

WORK SESSION AGENDA

1. Call to Order 5:30 p.m.
2. Guest Speaker Brian Zak with the Alaska Small Business Development Center
Materials may be presented at meeting
3. Discussion of Items on the Regular Meeting Agenda
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

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

- A. Staff Report PL 14-05, Barnett's South Slope Sub. Quiet Creek Park Preliminary Plat
pg. 1 (Re: January 2, 2014 Meeting packet for Staff Report PL 14-05)

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 January 2, 2014 meeting **pg. 19**

6. Presentations

7. Reports

- A. Staff Report PL 14-03, City Planner's Report **pg. 33**

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 14-06, CUP 2014-01 Request for more than one building containing a permitted principal use on a lot, a 4-plex at 4165 Mattox Road **pg. 35**

9. Plat Consideration

- A. Staff Report 14-07, Mattox Subdivision 2014 Preliminary Plat **pg. 53**

10. Pending Business

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

11. New Business

- A. Staff Report PL 14-08, Comp Plan Amendment **pg. 61**

12. Informational Materials

- A. US Army Corps of Engineers Public Notice for proposed DOT East End Road MP 3.75 to MP 5.5 Project **pg. 69**

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

From: Larry Slone [mailto:larryslone222@yahoo.com]
Sent: Monday, January 06, 2014 12:09 PM
To: Rick Abboud; fcvenuti@gmail.com
Subject: Quiet Creek Reconsideration

Hi,

I spoke to Mike from the Homer News about 11:45 this morning concerning my reason for calling for Reconsideration of Quiet Creek.

I stated that I was doing so for three reasons, each in furtherance of provisions of the Comprehensive Plan.

The three reasons:

1. Apparently members of the public feel that they have additional information that would indicate that the Quiet Creek development may not adequately protect the long-term viability of the natural drainage system, thereby potentially compromising public and private properties downstream.
2. There was inadequate time to fully digest and absorb the mass of information presented, including lay-down info of a technical nature.
3. I thought it important to have Commissioner Sonneborn participate in the discussion. She has an intelligent probing mind that could bring additional insights.

The specific elements of the Comp Plan which I referred to are:

1. page 1-3 Purpose of comp plan to promote the type of environment, built and natural, that a community desires.
2. page 4-13 Obj D. Provide extra protection for areas with highest environmental value or development constraints.

later,

Larry

Hello Julie,

I received your notification about the reconsideration schedule for 15Jan14. Please provide this message to the Planning Commission as my comments to them about items on the agenda.

Hello Planning Commission:

I'm providing this written comment because I am working in Iowa next week. Kenton is traveling as well. Gwen Neal is a member of Quiet Creek Park LLC and plans to attend, she is authorized to speak for the LLC if required.

I ask you to deny reconsideration of your previous action.

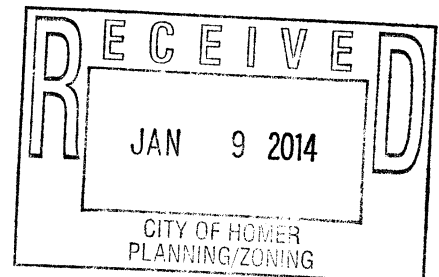
Julie provided the written comments of Mr. Sloan:

1. I do not believe that using the Homer News as a political ally is appropriate for a member of the Commission.
2. The Public was invited to two separate neighborhood meetings, then the circumstances of the delay so far allowed two separate opportunities for Public Hearing at Commission meeting. That ought to be enough public opportunity.
3. The Planning Department provided the Commission the regulatory time to digest the information before the first meeting, then by the delay of a full month, the Commission got a double look at the information. That time is far beyond regulatory limits and legally and actually more than enough time.
4. Ms. Sonneborn apparently made a personal choice not to attend last week, she attended in December. It is my thought that she shouldn't participate in the reconsideration because she did not participate in the debate on 06Jan and wouldn't have the information to reconsider. But I do not believe that this expensive time consuming process should be held up for such a reason.
5. Regarding the comp plan comments, our proposed subdivision meets those requirements.

In summary, our proposed plan meets all of the laws and regulations, is professionally designed, professionally reviewed, and recommended by a professional Planner employed by the City for that purpose. Denial would be arbitrary. We believe in the rule of law.

Please deny reconsideration.

Thank you, Tony Neal
Quiet Creek Park LLC

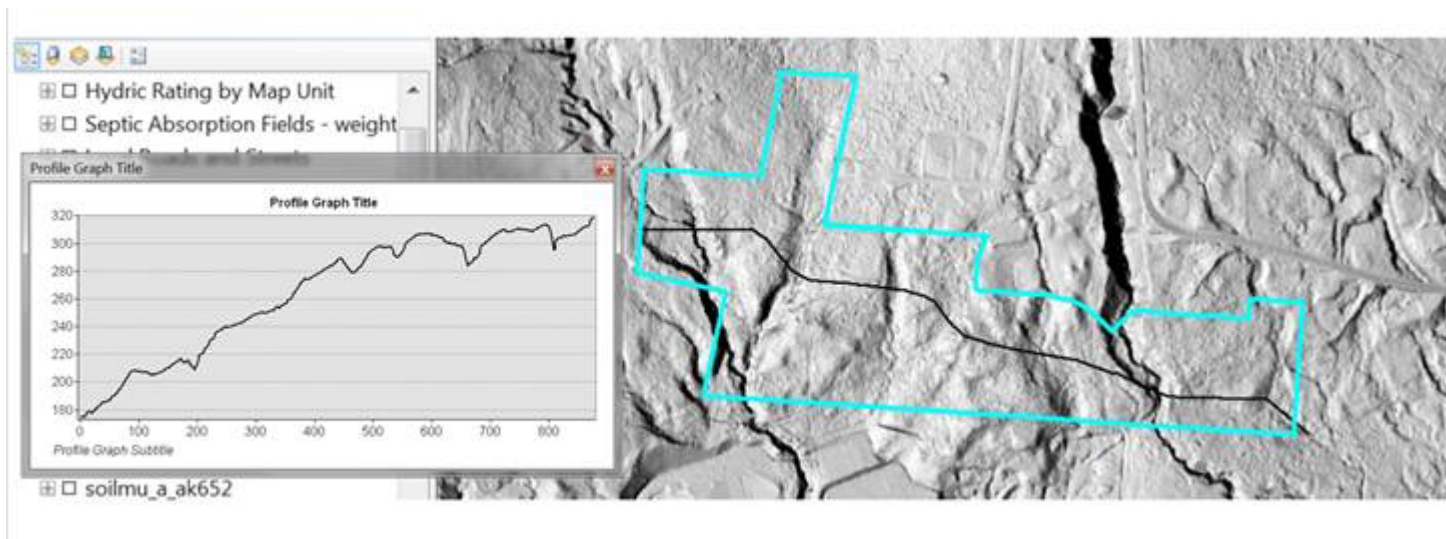


From: Julie Engebretsen
Sent: Friday, January 10, 2014 10:15 AM
To: Travis Brown
Subject: FW: Barnett's Slope Subdivision Quiet Creek Park Preliminary Plat, 2013 - road profile

From: Katherine George [<mailto:nowthereis1@gmail.com>]
Sent: Monday, December 23, 2013 1:46 PM
To: Julie Engebretsen
Subject: Barnett's Slope Subdivision Quiet Creek Park Preliminary Plat, 2013 - road profile

To the members of the Planning Commission-

In order to fully understand the impact of development here, it is helpful to look at the approximate east-west route of the proposed Nelson Avenue through the subdivision. You can see that the slope is notable. This profile was prepared by Stephanie Schmit, NRCS. What you can see is how many ravines run through the parcel.



Please include copies of this letter and map in the Planning Commissioners packets to help with their decision making at the [January 2, 2014](#) meeting.

Thank you.

Katherine George

From: Katherine George [mailto:nowthereis1@gmail.com]

Sent: Monday, December 23, 2013 1:19 PM

To: Julie Engebretsen

Subject: Fwd: Projections

From: Devony Lehner <devonylehner@gmail.com>

Date: December 23, 2013, 10:36:26 AM AKST

To: Katherine George <nowthereis1@gmail.com>

Cc: JEngebretsen@ci.homer.ak.us, "Fuller, Heather" <Heather_Fuller@fws.gov>, "Meehan Joe (DFG)" <joe.meehan@alaska.gov>, Lynn Whitmore <lwhitmore@acsalaska.net>, "Dearlove, Tom" <tdearlove@borough.kenai.ak.us>, Marie McCarty <marie@kachemaklandtrust.org>, Mike Gracz <mike@kenaiwatershed.org>, tara@homerswcd.org, Stephanie Schmit <stephanie.schmit@ak.usda.gov>

Subject: Re: Projections

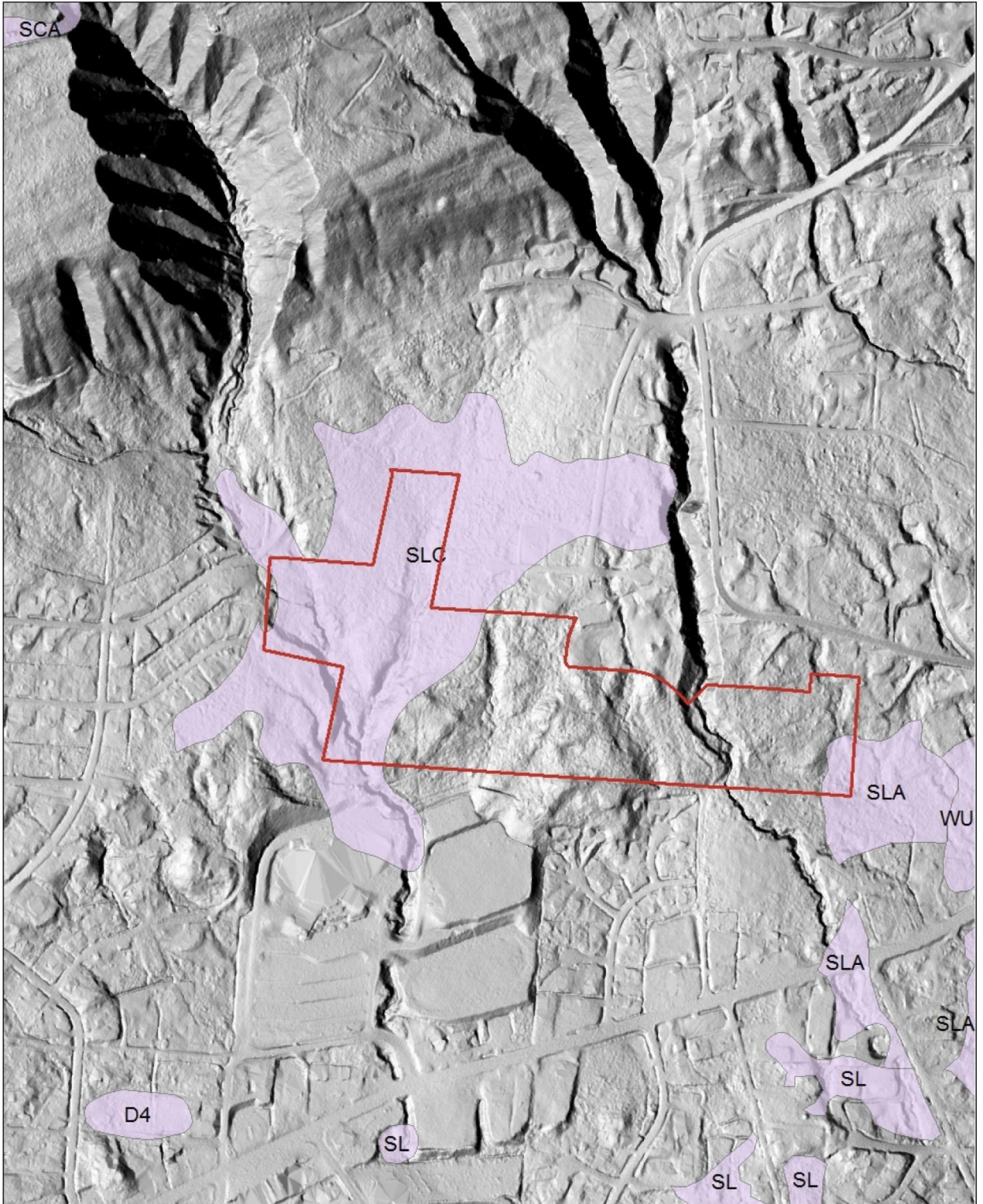
Hi Kathy,

I added a couple of things (corrected a thing or two) and compressed the pdf. I'm sending two versions of the same pdf. The smallest pdf is only 1.5 MB, which shouldn't be any problem to transmit. Also, I pulled out and attached as a separate pdf the wetlands-plus-Lidar image that Stephanie at NRCS provided you. I think that's a particularly informative image, and I think the rest of the material she sent is also very useful.

Looking at this area in context (e.g., the slopes, the soils, the wetlands, surrounding areas of impervious cover, spatial relationship to KHLT-protected habitat lands east of Paul Banks, etc.), my recommendation for the Quiet Creek Discharge Slope wetland area would be to contact Kachemak Moose Habitat, Inc., (Lynn Whitmore), KHLT, the borough (which could have concerns about impacts to its high school property downslope), and the city and explore a coordinated effort to purchase this particular wetland area--which looks to me like it provides some critical green infrastructure services that could be expensive to lose. Heather Fuller at USFWS in Kenai may be able to provide some advice on such an effort. Perhaps the state's Forest Legacy Program could provide some funding. That's my personal recommendation, anyway.

