

## 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 September 17, 2014 meeting **pg. 3**

B. A Memo from the City Clerk and a resolution of the City Council of Homer, Alaska, establishing the 2015 regular meeting schedule for the city council, economic development advisory commission, library advisory board, parks and recreation advisory commission, advisory planning commission, port and harbor advisory commission, permanent fund committee, and public arts committee. **pg. 11**

### 6. Presentations

### 7. Reports

A. Staff Report PL 14-89, 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 14-90, An ordinance of the Homer City Council amending Homer City Code 21.40.070, requirements, regarding standards for impervious coverage in the bridge creek watershed protection district. **pg. 39**

B. Staff Report PL 14-88, An ordinance of the Homer City Council amending Homer City Code 21.70.010, Zoning permit required, and 21.90.030, Invalid land use permits, regarding the requirement for a zoning permit and the relationship of zoning violations to permit issuance **pg. 55**

### 9. Plat Consideration

### 10. Pending Business

### 11. New Business

## **12. Informational Materials**

- A. City Manager's Report for September 22, 2014 City Council Meeting **pg. 63**
- B. Kenai Peninsula Borough Platt Committee Notice of Decisions:
  - Lakeside Village Subdivision 2014 Replat Preliminary Plat **pg. 67**
  - Scenic View Tract A 2014 Replat Preliminary Plat **pg. 79**
  - Forest Glen Subdivision Unit 2 2014 Replat Preliminary Plat **pg. 91**
  - Vineyard Estates 2014 Addition Preliminary Plat **pg. 99**
- C. Beluga Air letter stamp dated 9/18/14 regarding off-premise sign **pg. 109**
- D. Planning Staff Response to Beluga Air letter dated 9/18/14 **pg. 111**
- E. Army Corps of Engineers Kenai Field Office Public Notice of Application for Permit to "discharge 2040 cubic yards (cy) of pit run gravel and 49 cy of concrete for the construction of a driveway, parking lot, composting facility, and drainage ditch in Waters of the U.S." at Tract O-1 Tietjen Subdivision **pg. 113**
- F. Park, Art, Recreation, Culture (PARC) Needs Assessment Flyer **pg. 119**

## **13. Comments of the Audience**

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

## **14. Comments of Staff**

## **15. Comments of the Commission**

## **16. Adjournment**

Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission. Next regular meeting is scheduled for November 5, 2014. A work session will be held at 5:30 pm.

Session 14-17, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on September 17, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, BRADLEY, ERICKSON, HIGHLAND, STEAD, STROOZAS,  
VENUTI

STAFF: CITY PLANNER ABBODD  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BOS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Public Comment**

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

Bob Shavelson noted he had commented at the worksession and wanted to reiterate how valuable and important the public asset of our drinking water supply is in the Bridge Creek Watershed protection district. He wants to emphasize that if we are going to open up provisions to this, that we take a precautionary approach. We know from countless examples it is always more cost effective to protect water quality than to try to treat it after it's been harmed. As we look at increased population it puts increased pressure on our drinking water, it behooves us to move carefully. He reiterated that they step away from a blanket cap on square footage and try to look more carefully at a percentage base and possibly a sliding scale, based on the size of the property. He thinks it would be smart to bring in someone more knowledgeable to look at these issues on a watershed scale and understand what concentrated development in this subdivision versus larger development outside of it means for the health of the area moving forward. He thanked the group and urged them to take a slow and cautious path because it's the only drinking water supply we have.

Kevin Dee echoed Mr. Shavelson's comments. He added that even with cutting the acreage down to one acre it could mean that it could be doable if there was adequate planning and mitigation put in place for all the run off. He also encourages taking a slow and cautious approach. He values the commission's work here and agrees they need to get a level of expertise that deals with this on a variety of levels. It needs to be a holistic view point. He reviewed the approach they use for their 80 acres and their whole systems view of development. There are realty signs going up around the area so there is pressure for people who will be building or buying. The question is what you want the area to look like. The area is doing well with the protection that's in place, he hopes a thoughtful process

takes place in the long term with the right outcome that serves the quality for Homer and for the people who live in the area.

## **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 September 3, 2014 meeting**

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

HIGHLAND/VENUTI SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## **Presentations**

### **Reports**

#### **A. Staff Report PL 14-84, City Planner's Report**

City Planner Abboud reviewed the staff report.

#### **B. KPB Planning Commission Report – Franco Venuti**

Commissioner Venuti gave his report at the worksession.

### **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 14-85, Proposed zoning code amendments to change where heliports and helipads are allowed within the City, creates definitions for helipads and changed the definition of hospital.**

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing.

Scott Adams, city resident, expressed his concern about allowing helicopter landings in the Bridge Creek Watershed. He is not opposed to allowing it at the hospital or at the airport. Since Bridge Creek is city owned, but the outlying area are Borough, they should work together, along with the FAA. The air traffic in Homer is increasing and helicopters don't have to abide by FAA rules so they can fly at any level they want. You have to think about what is going to happen in the future and the flight patterns they will be using. He has had issues with a local company, has been in contact with the FAA for the last 18 months because of the improper flying, and has had helicopters landing in his subdivision. He would like to curtail this before it gets worse.

Derotha Ferraro, Director of Public Relations and Marketing for South Peninsula Hospital, noted the letter in the packet from Bob Letson, CEO, regarding the importance of the helipad at the hospital, the great service it is to the community, and that the community voted on this some years ago. She asked for clarification about the definition of hospital, and if this change will require the hospital to acquire a CUP. She also introduced Glen Radtke, SPH Director of Facilities and said they were available to answer questions the Commission has about their helipad. City Planner Abboud explained that currently there isn't a definition of hospital in city code, so this includes adding the state's definition. He doesn't believe a CUP would be necessary for SPH but encouraged them to contact the planning department.

Robert Archibald, city resident, commented that he doesn't see any reference to helicopter size in this draft ordinance. He encouraged the Commission to consider limiting size. Without limitations on size and horsepower and allowing the use without a CUP he questions how they will limit helicopters. He doesn't agree with any of the amendments that don't require a CUP. He thinks the citizens of this town deserve to have some input into what is landing in their subdivisions. He thinks there will be development at the airport that will allow more area for this use. He doesn't want helicopters landing any closer to the houses than they are now. He doesn't like to see them landing inside city limits. There are places that have fly in subdivisions where a person buys a house on an airstrip; they know what they are getting. If helicopters are allowed to land where ever they want in the city, then people don't have a decision.

Kevin Dee commented that in discussion with the Ageya board they agree that what makes a healthy ecological system is also the presence of wildlife and animals. Homer is expanding and maintaining a healthy ecology in the Bridge Creek Watershed is important. Ageya's business model is built on the wilderness area. Anything that is done to increase traffic or noise could affect quality of life for wildlife and people as well. They also look at is the use of helipads for people in a non-recreational manner, they would advocate for a CUP and FAA attachment. They would be interested in what marking should be there, clearances around helipads and hazards that it may bring. He encouraged that this use should be approached slowly.

There were no further comments and the hearing was closed.

VENUTI/STROOZAS MOVED TO FORWARD THIS DRAFT ORDINANCE REGARDING HELIPORTS AND HELIPADS TO THE CITY COUNCIL FOR PUBLIC HEARING AND ADOPTION.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
SEPTEMBER 17, 2014

Commissioner Highland commented that she doesn't support heliports being allowed outright in GC2. She referenced the information from Jack Wiles that was presented as a laydown that includes ideas regarding criteria for conditional use in the marine industrial district.

