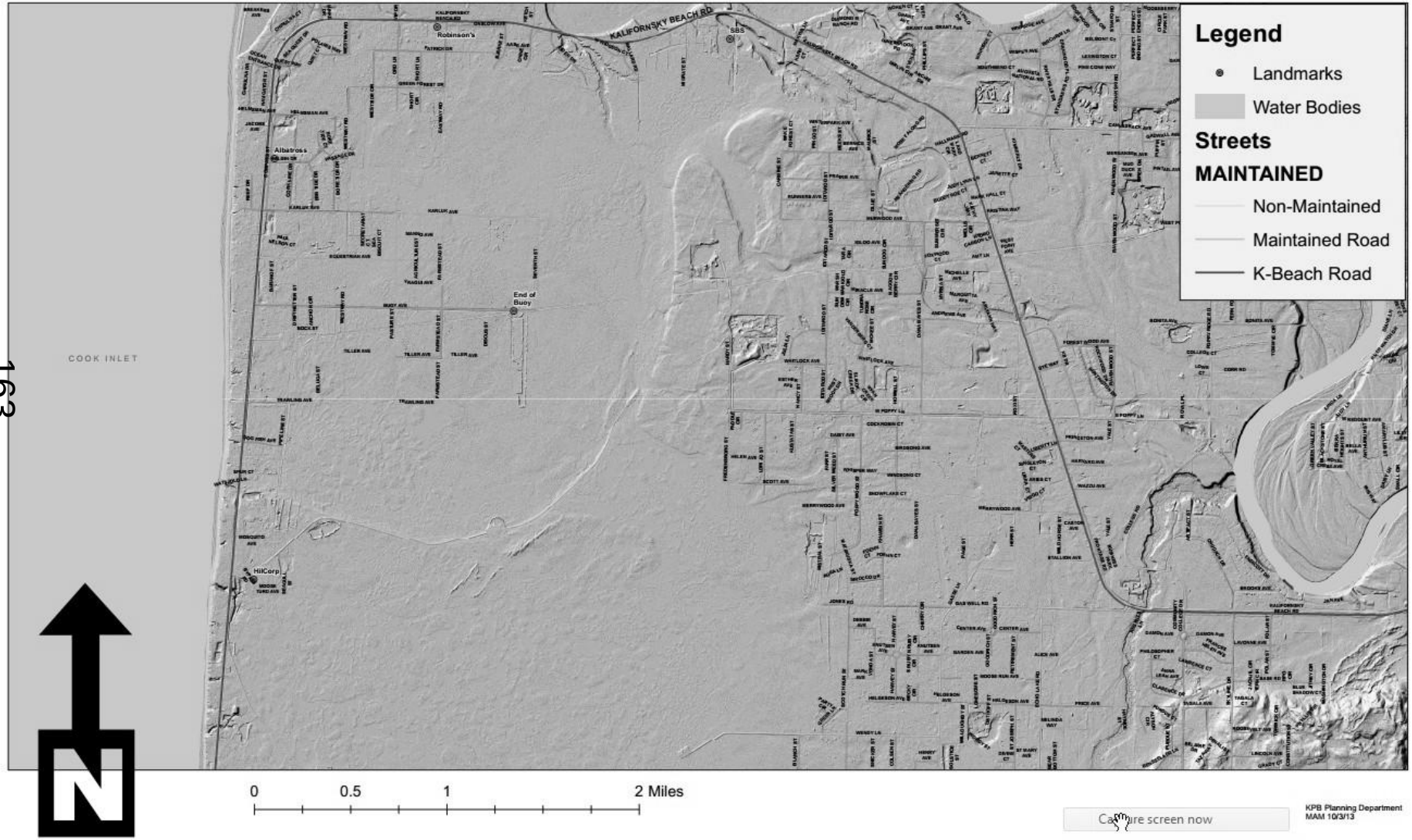
ORTHO PHOTOGRAPHY

2012

Capture screen now

KPB Planning Department
MAM 10/03/2013

K-BEACH HIGH WATER STUDY AREA
LiDAR High Resolution Relief



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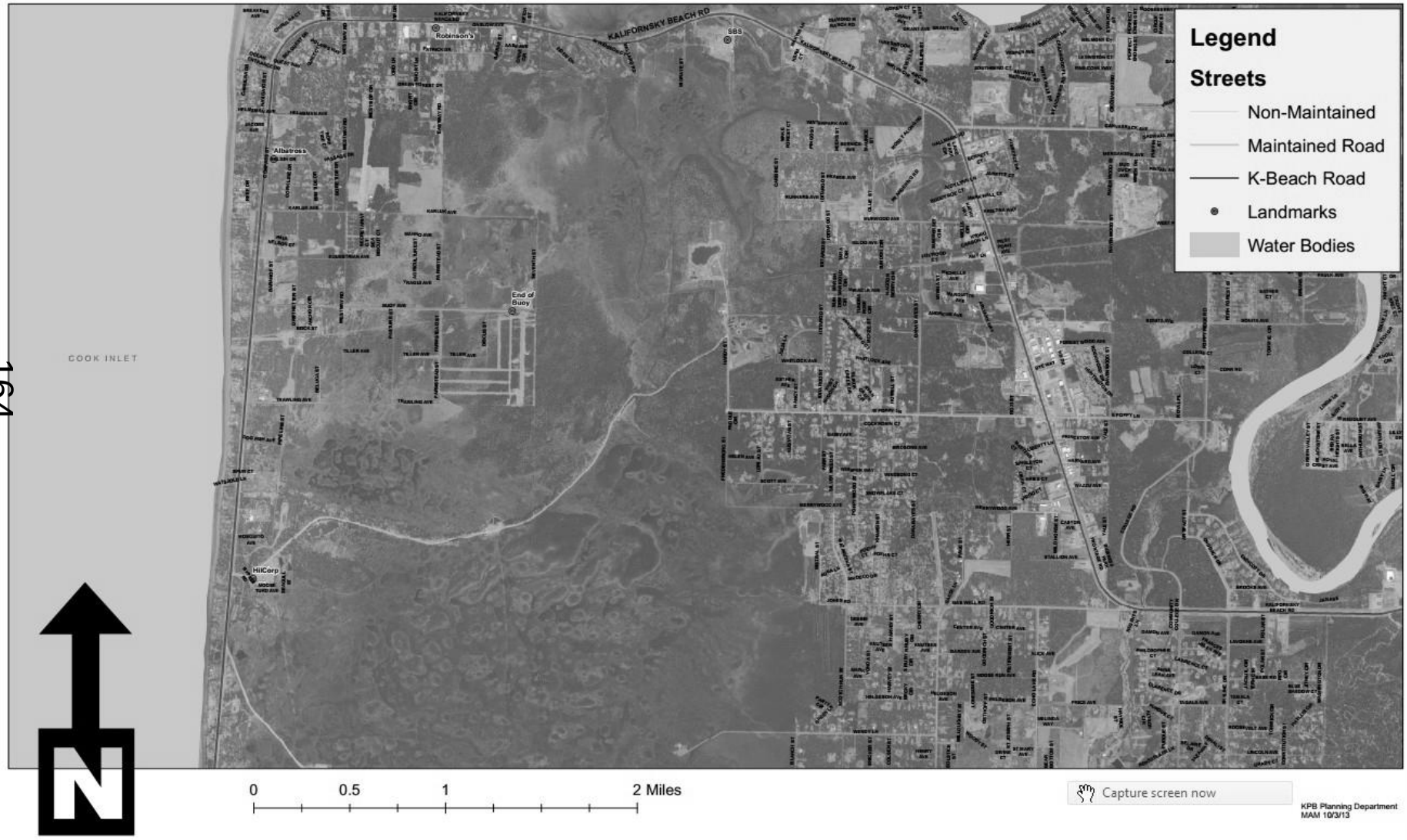
K-BEACH HIGH WATER STUDY AREA
2012 Ortho-Imagery



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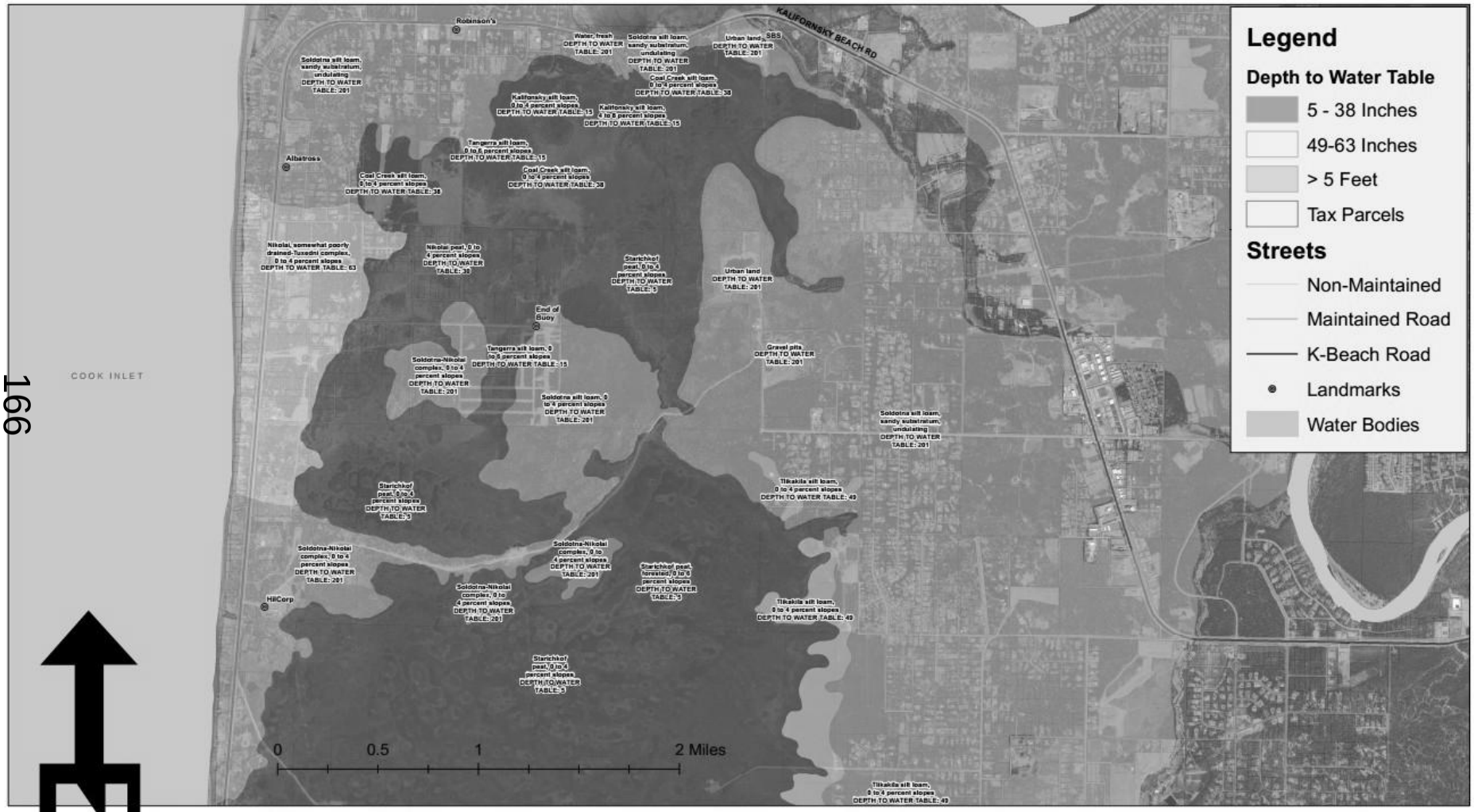
K-BEACH HIGH WATER STUDY AREA
2008 Wetland Mapping & Classification Data

165

K-BEACH HIGH WATER STUDY AREA
2005 Soil Survey Map Unit Description and Depths to Water Table



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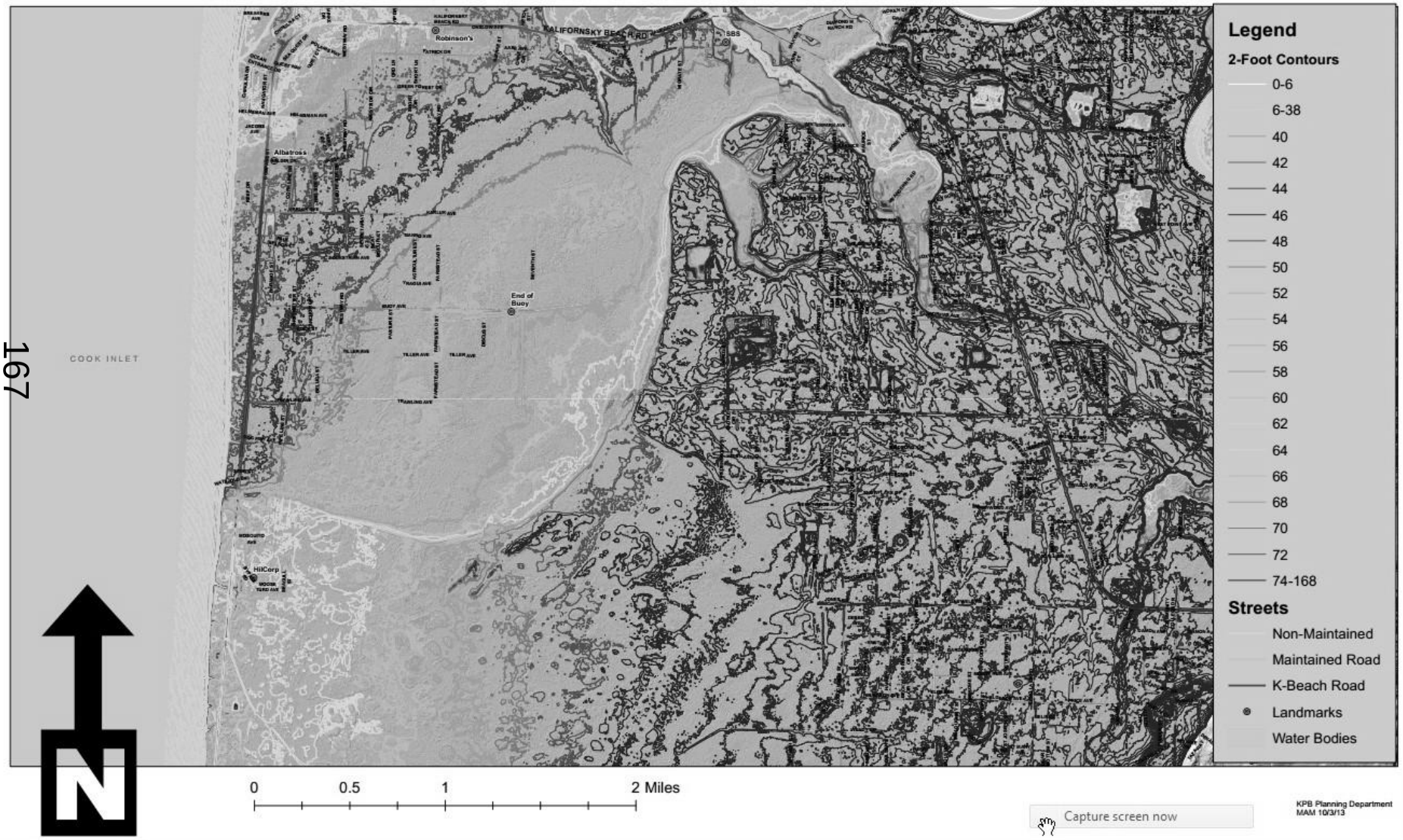
Source: http://soildatamart.nrcs.usda.gov/Manuscripts/AK652/0/WesternKenai_manu.pdf