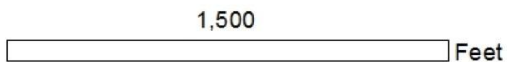
Devo

Cook Inlet Wetlands



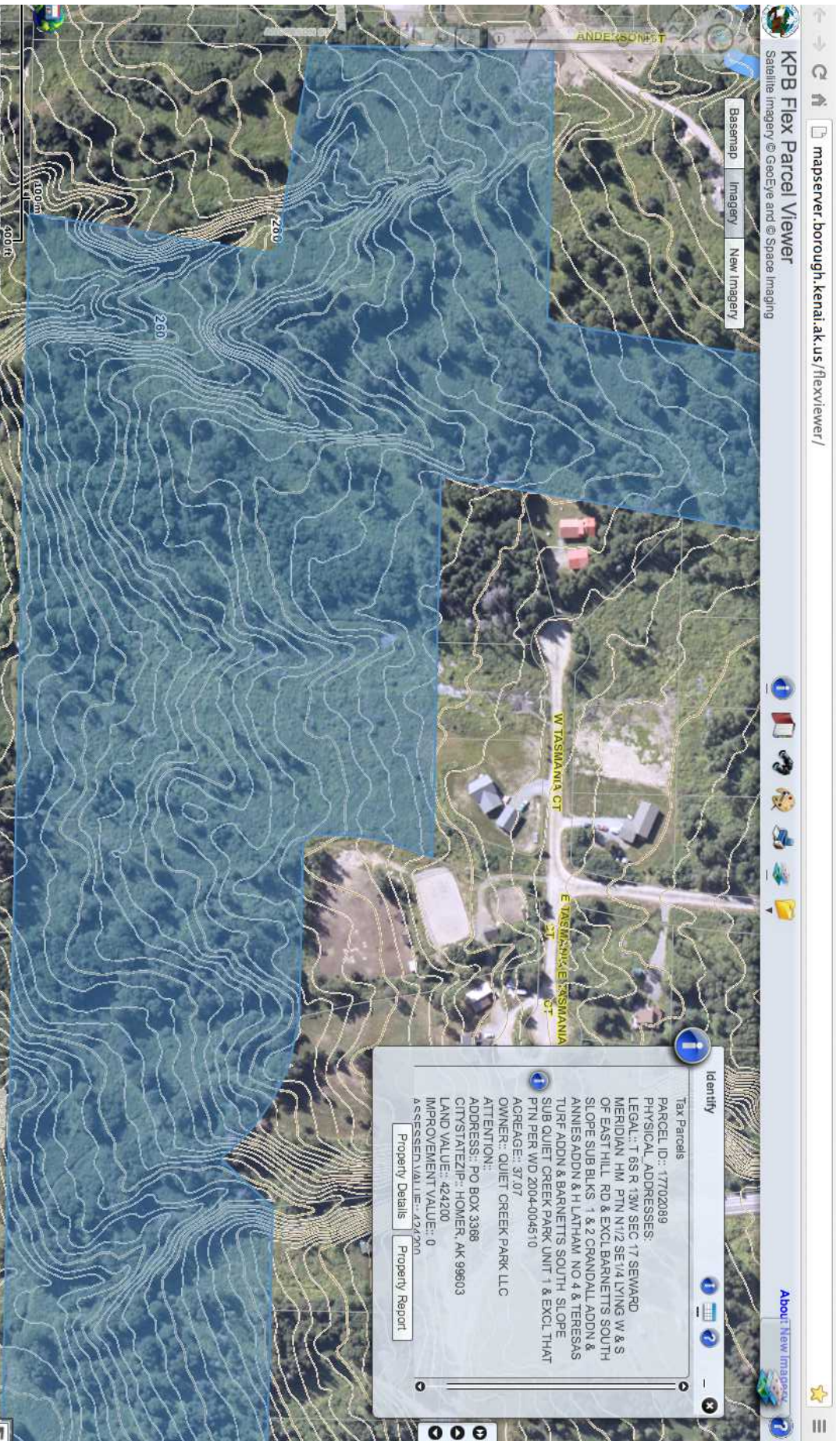
Legend

-  Parcel 17702089
-  Wetlands

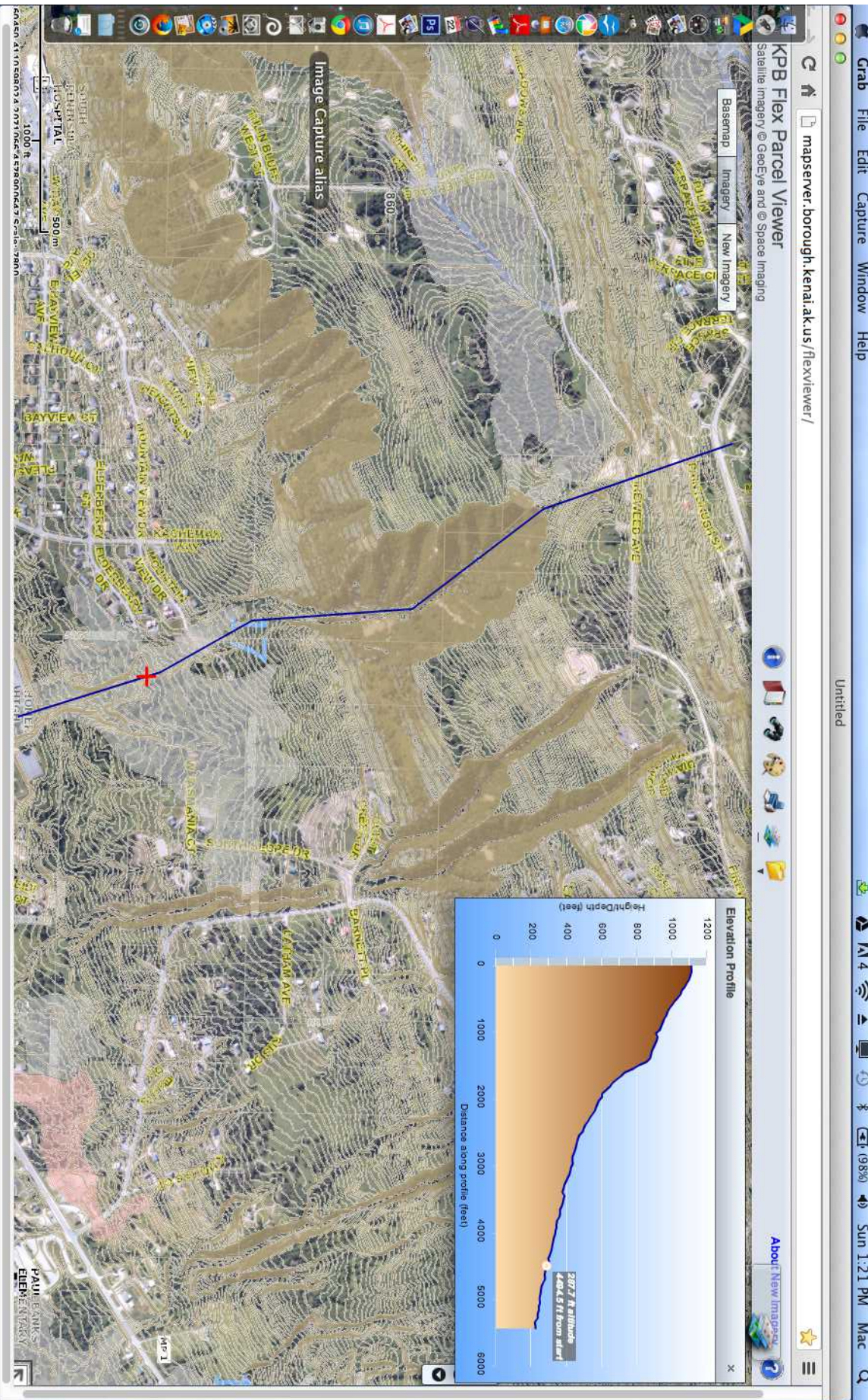


The following maps were created using the Kenai Peninsula Borough's online Flex parcel viewer. The city planning department could provide maps better focussed on the proposed subdivision and could show 2-ft contours rather than 4-ft contours.

This map shows 4-ft contour lines in the proposed subdivision area: each line is 4 ft lower in elevation than the line above it (to the north).

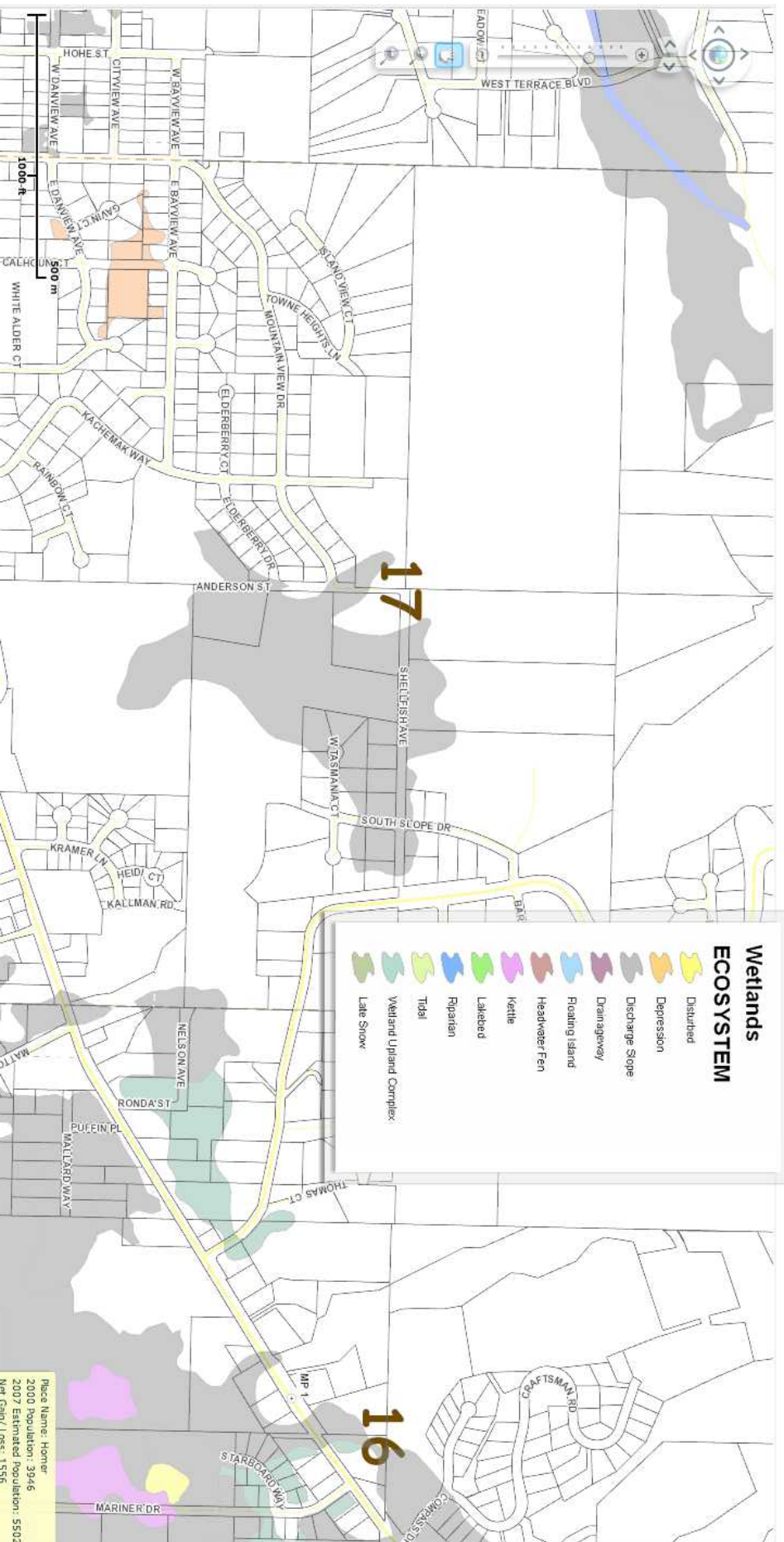


This map shows an elevation profile on the west side of the proposed subdivision. The profile runs from Skyline Drive on the north to Homer High School on the south. The red + on the blue line corresponds to the elevation point shown on the profile. The grey area around the red + is a discharge slope wetland. Boundaries of the encompassed watershed areas would need to be determined to calculate how many acres actually contribute surface and subsurface runoff moving downslope into, through, and out of the proposed subdivision. Because slopes level off in the proposed subdivision area, it can store runoff more effectively than steep slopes above, particularly if it remains well vegetated, and even more so if spruce are maintained. (Mature spruce can *intercept* large volumes of rainfall and snow, both reducing and slowing the amount of precipitation that reaches the land surface.)

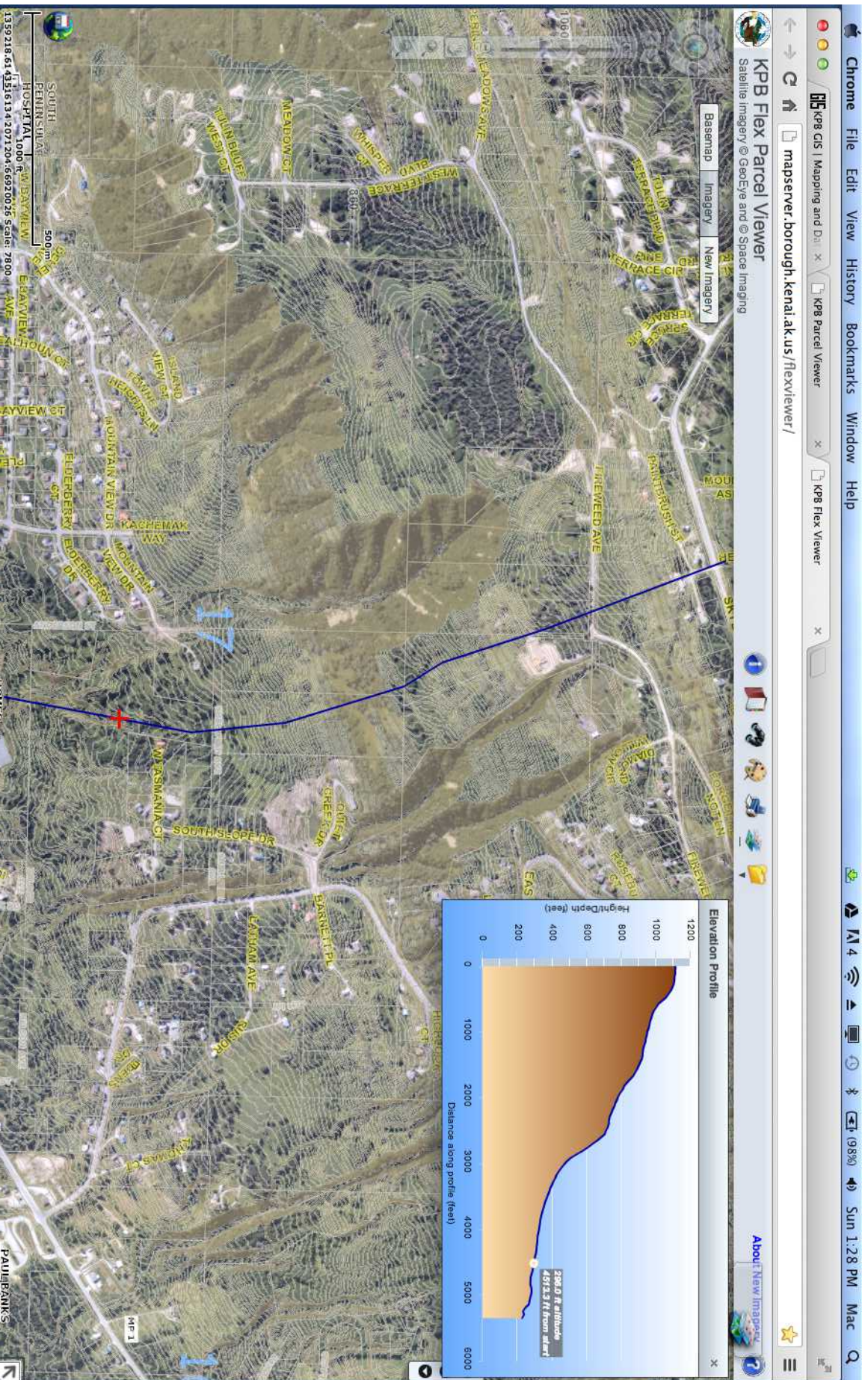


This map shows more clearly the Discharge Slope wetland in the proposed subdivision area. Water moves downslope into, through, and out of this wetland as both surface and subsurface flows. The accompanying images showing elevation profiles and contour lines help in visualizing where flows are coming from and where they go.

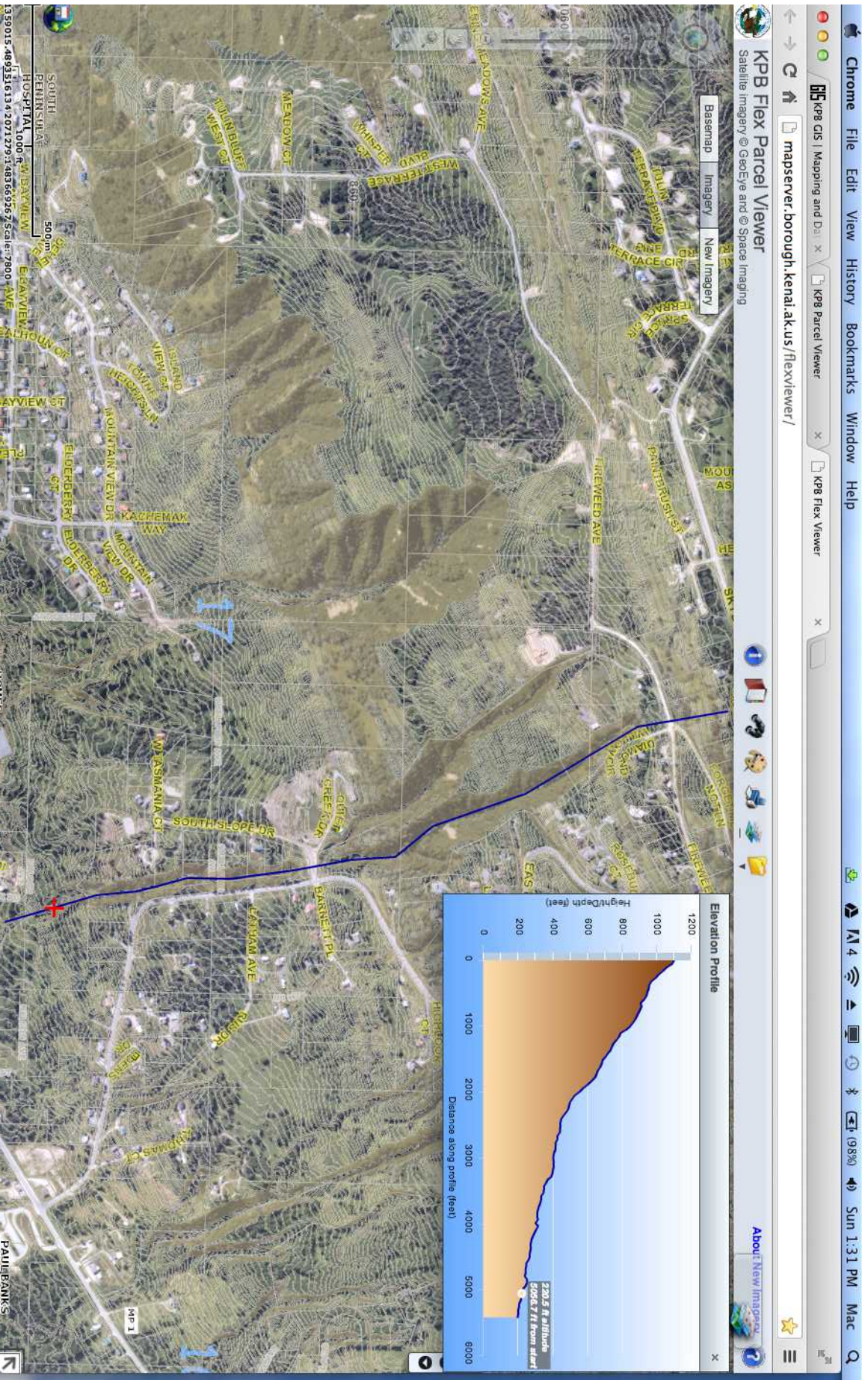
Activities like clearing, excavating, land leveling, dredging, trenching for utility lines, filling, paving, etc. alter how surface and subsurface water moves and is stored. Alterations to water flow and storage patterns affect both onsite and downslope areas. It is valuable for planners to understand the *potential effects* of proposed subdivision activities on the *timing, volume, and drainage/storage patterns* of surface and subsurface flows.