HIGHLAND/ERICKSON MOVED TO AMEND THE ORIGINAL MOTION TO ADD "HELIPADS AND HELIPORTS IN THE MARINE INDUSTRIAL DISTRICT SHALL ONLY BE ALLOWED AS A CONDITIONAL USE WHEN A HELICOPTER IS NEEDED TO:

1. SUPPORT A PORT OF HOMER AUTHORIZED RELATED PROJECT, SERVICE OR SAFETY AND SECURITY FUNCTION,
2. PROVIDE TENDER SERVICES FOR OFFSHORE OR DOCKED VESSELS,
3. PROVIDE TRANSPORT OF MATERIALS AND SUPPLIES TO MARINE VESSELS,
4. SUPPORT SEARCH AND RESCUE OPERATION, OIL SPILL PREVENTION, ABATEMENT OR CLEANUP OR RELATED SERVICES, INCIDENT COMMAND, COAST GUARD OR PUBLIC SAFETY REQUIREMENTS,
5. PROVIDE INCIDENTAL OR SHORT-TERM USE FOR MARINE RELATED NEEDS BUT DOES NOT INVOLVE A REOCCURRING USE SUCH AS TOURISM RELATED SERVICES, SUPPORT TO CRUISE SHIPS, OR CRUISE SHIP SERVICES OR BOOKINGS.
6. HELICOPTER SERVICES SHALL MEET STRICT SAFETY AND ENVIRONMENTAL STANDARDS AS ESTABLISHED BY THE CITY OF HOMER AND OPERATE WITHOUT THE NEED FOR PERMANENT OR TEMPORARY SUPPORT STRUCTURES OR SERVICES, UNLESS CONDITIONALLY APPROVED.

Commissioner Venuti commented that as a CUP, an applicant has to come in and convince the commission it is in the interest of public good. He pointed out that 20 years ago much of the heavy equipment involved in developing Bradley Lake was transported from the end of the spit by a large helicopter. He doesn't agree the possibility of that happening again should be eliminated. He doesn't agree that this be added to the CUP criteria.

Commissioners Stroozas and Bos commented in agreement with Commissioner Venuti's remarks.

Chair Stead questioned if search and rescue operations, oil spill prevention, abatement, and so forth currently need a CUP. City Planner Abboud responded that if there is an emergency situation we aren't going to hold it up by having them apply for a CUP.

Commissioner Highland stated that she does not support helicopters anywhere but the airport and the hospital. She could support it in the Marine Industrial district with the amendments she proposed.

VOTE (Amendment): YES: HIGHLAND

NO: ERICKSON, STEAD, VENUTI, STROOZAS, BRADLEY, BOS

Motion failed.

HIGHLAND/ERICKSON MOVED TO AMEND THAT THE PERMITTED USE IN ALL OF GC2 FOR HELIPORTS AND HELIPADS BECOME A CUP EXCEPT FOR AT THE AIRPORT.

Commissioner Highland said she thinks it's a very good idea to require a CUP in any GC2 area outside the airport. Her preference is that they only be allowed at the airport.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
SEPTEMBER 17, 2014

VOTE (Amendment): YES: ERICKSON, BRADLEY, HIGHLAND, VENUTI  
NO: STEAD, STROOZAS, BOS

Motion carried.

ERICKSON/HIGHLAND MOVED TO AMEND THAT THE BRIDGE CREEK WATERSHED HELIPADS NOT BE ALLOWED TO HAVE A HELIPAD.

Commissioner Highland expressed her agreement with the motion. Landings and takeoffs are the most dangerous helicopter operations, and it would be disruptive. The watershed is number one for protection and not worth taking any extra chances.

VOTE (Amendment): YES: STEAD, BRADLEY, VENUTI, HIGHLAND, ERICKSON  
NO: STROOZAS, BOS

Motion carried.

There were comments that this is moving in the right direction from what was allowed previously.

VOTE (Main motion as amended): YES: BOS, STEAD, ERICKSON, VENUTI, STROOZAS, BRADLEY  
NO: HIGHLAND

Motion carried.

- B. Staff Report PL 14-86, Ordinance 14-45, An Ordinance Amending Homer City Code 21.93.060 Standing- Appeal to Board of Adjustment and 21.93.500 Parties Eligible to Appeal to Board of Adjustment - Notice of Appearance, Providing for the City Planner or Designee to Participate in Appeals to the Board of Adjustment.

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing. There were no comments and the hearing was closed.

There was brief discussion of the role of the City Planner regarding Board of Adjustment hearings.

BOS/STROOZAS MOVED THAT THE PLANNING COMMISSION RECOMMENDS THE CITY COUNCIL ADOPT ORDINANCE 14-45.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**Plat Consideration**

### **Pending Business**

- A. Staff Report PL 14-87, Proposal to amend to the Bridge Creek Watershed Protection District.

City Planner Abboud noted they heard some new information tonight at the worksession and he reviewed the staff report and draft ordinance.

There was discussion about current lot sizes, proposed development area, and regulations currently in place relating to subdividing. They acknowledged the proposed ordinance is a starting draft based on information the Commission addressed so far. It is something the property owners can consider and give feedback about. The protection district seems to be working now, so they have time to get input.

Other comments included concerns about driveways and parking. Many of the homes have minimal driveways and parking, which becomes a safety concern in the winter. Also, Mr. Shavelson's suggestion to work with a hydrologist would be fitting for the Commission's work on this. Adding it to the CIP could be an option for getting help with funding to pay for the work. It would also be helpful to look at the information the Inletkeeper has accumulated over the years.

There was consensus of the Commission to hold a public hearing at the October 16 meeting.

### **New Business**

- A. Staff Report PL 14-88, An ordinance of the Homer City Council amending Homer City Code 21.70.010, Zoning permit required, and 21.90.030, Invalid land use permits regarding the requirement for a zoning permit and the relationship of zoning violations to permit issuance.

City Planner Abboud reviewed the staff report.

There was discussion about follow-up after permits are issued. It was explained that presently things may or may not be verified, and many permits get issued because what the applicant is asking for is legally permissible, although they may have an issue on their property.

Further discussion centered on the notion of building permits or zoning permits being documentation of work completed on homes, for example, throughout the years. That is how it is done in other communities, and despite the resistance to rules, some of that should be regulated in Homer. The "buyer beware" mentality of properties in the city is shameful.

Point was raised that this ordinance addresses zoning code, which is about land use. City Planner Abboud noted that site visits are done as much as possible to follow up on the work after the permit is issued.

HIGHLAND/BOS MOVED TO HOLD A PUBLIC HEARING ON STAFF REPORT PL 14-88.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.



Motion carried.