KPB Planning Department
MAM 10/3/13

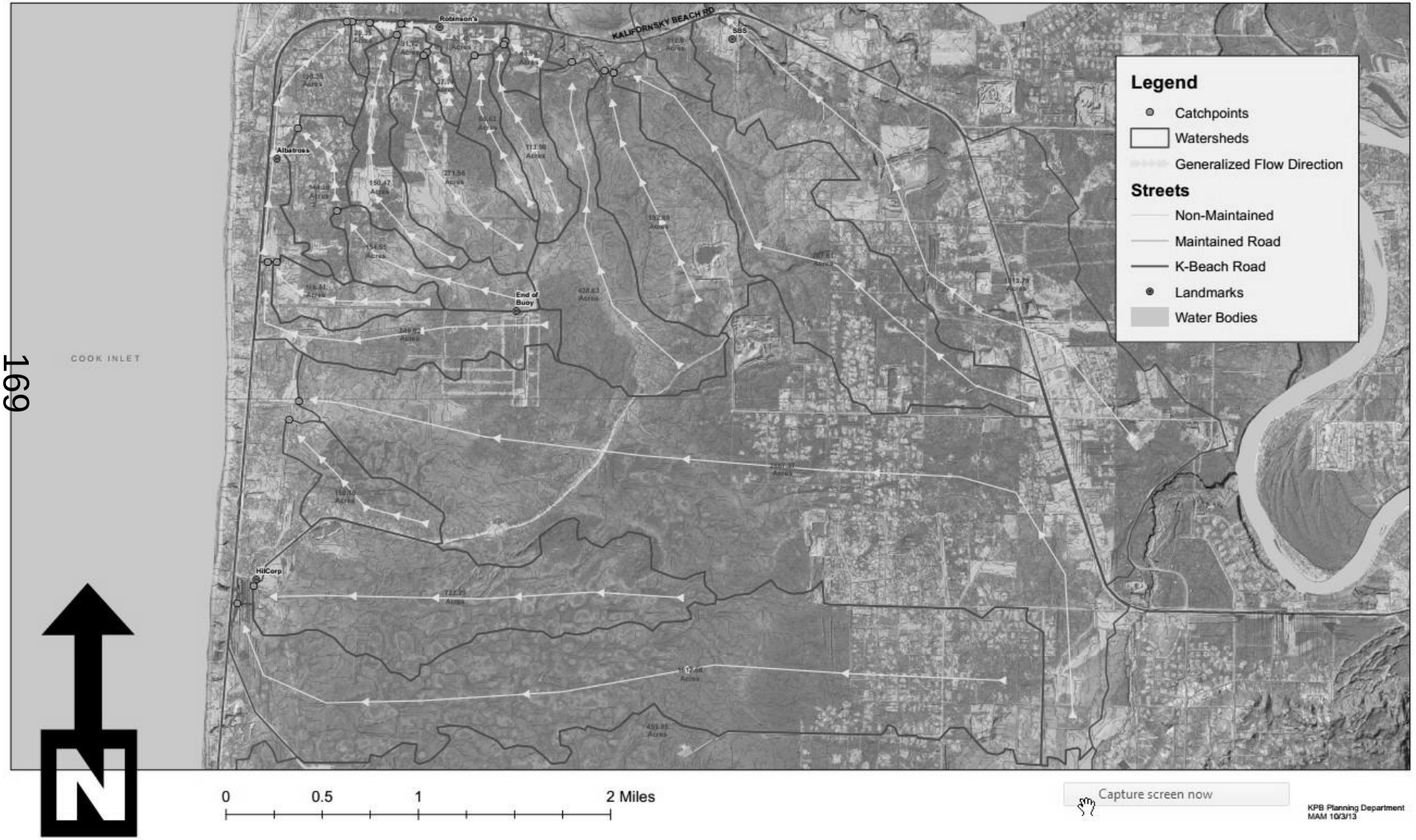
K-BEACH HIGH WATER STUDY AREA
LiDAR High Resolution Relief- 2-Foot Contours



K-BEACH HIGH WATER STUDY AREA
Surface Hydrology/ Gradient Based Surface Flow

168

K-BEACH HIGH WATER STUDY AREA
Catchpoint Based Watershed Delineation



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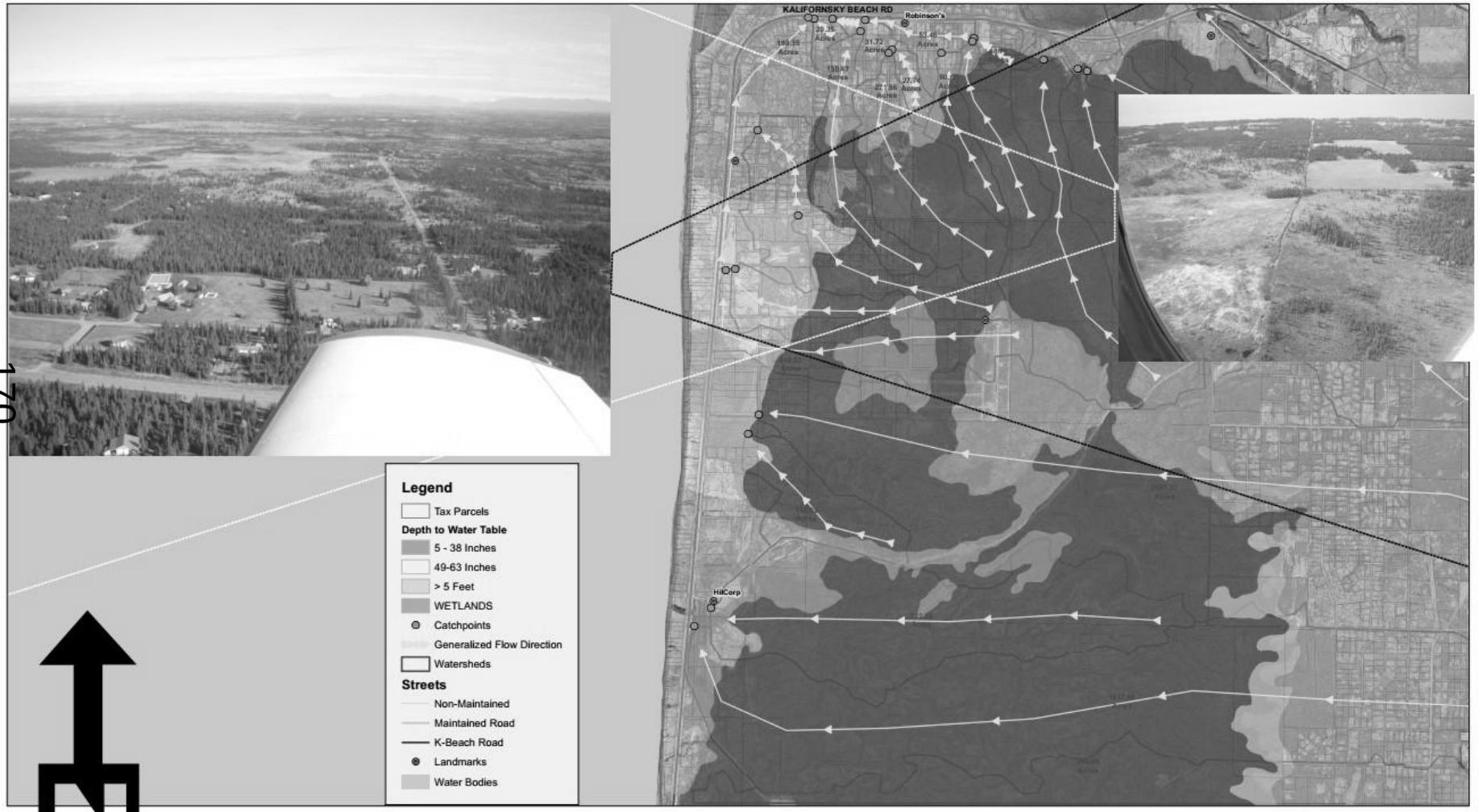
K-BEACH HIGH WATER STUDY AREA
Current Conditions



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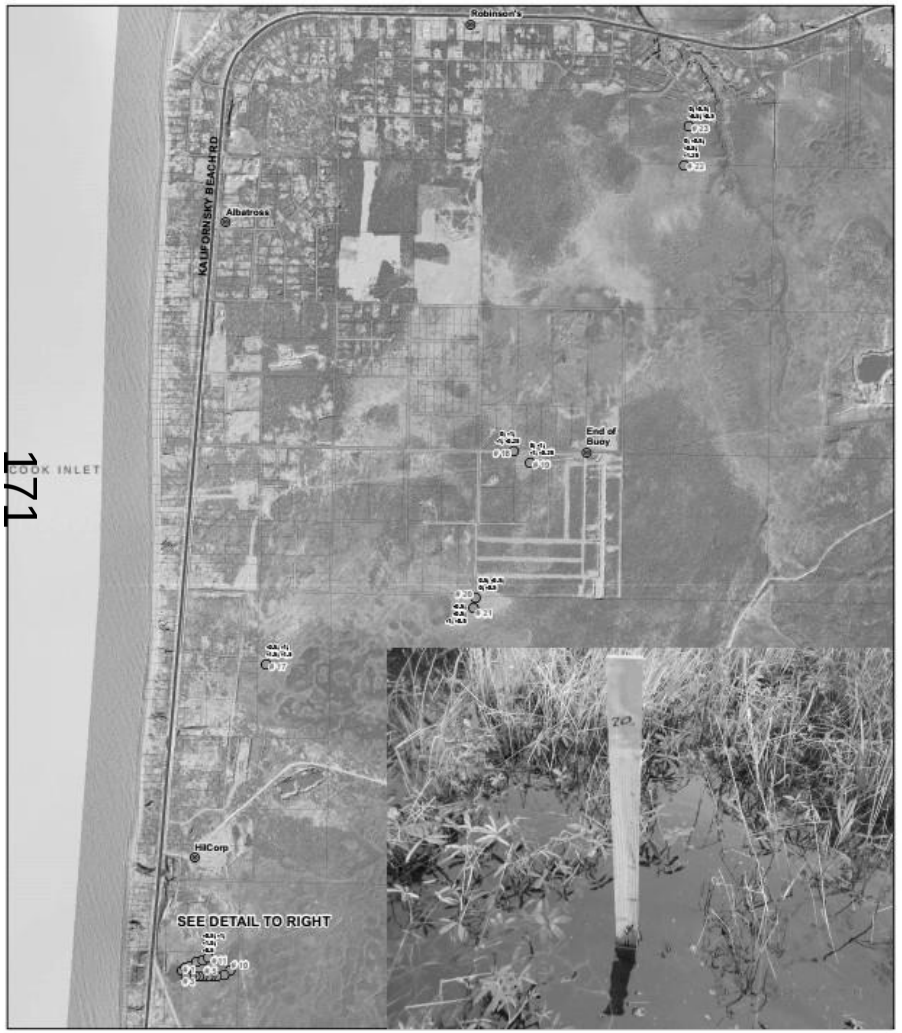
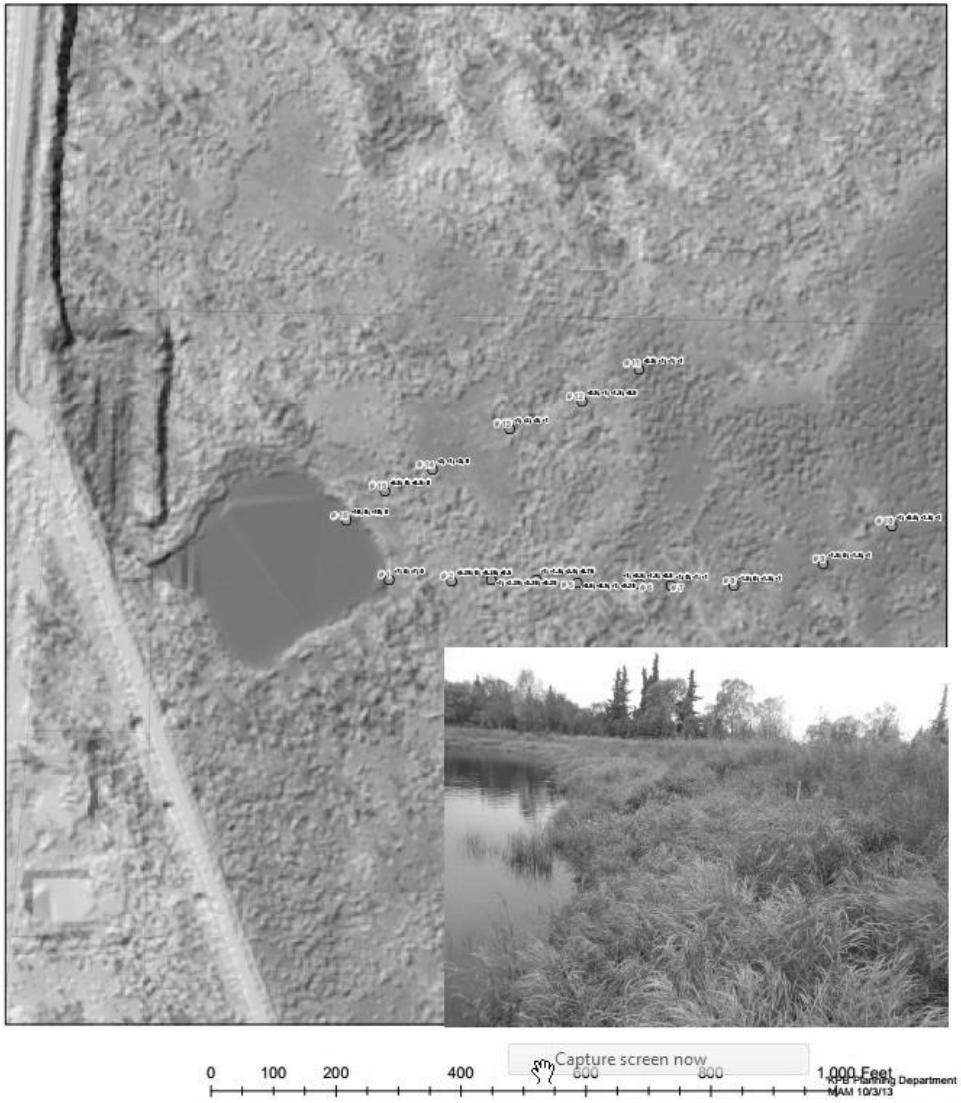
K-BEACH HIGH WATER STUDY AREA
Surface Level Monitoring 9-17 to 10-1