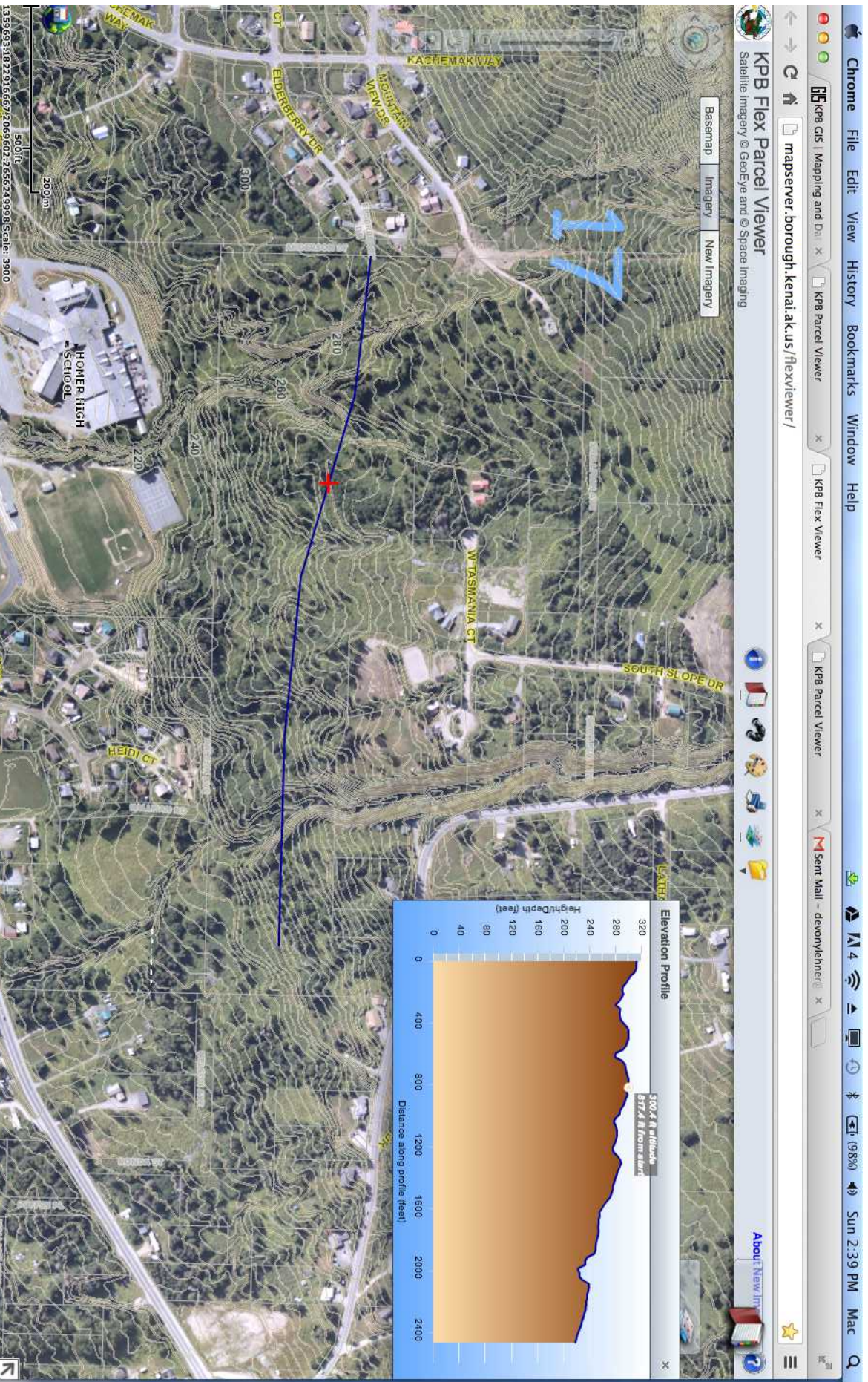
This map shows an elevation profile slightly east of the first profile. The profile again runs from Skyline Drive on the north to Homer High School on the south. The red + on the blue line corresponds to the elevation point shown on the profile.



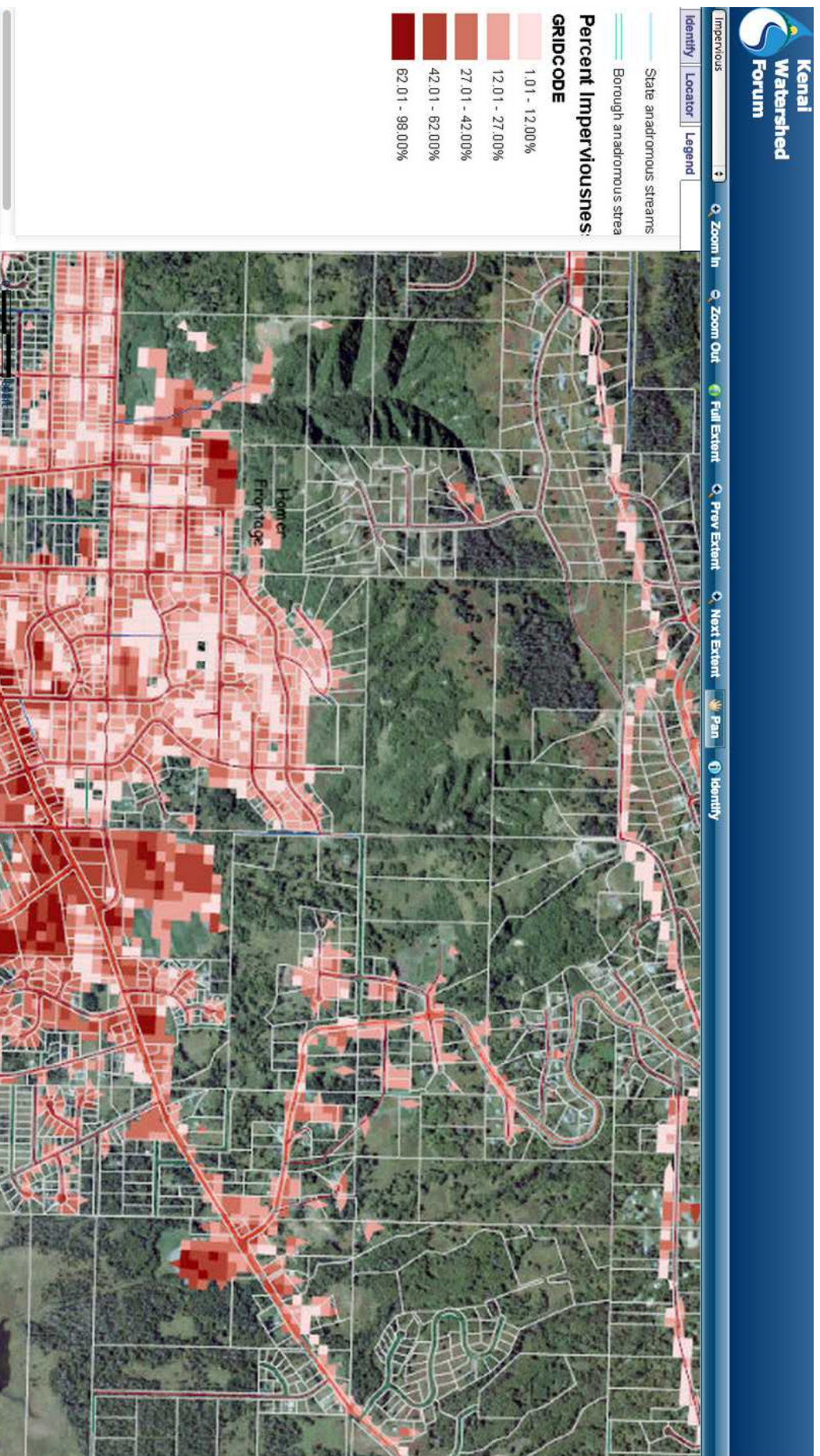
This map shows an elevation profile east of the previous profile. The profile runs from just below Skyline Drive on the north to just above Kallman Road on the south. The red + on the blue line corresponds to the elevation point shown on the profile.



This map shows an elevation profile running west-to-east through the proposed subdivision area. The proposed main road will also run from west to east. The red + on the blue line corresponds to the elevation point shown on the profile.



This image shows impervious surfaces in the area, as mapped by Kenai Watershed Forum some years ago. Areas still able to provide “green infrastructure” services such as stabilizing steep slopes, storing and moderating stormwater runoff, slowing and safely conveying floodwaters, connecting habitat corridors, etc. become increasingly important as larger expanses of surrounding areas become impervious and cease providing natural functions.



To Whom It May Concern,

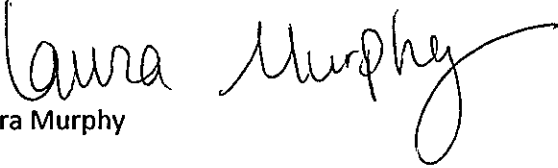
I am concerned. I am concerned that there has not been enough study and analysis of the reality of building in the area that is proposed.

I do not feel that adequate thought has been done to actually understand how much a road through our subdivision will change the dynamics.

I am concerned that the planners, after seeing the changes to the Soundview subdivision, are not more leery about putting in a road that goes through another child friendly street.

Please take the time, and leave out the monetary benefits when making this decision.

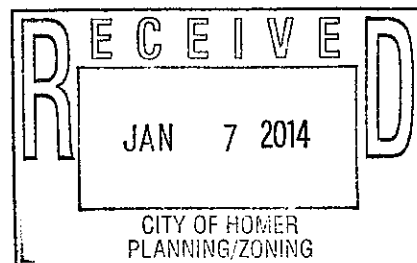
Thank you,



Laura Murphy

561 Mountain View

235-4803



Session 14-01, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on January 2, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: SONNEBORN

STAFF: CITY PLANNER ABOUD
PLANNING TECHNICIAN ENGBRETSSEN
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 December 4, 2013 meeting
- B. Decision and Findings for Staff Report PL 13-85, CUP 13-13 Request for more than one building containing a permitted principle use, a residential duplex at 3850 Heath Street

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 14-01, 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 14-02, Draft Ordinance 14-XX Amending HCC 21.71.050(d) to allow a simple majority vote for approval of Conditional Use Permits

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing and there were no public comments.

BOS/HIGHLAND MOVED THAT THE PLANNING COMMISSION APPROVES THE DRAFT ORDINANCE AMENDING HOMER CITY CODE TO ALLOW A SIMPLE MAJORITY VOTE FOR THE APPROVAL OF CONDITIONAL USE PERMITS AND RECOMMENDS ADOPTION BY CITY COUNCIL.

There were comments in support of the draft ordinance noting that this change will improve the way the commission does business for the public and that staff does an exemplary job of reviewing and providing information for their review.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- 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

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing.

Ken Castner, city resident, asked for clarification regarding the process for water and sewer hookups relating to the accessory dwellings. City Planner Abboud explained that the accessory dwelling would be hooked up to water and sewer as required by Public Works and as outlined in code.

BOS/HIGHLAND MOVED THAT THE PLANNING COMMISSION APPROVES THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.12.020 AND 21.12.030 TO ALLOW AN ACCESSORY DWELLING UNIT AS A PERMITTED USE AND RECOMMENDS ADOPTION BY CITY COUNCIL.

Commissioner Slone commented that it brings up a good point whether the accessory dwelling will be put on a separate meter. It would be a significant consideration with respect to the income the city derives of the water and sewer system. It isn't a major consideration relating to this action, but is something to think about. Another point is that we are doing some infilling based on infrastructure and additional usage of water and sewer would be beneficial to the city.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Plat Consideration

A. Staff Report PL 14-05, Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat

City Planner Abboud reviewed the Commission's role in plat consideration and the staff report that includes the following recommendations:

- 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.

Chair Venuti asked Commissioners who visited the site prior to the meeting to report to the Commission.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

Commissioner Slone commented that he visited the area and in general terms it remains a virgin area, probably the largest remaining in the City that is still suitable for development as a residential area. There is a variety of terrain in the area with a lot of undulations, and clearly defined water courses. He said his subjective evaluation was that it would be quite an engineering challenge to put in the roads and to maintain enough vegetation to suitably intercept water during peak times. It isn't that it can't be done, as engineers are more knowledgeable with respect to that. On the other hand, people have had their time to utilize this open area, but they can't expect it to remain untouched unless someone wants to buy it and present it to the City as a park, and that isn't the situation right now. He appreciates both aspects of the property.

Commissioner Highland said she wandered the trails in the area as well and noted the deep gully on the east side, another gully on the west side, multiple swales, and creeks. She noted the past ACOE report said no streams and she found that there were definitely areas of running water. There were many areas of alders, which means it's wet. The lower area running above the high school is a large area that, to her, looks prone to sloughing. She also noted a lot of wildlife habitat, old growth spruce and birch, and it looks like something that will need really creative subdividing considering the challenging lay of the land. The density seems very high for the type of land that she walked on. It's also the only remaining high value wetlands in the whole Homer area. In looking at the map it's really substantial where the gullies come down and form the bluff. It certainly looks like one of these areas that's a natural sponge for the high school and Homer's streets. When you look at the lines on the paper it looks like a doable thing, but when you go onto the property, it's challenging.

Prior to opening the floor to public comment, Chair Venuti invited the applicants to offer further presentation. Mr. Neal and Mr. Bloom declined and floor was open to public comment.

Clyde Boyer, city resident, said he presented a letter outlining 10 items he thinks are important to be reviewed before considering approval of this. He is hopeful that Nelson Road going to the east is required before the subdivision is allowed to proceed. The west end is very wet and will be difficult to work over and hard to maintain once it is built. He questioned if the high school trails are on or off the property. Mr. Boyer commented that most subdivisions of this size in most communities are actively trying to make it a nice city and make a park somewhere that was not just in a marsh or gulley like these proposed parks are. He wonders if the emergency services can access the long, narrow, little driveways they are trying to get approved. The developer talks about rain gardens and he questions who is going to install and maintain them, and how effective will they be in such a wet area. Those are some of his main concerns about the project. He thinks they need to be addressed before the project is approved.

Ginny Espenshade, city resident west of the high school, commented that she appreciates the Commissioners who took the time to look at the property. She agrees that we expect the property to be developed. She submits that it's reasonable for them to expect it to be developed at a low density. She thinks they all have recognized that the code contradicts itself with the purpose of rural residential and the lot size requirements. That isn't obvious with this proposal, and we can't fix it. In 2005 the Planning Commission looked at the discrepancy, and the surveyor on this project now proposed a moratorium on developments this size in rural residential. That hasn't been done. She appreciates the Planner's comments about what the City can and can't do at this time, and asked what the public can do at this time. They aren't there when the subdivision agreement is developed; they can give comment to the ACOE, but there are a lot concerns. She urged the Commission to listen

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

to their concerns and look at in the context of health and safety. She read excerpts from the media regarding the flooding in 2002 along East End Road and Pioneer Avenue. She urged the Commission to think about the storm water plan. Maybe it can't be required for all of rural residential but perhaps the size and density of this subdivision can impel them to do so here based on code section 21.75.030, the financial responsibility. This is a high risk project, and everyone recognizes an individual's right to develop property he owns, but who should assume the risk? She urged them to think of a way to hold this developer accountable if it's abandoned. The condominiums above have been repossessed and are in foreclosure. The bank owns the land under the condos at Quiet Creek and several of the units. There is a record here and she urged them to look at the developer's record of accomplishments for developing in Homer.