### **Informational Materials**

- A. City Manager's Report, September 8, 2014
- B. Joanne Thordarson Letter – view obstruction with new development in Forest Glenn Subdivision

### **Comments of the Audience**

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

Scott Adams, city resident, commented about the Bridge Creek/ Kelly Ranch area. He is surprised the Borough allowed that subdivision to go in and some of those back lots should never have been sold. Some of the property on Skyline that is away from the water areas could use some tweaking because most of the acreage is over three acres and they have been on the market for a good ten years. He thinks it should be based on individual lots and not the general area because of the difference in lot size and location within the watershed district. He hopes they do step back and look at the watershed district. In the discussion about regulating development in Homer, their work on steep slope put restrictions on property there. He lives in that area and will be abiding by those rules. He noted that he lives in the area that was annexed and was told the area would get water, only to find out ten years later it isn't feasible. That kind of puts a sting on things. He likes where they are going, he thinks a building inspector might be a direction we are headed. He explained a situation with a neighbor who bought a house that was owner built and the issues she has had to face.

### **Comments of Staff**

City Planner Abboud said they have been working on strategic planning with the Mayor and Council, including some review of the Comp Plan. He will bring the Commission the information to review. The Commission will be looking at some Comp Plan updates in the near future.

Deputy City Clerk Jacobsen reminded the group about the upcoming Volunteer Appreciation Event and also early voting for the municipal elections.

### **Comments of the Commission**

Commissioner Highland said it was a good meeting. She asked about comments she heard about NAPA complaining about having to repaint their building and sign issues. City Planner Abboud reviewed information about corporate branding and the colors those corporate businesses use to advertise. The NAPA building sign and legacy are beyond our code. If someday there are changes, they will need to conform to code. Ms. Highland asked if an acknowledgement could be sent to Joann Thordarson regarding her letter in the informational items.

Commissioner Bradley said she will be absent on October 1<sup>st</sup>.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
SEPTEMBER 17, 2014

Commissioner Bos said it was a fabulous meeting. He commented about the list of commission accomplishments for the Volunteer Appreciation Event and wanted to add their work to continue to promote being a business friendly group.

Commissioner Erickson added that, as a group, they are a lot more approachable and working on things to make it where people can enjoy their community.

Commissioner Stroozas said it was an outstanding and lively discussion tonight. He has followed the Commission for a number of years and agrees they are doing things that are going to make it more comfortable for citizens to participate in the process. We have to be proactive, not reactive, and there is a good mix of people on this commission and he is glad to be a part of it. He said he may miss the next meeting.

Commissioner Venuti had no comment.

Chair Stead said it was a good meeting tonight.

### **Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 8:16 p.m. The next regular meeting is scheduled for October 1, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

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### Memorandum

TO: COUNCIL'S ADVISORY BODIES  
FROM: JO JOHNSON, CITY CLERK  
DATE: SEPTEMBER 29, 2014  
SUBJECT: 2015 MEETING SCHEDULE

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Please review the 2015 meeting schedule for your Advisory Body and approve with or without amendments. The draft resolution includes the entire 2015 meeting schedule. The resolution will be presented to Council on December 8, 2014 for adoption.

A memo or excerpt from the meeting minutes noting the action by your advisory body is requested. Please return this to the City Clerk by December 2, 2014.

Thank you!



**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 14-XXX**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
ESTABLISHING THE 2015 REGULAR MEETING SCHEDULE FOR  
THE CITY COUNCIL, ECONOMIC DEVELOPMENT ADVISORY  
COMMISSION, LIBRARY ADVISORY BOARD, PARKS AND  
RECREATION ADVISORY COMMISSION, ADVISORY PLANNING  
COMMISSION, PORT AND HARBOR ADVISORY COMMISSION,  
PERMANENT FUND COMMITTEE, AND PUBLIC ARTS COMMITTEE.

WHEREAS, Pursuant to Homer City Code Section 1.14.020, the City Council annually sets the schedule for regular and some special meetings, noting the dates, times and places of the City Council, Advisory Commissions, and the Library Advisory Board meetings; and

WHEREAS, The public is informed of such meetings through the kiosks located at Captain's Coffee, Harbormaster's Office, Redden Marine Services of Homer, and the City Clerk's Office, Clerk's Calendar on KBBI, the City Clerk's Home Page on the Internet, and postings at the Clerk's Office at City Hall, and the Public Library; and

WHEREAS, HCC 1.14.020 - 040 states that meetings may be advertised in a local paper of general circulation at least three days before the date of the meeting and that special meetings should be advertised in the same manner or may be broadcast by local radio at least twice a day for three consecutive days or two consecutive days before the day of the meeting plus the day of the meeting; and

WHEREAS, HCC 1.14.010 notes that the notice of meetings applies to the City Council and all commissions, boards, committees, subcommittees, task forces and any sub-unit of the foregoing public bodies of the City, whether meeting in a formal or informal meeting; that the failure to give the notice provided for under this chapter does not invalidate or otherwise affect any action or decision of a public body of the City; however, this sentence does not change the consequences of failing to give the minimum notice required under State Statute; that notice will ordinarily be given by the City Clerk; and that the presiding officer or the person or persons calling a meeting are responsible for notifying the City Clerk of meetings in sufficient time for the Clerk to publish notice in a newspaper of general circulation in the City; and

WHEREAS, This Resolution does not preclude additional meetings such as emergency meetings, special meetings, worksessions, and the like; and

WHEREAS, Council adopted Resolution 06-144 on October 9, 2006 establishing the Regular Meeting site for all bodies to be the City Hall Cowles Council Chambers.

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council, that the 2015 meeting schedule is established for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission, Permanent Fund Committee, and Public Arts Committee of the City of Homer, Alaska, as follows:

Holidays - City Offices closed:

January 1*, New Year's Day, Thursday	February 16*, Presidents' Day, the third Monday	March 31*, Seward's Day, last Monday	May 25*, Memorial Day, last Monday	July 3*, Independence Day, Friday	September 7*, Labor Day, first Monday
October 19*, Alaska Day, Monday	November 11*, Veterans Day, Wednesday	November 26*, Thanksgiving Day, Thursday	November 27*, Friday, the day after Thanksgiving	December 25*, Christmas, Friday	

\*Indicates holidays - City offices closed.

\*\*If on a Sunday, the following Monday is observed as the legal holiday; if on a Saturday, the preceding Friday is observed as the legal holiday pursuant to the City of Homer Personnel Rules and Regulations.

CITY COUNCIL (CC)

January 12, 26	February 9, 23	March 9, 23	April 14, 28	May 11, 26*	June 8, 22
July 13**, 27	August 10, 24	September 14, 28	October 6 Election	October 12, 26, for Oath of Office 20*	Canvass Board October 9 or 12
November 3 Run- Off Election	November 9**, 23	December 14****	December 21**** if needed		

City Council's Regular Committee of the Whole Meetings at 5:00 p.m. to no later than 5:50 p.m. prior to every Regular Meeting which are held the second and fourth Monday of each month at 6:00 p.m. \*\*\*The City Council traditionally reschedules regular meetings that fall on holidays or High School Graduation days, for the following Tuesday. Council will not conduct a First Regular Meeting in July.

AML Annual Conference Week is tentatively scheduled for November 16 – 20, 2015.

\*Tuesday meeting due to Memorial Day/Alaska Day.

\*\*There will be no First Regular Meeting in July or November.

\*\*\*\* The City Council traditionally cancels the last regular meeting in December and holds the first regular meeting and one to two Special Meetings as needed. Generally the second Special Meeting the third week of December, will not be held.

#### ECONOMIC DEVELOPMENT ADVISORY COMMISSION (EDC)

January 13	February 10	March 10	April 14	May 12	June 9
July 14	August 11	September 8	October 13	November 10	December 8

Economic Development Advisory Commission Regular Meetings are held on the second Tuesday of each Month at 6:00 p.m.

