

WORK SESSION AGENDA

1. Call to Order 5:30 p.m.
2. Guest Speaker Megan Murphy, MAPP Mobilizing for Action through Planning and Partnerships
3. Discussion of Items on the Regular Meeting Agenda
4. Public Comments
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
5. Commission Comments
6. Adjournment

REGULAR MEETING AGENDA

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Public Comment**

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
- 4. Reconsideration**
- 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 February 5, 2014 meeting **pg 1**
 - B. Decisions and Findings for CUP 14-02, a request for a daycare facility at 560 Noview Avenue. **pg 11**
- 6. Presentations**
- 7. Reports**
 - A. Staff Report PL 14-15, City Planner's Report **pg 17**
- 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 14-16 CUP 2014-03 Proposal of 4 rental cabins at 4725 Kachemak Drive. More than one building containing a permitted principal use on a lot HCC 21.12.030(n) **pg 19**
- 9. Plat Consideration**
- 10. Pending Business**
- 11. New Business**
 - A. Staff Report PL 14-20 Heliports **pg 33**
 - B. Training by Deputy City Clerk Jacobsen **pg 43**
 - C. Staff Report PL 14-19 Land Allocation Plan **pg 45**
 - D. Staff Report PL 14-18 Storm Water/Green Infrastructure **pg 47**
- 12. Informational Materials**
 - A. KPB Planning Commission Notice of Decisions:
 - Tietjen Subdivision 2013 Addition Preliminary Plat **pg 51**
 - Paradise Heights Subdivision 2013 Replat Preliminary Plat **pg 59**
 - D. City Manager's Report from the February 10, 2014 City Council Meeting **pg 71**
- 13. Comments of the Audience**

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

Session 14-03, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on February 5, 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.

BOS/HIGHLAND SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

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

There were no public comments.

Reconsideration

Adoption of Consent Agenda

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

- A. Approval of Minutes of January 15, 2104 meeting
- B. Decision and Findings for CUP 2014-01 Request for more than one building containing a Permitted principle use on a lot, a 4 plex at 4165 Mattox Road

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

HIGHLAND/BOS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

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

City Planner Abboud reviewed his staff report. There was brief discussion regarding the Erosion and Sediment Control Training.

Public Hearings

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

A. Staff Report 14-06, CUP 2014-02, 560 Noveiw Ave. Request for use of property as a day care facility

City Planner Abboud reviewed the staff report. City Planner Abboud noted that the Commission had the opportunity to review the laydown comments during the worksession.

Susannah Webster, owner of Small Pond Childcare, reviewed her plan to build a single story home to use as a licensed childcare facility. She explained that the State recognizes her facility as a child care home. She explained that she does not plan to live on site and so the City requires a conditional use permit. She will be licensed by the State to care for up to 16 children and all plan reviews will be done prior to building. She plans to construct a low fence to surround the back yard and create a safe play area. She will ensure parents are mindful of the surrounding homes and neighbors when dropping off and picking up children. Her hours of operation are 8:30 a.m. to 5:30 p.m. Monday through Friday. She doesn't foresee any negative impact on the surrounding area. She believes a small childcare facility in the area will be a benefit to local families as well as the character of the undeveloped neighborhood. She is committed to the task of helping families raise secure, empowered, and enthusiastic learners and growing the type of community we wish to live in.

Chair Venuti opened the public hearing.

Penny Kramer, city resident and adjacent property owner, offered some laydown information for the Commission and commented in opposition to the CUP. She said the public hearing notice was misleading in that it identifies the commercial childcare preschool facility as a single story home. A home daycare has a maximum of five children including those that live there. She also objects because of the noise, this will decrease her property value, the lot is smaller than the facilities current location, her home is 10 feet away, a portion of the play area would be in the utility easement, parking concerns, and increased traffic. There are many lots in Homer that would be far more appropriate for this facility.

Jan Jager, city resident and adjacent property owner, commented in opposition to the CUP. She objects because of the noise that could impact 12 hours of their everyday life, increased activity,

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parking concerns, increased road traffic, lack of recourse to the noise, a low fence will not be adequate, and the smaller lot size.

Pauline Benson, city resident and property owner in the area, agrees with the previous comments in opposition of the CUP. She reiterated that this will devalue the property and increase the traffic the quiet neighborhood.

David Knight, city resident and property owner in the area, commented in opposition to the CUP because of the increased noise and traffic, most of the people who sent letters of support don't live in their area, concerns about parking, and inadequate street infrastructure as there are no sidewalks along the road.

Aulikki Knight, city resident and neighboring property owner, commented in opposition to the CUP. It will bring in excessive traffic and noise that will continue for years to come. She doesn't recognize the people who sent letters of support as her neighbors, and the day care is already in business so it doesn't have to relocate to this neighborhood.

Rebecca Clarke, non-resident, commented in support of the CUP. Her daughter is enrolled at Small Pond and people aren't realizing that there aren't 16 children there all day. There are different schedules for the programs. She believes there are letters from people within 300 feet of the property. People who purchase property in an area should know what is allowed for the area before they buy. This will be good for the neighborhood and for the community.

Rudy Multz, city resident, commented in support of the CUP. His daughter goes to Small Pond two days a week, and he thinks this is a good place for children to be and people in the community deserve an opportunity to do what they do. It is a quality child care, which is hard to find in Homer. There are a lot of rules in place, Susannah is very conscientious. He thinks this is a good area for the daycare it is quiet and off the main streets. The current location has a lot of traffic in the area.

There were no further comments and the public hearing was closed. Chair Venuti opened the floor to rebuttal from staff and the applicant.

City Planner Abboud had no comments.

Ms. Webster clarified that home day cares are licensed for up to 12 children. She noted a few daycare homes where the in the area where the providers live on site located on Rangeview and Soundview that are licensed for 12 children. If she were choosing to build a bigger structure and live on site, she would not need a CUP for her business because it would be allowed outright. She said she is not expanding as she has no interest in being a daycare center. For the number of children she licensed to have, she is not required to have extra staff, but she prefers to have the extra support throughout the day to ensure high quality care, and there are never four staff on site at one time. In general there are two cars parked on site during business hours. She recognized the smaller lot size and noted that there are 25 empty lots in the undeveloped neighborhood. As Homer continues to grow, all of the lots will be developed and it won't always be this quiet park like setting. There is nothing to stop a string of property owners from putting up four-plexes without a conditional use process. In relation to finding another property, because she doesn't intend to live in the facility she will always require a CUP, so they will continue to have to go through this process. She doesn't feel like she runs the kind

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of business nor has the reputation that anyone should fear her or the children in her care. She also encouraged the neighbors to visit her current location and see how it is run. She feels it would dispel a lot of the fear.

In response to questions from the Commission, Ms. Webster explained that she is currently licensed for 16 children. She has 6 to 8 children daily for the toddler program, 6 for the preschool program, and at any given time she could have a maximum of 14 children. She currently rents the facility she is at now and it is an older structure. She employs 4 staff who work staggered shifts. Ms. Webster gave an overview of the training relating to early childhood education and the Conscious Discipline program. Kids will be kids, but their outdoor playtime is not about children running around and screaming as loud as possible. She also responded she would be open to the concept of a more substantial style of fence from the one at her current facility.

Ms. Webster said that while her daughter and a few of the other children's siblings come for afterschool care, it is not a program that she intends to expand, and her handbook says preschool aged children. She reviewed the different tiers of licensing with the state and how the city defines a daycare home versus a facility. Ms. Webster explained the process in which she will build the building and then the license will be issued once all of her inspections of the building are completed. She also gave an overview of a typical day at her facility starting with her arrival at 8:00 a.m. to start preparing for children to arrive between 8:30 to 9:15. They have their morning routine, then outside play for about 45 minutes before lunch. After lunch are naps, some preschoolers start to leave around 1:30, after rest time there are more activities and, back outside around 4:30 to play until parents arrive to pick children up.

Ms. Webster talked about some of the other locations they looked at but prefers this area as it is low traffic, and safer walking to Hornaday Park and the Pratt Museum. With respect to any formal complaints and issues at her current location, she is unaware of any complaints being filed with the Police. After hearing the concerns from her perspective neighbors, she checked with her existing neighbors to see if they had any issue with her day care, and many were sad to hear that they might be moving and said unequivocally no. There is even testimony from one of her current neighbors stating as such.

They continued to review the differences between state and city requirements and licensing.

BOS/SLOANE MOVED TO ADOPT STAFF REPORT PL 14-10, CUP 14-02 FOR A DAYCARE FACILITY AT 560 NOVIEW AVENUE WITH STAFF RECOMMENDATIONS AND FINDINGS.

Chair Venuti commented that if there was a daycare center next to him, his blood pressure would go sky high, but also knows daycare centers are important to the community.

Commissioner Highland expressed her concern that the subdivision has such small lots with five foot setbacks. The Small Pond program sounds wonderful and in the big picture they are only outdoors about two hours a day. She struggles with the increased traffic this will bring and is challenged with both sides of this. Because of the the unknown intent of future property owners, she doesn't agree with the 7:00 am to 7:00 pm business hours with the permit.

Commissioner Stroozas commented they should make their decision based upon what we know to be existing today. We can't hypothesize who will be in the structure 10 or 20 years from now. We wouldn't grant a permit to someone who doesn't exist yet. They have to determine if the applicant complies with the zoning and how it impacts the healthy, safety, and welfare of the community. Those are the factors to base a decision.

Commissioner Slone commented that the written comments in support are relevant in that they affirming the quality of the operation, not necessarily where it should be located. He agrees with the concerns tonight, if he were a neighbor, with respect to the noise, traffic, and the effect on the natural environment. There will be more noise at certain times. He commented about the neighborhood appeal due to its quiet nature, and generally people don't look at the zoning to look at what could be allowed in the area. He brought up the notion of a more substantial fence again. He also noted challenges of the zoning in the area.

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

Motion failed.

The Commission took a 10 minute recess to allow Chair Venuti and Commissioner Highland an opportunity to draft findings to support denial.

The meeting resumed and Chair Venuti stated the following findings:

Agreement with findings 1, 2, 5, 6, 8 ,9, and 10

Amend Finding 3 it is not compatible with the with other urban residential uses such a s single family to low rise multiple family dwellings in appearance and trip counts. They feel the trip count could actually be up to 40 per day and find that unacceptable for the district.

Amend Finding 4: A day care facility is expected to negatively impact the adjoining property values in the neighborhood.

Amend Finding 7: The traffic at peak drop off and pick uptimes are not comparable to other permitted uses as bed and breakfasts, multiple family dwellings, rooming houses, hostels, parks, or playground.

Add Finding 11: The noise from this use would be excessive for this neighborhood.

Add Finding 12: The proposed hours of operation are excessive for Urban Residential neighborhood.

Plat Consideration

A. Staff Report PL14-11 Bayview Gardens Subdivision Addition 2 Preliminary Plat

City Planner Abboud reviewed the staff report.

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

Question was raised why the applicant is choosing to remove the lot line. City Planner Abboud said his understanding is it's to protect their peace and harmony.

It was confirmed that the 15 foot utility easement is addressed in the plat note.

HIGHLAND/SLONE MOVED TO ADOPT STAFF REPORT PL 14-11 BAYVEIW GARDENS SUBDIVISION ADDITION 2 PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Pending Business

- A. Staff Report PL 14-12, Comp Plan Amendment – Considerations for rezoning property in the Baycrest area

City Planner Abboud reviewed the staff report.

The Commission discussed the area and its current zoning in relation to what is expected with the Comp Plan in the area coming down the hill. There isn't any water and sewer in the area and it isn't expected any time soon. The conditions have changed up there but there doesn't seem to be a logical way to link the different zoning together in the area. They recognized that aside from the previous concerns about the Bayview Inn property, there hasn't been a big push for changes in the area and it would be beneficial to hear from property owners if they want to see changes in the area.

It was noted that Council asked them to review the area based on political pressure they got from people with respect to the Bayview Inn who wanted an exception for the use.

STROOZAS/BOS MOVED TO POSTPONE THE COMPREHENSIVE PLAN AMENDMENT FOR CONSIDERATION OF REZONING PROPERTY IN THE BAYCREST AREA TO A FUTURE DATE.

There was discussion that the City Planner could bring back some ideas about putting a notice out to property owners so they can respond to it.

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

Motion carried.

- B. Staff Report PL 14-13, Itinerant Merchants and Mobile Food Service vendors

City Planner Abboud reviewed the staff report. He explained that mobile food vendors are challenging here because in most cases it is a business that parks on a lot and doesn't move for the summer. Mobile food trucks generally drive around to different places throughout their day. He addressed how

the definitions of Itinerant Merchant and Mobile Food Vendor overlap in the code. Some things to discuss are how to allow it or whether to permit it so it is clearer what people can do; whether to extend the Itinerant Merchant license be longer than 60 days; or whether to consider proximity to other businesses they compete with.

There was discussion that mobile food vendors are popular in larger urban areas. We don't have many in our area, but as Homer grows that could likely change. In larger areas they move around and their customer base grows and moves with them. It could be an issue in a town the size of Homer. Suggestions included:

- Extend permit to 120 days, annually.
- Gather more information about DEC requirements.
- Should there be a different requirement or temporary permit for a mobile type vendor that is staying on a site?
- Mobile Food Vendor should be treated same as Itinerant Merchant.
- Mobile Food Vendors need have a trash bin associated with their services.
- Change Definition of Mobile Food Service to include they can only stay in one location for no more than two hours, then they have to move.
- Shouldn't be allowed to operate within 10 feet of a surface intended for thru-vehicular traffic.
- It should be written into the permit that prior to leaving a site the operator has to clean up any litter.
- Can't operate within XX number of feet of a restroom due to sanitary reasons.
- Address lighting and signage
- Need to get public input.