Paul Gavenus, city resident, commented that code 21.28.020 says regulate and limit the density of population, prevent undue concentration of population and lessen congestion on streets and highways. It's in the code and the commission can do that. The Commission has a lot more power than they think because we have been through this and the Borough will listen to what the Commission says. 21.44.010 says provide an area for low density, and this isn't low density. The coastal management plan final consistency response said they would prefer a ten year, six hour storm to be what is used and the City of Homer accepts a ten year three hour storm. He encouraged them to use the ten year six hour since it is what the experts recommend. According to code Sophie Court is too long, he hasn't heard that addressed at all.

Mike McHone, non-resident, commented in support of the project. He disagrees with the complexity presented. He has done a lot of subdividing out East End Road where there are serious canyons and real swales that dwarf what is here as far as an engineering challenge. He urged moving the project forward. He is in favor of healthy communities, healthy growth, and of things being done well and right. Mr. McHone believes this project and the plans presented fall in into that category.

Clyde Boyer was permitted to use his last minute of time to make a final comment. He said the road that goes to the west to Anderson is going to be the shortest route to downtown, the hospital, and just about everything to the west. Elderberry and Mountain View are paved very narrow small subdivision roads. When they start putting 71 homes going west on those narrow roads it's going to make a very poor condition for the roads and the people who live there. If this is approved the developer or the city needs to widen the pavement area to handle the traffic.

Katherine George, city resident, lives near the northwest corner of the proposed development. She thanked the commissioners who walked the property and the Planning Department for answering questions about the project. She went to several different agencies to get information including Homer Soil and Water and related agencies. They provided her with a way to look at the property that showed what the drainage looks like and what the proposed road looks like. She provided the information to the Commission and hopes they were able to look at it. In regard to roads, it was said in 2005 and in December, that when dump trucks go over these roads, the houses shake. That is true even on Mountain View. The construction of the roads may not be the standard of road you want to have as a collector street, rather than a local street. She thanked the people who have come out to testify because it isn't an easy thing to do. She wants the Commission to know people really care about this and that their decision really matters.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

Kate McNulty, city resident on Mt. View, said she has read the comments, listened to people and thinks they have raised very good points, especially considering the high school. It's in direct line of the drainage, and if there ever is a mudslide, that's what it will take out. Years of driving heavy equipment on roads that aren't built for this type of traffic has caused problems. They have drainage coming down that took out part of the road and it still hasn't been fixed. If she understands the map, the subdivision takes out all the cross country running and ski trails behind the high school. She noted the west third on the wetlands map is designated as discharge slope. She isn't sure what that means but it sounds like a lot of water running downhill. It's something to consider before you have someone out there tearing all the vegetation up, you have all that mud, and then decide it can't be developed after all.

There were no further public comments and the floor was open to the applicants to comment.

Mr. Neal commented that when he came to Homer, there was no Mountain View, Elderberry, Kapingen, Rainbow Court, or Kallman neighborhood. It was all beautiful property. Unfortunately all over the world that's the way it is. Since he has come to Homer there's 100 million more Americans and each one wants a place to live and streets to drive on. What can we do? We can't stop people from making more people, and we can't go back to what we had, so all we have to do is go forward as best we can. Sure it's hard; this is beautiful property in the middle of Homer. There was beautiful property in Anchorage on C Street and 36th. There really isn't much choice. As the population increases, we have to plan Homer and build it the best we can. Their subdivision meets all the rules and while people have expressed their true concerns, they have jumped through those hoops. Mr. Neal explained they have hired professional engineers in this process, addressed storm water, utilities, and construction. It is a beautiful subdivision that has been planned out. It's not like they are ramming something through that is legal but wrong. He hopes they consider that and thanked them for their time.

Mr. Bloom added that there is experience with density and steep slope development and he has been a part of that. Those examples exist in our community and we can see in numerous places there is a way forward to do it right. That is what they are showing here. People's concerns are valid and he appreciates them for taking the time to voice them. They submitted the previous ACOE permit that shows the delineated areas, their storm water concerns, and so forth, which are the basis for the current design and the reason they set aside the areas they have. They have done a lot of things to make this as good as possible in relation to big open space. Mr. Bloom clarified that none of the high school trails they are using for the high school events are involved with this subdivision. The project includes adding new trails that connect those trails to the subdivision and beyond. They have made every attempt to make pedestrian access a high functional aspect of the access being developed here. On average the lot size is 180% over the minimum lot size. He encouraged them to look at the facts and the presentation and make the decision based on code and staff's recommendations.

Commissioner Highland asked if this could be done without filling any wetlands and also if they could reduce the density. She also addressed that she found in her research rain gardens are really pollution control more than actual absorption of storm waters. She further questioned the ACOE permit relating to the previous Quiet Creek plat regarding compensating for avoidable impacts to wetlands.

Mr. Bloom responded that as soon as you put a culvert in a stream or in a driveway, you have filled wetlands, so the answer is no.

Mr. Neal responded relating to density that anything is possible. He noted, however, that there were 90 lots the first time and it has already been reduced to 71 lots. In another set of talk, people worry about affordable housing. Mr. Neal said he knows they are concerned about the bluff and the hillside and as it is, there are big lots planned there that work around it and housing spaces are a small part of it. The bluff hasn't collapsed for as long as people have been around Homer and there isn't any reason it would collapse because there is a subdivision behind it. He doesn't agree that if people put houses back there, it would then contribute to a mudslide onto the high school property. He thinks it is easily possible to construct nice residences on the slope without collapsing the hillside.

Mr. Neal commented that defining rain gardens as being for pollution control is subjective. The City touts them heavily on their website. He believes in rain gardens where they are appropriate. In addition to rain gardens there will also be some vegetated retention ponds where needed. There are a lot of techniques in planning these areas and relating to storm water. There is more storm water planning in the subdivision than might be in the whole town. They are giving something that hasn't been done before. Everything they are doing is something new and better.

In relation to the ACOE permit, Mr. Neal explained they will be required to get a new ACOE permit for this plat and will proceed as required by the the permit.

Commissioner Slone questioned the overall amount of property to be modified for the entire project and asked for a reasonable estimate. He also raised questions regarding the roads and their build out.

Mr. Bloom responded and said that he has no way of knowing what size of footprint a property owner will have. Some build houses that are 600 sf and others build a 2000 sf footprint. It is unproductive to try to make that kind of estimation.

Commissioner Slone made an attempt to figure the total acreage that would be permanently modified and suggested 15 acres and felt it was a reasonable assumption to use.

Mr. Bloom said the road improvements will be done sequentially. Mr. Neal commented that in 2005 they had Kallman as the exit and the room was filled with people who objected to that, so they purchased land and arranged to get out through Nelson and Ronda, which appeased the Kallman neighborhood and it seemed to be a better fix overall. There is a pedestrian access through Kallman now. Mr. Bloom noted a request for a dedication at the very entrance to the subdivision for a future right of way to the south, which they are in agreement with.

There was brief discussion regarding a one lane roundabout at the west end of the subdivision with Elderberry as a one-way in and Mountain View as a one-way out.

Commissioner Stead asked staff for their comments about the length of Sophie Court, the size of lot 55, and the curve radius on curve 11. Planning Technician Engebretsen commented to her understanding that it is an allowable distance. She can look at it again, some things like this an applicant can ask for an exception, and she doesn't see a compelling reason why they wouldn't say that section of the subdivision isn't okay. Regarding lot 55, Mr. Bloom said that it will be fixed with the right of way dedication. Planning Technician Engebretsen explained they spoke to Public Works about the curve radius and it's something that can be discussed as part of the road construction. She added

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

that at this point, the plat recommendation is a conceptual recommendation of road layout, lot numbers, and such. How they are going to make the roads work comes much later in the process.

Commissioner Highland read from a Soil and Water Conservation District publication regarding the Quiet Creek discharge slope, its purpose relating to flood control, and high value moose habitat. She also touched on catch point watershed delineation. Mr. Neal said he was familiar with the soil and water conservation district document and while they can't follow every recommendation, they plan to as much as they can. They will be including culverts and stream crossings, and also dedicating stream areas to parks that protect moose habitat as best they can. Mr. Bloom responded relating to the catch point watershed delineation. He referenced her earlier comment regarding rain gardens being used for pollution control, which is true when they are handling asphalt, parking lots, and so forth. Another important aspect is that they do control flow. In their case they have flow through drainages going through the property that they are trying to minimize activity around as much as possible. They are also trying to minimize point source flow into those drainages from the development not only using lot by lot scaling, but also other point retention areas. He noted at least 9 that are outside of the lot controls they will do. They are looking at it in a comprehensive way. An engineer is doing a complete storm water flow and design based on the City of Homer regulations for development. That will happen later, along with the engineering process. It isn't required but they are doing it in terms of their own consideration in an effort to do the best possible job with this project. He doesn't feel they can be faulted for trying to do the right thing in the best way possible, and then be told it isn't good enough because someone might not maintain a rain garden. We have to have some sort of positive approach that says by doing the right thing we are headed in the right direction and setting a good example to get to the right outcome.

Commissioner Highland continued to reference packet information relating to drainage as related to the western Kenai Peninsula soil map, and a letter from Francie Roberts questioning whose responsibility it is of unstated economic value when approving subdivisions. It seems the city has some responsibility when discussing these types of developments.

Commissioner Slone questioned the ACOE permit and the requirement of a Storm Water Pollution Prevention Plan (SWPPP). There was discussion clarifying what a SWPPP is and that it's a requirement addressed by the ACOE. It was further clarified that the engineered storm water plan the applicant is working on is something they are doing on their own.

BOS/STROOZAS MOVED TO APPROVE STAFF REPORT PL 14-05 BARNETT'S SOUTH SLOPE SUBDIVISION QUIET CREEK PARK PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS 1 THROUGH 10.

Commissioner Bos commented he thinks it's important to remember that we aren't redesigning the project. We certainly have input which we are putting together with a lot of great testimony from concerned folks. A plan has been made that will go to the Borough, but we need to make a decision on the plan that is before us.

Commissioner Slone noted that if the group has to consider the areas of public health, welfare, and safety. There are many concerns regarding drainage and the Commission needs to be satisfied those areas are being met.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

Commissioner Stroozas referenced an earlier comment regarding their confidence in the staff in making recommendations to this Commission after their due diligence was properly handled. The staff has made recommendation that we approve this with a number of points that be added to make it a sound decision.

Commissioner Stead commented that this is not a legislative forum. We are doing a pass/fail on whether we want to allow this and whether it conforms to code as it is written today. If they feel there are things in code they want to change, they can do that, but we can't today. We also can't do it today, and expect the applicant to have met it. He commented about an incident in 1999 with a property owner up on the top of Anderson Street, dealing with a flood. Trees had come down off the bluff and flooded his property, causing him a huge problem. This property and the entire area is a discharge slope that is constantly having water problems. The applicants are trying to deal with it as best they can, as everyone else is. Yes, they will cause some more impervious surface, and yes they can debate what the percentage will be, but he doesn't know they can necessarily say that the subdivision can't go forward based on personal feelings of whether or not they meet that requirement.

Commissioner Slone added he is attempting to explore possibilities and trying to quantify, qualify, and objectify it. At this point he isn't real happy they have enough information to do that based on his subjective feelings. He thinks there is a basis for it, but doesn't think they can objectify it and determine it tonight based on the information in front of them. He also noted Public Works Director Meyer's request at the last meeting to include a pedestrian trail between lots 15 and 16 coming off Kallman Street, and also a sewer and water access.

Chair Venuti commented that when you look back from the spit toward Homer it is easy to identify where the water courses come off the bluff. The Quiet Creek area isn't the only place where water comes off the bluff. Many of the city's roads didn't exist when he came to town and as subdivisions developed, none of the rules being placed on Quiet Creek were enforced back in that time. Living on a hillside comes with drainage problems and most of the homes in Homer are on hillsides. Drainage can be dealt with fairly easily in the hands of professionals. The ACOE has a history of producing good projects and he thinks the drainage can be dealt with. Another thing that comes to mind is that the research he reads indicates a growing number of people in all age ranges want to live closer to town. It's a challenge to find a really nice, buildable lot in Homer right now. We need to plan for the future growth in Homer. He understands people's resistance to change, but moving this forward is a good opportunity to accommodate growth and plan for it. This isn't the only wet area in Homer, and not all upslope development makes water problems for people down slope. His opinion is they need to forward this on to the Borough.

Commissioner Slone further commented that he doesn't doubt it's a good move for the city relating to lots available for people to live. His concern is with the potential problems downstream. Since he can't resolve that in his mind he will have to trust the ideas proposed by the applicant, the engineering professionals, and staff. He will probably go on with that. He does think the Commission has an obligation above and beyond just complying with statutes and ordinances. Point is well taken that we can't change the rules tonight, and since he can't say for certain that it will cause problems, he will have to support the statements of the applicants.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

Staff noted that the recommendation from Public Works Director Meyer can be addressed later when working with the applicant to find a good trail location.

There was brief discussion for clarification of the Commission's role in making recommendations to the Borough relating to the plat.

Commissioner Highland expressed her opinion that they cannot ignore drainage issues. When she sees that the city has limited storm water control requirements she says bad on us and we need to improve that. She feels that with the comp plan being very clear on green infrastructure and needing the city to move forward on that in our zoning, we need to address it. Right now we would be having a different discussion if we had green infrastructure. City Planner Abboud touched briefly on ways and issues in moving toward this concept in the city's future and challenges in ways to address it city wide.

Commissioner Highland commented further that a troublesome point for her is ACOE doesn't take an accumulative look into their consideration, they do each project separately. When we talk about all the other subdivisions that have occurred prior to, in her opinion it doesn't mean we continue to do the same thing. In looking at the map, that is the last open space wetlands in this entire area and is playing a very big part in flood control. With that in mind, she is very concerned about the density for that piece, because of the facts she has read. She expressed her desire for the Commission, as a body, to include in their recommendations a letter of concern regarding drainage issues, flood problems, wetlands, creeks, and gullies, as well as the unstated economic value of wetlands. We are the people who are here on the ground and it's our responsibility to do the best for the city, for the developers, for the future.

The Commission took a brief recess at 8:42 for Commissioner Highland to work with staff on drafting a recommendation. The meeting reconvened at 8:49

HIGHLAND/SLONE MOVED THAT THE PLANNING COMMISSION RECOGNIZES THERE ARE POTENTIAL DRAINAGE ISSUES, POTENTIAL FLOOD PROBLEMS, HIGH VALUE WETLANDS, MULTIPLE CREEKS AND GULLIES. THIS PLAT MAY NOT ADEQUATELY PROTECT LONG TERM INTERESTS BOTH ECONOMICALLY AND PHYSICALLY OF THE DOWN STREAM PROPERTIES.

Commissioner Stead commented he cannot, in good conscience, vote for something that puts the city in a potentially dangerous position as this amendment does.

Commissioner Slone disagreed in that the City is complying with its requirements as far as the ordinances are concerned. Any further ramifications are beyond the purview of the city. This is a comment by the sense of the Commission that there may be extenuating circumstance that would warrant more scrutiny by the Borough Planning Commission.

Commissioner Stead responded to Commissioner Highland's query of his concerns, that he wouldn't necessarily include this as a recommendation. He might go to the ACOE since they are the ones who would worry about it. He feels that the City assumes the liability for every piece of property down stream of Quiet Creek with the last sentence. The entire City of Homer is down slope drainage and we all have accepted that because we want to live here. There are a lot of people that do have drainage issues in town and he doesn't think we would want to give that to the Borough and say we recognize

something special about this piece of property. It sounds to him like this is trying to say we don't want this subdivision but we can't stop it. It is a conflicted recommendation and he doesn't support.

Commissioner Highland noted her concerns again about the challenges that would be involved with developing the property because of the drainage issues, particularly after having walked the property.

VOTE: NO: BOS, STEAD, HIGHLAND, VENUTI, STROOZAS, SLONE

Motion failed.

Commissioner Highland stated she will not be supporting it because of the concerns she addressed relating to the letter, and because of its density.

Commissioner Slone commented in support of adoption.

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

Motion carried.

Pending Business

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

City Planner Abboud reviewed the changes discussed in the worksession.

There was comment regarding removing unexcused with respect to vacancies.

SLONE/HIGHLAND MOVED TO REMOVE THE BOLD AND UNDERLINE ON PAGE 220.

There was brief discussion that Commissioner Bos travels regularly at the end of the year and will likely be absent for three consecutive meetings. The amendment would essentially remove him from the commission.

