

WORK SESSION AGENDA

1. Call to Order 5:30 p.m.
2. Discussion of Items on the Regular Meeting Agenda
3. Safe Street Standards **pg. 79 of Regular Meeting Packet**
4. Public Comments
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
5. Commission Comments
6. Adjournment

REGULAR MEETING AGENDA

1. Call to Order

2. Approval of Agenda

3. Public Comment

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

4. Reconsideration

5. Adoption of Consent Agenda

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

- A. Approval of Minutes of January 15, 2014 meeting **pg. 5**
- B. Decisions and Findings for 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. 13**

6. Presentations

7. Reports

- A. Staff Report PL 14-09, City Planner's Report **pg. 19**

8. Public Hearings

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

- A. Staff Report PL 14-10, CUP 2014-02, 560 Noview Ave. Request for use of property as a day care facility. **pg. 23**

9. Plat Consideration

- A. Staff Report PL 14-11 Bayview Gardens Subdivision Addition 2 Preliminary Plat **pg. 55**

10. Pending Business

- A. Staff Report PL 14-12, Comp Plan Amendment – Considerations for rezoning property in the Baycrest area **pg. 65**
- B. Staff Report PL 14-13, Itinerant Merchants (IM) and Mobile Food Service vendors (MFS) **pg. 67**
- C. Staff Report PL 14-14, Safe Street Standards **pg. 79**

11. New Business

12. Informational Materials

- A. City Manager's Reports from January 13, 2014 and January 27, 2014 City Council Meetings **pg. 87**

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 19, 2014. A work session will be held at 5:30 pm.

Session 14-02, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on January 15, 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
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BOS 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).

Francie Roberts, city resident, commented in support of the reconsideration. There has been a large amount of material submitted to the Planning Commission, there are a lot of issues with the subdivision that have been presented, and it is worthy of reconsideration for further review.

Marianne Schlegelmilch, city resident, commented in support of the reconsideration based on the extensive amount of neighborhood involvement and opposition presented several years ago and currently presented this time.

Katherine George, city resident, commented in support of the reconsideration and encouraged them to take up storm water in more depth to see what can be done.

Gwen Neal, non-resident, commented in opposition to reconsideration noting that the project has been professionally designed, staff has recommended approval, it has been debated, it passed last meeting 5 to 1, and the project goes far beyond the city's requirements.

Reconsideration

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

HIGHLAND/SLONE MOVED TO RECONSIDER STAFF REPORT PL 14-05 BARNETT SOUTH SLOPE SUBDIVISION QUIET CREEK PRELIMINARY PLAT.

Commissioner Slone commented in support of reconsideration. His reasons include the additional information that did not get to the Commission, for Commission Sonneborn to have an opportunity to weigh in, other unanswered questions in his mind relating to water drainage issues in relation to public health, safety, and welfare of downstream persons and property, goals in the Comprehensive Plan, and inadequacy of city code relating to storm water.

Commissioner Highland commented in support of reconsideration based in issues of relating to water, climate change, and the new information provided to the Commission.

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

Motion failed.

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, 2104 meeting

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

BOS/SLONE SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

A. Staff Report PL 14-03, 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.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 15, 2014

- A. Staff Report 14-06, CUP 2014-01, Request for more than one building containing a principle permitted use on a lot, 4-plex at 4165 Mattox Road

City Planner Abboud reviewed the staff report.

Steven Rouse, Executive Director of Kenai Peninsula Housing Initiatives (KPHI), gave an overview of KPHI's accomplishments in developing low income, special needs, and senior housing in Homer and within the Borough. He referenced the aerial photo and reviewed the history of the buildings in place already. He explained how this second phase ties in; and also briefly addressed work that has been done on the KPHI properties to mitigate drainage in accordance with ACOE requirements. He also noted that he owns property down from this project that would be affected by run off instances.

Mr. Rouse explained that this project is to develop a 4-plex that is income restricted, meaning low income. They have received grant funding and architects and engineers are in place. Bill Nelson is the civil engineer on the project. Mr. Nelson has worked with the city and is familiar with their requirements relating to the storm water drainage plan, which KPHI has agreed to do, even though it is not required for the project. They are working to develop an exemplary project as they are held to higher standards than most due to their work with HUD and AHFC, and other agencies that look to make sure their properties are well maintained and safe.

Chair Venuti opened the public hearing.

David Lewis, city resident on Beluga Court, said he is not in favor of this project. He expressed concerns that the ditch referred to actually a stream that has flooded Aurora Court a number of times and while it hasn't affected his property, it has affected Mary Jane Shows property. He noted there are four buildings already on this small lot and has concerns about another paved area affecting runoff. This increases population on a road that only has one exit to East End Road, and he feels that the low income housing opportunities would be better spread out among the city.

There were no further comments and the public hearing was closed.

In response to question about flooding in the area delineated as a creek on the drawing, Mr. Rouse said the impact of these developments has not adversely impacted the runoff. He explained there has been no flooding, but there has been glaciation, as happens throughout the community. Glaciation isn't due to the development but from drainage from the upper area and follows along the road. Public Works has been made aware of the issue of ice buildup plugging the culvert underneath Aurora Court and to his understanding they are working to mitigate that. He reviewed the work they have done with settlement ponds and vegetation on the property to absorb most of the water on site.

In reference to the comments about low income housing, Mr. Rouse explained these units are reserved for people who earn 50% to 60% of the area median income based on family size. The people who live in these places are our neighbors who might work at the store or at McDonalds. He noted that the some of people who live at a larger multi-family project are people who lived at Haven House and now have a clean, quality, affordable multi-family home where they can be safe and raise their children. Mr. Rouse added that they have waited two years for this project because of the high cost of water in Homer, and needed to wait for natural gas to make it viable.

SLONE/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 14-06 CUP 14-01 FOR MORE THAN ONE BUILDING CONTAINING A PRINCIPLE PERMITTED USE ON A LOT AT 4165 MATTOX ROAD WITH STAFF RECOMMENDATIONS AND FINDINGS.

Question was raised about a storm water plan for this project. City Planner Abboud explained that the project itself doesn't trigger a storm water plan and the applicant is choosing to do one on their own.

Discussion ensued regarding storm water and based on the requirements in the city code for this zoning district there isn't anything the Commission can do. Question was raised whether the applicant could consider using a pervious surface for the parking area instead of asphalt. City Planner Abboud noted this project has to meet ADA requirements and doesn't think pervious surfaces would accommodate that. Mr. Rouse was given an opportunity to comment and concurred with Mr. Abboud's response regarding ADA requirements. He reiterated that they have agreed to submit a storm water plan that is not required and the work they have already done to address the water over the years.

STEAD/BOS MOVED TO ADD CONDITION NUMBER 3 TO CUP 14-01 FOR A STORM WATER PLAN TO BE PREPARED FOR THIS PROJECT.

Mr. Stead explained the only reason he feels its justified is because the applicant has volunteered it, it isn't difficult to impose the condition, and this way it doesn't get lost.

VOTE: (Amendment) NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Commissioner Highland expressed her concern that this project may cause some problems with increased flooding during a big storm event.

VOTE: (Main motion as amended) YES: HIGHLAND, STEAD, VENUTI, STROOZAS, SLONE, BOS

Motion carried.

Plat Consideration

A. Staff Report PL 14-07 Mattox Subdivision 2014 Preliminary Plat

City Planner Abboud reviewed the staff report.

Steven Rouse, Executive Director of Kenai Peninsula Housing Initiatives (KPHI), commented the reason for the replat is to adjust the lot line to allow them better locate the structure on the lot.

Chair Venuti opened the floor for public comment and there were no public comments.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 14-07 AND APPROVE MATTOX SUBDIVISION 2014 PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was brief comment that this action seems to accommodate the project.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Pending Business

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

Reconsideration failed.

New Business

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

City Planner Abboud reviewed the staff report relating to considerations for rezoning property in the Baycrest area.

The Commission discussed the current uses in the area and GC 1, commercial, and mixed use zoning. The group acknowledged that mixed use zoning in the Baycrest area would not be the same as East End Mixed Use and agreed that moving this to a worksession would be the best way to proceed at this point. That will give them some time to review the zones and and the comp plan for the area to be better prepared for the discussion.

Commissioner Highland commented about wanting to address storm water and green infrastructure soon, in a worksession. It was suggested she work with staff to fine tune some talking points to get things started.

Informational Materials

A. US ACOE Public Notice for proposed DOT East End Road MP 3.75 to MP 5.5 Project

Comments of the Audience

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

Ginny Espenshade, city resident, thanked Commissioner Slone and Highland for their work. She expressed her disappointment that reconsideration didn't pass, even if only to discuss the material that were left out of the original packet by Planning Staff. She feels there were other reasons too. At the last meeting there were comments about fairness to the applicants being able to know what to expect in the process. She asked they consider fairness to the public as to what they can expect from the process. If their job is simply to compare a plat with the code, a computer could do that, so why have a Planning Commission, and why solicit public comment. She questioned how two versions of this body came to such different conclusions about that plat just 8 years apart with the same code. She doesn't know the answer and they don't know what to expect. This could be a lot less contrary and a lot less adversarial if there was clarity about the Commission's discretion, and conditions on plat approvals. She recognized the developer said he was doing a storm water plan for Quiet Creek

and wondered why the Commission didn't add that as a condition like they did on the Mattox conditional use.

Francie Roberts, city resident, thanked the Planning Commissioners for their work. She knows this Commission works hard and does a lot of difficult work. Throughout tonight's meeting she heard the word water mentioned more than any other. The issues were water and drainage in everything they considered. She is also surprised how little there is in code to deal with water issues. Relating to the CUP she looked at the creek adjacent and the drainage problems at this person's house. She is concerned that maybe not all the information was there. She noted they were considering economics at their worksession and she she was surprised about that and thinks they should be thinking about storm water, water issues, and things about planning that are important to how we develop our city. She reminded them reconsideration doesn't mean they have to change their vote, but that they have to listen to the missing information and think about how things are done. Sometimes reconsideration can be confusing but it doesn't have to make you be a different person. She appreciated Commissioner Slone and Highland's comments about reconsideration and felt they were well thought out. She thinks the Planning Commission can add conditions to the staff report, that Quiet Creek warranted a few additions, and was disappointed they didn't do anything to make changes. She was intrigued while watching this body work tonight in that the City Planner included he considered a staff report from 2010, but didn't consider past information related to Quiet Creek.

Katherine George, city resident, encouraged the Commission to invite representatives from the Soil & Water Conservation District and the Natural Resource Conservation District as a first step to considering storm water. It was interesting that the Commission had more questions for CUP 2014-01 than for Quiet Creek. She thanked Commissioner Slone and Highland for their service on the commission, their research, questions, and consideration.

Comments of Staff

City Planner Abboud commented that they worked on a lot of items before, including water, drainage, and they will continue to do so. When the City decides they want to make regulations they can take up platting regulations if they want. They can make them have set asides and developmental regulations. CUP's are different than plats in the range of discretion. There are changes that can be made that involve regulating how people use their land, and regulate how they divide their land by adopting portions of code to allow that. There are also some ingrained issues with zoning requirements in general. Quiet Creek is in an interesting place in that it is zoned rural but is in an urban area. He said there are tools out there to address this, they are tough to do, it changes the way people do business, and tell them what they can't do with their lots. If we want to codify that we can. He hopes the people who are all over this are in support of that City wide, and not just for the last person to develop in a certain place. We are an infrastructure community, we are connected everywhere we go, and this should be approached as such.

Deputy City Clerk Jacobsen commented that she has worked with Planning Commissions over the last 9 ½ years and recognized this group is considerate to each other and to the public. They take time to listen to and consider what people say. She appreciates everyone in this group.

Comments of the Commission

Commissioner Highland reiterated adding discussion about green infrastructure in the Comp Plan and also storm water plans. She will work with staff to get things started for those discussions.

Commissioner Slone thanked the people who presented materials regarding Quiet Creek. He is motivated to work on storm water and water control issues in the near future as well.

Commission Bos had no comments.

Commissioner Stroozas said that many times this Commission has to deal with controversial issues. We don't live in a perfect world and the Commission tries to make decisions for the good of the whole based on how it affects the health, safety, and welfare of the community. Not everyone will agree on every point and they rely on the information they receive from public, applicants, and very heavily on the information from City staff. They do the best job with the information they are given, and then go forward. He thanked everyone for their comments.

Commissioner Stead agrees they need to work on rural residential as they failed to do it last year and make modifications whether it is lot size or green space. Looking at the storm and melt water management plan that is available, it also needs to be addressed. If we need to do something with platting regulations, it needs to be discussed as well. These changes need to be incorporated city wide and he thinks there should be a lot of comments coming from developers. He would like to hear from them, because these will become big issues in the future, as they are today. He doesn't want to go through this process again where the community is against the Commission. The only other thing he can say about this is that there is a 90 lot subdivision platted in Quiet Creek, and this is an improvement over that. We need to keep that in mind.

Chair Venuti referenced an article that was published in the Homer News regarding the reconsideration that quoted Commissioner Slone and an email from Commissioner Slone to him and the City Planner. Chair Venuti stated his concerns regarding Commissioner Slone violating the bylaws which say that no one individual member of this body should share his or her opinion on the ongoing affairs to the public, especially to the media, unless the majority of this Commission concurs. He said talking to the media about an ongoing issue is unfair to the applicant, politicizes an issue, and is a violation of section S of the Planning Commission bylaws. HCC 1.18.030 (h) states no city official shall use the implied office for the purposes of unduly influencing the decisions of other. Chair Venuti felt Commissioner Slone's actions were improper as they did not ask him to speak for the Commission. The Commission speaks for itself by making fair and impartial decisions.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 840 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: _____



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HOMER ADVISORY PLANNING COMMISSION

January 15, 2014

RE: Conditional Use Permit (CUP) 14-01
Address: 4165 Mattox Road
Legal: Lot 18 excluding DOT ROW Mattox Subdivision, KPB 17906101

DECISION

Introduction: Kenai Peninsula Housing Initiative, Inc. (the “Applicant”) applied to the Homer Advisory Planning Commission (the “Commission”) for a conditional use permit under Homer City Code HCC 21.16.030(h) for “more than one building containing a permitted principal use on a lot” at 4165 Mattox Road. The property is in the Urban Residential District.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on January 15, 2014. Notice of the public hearing was published in the local newspaper and sent to 59 property owners of 65 parcels.

At the January 15, 2014 meeting of the Commission, the Commission voted to approve the request with six Commissioners present, and six Commissioners voted in favor of the conditional use permit.

Evidence Presented: The Applicant, represented by Steven Rouse, Executive Director of Kenai Peninsula Housing Initiatives (KPHI) provided testimony describing the existing improvements and the proposed 4-plex. The units will be reserved for low income residents who earn 50% to 60% of the area’s median income based on family size. Site improvements will include paved parking and mitigation for the increased water runoff. David Lewis, a city resident on Beluga Court expressed concerns about the capacity of the ditch/steam and voiced concern about water runoff affecting properties downslope from KPHI’s projects. The applicant’s application indicated, and the Commission made a condition requiring the applicant to provide storm water mitigation.

Findings of Fact: After careful review of the record and consideration of testimony presented at the hearing, the Commission determines that Condition Use Permit 14-01 allowing more than one building containing a principle use on Lot 18 excluding DOT ROW Mattox Subdivision satisfies the review criteria under HCC 21.71.030 and is hereby approved.

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

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

Finding 1: 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.

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.

Finding 3: The value of adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in the district.

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

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.

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.

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 the applicable provisions of the CDM.

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

1. Special yards and spaces. 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

Conclusion

Based on the foregoing findings of fact and law, Conditional Use Permit 14-01 is hereby approved, with findings 1-10 and conditions 1-3.

Condition 1: The project shall comply with the outdoor lighting standards found on pages 35- 37 of the CDM per HCC 21.59.030

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

Condition 3: A Storm Water Plan shall be submitted, installed and maintained to meet the requirements of HCC 21.75.