The Commission agreed by consensus to extend the meeting until 10:00 p.m.

The Commission had more general discussion about mobile food vendors and agreed to discuss this further at a March worksession.

C. Staff Report PL 14-14, Safe Street Standards

Chair Venuti noted the Commission discussed Safe Street Standards during their worksession.

New Business

None

Informational Materials

A. City Manager's Reports from January 13 and 27, 2014 City Council meetings

Comments of the Audience

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

None

Comments of Staff

Deputy City Clerk Jacobsen commented it was an interesting meeting with the CUP in that the Commission granted a CUP for Small Pond a few years back. It was a different zoning district but the same CUP criteria and the neighbors were supportive.

City Planner Abboud said he would be absent at the next meeting and Julie will be working on some of the storm water stuff. He will going to the Smart Growth Development Conference and he hopes to get more information about Storm Water and Smart Streets while he is there.

Comments of the Commission

Commissioner Stroozas said he will be absent at the next meeting and will be here on March 19th if his flight gets in on time.

Commissioner Stead had no comment.

Commissioner Bos said with all the talk about storm water, it would be a good time to hear from the City Engineer about possibilities and solutions for the City regarding storm water, and also the cost for a system to deal with it. He thinks it would be helpful if the general public had an idea of what it would take to deal with storm water. Lastly, he thanked Chair Venuti for his good work.

City Planner Abboud noted there are some regulations and other methods to encourage on a small scale to help keep the infrastructure down. Installing a pipe isn't always the answer. Education and letting people know what they can do individually would be a big part of it.

Commissioner Slone said there have been some comments lately about them being a warm and fuzzy Planning Commission and being receptive to input from the citizens. He received a letter with respect to a CUP they made a decision on a few months ago. The letter was addressed to him personally and he feels the person who took the time to write the letter deserves a response. He doesn't feel like he needs to respond in the sense of why he voted the did, but just an acknowledgement that he received the letter and advise that it is subject of an appeal and he can't comment at this time. He thinks it is a common courtesy. There are a lot of people who don't know how this process works and may think that the way to get something before the Commission is to write a letter to a Commissioner. About 3 years ago there was a local dentist who made an in depth presentation about land at the base of West Hill to make it into parks and sell it to the City. He made his 10 minute presentation and clearly he had no clue that it didn't provide him any leverage to do anything else, and the Commission didn't seem clear on how to respond to him. There is confusion on the part of the citizen and a Commission that feels constrained by the rules that they aren't willing to reach out and communicate on a human level to help explain a process. Not being able to address that engenders a lot of resentment and angst against local government. He recognized it as he was learning the process and others say it to him. If we want to be a warm and fuzzy group, we have to reach out to at least have a basic level of courtesy and acknowledge the citizenry who address them. He plans to respond to the person in the manner to advise it is under appeal, and then disclose his communication when it becomes appropriate. He also raised the question as to whether they give weight to people who give emotional testimony. He feels they should in that they are supposed to be the conscience of the community. The code is an attempt

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to reflect reality in all situations, but it can't. They have other means to deal with issues that aren't directly addressed or are improperly addressed in the code.

Commissioner Highland said she has always had difficulty with them not being able to explain to people when they are doing something incorrectly. Tonight's CUP was difficult for her. It comes back to some of the things allowed in the districts seems so farfetched, like heliports in urban residential. She thinks of urban residential without all these things happening. Maybe it's time to look at more of these things. It was tricky tonight.

Chair Venuti said he will rewrite the findings in a clearer form and get them to staff. He expressed concern about Commissioner Sonneborn being absent, and he hopes she comes back. He commented that this time the CUP was a different scenario and that people are affected by things in different ways. He understands both sides of the picture, as he doesn't know how he would feel about it. He commended everyone on their work tonight.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 10:00 p.m. The next regular meeting is scheduled for February 19, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

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

HOMER ADVISORY PLANNING COMMISSION February 5, 2014

RE: Conditional Use Permit (CUP) 14-02
Address: 560 Noview Avenue
Legal: Lot 15, Block 2 Harrington Heights Sub

DECISION

Introduction: Susannah Webster (the "Applicant") applied to the Homer Advisory Planning Commission (the "Commission") for a Conditional Use Permit (CUP) under Homer City Code HCC 21.14.030(c) for "day care facility" at 560 Noview Avenue.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on February 5, 2014. Notice of the public hearing was published in the local newspaper and sent to 36 property owners of 40 parcels.

The Commission hereby denies the request for Conditional Use Permit 14-02. Five affirmative votes are needed to pass a Conditional Use Permit. Six Commissioners were present, and four Commissioners voted in favor of the conditional use permit. Two voted against. Commission Member Sonneborn was absent.

Background and Facts:

Evidence Presented: The Applicant, Susannah Webster, owner of Small Pond Childcare, reviewed her plan to build a single story structure to use as a licensed childcare facility. The structure will be reviewed by the State Fire Marshal and the back yard will be fenced to create a safe play area. She is licensed by the State to care for up to 16 children. Small Pond Childcare operates from 8:30 am to 5:30pm Monday through Friday.

Public Testimony: Five neighboring property owners spoke in opposition to the childcare facility. Penny Kramer, Jan Jager, Pauline Benson, David Knight, Aulikki objected due to increased noise during the day, decrease property values, a small lot size, lack of sidewalks, parking congestion and increased traffic.

Two parents whose children are enrolled in Small Pond Childcare spoke in support of the childcare facility. Rebecca Clarke and Rudy Multz spoke of quality of the child care and the rotating schedules so there are not 16 children at the facility at a time.

Written Testimony: There were 15 letters of support and 7 letters in opposition. Several people who provided written testimony also provided oral testimony at the public hearing.

The applicant responded to the neighbors' concerns in writing and at the public hearing.

Findings of Fact: After careful review of the record and consideration of the testimony presented at the hearing, the Commission determined that Conditional Use Permit 14-02 does not satisfy the review criteria under HCC 21.71.030 and thus denies the conditional use.

Pursuant to HCC 21.71.030 and HCC 21.71.040, a conditional use must satisfy the following criteria:

- a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district.
- b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.
- 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.
- d. The proposal is compatible with existing uses of surrounding land.
- e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.
- 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.
- g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or 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.

- i. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.
- j. The proposal will comply with all applicable provisions of the Community Design Manual.

Based on the findings below the proposed conditional use fails to satisfy all the criteria identified in HCC 21.71.030. The Commission hereby denies Conditional Use Permit 14-02 the following findings.

Finding 1: This proposal introduces a busy commercial operation into a quiet residential neighborhood. This is not compatible with the existing uses of the surrounding land.

Finding 2: A day care facility is expected to negatively impact the marketable value of adjoining properties in this neighborhood. The noise from this proposed use would have a less than desirable effect on all nearby properties. Considering the nature and intensity of the proposed use, and other relevant effects, we think the proposal will cause a harmful effect on the character of this neighborhood.

Finding 3: Traffic at peak drop-off and pick-up times is anticipated to be significant with an estimated trip count of up to 40 per day which would be unacceptable in this quiet residential neighborhood.

Finding 4: Providing only six parking spaces meets Homer's minimum parking standards however, this is not adequate to support anticipated parking for both staff and the parents of up to 16 clients. This would force users to park on the roadway and has the potential of being a serious safety hazard especially as the clients of this business are small children.

Finding 6: We do not find the testimony in favor of this proposal to be as credible as those testifying in opposition. The opposing testimony is very convincing due to the fact those testifying live in close proximity to location of this proposed business and would be negatively impacted by the increased noise and traffic.

Finding 7: The current location of the applicant's business is on a 21,780 square foot lot. As a result, there was no testimony in opposition when applying for the CUP which was approved in 2011. The current proposal wishes to place this business on a 10,019 square foot lot. This lot is too small to support this business activity.

Conclusion

Based on the foregoing findings of fact and law, Conditional Use Permit 14-02 is hereby denied.

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.

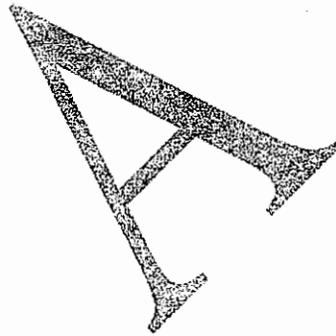
Date: _____
Travis Brown, Planning Clerk

Susannah Webster
PO Box 3570
Homer, AK 99603

Kurt Marquardt
4821 Haru Lane
Anchorage, AK 99517

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

Walt Wrede, City Manager
491 E Pioneer Avenue
Homer, AK 99603





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 14-15

TO: Homer Advisory Planning Commission
FROM: Planning Staff
MEETING: February 19, 2014
SUBJECT: City Planner's Report

Rick is attending the Smart Growth Conference in Denver, with a stop in Seattle, and will not be at the meeting. Julie and Dotti will attend to present staff reports.

Included in your packet envelope is a copy of the HART program, and a tab for your binder. The HART program spells out how sales tax revenues can be used for street and trail improvements. We will be referring to this document in the future as part of the Safe Streets Program. The Commission will also probably have an annual review of the document since the Transportation Advisory Committee is being disbanded.

Subdivision Ordinance: The Kenai Peninsula Borough Assembly unanimously adopted the new subdivision ordinance on February 11th. At a future meeting, staff will invite KPB platting staff to speak about the new rules at a work session. Over a year ago (maybe 2?) the Commission had discussed some changes to the City's subdivision rules, but decided to wait until the Borough had adopted these new regulations. Now that the rules are adopted, the Commission can revisit this topic to see if the adopted changes address our community concerns.

City Council:

Council voted down the resolution to amend the HAPC bylaws, with conversation surrounding the number of unexcused absences. They did introduce the amendment to title 2, to allow more unexcused absences. After their final action on February 24th, we will see what the end result is.

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, Rick will be out of town and Julie will be reviewing stormwater/green infrastructure. Heliports and the Land Allocation Plan are on the 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 conditional use permit.

AK-CESCL Erosion and Sediment Control Training was held in Homer February 12-13, 2014. Twenty-four contractors, excavators, surveys are now more knowledge how to select, install and maintain stormwater Best Management Practices (BMPs). Dotti attended the training.

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 are hosting the event, with a few staff.



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 14-16

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: February 19, 2013
SUBJECT: CUP 14-03, 4725 Kachemak Drive for "more than one building containing a permitted principal use on a lot" per HCC 21.12.030(n).

SYNOPSIS: The applicant proposes to build four dwellings on a 0.95 acre lot that fronts Kachemak Drive. The 450-500 sf dwellings will be a combination of one-bedroom and efficiencies dwellings rented on a month-to-month basis. Raised boardwalks will connect each dwelling to the central parking area which is accessed by one common driveway. A Conditional Use Permit (CUP) is required for "more than one building containing a permitted principal use on a lot" per HCC 21.12.030(n).

Property owner: Eric Lee
Legal: Govt Lot 31 West of Kachemak Drive
Parcel ID: 17908037
Lot Size(s): 0.95 acres or 41,382 square feet
Zoning Designation: Rural Residential
Existing Land Use: Vacant
Surrounding Land Use: North: Vacant
South: Vacant
East: Vacant and residential
West: Vacant

Comprehensive Plan: Land use, Goal 5: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options. p 4-18
Land Use, Goal 5, Obj. A: Diversify housing stock to meet demand by people earning a broad range of incomes. p 4-18.

Wetland Status: The southwest portion of the lot is classified as "discharge slope." The northeast portion of the lot is classified as "drainage way."

BCWPD: Not within the Bridge Creek Watershed Protection District
Utilities: City water and sewer
Public Notice: Notice was sent to 13 property owners of 14 parcels as shown on the KPB tax assessor rolls.

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

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

Analysis: With connect to both water and sewer HCC 21.12.040(a)(3) allows one dwelling per 10,000 sf of lot area.

Finding 1: HCC 21.12.030(n) allows for more than one building containing a permitted principle use on a lot.

Finding 2: The lot is 41,382 sf which allows up to four dwelling units, HCC 21.12.040(a)(3).

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

Applicant: There are other properties in the area approved for the same use.

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

Finding 3: The proposed residences meets density allowances and provides residential development that meets the intended purpose of the Rural Residential district.

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

Applicant: Neighboring properties will increase in value.

Analysis: Several of the neighboring parcels have multiple dwelling units per lot. The value of adjoining properties will not be negatively affected greater than other permitted uses such as multi-family units and mobile homes or conditionally permitted uses such as kennels, group care homes and recreational facilities.

Finding 4: The value of adjoining property will not be negatively affected greater than multi-family, mobile homes or conditionally permitted uses such as kennels, group care homes and recreational facilities.

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

Applicant: Similar to neighbors who have multiple cabins or buildings.

Analysis: The proposed development is similar to other nearby developments with multiple small dwellings.

Finding 5: This proposal is compatible with existing uses of surrounding residential land.

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

Finding 6: Public services and facilities are adequate for the proposed use and structures. Kachemak Drive is a State of Alaska maintains Kachemak Drive. City water and sewer service is available.

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

Analysis: Density in the RR district is regulated by HCC 21.12.040. Lots that are served by both public water and sewer are allowed to contain one dwelling per 10,000sf. This proposal meets the requirements in code. Traffic from the proposed development will be similar to that of other neighboring

lots with multiple, small residences. The addition of four, small (500 sf) dwellings on 41,382 sf lot will not introduce an undue harmful effect on the neighborhood.