There was further discussion relating to keeping the three consecutive excused absences.

VOTE: NO: STEAD, SLONE, STROOZAS, BOS, HIGHLAND, VENUTI

Motion failed.

STEAD/BOS MOVED TO APPROVE STAFF REPORT PL 13-93 AMENDING THE BYLAWS AND POLICIES AND PROCEDURES FOR THE HOMER ADVISORY PLANNING COMMISSION.

There was brief discussion relating a grammatical error on page 222, bottom paragraph. City Planner Abboud said that staff would review the paragraph and re-write it.

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

Motion carried.

New Business

Informational Materials

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

Comments of the Audience

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

Ken Castner, city resident, commented that the SWPPP plans are very costly, noting Kachemak City's was \$350,000 of a \$2 million project cost. Relating to changes to the city code, Mr. Stead had commented we aren't going to make changes to the city code. Mr. Castner said he has been addressing to the City Council for years, two topics, finish Greatland and put in a storm water distribution system that makes sense. But you don't start storm water at the top, you start it at the bottom. It's just like tributaries feeding to a stream, then to a river, then to a concourse. We don't have adequate drainage into Kachemak Bay off of this bench. When you look at that map you can see where it has sloughed off over the course of time. His building on Ben Walters flooded when impounded water up above the road discharged. But the City had nothing to say about it, it wasn't their fault, it was an act of God, sorry Mr. Castner, but not our problem. Mr. Castner said he French drained the entire property and hasn't had a problem since. Still, when you all take an action of approval, you have to take some ownership of it. It's not that we're doing the best we can according to code. If the code is no good, then change it and give us some relief. It's a bigger problem than Mr. Neal's project. Except for the center of town, we have a ditch by ditch solution to storm water. He would like to see the Commission start developing a comprehensive plan on dealing with it according to the Climate Action Plan. Mr. Castner explained a project he did in Kodiak that included differential vaults that were the size of this room to handle storm water. It isn't a secret as to how to handle it.

Ginny Espenshade said she forgot to thank the staff for getting all this information together and she appreciates that they went above and beyond to get it into the packet. She thanked the two who walked the property and isn't surprised they are the ones with the most concerns. From her legal background she commented that when you worry about putting something in writing that may raise liability, you should also worry if you are liable. She thinks there is a record now that includes science, cross section, and she urged them to reconsider and look at the 2005 plat approval process. Concerns were met with specific recommendations about runoff, traffic, and street design. They can support development that is safe in the interest of the whole community. Say fifty lots and she'll say sold. We aren't saying no development on the property, we are saying responsible, safe development that respects the neighboring properties and the entire community. The high school is a critical structure; it is a shelter for our area. People stayed at the high school when the Icicle fire happened. So you'll have slope failure, run off, floods, and it runs into the site where your supposedly sheltering people. She urged them to reconsider.

Katherine George commented that a bunch of them went to the Borough in 2005. Their comments didn't transfer over and she isn't sure that all the discussion that proceeded from the commission got transferred over. What did was the final decision and a staff report. Just so you know all the things they have said won't go before the Borough. It is a rubber stamp process. We can all go up and say the same things again, but what they listen to is what the Commission decided.

Paul Gavenus commented that the Commission has a lot more power than they think. They are advisory but, when making the recommendations, the Borough doesn't have to listen to it but at least you get your point of view to them. What the Commission says is very important and what you don't say is even more important because now, they think you had no concerns at all about this plat. If you go back and look at the old one and see a list of a dozen recommendations they made. The Borough didn't adhere to all of them but at least they were there to be considered.

Comments of Staff

Planning Technician Engebretsen commented that she appreciates the public getting their comments in timely for the packet. It is helpful having everything together to submit to the Borough, she doesn't know what the Borough Planning Commission gets, that is decided by their staff, but the City provides their information in one packet. The information can be provided to the public if they would like to request it.

Comments of the Commission

Commissioner Highland thanked everyone for their patience tonight. She would like to add to the agenda to talk about the climate action plan, storm water plan, and green infrastructure.

Commissioner Slone thanked the citizens who testified and provided letters. He echoes Roberta's comments about the storm water plan. We need to have a coherent, responsible plan.

Commissioner Bos agreed that information would be good to discuss in a worksession. He wished everyone a Happy New Year and it was good to hear their opinions.

Commissioner Stroozas wished all a Happy New Year. He acknowledged Roberta's good points and asked her to keep reminding them.

Commissioner Stead commented that the public comments didn't fall on deaf ears. He clarified his comment about changing code. He restated, they can't change code today and expect the applicant to change their plan and still approve or disapprove it. The people have an expectation that when they come in they know the rules, and we can't change the rules on them. That is the point he was making. We can change the code tomorrow and that is why he says their comments didn't fall on deaf ears. He supports and understands what they are saying. He wished everyone a Happy New Year and God bless.

Chair Venuti said it was an interesting meeting. Homer has changed and will continue to change. We have to embrace it and make it work. There are problems, and also solutions. He thanked the group for their work

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 9:35 p.m. The next regular meeting is scheduled for January 15, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

STAFF REPORT PL 14-03

TO: Homer Advisory Planning Commission
FROM: Planning Staff
MEETING: January 15, 2014
SUBJECT: City Planner's Report

Reconsideration: A timely reconsideration has been made regarding the Quiet Creek Plat. The first order of business in regards will be a vote of the Commission as to whether or not to reconsider the item, four votes are necessary. If the plat is reconsidered, the below procedure needs to be followed. One of the items relates to some information that was inadvertently left out of the packet, which is being provided for you to review to determine if any information might be relevant to your decision to reconsider. Remember to keep discussion to the topic of reconsideration only. If reconsidered, the item needs to be noticed prior to any hearing so that everyone will have an opportunity to testify.

1. Since public comments on the application were inadvertently omitted from the materials presented to the Commission at its last meeting, the Commission should direct the inclusion of those comments in the record. The Commission also should indicate its intent to reopen the public hearing to allow the applicant and the public to respond to the additional public comments.
2. The Commission should postpone its reconsideration of action on the plat until its 2/5/14 regular meeting and direct that a new public hearing notice be distributed for that meeting.

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.

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.

Permit activity: Even during the darkest days of winter we have been issuing a few permits for new construction! Staff has also been fielding several inquiries of those researching the possibility of building.



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 14-06

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: January 15, 2014
SUBJECT: CUP 14-01 more than one building containing a permitted principle use on a lot per HCC 21.16.030(h).

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

SYNOPSIS: The owner wishes to add a four-plex to complete his existing project on the lot.

Applicants: Kenai Peninsula Housing Initiatives, Inc.
3751 Sterling Hwy., Homer, AK 99603

Requested Action: Approve Conditional Use Permit

Location: 4165 Mattox St., Homer AK

Parcel ID: 17906101, T 6S R 13W SEC 16 Seward Meridian Mattox Subdivision, Lot 18 excluding DOT ROW

Zoning Designation: Residential Office District (RO)

Existing Land Use: Multifamily housing

Surrounding Land Use: North: Cemetery/Residential
South: Multifamily housing
East: Residential/Mobile home court
West: Office

Comprehensive Plan: "Guide Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions." GOAL 1. "Encourage high-quality buildings and site development that complement Homer's beautiful natural setting." GOAL 3. "Maintain high-quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options." GOAL 5.

Wetland Status: Wetlands identified by Corp and permit gained by applicant.

Flood Plain Status: Zone D, Flood hazards undetermined.

BCWPD: Not within the Bridge Creek Watershed Protection District

Utilities: City water and sewer are available.

Public Notice: Notice was sent to 59 property owners of 65 parcels as shown on the KPB tax assessor rolls.

Introduction

The applicant is applying for a CUP in order to complete his project. He proposes to add a four-plex to the existing six-plex found on the proposed 42,428sf lot. He is concurrently processing a preliminary plat which moves a lot line on the property increasing the lot just over 4000sf to accommodate the proposed structure and parking.

Storm water: A storm water plan meeting the standards found in HCC 21.50.030 (e) will be required as part of the zoning permit.

Parking: Two spaces per dwelling unit or one space per one-bedroom dwelling unit in multifamily dwelling is required (HCC 21.55.090 (a)(1)). The applicant proposes the six spaces required for 2 two-bedroom and 2 one-bedroom units displayed.

Dimensional requirements: Multiple-family dwelling containing three or more units shall meet the following standards:

- a. The total floor area shall not be more than four-tenths the lot area;
- Floor area = 12,620, Lot area = 42,428; $12,620/42,428 = .297$ or less than 3/10 of the lot area
- b. The total open area shall be at least 1.1 times the total floor area. Open area is any portion of the lot not covered or used for parking spaces and maneuvering (HCC 21.14.040 (a) (2)).
- Floor area = 12,620, Open area = 29,563; $29,563/12,620 = 2.35$ times total floor area

Community Design Manual (CDM): LIGHTING: New and replacement lights need to be down lit and compliant with the Design Manual (starting on p.35 CDM).

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

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

Finding 1: Homer City Code authorizes more than one building containing a principle use on a lot per HCC 21.16.030 (h). The proposed and existing multifamily dwellings are permitted in the RO district per HCC 21.16.020 (b).

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

Purpose: The Residential Office District is primarily intended for a mixture of low-density to medium-density residential uses and certain specified businesses and offices, which may

include professional services, administrative services and personal services, but generally not including direct retail or wholesale transactions except for sales that are incidental to the provision of authorized services. A primary purpose of the district is to preserve and enhance the residential quality of the area while allowing certain services that typically have low traffic generation, similar scale and similar density. The district provides a transition zone between commercial and residential neighborhoods (HCC 21.16.010).

Finding 2: The proposed development is medium density residential use, which is compatible with the district.

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

Applicant: Alderbrook II will not diminish adjoining property values; it will be built to the same high standards as adjoining properties, and higher standards than some nearby properties. The building will be managed and maintained at equally high standards, as are all KPHI properties.

Analysis: New apartment buildings built to Fire Marshal standards will not negatively affect the value of adjoining properties greater than other permitted or conditionally permitted uses such as hospitals or public utility facilities and structures.

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

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

Applicant: Alderbrook II is compatible with the existing uses of surrounding land: it is a small multifamily rental residence in an area with other multifamily rental residences, single family homes and small businesses like the Elan Building and Weisser Homes to the west.

Analysis: The proposed development meets all requirements in code. It provides a quality housing option that represents an improvement upon some of the existing nearby options.

Finding 4: The proposed use is compatible with the existing uses that surround it.

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

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

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

Applicant: Alderbrook II is a modest four-unit multifamily development designed to fit the scale in the neighborhood and only moderately increase density in the Mattox neighborhood. Being composed of one and two bedroom units, it will not generate a great amount of traffic and will not negatively impact the capacity of the surrounding streets.

Analysis: This RO district supports limited commercial and low to medium density residential development. The addition of a four unit multifamily unit on a lot of approximately one acre will not introduce an undue harmful effect on the neighborhood.

Finding 6: The scale, bulk and density of the project are in harmony with the RO district and will not cause an undue harmful effect on desirable neighborhood character.

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

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

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

Finding 8: The project requires approval by the State Fire Marshal Office prior to construction. The proposal will comply with all applicable regulations and conditions through the permitting process.

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

Analysis: Found in the comprehensive plan are several goals that support the proposed development:

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

“Encourage high-quality buildings and site development that complement Homer’s beautiful natural setting.” GOAL 3.

“Maintain high-quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options.” GOAL 5.

Finding 9: This proposal is not contrary to the goals and objectives of the Comprehensive Plan it expands appropriate development to the RO district that is found to be well served by existing infrastructure.

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

Finding 10: The proposal will have compliance with reasonable applicable provisions of the CDM.

Condition 1. The project shall comply with the outdoor lighting standards found on pages 35- 37 of the CDM.

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

- 1. Special yards and spaces.** NA
- 2. Fences, walls and screening.** Screen dumpster on three sides.
- 3. Surfacing of vehicular ways and parking areas.** Parking areas to be paved.
- 4. Street and road dedications and improvements (or bonds).** NA
- 5. Control of points of vehicular ingress and egress.** Provided
- 6. Special restrictions on signs.** NA
- 7. Landscaping.** All exposed, cleared, filled and disturbed soils shall be revegetated within 16 months following the initiation of earthwork.
- 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.** NA
- 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.** NA
- 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

Condition 2. The dumpster shall be enclosed with a three-sided, 6 ft high wood, stone or brick enclosure.

PUBLIC WORKS COMMENTS: Will need to contact Public Works regarding water and sewer service connections..

FIRE DEPARTMENT COMMENTS: Structure will require Fire Marshall Approval..

Staff Recommendation: Approve CUP 14-01with conditions 1and 2.

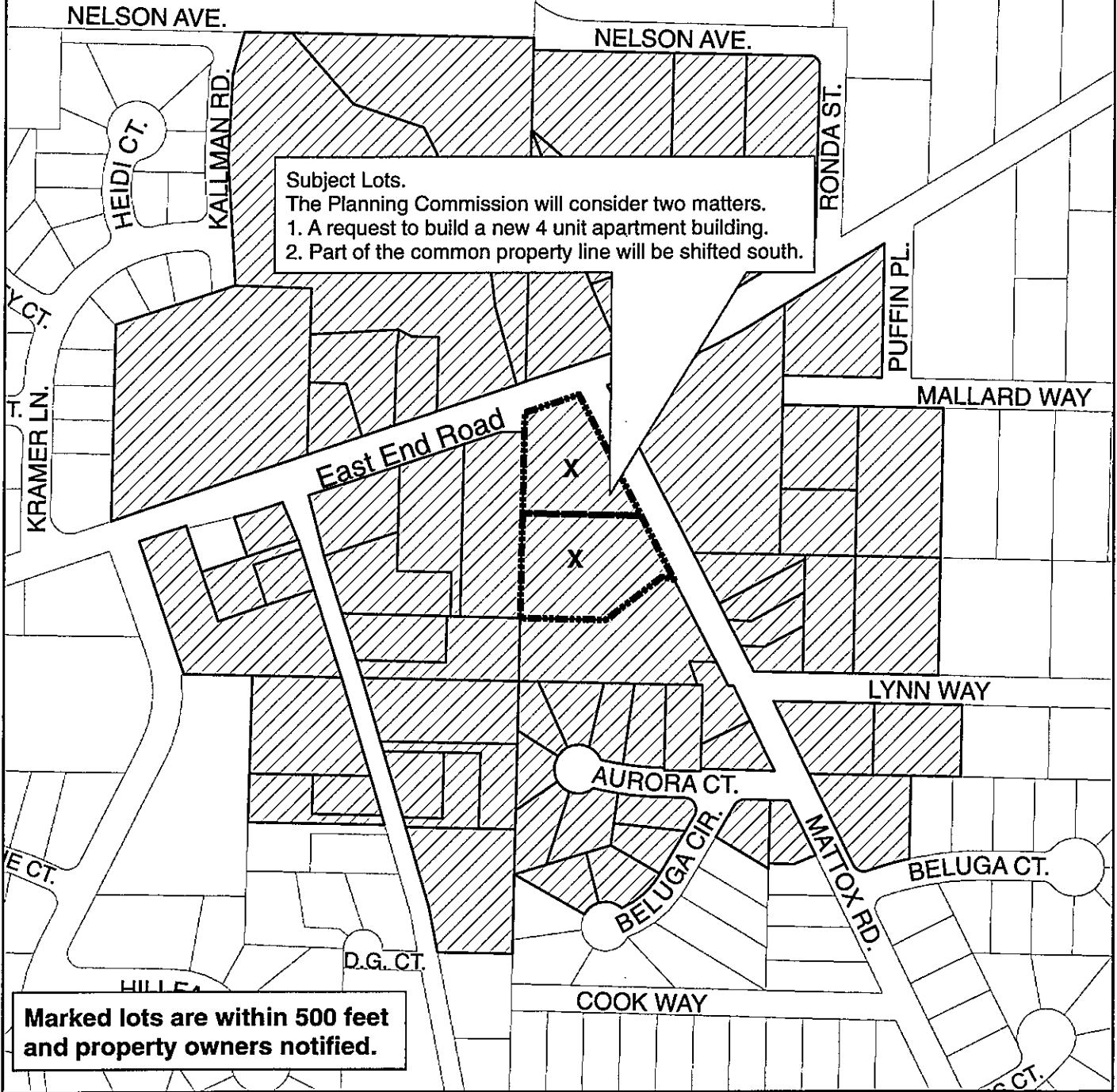
Condition 1. The project shall comply with the outdoor lighting standards found on pages 35- 37 of the CDM.