Date: _____

Chair, Franco Venuti

Date: _____

City Planner, Rick Abboud

NOTICE OF APPEAL RIGHTS

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

CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on _____, 2014. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

Date: _____

Travis Brown, Planning Clerk

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STAFF REPORT PL 14-09

TO: Homer Advisory Planning Commission
FROM: Planning Staff
MEETING: February 5, 2014
SUBJECT: City Planner's Report

City Council: The City Council did not have any planning items of the agenda recently. We are preparing resolutions and ordinances for them regarding the recent 'more than one...' in rural residential and the policy and procedure changes. The policy and procedure issues are more complex in that changes to code outside of title 21 are necessary. The Council did recommend that the Transportation Advisory Committee be disbanded and their duties be rolled into the Planning Commission, more on this to come. I also want to get clarification on the expectations associated with this responsibility.

Appeals: We have set some sort of record in that we have four appeals of decisions of the Planning Commission. Three are regarding the 'tower' CUP and the other is appealing the 'more than one' CUP for the duplex on Heath Street. These will be heard by the Board of Adjustment sometime in March, I believe. There is a possibility that these items may be remanded to the Planning Commission by the BOA. So, please beware of any conversations you have about these items in relation to ex parte communication. It could affect your ability to participate in a future hearing.

Future Agendas: As per the recommendations of the Commission, we have a lot to work on. We are addressing several items this meeting and will continue with more the next meeting, while working around our works session guests. Next meeting, Dotti will be out of town and Julie will be reviewing stormwater/green infrastructure. Heliports and the Land Allocation Plan are on the tentative agenda. We are also starting research on issues related to towers, but not adding them to the agenda yet as we are still dealing with due process regarding the last permit.

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.

Work session invites: Megan Murphy, the MAPP coordinator, will join the Feb. 19th work session to share how MAPP brings together a complex network of programs and agencies to encourage healthy behavior choices. MAPP's impact is wide spread and addresses substance abuse, domestic violence, and early childhood education.

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.

Attachments

1. Memorandum from City Clerk – Reducing Meetings of the Board, Commissions, and Committees



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Memorandum

TO: ADVISORY BODIES

FROM: JO JOHNSON, CITY CLERK

THROUGH: WALT WREDE, CITY MANAGER

DATE: JANUARY 29, 2014

SUBJECT: REDUCING MEETINGS OF THE BOARD, COMMISSIONS, AND COMMITTEES

At a recent council meeting City Council discussed their intention of reducing staff time spent preparing for and attending meetings. Council asked that the board and each commission and committee review their meeting schedule and explore options of reducing the number of meetings held.

Initial discussion among City staff indicates that some of the Advisory Boards and Commissions could function as effectively with revised schedules that could be organized seasonally and the duties of other standing and special committees could be eliminated or absorbed by another group. Some of the initial suggestions are listed below for your review.

An example for a seasonal schedule is that the Parks and Recreation Advisory Commission could forego November – March meetings and complete business in the other seven months. Alternately, summer meetings could be canceled since this is the busiest time for parks staff.

Other groups who participate in department development of policies and budget or don't have larger issues presently at hand could reduce to quarterly meetings, like the Library Advisory Board. The Board was established to assist with the fundraising, budget process, and policy making for the library.

Advisory bodies that don't have specific tasks defined and/or budgets to accomplish them could convene on an as needed basis at the request of the City Council, like the Economic Development Advisory Commission.

Council directed that the Transportation Advisory Committee be dissolved and the duties of addressing road standards when needed be transferred to the Advisory Planning Commission.

They also directed that the make-up of the Lease Committee return to administrative staff, the way it used to be.

The Karen Hornaday Park Committee is primarily comprised of Parks and Recreation Advisory Commissioners and their business could be conducted as needed in a Worksession prior to the Commission's meeting.

Council also directed commissions to form no new committees, subcommittees, or task forces without Council approval. They also recommended that advisory bodies' bylaws be amended to state that NO special meetings of boards, commissions, committees, or task forces can be scheduled without Council approval (with the exception of the Advisory Planning Commission due to time constraints within the code). This would encourage participation in the regularly scheduled meetings and alleviate a significant amount of staff time. Often we have a commission or committee that does not have a quorum for a regularly scheduled meeting so they schedule a special meeting. This results in added staff time notifying all parties to reach a consensus on meeting dates, increased advertising costs, and preparation of duplicate packets.

RECOMMENDATION: At the February meetings discuss reducing the number of meetings and make recommendations to Council by memorandum.

Fiscal Note: N/A



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 14-10

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
MEETING: February 5, 2013
SUBJECT: CUP 14-02 for a day care facility in the Urban Residential district per HCC 21.14.030(c).

SYNOPSIS: The applicant proposes a day care facility on Noview Avenue. A CUP is required for a day care facility per HCC 21.14.030(c) Urban Residential. Approval of a CUP requires 5 yes votes.

Applicants: Susannah Webster
PO Box 3570
Homer, AK 99603

Kurt Marquardt
4821 Haru Lane
Anchorage, AK 99517

Location: 560 Noview Avenue
Parcel ID: 17512110
Size of Existing Lot: 0.23 acres
Zoning Designation: Urban Residential
Existing Land Use: Vacant
Surrounding Land Use: North: Vacant
South: Vacant
East: Vacant
West: Single-family residence

Wetland Status: No designated wetlands on this parcel.
Flood Plain Status: Not in a floodplain.
BCWPD: Not within the Bridge Creek Watershed Protection District
Utilities: Public utilities service the site.
Public Notice: Notice was sent to 36 property owners of 40 parcels as shown on the KPB tax assessor rolls.

ANALYSIS: The applicant is proposing construction of a new single-story 1500 square foot child day care facility on Noview Avenue in the Urban Residential district. Since the applicant will not live on-site and it will serve more than eight children, a CUP is needed for a “day care facility” in the Urban Residential district per HCC 21.14.030(c).

Licensing: The applicant is licensed with the State of Alaska to provide child care services.

Parking/Driveway: The site plan shows a 40ft wide driveway with six parking spaces. Six parking spaces exceeds Homer's parking standards; only five parking spaces are required per (HCC 21.55.090(a)(17)).

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.020, General conditions, and establishes the following conditions:

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

Finding 1: HCC 21.14.030(c) authorizes day care facilities as a conditional use in the Urban Residential District.

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

HCC 21.14.010 The Urban Residential District is primarily intended to provide a sound environment for medium-density residential occupancy including single-family, duplex and low-rise multiple-family dwellings of various types and designs and other compatible uses as provided in this chapter.

Applicant: The Urban Residential district allows for day care facilities.

Finding 2: A day care facility is compatible with the Urban Residential district as it is geared to serve populations commonly found in the district.

Finding 3: A Day Care Facility is compatible with other Urban Residential uses such as single-family to low-rise multiple family dwellings in appearance and trip count.

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: Access to quality childcare enriches communities and has a positive impact on home values.

Analysis: Many uses in the UR district have greater negative impacts than would be realized from a daycare facility. Pipelines, railroads, heliports and storage of heavy equipment would have a greater impact on nearby property values. Assisted living, group care, religious, cultural and fraternal assembly would generate a good deal of traffic and would not be limited to the proposed hours of operation.

Finding 4: A day care facility is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

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

Applicant: The 1,500 sf facility will resemble a single family home and not be out of character with the existing properties.

Analysis: The building elevation is comparable to a single family home. Nearby uses are presently residential or vacant land.

Finding 5: The proposed day care facility is compatible with neighborhood homes in appearance.

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

Finding 6: Existing public, water, sewer, and fire services are adequate to serve the proposed day care facility.

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: Traffic and parking will be consistent with a small business and in general is limited to morning drop-off and evening pick-up times.

Analysis: The proposed structure is similar to a single-story, single family structure with a fenced play area on the north side. Peak traffic and parking needs are in the morning drop-off and evening pick-up times.

Finding 7: The single story, 1,500 sf building is in harmony with the scale, bulk, coverage, and density of a single family residence. Traffic at peak drop-off and pick-up times are comparable to other permitted uses such as a bed and breakfast, multi-family dwelling, rooming house, hostel or parks and playgrounds. Traffic will be significantly less than other permitted uses such as a school. An undue harmful effect on the desirable neighborhood character is not expected.

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

Analysis: A commercial day care facility will require State of Alaska Fire Marshal approval prior to issuance of a Zoning Permit. The State of Alaska also licenses childcare facilities. The

licensing process includes background checks and on-site inspections for health. State Fire Marshal review is also required. The day care facility will not negatively affect the health, welfare or safety of the surrounding area or the city as a whole. Additionally licensed daycare facilities in our community provide an essential service to working parents.

Finding 8: Licensing requirements and provision of this service provides a positive effect upon the health, safety and welfare of the surrounding area and city as a whole.

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

Analysis: Goals of the Land Use Chapter of the Homer Comprehensive Plan include focusing on community character, minimizing global impacts (Goal 1, ch.4), promoting density (goal 1, objective B) and promoting infill (goal 5, objective C). The proposal is an infill site located close to a population likely to take advantage of the service it provides thereby promoting density, infill and likely minimizing global impact.

Finding 9: The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan.

i. The proposal will comply with the applicable provisions of the Community Design Manual (CDM).

Finding 10: Outdoor lighting must be down lit per HCC 21.59.030 and the CDM

HCC 21.71.040(b). b. In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

- 1. Special yards and spaces:** A fenced play area will be located on the north side of the facility.
- 2. Fences and walls:** The play area will be fenced.
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 4. Street and road dedications and improvements:** No specific conditions deemed necessary.
- 5. Control of points of vehicular ingress and egress:** No specific conditions deemed necessary.
- 6. Special provisions on signs:** Sign area is limited to 4 sf in the Urban Residential area.
- 7. Landscaping:** No specific conditions deemed necessary.
- 8. Maintenance of the grounds, building, or structures:** No specific conditions deemed necessary.
- 9. Control of noise, vibration, odors or other similar nuisances:** No specific conditions deemed necessary.
- 10. Limitation of time for certain activities:** Limit hours of activities from 7am to 7pm.
- 11. A time period within which the proposed use shall be developed:** No specific conditions deemed necessary.

12. A limit on total duration of use: No specific conditions deemed necessary.

PUBLIC WORKS COMMENTS: A driveway exception would be needed for a 40 ft long culvert. Driveways constructed onto paved roads must be paved to the property line.

FIRE DEPARTMENT COMMENTS: State Fire Marshal review is needed. See attached email.

PUBLIC COMMENTS: None

Five affirmative votes are required for approval

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission approve CUP 14-02 with findings 1-10 and the following conditions.

1. The play area must be fenced prior to occupancy.
2. Limit operation hours to 7am – 7pm.
3. Compliance with Federal, State and local standards which includes Alaska Fire Marshal approval required prior to issuance of a Zoning Permit. State of Alaska Child Care approval required prior to occupancy.

ATTACHMENTS

1. CUP application
2. Fire Marshal email
3. Vicinity map
4. Public notice
5. 4 Email Comments



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: Susannah Webster Telephone No.: 907-299-4317

Address: PO BOX 3570 Homer, Ak 99603 Email: homermum@gmail.com

Property Owner (if different than the applicant):

Name: _____ Telephone No.: _____

Address: _____ Email: _____

PROPERTY INFORMATION:

Address: 560 Noview Ave Lot Size: .23 acres KPB Tax ID # 17512110

Legal Description of Property: HARRINGTON HEIGHTS SUB LOT 15 BLK 2

For staff use:

Date: 1/2/2014 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	GC1	GC2	MC	MI	OSR	BCWPD
Level 1 Site Plan	X	X	X			X			X		X	X
Level 1 ROW Access Plan	X	X							X		X	
Level 1 Site Development Requirements	X	X										
Level 1 Lighting			X	X	X	X	X	X	X	X		
Level 2 Site Plan			X	X	X		X	X		X		
Level 2 ROW Access Plan			X	X	X		X	X		X		
Level 2 Site Development Requirements			X*	X	X	X	X	X	X	X		
Level 3 ROW Access Plan						X						
DAP/SWP questionnaire				X	X	X	X	X	X	X		

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

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

Y/N Will your development trigger a Development Activity Plan?

Application Status: _____

Y/N Will your development trigger a Storm water Plan?

Application Status: _____

Y/N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: _____

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

Y/N Does your project trigger a Community Design Manual review?

If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>

Y/N Do you need a traffic impact analysis?

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

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

Y/N Do you have a state or city driveway permit? Status: _____

Y/N Do you have active City water and sewer permits? Status: _____

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

The lot is currently vacant.

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).

Please see attached.

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

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

21.14.030 c.

- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. **UR zoning allows for Daycare Facilities.**

- c. How will your proposed project affect adjoining property values? **Access to quality childcare enriches communities and has a positive impact on home values.**

- d. How is your proposal compatible with existing uses of the surrounding land? **As a small 1400 square foot facility, the structure will resemble a single family home and not be out of character with the existing properties.**
- e. Are/will public services adequate to serve the proposed uses and structures?
Yes
-
- 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?
Traffic and parking will be consistent with a small business and, in general, limited to morning drop off and evening pick up times.
-
- 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>
Quality childcare and early childhood education is absolutely necessary for a vital economy and healthy community. Smallpond serves working families as well as maintaining a well-trained and well-paid staff. (2 full time and 2 part time.)
-
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (circle each answer)
1. **Y/N** Special yards and spaces.
 2. **Y/N** Fences, walls and screening.
 3. **Y/N** Surfacing of parking areas.
 4. **Y/N** Street and road dedications and improvements (or bonds).
 5. **Y/N** Control of points of vehicular ingress & egress.
 6. **Y/N** Special provisions on signs.
 7. **Y/N** Landscaping.
 8. **Y/N** Maintenance of the grounds, buildings, or structures.
 9. **N/A** Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
 10. **N/A** Time for certain activities.
 11. **Y/N** A time period within which the proposed use shall be developed.
 12. **Y/N** A limit on total duration of use.
 13. **Y/N** Special dimensional requirements such as lot area, setbacks, building height.
 14. **Y/N** Other conditions deemed necessary to protect the interest of the community.


PARKING

- 1. How many parking spaces are required for your development? 5
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? 5
- 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: 1/1/14

Property Owner's signature: _____ Date: _____



City of Homer

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Planning
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Applicant
 Name: Susannah Webster Telephone No.: 907-299-4317
 Address: PO BOX 3570 Homer, Ak 99603 Email: homermum@gmail.com

Property Owner (if different than the applicant):
 Name: Kurt Marguardt Telephone No.: (907) 399-1586
 Address: 4821 Harukn. Anch. AK Email: obtownak@gmail.com

PROPERTY INFORMATION: 99517
 Address: 560 Noview Ave Lot Size: .23 acres KPB Tax ID # 17512110
 Legal Description of Property: HARRINGTON HEIGHTS SUB LOT 15 BLK 2

For staff use:
 Date: _____ Fee submittal: Amount _____
 Received by: _____ Date application accepted as complete _____
 Planning Commission Public Hearing Date: _____

Conditional Use Permit Application Requirements:

1. A Site Plan
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Circle Your Zoning District

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

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

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

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Y/N Will your development trigger a Storm water Plan?
Application Status: _____

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

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Y/N Do you have active City water and sewer permits? Status: _____

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Please see attached.

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21.14.030 c.
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. **UR zoning allows for Daycare Facilities.**
- c. How will your proposed project affect adjoining property values? **Access to quality childcare enriches communities and has a positive impact on home values.**

d. How is your proposal compatible with existing uses of the surrounding land? **As a small 1400 square foot facility, the structure will resemble a single family home and not be out of character with the existing properties.**

e. Are/will public services adequate to serve the proposed uses and structures?

Yes

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?

Traffic and parking will be consistent with a small business and, in general, limited to morning drop off and evening pick up times.