Finding 7: The scale, bulk, coverage and density of the development will be in harmony with the RR district and will not cause an undue harmful effect of the desirable neighborhood character.

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

Analysis: Applicant shall provide assurance that the development meets State of Alaska Fire safety standards.

Finding 8: The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole because Federal, State and local standards must be met.

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

Analysis: The applicant is seeking approval from the Army Corp of Engineers to impact wetlands. The applicant has minimized the potential impacts with one common driveway, parking area, raised boardwalks and small buildings on pilings.

Condition 1: The proposal will comply with all applicable regulations and conditions through the permitting process.

Finding 9: The proposal will comply with all applicable regulations and conditions through the permitting process.

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

Analysis: The comprehensive plan has several goals that support the proposed development:

Land use, Goal 5: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options. p 4-18

Land Use, Goal 5, Obj. A: Diversify housing stock to meet demand by people earning a broad range of incomes. p 4-18.

Finding 10: This proposal is not contrary to the goals and objectives of the Comprehensive Plan as it promotes a variety of diversified dwelling options that are well served by the existing infrastructure

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

Finding 11: This project to comply with the Outdoor Lighting section of the Community Design Manual to reduce glare and light trespass by using downward directional lighting per HCC 21.59.030.

Condition 2: The development to meet the outdoor lighting standards per HCC 21.59.030 Lighting standards.

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.** Applicant is aware of possible public access easements.
2. **Fences, walls and screening.** No specific conditions deemed necessary.
3. **Surfacing of vehicular ways and parking areas.** No specific conditions deemed necessary.
4. **Street dedications and improvements (or bonds).** No specific conditions deemed necessary.
5. **Control of points of vehicular ingress and egress.** One common driveway.
6. **Special restrictions on signs.** Maximum of four (4) square feet per HCC 21.60.060.
7. **Landscaping.** No specific conditions deemed necessary.
8. **Maintenance of the grounds, and buildings.** No specific conditions deemed necessary.
9. **Control of noise, vibration, odors, lighting or other similar nuisances.** No specific conditions deemed necessary.
10. **Limitation of time for certain activities.** No specific conditions deemed necessary.
11. **A time period within which the proposed use shall be developed and commence operation.** No specific conditions deemed necessary.
12. **A limit on total duration of use or on the term of the permit, or both.** No specific conditions deemed necessary.
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. No specific conditions deemed necessary.
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.** No specific conditions deemed necessary.

PUBLIC WORKS COMMENTS: Kachemak Drive is state owned and maintained. Applicant should contact ADOT regarding any modification to the existing driveway or any work that is expected to take place within the Kachemak Drive Right of Way. Water and Sewer "stub outs" are available. The sewer and water service line is located immediate south of the existing driveway approach.

FIRE DEPARTMENT COMMENTS: No comment.

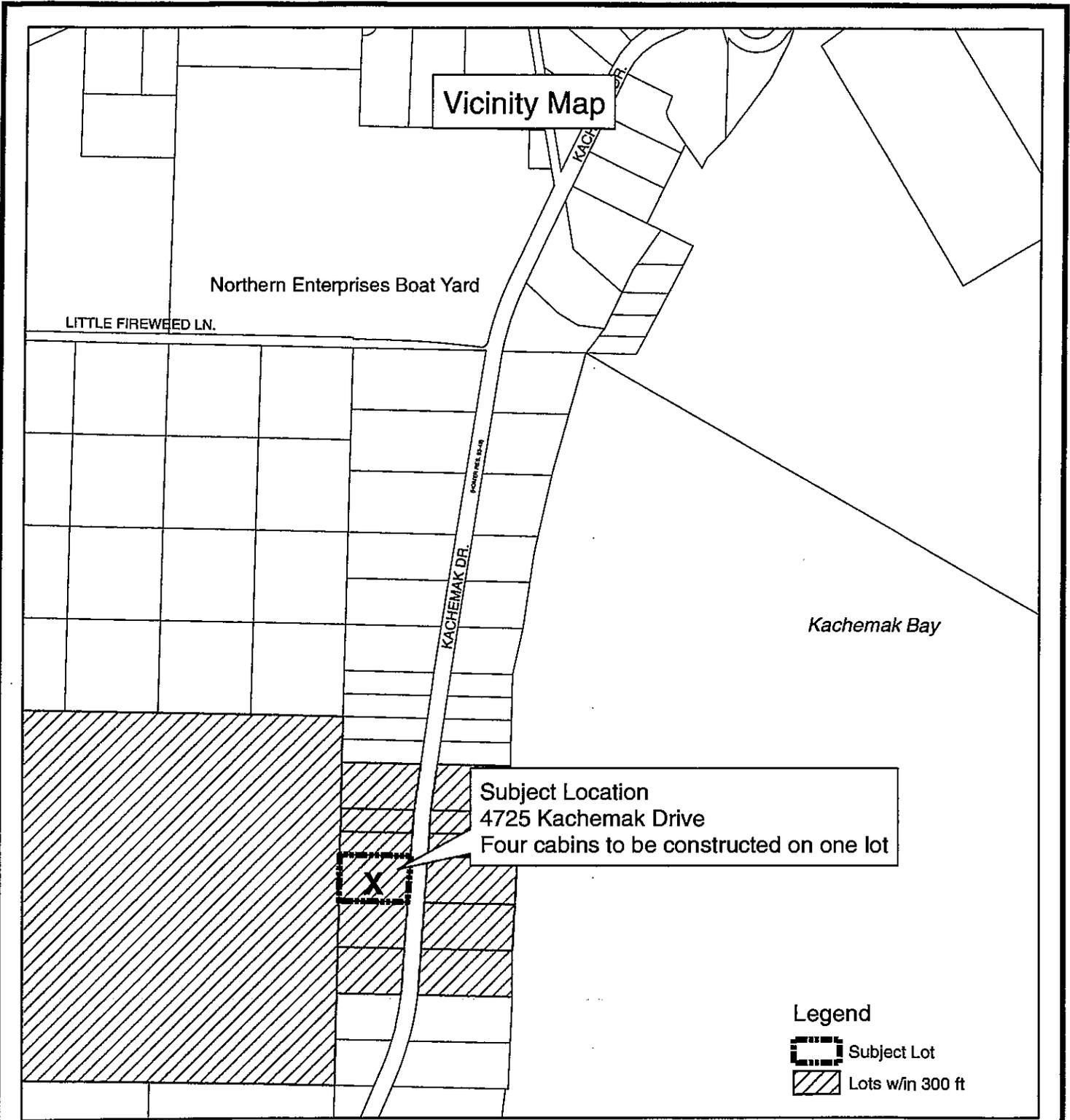
STAFF COMMENTS/RECOMMENDATIONS: Planning Commission approve CUP 14-03 with Findings 1-11 and Condition 1. Five YES votes are needed to pass a Conditional Use Permit.

Condition 1: The proposal to comply with all applicable regulations and conditions through the permitting process.

Condition 2: The development to meet the outdoor lighting standards per HCC 21.59.030 Lighting standards.

ATTACHMENTS

1. Location map
2. CUP Application with site plan and building elevation.



City of Homer
Planning and Zoning Department

2/3/2014

Request for CUP 14-03
More than one building containing
a permitted principle use on a lot

Properties within 300 feet are
marked and land owners notified.

0 250 500 1,000
Feet



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



City of Homer

www.cityofhomer-ak.gov

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

Applicant
 Name: Eric Lee Telephone No.: 907-299-2716
 Address: P.O. Box 2667 Homer, AK 99603 Email: eric.lee.alaska@gmail.com

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

PROPERTY INFORMATION:
 Address: 4725 K. Dr Lot Size: 0.95 acres KPB Tax ID # 17908037
 Legal Description of Property: Lot 31 W of K. Dr

For staff use:
 Date: 1/29/14 Fee submittal: Amount \$ 500
 Received by: Dotti Harvess - Foster Date application accepted as complete 1/29/14
 Planning Commission Public Hearing Date: 2/19/14

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		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: Complete but not submitted. Pending your approval

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

Y N Does your project trigger a Community Design Manual review?
If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>

Y N Do you need a traffic impact analysis?

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

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

Y N Do you have a state or city driveway permit? Status: Pending your approval of this application.

Y N Do you have active City water and sewer permits? Status: City water & sewer already complete.

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

No buildings or structures.

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).

I would like to build 4 small houses to rent out. Each unit would be about 500 sq feet on pilings. Will keep structures in open areas to prevent trees from being cut down. The lot offers a lot of natural cover and
CONDITIONAL USE INFORMATION: (Please use additional sheet(s), if necessary) seclusion.

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

RR - more than one building

- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. There are other properties in the area approved for the same use that I'm proposing.

- c. How will your proposed project affect adjoining property values? Increase

- d. How is your proposal compatible with existing uses of the surrounding land? _____
Similar
- e. Are/will public services adequate to serve the proposed uses and structures?

Public water
- 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?

No
- 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>

It is in sync.
- 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. Y/N Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
 10. Y/N Time for certain activities.
 11. Y/N A time period within which the proposed use shall be developed.
 12. Y/N A limit on total duration of use.
 13. Y/N Special dimensional requirements such as lot area, setbacks, building height.
 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? 4
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). NO
- 2. How many spaces are shown on your parking plan? 4
- 3. Are you requesting any reductions? NO

Each unit will be one bedroom and efficiencies.

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: [Signature] Date: 1/29/2014

Property Owner's signature: [Signature] Date: 1/29/2014

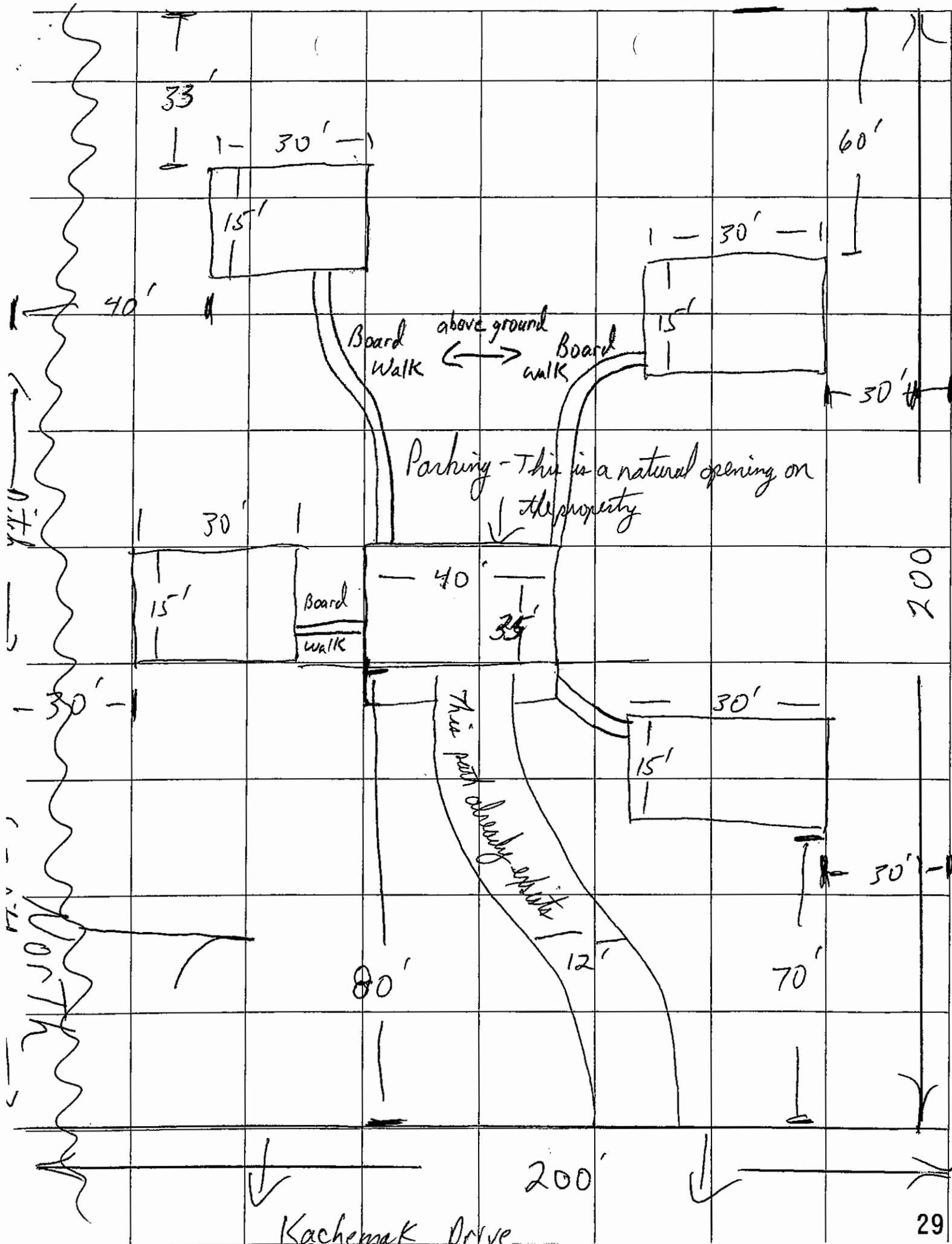
I authorize communication with Kirsten Rasussen:

801-726-9553

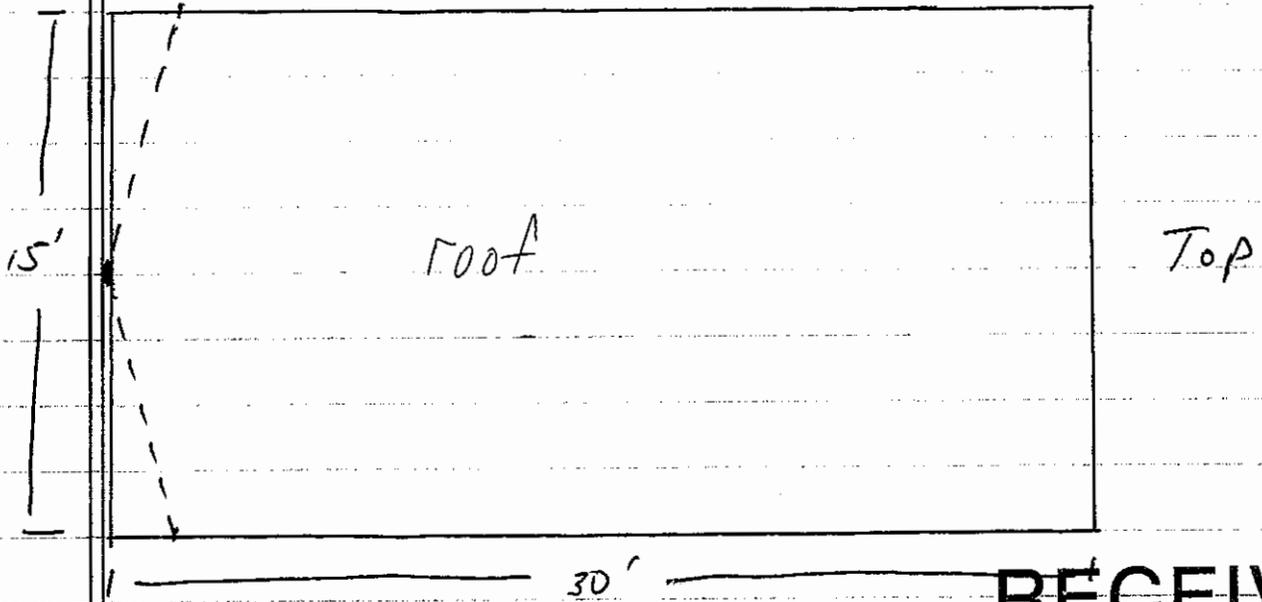
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CITY OF HOMER
PLANNING/ZONING



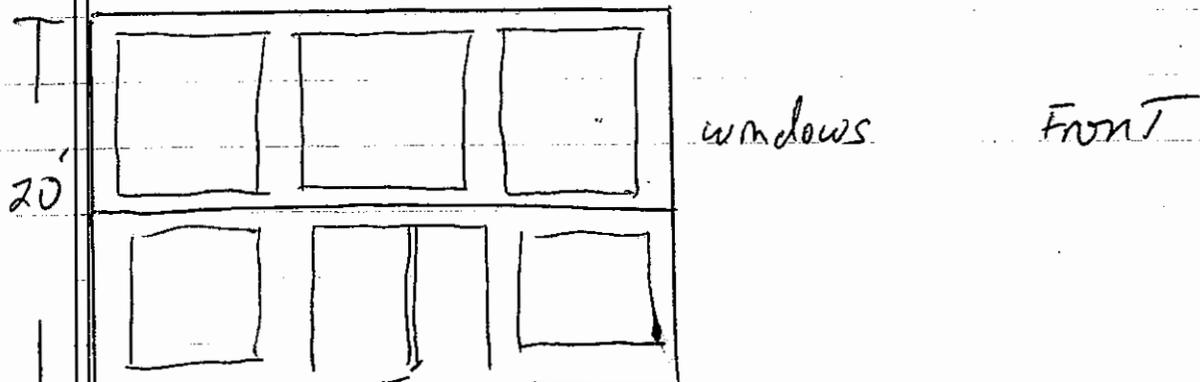
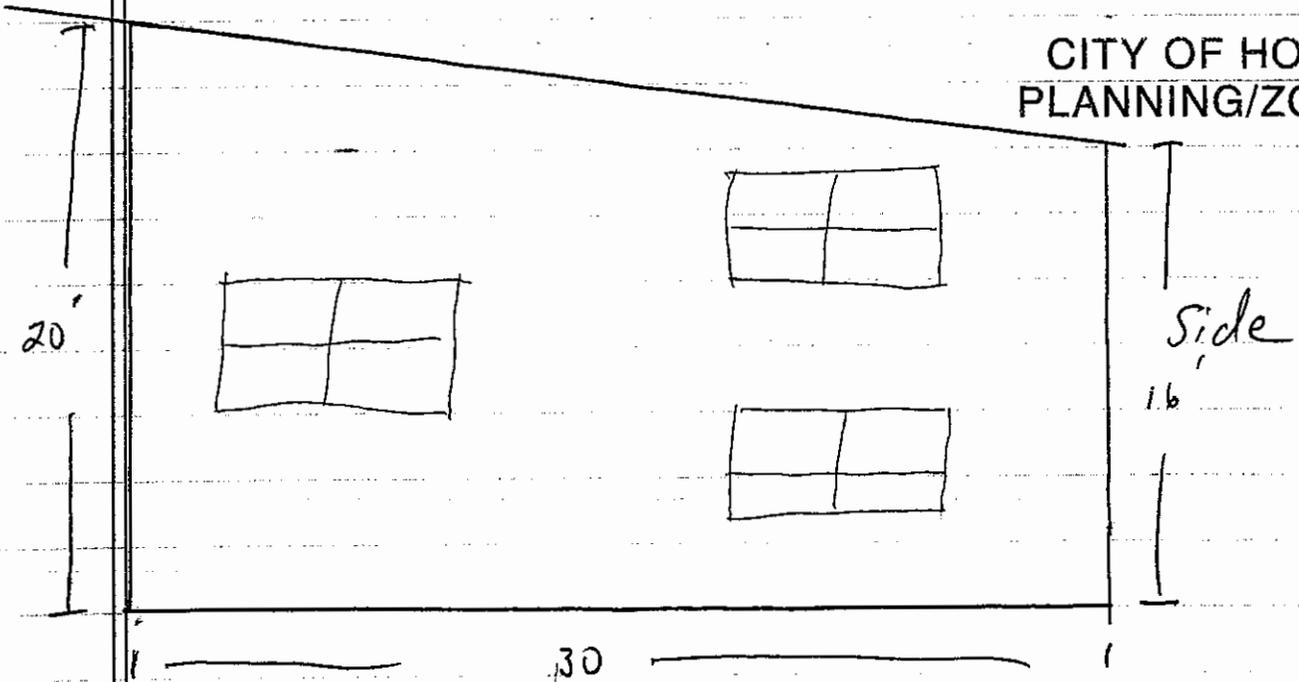
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City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

STAFF REPORT PL 14-20

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: February 19, 2013

SUBJECT: Heliports

Last summer the "heliport" conversation was spurred by a proposal for a "heliport" on the Spit. Per your request, staff has outlined Homer's standards, researched standards from other communities and seeks feedback on several questions:

Background: The common uses for "heliports" are to provide a staging area for disaster relief, air ambulance and police/fire responses, land management, cargo transportation, off-shore servicing, executive travel, flight seeing, TV, radio and newspaper. The versatility of helicopters allows the landing and take-off areas to be located at ground level, on building top, docks, and boats, in the city to rural areas where access is limited.

The FAA regulates the safe and efficient use of airspace, while local zoning controls land use issues. This report explores the definitions, zoning districts, and seeks the Commissions' input.

Definitions: At the heart of a "heliport" conversation is what does a "heliport" include? Homer's definition HCC 21.03.040:

"Heliports" means any place including airports, fields, rooftops, etc., where helicopters regularly land and take off, and where helicopters may be serviced or stored."

Homer's definition is very inclusive of the landing site, a hanger/shop to service and store the helicopter(s). Some communities separate the "helispot" meaning the landing/take-off site, "helipad" as in the landing/take-off/parking site, from a "heliport" which includes refueling, hangers and shops.

Some communities distinguish the difference between:

“Helistop” means a designated land area or roof structure used for the pickup or discharge of passengers and cargo, which does not provide helicopter maintenance and repair facilities or fueling services.
 Staff: South Peninsula Hospital’s roof top is considered a “helispot” in that helicopters don’t tiedown.

“Helipad” refers to land used for take-off and landing of a helicopter, with or without a permanent landing pad, but without permanent facilities for assembly and distribution of goods or passenger.¹
 Staff: “Helipad” includes parking and tie-downs.

“Heliport” refers to permanent facilities where helicopter take-off and land, with hanger(s) to service the helicopters and refueling stations.

Zoning Districts: in Homer, a “heliport” is permitted outright in the GC2 district. That’s a good thing, because the GC2 district includes the airport. Oddly, a “heliport” is not listed in the Residential Office district which includes the hospital. Yet, in the Urban Residential district, which includes West Homer Elementary, Paul Banks Elementary and Homer High School, a “heliport” would be allowed with a Conditional Use Permit (CUP). So there is certainly room for improvements. The grid below illustrates which zoning district “heliports” are currently allowed and if they are “Allowed with a CUP”, Permitted outright” or “Not Allowed” in a particular district.

Homer’s “Heliports” by zoning district:

“Heliports”	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	OSR	BCWP
Allowed with CUP	X	X		X			X		X	X	X	
Permitted outright								X				
Not Allowed			X		X	X						X

1. Should the “heliport” definition be separated into definitions “Helispot,” “Helipad” and/or “Heliport?” If yes, any comments on the three definitions above would be helpful.
2. When does helicopter activity become a land use? One community describes flight frequency as a threshold for land use. Helicopter activity becomes a land use is based on the number of flights per day and/or month, with each take-off and landing being a separate flight. For example and permit was not needed if the flights did not exceed:¹

8 flights in 30 days, and
 4 flights in 24 hours
 Time of day from 7am to sunset or no later than 8 pm

Separation, distance, frequency and time limits can ensure than the impact of flights to the surrounding areas is minimized.

Separation and distance: When communities implement separation distances, the distance is measured from the perimeter of the *helipad*, not a lot line. The most common separation from other uses was child care centers and schools. Homer High and Paul Banks Elementary are in the UR district. Paul Banks is in the Rural Residential district.

3. **Are there districts in Homer where we do NOT want "helispots," "helipads" or "heliports"?** Staff: Probably Urban Residential.
4. **Are there districts in Homer where a "helipad" would be acceptable?** Meaning landing and taking-offs, parking and tie-downs. No refueling, hangers or shops.
5. **Are there districts in Homer where a "heliport" would be acceptable (beyond the airport)?** Meaning landing and taking-offs, refueling, hangers/shops.

Accessory use: Some communities consider a corporate *helipad* that serves the travel needs of the corporation's executives and clients as an "accessory use." This may also apply to hospitals where the "helipad" provides an air ambulance service or large rural tracts.

6. **Are there any district(s) in Homer where "helispot" or "helipad" could be permitted as an "accessory use?"** Staff: Residential Office.

Noise: There are numerous factors in the way rotorcraft sound is perceived. Land use standards tend to avoid the fine details like the model of aircraft, height above the ground, flight pattern, RPM, wind speed and rotorcraft speed. A typical *heliport* sound event lasts for approximately 4.5 second for one landing or one take off.ⁱⁱ Flight patterns that approach the landing pad over water or above a highway (which already produces noise) helps to mitigate the perception of noise. To date, staff has not explored noise standards related to rotorcraft.

Lighting: The FAA has lighting standards for night time landings and take-offsⁱⁱⁱ so staff did not explore lighting standards pertaining to "heliports."

Summary: Staff would appreciate feedback on these questions:

1. **Should the "heliport" definition be revised into separate definitions "Helispot", "Helipad" and/or "Heliport?"** If yes, comments of the definitions on the top of page 2 would be helpful.
2. **When does a helipad become a land use?** Number of flights per day/month or time.
3. **Are there districts in Homer where we do NOT want "helipads" or "heliports"?** Staff: Probably Urban Residential.
4. **Are there districts in Homer where a "helipad" would be acceptable?** Meaning landing and taking-offs only. No refueling, hangers or shops.
5. **Are there districts in Homer where a "heliport" would be acceptable (beyond the airport)?** Meaning landing and taking-offs, refueling, hangers/shops.
6. **Are there any district(s) in Homer where "helispot" and/or "helipad" could be permitted outright as an "accessory use?"** Staff: Residential Office.

ⁱ Victoria Department of Planning and Community Development. *Planning Requirements for Heliports and Helicopter Landing Sites*. t, December 2012. (Attached)

ⁱⁱ Helicopter Association International. *Helicopters: The 25 Most Asked Questions...and Answers*,

ⁱⁱⁱ Architect Suhair Shafeek Sabri. *Heliport Design and Planning for Emergency Service*.

Staff: Maybe a "fill in the box" is helpful, maybe not. Below are three empty grids one for "helispot", "helipads" and the third for "heliports." Mark an X for "Allowed with a CUP", "Permitted outright", or "Not Allowed" or "Accessory Use."

HELISPOT	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	OSR	BCWP
CUP needed												
Permitted outright												
Not Allowed												
Accessory use												

HELIPAD	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	OSR	BCWP
CUP needed												
Permitted outright												
Not Allowed												
Accessory use												

HELIPORT	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	OSR	BCWP
CUP needed												
Permitted outright												
Not Allowed												
Accessory use												



Planning requirements for heliports and helicopter landing sites

The purpose of this practice note is to:

1. Explain how helicopter activity is regulated by the planning system.
2. Provide guidance to applicants and responsible authorities on preparing and assessing an application under Clause 52.15 of the planning scheme. The clause applies to proposals to use or develop land for a heliport or a helicopter landing site.