#### LIBRARY ADVISORY BOARD (LAB)

January 6	February 3	March 3	April 7	May 5	June 2
July 7	August 4	September 1	October 6	November 3	December 1

Library Advisory Board Regular Meetings are held on the first Tuesday of each month at 5:00 p.m.

#### PARKS AND RECREATION ADVISORY COMMISSION (P/R)

	February 19	March 19	April 16
May 21	June 18		August 20
September 17	October 15	November 19	

Parks and Recreation Advisory Commission Regular Meetings are held on the third Thursday of each month at 5:30 p.m. with the exception of January, July, and December.

#### PLANNING COMMISSION (P/C)

January 7, 21	February 4, 18	March 4, 18	April 1, 15	May 6, 20	June 3, 17
July 15**	August 5, 19	September 2, 16	October 7, 21	November 4**	December 2**

Advisory Planning Commission Regular Meetings are held on the first and third Wednesday of each month at 6:30 p.m. \*\*There will be no First Regular Meeting in July or Second Regular Meetings in November and December.

97 PORT AND HARBOR ADVISORY COMMISSION (P/H)

January 28	February 25	March 25	April 22	May 27	June 24
July 22	August 26	September 23	October 28	November 18	December 16

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99 Port and Harbor Advisory Commission Regular Meetings are held on the fourth Wednesday of  
100 each month at 5:00 p.m., with the exception of May, June, July and August meetings that are  
101 held at 6:00 p.m. The Regular Meetings in the months of November and December are  
102 traditionally scheduled for the third Wednesday of the month.

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104 PERMANENT FUND COMMITTEE (PFC)

February 12	May 14	August 13	November 12
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106 Permanent Fund Committee Regular Meetings are held quarterly on the second Thursday of  
107 the months of February, May, August, and November at 5:15 p.m.

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109 PUBLIC ARTS COMMITTEE (PAC)

February 12	May 14	August 13	November 12
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111 Public Arts Committee Regular Meetings are held quarterly on the second Thursday of the  
112 months of February, May, August, and November at 5:00 p.m.

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114 PASSED AND ADOPTED by the Homer City Council this 8<sup>th</sup> day of December, 2014.

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116 CITY OF HOMER

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MARY E. WYTHE, MAYOR

121 ATTEST:

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125 JO JOHNSON, MMC, CITY CLERK

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127 Fiscal Impact: Advertizing of meetings in regular weekly meeting ad and advertising of any  
128 additional meetings.





## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### STAFF REPORT PL 14-89

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
MEETING: October 15, 2014  
SUBJECT: City Planner's Report

#### Staff Activities

Julie has been busy working on a Safe Routes to School grant. The project would begin after the first of the year, and involves a written plan to increase the safety and number of K-8 students that walk or bike to school. Council approved a resolution to request \$15,000 in funding for the project on September 22<sup>nd</sup>.

Julie and Travis have been working on the launch of the Park, Art Recreation and Culture Needs Assessment. The project website is up, and the community survey is open. You can find information on the City of Homer Parks and Recreation website. Please take a moment to take the survey! Paper copies are also available at a few places in town, including City Hall. There is a community meeting scheduled for November 13<sup>th</sup>, at Islands and Oceans, where the preliminary results of the community survey will be discussed.

#### Joint work session with City Council on October 23, 2014

This is an opportunity for the Commission to get input and direction from the City Council for various issues.

So far, the agenda items will include:

- Cell towers regulation
  - How far do we want to go?
- Code adjustments that help resolve permitting issues
  - Currently we are presenting an amendment to deal with today's reality that the City of Homer does not inspect improvements and has little regulation outside of dimensional requirements and some rather extreme situation regarding development on slopes and creation of large amounts of impervious cover or introducing large amounts of fill.

- This conversation leads to talk of future consideration for an inspector. This is routinely brought up by some developers and those that invest in Homer properties.
- Bridge Creek Water Protection District
  - We are currently considering some small incremental changes to relax some of the current regulations for development of small lots under 3 acres that have been rendered nonconforming when the district was created.
- Storm Water
  - We now have storm water planning on the CIP list. What can we do to 'get the ball rolling'?
  - The CIP project is meant to address city-wide issues; the Planning Commission is still planning on working on some additional measures in code for site development.
  - Staff has interest in investigating some measures that might be introduced into road construction standards to minimize the impacts of associated impacts.
- Comprehensive Plan review
  - The City Council will be reviewing how to incorporate the elements of various adopted city plans into their decision making. I have included a review of our progress in relation to the land use and spit chapters; others are looking at other chapters. The largest opportunity for updates lies in the Master Roads and Streets Plan. This is a very technical document from 1986 and has lots of room for updates. This would be a good opportunity to introduce some additional mitigation measures for storm water along with merging with the 2005 Homer Area Transportation Plan and Non-Motorized Transportation and Trail Plan of 2004.

#### City Council

At the special meeting held September 29<sup>th</sup>, after extensive time taken for procedure issues, the BOA moved that Mr. Griswold did not have standing to appeal the porch addition of Windjammer Suites. It is my impression that the prevailing side did not feel that he was harmed in a way greater than that of the general public or perhaps in any way at all. His due process may lead him to challenge this ruling in District Court.

#### **Meeting of 9.22.14**

Adopted - **Resolution 14-099**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply for a Safe Routes to Schools Planning Grant in the Amount of \$15,000 and Expressing Commitment to Provide In-Kind Staff Time as a Contribution. City Manager. Recommend adoption.

Memorandum 14-141 from Deputy City Planner as backup.

Memorandum 14-142 from Parks and Recreation Advisory Commission as backup.

**Ordinance 14-45,** An Ordinance of the Homer City Council Amending Homer City Code 21.93.060 Standing – Appeal to Board of Adjustment and 21.93.500 Parties Eligible to Appeal to Board of Adjustment – Notice of Appearance, Providing for the City Planner or Designee to Participate in Appeals to the Board of Adjustment. City Manager. (Introduction August 25, 2014, Referred to Planning Commission, Public Hearing September 22, 2014. Memorandums 14-123 and 14-147 from City Attorney as backup. There was no public testimony.

Homer City Council Action Agenda – September 22, 2014 Page 7 of 12  
ADOPTED without discussion.

**Ordinance 14-19,** An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Rural Residential (RR), Urban Residential (UR) and Residential Office (RO) Zoning Districts to East End Mixed Use (E-MU). Van Dyke. (Introduction May 12, 2014, Referred to the Planning Department. Recommend Public Hearing October 13, 2014.)  
Memorandum 14-139 from City Planner as backup.  
POSTPONED to October 13 for a PUBLIC HEARING.

**Resolution 14-093,** A Resolution of the Homer City Council Adopting the 2015-2020 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2016. Mayor/City Council. (Postponed from September 8, 2014.)  
Memorandums 14-134 and 14-144 from Community and Economic Development Coordinator as backup.