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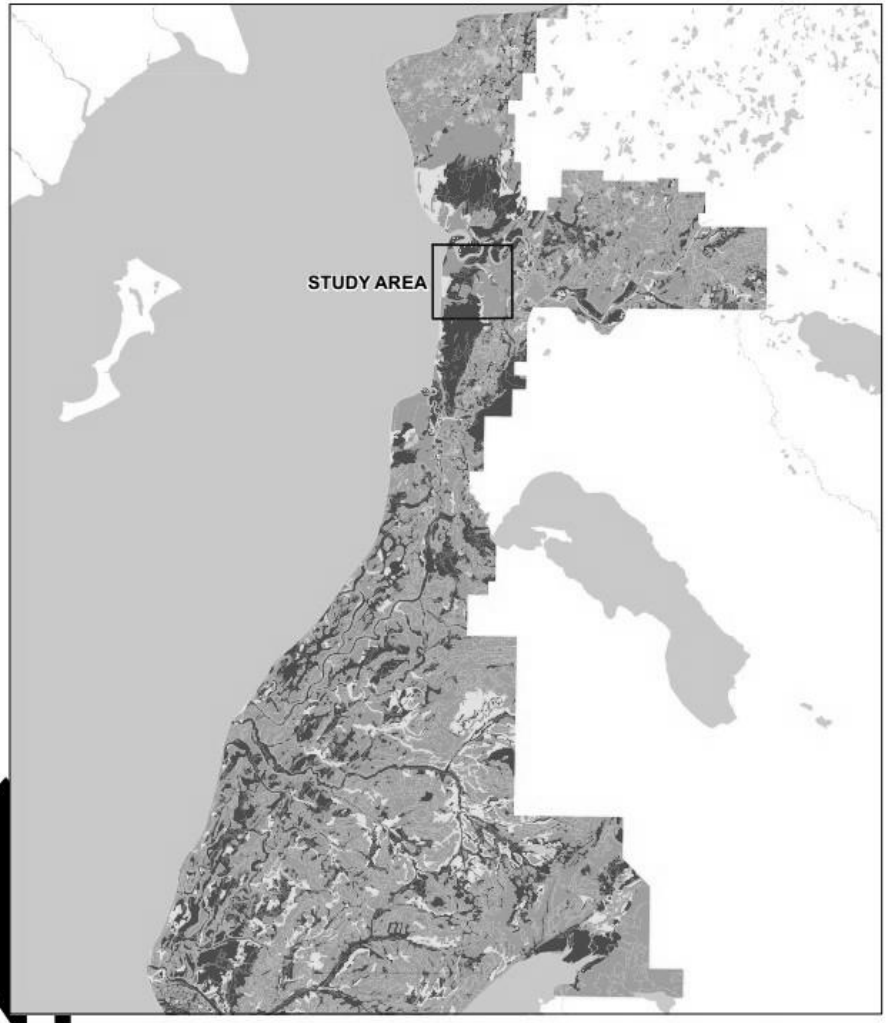
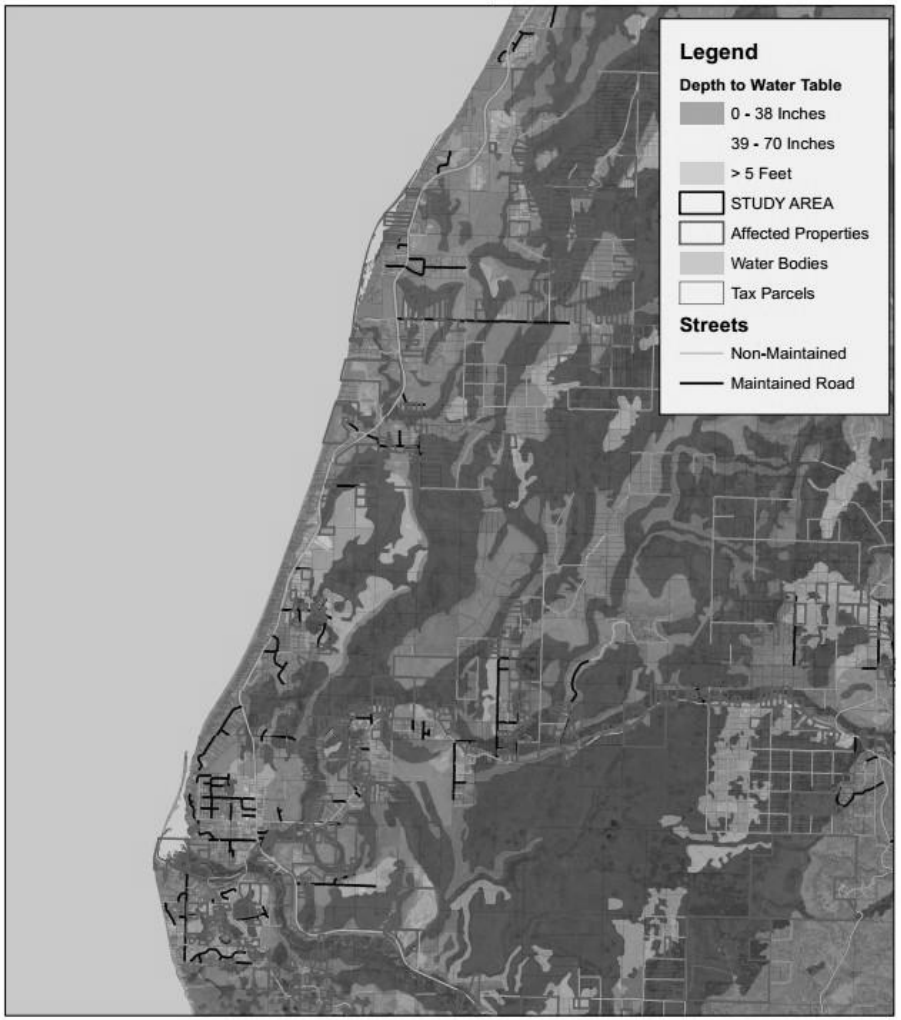
K-BEACH HIGH WATER STUDY AREA
High Water Table Regional Context / Anchor Point Example





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Source: http://soildatamart.nrcs.usda.gov/Manuscripts/AK652/0/WesternKenai_manu.pdf

KPB Planning Department
MAM 10/3/13


Location: Eastway Road
10.28.2013


Location: Patrick Drive
10 . 28 . 2013


Location: Trawling Avenue
10 . 28 . 2013


Location: Bore Tide Drive
10 . 28 . 2013


Location: Patrick Drive
11/02/2013


Location: Eastway & Short Lane
11/02/2013


Location: Buoy
11/02/2013


Location: Karluk "Basin"


Location: Karluk Ct to Cook Inlet
11/02/2013


Location: Karluk Ct to Cook Inlet


Location: Buoy to Dogfish – AKDOT&PF ROW


Location: Ebb Tide

Location: Chine Outlet

THE REDOUBT REPORTER

← Land Trust to preserve habitat along Anchor River

Plugged In: Cash in on trends toward better prices →

OCTOBER 30, 2013 · 6:13 PM

↓ Jump to Comments

Water woes worsen — Weekend rains exacerbate flood along K-Beach

Central Peninsula Weather

Soldotna, AK

14 °F / -10 °C

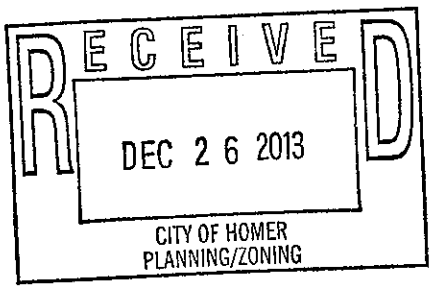
Overcast

at 11:36 AM

Click for Forecast

This Week's Stories

Quiet Creek Park LLC
P.O. Box 3368 Homer, Alaska 99603-3368
(907) 299-2351 vostokls@ptialaska.net



26Dec13

Julie Engebretsen
City of Homer Planning Department
Via hand delivery

Regarding: Quiet Creek Park subdivision

Hello Julie,

We offer the following comments for consideration at the HAPC meeting 02Jan.

- Regarding density, our average lot is nearly 18,000 square feet, 180% of the minimum lot size in the City Code. Most jurisdictions would consider these lots too large, not too small, for urban planning, and large lots are generally not considered good for the Planet. The large lots in Quiet Creek Park allow for greenbelt and undisturbed natural vegetation and reduction of impact on the local terrain.

- Regarding rain gardens, the City of Homer website enthusiastically promotes rain gardens as good for the Homer environment and includes a highly positive brochure from the Soil and Water Conservation. I have asked you to include a complete copy in the packet.

- Francie Roberts, City Council, admonishes the Planning Commission "I would like to remind you the proposed subdivision contains a large amount of delineated wetlands". That "reminder" implies that the HAPC already knows that to be true and needs reminding. The "delineated wetlands" as prepared by a professional Environmental Engineer and fully examined and approved by the U. S. Army Corps of Engineers, is 4.32 Acres. It is a subjective judgment if that 4.32 is a "large amount", or, a small amount, but the wetlands are fully regulated by a multitude of Federal and State agencies. To avoid the appearance of bias, Francie might better have written: "I would like to remind you that the proposed subdivision contains 4.32 acres of wetlands".

- Regarding the inclusion of an aerial photo map showing a large green area depicting "wetlands" near our property, I refer to the disclaimer wording on the Kenai Peninsula Borough Planning website about this map:

  "Wetlands Mapping Project Guide
  The wetlands map layer on the Interactive Parcel viewer is a tool for planning purposes only and does not indicate any jurisdictional determination by the Army Corps of Engineers.

  The fact that a jurisdiction determination by the Army Corps of Engineers has been done makes the map obsolete and misleading if not actually untrue as used in this hearing. It cannot be used as an accurate depiction of wetlands on our property.

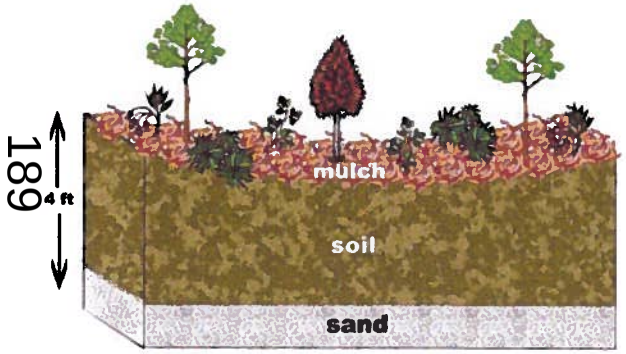
- The City charged us $7100 to recover the costs City incurs in preparing a professional and thorough review of our plat before submission to HAPC. The City presented a professional recommendation to HAPC based on that review:
  1. A professional, by education and experience , City Planning Director
  2. A professional planning staff
  3. A Registered Professional Civil Engineer as City Public Works Director
  4. A professional Fire Chief
  5. A professional Planning Department, Kenai Peninsula Borough.
  6. The United States Army Corps of Engineers, Section 404 of the Clean Water Act (33 U.S.C. 1344).
  7. Department of Environmental Conservation, State Of Alaska, Section 401 of the Clean Water Act of 1977.
  8. Alaska Coastal Management Program, Department of Natural Resources.
  9. The owner's Registered Professional Land Surveyor
  10. The owner's Registered Professional Civil Engineer

Thank you,

Tony Neal
Manager

How Do Rain Gardens Work?

Stormwater is directed to the rain garden by a downspout, infiltration trench, swale, or simply by the slope of the land. The rain slowly filters through the layers of plants, mulch, and soil. The topmost layer of mulch absorbs water and helps to store water for the plants.



Rain gardens **are not** designed to "pond" water, generally the water will infiltrate into the ground in 1-2 days.

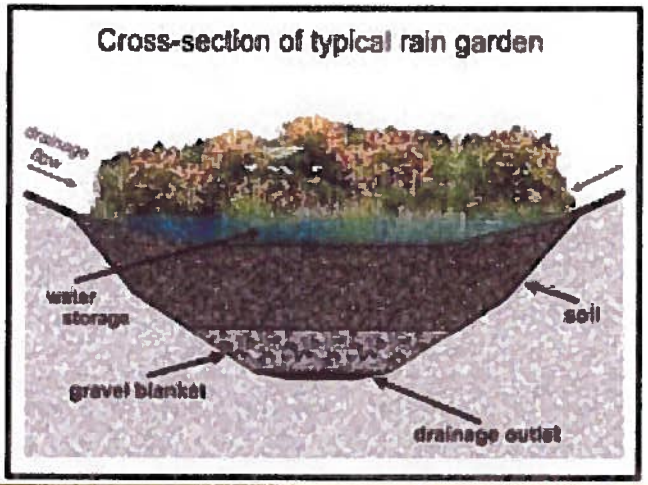
Are Rain Gardens Expensive?