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:

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Quality childcare and early childhood education is absolutely necessary for a vital economy and healthy community. Smallpond serves working families as well as maintaining a well-trained and well-paid staff. (2 full time and 2 part time.)

i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (circle each answer)

1. Y/N Special yards and spaces.
2. Y/N Fences, walls and screening.
3. Y/N Surfacing of parking areas.
4. Y/N Street and road dedications and improvements (or bonds).
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6. Y/N Special provisions on signs.
7. Y/N Landscaping.
8. Y/N Maintenance of the grounds, buildings, or structures.
9. N/A Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
10. N/A Time for certain activities.
11. Y/N A time period within which the proposed use shall be developed.
12. Y/N A limit on total duration of use.
13. Y/N Special dimensional requirements such as lot area, setbacks, building height.
14. Y/N Other conditions deemed necessary to protect the interest of the community.

PARKING

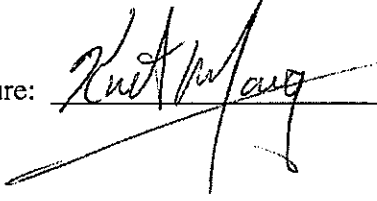
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- 2. How many spaces are shown on your parking plan? 5
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Include a site plan, drawn to a scale of not less than 1" = 20' which shows allow existing and proposed structures, clearing, fill, vegetation and drainage.

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

CIRCLE ONE: Owner of record Lessee Contract purchaser

Applicant signature: _____ Date: _____

Property Owner's signature:  Date: 1/8/14

Susannah Webster
January 1, 2014
560 Noview Avenue
Conditional Use Permit application

Question # 2

I am under contract to purchase the vacant lot located at 560 Noview Avenue, contingent on your approval of this CUP. I wish to build a single story, 1500 square foot home to use as a licensed childcare facility. I do not plan to live in the home and therefore am required to apply for this permit. I will be licensed by the State of Alaska for the care of up to 16 children and I will complete the DPS Fire and Life Safety plan review process and meet all code requirements for a daycare facility.

I will construct a low fence to surround the back yard and create a safe play area. I will ensure that parents are mindful of the surrounding homes and neighbors when dropping off and picking up children from my care. My hours of operation will be Monday through Friday, 8:30am –5:30pm.

I do not foresee any negative impact on the local area, surrounding homes and businesses. I am a respectful and communicative neighbor and believe that the addition of a childcare/preschool to the area will benefit local families as well as the character of the neighborhood.

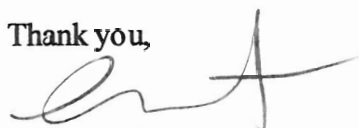
I have been operating Smallpond Childcare at my current location for 3 years. Smallpond childcare provides high quality childcare for the community of Homer. Our commitment to creating a safe and gentle environment for children as well as our high standards with regards to the staff we retain, the ratios we preserve, the food we offer and the care we provide has allowed us to maintain an outstanding reputation in our community. In the past year, Smallpond has grown to include a toddler program, two preschool groups and afterschool and summer care for school aged children.

We are committed to the health and wellbeing of children and families and are invested in our community as a place to build relationships, support other local businesses and non-profits and engage with families about the importance of early childhood education.

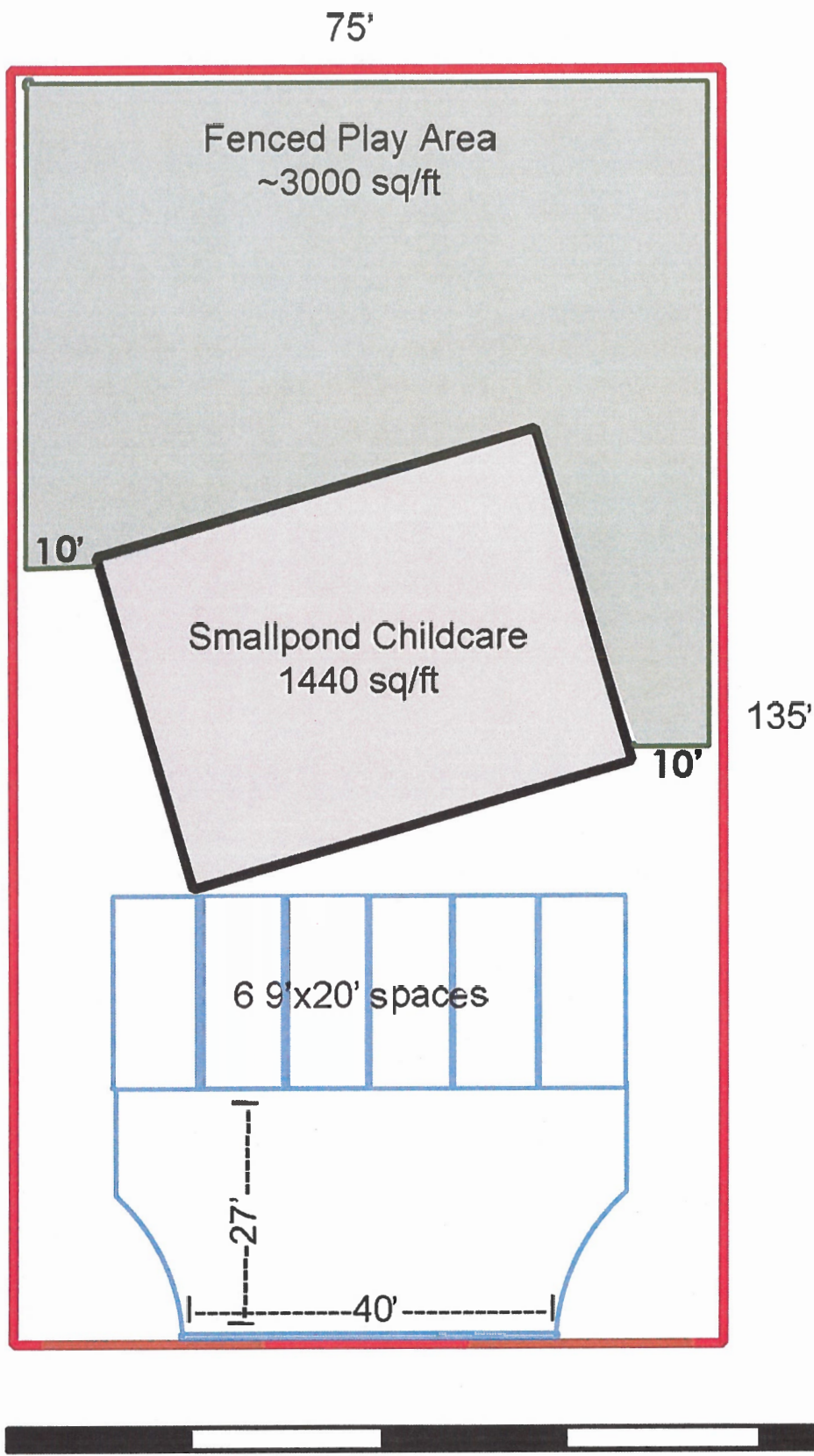
While our days are filled with play, our hearts and minds are committed to the task of helping families raise secure, empowered and enthusiastic learners and growing the kind of community we wish to live in.

I respectfully request your approval of my conditional use permit so that I can continue the work I love.

Thank you,



Susannah Webster



Smallpond Childcare
 560 Noview Street Homer, Ak
 CUP application
 12/26/2013



NOVIEW AVE

— PAVED —

Singh Family Home



40

560

Noview

Vacant

Vacant

Vacant

Singh Family Home

Home

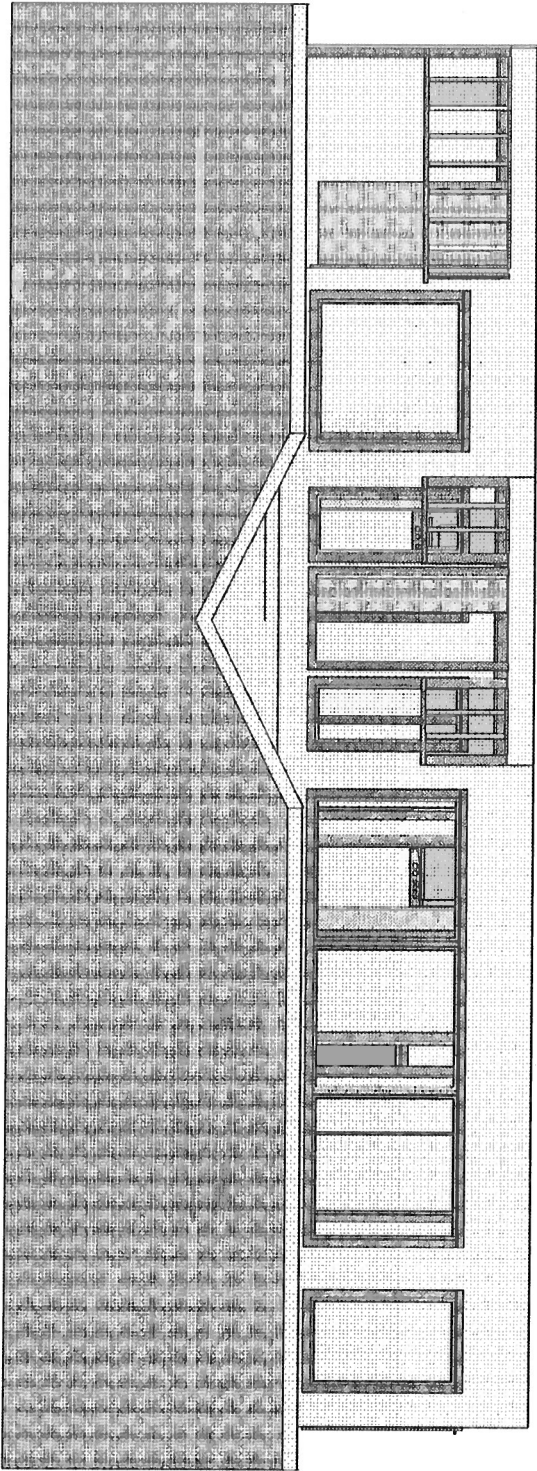
Vacant

Vacant

Vacant

Vacant

Vacant





From: Fisher, Timothy W (DPS) <timothy.fisher@alaska.gov>
Sent: Tuesday, January 21, 2014 8:45 AM
To: Bob Painter; Travis Brown
Cc: Faulkner, Jessica R (DPS)
Subject: RE: Request for Comments on Planning Office Submittals

Thanks Chief; You are correct.

Here is a list of the care facilities in Homer that we have been dealing with...if you have the name, I can provide a complete answer.

You are correct, we give a lot of concessions to a business in the home vs a commercial business. When they move out of the home, it is no longer house or home and the Building Code come back into effect. Height and Area is a big factor as you can't have a frame construction with a second floor without a sprinkler. The requirements also require handrails, stair renovations, boiler room ratings, combustion air, if elevated exit stairs, handrails, and guards. They would have to submit an application for plan review if they move out and aren't living in the home.

<http://www.dps.state.ak.us/Fire/PRB/>

The screenshot shows the Infor Hansen 8 web application. The main content area displays a table titled "Building Application Lookup Results (33 records)". The table has the following columns: AP #, City Name, Building Name, City Name, AP Name, and Milestone. The records listed are as follows:

AP #	City Name	Building Name	City Name	AP Name	Milestone
2014Anch1020	Homer	Girassol Childcare (Unit #6) - Homer	Homer	Occupancy	Withdrawn
2013Anch1188	Homer	Girassol Childcare (Unit #3) - Homer	Homer	Occ Change: R -	Inspection
2013CCL1002	Homer	TLC Child Care	Homer	Created for Fire	Review
2012Anch1408	Homer	Pondview Childcare - Homer	Homer	Occupancy	Inspection
2011CCL1038	Homer	Smallpond Childcare - Homer	Homer	Lic. Renewal - 12	Approved
2011Anch1066	Homer	Smallpond Childcare - Homer	Homer	8 children	Renewal
2011CCL1002	Homer	TLC Child Care	Homer	Lic. Renewal -	Approved
2010CCL1004	Homer	Nikki's Daycare (Children Care-Rising Tide)	Homer	Request for Fire	Approved
2010Anch1016	Homer	Nikki's Daycare (Children Care-Rising Tide)	Homer	child care	Renewal
2009Anch1169	Homer	TLC Child Care	Homer	Changed	Renewal

The left sidebar contains a navigation menu with categories such as BUILDING PERMITS, REVIEW, INSPECTION, SETUP, ASSIGNMENT SETUP, PLANNING, PROJECT, CODE ENFORCEMENT, USE PERMITS, CUSTOMER SERVICE, CASHIERING, RESOURCES, SYSTEM, and PERSONALIZATION. The top of the page shows the browser address bar with the URL "http://anchqqsww417a/hansen/" and the application title "Hansen 8".

If you have any further questions let me know...I CC'd Jessica in order to find a file and see if any applications have come in for this Daycare or Home Daycare.

Tim

Plans Examiner
www.akburny.com ,
 Plan Review Bureau

NOTICE OF PUBLIC HEARING

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, February 5, 2014 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matter:

Conditional Use Permit 2014-02 for a day care facility pursuant to HCC 21.14.030(c). The applicant proposes the construction of a single story home for use as a licensed childcare facility at 560 Noview Ave. Lot 15 Block 2 Harrington Heights Subdivision T 6S R 13W Sec 19 SM.

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

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

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

.....

VICINITY MAP ON REVERSE

Vicinity Map

RANGEVIEW AVE.

Mullikin St

SOUNDVIEW AVE.

Location of proposed daycare
560 Noview Ave

X

NOVIEW AVE.

SPRUCEVIEW AVE.

Legend



Subject Location



Properties within 300 feet



City of Homer
Planning and Zoning Department

January 23, 2014

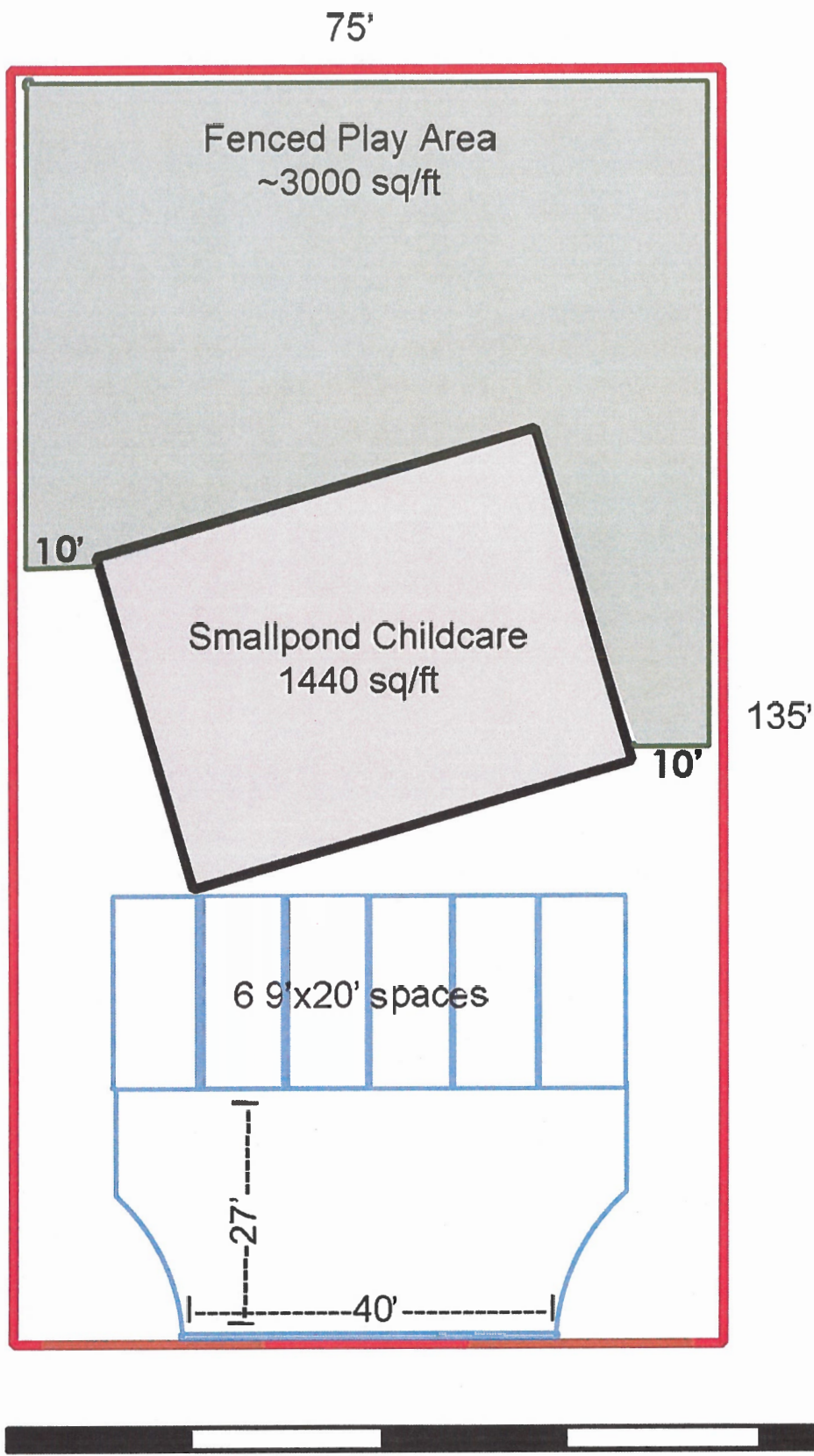
Request for CUP 2014-02 Daycare Facility

Subject lots within 300 feet are
marked and property owners notified.