Condition 2. The dumpster shall be enclosed with a three-sided, 6 ft high wood, stone or brick enclosure.

ATTACHMENTS

1. Vicinity map
2. CUP Application

Vicinity Map



Subject Lots.
 The Planning Commission will consider two matters.
 1. A request to build a new 4 unit apartment building.
 2. Part of the common property line will be shifted south.

Marked lots are within 500 feet and property owners notified.



City of Homer
 Planning and Zoning Department

12/31/13

**Request for Conditional Use Permit
 2014-01 at 4165 Mattox Road
 AND
 Mattox Subdivision 2014
 Preliminary Plat**

300 150 0 300 Feet



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



City of Homer

www.cityofhomer-ak.gov

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

Applicant
 Name: Kenai Peninsula Housing Initiatives, Inc. Telephone No.: 907-235-4357
 Address: 3751 Sterling Highway, Homer Email: steven@kphi.net

Property Owner (if different than the applicant):
 Name: _____ Telephone No.: _____
 Address: _____ Email: _____

PROPERTY INFORMATION:
 Address: 4165 Mattox Lot Size: .88 acres KPB Tax ID # 17906101
 Legal Description of Property: T 6S R 13W SEC 16 Seward Meridian Mattox Subdivision, Lot 18 excluding DOT ROW

For staff use:
 Date: 12/23/13 Fee submittal: Amount \$500.00
 Received by: [Signature] Date application accepted as complete _____
 Planning Commission Public Hearing Date: _____

Conditional Use Permit Application Requirements:

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

Circle Your Zoning District

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

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

- Y/N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: Once Architect Klauder and Associates finalizes the architectural drawings, they will be presented to the Fire Marshall for review and certification.
- Y/N Will your development trigger a Development Activity Plan? No.
Application Status: N/A
- Y/N Will your development trigger a Storm water Plan?
Application Status: KPHI will provide a Storm Water Plan
- Y/N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: Yes; an Army Corps of Engineers Wetlands Permit was obtained for the lot prior to the development of Alderbrook Phase I.
- Y/N Is your development in a floodplain? If yes, a Flood Development Permit is required.
- Y/N Does your project trigger a Community Design Manual review?
If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>
- Y/N Do you need a traffic impact analysis?
- Y/N Are there any nonconforming uses or structures on the property?
- Y/N Have they been formally accepted by the Homer Advisory Planning Commission? N/A
- Y/N Do you have a state or city driveway permit? Status: N/A
- Y/N Do you have active City water and sewer permits? Status: Alderbrook Phase I received a permit; another for Phase II will be obtained as part of development permitting process.

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

Currently the .88 acre subject property is partially developed. Alderbrook Apartments Phase I (a 6,912 square foot two-story building providing six units of affordable multifamily rental units) occupies the northern end of the lot.

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

KPHI proposes to use the southeast end of the property to build Phase II of Alderbrook. Alderbrook II is designed as a 3,900 square foot two-story building that provides four units (two one-bedroom units and two one bedroom units) of affordable housing. The ground level units will be fully equipped for handicapped accessibility and sensory impairment.

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

- a. What code citation authorizes each proposed use and structure by conditional use permit?
HCC 21.16.030 permits more than one building containing a permitted principle use on a lot in the Residential Office District when authorized by conditional use permit.
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. 21.16.020 Permitted uses and structures.

Multi-family dwellings that conform to HCC 21.14.040(a)(2) are permitted outright in the Residential Office District. Additionally, the proposed structure is not a mobile home.

- c. How will your proposed project affect adjoining property values?
Alderbrook II will not diminish adjoining property values; it will be built to the same high standards as adjoining properties, and higher standards than some nearby properties. The building will be managed and maintained at equally high standards, as are all KPHI properties.
- d. How is your proposal compatible with existing uses of the surrounding land?
Alderbrook II is compatible with the existing uses of surrounding land: it is a small multifamily rental residence in an area of other multifamily rental residences, single family homes and small businesses, like the Elan Building and Weisser Homes to the west.
- e. Are/will public services adequate to serve the proposed uses and structures?
Alderbrook II is a small structure serving multifamily residential use; public services will be adequate to serve the development.
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?
Alderbrook II is a modest four-unit multifamily development designed to fit the scale in the neighborhood, and only moderately increase density in the Mattox neighborhood. Being composed of one and two bedroom units, it will not generate a great amount of traffic and will not negatively impact the capacity of surrounding streets.
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?
No.
- h. How does your project relate to the goals of the Comprehensive Plan?
 The 2006 Town Center Plan and the 2008 Comprehensive Plan are online at:
<http://www.ci.homer.ak.us/documents/planning>
Alderbrook II meets Homer's Land Use Goals numbered 1, 3 and 5 as set forth in the Comprehensive Plan. Goal 1 is to "guide Homer's growth with a focus on increasing the supply and diversity of housing" and encouraging infill. Alderbrook II, consistent with Objective A, provides needed affordable housing in an area identified in the plan for moderate to high density residential and mixed use: the east side inner city. Consistent with Objective B, Alderbrook II is compatible in scale and character (small multifamily residence) for this mixed-use designated area.
Goal 3 prioritizes quality buildings and site development practices that compliment Homer's beautiful natural setting. Alderbrook II will be built and maintained at the highest standards; site development preserves natural features on the lot, maintains required set-backs and provides vegetation buffers and landscaping.
Alderbrook II also addresses the priority in Goal 5: maintaining high quality neighborhoods and promoting housing choice by supporting a variety of dwelling options. A Conditional Use Permit for Alderbrook II is consistent with Objective A under Goal 5, which is to allow increased density to provide housing stock to meet demand by people earning a broad range of incomes—with a focus on closing the widening gap between what housing costs and what people can afford. Alderbrook II will maintain affordable rents for people earning at 50 to 60% of area median income, ideal for young people starting out or people employed in the seasonal tourist and service industries.
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (circle each answer)
1. Y/N Special yards and spaces.
 2. Y/N Fences, walls and screening. - around dumpster
 3. Y/N Surfacing of parking areas.

4. Y N Street and road dedications and improvements (or bonds). *N/A*
5. Y N Control of points of vehicular ingress & egress. *N/A*
6. Y N Special provisions on signs. *N/A*
7. Y N Landscaping.
8. Y N Maintenance of the grounds, buildings, or structures. *KPHI is property manager*
9. Y N Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances. *N/A - Residential use*
10. Y N Time for certain activities.
11. Y N A time period within which the proposed use shall be developed.
12. Y N A limit on total duration of use.
13. Y N Special dimensional requirements such as lot area, setbacks, building height. *N/A*
14. Y N Other conditions deemed necessary to protect the interest of the community.

PARKING

1. How many parking spaces are required for your development? 6
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). N/A
2. How many spaces are shown on your parking plan? 6
3. Are you requesting any reductions? No

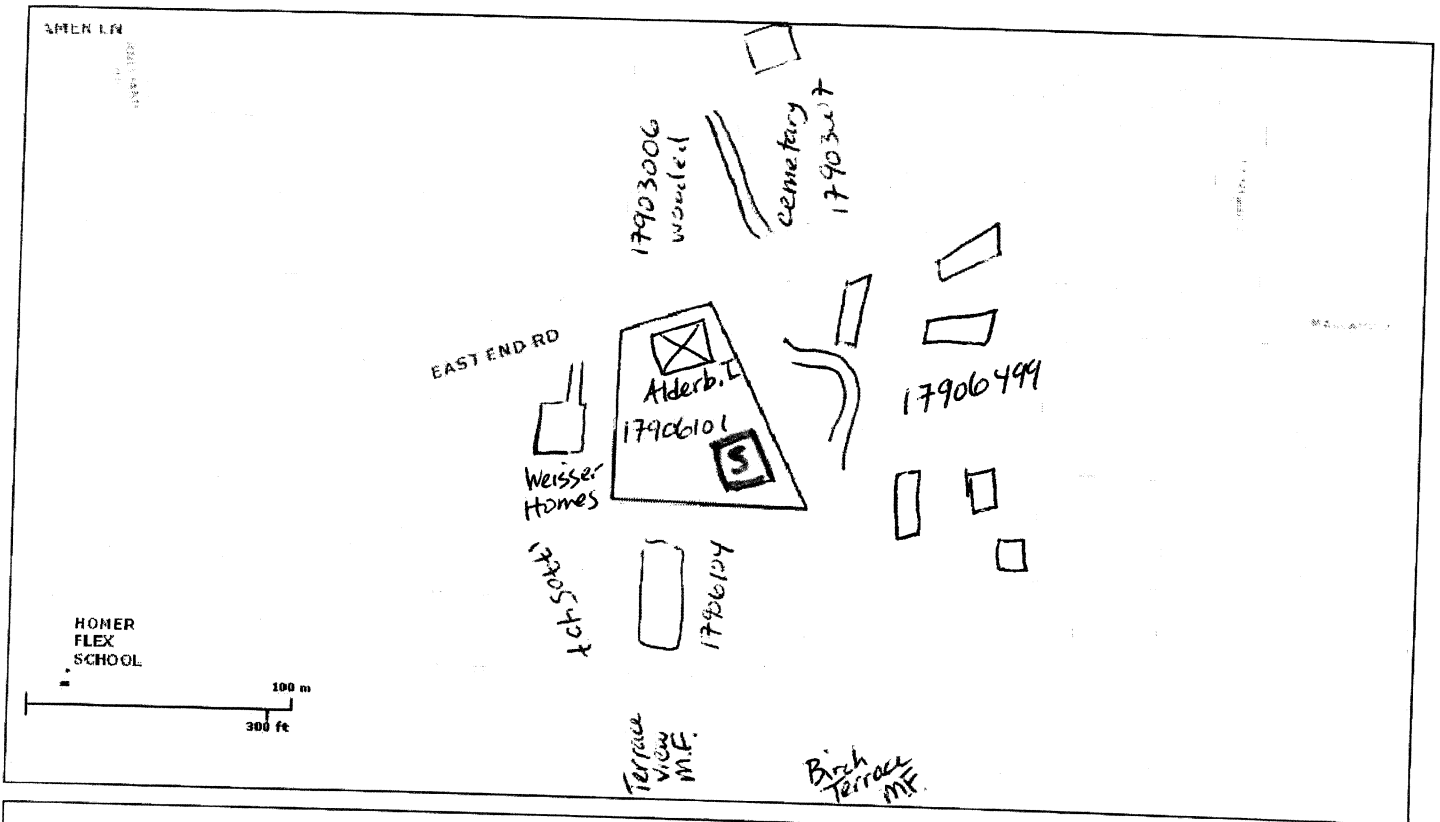
Include a site plan, drawn to a scale of not less than 1" = 20' which shows all existing and proposed structures, clearing, fill, vegetation and drainage.

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

CIRCLE ONE: Owner of record Lessee Contract purchaser

Applicant signature: _____ Date: _____

Property Owner's signature: *Steven L. Rame* Date: 12/23/13
KPHI, Executive Director

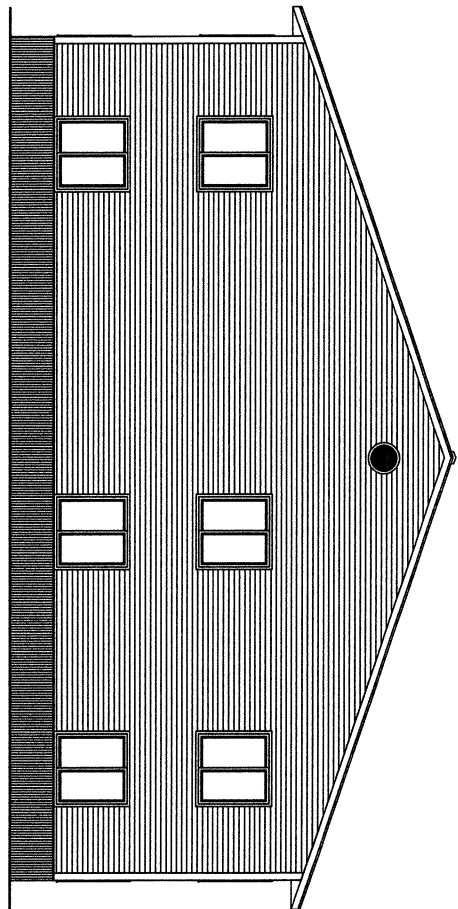
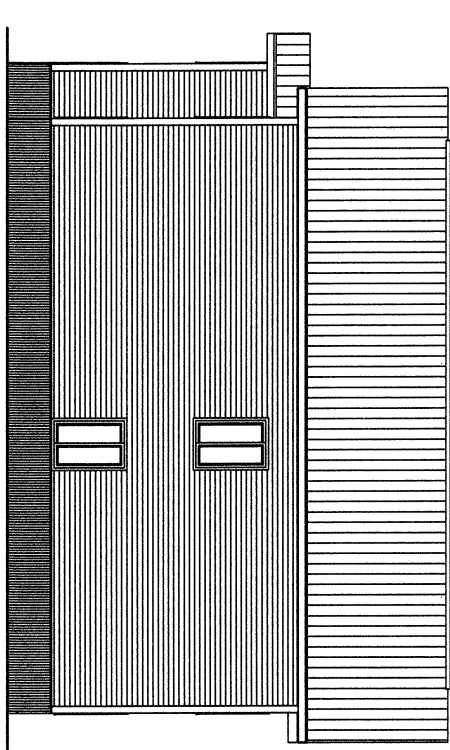


17705407 (west) - Weisser Homes (office use)

17906104 - Brookside (multifamily housing owned by KPBC)

17906499 (east) - Single family and mobile homes

17903006 (across E. End) - cemetery and single family home
17903007



SHEET NOTES:
1.

SHEET NUMBER
A3.0
SHEET CONTENTS
ELEVATIONS

DESIGN BY:	PK
DRAWN:	SY
CHECKED:	PK
JOB NO.:	1327
DATE:	12/20/2013
REVISIONS:	
NO.	DATE

Klauder & Company Architects, Inc.

606 Petaroen Way
Kenai, AK 99611
Office: (907) 283-1919 Fax: (907) 283-0459
klauder@aleska.net

49

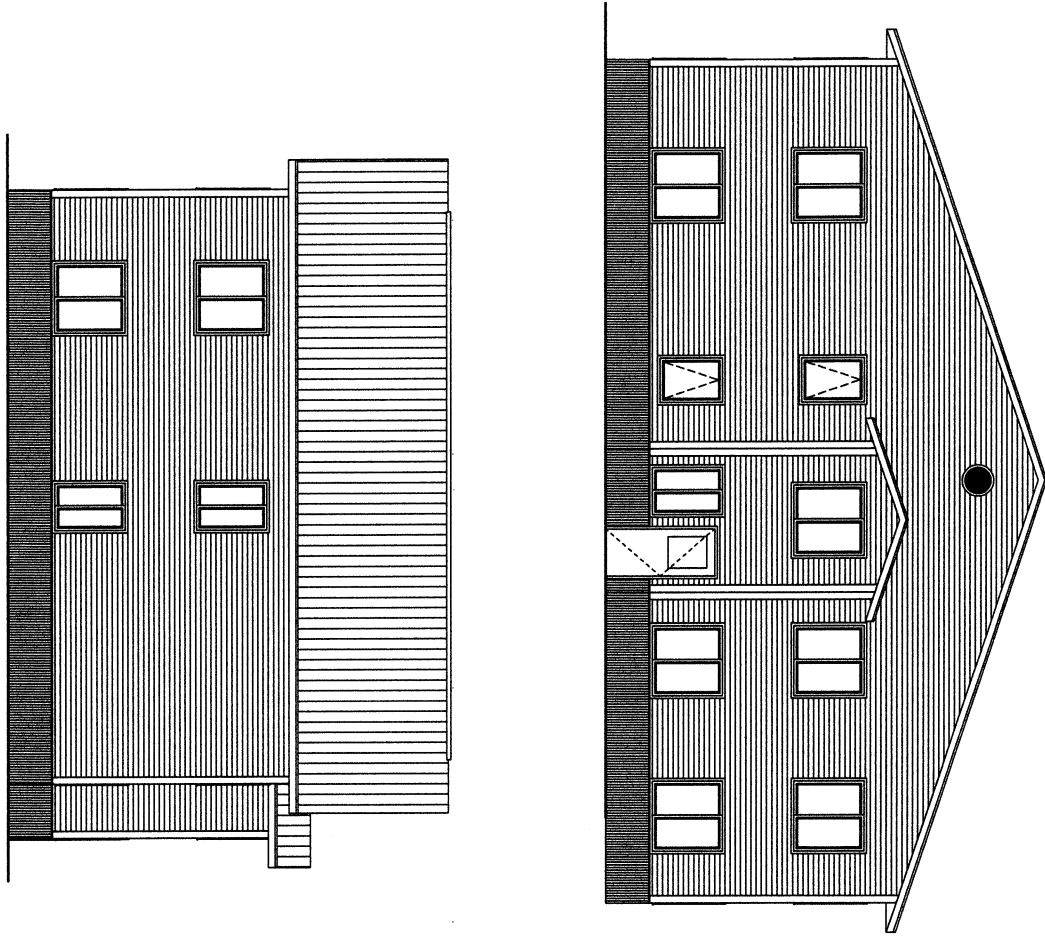
ALDERBROOK FOUR-PLEX

PROJECT:

Steven Rouse
P.O. Box 1889 Homer, Ak. 99603

CLIENT:

PRELIMINARY
12/30/2013



SHEET NOTES
1.