Helicopter land use definitions

Clause 74 of the *Victoria Planning Provisions (VPP)* defines two helicopter related land uses:

■ Heliport

A heliport is not separately defined in Clause 74 but is included within the definition of transport terminal. A transport terminal is defined as land used to assemble and distribute goods or passengers. It includes facilities to park and manoeuvre vehicles.

A heliport would normally have one or more helipads, with facilities for passenger handling such as a terminal building. It may also include facilities such as a hangar, refuelling and lighting.

■ Helicopter landing site

Land used for the take off and landing of a helicopter, with or without a permanent landing pad, but without permanent facilities for the assembly and distribution of goods or passengers.

A helicopter landing site may range from a permanent and constructed landing pad to an unprepared site with no new buildings and works.

When does helicopter activity become land used for a helicopter landing site?

The Victorian Civil and Administrative Tribunal (VCAT) has considered the question of whether a helicopter landing site constitutes a use of land in a number of cases including *Mornington Peninsula SC v Inchalla Nominees Pty Ltd (Red Dot)* [2008] VCAT 399 and *Mornington Peninsula SC v Lindsay Edward Fox (et al)* [2003] VCAT 722.

The Tribunal has found that a helipad use could be regular, intermittent or occasional, but would need to be more than an isolated or fortuitous landing or take off.



Helicopters and airspace

Once a helicopter is in the air, it is beyond planning control.

Two independent statutory authorities are responsible for administering federal legislation and regulations for airspace management, including helicopters in flight:

- **The Civil Aviation Safety Authority (CASA)**

Established by the *Civil Aviation Act 1988* and responsible for administering the *Civil Aviation Regulations 1988*, CASA conducts safety regulation of civil air operations.

- **Airservices Australia**

Established in 1995 and responsible for airspace management, aeronautical information, aviation communications, radio navigation aids, aviation rescue and fire fighting services.

Flying overhead

Planning consideration of a heliport or helicopter landing site does not generally extend to a helicopter flying overhead. For areas of controlled airspace, Airservices Australia is responsible for air traffic services, including managing designated flight paths.

For areas of uncontrolled airspace, *Civil Aviation Regulations 1988* stipulate that a helicopter pilot must not fly over a city, town or populous area at a height lower than 1000 feet, or 500 feet over any other area. This does not apply if a helicopter is flying at a designated altitude, for example a flight path in controlled airspace.

Helicopter flight paths

Helicopters are a unique form of aircraft characterised by flexibility in flight and near vertical ascent and descent. This allows them to land virtually anywhere and this often requires variable flight paths. While land use planning does consider flight paths near to airports, it is not always necessary or appropriate to do so for helicopter landing sites.

Airservices Australia is a federal statutory authority responsible for ensuring that pilots comply with the *Air Navigation (Aircraft Noise) Regulations 1984*. The authority also provides

air traffic management for Melbourne's controlled airspace, which includes designating flight paths for helicopters.

For helicopter landing sites that are not in the vicinity of controlled airspace, flight paths are not approved. The operator must adhere to *Visual Flight Rules* and *Civil Aviation Regulations* which are based on safety.

For helicopter landing sites or heliports that are of significant community concern, there is an opportunity for a third party or the council to participate in a CASA administered process to develop a *Fly Neighbourly Advice* with the helicopter operator (see 'Dispute resolution' on page 5).

If it is imperative that the flight path be maintained for a heliport or helicopter landing site, for example a hospital helipad access, a planning authority may consider implementing a *Design and Development Overlay* on adjacent land to restrict building height levels on sites underlying the designated flight path.

Do I need a planning permit under Clause 52.15?

A planning permit is required to use land for a helicopter landing site or a heliport under Clause 52.15 of the *Victoria Planning Provisions* unless the use meets one of the exemptions below. This includes if it is ancillary to another use of the land.

Any development (buildings and works) related to the use of land for a helicopter landing site or heliport requires a planning permit irrespective of whether the use is exempt. This ensures that any impacts of the development can be adequately assessed.

Exemptions

Victoria's planning system recognises that some helicopter functions are necessary to properly carry out rescue and emergency services, public land management and agricultural activities, which do not require a planning permit in Clause 52.15 to use land for a helicopter landing site.

There are also circumstances where the transient use of land for a helicopter landing site does not require a planning permit, if conditions are met.



- **Emergency services** – No permit is required under any provision of the planning scheme to use land for a helicopter landing site that is used by a helicopter engaged in the provision of emergency service operations.

This can include hospitals, police, search and rescue and fire service helicopter landing sites, including training and the emergency landing of a helicopter due to a weather event or technical problem.

- **Agriculture** – No permit is required under any provision of the planning scheme to use land for a helicopter landing site that is used by a helicopter engaged in agricultural activity in conjunction with the use of any land for agriculture.

This can include flights for purposes such as spraying, dusting and fertilising operations and herding cattle. The purpose of the flight must have a direct link to the carrying out of agricultural activity on the land. It does not include private transport to and from other parts of the property or scenic tourist flights.

- **Public land management** – No permit is required under any provision of the planning scheme to use land for a helicopter landing site that is used by a helicopter engaged in the provision of public land management activities conducted by or on behalf of the Department of Sustainability and Environment (DSE) and Parks Victoria whether on private land or not.

Examples of the type of activity undertaken by helicopters owned or contracted by DSE and Parks Victoria may include bushfire fuel reduction burning operations, sling loading materials, general compliance operations, fire training, crop spraying and locust control.

- **General** – No permit is required under any provision of the planning scheme to use land for a helicopter landing site where the landing point is located more than 500 metres from a building used for a sensitive use that is not associated with the helicopter operation and more than 200 metres from a shipping channel in the Port of Melbourne, provided:
 - **Frequency limitation:** The number of flight movements does not exceed eight in a 30

day period and four in a 24 hour period. The take off and landing of a helicopter are calculated as separate flight movements.

- **Time limitation:** Flight movements do not take place before 7am or after sunset on a weekday. Flight movements do not take place before 8am or after sunset on a weekend or holiday.

The separation distance, frequency and time limits for this exemption ensure that the impact of flights on the amenity of surrounding areas is minimised. This exemption includes any charter, tourism or private transport flights that meet all of the separation distance, frequency and time conditions.

If none of the exemptions apply, a permit is required to use or develop any land for a heliport or helicopter landing site, even if it is ancillary to another use on the land.

That is the case unless the zone provision that applies to the land specifically states otherwise.

To determine whether a helicopter landing site is operating under and adhering to this exemption, the responsible authority may request to view a log book or register of flight movements from the owner (for multiple operators) or operator.

Log books with details of each flight made are required to be maintained by helicopter pilots under the Civil Aviation Regulations 1988.

What is considered a sensitive use?

Uses that are sensitive to the potential adverse amenity impact of a heliport or a helicopter landing site include accommodation, child care centre, education centre and hospital. See Clauses 74 and 75 of the planning scheme for a definition of these sensitive uses and related uses that may be included within these land use terms.

Making an application for a heliport or a helicopter landing site

Applicants should make sure that the application fully describes the proposal, adequately identifies the land affected by the proposal and includes any further relevant information deemed necessary by the council.



Application requirements that must be included in any application to use land for a heliport or helipad are set out in Clause 52.15-2. They include a requirement for a site plan, location plan and written report.

The written report must demonstrate that a suitable separation distance has been met between the landing point of a heliport or helicopter landing site and an existing building used for a sensitive use that is not associated with the helicopter operation. This can be achieved by demonstrating at least one of the following has been met:

- the proposed helicopter landing site or heliport is located at least the distance specified in the clause (varies according to all-up weight of helicopter including passengers, cargo and fuel) away from a sensitive use, or
- an acoustic report is provided that demonstrates the proposed heliport or helicopter landing site does not have an adverse noise impact on a nearby sensitive use. The acoustic report should prove it meets the noise level criteria set out for helicopters in the *Noise Control Guidelines* (Environment Protection Authority, 2008).

Assessing an application for a heliport or a helicopter landing site

The following information may be useful for the responsible authority when assessing the impact a helicopter landing site or heliport may have on the surrounding area.

Planning unit and measurement

A helicopter landing site is considered a specific site on land. There may be more than one suitable landing site on a property and more than one helicopter expected to service the site.

To measure the separation distance between a helicopter landing site or a heliport and the nearest sensitive use, the distance should be measured from the proposed helicopter landing site, rather than the boundary of the property.

The point of landing and take off for a helicopter landing site or heliport is generally a constructed pad or marked area. If the proposal doesn't include a pad or marked area, it can be

considered to have an area equal in size to the undercarriage contact points plus one metre on all sides (consistent with the Landing and Lift Off Area of CASA's CAAP 92-2(1)).

If a landing site is not nominated, the boundary of the property should be used.

Amenity

A responsible authority should consider whether or not the requirement for a written report, that demonstrates a suitable separation distance between the landing site and an existing building used for a sensitive use, has been met. This should be assessed using the specified distances in application requirements (Clause 52.15-2).

If it has not been met, an acoustic report must be provided that outlines the impact helicopter noise will have on any nearby sensitive uses. It may provide flight frequency limitations for a condition on a permit or noise attenuation measures that allows for a smaller separation distance without reducing the amenity impact.

The responsible authority must ultimately decide whether the impact on the surrounding community's amenity is acceptable.

Safety

The helicopter operator is responsible for ensuring a proposed helicopter landing site or heliport meets *CASA's Guidelines for the establishment and use of helicopter landing sites* (CAAP 92-2 (1)). However, safety may be considered a relevant matter (s.60(1A) of the *Planning and Environment Act 1987*) if there is an obvious or suspected safety issue or obstacle within the immediate vicinity of the helicopter landing site. It is recommended the responsible authority discuss the issue with the applicant and seek advice from CASA, if considered necessary.

What to consider

Before deciding on an application for a heliport or helicopter landing site, the responsible authority must consider the decision guidelines at Clause 52.15-3.

The responsible authority should assess that the separation distance provided with the application is suitable. The distance will be determined to be suitable if it meets the distance specified in



the clause or includes an acoustic report that demonstrates it meets the noise level criteria set out in the EPA's *Noise Control Guidelines*.

The all-up weight of a helicopter includes the occupants, fuel quantity, engine fluids and removable equipment or cargo.

The frequency of flight movements and hours of operation are key factors that contribute to a helicopter landing site's noise impact on nearby sensitive uses. The exemption limits provide a guide of what is acceptable at a distance of 500 metres. Acoustic advice, or advice from the Environment Protection Authority may be sought for different circumstances.

Applying planning permit conditions for a heliport or helipad

Permit conditions should not be included that:

- require compliance with the Civil Aviation Safety Authority Publication CAAP 92-2. CASA requirements and regulations apply regardless and CASA is responsible for related enforcement
- require compliance with designated flight paths. This is not a planning consideration and only a concern of CASA and Airservices Australia
- require the helipad to only be used by the owner of the land or an associated business. The operator of a helicopter is of little concern to planning.

Permit conditions could be included that:

- restrict the frequency of flights. This may be in accordance with acoustic advice or an agreement with the operator and community.
- require no flights to be undertaken after designated hours without written consent of the responsible authority
- have the use comply with the *Noise Control Guidelines* (Environment Protection Authority, 2008)
- require that the permit holder keep a logbook of the use of the heliport or helicopter landing site and the logbook be made available for inspection by the responsible authority on request

- require the surface of the helicopter landing site to be treated to the satisfaction of the Responsible Authority so as to prevent any loss of amenity to the neighbourhood by the emission of dust.

Dispute resolution

Fly Neighbourly Advice

A Fly Neighbourly Advice (FNA) is a voluntary code of practice established between aircraft operators and communities or authorities to negotiate a reduction of disturbance or adverse amenity impact in an area. It may be instigated by the local government, business operator or community group that is affected by the operation of the aircraft. The development of the FNA is facilitated by the Office of Airspace Regulation, (+61 2 6217 1570).

FNA's must be consistent with CASA regulations and are not part of the planning system.

See the CASA website for more details at www.casa.gov.au.

Noise complaints

Helicopter noise concerns can be directed to Airservices Australia's Noise Enquiry Unit on 1800 802 584. Their role is a co-ordination point for the community to have its voice heard on aircraft noise issues by reporting community concerns to airlines, airports and the government. They also provide information on flight path changes, unusual flight patterns that are a result of weather events or emergencies and respond to enquiries about air traffic patterns in particular areas.

ISBN 978-1-921940-84-2

Published by the Victorian Government Department of Planning and Community Development Melbourne, December 2012.

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www.dpcd.vic.gov.au/planning



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: CHAIR VENUTI AND THE ADVISORY PLANNING COMMISSION

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: FEBRUARY 14, 2014

SUBJECT: PLANNING COMMISSION TRAINING

I have been asked by the Planning Staff to take a little time during the meeting for a brief refresher on meeting rules.

I plan to touch on the following topics:

- Why we have meeting rules
- Making the the main motion
- Parameters for discussion
- Amending the main motion
- Disciplinary process

If you have feedback on what the Clerk's Office can do to make your Planning Commission experience more effective, have your ideas ready to share with me.

Lastly, if there is something specific to the meeting process you would like me to address, please let me know prior to meeting time and I will have the information ready for you.