AMENDED: Added projects submitted by other organizations:

- Homer Hockey Association – Kevin Bell Ice Arena Building/Land Acquisition
- Homer Council on the Arts – Reconfiguration and Facility Upgrade
- Haven House – Safety/Security Improvements

AMENDED: Added projects to the City of Homer Capital Improvement Plan

- Replacement Ambulance
- Seafarers Memorial Parking Expansion
- Storm Water Master Plan
- Bayview Park Restoration
- Homer Spit Trailhead Restroom
- Backup Generator for Homer Public Library
- Rogers Loop Trailhead Land Acquisition (moved from Kachemak Nordic Ski Club to City of Homer project)

Mayor Wythe called for a recess at 8:01 p.m. and reconvened the meeting at 8:05 p.m.  
POSTPONED to October 13, 2014 to allow public comment.

**Meeting scheduled 10.13.14**

**Ordinance 14-49**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.040, Definitions; Homer City Code 21.12.030, 21.14.030, 21.16.030, 21.18.030, 21.24.030, 21.26.020, 21.26.030, 21.28.030, 21.30.030, and 21.32.030, Conditional Uses and Structures; and Homer City Code and Permitted Uses and Structures, to Define the Terms Helipad and Hospital, to Delete Heliport as a Conditional Use in the Rural Residential, Urban Residential, Central Business District, General Commercial 1, Marine Commercial and Open Space – Recreation Zoning Districts; to Delete Heliport as a Permitted Use in the General Commercial 2 District, to Add Helipad as a Conditional Use Accessory to a Hospital in the Residential Office Zoning District and as a Conditional Use in the General Commercial 2 and Marine Industrial Zoning Districts, and to Add Heliport as a Conditional Use in the General Commercial 2 District. Planning. Recommended dates: Introduction October 13, 2014, Public Hearing and Second Reading October 27, 2014.

Memorandum 14-155 from City Planner as backup.

**Resolution 14-102**, A Resolution of the Homer City Council Encouraging the Alaska Department of Transportation and Public Facilities to Fix the Bumps on the East End Bike Path. Roberts. Recommend adoption.

**Resolution 14-106**, A Resolution of the City Council of Homer, Alaska Requesting That the Alaska Department of Transportation and Public Facilities Construct a Bridge and “Daylight” Woodard Creek as Part of the Pioneer Avenue Rehabilitation Project. City Manager. Recommend adoption.

**Ordinance 14-19**, An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Rural Residential (RR), Urban Residential (UR) and Residential Office (RO) Zoning Districts to East End Mixed Use (E-MU). Van Dyke. Introduction May 12, 2014, Referred to the Planning Department, Public Hearing October 13, 2014.

Memorandum 14-139 from City Planner as backup.

**Resolution 14-093**, A Resolution of the Homer City Council Adopting the 2015-2020 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2016. Mayor/City Council. (Postponed from September 8, 2014.)

Memorandums 14-134, 14-144, and 14-157 from Community and Economic Development Coordinator as backup.

**Attachments:**

1. Land Use Chapter Implementation Update 10.9.14
2. Spit Plan Implementation update.



# City of Homer

## Planning & Zoning

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This is a review of work done in relation to the Comprehensive Plan Land Use Chapter. The plan does not do a comprehensive job of listing all implementation items in relation to all those mentioned in the narrative of the plan. I have divided this into three sections. The first being items in relation to the narrative of the plan, second in relation to the implementation tables and third is items to be considered from the narrative.

Work in relation to goals for in Land Use Chapter (Chapter 4) of the Homer Comprehensive Plan.

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

- Permitting an accessory dwelling in UR, RO, CBD district (infill, supply and diversity of housing, infill)
- Creation of Gateway and Scenic Gateway Corridor Overlay Districts (protecting community character)
- Creation of East End Mixed Use District (infill)
- Creation of Town Center District (infill)
- Creation of new parking standards including shared parking (infill, global impacts, community character)
- Sing ordinance revision (community character)
- Updated Residential Office District (storm water standard and commercial construction- set back requirements in relation to Fire Marshal requirements)

**GOAL 2: Maintain the quality of Homer's natural environment and scenic beauty.**

- Developed Green Infrastructure Map
- Developed Steep Slope Ordinance (established setbacks)
- Developed trail standards
- Developed dirt work ordinance
- Acquired land for protection (water shed)
- Review of wetland permit and status through local permitting process
- Storm water standards created citywide

**GOAL 3: Encourage high quality buildings and site design that complements Homer's beautiful natural setting.**

- Established consistent development approval process (including application review of standards)
- New developments are required to have utilities installed underground
- New developments move utilities underground (city hall expansion)
- Clarified 15ft utility easement requirement in code

**GOAL 4: Support development of a variety of well-defined commercial/business districts for a range of commercial purposes.**

- Creation of flexible/shared parking regulations
- Completion of standards for town center development
- Creation of East End Mixed Use District
- Development of proposed marine commercial/industrial districts
- Updated Conservation District (allowance for private parcel to be zoned Conservation)

**GOAL 5: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options.**

- EEMU District housing regulations
- Allowance for accessory dwelling
-

Items from implementation table sometimes in addition to or independent from items listed above which were drawn from Comprehensive Plan narrative. Strike out indicates completion.

#### Improved Zoning

- ☐ Develop new zoning code to implement new categories. LT (*started with Mixed Use District, Town Center District and Residential Office District*)
- ☐ Work with the Comprehensive Plan Land Use Recommendation Map on an area by area basis to determine the feasibility and acceptability of rezoning. LT
- ☒ ~~Flesh out specific development standards and guidelines for commercial zones; create a Town Center overlay zone to better differentiate downtown, auto-oriented neighborhoods. NT~~
- ☐ Define the boundaries for and then develop an overlay zone for Old Town so buildings in that portion of the district feature an “old Homer” historical character. NT – (*property owner driven*)
- ☐ Flesh out specific development standards and guidelines for R-2 residential zone, to create a transitional zone between urban and rural. NT (*reviewed and found not ready for implementation*)

#### Improved Standards and Regulations

- ☒ ~~Create a new City subdivision code. NT~~
- ☐ Evaluate and consider shifting platting authority from Borough to City of Homer. LT (*reviewing Borough Subdivision Ordinance, high technical hurdles*)
- ☒ ~~Develop new parking standards for CBD to support higher density, more walkable commercial areas. NT~~
- ☐ Establish development standards for development in environmentally sensitive areas (wetlands, steep slopes), including upgrade of drainage policies, road policies, stream setbacks. (*submitted for storm water planning CIP project*) NT
- ☐ ~~Establish development standards for higher density residential development, landscaping, lighting, grading, viewshed protection. MT~~
- ☐ Establish development standards for Cluster Housing/Open Space Ordinance. NT
- ☐ Establish standards for Student Housing Development. MT
- ☒ ~~Amend non-conforming use ordinance. NT~~
- ☐ Review and consider revising existing Planned Unit Development code. MT
- ☐ Support LEED or other building efficiency programs. MT
- ☐ Adopt building codes. MT
- ☒ ~~Establish a maximum building setback for Town Center. NT~~

#### Green Infrastructure

- ☐ Evaluate incentives to promote development that uses the green infrastructure ideas presented in Appendix D. NT
- ☐ ~~Develop new standards to address issues related to shore stabilization and ocean front development. MT~~
- ☐ ~~Pursue sustainable development measures that promote energy efficiency, use of recycled materials, and low impact landscaping in city buildings. NT~~