SHEET NUMBER
A3.1
SHEET CONTENTS
ELEVATIONS

DESIGN BY:	FK
DRAWN:	SY
CHECKED:	FK
JOB NO.:	1327
DATE:	12/30/2013
REVISIONS:	
NO.	DATE

**Klauder & Company
Architects, Inc.**

606 Petersen Way
Kenai, AK 99611
Office: (907) 283-1919 Fax: (907) 283-0450
Klauder@akalaska.net

50

ALDERBROOK FOUR-PLEX

PROJECT:

Steven Rouse
P.O. Box 1889 Homer, Ak. 99603

CLIENT:

PRELIMINARY
12/30/2013



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 14-07

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: January 15, 2014
SUBJECT: Mattox Subd. 2014 Preliminary Plat

Requested Action: Preliminary plat approval to move a common lot line.

GENERAL INFORMATION

Applicants:	Kenai Peninsula Housing Initiatives, INC. 332 Pioneer Ave. #3 Homer, AK 99603	Ability Surveys 152 Dehel Ave Homer, AK 99603
Location:	Southwest corner of Mattox Street and East End Road	
Parcel ID:	17906101, 17906104	
Size of Existing Lot(s):	.88 acres, 1.28 acres	
Size of Proposed Lots(s):	.974, 1.208 acres	
Zoning Designation:	Residential Office	
Existing Land Use:	Multi Family	
Surrounding Land Use:	North: Cemetery/Residential South: Multifamily East: Residential/Mobile home court West: Office	
Comprehensive Plan:	Goal 1 Objective B: Promote a pattern of growth characterized by a concentrated mixed use center, and a surrounding ring of moderate-to-high density residential and mixed use areas with lower densities in outlying areas.	
Wetland Status:	Wetlands present/Corp permit obtained	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available.	
Public Notice:	Notice was sent to 59 property owners of 65 parcels as shown on the KPB tax assessor rolls.	

ANALYSIS:

This subdivision is within the Residential Office District and moves a lot line. **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 needs to replace information found in title block, "Virginia Lynn 2006 Replat (HM2006-20) with correct lot to north (Mattox Sub Lot 18 Excluding DOT ROW(HM 0003017)).

2. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

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

6. The names and widths of public streets and alleys and easements including drainage easements existing and proposed, within the subdivision. [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the

drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

Staff Response: See Public Works Comments and request for drainage easement (4).

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

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

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

Staff Response: The plat meets these requirements.

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

Staff Response: Lots will be served by city water and wastewater. See Public Works comments (1).

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

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

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

Staff Response: The plat meets these requirements.

PUBLIC WORKS COMMENTS:

1. Show existing water line along East End Road.
2. Provide a 20' property line radius curb return at the intersection of East End Road and Mattox Street.
3. Provide a 15' utility easement along the northern property line.
4. Provide a 10' wide drainage easement on each side of the creek (20' total).
5. Show the proposed 15' wide driveway easement along the northern portion of lot 10-A-1, as suggested.

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

STAFF COMMENTS/RECOMMENDATIONS:

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

1. Show existing water line along East End Road.
2. Provide a 20' property line radius curb return at the intersection of East End Road and Mattox Street.
3. Provide a 15' utility easement along the northern property line.
4. Provide a 10' wide drainage easement on each side of the creek (20' total).
5. Show the proposed 15' wide driveway easement along the northern portion of lot 10-A-1, as suggested.
6. Correct lot 18 description in title block.

ATTACHMENTS

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

LEGEND

- ⊕ FOUND AL-CAP ON 5/8" REBAR, AS DESCRIBED
- ⊗ FOUND PRIMARY MONUMENT AS DESCRIBED
- ⊙ SET 2" AL-CAP, 7610S, 2014
- ⊙ FD 5/8" REBAR
- ⊗ FOUND 2" AL-CAP BY 7968-S, 2005

REC. METRIC STA: 8+10.587
 REC STA: 26+59.40 (IN FEET)
 OFFSET: 0.00 R
 FND. 2.5"AL-MON.
 BY 10771-S, 2005

NOTES

1. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
2. THESE LOTS ARE SUBJECT TO HOMER CITY CODE.
3. PER HM2005-55 THERE IS A 10 FOOT PUBLIC UTILITY EASEMENT ALONG THE MATTOX ROAD RIGHT-OF-WAY WITHIN FORMER LOT 19-A.
4. PER HM2005-55 A PUBLIC UTILITY EASEMENT OF UNDISCLOSED DIMENSIONS IS SHOWN AT THE NORTHEAST CORNER OF FORMER LOT 19-A.
5. PER HM2005-55 AND HM2006-20 A PUBLIC UTILITY EASEMENT OF UNDISCLOSED DIMENSIONS IS SHOWN AT THE SOUTHEAST CORNER OF FORMER LOT 19-A. REFERENCE IS MADE TO HM2008-9 FOR SAID EASEMENT'S DIMENSIONS (12'X30' CENTERED ON THE LOT LINE).
6. REFERENCE IS MADE TO ADJACENT SECTION LINE EASEMENT VACATIONS BY PLATS HM2009-9 AND HM80-97.
7. BASIS OF BEARING IS N00°23'W (MEASURED 1192.65') FROM THE SOUTHWEST CORNER OF LOT 19-A1 TO THE S1/16TH CORNER OF SECTIONS 16 AND 17 (A FOUND 3" AL-MON BY 2087-S, 1978, PER HM56-3017.
8. DISCREPANCIES OF UP TO 2.5 FEET WERE FOUND BETWEEN FOUND MONUMENTATION AND DOT DATA PER STP-0414(9). EAST END ROAD RIGHT-OF-WAY WAS DETERMINED BY CORRELATING STP-0414(9) DATA TO FOUND MONUMENTS DEFINING EAST END ROAD CENTERLINE AND HOLDING CENTERLINE PC MONUMENT 0+810.587 (RECORD METRIC STATION) AS BASIS OF STATIONING (26+59.40 RECORD STATION IN FEET). MEASURED S70°14'29"W 1429.99 FEET TO CENTERLINE PT MONUMENT (RECORD METRIC STA=0+374.675, RECORD STA=12+29.25 IN FEET). THEN RECORD SUBDIVISION PLAT DATA WAS CORRELATED TO FOUND MONUMENTS AND INTERSECTED TO THE RIGHT-OF-WAY.
9. UNDERGROUND UTILITY LOCATIONS MAY NOT BE ACCURATE.

CERTIFICATE OF OWNERSHIP

I hereby certify that Kenai Peninsula Housing Initiatives, INC. is the owner of the real property shown and described hereon, and that Kenai Peninsula Housing Initiatives, INC. hereby adopts this plan of subdivision, and by its free consent dedicates all public rights-of-way and grants all easements to the use shown.

Steven L. Rouse, Executive Director
 Kenai Peninsula Housing Initiatives, INC.
 332 Pioneer Ave. #3
 Homer, AK 99603

NOTARY'S ACKNOWLEDGEMENT

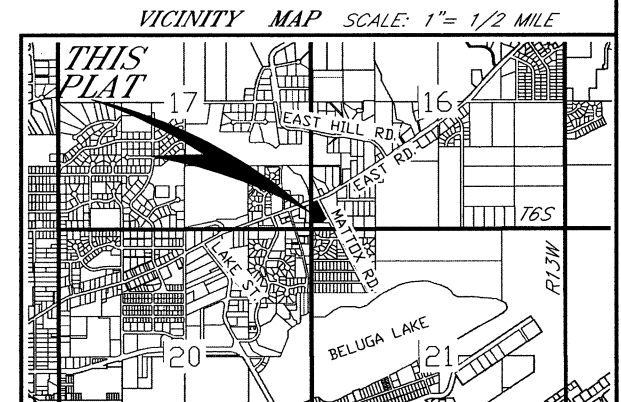
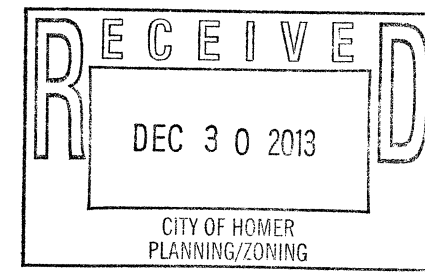
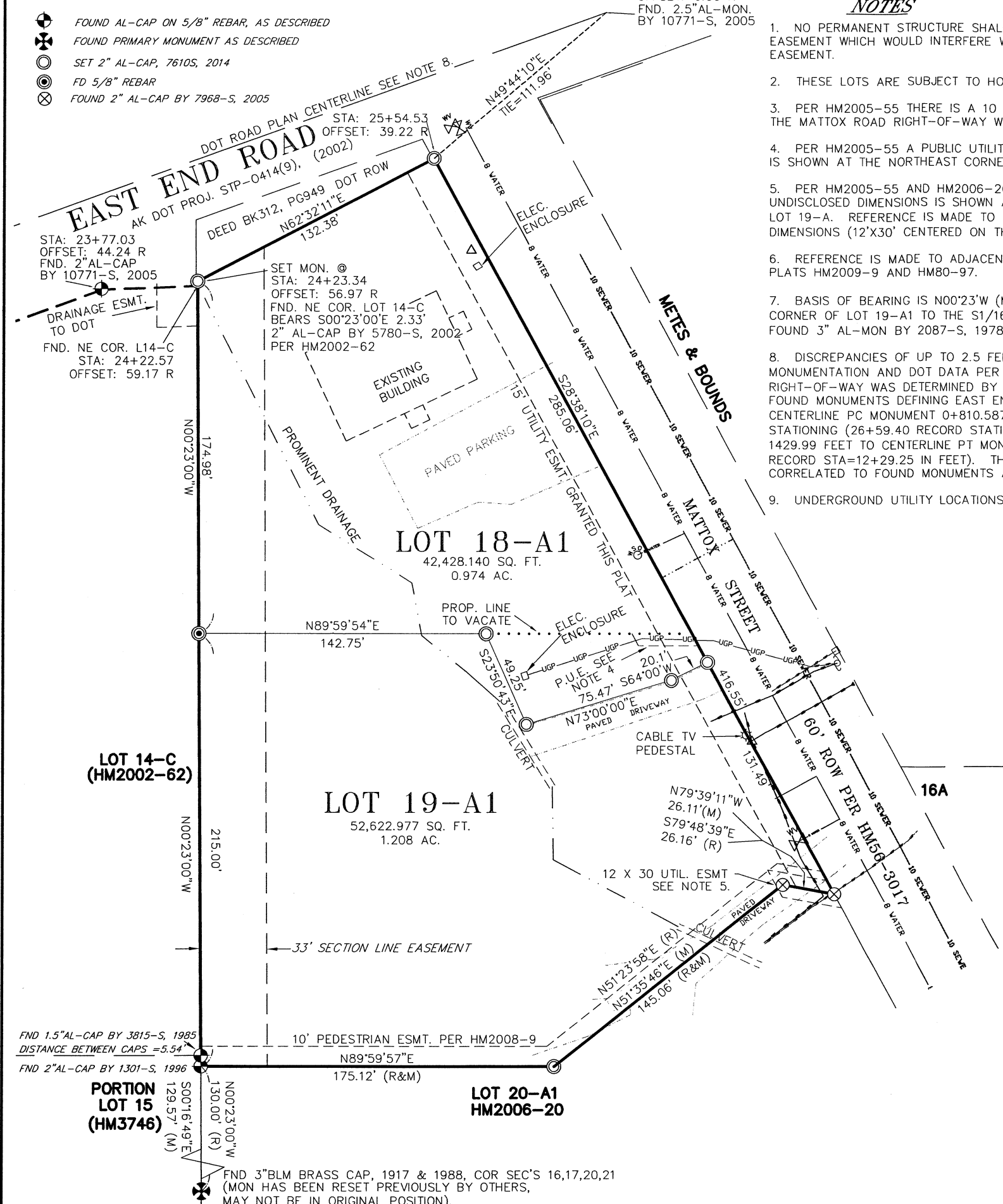
For
 Subscribed and sworn to before me this _____ day
 of _____ 2014.

Notary public for Alaska _____ My Commission Expires _____

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission in accordance with Section 20.04.070 Kenai Peninsula Borough Subdivision Regulations.

Date: _____



DATE	12/20/2013
SCALE	1" = 40'
GRID No.	AR-73
JOB No.	4738
DRAWING:	4738



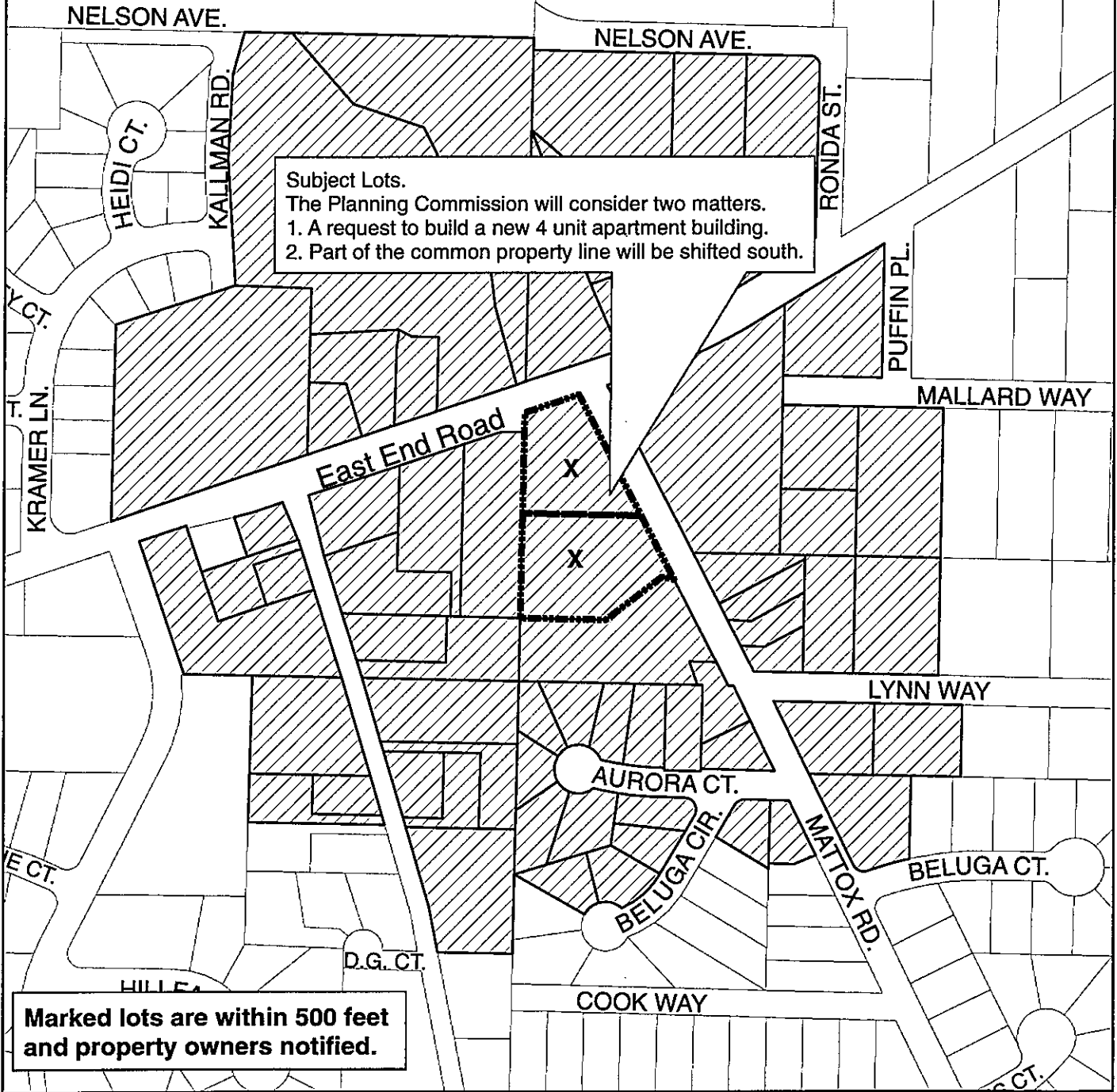
MATTOK SUBD. 2014
 A SUBDIVISION OF LOT 19-A, MATTOX SUBD. BIRCH TERRACE REPLAT (HM2005-55), AND LOT 20A-1, VIRGINIA LYNN 2006 REPLAT (HM2006-20), WITHIN THE SW1/4 SEC. 16, T6S, R13W, S.M., CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, HOMER RECORDING DISTRICT, STATE OF ALASKA CONTAINING 2.182 ACRES

ABILITY SURVEYS
 GARY NELSON, PLS
 (907) 235-8440
 152 DEHEL AVE., HOMER ALASKA 99603

REC DIST _____
 Date _____ 20____
 Time _____ M
 Requested By _____
 Address _____

KPB FILE No. 2014- _____

Vicinity Map



Marked lots are within 500 feet and property owners notified.