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 14-19

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: February 19, 2014
SUBJECT: 2014 Land Allocation Plan

Background

Each year, the City Council reviews and approves which city properties should be made available for lease through the Land Allocation Plan. The Land Allocation Plan is a listing of each property the City owns. The Council requests the Commissions provide comments on which lands should be offered for lease. In previous years, Commissions and bodies have reviewed all the City lands, and its been a somewhat cumbersome process. There is usually a joint work session between the Council and Commissions. This year, in an effort to streamline the process, no joint work session is scheduled. Instead, each Commission will provide comments via a memorandum on which lots should be offered for lease. Council will pass a resolution adopting the draft plan for the year, including any changes to lots available for lease.

Most City leasing occurs on the Spit and at the airport terminal. A map of the Spit is attached. The full Draft 2014 Land Allocation Plan is attached for your convenience.

Below is a list of changes to municipal lands over the past year.

Newly leased properties

- Fortune Sea LLC entered into a 10 year lease for Lot 19 on Freight Dock Road (next to Coast Guard building)

Port Land Changes

Lots 22 and 23, Freight Dock Road, are under design for the new harbormaster office

Changes to City properties in 2013-2014

- Old redwood water tank was demolished at the water treatment facility
- A fire station is scheduled for construction on the old water treatment plant foundation, summer 2014
- Restrooms were constructed in four locations
- End of the Road park was paved, and the Spit Trail extension between Pier One Theater and the End of the Road Par is under construction

- Worked on acquiring the tidelands associated with the Deep Water Dock (not yet recorded)
- Worked on selling Lot 47 to Lands' End, in process not yet recorded (C-13)
- Citizens had a title search conducted on the lands on the eastern side of Homer Spit Road at the base of the Spit. The report stated the lands are State, not City lands. (Spit trail head parking and further east). (C-9)

Staff Recommendations:

1. Make recommendations on any lands that should be available for lease

Attachments

1. 2014 Draft Land Allocation Plan



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 14-18

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: February 19, 2014
SUBJECT: Storm Water and Green Infrastructure

Background

This staff report is intended to provide background information on the very broad topics of storm water, and green infrastructure. Commission Stead also spoke with staff about some specific items in code; this is a good starting point.

The Planning Department has some books on the topic of green infrastructure, and also on subdivision design if you'd like to do more research.

Definitions/concepts

"Green Infrastructure" is the concept of planning land development around existing natural features. For example, rather than move a creek, the development plan would plan around the creek to disturb it as little as possible. The creek provides the 'green' part of the storm water infrastructure, rather than a storm drain or ditch. The same for wetlands; the less fill in the wetland, the better that wetland will function for things like storm water retention and habitat. It can also mean higher densities and more development in those places with good soils that are suitable for development.

"Gray Infrastructure" – roads, storm drains, i.e. manmade, typically engineered systems such as roads, storm water systems, etc.

"Conservation subdivision design" – follows the ideas of green infrastructure; plan the development for the view sheds, natural features and around rather than through wetlands. This may mean that lot sizes are reduced and homes are clustered close together, resulting in tracts of open space, rather than every home on a larger lot.

"Design Criteria Manual" – this is an adopted document, supplemental to HCC Title 11, Streets, Sidewalks and Driveway Construction. It goes into greater detail about road design, soils and storm drain design than the code. (This is an older document that could use some updating.)

Addressing Storm Water

There are two thoughts on storm water. One is a big picture, overall storm water plan for the whole city, or at least the denser areas of town. It might rely on constructed storm drains and large retention ponds ie traditional engineered solutions, typically called 'gray infrastructure'. This over drainage plan is very expensive, and construction even more so. It's a good idea, but not likely to happen in the near future due to cost. The other thought in storm water is to focus on smaller scale development, house by house, and use green infrastructure methods such as rain gardens to address runoff using many small controls.

Staff comment: a combination of gray and green infrastructure might work for Homer's current situation. At a minimum; Homer could consider some incremental changes to existing gray infrastructure regulations.

Solutions

Homer could amend the Design Criteria Manual, to require new subdivisions to retain runoff from the road. This does not address the development of the individual lots or impervious surfaces from new homes, this would just address the impacts of the road itself. We could also amend the DCM to address road reconstruction projects. There may be ways for some roads to be retrofitted to accomplish minimal storm water retention. As Road Improvement Districts are formed, and the state reconstructs roads in the city, some retention standards could be applied. This will not solve all the problems community wide, but it's a start. You could consider this an 'engineered' solution.

Example of 'engineered' storm water retention calculations. (Road construction standards also talk about culvert sizes to accommodate flow)

Currently in about half the zoning districts, a large building project requires a storm water plan. The same idea could be applied to road construction. Storm water plans under Homer City code in part require the retention of a calculated volume of water for a specific timeframe. There are standard engineering calculations for how impervious a certain ground cover is – a paved parking lot is 100% impervious, but a gravel one may be 70%. An engineer begins the calculations for the storm water detention area by figuring out how much water will fall over the lot area, how much will infiltrate the soil based on the imperviousness of the developed lot, to arrive at a volume of water that falls on the lot but will run off. They then design a detention pond to store that volume of water. They also figure out how long it will take for the water to soak into the ground...the point is to slow the water infiltration down, not create a stagnant pond.

How do they know how much rain will fall? NOAA publishes "Rainfall Frequency Maps" that show the estimated rainfall for the 2 year, 10 year, and 100 year 'rain events.' The maps for our area date from 1963, but they do provide a uniform basis for engineering calculations.

How much water is planned for? Since we are talking engineering, there are specific standards! In Homer, the design parameter is the 10 year storm event lasting three hours, which is calculated as half an inch of rain an hour, for three hours.

Example: John Doe plans to pave a parking lot, creating 5,000 square feet of impervious surface, and he needs a storm water plan.

Rain volume x time x area = volume of required retention area

0.5 inches of rain x 3 hours x 5,000 square feet = 7500 cubic inches of rain. (about 4.3 cubic feet of water)

So he would need a pond a little over 4 feet long, 1 foot deep, to store this volume of water.

Green Infrastructure Solutions

Using constructed storm drains, and to some extent storm water ponds, are engineered, constructed solutions to run off problems. Another approach is to use the concept of green infrastructure. Avoid developing in sensitive areas so fewer problems are caused in the first place, and cluster development in more suitable areas. Constructed rain gardens can also be used very much like a storm water detention pond. These rain gardens might be used on every lot, rather than building one large (expensive) storm water pond.

Avoiding impacts, ie, don't reroute a stream, or use clustered development, are sound ideas. You could think of these as planning tools; when designing the subdivision on paper, avoid wet areas, streams, etc. This is a good first step. But, development causes impacts. A new road and a new home, no matter how carefully planned, will create some impervious surface and will increase runoff. The question then becomes, how much impact is OK? At what point should the land owner be required to do something about the runoff? In the Bridge Creek Watershed Protection District, the code says 4.2% impervious surface is the limit. However with a mitigation plan, which typically includes a rain garden type pond for rain gutters, up to 6.4% may be permissible. Code also requires a storm water plan in many districts when the impervious surface exceeds 60% of the lot area.

Questions and things to think about:

1. How much impact can a single family home in town create, before they should do something about the run off?
2. Is this a function of building coverage or percent impervious coverage, or an area? Or gallons of runoff per hour?
3. Engineered solutions are 'easy': they are quantified, tested standards. Rain gardens do not have the same track record, although there are some great things about them.

4. Big picture: what is the cost effectiveness? Does the rain garden do enough to justify the cost or regulation? (does the storm water pond?)

Commissioner Stead's Comments

1. HCC 21.50.020 (c) 2 and 3, site development standards, Landscaping. When a project is under construction, when should best management practices be installed to control things like soil erosion? Is 16 months too long before revegetation is required?

2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods such as, but not limited to, landscaping, planting, and maintenance of vegetative cover.

3. All exposed, cleared, filled and disturbed soils shall be revegetated within 16 months following the initiation of earthwork. Natural revegetation is acceptable if the site naturally revegetates within that 16-month period. If natural revegetation is not successful within that 16-month period, the property owner and developer shall revegetate by other means no later than the end of that 16-month period.

2. Define surface runoff. What does that mean? How far below the surface; 18 inches?

Staff Recommendations:

1. Discuss the staff report and Commissioner Stead's comments.
2. Invite Carey Meyer to a future work session to discuss the design criteria manual in regard to storm water.
3. Continue general conversation and education process to a future meeting.



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

January 29, 2014

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE

MEETING OF JANUARY 27, 2014

RE: Tietjen Subdivision 2013 Addition Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of January 27, 2014 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.12; 20.14 and 20.20.

Please contact the Planning Department if you need additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent January 29, 2014 to:

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

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

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

Subdivider/Petitioner: James Udelhoven
PO Box 126
Kasilof, AK 99610

KPB File Number: 2014-007

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

Staff Report given by Patti Hartley

Plat Committee Meeting: 01/27/2014

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

- A. **Simple** (lot splits, small number of lots, replats, no exceptions required) or non-controversial (may require redesigns, create larger number of lots, no public comments received, no exceptions required) – 3 Plats
 - 1. Ralph Harris Sub 2013 Replat; KPB File 2014-006 [Johnson / Cessnun, Clemson]
 - 2. Tietjen Sub 2013 Addn; KPB File 2014-007 [Johnson / Udelhoven]
 - 5. Damon Plaza Sub Nettles Replat; KPB File 2014-012 [Segesser / Byler]

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

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

MOTION: Commissioner Gross moved, seconded by Commissioner Carluccio to grant approval of the following preliminary plats as presented by staff.

- 1. Ralph Harris Sub 2013 Replat; KPB File 2014-006 [Johnson / Cessnun, Clemson]
- 2. **Tietjen Sub 2013 Addn; KPB File 2014-007 [Johnson / Udelhoven]**
- 5. Damon Plaza Sub Nettles Replat; KPB File 2014-012 [Segesser / Byler]

VOTE: The motion passed by unanimous consent

CARLUCCIO YES	FOSTER YES	GROSS YES	HOLSTEN ABSENT	ISHAM YES	RUFFNER YES	5 YES 1 ABSENT
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AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

- 2. Tietjen Subdivision 2013 Addn.
KPB File 2014-007; Johnson/Udelhoven

STAFF REPORT

Plat Committee Meeting: 1/27/14

Location: City of Homer
 Proposed Use: Residential, Commercial
 Water/Sewer: On-site
 Zoning: East End Mixed Use
 Assessing Use: Vacant
 Parent Parcel Number(s): 179-280-06

Supporting Information:

The proposed plat subdivides an approximate 8.6-acre tract into 4 tracts containing about 2 acres each. A soils report is required, and an engineer will sign the plat. All tracts front constructed Eagle Place. Tract D1 fronts Little Fireweed Lane. Tract D3 fronts Ternview Place. Tract D2 fronts Little Fireweed Lane and

Ternview Place. Fixed wing imagery dated 2013 indicates Little Fireweed Lane and Ternview Place are not constructed at this time.

The submittal shows the presence of a seep or spring surfacing on this property. KPB imagery and wetlands mapping do not show this feature. **Staff recommends** a note be placed on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination, if applicable.

Homer Advisory Planning Commission approved the proposed plat on December 4, 2013 subject to:

1. Add a plat note that all development is subject to City of Homer Regulations.
Borough staff comments: Staff recommends compliance with the Homer Advisory Commission's recommendation.
2. Dedicate standard radius at the two intersections
Borough staff comments: Staff recommends approval of the Homer Advisory Commission's recommendation based on HCC 11.04.090.

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

A physical address was not assigned to the parent tract.

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

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

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

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

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

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

- K. Within the limits of first class cities, the approximate location of known existing municipal sewers, water mains, and other utilities within the subdivision and immediately abutting thereto;
Platting Staff Comments: City utilities do not abut the subdivision.

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

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

2. **KPB 20.14 -- Wastewater Disposal**
Platting Staff Comments: Staff recommends compliance with 20.14. Staff recommends the appropriate wastewater disposal note be placed on the final plat.

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

Platting staff comments: The plat complies with the following portions of 20.20: 20.20.035, 20.20.060, 20.20.140, 20.20.160, 20.20.190, 20.20.210, 20.20.220, and 20.20.235.

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

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

20.20.040. - Easements—Requirements.

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

20.20.070. - Alleys.

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

20.20.110. - Streets—Width requirements.

Platting Staff Comments: Little Fireweed Lane and Ternview Place are 33 feet wide. The parent plat (HM 70-591) provided these dedications. The parcel to the east contains 40 acres. It is reasonable to expect a matching dedication. The parcel to the north contains 4.7 acres; however, fixed wing imagery shows a large structure in the area through which a matching dedication for Little Fireweed Lane would extend. Additional matching right-of-way from the subject property is not required at this time.

20.20.120. - Streets—Curve requirements.

Platting Staff Comments: Homer Advisory Planning Commission recommended dedication of the standard radius at the intersections. Staff concurs with the recommendation because it is based on Homer City Code (11.04.090).

20.20.170. - Pedestrian ways required when.

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

20.20.180. - Lots—Dimensions.

Platting Staff Comments: Tracts D2 and D3 front Eagle Place by 30-foot panhandles. **Staff recommends** the standard plat note for flag lots: No structures are permitted within the panhandle portion of the flag lot(s).

Tracts D2 and D3 front Eagle contain approximately 2.4 acres each and front Eagle Place by 30-foot wide panhandles. Although further subdivision of both tracts is likely, the plat note indicating possible limitation on further subdivision is not required because both tracts also have approximately 300 feet of frontage on Ternview Place. The flag lot design allows the tracts constructed access at this time and the flexibility of further subdividing in the future based on the Ternview Place frontage.