Installation of rain gardens does not have be expensive. For many home owners, the dirt work involved can be accomplished with a shovel and wheelbarrow. In some cases, rental of a small backhoe will make the job much easier.

Cost associated with rain gardens include:

- Landscaping
- Soil mixture
- Necessary plants

The Homer SWCD can help offset this cost by up to 50% for qualifying landowners.



Are Rain Gardens Hard to Maintain?

The beauty of a rain garden is that it is so easy and inexpensive to maintain. Some care will be needed initially, including weeding and perhaps watering, but once the plants are established they are pretty much on autopilot.

Maintenance-free rain garden installed at the Homer City Hall.

What is a rain garden?

Rain gardens create functional landscapes by soaking up and filtering rainwater that runs off roofs, driveways, lawns, or other "impervious surfaces." After a rain event, a rain garden collects runoff and allows it to slowly percolate back into the ground, filtering out pollutants carried in the runoff and then cycling the water back into local waterways or groundwater. Rain gardens can also help decrease drainage problems and reduce localized flooding.

Rain gardens have the added benefit of creating habitat for local wildlife such as birds or beneficial insects. Rain gardens are typically planted with native plants and grasses selected according to their moisture requirements and ability to tolerate pollutants. Rain gardens can be easily located in natural depressions.

Do you want to help clean local rainwater runoff?

Call us about the Rain Garden Cost Share Program

Homer
Soil & Water
Conservation District

907-235-8177 ext 5
4014 Lake St., Ste 201A
Homer, AK 99603

Making Gardens To Hold Rain?!

A residential rain garden in Homer.

A Best Management Practice to manage stormwater runoff, eliminate pollutants, and improve local water quality.

Homer Soil and Water offers a Rain Garden cost-share program for private landowners and businesses.

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 that 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 resents 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.

<u>Road Connections</u>
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

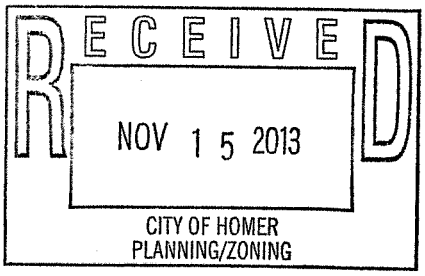
REVISED STAFF recommendations, SR 13-69, 12/4/13

Planning Commission recommends approval of the preliminary plat, with the following comments:

1. Increase the size of lot ~~9~~ **2** 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 shall 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.
9. Dedicate the area shown as Park "A" as future right of way providing access to the south of the subdivision.
10. A fire department accessible shared driveway provides reasonable access to lot 8, and Tract A, AA Mattox Sub 1958 Addn, in lieu of a full right of way dedication to these lots.

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.

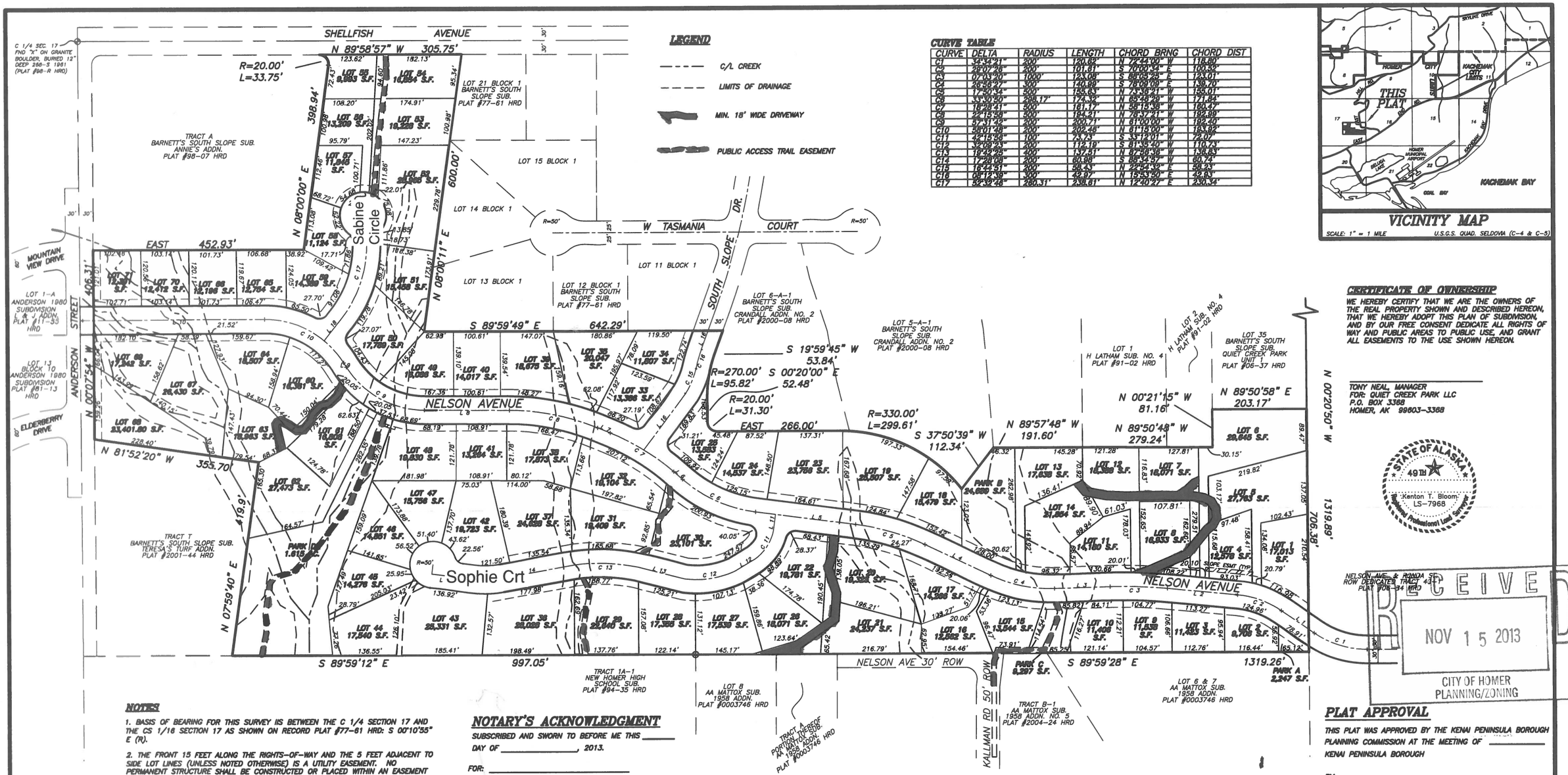
The wetlands submittal for a National Permit is being prepared for the Corps of Engineers. The total fill of wetland is reduced in this revised design. We will be avoiding low wet areas as much as possible during construction.

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,

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



CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG	CHORD DIST
C1	34°34'21"	200'	120.62'	N 72°44'00" W	118.80'
C2	28°07'28"	200'	101.81'	S 70°00'34" E	100.82'
C3	07°03'20"	1000'	123.08'	S 68°05'24" E	123.01'
C4	28°38'47"	300'	149.99'	S 78°09'05" E	148.40'
C5	17°50'42"	500'	155.74'	N 74°52'21" E	155.01'
C6	33°30'50"	298.17'	174.39'	N 65°48'29" W	171.84'
C7	16°28'41"	560'	161.17'	N 58°15'36" W	160.67'
C8	22°15'58"	500'	194.31'	N 78°37'21" W	193.09'
C9	57°31'42"	200'	200.77'	N 61°00'00" W	192.49'
C10	38°01'20"	200'	132.74'	N 61°15'20" W	131.52'
C11	7°45'55"	100'	13.54'	S 83°12'01" W	12.07'
C12	32°09'23"	200'	112.19'	S 81°35'20" W	110.73'
C13	19°22'26"	400'	137.51'	N 67°56'36" W	136.83'
C14	17°28'08"	200'	60.98'	S 86°24'57" W	60.74'
C15	16°43'51"	200'	58.39'	N 79°54'19" E	58.21'
C16	08°12'36"	300'	42.97'	N 83°53'50" E	42.93'
C17	89°39'24"	200.31'	313.31'	N 12°20'27" E	282.34'

VICINITY MAP

SCALE: 1" = 1 MILE U.S.G.S. QUAD. SELDOVIA (C-4 & C-5)

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

STATE OF ALASKA 49TH
Kenton T. Bloom LS-7968
Registered Professional Land Surveyor

RECEIVED
NOV 15 2013
CITY OF HOMER PLANNING/ZONING

NOTES

1. BASIS OF BEARING FOR THIS SURVEY IIS BETWEEN THE C 1/4 SECTION 17 AND THE CS 1/16 SECTION 17 AS SHOWN ON RECORD PLAT #77-61 HRD: S 00°10'55" 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 CHANGES DRAINAGE PATTERNS AT ANY TIME.
9. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.

SCALE 1"= 100'

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.

_____ _____
HANNI SCHWIESOW, P.E. DATE:

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 55°27'20" W	65.86'
L2	N 24°33'51" W	151.48'
L3	S 85°25'01" W	119.68'
L4	N 64°41'19" W	156.59'
L5	N 82°31'23" W	217.04'
L6	N 49°01'34" W	25.16'
L7	N 07°28'41" W	28.05'
L8	N 89°45'00" W	182.35'
L9	N 39°15'00" W	11.06'
L10	S 89°45'00" W	391.13'
L11	N 07°28'41" E	35.28'
L12	N 28°55'24" E	50.18'
L13	S 75°44'04" E	103.22'
L14	N 79°50'53" E	159.19'
L15	S 82°40'39" E	89.30'
L16	N 36°43'49" E	150.89'
L17	N 19°56'41" E	49.21'
L18	S 38°29'08" W	58.09'

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

BY: _____
AUTHORIZED OFFICIAL

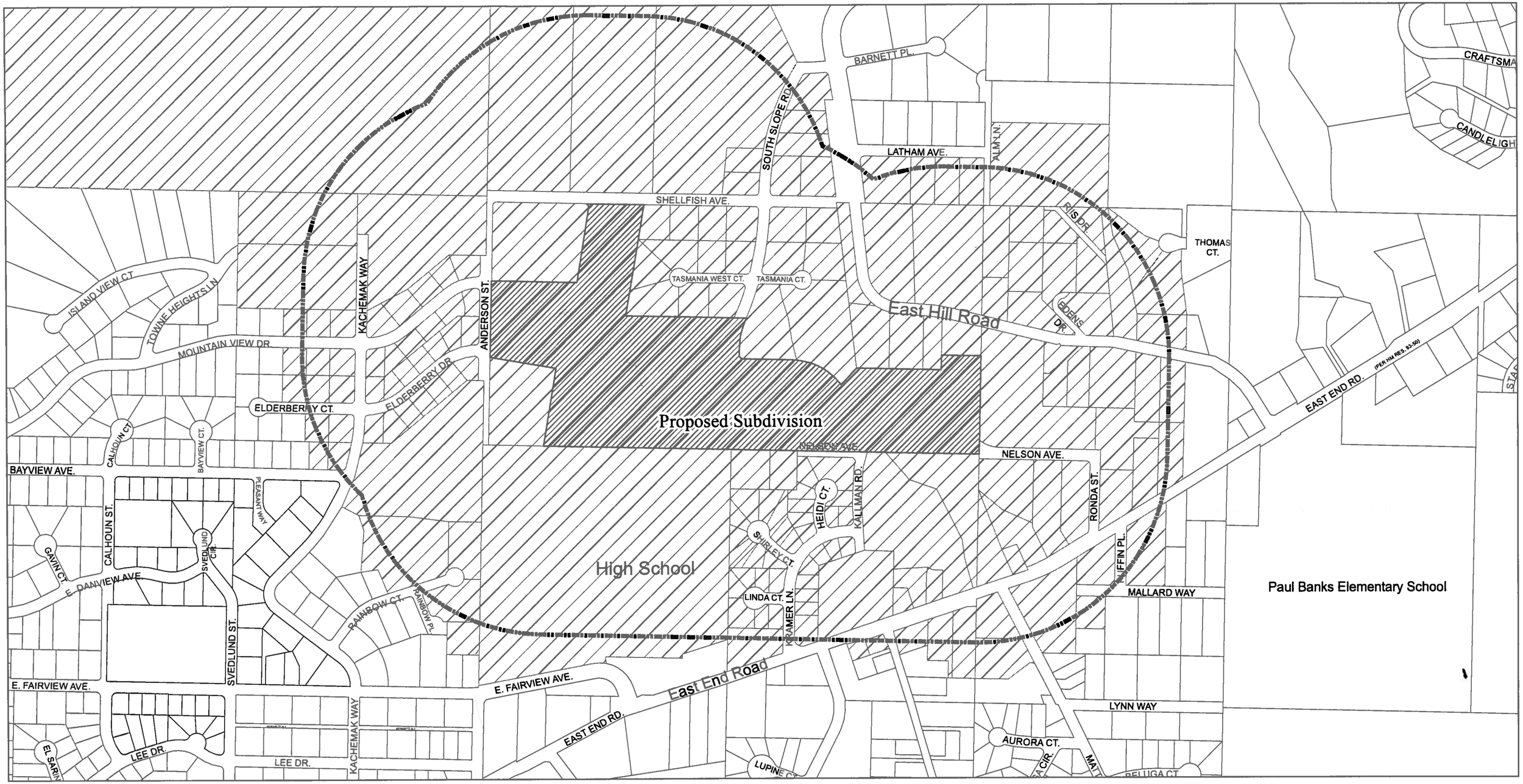
HOMER RECORDING DISTRICT KPB FILE No. 2013-