City of Homer
Planning and Zoning Department

12/31/13

Request for Conditional Use Permit 2014-01 at 4165 Mattox Road AND Mattox Subdivision 2014 Preliminary Plat

300 150 0 300 Feet



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

ABILITY SURVEYS

MEASURING MAPPING & REPORTING ON ALASKA'S INFRASTRUCTURE SINCE 1976
152 DEHEL AVE. , HOMER, AK. 99603 PH. 907-235-8440 FAX. 235-8440
email; gary@abilitysurveys.com

December 20, 2013

Homer Planning Dept.
491 E. Pioneer Ave.
Homer, AK 99603

Re: Preliminary Plat Submittal of MATTOX SUBD. 2014

Enclosed herewith for preliminary plat submittal please find:

- Ten 11X17 paper copies of the preliminary plat reduced to a scale of 1"=60 feet.
- Two 18X24 paper copies of the preliminary plat, full sized at a scale of 1"=40 feet.
- Check number 4263 in the amount of \$300.

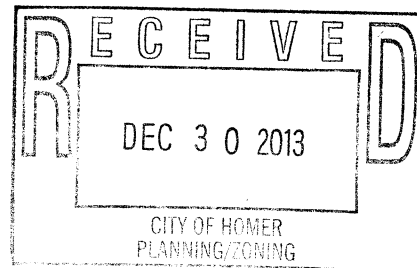
The owner would like to adjust the property line to properly accommodate new construction and parking. A portion of the property line is being moved to within a foot of the north edge of the paved driveway serving Lot 19-A1. The owner will probably grant a 15 feet wide ingress-egress easement along the northerly portion of Lot 19-A1 adjacent to the paved driveway (east of the prominent drainage). The easement if granted, will serve Lot 18-A1.

Water, sewer, and other utilities are installed and provided by Homer city.

I don't have access to a zoning map at the moment so I'm not sure of the zoning.

Thank you for your assistance in this endeavor.


Gary Nelson, PLS





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 14-08

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: January 15, 2014
RE: Comp Plan Amendment - Considerations for rezoning property in the Baycrest area.

Introduction

I had Julie make a map that shows some areas for consideration of going from rural residential to some type of commercial zoning. Data regarding the use of the lots in these areas are calculated. This action is a direct result of the difficulty that the hotel has had continuing. To properly usher a change in the map we must first amend the comprehensive plan.

Conversation

The Planning Department must review map changes and the review criteria are listed below. Prior to adoption of a new zone, it must be supported by the comprehensive plan. Perhaps some of the best information I have produced on map changes was associated with the amendment to our code regarding the subject and is included as an attachment, SR 10-56.

The first thing we need to do is examine the area and determine if the conditions and areas are properly suited for a rezone. Additionally, we need to have a conversation of what type of zone would be most appropriate. After identifying a suitable location and probable zoning we could then plan outreach to land owners within and near to the location for their input.

This type proposal is quite complex and really needs some good thought in order to proceed. The information provided gives some guidance. So far, we really have no "champion" of the concept except for those who feel that the hotel should be allowed to operate. This leaves it all up to you to make the decision. I really feel that we need additional input, especially from those area property owners potentially affected in order to justify the change. The concept of commercial zoning was not really supported in the last review of the comprehensive plan. However, since the last comprehensive plan we have approved several projects of a commercial nature in the area.

21.95.050 Planning Department review of zoning map amendment.

The [Planning Department](#) shall evaluate each amendment to the official zoning map that is initiated in accordance with HCC [21.95.020](#) 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.
- b. Applies a [zoning district](#) or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.
- c. Is in the best interest of the public, considering the effect of [development](#) permitted under the amendment, and the cumulative effect of similar [development](#), on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land [use](#) patterns. [Ord. 10-58, 2011].

Staff Recommendation:

The Planning Commission should have some conversation regarding the area for consideration and request any more information necessary for evaluation. Perhaps a schedule for review could be developed.

1. Discuss whether current zoning is appropriate. Would something else be more appropriate? If so, determine likely physical boundaries.
2. If current zoning is not a good fit, plan outreach to area landowners.

Attachments:

SR 2010-56 "Rezone Ordinance"
Area Statistics
Baycrest study areas



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-56

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: June 16, 2010
SUBJECT: Rezone Ordinance

Introduction

Rezoning:

I have been asked to refine our regulations for the incorporation of specific requirements that could be spelled out in code to better define conditions for review. Our policy and procedures manual has some criteria for the subject of the review, but really does not offer much in the way of a guide to measure the review.

Current Review Standards – review to determine:

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

The decision should not be arbitrary, have legitimate public purpose, and be consistent with the Comprehensive Plan.

After researching the culmination of codes and cases I find that the paramount consideration for a rezone is a justification in the comprehensive plan. The themes below represent legitimate criteria on which a sound decision can be based. Much of the codes that were research resembled ours in the fact that the code did not provide much guidance on review standards. While the current review standards that we use are reflected in the lists below, the list further describes the conditions that should be addressed.

The rezone should:

- Indicate how the rezone (change) would further the goals and objectives and better implement the comprehensive plan (why is it needed?)
 - This could include evidence of how the area has changed
 - Evidence of a error or improper designation
- Demonstrate suitability of how authorized principle and conditional uses are compatible with the newly designated area in consideration of the existing zone and surrounding areas

- Consider the potential effects on nearby uses and structures
- Consider the ability of infrastructure to serve the new designation
 - Water
 - Sewage
 - Transportation
- Consistency with intent and wording of other provisions in this title
- Evaluate existing and proposed permitted and conditional uses
- Constitute an expansion of an existing district or be at least 2 acres.

Spot Zoning

I believe that the proposed ordinance addresses concerns regarding spot zoning. I do believe that the following information should be familiar with all planning commissioners.

Griswold v. Homer (10/25/96), 925 P 2d 1015

- A. Claim of Spot Zoning The classic definition of spot zoning is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners . . .; Anderson, supra, sec. 5.12, at 359 (quoting Jones v. Zoning Bd. of Adjustment of Long Beach, 108 A.2d 498 (N.J. Super. 1954)). Spot zoning is the very antithesis of planned zoning; Id. (EN6) Courts have developed numerous variations of this definition. Id. These variations have but minor differences and describe any zoning amendment which a small parcel in a manner inconsistent with existing zoning patterns, for the benefit of the owner and to the detriment of the community, or without any substantial public purpose; Anderson, supra, sec. 5.12, at 362. Professor Ziegler states:

Faced with an allegation of spot zoning, courts determine first whether the rezoning is compatible with the comprehensive plan or, where no plan exists, with surrounding uses. Courts then examine the degree of public benefit gained and the characteristics of land, including parcel size and other factors indicating that any reclassification should have embraced a larger area containing the subject parcel rather than that parcel alone. **No one particular characteristic associated with spot zoning, except a failure to comply with at least the spirit of a comprehensive plan, is necessarily fatal to the amendment. Spot zoning analysis depends primarily on the facts and circumstances of the particular case.** Therefore the criteria are flexible and provide guidelines for judicial balancing of interests.

3 Edward H. Ziegler Jr., Rathkoph's The Law of Zoning and Planning sec. 28.01, at 28-3 (4th ed. 1995). In accord with the guidance offered by Professor Ziegler, in determining whether Ordinance 92-18 constitutes spot zoning, we will consider **(1) the consistency of the amendment with the comprehensive plan; (2) the benefits and detriments of the amendment to the owners, adjacent landowners, and community; and (3) the size of the area;**

1. **Consistency with the comprehensive plan** Just as an ordinance which complies with a comprehensive plan may still constitute an arbitrary exercise of a city's zoning power, *Watson v. Town Council of Bernalillo*, 805 P.2d 641, 645 (N.M. App. 1991), nonconformance with a comprehensive plan does not necessarily render a zoning action illegal. *Anderson*, supra, sec. 5.06, at 339-40. However, consistency with a comprehensive plan is one indication that the zoning action in question has a rational basis and is not an arbitrary exercise of the City's zoning power. Homer's comprehensive plan divides the city into several zoning areas. By its own terms, Homer's comprehensive plan is not intended to set specific land use standards and boundaries; specific standards and boundaries are instead implemented through the City's zoning ordinance.
2. **Effect of small-parcel zoning on owner and community** Perhaps the most important factor in determining whether a small-parcel zoning amendment will be upheld is whether the amendment provides a benefit to the public, rather than primarily a benefit to a private owner. See *Anderson*, supra, sec. 5.13- 5.14; *Ziegler*, supra, sec. 28.03, sec. 28.04, at 28-19 (calling an amendment intended only to benefit the owner of the rezoned tract the classic case of spot zoning). Courts generally do not assume that a zoning amendment is primarily for the benefit of a landowner merely because the amendment was adopted at the request of the landowner. *Anderson*, supra, sec. 5.13, at 368. If the owner's benefit is merely incidental to the general community's benefit, the amendment will be upheld. *Ziegler*, supra, sec. 28.04, at 28-19 to 28-20.
3. **Size of rezoned area** Ordinance 92-18 directly affects 7.29 acres. (EN11) The size of the area reclassified has been called more significant [than all other factors] in determining the presence of spot zoning; *Anderson*, supra, sec. 5.15, at 378. The rationale for that statement is that it is inherently difficult to relate a reclassification of a single lot to the comprehensive plan; it is less troublesome to demonstrate that a change which affects a larger area is in accordance with a plan to control development for the benefit of all; *Id.* at 379. We believe that the relationship between the size of reclassification and a finding of spot zoning is properly seen as symptomatic rather than causal, and thus that the size of the area rezoned should not be considered more significant than other factors in determining whether spot zoning has occurred. A parcel cannot be too large per se to preclude a finding of spot zoning, nor can it be so small that it mandates a finding of spot zoning. Although *Anderson* notes that reclassifications of parcels less than three acres are nearly always found invalid, while reclassifications of parcels over thirteen acres are nearly always found valid, *id.*, as *Ziegler* notes, the relative size of the parcel is invariably considered by courts. *Ziegler*, supra, sec. 28.04, at 28-14. One court found spot zoning where the reclassified parcel was 635 acres in an affected area of 7,680 acres. *Chrobuck v. Snohomish County*, 480 P.2d 489, 497 (Wash. 1971). Nor does the reclassification of more than one parcel negate the possibility of finding spot zoning. *Ziegler*, supra, sec. 28.04, at 28-15. In this case, there was some evidence that the reclassified area may have been expanded to avoid a charge of spot zoning. Other courts have invalidated zoning amendments after finding that a multiple-parcel reclassification was a subterfuge to obscure the actual purpose of special treatment

for a particular landowner. Id. See *Atherton v. Selectmen of Bourne*, 149 N.E.2d 232, 235 (Mass. 1958) (holding that the amendment is no less 'spot zoning' by the inclusion of the additional six lots than it would be without them; where proponents of a zoning change apparently anticipated a charge of spot zoning and enlarged the area to include the three lots on either side of the lot in question).

Notable Changes

21.95.010 Amendment initiation

Citizen Petition

I suggest that we measure support in terms of area rather than parcels or number of owners (33-37). In my research, I found a cohesive statement that I recommend for use with all petitions for rezoning (38-43). This will clear up the understanding and commitment of the petitioners.

21.95.020 Restrictions

(57- 60) – This basically addresses the possibility of spot zoning. Currently 1 acre is a standard. I suggest at least 2 (if not contiguous with present classification).

21.95.060 Standards

This is the wording recommended by our attorney. It addresses the concepts presented in introduction to this report.

Recommendation

Review and suggest date for public hearing(s) or schedule time for further review.

Area Statistics 1.10.2014

Area 1, Top of Hill/Dump Area

101 acres, 22 lots

36 acres vacant, 8 lots

44 acres general commercial/heavy industrial (dump, DOT yard) 7 lots

16.6 Mixed use – residential/commercial/Bed and breakfast or overnight rental units, greenhouse business 6 lots

4.1 acre residential (2 small cabins on one lot on bluff) 1 lot

Area 2 Baycrest Motel to Mt Augustine Drive

16.72 acres, 14 lots

3 acres vacant, 3 parcels

3.7 acres residential, 1 w two large homes, 4 lots,

10 acres, commercial/bnb/overnight rental/greenhouse 7 lots



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE: December 23, 2013
EXPIRATION DATE: January 23, 2013
REFERENCE NUMBER: POA-2012-868
WATERWAY: KACHEMAK BAY

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: Alaska Department of Transportation & Public Facilities (DOT&PF), P.O. Box 196900, Anchorage, AK 99519, 907-269-0524, Point of Contact: Mark Boydston

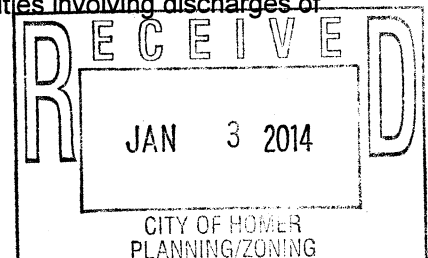
LOCATION: The project site is located within Sections 1, 11, and 12, T. 6 S., R. 13 W., Seward Meridian; USGS Quad Map Seldovia C-4; Latitude 59.669767° N., Longitude 151.43716° W.; East End Road from milepost (MP) 3.75 to MP 5.5, Homer, Alaska.

PURPOSE: The applicant's stated purpose is to improve safety, reduce maintenance costs, and extend the road's useful life.

PROPOSED WORK: The applicant proposes to discharge 7,295 cubic yards (CY) of material into 2.62 acres of waters of the U.S., including jurisdictional wetlands in order to extend shoulders, improve sight distances, replace cross culverts, improve drainage, and construct a separated pathway between milepost (MP) 3.75 and MP 5.5 of East End Road. The proposed improvements to the culverts would result in the loss of 656 linear feet of stream channel.

All work would be performed in accordance with the enclosed plan (sheets 1, 11, and 12), dated July 15, 2013, (sheets 2-3), dated October 2013, and (sheets 4-10) dated August 9, 2013.

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 designed the pathway to match the road elevation and reduce separation between the road and path, thereby avoiding and minimizing impacts to adjacent wetlands and waterbodies. Additional wetland impacts could not be avoided because extensive wetland areas exist along the proposed project corridor on both sides of the roadway.

b. Compensatory Mitigation: DOT&PF provided the following statement: "DOT&PF believes fee-in lieu mitigation is the appropriate mitigation for the proposed project. Although about 2.6 acres of wetlands would be filled, existing drainage patterns would be preserved. Impacts to Riverine wetlands are restricted to replacing existing culverts or installing new culverts to improve drainage. Since the proposed project would have minimal adverse effects to the surrounding aquatic environment, DOT&PF proposes a 1.5 to 1 compensatory mitigation ratio."

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 is an unevaluated property in the vicinity of the worksite. It has been designated SEL-365. Because the property has been determined to be outside of the project area, no further action is required. Consultation of the AHRS constitutes one part of cultural resource investigations by the District Commander at this time. DOT&PF has provided a copy of a July 22, 2010 letter to SHPO which was stamped "No Historic Properties Affected, Alaska State Historic Preservation Office, Date 8/20/10, File No. 3130-IR FHWA." This application is being coordinated with 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).

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) (1) 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:

() 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).

() Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

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

ANCHORAGE

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-2012-868, Kachemak Bay**, 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.

NOTICE TO EDITORS:

This public notice is provided as background information and is not a request or contract for publication.

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed until the expiration date.

**Project drawings
are available online at:**

<http://www.poa.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>