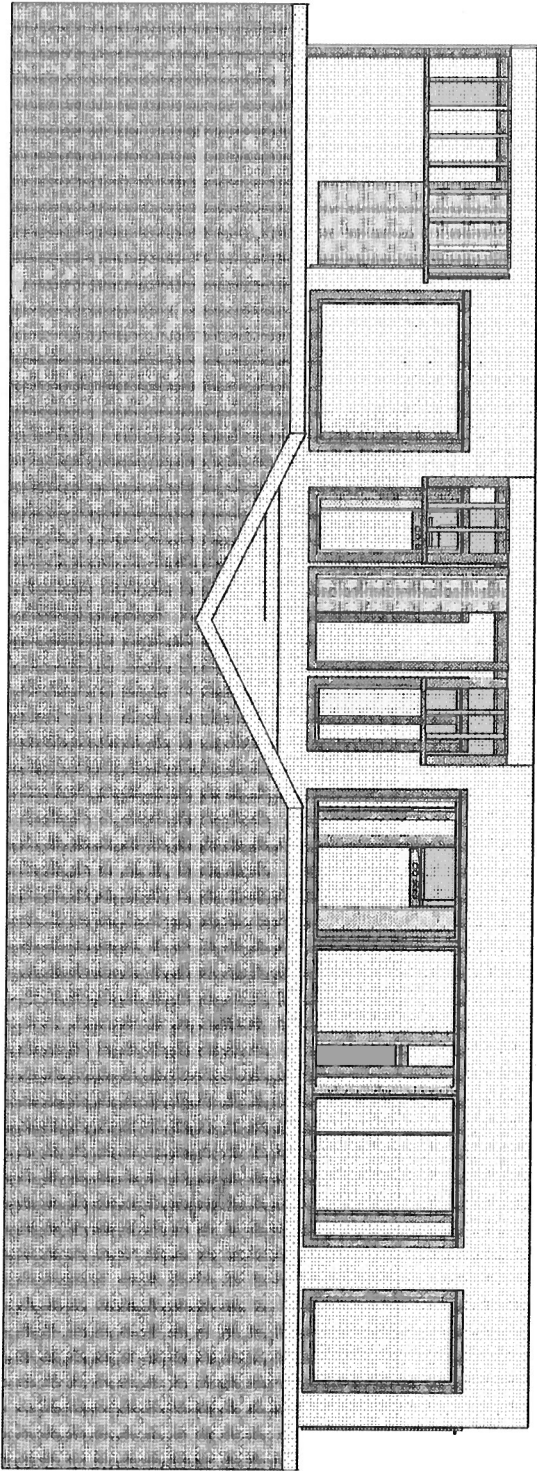
0 130 260 Feet



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.



Smallpond Childcare
 560 Noview Street Homer, Ak
 CUP application
 12/26/2013



From: scott sprsgue <scsprague@yahoo.com>
Sent: Thursday, January 30, 2014 10:24 AM
To: Department Planning
Cc: Folks
Subject: noview ave day care

I own the property that is next door to the proposed childcare facility on Noview Ave. My lot is still undeveloped but it has been my plan to build there and retire in Homer. I feel that a childcare business would greatly increase the traffic on our quiet street and would make my lot more difficult to sell if I chose to do so later. I would expect that the value of my property would decrease as many people would prefer not to live so close to any business. According to the map provided in your letter the corner of the building would be only ten feet from my property line.

At this time, I wish to state my opposition to the proposed conditional use permit #2014-02.

&n bsp;

Scott Sprague

11001 Hideaway Trl

Anchorage AK 99507

907 360 8743

scsprague@yahoo.com

From: Smallpond Childcare <homermum@gmail.com>
Sent: Thursday, January 30, 2014 9:34 PM
To: scsprague@yahoo.com
Cc: Department Planning
Subject: Noview CUP

Dear Mr. Sprague,

My name is Susannah Webster and I am the owner of Smallpond Childcare, currently located on Hohe Street in Homer. I grew up here in Homer and returned in 2007 to raise my family and be close to my parents. I started Smallpond three years ago out of a desire to fill a pressing need in our community for quality childcare. I didn't realize how much I would absolutely love it. While our days are filled with play, our hearts and minds are committed to the task of helping families raise secure, empowered and enthusiastic learners and growing the kind of community we wish to live in.

I understand your concern regarding your property on Noview. I have always strived to be a respectful and communicative neighbor. I have never considered our presence in our current neighborhood to be a nuisance or detrimental in any way to property values. On the contrary, all of my current neighbors on Hohe Street are willing to submit testimony on my behalf regarding the value they feel that Smallpond has contributed to their neighborhood and have expressed their dismay that we may be moving to a new location.

I would be happy to answer any questions you might have regarding my future plans or current operation of Smallpond. I can be reached at 907-299-4317 or homermum@gmail.com

Thank you for your time,

Susannah Webster

From: Bob Shavelson <bobshavelson@gmail.com>
Sent: Thursday, January 30, 2014 10:13 PM
To: Department Planning
Cc: Miranda Weiss
Subject: Conditional Use Permit 2014--2

Dear Planning Commission -

Please accept these comments regarding CUP 2014-02 (Smallpond Day Care).

We live in the immediate area of the proposed use, and we believe the proposed facility would be an incredible asset not only to the neighborhood, but to the entire community of Homer. We frequently walk by the current facility and it complements its surrounding neighborhood; we believe the new one will do the same on No View.

Our children currently attend Smallpond Day Care, and we could not be happier with the quality of care they receive and the professional manner in which Susannah Webster runs the facility. We are confident the new facility will reflect her deep roots in Homer and the community values she instills in her business.

Furthermore, the proposed facility fully meets the criteria presented in 21.71.030 - it's an allowed use; it's compatible with the UR District and existing uses; it will only enhance the neighborhood's character; it will not adversely affect adjoining property values; public services are adequate to serve the proposed use; and it comports with the Comp Plan and the Community Design Manual.

Thank you for the opportunity to comment and for your time and energy on the Planning Commission. High quality child care is hard to find, and we hope you agree this CUP will enhance our community.

Bob Shavelson & Miranda Weiss
705 West Fairview
Homer, AK 99603

From: Rudy Multz <rudyrocks@gmail.com>
Sent: Friday, January 31, 2014 10:44 AM
To: Department Planning
Subject: Childcare in Homer
Attachments: Pumpkin.jpg

To whom it may concern,

My daughter is turning 2 in a few days. She has been going to Small Pond Child care since last August and in that short amount of time has learned so much! They provide quality care, healthy food, and a positive environment. My wife and I work full time but want the best for our daughter and wouldn't feel comfortable leaving her with just any babysitter, however, we are on a tight budget too. It means a lot to us to have affordable child care that we have access too right in town. Please take this into consideration when planning and zoning for this community.

Thank you for your time and attention,

Most Sincerely,

Rudy M. Multz





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 14-11

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: February 5, 2014
SUBJECT: Bayview Gardens Subdivision Add. 2 Preliminary Plat

Requested Action: Recommend approval of this preliminary plat which removes a common lot line, creating one larger lot from two smaller lots.

GENERAL INFORMATION

Applicants:	Alaska USA Trust Co. William D. Jarrett Jr. Trad IRA P.O. Box 196757 Anchorage, AK 99519	FineLine Surveys Dimitri D. Kimbrell P.O. Box 774 Anchor Point, AK 99556
Location:	470 and 500 Painbrush Court	
Parcel ID:	17359402 and 17359403	
Size of Existing Lot(s):	0.47 acres and 0.62 acres	
Size of Proposed Lots(s):	Lot 2-A will be 47,530 sq ft	
Zoning Designation:	Rural Residential	
Existing Land Use:	Vacant	
Surrounding Land Use:	North: Skyline Drive South: Residential East: Vacant West: Residential	
Comprehensive Plan:	Goal 1, Objective B: Promote a pattern of growth characterized by a concentrated mixed use center and a surrounding ring of moderate-to-high density residential and mixed use areas with lower densities in outlying areas.	
Wetland Status:	No wetlands mapped.	
Flood Plain Status:	Not within a mapped flood hazard area.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water is available.	
Public Notice:	Notice was sent to 18 property owners of 40 parcels as shown on the KPB tax assessor rolls.	

ANALYSIS: This subdivision is within the Rural Residential district. Two lots will have the common lot line vacated, creating one larger lot.

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

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

Staff Response: The plat meets these requirements.

2. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: Paintbrush Court is 60 ft wide with a 50 ft radius cul-de-sac.

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

Staff Response: The plat meets these requirements.

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

Staff Response: Private parcels are shown.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

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

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

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

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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: No concerns with this plat.

FIRE DEPARTMENT COMMENTS: No concerns with this plat.

STAFF RECOMMENDATIONS:

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

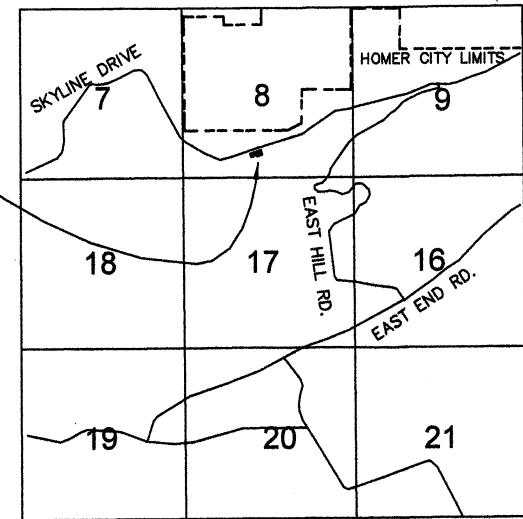
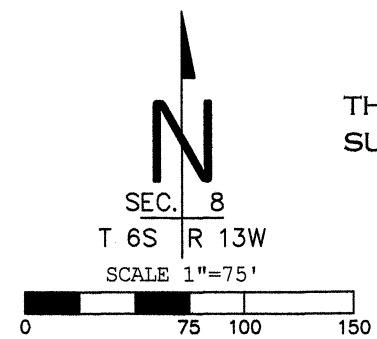
1. Correct the right-of-way width: Paintbrush Court is 60 ft wide with a 50 ft radius cul-de-sac.
2. Add plat note that lot is subject to City of Homer zoning regulations.

ATTACHMENTS

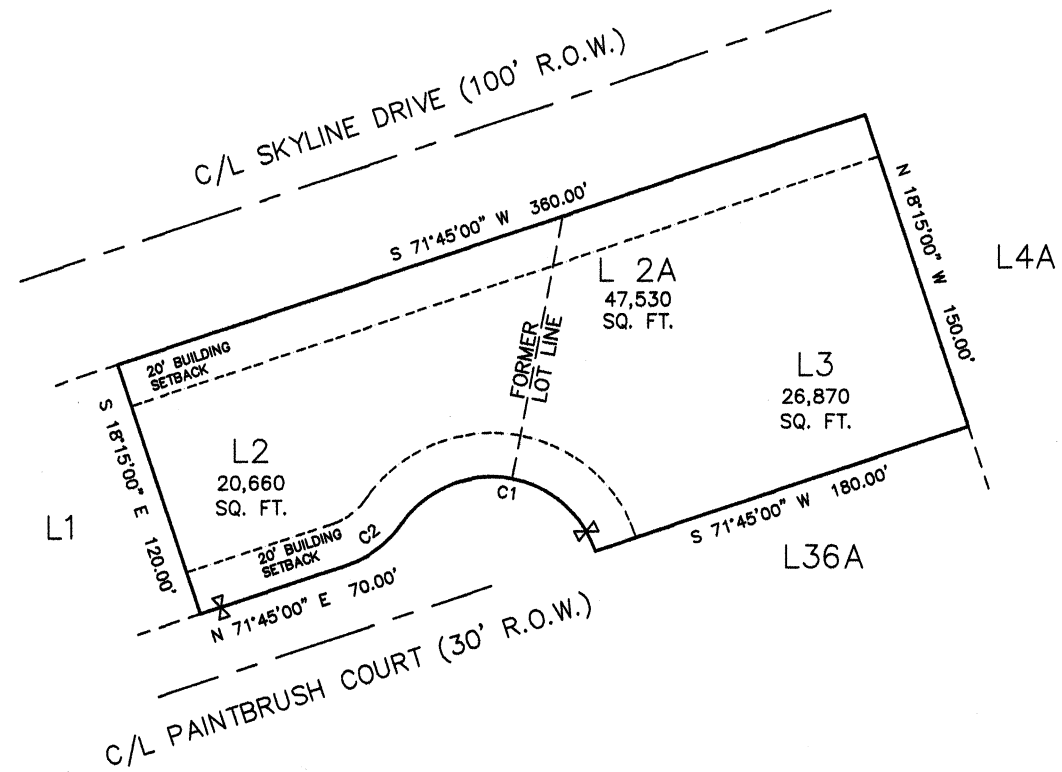
1. Preliminary Plat
2. Location map
3. Public notice

NOTES:

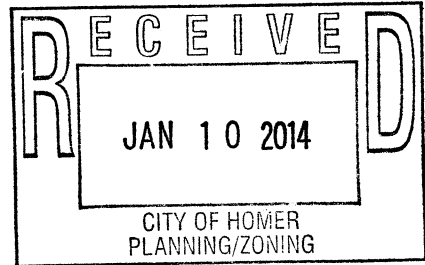
1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 15 FEET OF THE 20 FOOT BUILDING SET BACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.



VICINITY MAP 1 INCH = 1 MILE



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	110.71'	50.00'	126°51'51"	S 81°40'56" E	89.44'
C2	32.18'	50.00'	36°52'32"	N 53°18'44" E	31.63'



WASTEWATER DISPOSAL:
 THE PARENT SUBDIVISION FOR LOTS RESULTING FROM THIS PLATTING ACTION WAS APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION ON 5/3/1976. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

LEGEND

X APPROXIMATE LOCATION OF WATER SERVICE

PRELIM

CERTIFICATE OF OWNERSHIP:
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I HEREBY ADOPT THIS SUBDIVISION PLAN AND BY MY FREE CONSENT GRANT ALL EASEMENTS TO USE SHOWN.