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)
seabrightz@yahoo.com

DRAWN BY: K.K.	DATE: AUGUST 2013	SCALE: 1" = 100'
CHK BY: K.B.	JOB #13-06	SHEET 1 OF 2



Vicinity Map

Barnett's South Slope Subdivision
Quiet Creek Park Preliminary Plat

N

0 250 500 1,000 Feet

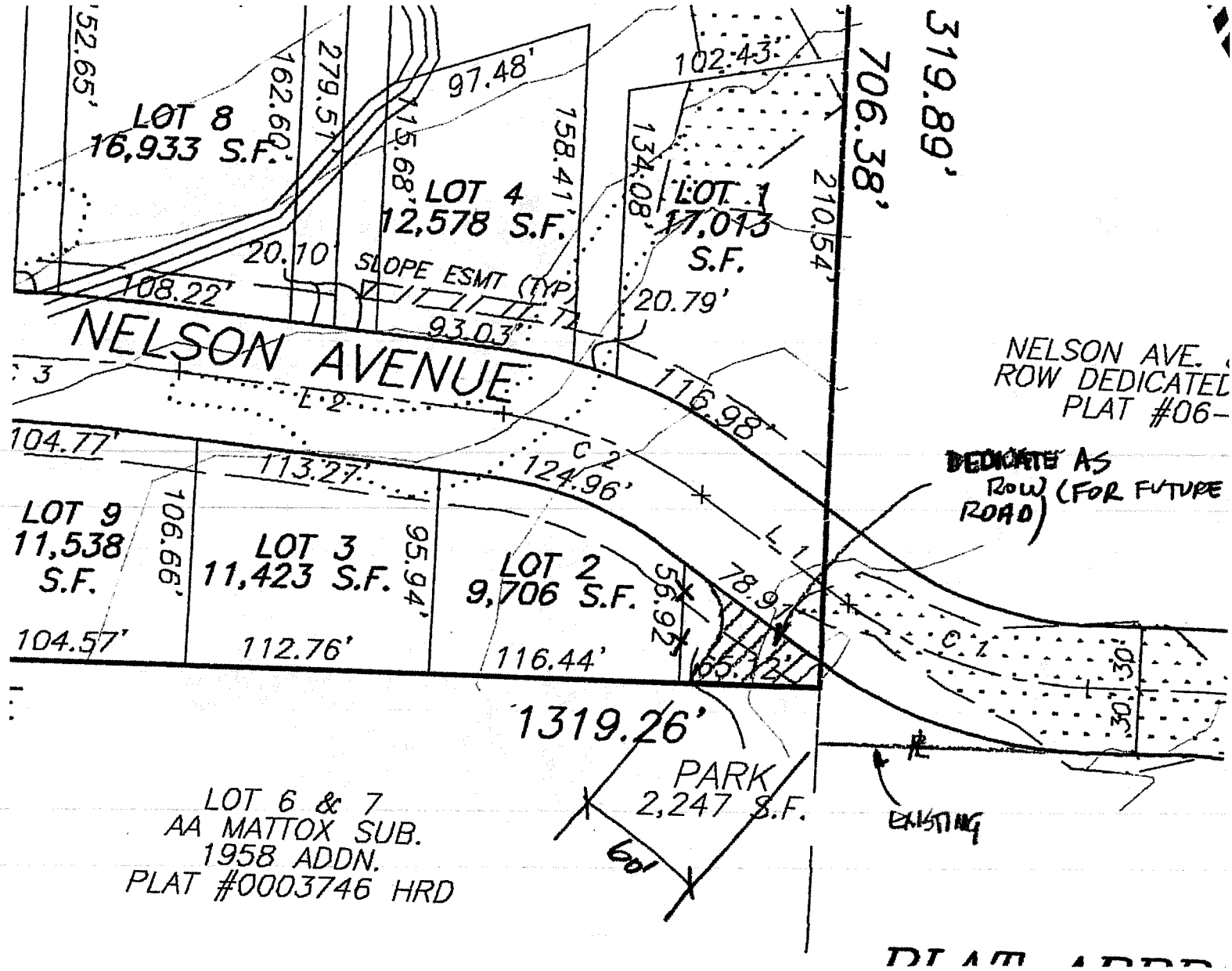
Lots within 1000 feet are marked and property owners notified.

Legend

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

City of Homer
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.


LOT 8
16,933 S.F.
LOT 4
12,578 S.F.
LOT 1
17,013 S.F.
NELSON AVENUE
SLOPE ESMT (TYP)
20.10'
108.22'
93.03'
20.79'
97.48'
102.43'
706.38'
319.89'
210.54'
158.41'
134.08'
115.68'
279.51'
162.60'
52.65'
116.98'
NELSON AVE.
ROW DEDICATED
PLAT #06-
DEDICATE AS
ROW (FOR FUTURE
ROAD)
LOT 9
11,538
S.F.
LOT 3
11,423 S.F.
LOT 2
9,706 S.F.
104.77'
113.27'
124.96'
106.66'
95.94'
56.92'
78.97'
104.57'
112.76'
116.44'
65.12'
1319.26'
PARK
2,247 S.F.
60'
30'
30'
EXISTING
LOT 6 & 7
AA MATTOX SUB.
1958 ADDN.
PLAT #0003746 HRD

REVISED STAFF recommendations, SR 13-69, 12/4/13

Planning Commission recommends approval of the preliminary plat, with the following comments:

1. Increase the size of lot ~~9~~ **2** 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 shall 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.
9. Dedicate the area shown as Park "A" as future right of way providing access to the south of the subdivision.
10. A fire department accessible shared driveway provides reasonable access to lot 8, and Tract A, AA Mattox Sub 1958 Addn, in lieu of a full right of way dedication to these lots.

Presented as laydown at Dec 4 Meeting

City of Homer
Planning Department
November 26, 2013

Regarding Public Hearing Quiet Creek Subdivision scheduled for December 4 2013

As residents residing within the notification area for the proposed subdivision, we would like to voice our opinion that approval for the plat as it currently is proposed should not occur for the following reasons:

Entrance and egress from Mountain View and Elderberry would severely disrupt the quiet lifestyle enjoyed by residents in the entire area and is a safety issue (due to high density and the resultant traffic) for the pedestrians, playing children, and residents of all age groups who currently reside in this neighborhood.

The area on the Western edge of the proposed development is often flooded. Lots 71, 70, 66, 65, 69, 67,68,64, 63, and 69 in particular were recently boggy with a fast flowing creek running across them. The road at the eastern end of Mountain View was nearly washed out and there was a small mudslide directly north of those lots within the last month. Why is it necessary to build there and possible and probably, actually, aggravate existing bluff instability and runoff issues? We have recently spent $10,000 to deal with run off issues that began coincidentally after only a single residence was constructed above us. The city infrastructure cannot support such a development. If it could, then why is the entire north side of Eastern Mountain View not even connected to the storm sewer system right now? Even the boring of a gas line up the bluff near our home has resulted in large amounts of water following that line down from the bluff onto my neighbor's property (at least that is the theory voiced by those officials who observed it.)

The small lot size and probable small home size of the development, along with the large volume of homes being proposed will decrease property values in our neighborhood. The Homer market is already saturated with unsold homes. Why is such a subdivision needed? There are multiple undeveloped subdivisions all around Homer that seem to have incurred little interest among the public. Why not fill those up first?

There is heavy pedestrian traffic on Mountain View and Kachemak Way. The deluge of traffic on Mountain View and Kachemak Way would be hazardous, noisy, and disturbing to the integrity of the neighborhood.

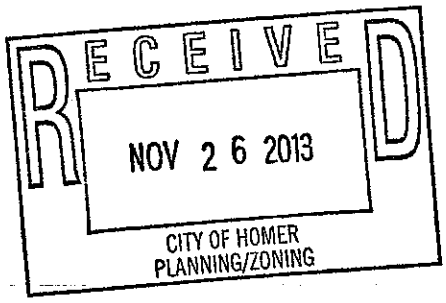
We propose that any access to Mountain View and Elderberry be blocked if this huge, low-level subdivision is allowed to proceed. Even then, the noise and commotion coming from the construction and high-density habitation of those homes will disrupt the solitude we now enjoy.

We appreciate that Mr. Neal has brought the matter before members of the neighborhood prior to this public hearing, but this did not allay our concerns sufficiently.
Why must traffic from this high-density development need to be routed down Mountain View and Elderberry? Why not the lesser populated Kallman, or why not build Heath St. North to join the main road into the subdivision while blocking any access to our currently quiet and pleasant neighborhood. Another route that seems better would be entrance through Ronda. This is a low

density area inhabited only by one or two businesses and would not negatively impact hundreds of residents who really don't want to see this subdivision destroy their quality of life.
We live at the end of the road for a reason. If we wanted to deal with density issues, we would live in the more convenient locations of Anchorage or the Valley.
Thank you for accepting our testimony into the public record.

William D. And Marianne Schlegelmilch
4470 Kachemak Way (NE corner of Mountain View and Kachemak Way)

William D Schlegelmilch
Marianne Schlegelmilch



layover
Dec. 4 Meeting

December 3, 2013

City of Homer
Homer Advisory Planning Commission
491 East Pioneer Ave
Homer, AK 99603

RE: Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat

Please consider these comments...

While I do recognize the developer's efforts to incorporate suggestions from several years ago - reducing to 70 lots, for example, is definitely a plus - the potential traffic volume is still the big issue.

It is not clear from the information mailed to the adjoining property owners if the Nelson - Ronda Streets are a requirement to be constructed as a condition for approval of this Plat by the City. There needs to be direct access to the East Road for safety and efficiency.

Also, I'm concerned about motorists speeding through residential neighborhoods. As a pedestrian, I daily witness people speeding on Kachemak Way, Mountain View, and Bayview - also Soundview. I would be in favor of all-way stops at each residential intersection to dissuade speeding.

Thank you,

Maren Bennett

Maren Bennett
PO Box 115
Homer, AK 99603

laydown
Dec 4 meeting

December 3, 2013

City of Homer
Homer Advisory Planning Commission
491 East Pioneer Ave
Homer, AK 99603

RE: Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat

Please consider these comments....

My concern relative to this Subdivision is the traffic pattern it will create.

Will Nelson Avenue and Ronda Street to East Road be required to be constructed? If not, the traffic all the way from the East boundary of this subdivision will flow West all the way to Anderson Street then North or South to Mountain View or Elderberry Drive. All this traffic will pass through a very quiet neighborhood, and be a round about way to get to Pioneer Avenue or East Road!

Why doesn't Nelson Avenue connect to Kallman-Kramer Streets in the Mattox Subdivision as an outlet to East Road?

Thank you,

Margaret S. Anderson

Margaret S. Anderson
PO Box 115
Homer, AK 99603

Laydown Dec. 4 meeting

December 3, 2013

City of Homer Advisory Planning Commission

To whom it may concern:

I am responding to your Notice of Subdivision for the Quiet Creek Park Development Preliminary Plat I recently received in the mail. I own a parcel immediately adjacent to the planned development and adjoining the Homer High School parcel. My property (Lot 8 of AA Mattox Subdivision) is currently landlocked and under the previous development plan submitted for Quiet Creek several years ago I was able to reach an agreement with the project developer to provide an adequate easement to my property in lieu of a platted roadway to allow the development of my property. In the current plan the access easement (which I believe was 30' wide) has been substituted with an 18' wide driveway which Tony has agreed to include as part of his development package. We have had a discussion about the new plan and I have expressed my concern that I'm not sure this driveway is the most appropriate way to provide the required access. Tony is looking into alternative options but I have not heard back on these as of this review date.

My understanding of the current development standards is that the development permit is conditioned by the level of access to the property for emergency vehicles, etc. and an 18' wide driveway may not allow adequate access to approve a building permit. I am also concerned that the driveway as shown on the plat appears to cross at least three properties in route to my parcel and I have seen nothing yet that shows how that access will be formalized in an agreement or restriction running with these parcels.

I currently have no reason to doubt that Tony is sincere in his offer to provide access to my property or that a permit will be approved for my parcel based on this narrower driveway but I am concerned that once the plat is approved if there are not adequate conditions included to safeguard this access subsequent land owners may no longer be willing to stand by Tony's verbal assurances.

I therefore ask you to include conditions in the plat approval which requires an adequate access be provided to my property to ensure my development rights are preserved and that such access will run with the land over which this access is provided.

Thank you for your consideration.

Sincerely,

Michael E. Ronda

Michael E. Ronda

Quiet Creek Park LLC
P.O. Box 3368 Homer, Alaska 99603-3368
(907) 299-2351 vostokls@ptialaska.net

September 27, 2013

Hello Neighbor,

Several years ago Our Quiet Creek Park subdivision was fully approved by the City of Homer, the Kenai Peninsula Borough, and the Corps of Engineers. The economic times were beginning to get tough, though, and we decided to put the project on hold, to "hibernate," if you will. Now, with better days on the horizon, we plan to 'wake up" and proceed.

You're invited to meet with us at the City Council Chambers at either 1:00PM or 6:00 PM on Thursday, October 10, 2013. You'll have the opportunity to see our new plat and hear about our plans to build Quiet Creek Park. I will be there with Kenton Bloom, RLS, our planner, to answer questions and provide information.

During our long winter's nap we had time to contemplate suggestions made during the original process. Several ideas had merit, and we've made changes to reflect those ideas.

Kenton created a complete and detailed topographical survey. Using the survey, we've situated each lot to assure a buildable home site. We cut the number of lots from 90 to 71, significantly adding green space and reducing footprint. We've added greenbelts and terrain features to protect privacy, reduce impact on wildlife, and restrain storm water. We already had an approved wetlands delineation and storm water plan. Now we've gone back and improved the storm water to better contain the flows on-site using the rain garden style of retention. We retained the parks and trails system in the original plan.

We are proud of our project and anxious to share it with you. We are also interested in hearing your comments and suggestions so that we can make Quiet Creek Park a project that complements our town.

Thank you,

Tony Neal
Manager

B. Staff Report PL 13-95, Tietjen Subdivision 2013 Addition Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant to make a presentation and no public comments.

HIGHLAND/SLONE MOVED TO ADOPT STAFF REPORT PL 13-95 AND RECOMMEND APPROVAL OF TIETJEN SUBDIVISION 2013 ADDITION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

Question was raised regarding water and sewer. Staff explained that it would have to be extended from East End Road.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 13-97, Tietjen Subdivision-Compass Addition Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant to make a presentation or public comment.

HIGHLAND/SLONE MOVED TO ADOPT STAFF REPORT PL 13-97 AND RECOMMEND APPROVAL OF TIETJEN SUBDIVISION COMPASS ADDITION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

D. Staff Report PL 13-96, Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat

Planning Technician Engebretsen reviewed the staff report and the amended recommendations that were provided as a laydown item.