20.20.200. - Lots—Access to street.

Platting Staff Comments: HM 70-591 is an example of a city signing a plat that dedicates right-of-way within their boundaries.

20.20.230. - Building setbacks.

Platting Staff Comments: The parent plat did not contain a 20-foot building setback note or depiction of a building setback.

20.20.250. - Different standards in cities.

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

20.20.260. - Flood plain requirements.

Platting Staff Comments: The River Center review stated that the City of Homer administers a floodplain program through HCC 21.41 Flood Prone Areas. The proposed plat is within Zone D, flood hazards undetermined.

Per the River Center review, the subdivision is not affected by the Anadromous Stream Habitat Protection District.

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

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

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

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

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

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

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

20.16.030. - Certificate of borough finance department required.

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

20.16.050. - Plat specifications.

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

20.16.060. - Improvements—Installation agreement required.

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

20.16.090. - Accuracy of measurements.

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

20.16.120. - Utility easements.

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

20.16.130. - Easements.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.130. The northern and eastern boundaries abut a section line. KPB records show a 33-foot section line easement created by a recorded plat underlies the existing 33-foot right-of-way dedications.*

20.16.140. - Other data required by law.

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

20.16.145. - Plat notes.

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

Staff recommends the plat notes be numbered sequentially.

20.16.155. - Certificates, statements and signatures required.
Platting Staff Comments: Staff recommends compliance with 20.16.155.

20.16.160. - Survey and monumentation.
Platting Staff Comments: Staff recommends compliance with 20.16.160

20.16.170. - Approval—Authority—Certificate issued when.
Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff recommends compliance with 20.16.170.

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

20.16.190. - Disapproval. When a plat has been disapproved by the planning commission, it may be refiled once more with corrections for approval within 28 days of notification of first disapproval. If disapproved again, said plat shall be void. A new fee will be required for subdivision of the property in the voided plat.
Platting Staff Comments: If the Plat Committee disapproves the proposed plat, staff recommends findings be cited and adopted in support of the denial.

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

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

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

END OF STAFF REPORT

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

5. Damon Plaza Subdivision Nettles Replat
KPB File 2014-012; Segesser/Byler

STAFF REPORT

Plat Committee Meeting: 1/27/14

Location:	On Damon Avenue, off Skyline Drive, Soldotna area
Proposed Use:	Residential
Water/Sewer:	On-site
Zoning:	Unrestricted
Assessing Use:	Vacant
Parent Parcel Number(s):	131-453-06, 131-453-07



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

January 29, 2014

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE

MEETING OF JANUARY 27, 2014

RE: Paradise Heights Subdivision 2013 Replat Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of January 27, 2014 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.12; 20.14 and 20.20.

An amendment motion failed by unanimous consent to grant an exception to KPB 20.14, Wastewater Review based on the following findings of fact.

Findings

10. No information of Documentation of Construction for the existing wastewater system was submitted or found on ADEC's wastewater tracking site.
11. KPB GIS imagery and 4-foot contour information do not agree with the submittal drawing with respect to apparent building location, roadway location and apparent property line locations. (Clarification as to the source and orientation of contour information was requested 1/13/2013.)
12. Due to steep slopes and the private drinking water well protective radius, there appears to be limited area available on either lot for conventional development.

An amendment motion passed by unanimous consent to grant exception to KPB 20.20.230, Removal of the 20 foot building setback note based on the following findings of fact.

Findings

1. The subdivision is within the City of Homer.
2. Per HM 79-4, buildings shall be set back 20 feet from Horizon Court.
3. KPB Ordinance 80-4, Amending the Subdivision Ordinance to Clarify Building Setback Requirements in the Area of the Borough within the Boundaries of a First-Class City, was enacted on February 19, 1980.
4. Ordinance 83-25, enacted on May 3, 1983, delegated zoning regulations to the City of Homer.
5. The parent plat was recorded prior to zoning regulations being delegated from KPB to the City of Homer.
6. Building setbacks within the subdivision must comply with the requirements of the zoning district per KPB 20.20.235
7. Removing the 20-foot building setback from the plat will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.
8. Homer Advisory Planning Commission recommended a note be placed on the plat stating development is subject to the City of Homer Zoning Code.

Please contact the Planning Department if you need additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent January 29, 2014 to:

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

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

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

Subdivider/Petitioner: Douglas & Sandra Stark
2073 Horizon Court
Homer, AK 99603

KPB File Number: 2014-008

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

3. Paradise Heights Subdivision 2013 Replat
KPB File 2014-008; Johnson/Stark

Staff Report reviewed by Patti Hartley

Plat Committee Meeting: 1/27/14

Location: City of Homer
Proposed Use: Residential
Water/Sewer: On-site
Zoning: Rural Residential
Assessing Use: Residential, Vacant
Parent Parcel Number(s): 174-090-23, 174-090-24

Supporting Information:

The proposed subdivision is a simple lot line adjustment to resolve an encroachment. Both lots contain approximately one acre each. The subdivision fronts constructed Horizon Court.

Homer Advisory Planning Commission approved the plat on December 4, 2013 subject to:

1. Add a plat note stating development is subject to the City of Homer Zoning Code.
*Borough staff comments: **Staff recommends** compliance with the Homer Advisory Commission's recommendation.*
2. Carry over the parent plat note regarding the 20-foot building setback from the right-of-way.
*Borough staff comments: **Staff recommends** the Plat Committee consider an exception to KPB 20.20.230 so the building setback note can be removed, and the setback can conform to the requirements of the zoning district.*

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

The plat is within the City of Homer and Kachemak Bay Advisory Planning Commission. Kachemak Bay APC is inactive at this time.

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

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

Exception(s) Requested:

- A. KPB 20.14 wastewater review. Per the submittal, this plat is moving lot lines a minimum amount and not changing existing available areas to any significance.

Staff Discussion: The owner of the parent plat signed a certificate and request to plat stating he was aware of the State's wastewater disposal requirements, an acceptable practice when the plat was recorded. The Plat Committee's review on April 3, 1978 noted the subdivision was considered isolated and could "go through without D.E.C. checking it."

The proposed replat is to resolve an encroachment. The lot line movement is minimal; however, the plat was

not reviewed and approved by the Alaska Department of Environmental Conservation or the Planning Commission under 20.14 so an exception is required.

Findings

1. Lot 14-A originally contained 1.046 acres; proposed Lot 14A-1 contains 1.018 acres.
2. Lot 14-B originally contained 1.019 acres; proposed Lot 14B-1 contains 1.050 acres.
3. The subdivision is within the City of Homer.
4. Development within the subdivision must comply with the zoning district.
5. All wastewater disposal systems must comply with ADEC regulations.
6. This plat is moving lot lines a minimum amount and not changing existing available areas to any significance.
7. Both lots exceed the current minimum lot size.
8. Homer Advisory Planning Commission conditionally approved the plat on December 4, 2013.
9. Lot 14-B has an existing and apparent functioning wastewater system.
10. No information of Documentation of Construction for the existing wastewater system was submitted or found on ADEC's wastewater tracking site.
11. KPB GIS imagery and 4-foot contour information do not agree with the submittal drawing with respect to apparent building location, roadway location and apparent property line locations. (Clarification as to the source and orientation of contour information was requested 1/13/2013.)
12. Due to steep slopes and the private drinking water well protective radius, there appears to be limited area available on either lot for conventional development.

Staff is unable to cite sufficient findings that support a recommendation to grant approval of the exception. **Staff recommends** a soils report in conformance with KPB 20.14 be provided. If the Committee approves the requested exception, **staff recommends** the committee cite findings in support of the approval, tie the findings to the three facts (20.24.010), and vote on the exception in a separate motion.

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

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

Exception(s) Requested:

- B. KPB 20.20.230 – Removal of the 20-foot building setback note per the parent plat

Staff Discussion: Plat Note 1 on HM 79-4 states buildings shall be set back 20 feet from Horizon Court. The exception is a housekeeping matter to ensure the plat complies with the current requirements of the city's zoning district.

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

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

As older subdivisions are brought to the Committee for a replat, plat notes that no longer apply based on current ordinances will be requested to be removed.

Findings

1. The subdivision is within the City of Homer.
2. Per HM 79-4, buildings shall be set back 20 feet from Horizon Court.
3. KPB Ordinance 80-4, Amending the Subdivision Ordinance to Clarify Building Setback Requirements in the Area of the Borough within the Boundaries of a First-Class City, was enacted on February 19, 1980.
4. Ordinance 83-25, enacted on May 3, 1983, delegated zoning regulations to the City of Homer.
5. The parent plat was recorded prior to zoning regulations being delegated from KPB to the City of Homer.
6. Building setbacks within the subdivision must comply with the requirements of the zoning district per KPB 20.20.235
7. Removing the 20-foot building setback from the plat will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.
8. Homer Advisory Planning Commission recommended a note be placed on the plat stating development is subject to the City of Homer Zoning Code.

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-8 support this fact.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-8 support this fact.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-8 support this fact.

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

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

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

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

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

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

- K. Within the limits of first class cities, the approximate location of known existing municipal sewers, water mains, and other utilities within the subdivision and immediately abutting thereto;
Platting Staff Comments: City utilities are not adjacent to the proposed plat.

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

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

2. KPB 20.14 – Wastewater Disposal

Platting Staff Comments: Staff recommends compliance with 20.14, subject to exception(s) granted.

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

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

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

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

20.20.030. - Proposed street layout—Requirements.

Platting Staff Comments: The approximate 25-acre parcel to the south is landlocked. HM 75-59 created the landlocked parcel, which is labeled a park. Apparently, the intent was for access to the park parcel to be limited to subdivision owners only. Based on the following findings, staff recommends the Committee concur that an exception to 20.20.030 to extend right-of-way to the park parcel to the south is not required.

Findings

1. *The plat is within the City of Homer.*
2. *Development within the subdivision must comply with the requirements of the zoning district.*
3. *Paradise Heights Subdivision created the 25-acre landlocked parcel to the south in 1975 (HM 75-59).*
4. *Paradise Heights Subdivision plat shows the 25-acre landlocked parcel as a park.*
5. *HM 75-59 vacated the 33-foot section line easement fronting the 25-acre parcel to the south, which eliminated the park parcel's only public access.*
6. *A condition of the March 17, 1975 KPB Planning Commission approval of the parent plat was to provide pedestrian and maintenance easements to the park.*
7. *Per the submittal, the portion of the subject plat that adjoins the park parcel has slopes greater than 25 percent.*
8. *Requiring the subject subdivision to extend right-of-way across terrain greater than 25 percent is not a reasonable means of ingress for surrounding acreage tracts.*
9. *The Planning Commission approved Paradise Heights Subdivision with the park as a landlocked parcel on July 5, 1975.*
10. *The Homer Advisory Planning Commission granted conditional approval to the subject plat on December 4, 2013 with no mention of right-of-way to the park parcel.*

20.20.040. - Easements—Requirements.

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

20.20.070. - Alleys.

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

20.20.090. - Culs-de-sac.

Platting Staff Comments: Horizon Court exceeds 1,000 feet.

The Planning Commission granted an exception to maximum allowable 600-foot cul-de-sac length [KPB 20.15.075(11)] on March 17, 1975. Staff's comment regarding the exception for the cul-de-sac length was topography would not allow strict adherence to these regulations (3:1 depth to width ratio and maximum cul-de-sac length).

*The block and general area are significantly affected by steep terrain. Cul-de-sac rights-of-way are a common design. Four-foot contours show Horizon Court could not have been extended to the north or east. The private park parcel prevented right-of-way from being extended to the south. Based on the following findings, **staff recommends** the Committee concur that the exception to cul-de-sac length carries forward to the subject replat.*

Findings

1. *KPB GIS 4-foot contours show the block and general area are significantly affected by steep terrain.*
2. *Horizon Court could not be designed as a through right-of-way based on extremely steep terrain to the north and east (Bear Canyon) and the private park parcel to the south.*
3. *Horizon Court was dedicated in 1975 by Paradise Heights Subdivision (HM 75-59).*
4. *The proposed replat did not create the need for the exception to 20.20.090.*
5. *The proposed replat cannot address or resolve the length of Horizon Court.*
6. *The proposed plat is now within the City of Homer.*
7. *Any development/improvements to Horizon Court will need to be permitted by the City of Homer.*

20.20.160. - Blocks—Length requirements—Generally.

Platting Staff Comments: The block is out of compliance with 20.20.160. Steep terrain is common in the block and throughout the general area. Cul-de-sacs are a common right-of-way design. Based on the terrain and the park parcel, it is very unlikely the block can be brought into strict compliance with 20.20.160. With the exception of the park parcel to the south, adjacent parcels front dedicated right-of-way and/or section line easements. Based on its size and location, the subject replat cannot address compliance with block length.

20.20.170. - Pedestrian ways required when.

Platting Staff Comments: Homer Advisory Planning Commission did not request pedestrian ways. Providing pedestrian ways to the park parcel was one of the conditions of approval for the parent plat. HM 75-59 does not show pedestrian ways although it could have been granted through private covenants or deed restrictions.

20.20.180. - Lots—Dimensions.

Platting Staff Comments: The subdivision exceeds the 3:1 depth to width ratio. The Planning Commission granted an exception to 20.20.180 for the parent plat (HM 75-59) on July 7, 1975 due to topography. The Commission's motion to grant final approval of the plat of Paradise Heights Subdivision subject to the staff's recommendation passed by unanimous consent. Approval of the motion implies approval of the exception and the finding. The Planning Commission again approved an exception to 20.20.180 due to topography for the parent plat (HM 79-4) on April 3, 1978.