AK USA TRUST CO. TTEE
 WILLIAM D. JARRETT JR.
 TRAD IRA
 PO BOX 196757
 ANCHORAGE, AK 99519

NOTARY:
 NOTARY'S ACKNOWLEDGEMENT:
 SUSCRIBED AND SWORN TO ME AND BEFORE ME THIS ___ DAY OF _____ 20__
 FOR DEWEY JARRETT

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES

PLAT APPROVAL:
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING DATED, _____

KENAI PENINSULA BOROUGH

BY: _____

AUTHORIZED OFFICIAL:

SURVEYORS CERTIFICATE:
 I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THE PLAT REPRESENTS A SURVEY MADE BY ME, AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BAYVIEW GARDENS SUBDIVISION ADD 2,
 K.P.B. FILE # 2014-
 A LOT LINE VACATION OF THE COMMON LINE BETWEEN LOTS 2 AND 3, BAYVIEW GARDENS SUBDIVISION ADDITION 1, SECTION 8, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, ALASKA.
 HOMER RECORDING DISTRICT.
 containing 1.09 acres.

FINELINE SURVEYS, INC.
 P.O. BOX 774
 ANCHOR POINT, ALASKA 99556
 DMITRI D. KIMBRELL, RLS (907) 360 6382

SCALE: 1"=75' DATE: 12/15/2013

NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

Bayview Gardens Subdivision Addition 2 Preliminary Plat

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

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, February 5, 2014 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska.

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

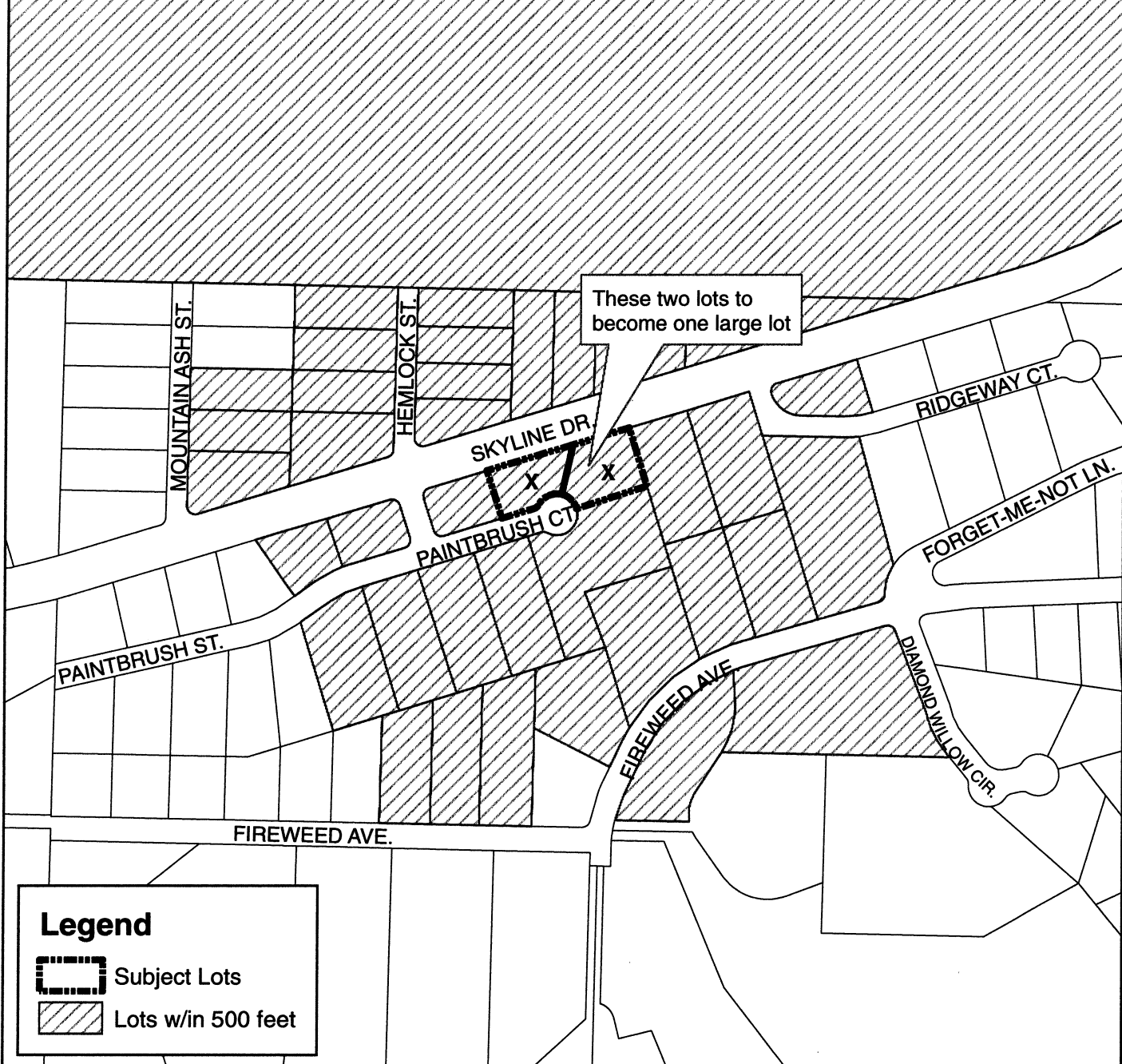
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

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

.....

VICINITY MAP ON REVERSE

Vicinity Map



These two lots to become one large lot

Legend

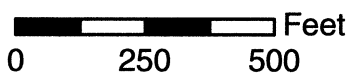
- Subject Lots
- Lots w/in 500 feet



City of Homer
Planning and Zoning Department
 January 23, 2014

Bayview Gardens Sub Addn 2 Preliminary Plat

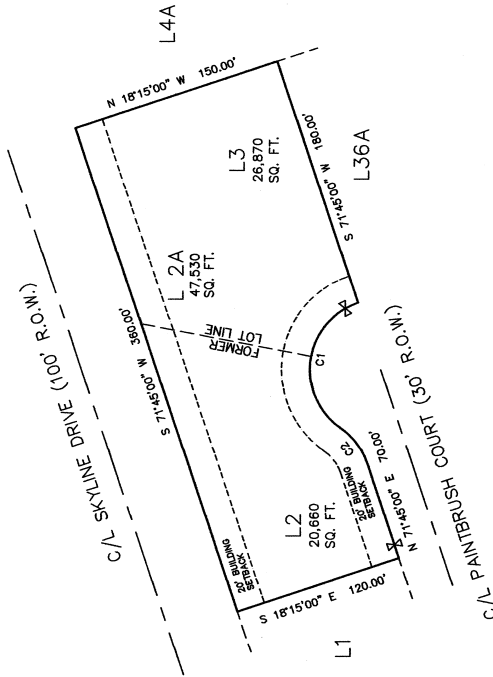
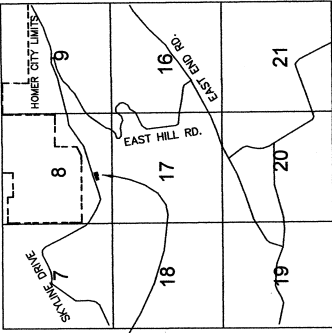
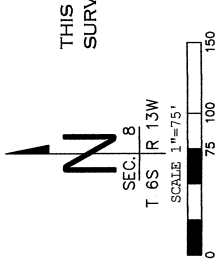
Subject lots within 500 feet are marked and property owners notified.



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NOTES:

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS OF WAY UNLESS OTHERWISE APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
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AK USA TRUST CO. TTEE
C/O DENNY JARRETT JR.
TRAD WEA.
PO BOX 198787
ANCHORAGE, AK 99519

NOTARY:
NOTARY'S ACKNOWLEDGEMENT:
SUBSCRIBED AND SWORN TO ME AND BEFORE ME ON ____ DAY OF ____ 20__

FOR DENNY JARRETT

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL:
APPROVED BY THE KENAI PENINSULA BOROUGHS PLANNING COMMISSION AT THE MEETING DATED _____

KENAI PENINSULA BOROUGHS
BY: _____

AUTHORIZED OFFICIAL:

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED AS A SURVEYOR UNDER THE LAWS OF THE STATE OF ALASKA, AND THAT THE PLAT REPRESENTS A SURVEY MADE BY ME, AND THAT THE MONUMENTS SHOWN HEREON CORRECTLY LOCATE THE CORNERS OF ALL LOTS, EASEMENTS AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

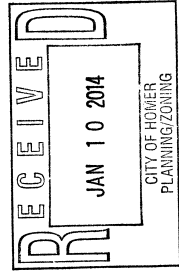
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A LOT LINE VACATION OF BETWEEN LOTS 2 AND 3,
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SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, ALASKA,
HOMER RECORDING DISTRICT,
containing 1.09 acres.

FINELINE SURVEYS, INC.
P.O. BOX 7774
ANCHORAGE, ALASKA 99506
DARRIN D. KUIRRELL, P.L.S. (907) 360-6362

SCALE: 1"=75' DATE: 12/15/2013

PRELIM

LEGEND
X APPROXIMATE LOCATION OF WATER SERVICE



WASTEWATER DISPOSAL:
THE PARENT SUBDIVISION FOR LOTS RESULTING FROM THIS PLATTING ACTION WAS APPROVED BY THE CITY OF HOMER PLANNING AND ZONING COMMISSION ON 6/2/1978. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



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 14-12

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: February 5, 2014
RE: Comp Plan Amendment - Considerations for rezoning property in the Baycrest area.

Introduction

At the last meeting, the Commission looked at a physical map that showed two distinct geographical areas for consideration of a zoning review. It could be justified that the conditions in the areas have changed or that the current uses are not the best fit for the underlying zoning. In consideration of whether an amendment is in order or not, the first thing to evaluate is the comprehensive plan. If a change is in order, at the very least, the land use recommendations map would need to be updated. Please continue to refer to maps and data provided to the Commission at the previous meeting.

Comprehensive Plan Considerations

I am reviewing the plan in whole and documenting items for discussion. It is important for Commissioners to review the plan independently also, as it is a large document and I might miss some item that would contribute to the conversation.

Chapter 4 Land Use

In the discussion about land use on p4-2, it is mentioned that roadside commercial on the Sterling Highway competes with services found in the downtown core. We would want to craft a district that keeps this to a minimum. The values of the Sterling Highway as it comes to town is demonstrated in the creation of the Gateway District found further down the hill and the Scenic Overlay District found to extend through the Gateway District to the northwestern end of Rogers Loop. Just considering these items, we see a distinct difference from study area 1 to the north and study area 2 to the south where the Baycrest Hotel is found.

Additional concerns about development in general are found further in the Land Use Chapter. Included are concerns for quality development, natural beauty, infill and environmental responsible development. Then comes a distinct statement “discourage strip development along the Sterling Highway...”. Again this reinforces the desire to avoid competition with the Central Business District for services and aesthetic consideration for development along the highway.

Conversation

We have two distinct areas and only one particular property motivated to change the zoning. The property at the end of town already has some established uses and is more conducive to possibly expand existing zoning. But as of now, has no particular request to do so. The area further down the hill is certainly not as industrial and I would not like to encourage that type of activity. The uses that are found are basically types of overnight accommodations. I am very hesitant to introduce or encourage any more intensive uses in consideration of desirable neighborhood character and lack of infrastructure to support more concentrated uses.

I am looking forward to some insight and local perspective on this subject. I am including the code related to changes in the zoning map. I want you to consider 21.95.050 (c) in your thoughts and discussion.

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.

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.



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 14-13

TO: Homer Advisory Planning Commission (HAPC)
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: February 5, 2014
SUBJECT: Itinerant Merchants (IM) and Mobile Food Service Vendors (MFS).

The goal of this staff report is to present issues related to Itinerant Merchants (IM) and Mobile Food Service vendors (MFS). Attached is an interesting article titled: *Food Truck Feeding Frenzy: Make Sense of Mobile Vending*. On the last page there are several questions that staff would appreciate the HAPC feedback on.

First, who are these vendors? They are a temporary businesses that set-up shop on a piece of property usually during the summer months.

The 'vendor' conversation can be complex. In Homer the conversation includes licensing, locations, and water/sewer hook-ups, or not. Across the county, Planning Departments tend to focus on location and design. Location and design can help introduce vitality into sections of town that may have commercial gaps, offer time-saving dining and create a festive atmosphere.¹ This is balanced with the need to protect public health, provide low cost economic opportunity for new business while providing a "level playing field" for all. This report describes the issues and concludes with several questions for the HAPC to discuss.

Seasonal pattern: There are endless varieties of mobile vendors, but in Homer they usually arrive in May eager to set-up "shop". They "roll-in" a mobile unit or "skid-in" a small building, a yurt, a tent, bus, into a highly visible location and leave before the snow flies. Some go dormant and return, perhaps with enough returning clientele to become a permanent member of Homer's business community. These vendors are licensed through Homer's Police Department. An Itinerant Merchant license is good for 60 days. A mobile food vendor obtains an annual license which may be renewed each year, HCC 8.11.050(b).

In the spring of 2013, two scenarios brought forth permitting issues the City has struggled with for years:

Scenario One: A vendor places a small building on skids on a vacant commercial lot. The vendor intends to be open for business during the summer months, mid-May to mid-September, or about 120 days. The building has no plumbing. The Planning Office does not have the authority to issue a zoning permit for a "temporary" building, so the vendor obtains a 60 day license from the Police Department. At some point the business/structure no longer has a valid license and becomes "permanent". By State law this commercial structure requires Fire Marshal approval and is considered a permanent structure which requires connection to the City's sewer. No wonder the vendor is a bit frustrated.

Scenario Two: A bus rolls onto a commercial lot where water and sewer is available. The vendor wants to connect to City water and sewer, but City code prohibits “RVs” from hooking-up to water and sewer. So the vendor proceeds with bottled water and a porta-potty.

Neither scenario is consistent with the intent of the law, nor does it protect public safety, nor “level the playing field” for all businesses in Homer. In puzzlement vendors soon realize that a structure on skids or a yurt can content to water and sewer (assuming the commercial structure has Fire Marshal approval and has a sink or tiolet), but a wheeled food vendor can’t, then overnight, a pole tent squeezes into this mix.

Permitting: As mentioned above, the vendors obtain a license from the Police Department, an Itinerant or Transient Merchant’s License (HCC 8.08) or a Mobile Food Service License (HCC 8.11). Food vendors are also required to show proof of compliance with the State of Alaska, Food Safety and Sanitation Program.

In either case the Planning Office and the Public Works Department often don’t know the business has arrived until their sign “pops up.” These small structures are allowed 30 sf of signage.

The stakeholders are, in part the:

- Public Works Department for water/sewer connections and trash
- Police Department who currently permit Itinerant Merchants and Mobile Food Vendors
- Economic Development Advisory Commission for fair and equitable business opportunities
- Business owners
- Planning and Zoning Office for locations, and health and safety.

Definitions for Homer City Code:

“Transient or itinerant merchant” means any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the municipality or not, who engages in a **temporary business of selling and delivering goods, and/or services, wares and merchandise** within the City, and who, in furtherance of such purpose, peddles from door to door or hires, leases, uses or occupies any **building, structure, motor vehicle, tent, railroad car, boat, any room in a hotel, lodging house, apartment, shop, or any street, alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise**, and/or the performance of services, either privately or publicly. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer, provided the temporary business is conducted in conformance with HCC Title [21](#) as it pertains to the residential zones which prohibits selling from homes.” HCC 8.08.010

“Mobile Food Service” means a **self-contained food service establishment** that is designed to be readily moveable from location to location, **without being permanently affixed to any site or permanently connected to any water or sewer utility service.**” HCC 8.11.020

Planning issues related to vendors tend to focus on location and design which is crucial to protecting permanent shops while providing a low cost, economic opportunity for new businesses.