Tony Neal, applicant, gave a brief overview of the history starting in 2005 when the plat was approved by the city and approved by the borough. They got wetlands delineation and an ACOE wetlands permit. They permitted every lot and it was ready to go at that time. Since then they have been sitting on it, renewing the plat at the borough, and to his knowledge it is still ready to go. Having taken time off since the plat was completed they did some thinking about the subdivision in relation to road grades and feedback during the previous process. He worked with Kenton Bloom on redesigning the subdivision by looking at the contours of the area to help ensure the lots are buildable. This plat isn't substantially different, but each lot has an identified building site and total lots have reduced from 90 to 71. In relation to storm water they will be incorporating rain gardens and vegetated depressions to

hold water from lots. They also incorporated shared driveways to preserve land rather than develop more streets that the city has to maintain. Traffic calming techniques have been considered. The development will be done in phases and will take four to five years, giving the city time to make plans for the streets that include Shellfish, Heath, Anderson, and accesses to Mountain View and Elderberry. Mr. Neal explained that they rented the council chambers and held a couple of community meetings a month or so ago. He thinks it's a beautiful project and a credit to Homer. He asked that the Commission approve it.

Kenton Bloom commented that this follows a pattern of development that his company and others have worked on called Kachemak Greenway Design. It is basically orientation around design elements that relate to the environment and landscape, community amenities, and the overall livability of the development. They look at the dynamics of the land, slopes, watersheds, views, existing vegetation, and so forth, and also building sites. From there follow where roads, trails, and lot lines will fall. Community amenities include two kinds of trails, the road based trail running east and west. North and south there will be three non-road based trails on green belts with open space buffers. There are three parks in the area that are associated with drainages, but there is usable land as well to provide a neighborhood amenity and in one case the extension of an intensive trail development at the high school. Relating to livability, they have the site based design; every lot has a proven access and pad elevation. There are four types of lot configurations, downhill slope or uphill slope with either a terrace or a daylight site. The benefit to the developer is that a lot of things can happen during the course of construction because you have more "knowns". Benefit to the City and community is that there is an understanding that it will really work. The other thing that happens with this modeling is ending up with known vegetative or landscaped buffers between lots that end up being open space that can be looked at as protected areas in covenants and subdivision design.

Chair Venuti opened the floor to public comments.

Ginny Espenshade, city resident off Rainbow Court, commented that every day she walks, skis, or snowshoes with her dog up the trail across the high school cross country trail, just below the south border of the subdivision. The trail doesn't show on the plat and in the past, stakes for this subdivision have shown the trail encroach the property. One of her concerns is that it be clarified that it won't impact the high school cross country trail. A lot of the residents were here for the process 8 years ago, and she appreciates the comments of the applicant that some of what they said had merit, and she appreciates the changes to the plat. Primary concern for her is the runoff. When Bear Creek flooded the first time, the streams behind the high school dumped dirt on the football field, even with all the natural vegetation there. The ponds and rain gardens are great, but at least three times there has been flooding down the slopes. Every driveway and roof will change natural vegetation with impervious surfaces. She hopes they consider their role in traffic calming. If they can vote up or down a plat, they can factor in and require assurances. She urged them to look at the record from 2005.

Tom Kizzia, city resident on Mountain View, commented that he does like some of the changes that have been made, including the trails, lower density, and commitment to build Ronda Street to East End. He is still concerned about the density as it is pretty much the same as his neighborhood, which is urban, and this is rural. He doesn't think it qualifies as a large lot or cluster and open space. The main concern with density for him and his neighbors is the traffic coming out into the neighborhoods to the west. There has been a lot of attention to the other end but it feels to him like the developers

and city staff are kind of mumbling into their sleeve about what is going to happen on the west side. It seems that the conversation about an exit on the west side and the effects of traffic, lack of sidewalks, and narrow residential streets should be taken up at this point. Mr. Kizzia expressed concern about drainage after the flood this fall. In his 12 years, there have been several big floods coming down the canyon. It comes into the back side of the subdivision, passed through, and goes out the other side, which is going to be a concern in the future. Just so the Commission is aware of that and confident that the developers have that figured out and under control.

John Fitzpatrick, city resident on Elderberry, commented that his main concern is the traffic and the construction. They had a water main break on Elderberry this summer and the City coming in with the heavy trucks, you could feel the trucks when they drove by, and could feel movement when they were digging. If Elderberry is used as a prime construction he is worried about structure and integrity of the road. He is worried about traffic patterns if a lot of traffic is coming down the small residential road it will really affect him.

SONNEBORN/SLONE MOVED TO EXTEND THE MEETING ADJOURNMENT TIME TO 10:30.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Tim Moore, city resident on Tasmania, commented that he agrees with the idea of fewer lots. Some new information the first time has been some of the water issue and some of the development on the uphill side of the subdivision. There have been some homes built uphill of him and even though the lots are significantly larger, the damage people had in their homes happens almost every spring. The water would overwhelm existing French drains and people have had to add a second one around their property. He has had to French drain around his entire property to deal with the problem. As we develop the hillside it will be an issue. He really likes the recommendation to require the Nelson Avenue through Ronda Street be completed initially, because that would allow the construction not to impact the neighborhoods. Traffic flow has been one of the biggest concerns.

Paul Gavenus, city resident on Rainbow Court, commented that rural residential in city code is supposed to be low density. He asked them to go to Mountain View and decide if that is low density, and that is what this subdivision is almost exactly like as far as the number of lots in the same sized area. He found five things that aren't to code. Lot 55 is under 10,000 sf. The first drive to the east is less than 60 degrees, and then there is a hairpin turn. He thinks that's a health and safety issue. Sophie Court is too long. Curb 11 radius is 100. An 18 foot driveway for an emergency vehicle is not adequate. He said he thinks the shared driveways are a cost cutting measure so he can have more lots with with a driveway through it and not have to have cul-de-sacs. He recommended postponing action to have a traffic assessment. He thinks they should look at some of the letters from 2005 before making a decision.

Kathryn George, city resident on Mountain View, said she was intimately involved in the discussion previously on the subdivision. The speakers tonight have addressed a lot of her concerns. She thinks

water is a huge issue. She is one of the people who had to put in another drain because one house was built on a lot above her. Looking at 71 houses in the area with the history of flooding, slopes, wetlands, and drainage problems, then sees all the impervious surfaces they are bringing to an already problem area, causes her great concern. The people who have houses below the subdivision and the high school will be impacted in just a normal year. When there is a flood event, she is really concerned. She is concerned about the traffic flow and she isn't sure they have it right yet. She thinks it is better than the previous plan, but would like to see it fine-tuned. She is concerned about the flag lots, there are at least seven, which have access, but it isn't really a usable one, therefore there are these private driveways. That causes her concerns with lawsuits and fire department access. She questioned what a fire department accessible shared driveway is. She would like to see the new wetlands map overlay on this subdivision. She recalls before that it was extensive. They talked earlier about the public interest and the public good. She thinks the traffic and the water impacts are important. She questions if the developer is the only person who can build on the lots. She thinks this development could be improved with lower density.

Robert Patton, city resident, lives below the lot by the old Nelson Road. They moved in about 10 years ago, and the drainage comes in right behind his back yard. When they purchased the house it was called seasonal runoff occurring once or twice a year. With the development up by Tasmania and Quiet Creek, he isn't sure where it comes from but now it runs year round. The drainage is a problem. Maybe they will solve it with their little ponds, but it really needs to be addressed. He questions where the water and sewer will come from.

Vivian Findlay, city resident on Elderberry, reiterates what others have already said about the trails. She encourages maintaining the trails around the highs school. She moved from Wasilla where they don't have those wonderful trail systems. She would hate to see those ruined in any way, and she doesn't see any protection in these plans.

Clyde Boyer, city resident on Elderberry, agrees with the testimony presented about the problems. One additional thing to note is that the streets are all platted the same width but on Bayveiw, Kachemak Way, or Mountain View you will see the pavement is about 4 to 6 feet wider than it is on Elderberry. There won't be room for a lot of traffic through there.

Public Works Director Meyer commented that sometimes after spending hours looking at a large subdivision he comes to the meetings and a light bulb comes on with another thing that the city should be asking for. He recommended a water line easement with a pedestrian access along the waterline easement that would run between lot 15 and 16. It would be an extension off what is being referred to old Nelson Ave. He would still like to see a waterline connection to Nelson Way to eliminate the dead end water lines that exist there to help with water quality. Overlaying it with a pedestrian easement would allow pedestrian access up that corridor.

There were no further public comments.

Mr. Bloom commented regarding some of the concerns that were raised. Regarding the shared driveways, he commented that as of today, the city builds and maintains 18 foot wide roads. The purpose for the shared driveways is not a cheap out, but that the corridor would be impacted by a city street that is 75 feet wide. Putting that in a sloped area has an impact on the viability of having

certain sized lots. Putting in a big street will result in smaller lots. The other thing is they are trying to minimize how many people are on the shared driveways. The final design will meet the city standards of alignment in relation to the roadway. He explained the sewer and water is coming from Ronda Street, at East Road.

Mr. Bloom also commented about the drainage. He explained after observing it closely each day for the better part of three and a half weeks, he noticed the issues happening in the bigger drainages are flow through issues from events on the bluff. There is not erosion or catastrophic failures. Poor soils are endemic to Homer and a lot of this bigger flow factor. In the context of what they are doing, those flows will be un-impeded. The more particular issue of draining issues and their mitigation plan, Mr. Neal talked about rain gardens and retention ponds being integrated. Mr. Bloom said they have an engineer who has completed a storm water design that is still in the initial stages, as there is still work to do with Public Works on a lot of contextual issues that happen. That will come later as this is conceptual approval at this point. He added that they feel very confident that the techniques being used today to deal with off-site water are much more advanced than just the French drain building drain. From his experience, those drains fail because they freeze at the outlet. In the big picture, they think site based drainage management is the way to go.

Regarding traffic, Mr. Bloom said that as a surveyor and a designer, he looks at what is required. If he were to put a cul-de-sac at the end of Nelson, he would not be able to get the plat approved. They have to have connectivity. To make the traffic more reasonable for the existing neighborhoods, they feel like traffic calming is the answer. There are different techniques that will be worked out with Public Works because they will be maintaining it.

Mr. Neal added that storm water has always been an issue to him. There isn't much they can do to deal with the issue at Kallman that was mentioned earlier, but they have dedicated all that area to a park and will give the city and easement to maintain the drainage. At the other end on the upper west corner it is wet and their plan will put it into a better channel and the city can maintain it, and hopefully it will be better. Regarding the question whether a development will impact water on a property, Mr. Neal said that developments do that. Each house will change the impacts, as all houses have roofs. When they did the Anderson Subdivision, there weren't the storm water details there are now. In their case, they are working on the mitigation aspect with the rain gardens so when water comes off the roof, it get stopped before it starts to tumble down and flood. He thinks it's a good plan, and similar plans for storm water control are working all over the United States. In looking at the shared driveways, when you build streets, you have pavement, then water running of that. The shared driveways are a benefit to the land and the community. Mr. Neal said the density of the subdivision meets the code requirement. Lastly, Mr. Neal commented that the wetlands that are there have been delineated and staked by engineers. They aren't filling or disturbing the wetlands.

Planning Technician Engebretsen commented on a question about a definition fire department access. She said there is an international code from which she summarized that fire department access means the road is going to be 18 to 20 feet wide and will have a certain amount of material compaction so a water truck or heavy vehicle can travel it. She said there are also rules about grade and turn around areas. It doesn't necessarily have to be a cul-de-sac as there are other configurations that allow a piece of equipment to be turned around. There is a standard and that is what is being asked of the developer.

Commissioner Highland questioned where the steepest slope on the subdivision is located on the development, the wetlands, and the historical trails. Mr. Bloom referenced the drawing to show the park in the southwest corner, and there is no development there. He added that the building areas on the lots are delineated o the drawings. He explained the wetland information is included on a submittal in the packet and a large drawing that is posted. He noted that some of the information on the submittal is low and wet areas, not all of it are designated as wetlands. He wanted them to see the full context of what they are working with. In the low and wet areas are where they are creating some perimeter drainage and the rain gardens so those lots can be usable. They do have a wetlands determination from the ACOE. On the topic of historical trails, Mr. Bloom said there is one trail that goes through the area and they have made an effort maintain the trail corridor. After his survey, it is his opinion that the high school trail doesn't encroach on the the proposed subdivision, but if it did, they would perpetuate it.
Mr. Stead noted that he doesn't see any delineation of rain gardens in the drawing. Mr. Bloom said that the City provides information for building rain gardens, and that is the modeling they will use. They have an engineer involved who is doing the calculations per the city's formula to provide the right sizing for the variety of different revetments, retention ponds, and rain gardens. In terms of providing a specific site detail, the city has a book of standard construction details, which they are fully on board with regarding subdivision development. Regarding drainages, he noted the areas that are delineated on the drawing by bold dashed lines, are areas having drainage easements so the areas can be managed by the city and undisturbed by the developer and future land owners.

There was brief discussion regarding the drainage locations while referencing the drawing.

Commissioner Sonneborn asked for clarification on what a development agreement is. Public Works Director Meyer explained it is an agreement executed by the developer that promises to do things talked about tonight, building roads, water and sewer, dealing with drainage, put in utilities, and so forth, based on a plan approved by Public Works after the plat is approved. In addition the developer puts up a performance bond as a guarantee so that when lots are sold after plat approval, lot owners can have the guarantee that these improvements will be constructed. If the developer doesn't follow through, the city can take over construction with the performance bond.

Planning Technician Engebretsen noted that the City doesn't have the authority to require the developer put in a sidewalk. Things like street lights, sidewalks, and trails are at the developer's desire. If a developer was going to build those and build them to city specs, it could be included in the subdivision development agreement. Commissioner Sonneborn commented for clarification that the developer is saying he is going to put in rain gardens and trails, but there is no way to ensure it is going to happen. She questioned that with all the concern expressed about drainage, where is the assurance these things are going to happen.

City Planner Abboud noted the drainage easements that are being dedicated and Public Works sees they need to be handled. There are not any more requirements for this subdivision, than in any other.

Mr. Neal commented that the ACOE is involved in that and is part of their wetland permit. What the city doesn't cover, the ACOE often does. At the last plat they had a lot of engineering for a storm water retention plan at that time that was complete and kept water from pouring into these creeks. At

that time it was the larger retention ponds, and now they want to use the smaller retention ponds. The ACOE figures it out the way that it should be.

Public Works Director Meyer reiterated the development agreement performance bond being in place to protect the City and future property owners. He added that most of the time drainage improvements are constructed within street rights of way or dedicated easements that the city can have access to. He thinks they can work with the developer to have reasonable conditions in the subdivision agreement for addressing the drainage and rain gardens.