The proposed replat is a lot line adjustment to resolve an encroachment. The basic design of the proposed plat is essentially the same as the parent lots that were approved in 1975 and 1978.

Based on the following findings, **staff recommends** the Committee concur that the exception to 20.20.180 carries forward to the subject replat.

1. *The Planning Commission granted an exception to 20.20.180 for the parent plat (Paradise Heights Subdivision, HM 75-59) due to topography on July 7, 1975.*
2. *The Planning Commission granted an exception to 20.20.180 for the parent plat (Paradise Heights Subdivision of Lot 14 Block 2, HM 79-4) due to topography on April 3, 1978.*

3. *The proposed replat of Lot 14A and 14B resolves an encroachment.*
4. *The basic design of Lots 14A and 14B is essentially the same as the parent lots approved by the Planning Commission in 1975 and 1978.*
5. *Four-foot contours have been provided.*
6. *The southern portion proposed plat is affected by slopes greater than 25 percent, which have been shown and labeled.*
7. *The upland developable area of each lot appears to comply with the 3:1 ratio.*
8. *Both lots exceed the current minimum lot size.*
9. *The subdivision is within the City of Homer.*
10. *Development of the subdivision must comply with the requirements of the zoning district.*
11. *Homer Advisory Planning Commission conditionally approved the proposed plat on December 3, 2013 with no mention of the 3:1 depth to width ratio.*

20.20.235. - Building setbacks—Within cities.

Platting Staff Comments: Per the Homer City staff report, the proposed replat resolves encroachments in the side yard building setback.

20.20.250. - Different standards in cities.

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

20.20.260. - Flood plain requirements.

Platting Staff Comments: The River Center review for the associated plat stated the the City of Homer administers a floodplain program through HCC 21.41 Flood Prone Areas. The proposed plat is within Zone D, flood hazards undetermined.

Per the River Center review, the subdivision is not affected by the Anadromous Stream Habitat Protection District.

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

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

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

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

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

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

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

20.16.030. - Certificate of borough finance department required.

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

20.16.050. - Plat specifications.

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

20.16.060. - Improvements—Installation agreement required.

Platting Staff Comments: Per the Public Works Department comments in the Homer City staff report (PL 13-94), an installation agreement will not be required.

20.16.090. - Accuracy of measurements.

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

20.16.120. - Utility easements.

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

20.16.130. - Easements.

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

20.16.140. - Other data required by law.

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

20.16.145. - Plat notes.

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

20.16.155. - Certificates, statements and signatures required.

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

20.16.160. - Survey and monumentation.

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

20.16.170. - Approval—Authority—Certificate issued when.

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

20.16.180. - Administrative approval.

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

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

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

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

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

END OF STAFF REPORT

Chairman Ruffner read the rules by which public hearings are conducted

Chairman Ruffner opened the meeting for public comment.

1. Doug Stark, 2073 Horizon Court, Homer, AK
Mr. Stark is the landowner of the land and was available to answer questions.

Chairman Ruffner asked if there were questions for Mr. Stark.

Commissioner Foster referred to the laydown items that were handed out just prior to the meeting. He asked if the diagram that had his engineer stamp on it was the soils report that staff needed. Mr. Stark replied yes, that was correct. The soils report was on the left side of that diagram and the working diagram was on the right side. Commissioner Foster asked if of the laydown items had all the information that staff requested. Mr. Commissioner Foster asked if he still requested the exception request for KPB 20.14, Wastewater review since staff has received all the requested information. Mr. Stark deferred to the Platting Officer to answer that question.

Commissioner Gross asked if he could trade property further down on the lot if no other solution is found so that the lots would maintain the same area size. Mr. Stark replied he was basically interested in maintaining in excess of an acre.

There being no further comments or questions, the public hearing continued.

2. Jerry Johnson, Johnson Surveying, PO Box 27, Clam Gulch.
Mr. Johnson was the surveyor on the project and was available to answer questions

Chairman Ruffner asked if there were questions for Mr. Johnson. Hearing none the public hearing continued.

Seeing and hearing no one else wishing to speak, Chairman Ruffner closed the public comment period and opened discussion among the Commission.

MAIN MOTION: Commissioner Carluccio moved, seconded by Commissioner Isham to grant preliminary approval based on staff recommendations and conditions.

Commissioner Foster asked Mr. Voeller if he believed the submitted documents signed by Mr. Stark met the requirements of KPB 20.14. Mr. Voeller replied that he believed that a little more work was needed on the map. Commissioner Foster asked if it would be appropriate in a situation like this to not approve the exception request. Mr. Voeller stated that he believed there wasn't anything that couldn't be worked out.

Commissioner Carluccio asked if the Wastewater Review exception request should be addressed by the Committee. Mr. Voeller believed that Commissioner Foster had asked Mr. Stark if he wanted to withdraw his exception request for KPB 20.14. It appeared to him that Mr. Stark wanted to provide a soils report which would preclude the need for the exception request.

Commissioner Foster asked if the committee could address Mr. Stark again.

Chairman Ruffner asked if Mr. Stark intended to finish the soils report to staff's satisfaction so that they wouldn't need to address the exception request to KPB 20.14. Mr. Stark replied that to the best of his knowledge the soils report that was submitted was as good as he has ever had. He doesn't quite understand the process. Chairman Ruffner stated that the soils report was received but staff hasn't had a chance to

review it but thought it could be worked out. Mr. Stark asked that the exception request to KPB 20.14 be addressed by the Committee.

Chairman Ruffner asked if Mr. Voeller would like to add anything else. Mr. Voeller replied that the approximate delineation wasn't noted on the working map and some of the slopes don't seem to agree with the contours. He stated they may need some clarification. Chairman Ruffner replied that the committee will address the exception request and understood that staff needed more information from what they could see.

Commissioner Carluccio asked if the exception request will be addressed. Chairman Ruffner replied yes.

AMENDMENT A MOTION: Commissioner Carluccio moved, seconded by Commissioner Foster to grant exception to KPB 20.14, Wastewater Review.

Commissioner Isham asked if the motion was denied but this would move forward if the landowner has the soils report. Chairman Ruffner replied yes.

Commissioner Foster stated that he was going to vote against the motion because he believed Mr. Stark will address the soils report. Also the City asked that he support the Borough's requirements.

There being no further comments or questions, Chairman Ruffner called for a roll call vote.

AMENDMENT A VOTE: The motion failed by unanimous consent

CARLUCCIO NO	FOSTER NO	GROSS NO	HOLSTEN ABSENT	ISHAM NO	RUFFNER NO	0 YES 5 NO 1 ABSENT
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AMENDMENT A-1 MOTION: Commissioner Carluccio moved, seconded by Commissioner Foster to cite the following findings in support of the denial to granting the KPB 20.14, Wastewater Review exception request.

Findings

10. No information of Documentation of Construction for the existing wastewater system was submitted or found on ADEC's wastewater tracking site.
11. KPB GIS imagery and 4-foot contour information do not agree with the submittal drawing with respect to apparent building location, roadway location and apparent property line locations. (Clarification as to the source and orientation of contour information was requested 1/13/2013.)
12. Due to steep slopes and the private drinking water well protective radius, there appears to be limited area available on either lot for conventional development.

AMENDMENT A-1 VOTE: The motion passed by unanimous consent

CARLUCCIO YES	FOSTER YES	GROSS YES	HOLSTEN ABSENT	ISHAM YES	RUFFNER YES	5 YES 1 ABSENT
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AMENDMENT B MOTION: Commissioner Foster moved, seconded by Commissioner Carluccio to grant exception to KPB 20.20.230, Removal of the 20 foot building setback note per the parent plat; citing the 8 findings and tying them to the three facts.

Findings

1. The subdivision is within the City of Homer.
2. Per HM 79-4, buildings shall be set back 20 feet from Horizon Court.
3. KPB Ordinance 80-4, Amending the Subdivision Ordinance to Clarify Building Setback Requirements in the Area of the Borough within the Boundaries of a First-Class City, was enacted on February 19, 1980.
4. Ordinance 83-25, enacted on May 3, 1983, delegated zoning regulations to the City of Homer.
5. The parent plat was recorded prior to zoning regulations being delegated from KPB to the City of

- Homer.
6. Building setbacks within the subdivision must comply with the requirements of the zoning district per KPB 20.20.235
 7. Removing the 20-foot building setback from the plat will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.
 8. Homer Advisory Planning Commission recommended a note be placed on the plat stating development is subject to the City of Homer Zoning Code.

AMENDMENT B VOTE: The motion passed by unanimous consent

CARLUCCIO YES	FOSTER YES	GROSS YES	HOLSTEN ABSENT	ISHAM YES	RUFFNER YES	5 YES 1 ABSENT
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MAIN MOTION VOTE: The motion passed by unanimous consent

CARLUCCIO YES	FOSTER YES	GROSS YES	HOLSTEN ABSENT	ISHAM YES	RUFFNER YES	5 YES 1 ABSENT
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AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

4. Strawberry Acres Subdivision Roser Addition
KPB File 2014-011; Segesser/Roser

Staff Report given by Patti Hartley

Plat Committee Meeting: 1/27/14

Location: On Frogberry Street in Kenai
 Proposed Use: Residential, Recreational, Commercial and Agricultural
 Water/Sewer: On-site
 Zoning: Unrestricted
 Assessing Use: Residential
 Parent Parcel Number(s): 025-144-07

Supporting Information:

The proposed plat subdivides a 20-acre parcel into three tracts containing approximately 4.66, 5.49, and 8.88 acres. As submitted a soils report is not required. Tract 21C fronts Frogberry Street. A 60-foot wide by 750 feet in length right-of-way is proposed to be dedicated providing legal access to the interior lots (21A and 21B).

The surveyor contacted the Planning Department by email on January 7, 2014 notifying staff that the lot configuration is to be changed and requested the plat be put on hold until further notice. The surveyor was informed that the Notice of Subdivision was already mailed so the platting action will need to remain on the agenda.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission open the public hearing, take testimony and continue the public hearing until brought back by staff.

END OF STAFF REPORT

Chairman Ruffner opened the meeting for public comment.

1. John Segesser, Segesser Surveys, 30485 Rosland St.
Mr. Segesser was available to answer questions.

Seeing and hearing no one else wishing to speak, Chairman Ruffner closed the public comment period and



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

MANAGER'S REPORT

February 10, 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. **Public Works Department:** Carey Meyer wears many hats for the City and he juggles many important responsibilities. The Council and the Public see him and interact with him most often in his roles as Project Manager and City Engineer. In fact, that is where he spends a great deal of time and where his work is most visible. However, Carey is also the Public Works Director and the head of the City's largest department, with the biggest budget and the most personnel. The Public Works Department has experienced a number of retirements lately and it has lost many great employees and years of experience. This was not a surprise and we knew this was coming for several years. As a result, Carey has been involved in succession planning and in looking at ways to reorganize the department with the goal of increasing efficiency, saving money, and providing an even better product to the public. Carey has a report on this for you (attached) and I would like to devote my time for the Manager's report to Carey so you can get some insight into what is happening in the City's biggest (and many in the public would say most important) department.
2. **Ramp 7:** As most of you probably know by now, we experienced a structural failure at Ramp 7 last weekend and the lower end of the ramp is currently sitting in the water. The ramp is blocked off so that the public cannot access it. This is the ramp constructed by the Seldovia Village Tribe (SVT) to access the Seldovia Ferry Berth. It also provides much improved access to the System 5 float. The ramp is available for public use and will become the property of the City when the lease expires. We are currently working closely with SVT to determine the cause, get the ramp out of the water, and repair the damage.
3. **Board of Fisheries Testimony:** I went to Anchorage last week to provide testimony at the Board of Fish meetings related to Resolution 14-019. A copy of my testimony is attached for your information. I plan to head back to Anchorage on Thursday, the 6th to provide additional testimony at committee meetings.
4. **Harbor Construction Projects:** The last agenda contained 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. The Bond Bank and the State of Alaska have approved the idea (that we talked about at the last meeting) of using the unallocated funds for additional float replacement and improvements that are already on the CIP and are simply an expansion of the existing work. The Port and Harbor Commission has reviewed and endorsed this approach. This agenda contains a resolution authorizing us to proceed accordingly.

5. Parks and Recreation Needs Assessment: The second meeting of the Needs Assess Steering Committee took place on Wednesday, February 5th. The focus of this meeting was reviewing other needs assessments, reviewing draft RFPs, and talking about the kinds of questions that should be asked.
6. 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. This information appeared in the last packet. Since the time is getting short and we want to get the word out to the public, I thought it would be good to include this information again.
7. Enstar Meeting: We had a meeting with Enstar officials last week to discuss the workplan for the upcoming construction season (which has already begun apparently!). In the next month we will be approving the workplan, and adjusting the assessment roll to account for decisions that were made during construction last year. Enstar's contractor, UTI is already working on the Spit, which you may have noticed. They expect to have gas to Spit business by April. Kachemak Drive will be next and then the bluff areas. Enstar projects that it could be done and construction completed by the end of August.
8. Critical Habitat Legislation: The legislation that would remove the Homer Port and Harbor from the critical habitat area is on the move. Companion bills have been read across in both the House and the Senate. Committee hearings in both Chambers are scheduled this week and I will testify, once from Homer and once from Anchorage.

ATTACHMENTS

1. Board of Fish Testimony
2. Public Works Reorganization and Succession
3. Citizens Academy
4. February Employee Anniversaries