#### Pattern of Development

- ☐ Work with Borough to prepare mutually acceptable development standards. MT
- ☐ Establish a clear policy regarding delivery of City water outside of city limits. NT
- ☐ Establish more specific criteria, process, schedule and objectives for possible future annexations. MT
- ☐ Amend city code to recognize the transfer of development rights to preserve environmentally sensitive or recreational areas. NT
- ☒ ~~Develop a Homer Spit Master Plan. NT~~

Things on the horizon to address

**Goal 1.**

- Mixed use in and increased residential in RO (*some addressed in RO rewrite*), ‘college’ district, east side commercial district, residential as a secondary use in GC1
- Reflection on proposed land use map (*boundaries, timeframe for suggested districts, reconsideration of suggestions*)
- Creation of standards for transitional R2 District (*reviewed and PC found not ready for implementation*)
- Consider application of cluster development, PUD and subdivision ordinance
- Standards for management of storm water (*proposed storm water management planning in CIP*)
- On-site septic systems regulations
- Architectural and site development standards and standards for associated infrastructure (p4-9, no.5)
- Re-evaluate height standards (*dependent on acquisition of ladder truck*)
- On-site septic standards
- Keep in mind Objective D & E Implementation Strategies (4-10) in evaluation of all of the above (*Public infrastructure*)

**Goal 2.**

- Consider incentives for use of Green Infrastructure Map
- Develop standards to limit bluff erosion (coastal)
- Standards for bluff stabilization projects (coastal)
- Develop system to make use of Green Infrastructure in review process (objective C)
- Review stream setbacks
- Continue to recommend acquisition of property for protection and recreation
- Consider land trades or variations of transfer of development rights
- Work with borough to collaborate on environmentally responsible development practices.
- 

**Goal 3.**

- Adopt building codes or inspection program
- Develop additional standards regarding low impact development, LEED, view protection
- Coordinate with DOT and KPB to comply with Homer design standards outside of Homer???
- Create subdivision code/strengthen city’s position

**Goal 4.**

- New east-west corridor (*working on*)
- Develop public parking (*worked with chamber for in town RV parking*)
- Encourage mixed-use
- Create “old Town” district
- \*\*Create financing strategies for improvements
- Locate high density and affordable housing in CBD
- Improve trail connections (*usually initiated by staff suggestions and recommendations*)



### **Goal 5.**

- Review PUD per implementation strategy 3 p. 4-18
- Promote KBC student housing (*repeat*)
- Review Rural Residential District in light of retaining rural character (*lot size and tied up with excluding or rezoning transition areas where dense development has occurred or is likely*)
- Promote denser development following infrastructure
- Establish minimum lot sizes for RR (*tied up with excluding or rezoning transition areas where dense development has occurred or is likely*)
- Consider impact fee or other methods to support public infrastructure
- Consider incentives or partnerships for affordable housing

### **Goal 6. Annexation Standards**

#### **ANOTHER DAY**

**Special assessment and LID process – impact fees**

**Review of other chapters for appropriate body's**



Goal 1.1 Maintain the variety of land uses that establish the unique “Spit” character and mix of land uses.

Objective	Strategies	Responsibilities
Revise zoning to protect character and enhance commercial, industrial, and public facilities development	<p><del>Identify appropriate residential uses on the Spit.</del></p> <p><del>Similar land uses (such as charter offices, boat and gear sales, tourism activities) shall be encouraged to cluster to achieve a mix of related activities and minimize adverse impacts on other activities.</del></p> <p>Consider a 25-foot building height limit, with a Conditional Use Permit (CUP) process for buildings up to 35 feet.</p> <p><del>Encourage all developments to provide amenities such as bike racks, benches, picnic tables, trashcans, and landscape features such as planters and art.</del></p> <p>Review Spit parking requirements and possible solutions.</p>	<p>Planning Department</p> <p>Planning Commission</p> <p>Port and Harbor Commission</p>
The City should plan for the future land use of City-owned properties	<p><del>Reserve and cluster industrial land at specific nodes, including east and south of harbor.</del></p> <p>Better utilize the limited land available for industrial and economic development. <a href="#">This has been addressed from a zoning perspective.</a></p> <p><del>Reserve sufficient land by the deep water dock for future industrial development.</del></p> <p><a href="#">Developed short and long term leasing program for 30 acres near DWD.</a></p> <p><del>Designate “overslope” for commercial use focus on south and west sides.</del></p> <p><a href="#">Have recommended areas for overslope development (harbor). New harbormaster building overslope.</a></p>	<p>City Council</p> <p>Port and Harbor Commission</p>
Address marine commercial and marine industrial zoning	<p><del>Submit draft ordinance to Planning Commission and City Council.</del></p> <p><del>Consider zero lot line construction and the amount of right of way realistically needed to support specific uses at build out.</del> <a href="#">Are mechanisms in code for zero lot line</a></p>	<p>Planning Department</p> <p>Planning Commission</p>

	development, however it is very expensive construction due to fire code.	
Review land lease policy and determine impact on leasing and character of leasing	Continue reviewing lease policies periodically. City leases shall include land sufficient for businesses and minimal employee parking. Extensive review of lease policy in 2014.	City Council

### Goal 1.2 Improve the permanence and character of new commercial development.

Objective	Strategies	Responsibilities
Develop standards for public property development	Revisit design guidelines for overslope development to provide more specificity for development at harbor overslope, considering issues such as lot size, legal access, and parking policies.	City Council

### Goal 1.3 Provide public facilities that attract residents and visitors to the Spit.

Objective	Strategies	Responsibilities
Provide amenities that aid residents and visitors	<del>Identify locations and needs for restrooms/showers.</del> Locations for restrooms have been identified, some constructed. Challenges with providing showers, there are seasonal private providers of showers.	Port and Harbor Department, harbor users, leaseholders
Provide enhanced park and recreation facilities	Identify and prioritize public recreation needs on the spit, and include projects on the CIP. Refer to the Master Parks and Recreation Plan, chapter 7, in the 2008 Comprehensive Plan.  Prepare a master plan for development of a new community gathering space at the site of the existing City campground north of Freight Dock Road (pier 1 area). <del>Provide kayak launching facilities.</del> <del>Set aside a new community park.</del> End of the Road Park  Evaluate and develop a plan for non-boating access to fishing opportunities.	Public Works Department/Parks and Recreation Division Chamber of Commerce

	<p>End of the Road Park development has created more non-boating fishing.</p> <p>Construct weather-protected picnic and outdoor meeting facilities. Covered pavilion at DWD.</p> <p>Open space recreation uses shall be encouraged on the west side of the Spit on public land.</p>	
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Goal 1.4 All development should recognize, value, and complement the unique natural resources on the Homer Spit.

Objective	Strategies	Responsibilities
Preserve and protect important wildlife and bird sanctuary areas.	<p>Require site-specific handling requirements for all runoff from parking areas. New development considers runoff.</p> <p>Provide information on preventing the growth of noxious weeds.</p> <p>Encourage the use of native plant materials for all landscaped areas. New projects have used native species.</p> <p>Encourage the presence of interpretive programs to identify plant and animal resources.</p> <p>Clearly sign beach areas designated off-limits for motorized travel.</p>	<p>Planning Department</p> <p>Parks and Recreation Division</p> <p>State of Alaska, DNR Parks</p> <p>Non-profit Organizations</p> <p>US Fish &amp; Wildlife Services</p>
Identify private lands to become conservation areas	<p>Buy private property from willing landowners for conservation purposes.</p> <p>Encourage containment and cleanup of junk. Removal of derelict vessels.</p> <p>The City should pursue ownership or preservation of the west side of the Spit for open space recreation, camping, and view shed protection.</p>	City Council

Allow the natural transport of sediments along the west side of the Spit to continue uninterrupted.	Proponents of bulkheads, groins, breakwaters, or other devices shall demonstrate that their project will not adversely disrupt this sediment transportation. <a href="#">Development has allowed natural sediment transport to continue.</a>	Public Works Department
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#### Goal 1.5 Respond to seasonal land use demand fluctuations.