Mr. Neal noted that they aren't planning to sell lots until the subdivision is built out. Since they are doing it that way there won't be a performance bond so all the work has to get done, with the City's and ACOE approval throughout the process. With that approval in hand, then they can sell the lots. It will be built out in phases.

Mr. Bloom added that they are creating a storm water plan that addresses drainage from the larger context. In the plan there are some larger retention ponds, in addition to the rain gardens. They are trying to have no net gain of storm water drainage from the lots construction itself into the ditches using the rain garden concept. They are doing this because they feel it is the right way to address the concern about storm water issues. ACOE wants to see that they don't increase the flow, so they will have to address this whether it is through the city's rain garden design or something other.

Chair Venuti noted the time and the Commission discussed continuing discussion to the next meeting, and potentially scheduling a site visit.

SLONE/HIGHLAND MOVED TO POSTPONE THIS TO THE JANUARY MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Planning Technician Engebretsen encouraged that if the Commission has specific questions or comment for staff to research between now and the next meeting, that they email her so she can provide the information in a staff report for everyone to review.

There was discussion about including the recommendation that Public Works Director Meyer recommended in his comments, and also whether it is relevant to have the 2005 information available to review.

Pending Business

A. Staff Report PL 13-93, Resolution 13-xx amending HAPC Bylaws

The Commission agreed to address this at the next meeting.

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

Staff Report 13-93

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: December 4, 2013 **postponed to** Jan 2, 2014
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

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.

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 O.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.

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**.**

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

DATE
WEDNESDAY AT 7:00 P.M.
COWLES COUNCIL CHAMBERS

REGULAR MEETING
AGENDA

1. Call to Order

2. Approval of Agenda

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

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."

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.

INDEX

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
(Quasi -Judicial)

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, and formally accept the nonconformity.

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, or March 20 2002 for annexed areas, but does not meet the district or ordinance requirements, it shall be considered nonconforming. Nonconforming structures may be continued and/or expanded only if the nonconformity of the structure does not increase.

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.

A lawful nonconforming use may continue so long as it remains lawful. No nonconforming use may be enlarged to occupy a greater area of land than was occupied as of the date it became nonconforming, or August 12, 2008, whichever is later. 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.

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 per HCC 21.95. 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. When the amendment request is accepted as complete by the Planning Department, the matter will be presented within 30 days to the Planning Commission, 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
Zoning text and zoning map amendments shall be reviewed according to HCC 21.95.

Determination
The Planning Commission shall submit to the City Council its written recommendations per 21.95.060(d) regarding the amendment proposal along with the Planning Department's report on the proposal, all written comments on the proposal, and an excerpt from its minutes showing its consideration of the proposal and all public testimony on the proposal. 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.

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MANAGER'S REPORT
December 9, 2013

TO: MAYOR WYTHE / 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 and Pioneer Dock Tidelands: The Department of Natural Resources has completed the public comment period and issued a Final Finding and Decision on the conveyance to the City of tide and submerged lands adjacent to the Deep Water Dock and the Pioneer Dock. A copy of the decisional document is attached for your information. The maps attached to the decisional document clearly illustrate why our next conversation should be expanding the municipal boundaries in the port area.
2. Economic Impacts Analysis / Drill Rig Endeavor. The economic impacts study the Council commissioned regarding the Drill Rig has arrived. At the time this report was written, we were reviewing the draft document to see if we had any comments or concerns that needed to be addressed with the draft before it goes to the Council. (We saw the impacts of releasing the rate study report too soon). If it needs revisions, we may not have it to you by packet time or even by meeting time. But we can certainly summarize it for you at the meeting. This report is timely because there is a resolution on the agenda which references the study and states the City's position going forward regarding drill rigs at the dock.
3. Pedestrian Cross-Walk Signs. We have been engaged in a discussion with Representative Seaton about adding cross walk signs on the backside of already existing cross walk sign posts. The effect of this would be that approaching drivers would see two crosswalk signs on either side of the roadway. Rep. Seaton would like the City to conduct a pilot project on Pioneer Ave. and the Sterling Highway, both state roads, and on some of the City's own roads, including those in Old Town. The City would assume the cost of purchase and maintenance. Rep. Seaton believes this would improve pedestrian safety. The State traffic engineer counters that there is no evidence that doing this would improve safety and that the state cannot afford the extra labor and expense or to set a precedent that would apply statewide. The City administration has taken the same position so far, however, this issue would likely benefit from a public discussion. We can provide you with more details at the meeting

if you like or the issue could be referred to the Planning Commission and/or the Transportation Committee who are both already working on traffic calming issues.

4. Request for Support from Soldotna: At the AML meeting in Anchorage, I spent some time with Soldotna City Manager Mark Dixon. One of the things we talked about was Soldotna's efforts to expand its Sports Center and specifically, to include indoor soccer fields. This is a priority CIP project for Soldotna and they are attempting to obtain funding from the governor and the legislature. Mark reminded me that there are many Homer families that drive all the way to Anchorage several times a year to get time on a soccer field. This situation is apparently much like the situation we once had with hockey. He said if Soldotna was able to build these fields, Homer residents could just drive to Soldotna rather than all the way to Anchorage. He asked if I would consider writing a letter of support. I told him that I would want to discuss this with the Council first, since actively supporting a CIP project in another City is really a policy/political matter. Please let me know what you think. We could follow with a resolution later if Council is interested.
5. A New Budget Amendment: The packet contains a new budget amendment proposal from the administration. We bring this forward at the request of the Port and Harbor Commission. The project is basically to use $15,000 of HART Funds for survey, engineering, design, and permitting on expanding the parking lot between the Seafarers memorial and the Boardwalk to the North. A memorandum on the project was included in your last packet and is attached to the budget amendment for reference. This project has been talked about for many years and the Commission believes it would relieve parking congestion and improve pedestrian safety. It would be a big part of our MOU with the State to create a pedestrian zone in that area. I considered waiting until January to bring this up (and not hit you with it at the last minute) but Council has next year's Budget before it right now. It seemed silly to adopt a new budget for next year and then immediately bring you a budget amendment ordinance in January. However, we can definitely postpone this if Council thinks it needs more discussion. Using HART funds for this purpose is one thing that Council should weigh in on. We can discuss this in detail at the meeting, or simply postpone and we'll come back with an ordinance early next year.
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. Linda Anderson is already working on this and contacting legislators.
7. Scheduling Issues: It might be a good idea to have a short discussion about scheduling for the upcoming year in order to get everyone on the same page and start planning. First, at the last meeting, Council members seemed to agree that a workshop in January to discuss expanding the municipal boundaries in the port area was a good idea. The Mayor also discussed her desire to reserve all of the 4 PM timeslots as

needed for workshops on employee health insurance. We have already changed a possible meeting with legislators from the 4 Pm timeslot for that reason. So, just be advised that unless something changes, other arrangements would have to be made for the boundary issue. Also, last fall, during the CIP discussions, the Council talked about conducting some strategic planning this winter. The budget also includes, at Councilmember Howard's, request, funding for the Citizen's Academy. Council would certainly want to discuss the program goals, objectives, process and hoped for outcomes before we launch into it. Maybe we need a workshop to discuss workshops!!

8. Kachemak City Agreements. I am working with Kachemak City Mayor Phil Morris on a number of new and/or updated agreements between the two Cities. These agreements include a cost sharing agreement for installation of the natural gas line on Spencer Drive, a fire and emergency services agreement and associated tanker truck lease agreement, Steller's Jay and Golden Plover road maintenance agreement, and a sewer operations agreement. Expect to see at least some of these agreements for review and approval at the first meeting in January.
9. 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 20.
10. Police Department Statistics: The Police Department has been extremely busy this year. The departmental statistical reports through October will be placed in your mailboxes in about a week. When you get a chance, please take a minute to review the Police Report because it is very informative about the types of incidents and arrests the Police have been involved in. There has been a large spike in drug arrests and drug investigations. At the end of October, the Police had already broken the all- time yearly record for arrests and prisoner days at the jail. This is a story that the community needs to be aware of and try to address. We are fortunate that we already have the MAPP group and other non-profits working on the causes of these problems and proposing solutions. But this is something we should all be concerned about as a community.

ATTACHMENTS

1. December Employee Anniversaries
2. Final Finding and Decision / Tidelands Conveyance

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www.cityofhomer-ak.gov

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Memorandum

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: Walt Wrede

DATE: December 5, 2013

SUBJECT: December Employee Anniversaries

I would like to take the time to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

Will Hutt,	Police	19	Years
Chris Cushman,	Fire	4	Years
Todd Cook,	Public Works	4	Years
Angie Otteson,	Public Works	4	Years
Katie Koester,	Administration	2	Years
Mark Robl,	Police	29	Years
Bryan Hawkins,	Port & Harbor	14	Years

ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
MUNICIPAL ENTITLEMENT

FINAL FINDING AND DECISION
CONVEYANCE OF TIDE AND SUBMERGED LAND
UNDER AS 38.05.825

CITY OF HOMER
HOMER SPIT-KACHEMAK BAY
ADL 231763

I. SUPPLEMENT STATEMENT

This Final Finding and Decision (FFD) supplements the Preliminary Decision (PD) issued on October 25, 2013 for the proposed action which is incorporated herein. The FFD does not make any changes to the PD, but clarifies that the tide and submerged (tidelands) lands will remain within the boundary of the Kachemak Bay Critical Habitat area (KBCHA) and only state legislature may remove these tidelands from the KBCHA. The Department of Natural Resources (DNR) received two comments responding to the PD that is incorporated stating no objections.

II. RECOMMENDED ACTION

DNR has determined in this FFD that Alternative 3 described in the PD is the preferred action. The FFD finds it is in the best interest of the state to convey the tide and submerged lands of 13.273 acres as indicated in TABLE A to the City of Homer in accordance to AS 38.05.825 and the Public Trust Doctrine.

These state-owned tide and submerged lands approved for conveyance to the City of Homer are subject to the following:

Subject to:

Conditions, Restrictions and Reservations

1. Administration of state leases and permits in the surface estate, if any, will be transferred to the City of Homer once the FFD is effective.
2. Management authority for the approved state-owned tide and submerged lands will be transferred to the City of Homer once the FFD is effective. The City may execute leases and permits prior to issuance of a state conveyance document in accordance with AS 38.05.825.
3. All mineral related permits, licenses, claims and leases affecting the tide and submerged lands proposed for conveyance, if any, will remain under the authority of the state.
4. The City is subject to the requirements of the Public Trust Doctrine as it applies to the approved lands and to the requirements of AS 38.05.825.

Conveyance document to include following:

1. Valid existing rights, including reservations, easements, and exceptions in the U.S. Patent, or other state or federal conveyance, and in acts authorizing the issue thereof; easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.
2. Reservation of the mineral estate pursuant to Section 6(i) of the Alaska Statehood Act and AS 38.05.125; a reservation of reasonably necessary access to the mineral estate in accordance with AS 38.05.130.
3. Notification to the Alaska State Historic Preservation Office in accordance with AS 41.35.070(d) is required upon discovery of historic, prehistoric, or archaeological sites, locations, remains or objects.

TABLE 'A'

TIDE AND SUBMERGED LANDS APPROVED FOR CONVEYANCE

DNR will convey these state-owned tide and submerged lands approved for conveyance identified in TABLE A. The final acreage will be determined at the time of survey and are '*subject to*' the applicable conditions, restrictions and reservations as listed in the PD and in this FFD.

Map #	Seward Meridian of Township(T), Range(R) & Section	Legal / Plat	Acreage
Map 2	S T6S, R13W, Protracted Section 36 and S T7S, R13W, Protracted Section 1	ATS No. 1373, which encompasses the City of Homer Deep Water Dock Port Facility.	11.908
Map 3	S T7S, R13W, Protracted Section 1	ATS No. 1603, which encompasses that portion of the City of Homer Pioneer Dock.	1.365
		TOTAL ACRES:	**13.273**

III. AUTHORITY

The authority for conveyance of state-owned tide and submerged land is pursuant to AS 38.05.825 and the authority for the FFD is pursuant to AS 38.05.035(e).

IV. PUBLIC NOTICE

Public Notice has been accomplished in accordance with AS 38.05.945.

V. RESPONSE TO COMMENTS

The City of Homer and the Alaska Department of Fish & Game (ADF&G) were the only two entities who submitted comments in response to the PD and having no objections. The comments are as follows:

1. City of Homer

The City of Homer concurs with the findings of the Preliminary Decision.

DNR Response: DNR acknowledges that the City of Homer stated no objections.

2. Department of Fish & Game (ADF&G), Access Defense Program:

ADF&G has reviewed the public notice and Preliminary Decision for the conveyance of tide and submerged lands to the City of Homer (ADL 231763). ADF&G supports the conveyance of these tide and submerged lands that are located within the Kachemak Bay Critical Habitat Area (KBCHA). We do suggest that the Final Finding and Decision identify that the subject tide and submerged lands will remain within the boundary of the KBCHA after conveyance to the City. Only the State Legislature can remove the tidelands from the KBCHA.

DNR Response:

DNR acknowledges there are no objections and has provided clarification in this decision for the tidelands to remain within the KBCHA and only the Sate Legislature can remove the tidelands from the KBCHA.

VI. DISCUSSION AND FINAL FINDING AND DECISION

This decision affects the City of Homer tide and submerged land selections of 13.273 acres. These selections were determined to meet the requirements of AS 38.05.825, and this decision determines that the interests of the City of Homer outweigh those of the state, and are appropriate to convey to the City of Homer. The conveyance of these tidelands does not change the fact that they will remain within the boundary of the Kachemak Bay Critical Habitat area KBCHA. Only state legislature can remove lands from the KBCHA.

Additionally, this decision finds that the imposition of a '*to*' and '*along*' easements under AS 38.05.127 is inappropriate. The '*along*' easement will not serve any useful access function and would create unsafe conditions for the public on the existing and proposed expansion area of the Deep Water Dock and on the existing portion of the Pioneer Dock; the '*to*' easement is unnecessary since DNR has determined that Freight Dock Road and Outer Dock Road function as public access for the public, whether it is vehicular or pedestrian traffic under 11 AAC 51.045.