Location and buffers: In Homer, vendors are allowed in the commercial districts. A food vendor cannot “operated in front of or immediately adjacent to an established business offering the same or similar commodities from a fixed location, unless a designated vendor parking area has been named.” HCC 8.11.070(c). A Spit food vender can’t operate in “any congested area, to include areas designated as public parking, campgrounds, parks or open space or where his operation might impede or inconvenience the public.” HCC 8.11.070(d). An Itinerant Merchant does not have any buffer standards. In fact, court rulings advise cities to avoid regulations that prevent vendors from operating in certain areas, certain hours, or certain distance from brick-and-mortar competitors. Basing vendor location on health and safety standards is the suggested approach.

If a food vendor (wheeled or not) wants to connect to water and sewer, should they be allowed to? The state’s Food Safety and Sanitation Program allows connection.

Should vendors be located near public restrooms? (Assume they do not have water/sewer)

Length of time (currently described in Title 8 for the Police Department to regulate):

In a nutshell, an IM license expires in 60 days. If they are on-site for more than 60-days, by definition they are now permanent. A food vendor can renew year after year even if it’s on wheels. Are you confused yet? My head is spinning.

Is the 60-day threshold for IM reasonable in Homer? Staff could explore the issues of extending the 60-day threshold to 90 or 120-days.

Att: Arroyo, Rodney and Jill Bahm. “Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending.” American Planning Association: *Zoning Practice*. Issue Number 9. September 2013.

ⁱ *Street Vending: A Survey of Ideas and Lessons for Planners*, by Jennifer Ball. Published by American Planning Association.

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PRACTICE FOOD TRUCKS



Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending

By Rodney Arroyo, AICP, and Jill Bahm, AICP

Recent economic and cultural trends show an explosion in the popularity of food trucks, or mobile vendors, over the past several years.



Jill Bahm/Clear zoning

➔ One of the hallmarks of the current food truck boom is an increased focus on “in-truck” preparation over preparation at a central commissary.

According to research done by Emergent for the National Restaurant Association, the growth of mobile food trucks will soar in the next five years, generating up to \$2.7 billion in revenue nationally by 2017—up from \$650 million in 2012 (Emergent Research 2012). All across the country, cities, small towns, and suburbs are seeing food trucks popping up, some in unexpected places like office and industrial parks, where zoning ordinances typically preclude res-

taurants. Amplifying the push for food trucks are the twin trends of “buying local” and “food as entertainment” that are enhanced by programs such as the *Great Food Truck Race* on the Food Network. While ice cream trucks and job-site lunch wagons haven’t disappeared, they are increasingly being joined by gourmet trucks and trucks specializing in ethnic offerings.

All across the United States, people are exploring how mobile food vending might

make a difference in their lives and their communities. More resources are starting to become available for potential business owners. Networks for mobile food vendors are growing; the Southern California Mobile Food Vendors Association was formed in 2010 as one of the first associations dedicated to helping vendors break down barriers to business (www.socalmfva.com). And this fall, Roam—a first-ever industry conference for mobile food

ASK THE AUTHOR JOIN US ONLINE!

Go online during the month of September to participate in our “Ask the Author” forum, an interactive feature of Zoning Practice. Rodney Arroyo, AICP, and Jill Bahm, AICP, will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The authors will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

About the Authors

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Jill Bahm, AICP, is a principal planner with Clearzoning, Inc. She holds a Master of Urban and Regional Planning degree and has worked in both the public and private sectors as a downtown development authority director, city planner, and real estate marketing professional. Bahm’s professional interests include economic development, recreation planning, historic preservation, community participation, and organizational development.

suppliers and owners—will take place in Portland, Oregon.

On the worldwide stage, the World Street Food Congress is the first of its kind to connect and open up fresh ideas and thought leadership in the massive and growing street-food culture and industry throughout the world. This 10-day street-food festival was hosted in Singapore in January 2013 and featured well-known leaders in the food industry (www.wsfcongress.com).

Faced with inquiries from food vendors, many communities turn to their zoning codes, only to discover that mobile food vending isn’t really defined and may not be permitted in the way vendors might like. With the approach to regulating mobile vending varying widely in communities, it can be hard to know where to begin when considering if and how to accommodate food trucks.

WHAT IS MOBILE FOOD VENDING?

Regulatory codes for many communities recognize transient merchants—those goods and services provided by a traveling vendor. The typical ice cream truck would be a good example of a transient merchant who is mobile most of the time, stopping only when requested for a few short minutes. Many operators of today’s food trucks or carts, however, are seeking more than a few minutes on the street, sidewalk, or parking lot, staying in place for a few hours to serve breakfast, lunch, or dinner. In fact, when they are located on private property, some food trucks may be in one location for days, weeks, or even months. It is important to make a dis-

inction between the food vendors that are more transient in nature, like an ice cream truck, and those that seek to move about less frequently. Both types of uses can offer benefits to the community, and they will each have different potential issues to regulate.

Many mobile food vendors utilize self-driven vehicles that permit easy relocation throughout the community. However, mobile food vending also includes trailers, food kiosks, and food carts. Food kiosks are temporary stands or booths that are typically intended to sell prepared foods, including ice cream, pretzels, and the like. Food kiosks may be found inside a large office building or shopping mall, but may also be secured for outside use. Some communities, like Maui County, Hawaii, allow a variety of products to be sold at a kiosk, provided certain standards are met (§30.08.030). While temporary in structure, food kiosks are often stationary with a defined location. Food carts allow the vendor to sell from outside the moveable unit and are often used to sell fresh fruits and vegetables. Typically, the food in kiosks and carts is prepared elsewhere and kept cold or hot in the unit. The city of New York encourages “green carts” that offer fresh produce in certain areas of the city and has special regulations for these uses (www.nyc.gov/greencarts).

In communities across the U.S., mobile food vendors are seeking permits to start these innovative businesses. They often run into roadblocks at city hall, because while many zoning ordinances include provisions for temporary

uses, most do not contain current definitions for mobile food vending nor do they include any standards that specifically relate to vending and the issues that may arise. The net result in many communities, intentional or unintentional, is a prohibition on mobile food vending.

THE PROS AND CONS OF MOBILE FOOD VENDING

Over the past few years, most of the economy has been struggling and the workforce has been challenged to adapt. With laid-off workers trying to reinvent themselves and new immigrants looking for opportunities, the number of people starting new businesses is rising. Mobile food vending seems, for some, like a low-cost way to wade into the pool of business ownership. There are a number of reasons why communities may elect to sanction mobile food vending:

- **It provides an opportunity to increase jobs and businesses.** The cost of starting a food truck business can start at \$25,000, where a traditional bricks-and-mortar establishment may start at \$300,000, according to the National Restaurant Association (Emergent Research 2012).
- **It offers opportunities to provide food choices where zoning precludes restaurants.** Traditional zoning codes tend to restrict the uses permitted in office and industrial districts, only allowing uses that narrowly meet the intent of those districts. Office and industrial parks, in particular, are often isolated from the rest of the community, requiring employees to drive to retail and restaurant areas. In addition, some communities may not have access to variety of

healthy, fresh foods, and therefore decide to encourage such food vendors in certain neighborhoods by relaxing requirements. New York's green carts initiative allows additional permits to be issued over the city's defined limit to mobile food vendors that offer fresh produce in underserved neighborhoods, and Kansas City, Missouri, offers reduced permit fees for mobile food vendors in city parks that meet certain nutritional standards (Parks and Recreation Vending Policy 4.7.08).

- **It can increase activity in struggling business districts** by creating a dynamic environment where people gather around the availability of new and fresh food. The economy has taken a toll on businesses over the past several years. Those that are hanging on in some areas find that their neighboring buildings or businesses are vacant. Food trucks can be a way to enliven an area, generating traffic for existing businesses and possibly spinning off new business activity. The restaurant industry is evolving to meet the demands of patrons who are looking for locally grown, sustainable, healthy, and fast options for dining. When food trucks use social media to communicate about their location schedules, it can build up a certain level of excitement and anticipation that can make a positive social impact. In addition, the rising trend of "cart pods" and "food truck rallies" brings multiple mobile food vendors to one location, creating a festive atmosphere in an area for a short time.

- **They signal to other potential businesses that the community is adapting to the evolving economy and supporting entrepreneurship.** Mobile food trucks are a new way of doing business; in these early years, communities that anticipate the demand from businesses and consumers may also find that this flexibility signals receptivity to new business models.

- **They are a way for restaurateurs to test the local market for future bricks-and-mortar facilities.** Mobile food trucks offer opportunities to interact with a potential market, to test recipes and pricing, and see if the restaurant fits with the community. All across the United States there are examples of food truck businesses evolving into permanent establishments, including El Camion ("the truck") in northwest Seattle that has recently opened a restaurant and bar in the Ballard neighborhood after several years of experience with its two mobile food units. Torchy's Tacos in Austin, Texas, started with a food truck and now has eight bricks-and-mortar restaurants in Austin, Dallas, Fort Worth, and Hous-

ton—and two more opening this year. The Lunch Room in Ann Arbor, Michigan, plans to open its bricks-and-mortar location soon, using social media to solicit fans of its existing "Mark's Carts" to become investors in the restaurant.

Along with these potential benefits can come community impacts and possible conflicts. Some of the challenges associated with

went through an extensive research and public input process, surveying their local chamber of commerce and meeting with prospective mobile food vendors, residents groups, and restaurant owners. Their resulting ordinance language responds to the needs and concerns of the community (Longmont 2011).

ADDRESSING AREAS OF CONCERN THROUGH ZONING

Many communities are updating their codes to accommodate or regulate mobile vending. In June 2012 Grand Rapids, Michigan, included the following statement of intent in a new set of mobile food vending provisions:

Employment and small business growth in the city can occur while providing a broad range of food choices to the public through careful allowances for temporary concession sales. The provisions of this section are intended to prevent predatory practices on bricks-and-mortar restaurants while allowing for new food vending opportunities that can add vitality to vacant parking lots and underutilized sites . . . (§5.9.32.K).

Other cities, including Phoenix, Arizona (§624.D.87); Chapel Hill, North Carolina (§§10-66–74); and Fort Worth, Texas (§5.406)—just to name a few—adopted regulations in 2012 to allow mobile vending or food trucks. Chapel Hill's

provisions note that allowing food trucks will "promote diversification of the town's economy and employment opportunities and support the incubation and growth of entrepreneurial/start-up businesses" but also that food trucks pose "unique regulation challenges."

While specific approaches vary from place to place, communities interested in adding or updating regulations for mobile food vending should start by defining the uses and then consider each of the following questions:

- Where in the community should such uses be permitted?
- How long should a food truck be permitted to stay in one location?



Russ Herschler

- ➔ Food truck gatherings are increasingly common in communities with extensive food truck offerings.

mobile food trucks might include problems with maintenance, trash, parking, noise, and vehicular and pedestrian circulation. In addition, some restaurateurs may be threatened by this new competition and try to prevent mobile food vending. Food trucks also have their own operational challenges, including dealing with unpredictable weather and maintaining an appropriate inventory despite limited storage.

The best way to understand and manage the pros and cons of food trucks in individual communities is to solicit public input and dialogue about the needs and wants of the community. For example, Longmont, Colorado,

- Are these mobile units just for food sales, or can other goods be sold as well?
- Does the community want to increase activity?
- How can the zoning ordinance address upkeep and maintenance?
- When can food trucks operate?
- How are visitor parking and circulation accommodated?
- How are these uses reviewed and permitted?
- What do vendors and their customers want or need?
- How is signage for the mobile unit regulated?
- How is the site lit to ensure safety?

Location

It is common to allow mobile food vending in commercial districts, but some communities add industrial districts or specify mixed use districts. Start with the community's comprehensive plan—is there a need or desire to increase activities in specific parts of the community? Are there concerns about the impact of single-purpose districts (especially office and industrial) on connectivity, traffic congestion, and business

In consideration for existing facilities, some communities decide that there should be a minimum distance between mobile units and bricks-and-mortar restaurants. Some communities try to limit the impact on adjacent residential uses through a distance requirement or by restrictions on hours of operation. Planners should test these locational restrictions to ensure that realistic business opportunities exist. El Paso, Texas, repealed its locational requirement of 1,000 feet from bricks-and-mortar establishments following a 2011 lawsuit to provide sufficient opportunities for mobile food vendors (Berk and Leib 2012). Attorneys Robert Frommer and Bert Gall argue that separation from other establishments is not necessary and that food truck regulations should be narrowly tailored to legitimate health, safety, and welfare concerns, not regulate competition (2012).

The American Heart Association has also looked at location issues related to mobile food vending. They report that several communities across the country prohibit mobile food vending within a certain distance of schools (or

community and often is related to where mobile food vending is permitted. Some communities allow food trucks on public property but prohibit overnight parking. Where on-street parking is at a premium, communities may consider allowing food trucks to utilize public parking spaces for the same duration as other parked vehicles. Chicago requires food trucks to follow posted meter time restrictions, with no more than two hours in one location. In addition, the city also limits mobile food vending to two hours on private property (§4-8).

In contrast, some communities allow food trucks on private property for up to 30 days or more at one location. For example, Grand Rapids allows concession sales for up to 200 consecutive days over 12 calendar months (§5.9.32.K.6).

Regulations like this may impact vendors in terms of the types of food that can be sold and the manner in which they are prepared, especially when preparation is done on-site. Communities may wish to consider whether the allowed duration is reasonable for food vendors as well as adjacent property owners.



➡ This food truck rally in Royal Oak, Michigan, illustrates how a gathering of food trucks can activate an otherwise underutilized space.

retention and recruitment? Are there any areas in the community where the population is underserved by food choices? Planners can take these concerns to the community and invite residents and business owners to share their thoughts on where mobile food vending might be appropriate and desirable.

Some communities make a distinction between vending on public property, which often requires a license but is not regulated by zoning, and private property, which often requires a temporary use permit and is regulated by the zoning ordinance. When permitted on private property, zoning standards should require evidence of property owner approval.

at school release times) to limit the sometimes nutritionally challenged food choices available (2012). Woodland, California, prohibits mobile food vending within 300 feet of a public or private school, but will allow them on school property when approved by the school (§14-15). In a different twist, the Minneapolis Public School System introduced a food truck program this year to offer free nutritious meals to students during the summer months at four different sites in Minneapolis (Martinson 2013).

Duration

The length of time food trucks are permitted to stay in one place varies widely by commu-

Goods Available for Sale

Some communities, like College Station, Texas, are very specific that the goods sold from mobile vending to be food related (§4-20). This is often borne of a desire to start with mobile vending on a limited basis to gauge its impact. As mobile food trucks become more prevalent, surely people will explore the ideas of starting other types of businesses in this format. Communities may wish to consider the questions raised earlier about location and assess whether or not it makes sense to allow other goods in addition to food to be sold in designated areas. For example, Ferndale, Michigan, allows a variety of wares to be sold by a mobile

vendor, including apparel, jewelry, household goods, and furnishings (§§7-73–82). That might be just the place for book publisher Penguin Group (USA) to take its recently introduced first mobile bookstore, which aims to make books accessible where big box retailers aren't located (Edsall 2013).

Number of Units in One Location

Some communities that are getting on board with mobile food vending have started allowing them to congregate for certain events and activities. For example, Royal Oak, Michigan, started a food truck “rally” at their indoor farmers market during colder months. It is a good way to utilize the facility as well as provide entertaining food options for city residents. It has now become a great family event every month year-round, with musical entertainment, bouncy houses, and face painting. The city limits the rally to no more than 10 different trucks with a variety of cuisine for the whole family.

units to function on private property as a single business. To address potential negative impacts, each mobile food court must have its own on-site manager, who is responsible for the maintenance of the area (§5.406).

Trash

The type of standards for trash removal and upkeep will vary depending on the location and duration of the vending. Most communities require waste receptacles for every mobile food vending unit and some further require waste to be removed from a site daily. Keep in mind that where communities allow seating along with the mobile food unit, people will generate more trash on-site than in situations where there is no seating provided and people take their food (and trash) to go.