Objective	Strategies	Responsibilities
Ensure that high demand seasonal uses are given priority	Allow interim/temporary uses of vacant City land when they are supportive of seasonal demands (fishing, tourism, etc.).  Rationalize parking areas to make sure demand is met but at the same time, reduce the overall footprint and visual impact.	Port and Harbor Commission Administration  Port & Harbor Department

#### Goal 1.6 Protect public access to and enjoyment of the Spit's unique natural resources.

Objective	Strategies	Responsibilities
Maintain and protect traditional public use of the beaches along the Spit such as gathering coal, shellfish, fishing and other recreational activities.	Inventory and identify key traditional use areas and access routes.  Obtain public ownership of land on the Spit especially focused around key sites. <del>Conservation of the Mud Bay area of the Spit.</del>  Maintain and increase public access to the harbor and beaches to improve opportunities for fishing, and other recreational activities.  Minimize conflicts between motorized and non-motorized users on the Spit. Install signage to educate ATV users about responsible ATV use.	Public Works Department  Parks and Recreation  Planning Department  Port and Harbor Commission

Protect the scenic, natural and aesthetic resources.	<p>Encourage the build-up of driftwood on Spit Beaches. <a href="#">In beach policy.</a></p> <p>Use native landscape elements in public design projects (beach grass, driftwood). <a href="#">Ongoing. New projects have used native species/driftwood.</a></p>	<p>Public Works Department</p> <p>Parks and Recreation</p> <p>Planning Department</p> <p>Port and Harbor Commission</p>
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## Goal 2.1 Enhance and protect the Spit’s critical role in regional marine transportation.

Objective	Strategies	Responsibilities
Prioritize transportation and land use decisions to support waterfront dependent activities	<p>Priority for use of the Small Boat Harbor and distal end of the Homer Spit shall be marine commercial, marine industrial (fishing), industrial transportation, waterfront tourism, and recreation (both day use and outings across the bay). <a href="#">Acquired land from the state around the Deep Water Dock. Obtained an exemption for the Port and Harbor from the Critical Habitat Area.</a></p> <p>Enhance the connectivity and infrastructure needed to support Deep Water Cargo activities and Main Dock Areas. <a href="#">Feasibility phase of DWD expansion RFP advertized.</a></p> <p>The City shall reserve right-of-way for access to the east side of the harbor.</p>	<p>Port and Harbor</p> <p>Public Works Administration</p> <p>City Council</p>
Balance cruise ship and other commercial activities. One should not happen at the expense of another	<p><del>Improve cruise ship passenger disembarkation area by the Deep Water Dock.</del></p> <p><del>Create way finding kiosks along the harbor.</del> <a href="#">Flags around the harbor serve as way finding kiosks accompanied by strategically placed “you are here” maps.</a></p> <p>Create a covered harbor overlook area in near ramp 7 or the Deep Water Dock and the harbor entrance.</p> <p><del>Consider temporary solutions and how to prioritize improvements for cruise ship passengers, since the</del></p>	<p>Port and Harbor</p> <p>Public Works Administration</p> <p>Existing commercial/retail business owners</p> <p>Excursion vendors</p> <p>Chamber of Commerce</p>

	<del>number of port calls varies year to year.</del> Temporary solutions not needed with \$6 million in permanent cruise ship passenger vessel improvements complete using dedicated Commercial Vessel Passenger Tax funds.	
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## Goal 2.2 Improve traffic flow and safety on the Sterling Highway (Homer Spit Road).

Objective	Strategies	Responsibilities
Maintain the capacity of the Sterling Highway (Homer Spit Road)	<p>Limit number of access points to the Sterling Highway.</p> <p><del>Initiate a Reconnaissance Study to better define and control crossing points in the harbor commercial area.</del> Addressed pedestrian crossing through agreement with ADOT (entire boardwalk area a crossing zone).</p> <p><del>Evaluate traffic calming as an element of the Reconnaissance Study.</del> Addressed traffic calming through agreement with ADOT.</p> <p><del>Enter Memorandum of Agreement with ADOT&amp;PF to address parking, maintenance, and management of the right-of-way.</del></p>	ADOT Administration

## Goal 2.3 Provide adequate and safe facilities for pedestrians and bicyclists.

Objective	Strategies	Responsibilities
Provide safe walkways and trails	<p><del>Develop pedestrian plan for Spit.</del></p> <p><del>Work with DOT on solutions such as crosswalks.</del></p> <p><del>Plan and design the proposed bike path extension to meet the needs of bicyclists and pedestrians.</del></p> <p>Plat easements for walkways in commercial areas and along overslope area.</p> <p>Require provision of connectivity between adjacent commercial properties in permit process/zoning language.</p> <p><del>Connect harbor to Seafarers Memorial with trail.</del></p> <p><del>The City shall reserve 15' pedestrian/safety rights of way and</del></p>	Public Works Department Planning Department Port & Harbor Dept



	<p><del>access for overslope development around the periphery of the small boat harbor.</del></p> <p><del>Construct pedestrian pathway around northerly harbor rim.</del></p>	
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#### Goal 2.4 Provide improved multi-modal transportation on and to the Spit.

Objective	Strategies	Responsibilities
Support year round car ferry service to the outlying communities of Kachemak Bay	Participate in a public or private task force or organization. <a href="#">AMH provides year round ferry service to Seldovia.</a>	City Council Economic Development Commission, Chamber of Commerce Administration
Encourage a shuttle bus system during peak summer months to transport visitors and employees to town, lodging and remote parking.	Participate in a public or private task force or organization. Create business plan/model to determine funding/cash flow. <a href="#">Private company, Homer Trolley shuttles to/from the Spit.</a>	

#### Goal 2.5 Improve organization, wayfinding, and location of parking and harbor facilities

Objective	Strategies	Responsibilities
Better define parking locations	<p><del>Separate long term parking from short term/day use parking.</del></p> <p><del>Designate specific areas for RV parking.</del></p> <p><del>Provide loading zones for delivery trucks and motor coaches in the retail district.</del></p> <p><del>Implement a fee and permit system for long term parking.</del></p>	Port and Harbor Planning Department

Provide coherent wayfinding system for parking, and restrooms	<del>Establish a consistent theme for all parking graphics and signage.</del> <del>Develop color or other graphic/design feature to clearly indicate intended use.</del> <del>Clearly identify City of Homer as owner and requirements for use of lots.</del> Clearly label all ramps so they are visible from the roads and parking lots. Create a kiosk or signage at each ramp and restroom showing the layout of the harbor, and parking in the immediate area of the user.	Port and Harbor Planning Department
Define loading and unloading areas	<del>Create a bus loading zone near the harbormasters office.</del> <del>Analyze options for a turn around/cul-de-sac/roundabout at End of the Road Park.</del>	Port and Harbor ADOT City Council

Goal 3.1 Improve the local economy and create year-round jobs by providing opportunities for new business and industrial development appropriate for the Homer Spit.