The following are specific findings in this decision that:

1. It is appropriate to convey ATS No. 1603 (1.365 acres) and ATS 1373 (11.908 acres) for a total of 13.273 acres of state-owned tide and submerged lands to the City of Homer pursuant to AS 38.05.825 as the interest of the state to retain the tidelands does not outweigh the interests of the City of Homer in obtaining them.
2. It is appropriate for the additional infrastructure development to widen and extend the Deep Water Dock and trestle for continued operation as it is consistent with management unit 530, including the plan designation and management intent.
3. It is appropriate to resolve the encroachment of a portion of the Pioneer Dock on state-owned tidelands.
4. It is inappropriate to impose the '*along*' easement under AS 38.05.127 on the existing and proposed expansion area of the Deep Water Dock and on the existing portion of the Pioneer Dock since it would serve no useful access function and would create unsafe conditions for the public under 11 AAC 51.045.
5. It is appropriate not to impose the '*to*' easement under AS 38.05.127 since Freight Dock Road and Outer Dock Road currently function as public accesses for the public, whether it is vehicular or pedestrian traffic under 11 AAC 51.045.
6. The intended use is consistent with the designation and the management intent of the Kenai Area Plan (KAP).
7. The area of the subject action remains within the KAP intent.

The findings presented above has been reviewed and considered. Public Notice has been accomplished in accordance with AS 38.05.945. The case file has been found to be complete and the requirements of all applicable statues have been satisfied. I find that it is in the best interest of the state to proceed with the conveyance of the tide and submerged land as described in the PD and this FFD.

Sandra Swanger Jensen

Recommended by:
Sandra Swanger-Jensen, Manager
Municipal Entitlements

11/27/2013
Date

Bruce Phelps

Approved by:
Bruce Phelps, Section Chief
Resource Assessment & Development

11/27/13
Date

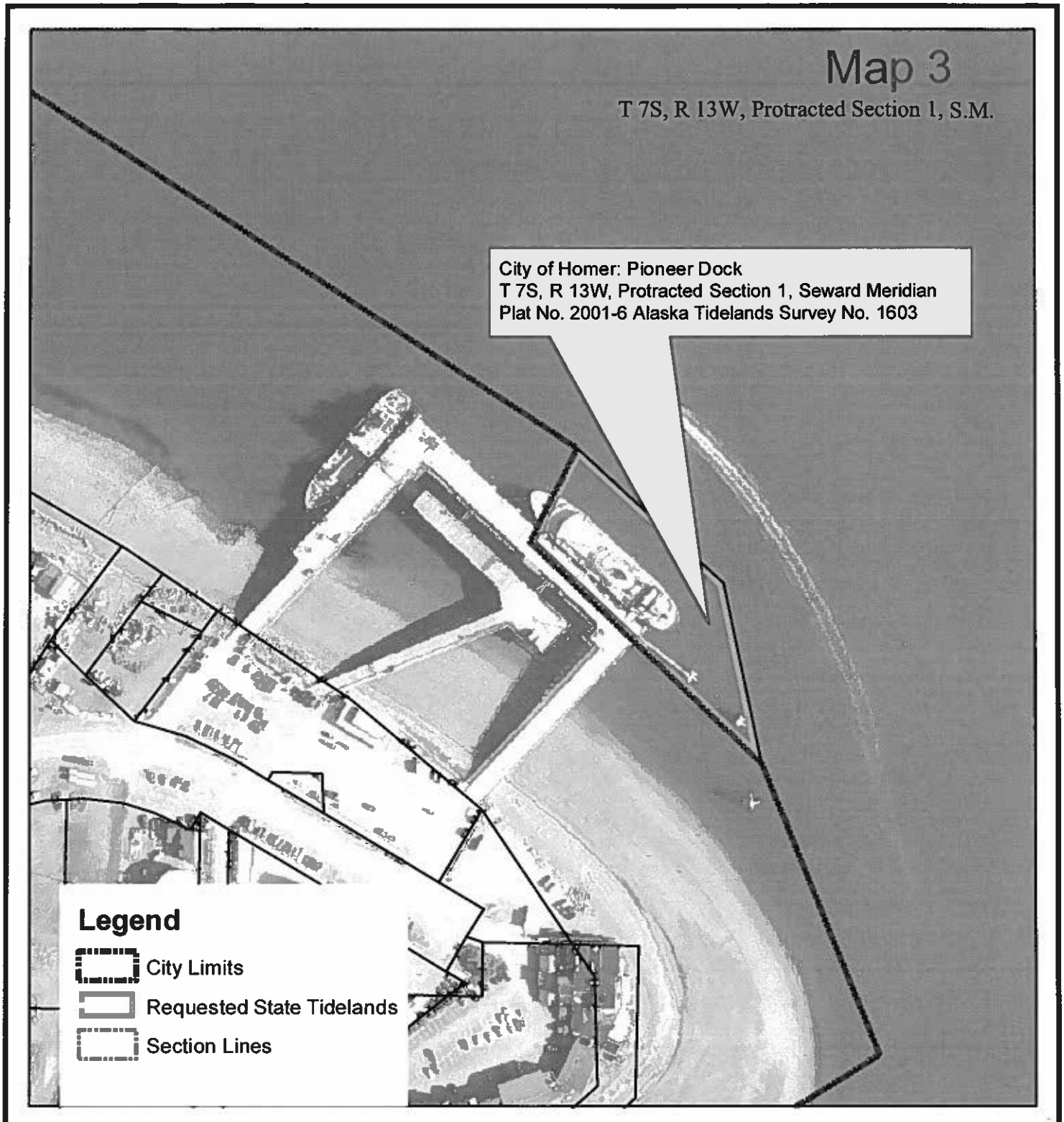
APPEAL PROVISION

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received in writing within 20 calendar days after the date of issuance of this decision, as defined in 11 AAC 02.040(c) and (d), and may be mailed or delivered to Joe Balash, Commissioner, Department of Natural Resources, 550 West 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to dnr.appeals@alaska.gov.

If no appeal is filed by the appeal deadline, this decision goes into effect as a final administrative order and decision of the department on the 31st day of issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to the Superior Court (11 AAC 02.020(a) and (b)). A copy of 11 AAC 02 may be obtained from any regional office of the Department of Natural Resources.

ATTACHMENTS TO FFD

MAP 1-Vicinity Map
MAP 2-Pioneer Dock
MAP 3-Deep Water Dock



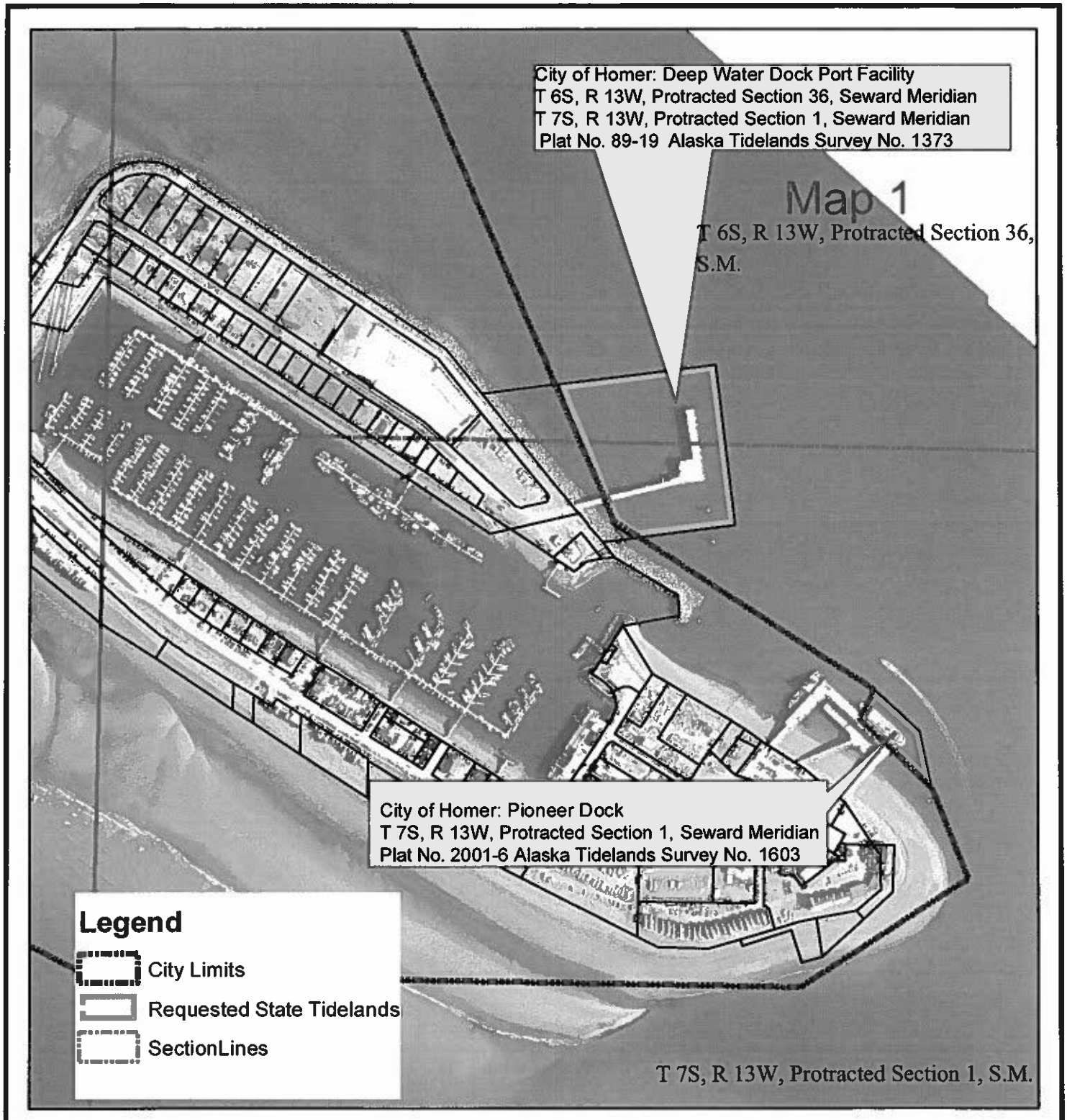
City of Homer
Planning and Zoning Department
November 27, 2013

Pioneer Dock

0 225 450 Feet

N

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



City of Homer
Planning and Zoning Department
November 27, 2013

Vicinity Map

0 250 500 1,000
Feet

N

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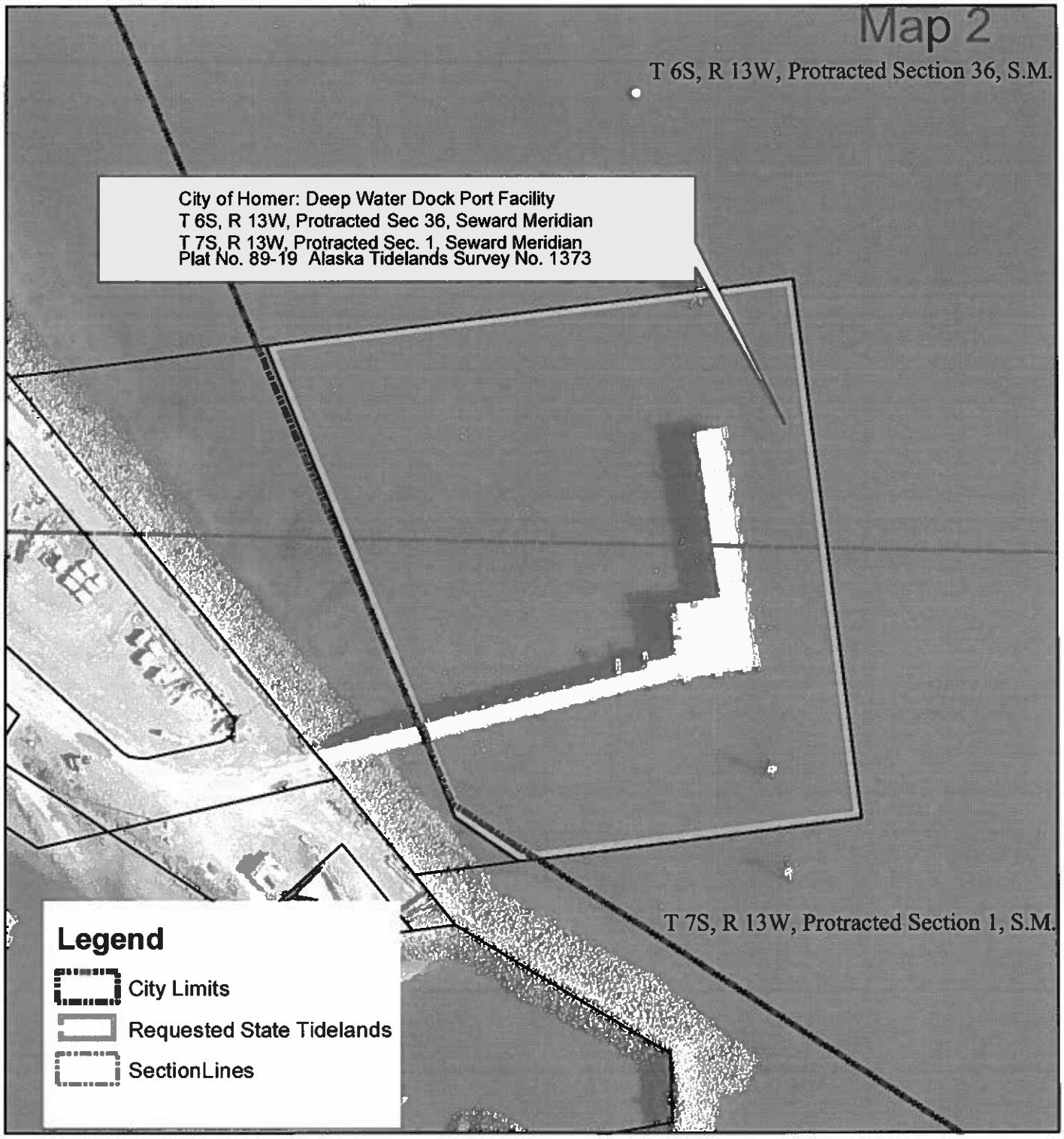

CITY OF HOMER · ALASKA · MARCH 31, 1964

City of Homer
Planning and Zoning Department
November 27, 2013

Deep Water Dock

0 225 450 Feet

N

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