Hours of Operation

Some communities limit hours of operation to around lunchtime (e.g., 10:30 a.m. until 3:30

trucks on private property, communities typically require the vendor to ensure that there is sufficient parking available for its use and any other uses on the site, including the space taken up by the unit itself. Some cities allow public parking areas to be utilized for food trucks, and may even allow metered parking spaces to be used provided the related meter fees are paid. For example, Minneapolis allows a mobile vendor to park at no more than two metered spaces, as long as they are not short-term spaces and are not located within 100 feet of an existing restaurant or sidewalk cafe—unless the restaurant owner gives consent (§188.485.c.7).

Licenses and Permits

Most communities require permits or licenses regardless of whether the trucks operate on public or private property. It is also common for the community to reference compliance with other codes, particularly state or local health codes. These other codes can impact how trucks operate. For example, California's

Health and Safety Code requires trucks to have hand-washing stations if food is prepared in the truck, but does not require them on trucks selling only prepackaged foods like frozen desserts (§114311).

Some communities cap the number of licenses available for food trucks to limit their impact, but many others do not. Grand Rapids

requires a temporary use permit, subject to planning commission approval, and gives standards for consideration (§5.9.32.K.18), including an assessment asking “[w]ill the proposed stand, trailer, wagon or vehicle contribute to the general aesthetic of the business district and include high quality materials and finishes?”

Site Amenities

Some communities specify that no tables or chairs are permitted, or if they are, then sanitary facilities are also required. There may be flexibility in the permitted arrangements for such facilities (for example, having permission to use such facilities within a reasonable distance of the mobile unit). Frisco, Texas, prohibits connections to po-



Site amenities like tables and chairs are often easier to accommodate on private property than in a public right-of-way.

According to Market Master Shelly Mazur, “It’s nice to be able to offer a family-friendly event in a climate-controlled building with renovated bathrooms and seating.”

On the other hand, in its 2010 ordinance, the city of Zillah, Washington, banned mobile food vending altogether, declaring it a “nuisance,” and finding that “when mobile vendors congregate in the same area, the heightened intensity of use negatively impacts the surrounding area, particularly by increased trash” (§8.32). Fort Worth tackled this issue head-on, defining a group of food trucks as a “mobile food court” when two or more mobile vending units congregate. They allow these

p.m.), and others allow sales from early in the morning to late in the evening (e.g., 7 a.m. until 10 p.m.). Some communities place no time limits on these operations in the zoning regulations. Again, consider where these units will be permitted and the potential conflicts with adjacent uses.

Parking and Circulation

Given the mobility of these vendors, they by necessity are typically located in parking areas. Whether in public spaces or a private parking lot, it is important to ensure sufficient parking for existing uses to prevent an undue burden on bricks-and-mortar establishments. For food

Jill Bahmy/Clearzoning

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table water, requiring mobile food vendors to store their water in an internal tank. The city also requires vendors to be located within 50 feet of an entrance of a primary building, and drive-through service is expressly prohibited (§3.02.01.A(20)). King County, Washington, requires that all mobile food vending in the county be located within 200 feet of a usable restroom (§5.34).

Signage

Some communities use their existing sign regulations, but others tailor standards for mobile units. In Michigan, both Grand Blanc Township (§7.4.9.F) and Kalamazoo (§§25-63–68) allow one sign on the mobile vending unit itself, but do not allow any other signage. This is fairly common. In many cases, the truck itself essentially functions as one big sign with colorful graphics. Additionally, many mobile food vendors now use social media to get out the word regarding the time and place they will set up shop, potentially reducing the need for additional signage beyond that on the unit itself.

Lighting

Lighting is not as commonly addressed as other issues, especially if a mobile food vending unit is located in an existing developed area, but it is likely presumed that other applicable lighting requirements appropriate to the location are to be followed. Consider adjacent uses and the impact of light trespass and glare. For example, Grand Blanc Township requires mobile food vending units to be lit with available site lighting. No additional exterior lighting is allowed unless permitted by the zoning board of appeals upon finding that proposed exterior lighting mounted to the mobile vending unit will not spill over on to adjacent residential uses as measured at the property line (§7.4.9.F.10).

TESTING, FOLLOW-UP, AND ENFORCEMENT

One of the nice things about mobile food vending is that it is really easy for a community to put a toe in the water and test the impact of regulations on mobile food vendors, other community businesses, and the public, and to adjust the regulations

as appropriate. The Metropolitan Government of Nashville-Davidson County, Tennessee, initiated a test phase beginning April 2012 that will provide evaluative data for a successful mobile food vendor program. The program will initially be operated under a temporary permit issued by the Metro Public Works Permit Office for two specified zones, the downtown core and outside of it. Oakland, California, has a pilot program for “Food Vending Group Sites,” defined as “the stationary operation of three (3) or more ‘mobile food vendors’ clustered together on a single private property site, public property site, or within a specific section of public right-of-way” (§5.51).

Before embarking on extensive zoning rewrites, review the suggested considerations with the community to anticipate and plan for appropriate ways to incorporate this use in a reasonable way. Mobile food vending is on the rise all over the country, from urban sites to the suburbs. When regulated appropriately, mobile food vending can bring real benefits to a community, including jobs, new businesses, fresh food, and vitality.

Cover image by Rodney Arroyo; design concept by Lisa Barton

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HOW DOES YOUR COMMUNITY REGULATE FOOD TRUCKS AND OTHER MOBILE VENDORS?

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Staff Report 14-14

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: February 5, 2014
SUBJECT: Safe Street Standards

Background

At the October 16, 2013 meeting, the Planning Commission expressed interest in working on standards and guidelines for pedestrian safety and traffic calming. The City Manager attended the work session of November 6th, to discuss this issue. He encouraged the HAPC to work with the Transportation Advisory Committee on this issue.

At the January 13, 2104 City Council meeting, the Council accepted the recommendation that the TAC be disbanded, along with some other city bodies, to reduce the number of committees, special meetings, and overtime. As a result, the HAPC will be working on this project alone as a body. (You can always invite groups or individuals to a work session).

Introduction

This staff report is split into two sections. The first section details the big picture; what range of services the City could offer a concerned citizen or neighborhood. From my research, I have learned that any one traffic calming technique may not solve the problem. Successful traffic calming relies on a multipronged approach. For this meeting, I'd like to introduce the big picture ideas to set the stage for discussion about specific sections at upcoming work sessions. The second section of the staff report, "Proposed Work Plan," addresses how the Commission could participate in and advocate for the creation of this new program.

Project Outline - Safe Streets Program

I suggest that addressing pedestrian safety will need several approaches. Street design, public education (pedestrian and drivers), and enforcement are all components of streets and sidewalks that are efficient and safe. I borrowed heavily from the Safe Routes to Schools Program for the items below. Safe Routes to School (SRTS) is a specific program addressing pedestrian access around K-8 schools. But the ideas are good community wide. SRTS is based on the five E's: Education, Encouragement, Enforcement, Engineering, and Evaluation. Our community will need to embrace these ideas, if we want to change driver and pedestrian behaviors to make our community a better place to walk.

I also would like this program to be an ongoing partnership between citizens and the City. The City of Seattle has a partnership with neighborhood groups, and the responsibilities of the citizens are spelled out. Their program is very clear on what a neighborhood has to do to get funding or get help. The HAPC has talked about a brochure and website as a 'how to' reference for citizens seeking to solve pedestrian problems. Below are some of the steps I see in that brochure and the process.

Safe Streets Program Components:

- Problem Identification
- Street Design Standards (new construction, and solutions for existing streets)
- Education, outreach and enforcement

Problem identification

The city and residents first need to identify the exact problem that is occurring. Is it one or two drivers speeding through a neighborhood? Or are there multiple issues requiring several solutions (like old town, where the solutions include speed limits, signage, striping, shoulder widening, etc).

Steps

1. The first step when a citizen approaches the City, is for a City staff member to visit the site, and listen to the concerns of the citizen. That staff member could be from parks maintenance, road maintenance, public works superintendent, police office, planner, etc.
2. The staff member will document the preliminary observation, citizen concerns, and the next steps that should be taken by the citizen and by the City. This documentation would likely be a written memo to the citizen and copied to appropriate city staff.

Recommendations could include many options, such as:

- Using the Traffic Speed Trailer to measure speeding
- Request for Public Works to trim vegetation, or address a right of way visibility issue
- Request new signage or replace missing signs
- Provide guidelines for neighborhoods to work together to solve problems
- City staff attend a neighborhood gathering to talk about the problem
- Request increase in city services to address the issue (road maintenance, traffic tickets)
- Do nothing
- Referral to a traffic engineer or other professional level service

****The City could purchase traffic counters, to measure traffic volume and speeds on a street. If a neighborhood had a problem, measuring traffic volume and speed might be one of the first city responses. Many traffic solutions are based on the speed and volume information. The City does not have this information for most city roads (the state has it for state roads only).

3. The citizen can then take this memo and share with the neighborhood for discussion. City Staff will follow through with 'easy' recommendations, like signage and vegetation clearing.

4. Its up to the neighborhood to request more follow up beyond what staff said they would do. Neighborhood groups can request this by letter. (Example: tree trimming may solve a problem and that's the end of the interaction. If the problem still exists, its up to the neighborhood to initiate further response from the City).

The point is that city staff can address some basic concerns, or recommend a course of action. Basic things like street signs should be an easy and simple thing to request, with timely response by the City. Larger requests that are more expensive, or more complicated, will require a higher level of approval – likely the City Council, and a higher level of interaction by the neighborhood. This could include forming a special assessment district.

Street design standards

The program would include traffic calming and pedestrian safety ideas for new subdivisions, reconstruction projects, and existing roads. There are many solutions on the web; not all of them are appropriate to a winter climate, and some are very expensive. The street design section would have a table to narrow down the options to solutions that are Homer-appropriate as far as budget, maintenance, etc. This section of the program would also include funding mechanism information. Some things the city may pay for, some may be eligible for HART funding, and some may require the neighborhood to form a special assessment district. The goal is for this section to provide enough information for a neighborhood to consider the options and possible expenses.

Table to include:

- Set of ideas for new construction
- Set of ideas for existing paved roads, and existing gravel roads, and criteria for installation
- Relative cost/complexity

- Funding mechanisms
- Some guidance on who to talk with in city government

Education

This section of the program has two parts. One section is what the city will do, and one is for citizens.

- The City section will describe the ongoing outreach efforts the City will undertake to support community education on traffic calming and pedestrian safety. For example, every fall the Public Works Department runs newspaper and radio advertisements reminding people about safety around snow removal equipment, and children playing on snow berms. The City could do the same thing for pedestrian safety.

The citizen section, probably included in the brochure and city website, would describe what citizens can do to draw attention to their issue, or further promote pedestrian safety. Homer has a lot of grassroots efforts. The City gets a lot of questions from people asking how they can promote an idea, or make things happen. This section of the guide would answer some of those common questions up front.

- Newspaper and radio coverage, advertising, school newsletters, etc
- Speakers at city meetings and other community groups
- Brochure
- City website about the program, with links to problems and solutions

Proposed work plan:

There are several steps needed to make a Safe Streets Program a reality. Below is an outline of steps that could involve the Commission. I anticipate spending the months of February and March gathering ideas and discussing them with the Commission. Ideally in April, there would be a pretty good program to share with Council and the wider public. Project timing after that will depend on public reaction and Council comments.

1. Planning and Public Works staff will:

- A. Recommend a range of solutions to pedestrian safety issues, including possible street design standards, traffic calming measures, changes to crosswalks, etc.
- B. Gather input from Home Police Department on neighborhood speeding, what city response to problem spots is
- C. Gather cost information (speed trailer deployment, traffic counts)

2. HAPC review options, gather public input:

- A. Use website and email to gather comments from stakeholders and groups such as Old Town and Mattox neighborhood, etc.
- B. Invite guest speakers and interested citizens to a work session(s).
- C. Consider an open house, or ongoing exhibit of ideas in CC chambers, where people can add their own ideas. (Posters with space for making comments), also could be on web, at Library/City Hall...
- D. Gather feedback on how the recent traffic calming in Old Town is working

3. Present ideas to City Council, possibly at a joint work session or a presentation, to draw more attention to the issues, possible city solutions, and encourage feedback from Council and the public.

4. HAPC to consider feedback, make any changes, and make a final recommendation to the City Council.

5. Introduce a Resolution to the City Council, possibly with a budget amendment ordinance to fund the program. HART funds may be available for some components.

If the program is adopted, final deliverables could include:

1. a paper brochure, and website for citizens who want information on how to address problems in their neighborhood
2. Possible HART funding for signage or other low cost improvements on an annual basis. (IE, "slow" sign, speed limit, or other regulatory signage, other low cost materials/labor)

Staff recommendation:

1. Discuss these ideas.
2. An upcoming speaker for a work session will be Brianna Allen from old town. She would be a great person to discuss process with. How could the city be easier to work with? What was frustrating, what was easy?

Attachments

1. The 5 E's, Safe Routes to Schools Program website

Alaska Department of Transportation & Public Facilities/Safe Routes to School

About the SRTS Program

5 E's of Safe Routes to School

The most successful Safe Routes to School (SRTS) projects are often ones that involve many community partners to educate and encourage students and parents to change the way they travel to and from school. These projects incorporate the “Five E’s” of SRTS to ensure that their project is well-rounded. The Five E’s of SRTS include:

Education

Education is one of the complementary strategies in a SRTS program. Education activities include teaching pedestrian, bicyclist and traffic safety and creating awareness of the benefits and goals of SRTS. While education dovetails with engineering and enforcement, it is most closely linked to encouragement strategies. For example, children may learn pedestrian and bicyclist safety skills and then get the chance to join a mileage club that rewards children for walking or bicycling to school.

Encouragement activities also offer "teachable moments" to reinforce pedestrian and bicyclist safety education messages.

Encouragement

Encouragement strategies are about having fun; they generate excitement and interest in walking and bicycling. Special events, mileage clubs, contests and ongoing activities all provide ways for parents and children to discover, or rediscover, that walking and bicycling are doable and a lot of fun.

Encouragement activities also play an important role moving the overall SRTS program forward because they build interest and enthusiasm, which can buoy support for changes that might require more time and resources, such as constructing a new sidewalk.

Enforcement

The main goal for SRTS enforcement strategies is to deter unsafe behaviors of drivers, pedestrians, and bicyclists, and to encourage all road users to obey traffic laws and share the road safely.

The public typically thinks of enforcement as officers writing tickets. In fact, enforcement, especially for SRTS programs, is a network of community members working together to promote safe walking, bicycling and driving. This can be accomplished through safety awareness, education and, where necessary, the use of ticketing for dangerous behaviors. Enforcement includes students, parents, adult school crossing guards, school personnel and neighborhood watch programs all working in conjunction with law enforcement. Working together to enforce rules for safe walking, bicycling and driving makes it safer and easier for everyone to walk and bicycle.

Engineering

Engineering is one of the complementary strategies that SRTS programs use to enable more children to walk and bicycle to school safely. Communities tailor a combination of engineering, education, encouragement and enforcement strategies to address the specific needs of their schools.

Engineering approaches can improve children’s safety to enable more bicycling and walking. Engineering is a broad concept used to describe the design, implementation, operation and maintenance of traffic control devices or physical measures, including low-cost as well as high-cost capital measures.

Evaluation

Evaluation is an important component of any SRTS program. Evaluation is used to determine if the aims of the strategies are being met and to assure that resources are directed toward efforts that show the greatest likelihood of success. Also, evaluation can identify needed adjustments to the program while it is underway.

Visit the National Guidebook at <http://guide.saferoutesinfo.org/introduction/index.cfm> for more information about the 5 E’s and more.

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About SRTS

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Related Links

- » [Alaska Highway Safety Office](#)



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MANAGER'S REPORT

January 13, 2014

TO: MAYOR WYTHE / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

NOTE: Some of these items appeared in the last report. I have updated them and brought them back in case the Council wanted to discuss.

1. Natural Gas Conversions: City Hall is now heated with natural gas. The conversion was completed and the gas started flowing on January 8th. We are now paying less for energy and we have lowered greenhouse gas emissions by 30%. PW expect the library, animal shelter, sewer treatment plant, and the airport terminal to be converted and burning gas within the next 10 days.
2. 2014 Budget: The Finance Department is working hard to incorporate all of the budget amendments and produce the new and approved budget for 2014. We expect that hard copies will be available and the new budget posted online within the next few days. Fortunately, the budget still balanced after all of the amendments were made! The Finance Department is also preparing for the 2013 Audit which is coming up quickly.
3. Recodified City Code: You will recall that the 2013 Budget included money to recodify the code and improve its online presence. The project is now complete and it took almost a year. Thanks to Jo and to Tom Klinkner for all of their work on this project. The Code was reorganized and consolidated, inconsistencies and redundancies were addressed to the extent possible, and the code is now on a website actively managed by an outside company. The paper code is now half the size because it is double sided. All ordinances will be codified within 3 to 5 days of passage and placed online. There are new and much improved search functions that will make it easier for the public to access the Code and find what they want. This is a real upgrade and I hope Jo gets an opportunity to talk about it a little.
4. Wastewater Agreement with Kachemak City: This agenda contains a resolution approving a new wastewater agreement between the City of Homer and Kachemak City. This agreement has not been updated since it was originally signed in 1988. The new version is mostly an update and removes much of the language that is no longer relevant; especially all of language having to do with construction of the new sewer treatment plant and the sewer lines in Kachemak City. One thing of particular note is that the draft agreement

says the baseline average for gallons put into the system is 2,500 instead of 3,500. You will recall that this was a big issue for Kachemak City when the new water and sewer rate fee schedule was approved. Since the fee schedule was approved, we have spent more time talking to Kachemak City about this and we are pretty certain that the average monthly number of gallons placed into the collection system is significantly less than 3,500. There are many reasons for this including the fact that everyone either hauls water or has it delivered. People who do that tend to be much more conservation minded. Also, the demographics there are changing. Kids are grown up and moving out, the population is aging, and many residences have only two occupants. The new rate model was based primarily upon consumption. Keeping that in mind, it seems inconsistent with the intent of the model to charge people for more than they are actually using. Installing meters is problematic for a variety of reasons and measuring how much water people use is complicated because it is delivered, hauled, collected by roof cistern systems, and obtained via wells. 2,500 gallons seems like a reasonable number. The available evidence seems to suggest that the average is probably less than that. Another reason for dropping the number to 2,500 is that Kachemak City residents do not have the ability to shut off their meters and pay less during the months that they are away and are not putting anything into the system. They pay the full amount whether they are home or not. We recommend changing the amount to 2,500. If Council agrees, we will have to amend the fee schedule. The estimated fiscal impact is about \$27,000.

5. Emergency Services Agreement with Kachemak City: This agenda contains a resolution approving a new emergency services agreement with Kachemak City. The new agreement is not much different from the old one but it renews and updates this long standing relationship. The basics are the same. Homer provides Fire and EMS services to Kachemak. Kachemak contributes a fire truck that Homer can use, a place to house and station the truck, and payment equal to 1 Mil based upon total property values in Kachemak. This relationship has worked well over the years, benefits both parties, and we recommend renewal.
6. Virtualization: The IT staff is working to install the newly budgeted virtualization equipment. They are presently evaluating vendors and models and the merits of leasing rather than purchasing. The equipment will be purchased to be compatible with what already exists which under the procurement policies, is a justification for going sole source. This will be a large upgrade to the City's IT infrastructure and we appreciate the Council's support.
7. Recreation Service Area: Right before the Christmas break I participated in a teleconference with Mike Illg, Kate Crowley from ReCreate Rec, the Borough Attorney, and a staff member from Mayor Navarre's office. A lot of good information was exchanged. I would be happy to talk about this a little at the meeting if there is interest. Council could also invite Kate to give an update and progress report at a future meeting.
8. Camp Fee Station: The camp fee building has continued to take a pounding from some of the storms we have experienced this year. One of the storms over the holidays damaged the electrical box and exposed the sewer line. In order to prevent further damage, PW is hiring a contractor to lift the building and move it back to a safe place in the parking lot. Utilities will be capped or shut off and the pilings will be removed. The building will stay in

that location until a final destination is determined. You will recall that there has been discussion about moving that building over to the “Pier One Lot”. The parks staff suggests that Mariner Park would also be a good location.

9. Vehicle in Lake: Right before Christmas a vehicle broke through the ice and was partially submerged on Beluga Lake. Chief Robl worked to get the owner to take responsibility and have it hauled out. His efforts were unsuccessful. DOT/PF was contacted for assistance but they were reluctant or unable to provide assistance. DEC was in touch but was not in a position to provide assistance beyond advice. To make a long story short, we decided to hire a contractor to extract the vehicle from the lake. We will send the owner the bill and take other necessary steps to reimburse the City. The estimated cost was \$2,000.
10. Scheduling: One item that appeared in the last report but did not get discussed due to the big agenda was scheduling. The Council has said that it wants to do a citizen academy and some strategic planning, all this winter. Time will slip away fast if we don't start mapping this out. Attached is a memo from Katie regarding the Citizen's Academy which talks about preparation time and all of the steps that might be involved.

ATTACHMENTS

1. January Employee Anniversaries
2. Memorandum on Citizen Academy



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MANAGER'S REPORT

January 27, 2014

TO: MAYOR WYTHER / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

NOTE: Some of these items appeared in the last report. I have updated them and brought them back in case the Council wanted to discuss.

1. Natural Gas Conversions: City Hall, the Library, the Public Works building, the Sewer Treatment Plant, and the Animal Shelter are all converted, hooked up, and being heated with natural gas. The two new restrooms downtown are also connected. The remainder of the buildings on the approved list for conversion will be done in phase II, probably late summer or early fall this year. We have taken another look at converting the Fire Hall and may want to discuss that further.
2. Airport Terminal Gas Conversion: The Airport Port Terminal was also scheduled to be converted to natural gas this month. However, that project has been slowed a bit while PW looks at another approach. The mechanical room at the terminal is rather small. It turns out that adding new jets to the furnace there makes it almost impossible to get in and do any work. The boiler is already 20 years old and may need increased maintenance going forward. We are considering the purchase of a new boiler instead of converting the old one. The new boilers are close to 100 percent efficient, they are so small that they can be mounted on the wall, and of course, you have a boiler that you can expect to last many years. If we went this route, we would have to request another \$20,000 from the Council, but I think it would be worth it. Even though more investment would be required upfront, the payback period is still just a little over a year and the City ends up with a new and much more efficient boiler. Much depends on whether we can sell or find a use for the jets we already purchased. Carey and Dan are working on that now.
3. Downtown Restrooms: The new downtown restrooms are undergoing final inspection and they will be ready for use shortly. By far, most of the feedback we have gotten is that they look really attractive and will add to downtown. The downtown business owners have been requesting public restrooms for many years and it is finally a reality. Many business owners have expressed how happy they are about this and we are receiving inquiries about when they will be open. We anticipate that the restroom at WKFL park will receive more use in the winter than the one by Bartlett St. They will be really popular during parades and special events. Right now the tentative plan is to keep just one door open in each restroom

during the winter months. After a few months, we should have better information about usage patterns and maintenance and operations costs.

4. Harbor Construction Projects: This agenda contains a resolution awarding a construction contract for the replacement of Ramp 3 and several floats in the harbor. You may recall that this work was paid for by a 4.2 Million State grant and \$4.2 Million in bond sale revenue. Here is the good news. All of the bids came in under the engineers estimate and the two lowest, from very reputable companies, came in approximately \$2 Million under the estimate. Carey has double checked the bids and he and Bryan have talked to the engineers who did the cost estimate to look for discrepancies. So, there are decisions to be made about what to do. We are currently checking with the granting agency, the Municipal Bond Bank, our attorney's, and others to see what the possibilities are, from borrowing less and returning some grant money to using the money for other projects. Bryan is compiling a list of other projects on the CIP list that these funds could be used for. We would be very happy to discuss this situation in detail at the meeting. Right now, we are leaning toward recommending that we add a change order to the construction contract to replace additional floats on the CIP List and provide them with water and electric. Bryan would like to design a new float to accommodate the 60' by 60" fishing vessels that are becoming more common in the fleet. This could generate additional revenue for the Enterprise Fund. The advantages of going this route include 1) save on mobilization costs, 2) save on engineering and design costs, 3) approval from funding agencies is easier because we are simply expanding the existing project scope rather than adding new, completely different projects, and 4) we can move quickly. Remember that the State grant money must be expended within 18 months.
5. Skyline Drive Fire Station: As you know, the City has many construction projects underway, soon to be completed, or in the planning stages. It is really hard to keep all of those balls in the air and I am constantly amazed and appreciative of the job that Carey, Bryan, and Dan do in that regard. I really don't believe we could keep up this pace and get as much done as we are if the Council had not seen the wisdom in hiring a new project manager several years ago. One of the projects that is flying under the radar a little is the new Fire Station on Skyline Drive. I just wanted to mention that this project is also moving ahead. Engineering and design is complete and I signed the Public Notice / Request for Construction Bids this week. Hopefully we will receive good bids and construction will commence this spring or summer.
6. Parks and Recreation Needs Assessment: Work has begun on the Parks and Recreation Needs Assessment. Based upon the conversation the Council had at the last meeting (move fast, form a committee administratively, use the Parks and Recreation Commission) and the discussion the Parks and Recreation Commission had at its meeting on January 16, I have formed the small working group/steering committee. The first meeting is Thursday, January 23, at 5:30. It is a seven member Committee. Not all of the names have been finalized at the time this was written but the seats include Community Recreation Program, ReCreate Rec, Chair of the Parks Commission, MAPP, Homer Council on the Arts, Voices for Business, and the Homer Hockey Association. The first meeting will be organizational in nature and will include meeting schedule, work plan, etc. The Parks and Recreation Commission will be involved at key points, approve work products, hold public hearings do public outreach, and make recommendations to the Council.

7. GC/CM Proposal Receipt Log: At the last meeting the Council approved creation of a GC/CM Committee to oversee the new public safety building project. You may recall that the City has already solicited proposals which were due January 21. Evaluating the proposals is one of the first tasks the Committee will do. Attached is the Proposal Receipt Log. You can see that we got a good response. I am pleased to see a good response from local firms.
8. Citizen's Academy: Katie is working very hard on setting up the Citizens Academy. The Academy is scheduled to begin February 20. We appreciate the helpful input from Council member Howard. Attached is a memorandum from Katie on this topic and she will be available to discuss it at the meeting.
9. Compensation Parity Studies: At the last workshop on employee compensation, the Council requested copies of recent parity studies conducted by other municipalities. Andrea has obtained these documents and I believe they will take up several hundred pages in your packet. Sorry! Andrea is also doing a report for you which summarizes and consolidates this mass of information so it is easier to digest. Because of the executive session, it is likely that we won't have too much time to talk about this on Monday night. Another workshop will probably have to be scheduled if the Council wants to dive into this in any detail.
10. Sound System in Council Chamber: You will recall that the sound system, the mikes, the teleconference connection, and everything associated with it was a disaster at the last meeting. Further, the reception at KBBi was awful as well. Nick is looking into this in detail and will provide you with a report and some recommendations, probably at the next meeting.
11. Critical Habitat Legislation: Katie and Linda Anderson are making great progress with building consensus and crafting legislation that would remove the Homer Port and Harbor from the Kachemak Bay Critical Habitat Area. We have received lots of help from the Planning Department, Bryan Hawkins, ADF&G, and DNR. The legal description of the new boundaries is being prepared by DNR and will be included in legislation that will be introduced shortly. Special thanks go to Representative Seaton, Senator Micciche, and the Speaker of the House, Mike Chenault.
12. Spit Parking Lot: At the last meeting, during public comments, a citizen mentioned that he thought HART funds should not have been used to construct a parking lot on the Spit. That is a fair point and may warrant additional discussion. You will recall that Council recently approved design of a parking lot extension adjacent to the existing parking lot at the Seafarer's Memorial. We told you at the time that using HART funds for this might be a stretch and that other sources of funding were available if Council wanted to discuss it. In short, we have used HART money for parking lots in the past. We have received legal guidance that constructing parking lots was probably OK if the parking lot has a direct nexus to a trail. In other words, it was the jumping off point for a trail, access point, or it was obvious that everyone parked there to use the trail. We did this most recently with the parking lot improvements at Bishops Beach (paving) because it is a jumping off point for the Beluga Slough Trail, the new trail to be built on Charles Way, and the new pedestrian lanes in Old Town. I think we may have also used HART funds for improvements and expansion at the Spit Trail Parking Lot on Kachemak Drive. The parking lot expansion at the Seafarers Memorial will clearly be used by folks using the new and extended Spit Trail and the trail extension to Coal Point. However, it is across the street and a block away from

the trail and it will also be used by folks patronizing local businesses. So, let us know if you want to discuss this one further.

13. Chief Painter Accepted into FEMA Academy: Fire Chief Bob Painter has been accepted into the National Emergency Management Executive Academy. This program is a collaborative effort between FEMA's Emergency Management Institute and prominent programs at higher education institutions offering a cutting edge curriculum that support the advancement of the emergency management profession and its executive leadership. Collaborators include Harvard University, the University of Hawaii-National Disaster Preparedness Training Center, U.S Navy Post graduate School, Center for Homeland Defence and Security, and Texas A&M Engineering and Extension Service. Only 40 applicants were selected nationwide. The course is held in Emmitsburg Maryland in four week long sessions spread over the entire year. Congratulations to Bob. This training will serve the community well and we are fortunate to have someone as qualified as Bob in this position.
14. Wastewater Agreement with Kachemak City: This agenda contains a resolution approving a new wastewater agreement between the City of Homer and Kachemak City. This agreement has not been updated since it was originally signed in 1988. The new version is mostly an update and removes much of the language that is no longer relevant; especially all of language having to do with construction of the new sewer treatment plant and the sewer lines in Kachemak City. One thing of particular note is that the draft agreement says the baseline average for gallons put into the system is 2,500 instead of 3,500. You will recall that this was a big issue for Kachemak City when the new water and sewer rate fee schedule was approved. Since the fee schedule was approved, we have spent more time talking to Kachemak City about this and we are pretty certain that the average monthly number of gallons placed into the collection system is significantly less than 3,500. There are many reasons for this including the fact that everyone either hauls water or has it delivered. People who do that tend to be much more conservation minded. Also, the demographics there are changing. Kids are grown up and moving out, the population is aging, and many residences have only two occupants. The new rate model was based primarily upon consumption. Keeping that in mind, it seems inconsistent with the intent of the model to charge people for more than they are actually using. Installing meters is problematic for a variety of reasons and measuring how much water people use is complicated because it is delivered, hauled, collected by roof cistern systems, and obtained via wells. 2,500 gallons seems like a reasonable number. The available evidence seems to suggest that the average is probably less than that. Another reason for dropping the number to 2,500 is that Kachemak City residents do not have the ability to shut off their meters and pay less during the months that they are away and are not putting anything into the system. They pay the full amount whether they are home or not. We recommend changing the amount to 2,500. If Council agrees, we will have to amend the fee schedule. The estimated fiscal impact is about \$27,000.
15. The Finance Department has been awarded a Certificate of Achievement for Excellence in Financial Reporting for their comprehensive annual financial report for the fiscal year ending December 31, 2012. This certificate is well deserved by the dedicated staff in the Finance Department.

ATTACHMENTS

1. Public Safety Building Proposal Log
2. Letter of Support to UAA RE: Hydrokinetic Study Proposal
3. Letter for Certificate of Achievement for Excellence in Financial Reporting