Objective	Strategies	Responsibilities
Enhance the circulation and safety in the fish dock area	Create site-specific land use study for fish dock/processing/ice house area. <a href="#">CIP project for truck loading facility improvements.</a> Develop appropriate safety measures on Fish Dock Road. <a href="#">Alternate pedestrian route to Coal Point Park developed.</a> <del>Construct an observation deck near the Fish Dock.</del>	Port and Harbor Dept Parks and Recreation
Enhance east harbor area for industrial use	<del>Review zoning for adequacy of provisions for industrial growth.</del> <del>Compress trailer parking to ensure there is no encroachment into needed industrial reserve lands.</del>	Public Works Planning Department Port and Harbor

	<p>Expand the port facilities and freight capacity for improved transportation of goods and materials in and out of Homer. <a href="#">DWD expansion, barge mooring facility.</a></p> <p>Expand and improve the deep water dock and other related port facilities. <a href="#">DWD feasibility study advertised.</a></p> <p>Improve Outer Dock Road. <a href="#">Freight Dock Road has been paved and a path to get pedestrians off of Outer Dock Road has been installed.</a></p>	
Determine economic development opportunities for “value added” growth such as processing, small scale local retail, and restaurants serving local products	<p>Encourage development related to the fishing, fish processing, and boating industries. <a href="#">Ongoing.</a></p> <p>Host economic development forum and determine opportunities for value added growth. <a href="#">CEDS development process (adopted 2011).</a></p>	<p>Alaska Economic Development Corporation</p> <p>Planning Department</p> <p>Chamber of Commerce</p> <p>Processing plant managers/operators</p>
Determine incentives needed to promote Overslope development	<p>Analyze and develop market plan for development.</p> <p>Determine alternate incentives that would encourage growth.</p> <p>Identify sources of funding or implementation actions for identified incentives.</p>	<p>Public Works Department</p> <p>Port and Harbor Commission</p> <p>Alaska State DEC</p> <p>Finance Department</p>

**Goal 4.1 Manage conservation areas and the natural resources of the Spit to ensure continued habitat and biological diversity.**

Objective	Strategies	Responsibilities
Minimize human impact on conservation areas.	Avoid development on city owned tidelands adjacent to Conservation areas, such as Louie’s Lagoon and Mud Bay.  Minimize all development that is not marine related within the Kachemak Bay Critical Habitat Area, defined as below the 17.4 ft mean high tide.  Improvements to public lands should focus active recreation on the west side of the Spit, Mariner Park, and south of the Fishing Lagoon.	Port and Harbor Dept  Parks and Recreation
Purchase or obtain conservation easements on private lands on the Spit, such as between north of the hockey rink, and the base of the Spit.	Work with willing land owners to conserve land through methods such as conservation easements, or public or nonprofit ownership. Consider purchasing first right of refusal options, right of occupancy for remainder of lifetime or other less traditional methods that will ensure conservation of the properties at some point in the future.	Public Works Planning Department  Port and Harbor

**Goal 4.2 Support environmentally responsible harbor operations by all user groups. Activities such as power washing and scraping, sanding and painting may not be allowed in the harbor in the future due to environmental regulations.**

Objective	Strategies	Responsibilities
Support and implement the Alaska Clean Harbor Pledge	Implement relevant portions of Chapter 9 Energy, from the 2008 Comprehensive Plan, such as energy efficient public buildings, recycling and solid waste management.  Implement a bilge water management program.  Pursue public education on boat cleaning agents, to reduce the use of harsh chemicals such as bleach.	Public Works Planning Department  Port and Harbor
Support the concepts presented in “Clean Boating for Alaskans”	Continue to support environmentally responsible boating habits. hPartner with harbor user groups on public education and providing appropriate facilities. <a href="#">Homer Harbor designated first official “Alaska Clean Harbor.”</a>	Port and Harbor Harbor user groups

### Goal 4.3 Manage Storm Water Runoff

Objective	Strategies	Responsibilities
Address stormwater issues, puddling, and erosion <a href="#">Storm water master plan on CIP</a>	<p>Explore better parking lot maintenance and storm water management approaches such as rain gardens, settling ponds and shallow ditches. Use to also help define parking areas, particularly where winter maintenance is not needed. Parking revenues could be used to help pay for these projects.</p> <p>Create a spit drainage and grading plan. Drainage needs to be planned and implemented block by block rather than haphazardly for all properties.</p>	Public Works Port and Harbor

### Goal 4.4 Manage the Port as a working harbor, for both recreational and working vessels

Objective	Strategies	Responsibilities
<del>Remove derelict vessels</del>	<del>Continue to get rid of boats not paying moorage; the harbor is not a storage facility or museum. Harbor expansion is expensive; the harbor should be fully utilized by active users. Dead boats can also be an environmental hazard if no one is responsible for making sure they don't sink or leak.</del>	Public Works Port and Harbor





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report PL 14-90

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: October 15, 2014  
SUBJECT: Draft Ordinance 14-xx Amendments to the Bridge Creek Watershed Protection District

---

#### Introduction

In April, Chris Story, President of the Kachemak Board of Realtors, made a presentation on to the HAPC on some potential changes to the Bridge Creek Watershed Protection District regulations. The Planning Commission subsequently had several work sessions and heard from guest speakers Bob Shavelson of Cook InletKeeper and Todd Cook, City of Homer Water/Wastewater Superintendent.

#### Analysis

Staff review of the zoning code amendment per 21.95.040 is an attached memorandum.

The ordinance will make three main changes to 21.40.070. All changes apply only to lots under three acres in size.

1. Parcels less than three acres will be allowed to have up to 5,500 square feet of impervious surface.
2. Disturbed areas will be reseeded by August 31<sup>st</sup>, 40 gallons of storm water retention are required on every lot, and when determined by the City Planner, infiltration ditches next to driveways may be required. Mitigation plans will no longer be required.
3. Up to 500 square feet of uncovered deck, and one accessory structure under 200 square feet, may be constructed and not count toward the impervious surface maximum.

#### Total Impact of these changes to the watershed

The watershed are consists of approximately 2,100 acres, subdivided into 255 lots. Staff estimates there are 93 developable lots affected by these changes. There are more lots less than three acres, but they are not readily developable due to limiting factors such as conservation easements, lack of infrastructure, or proximity to the reservoir.

The calculations below assume all 93 property owners develop to the maximum allowed.

- Total impervious coverage allowed under the existing rules: **9.24 acres**
- Total impervious coverage under the proposed changes = **13.24 acres**

This is an increase of 4 acres from the existing rules. Private parcels can currently create 88.2 acres of impervious coverage at 4.2% of the watershed area. The proposed changes raise that potential to 92.2 acres of impervious coverage, or 4.39% of the watershed area.

### **Public Notice**

A cover letter and public notice was mailed to all property owners within the Bridge Creek Watershed Protection District. Public notice was advertised in the local newspaper as required by code. As of the writing of this staff report, no comments had been received.

**Staff Recommendation:** Conduct a public hearing and forward a recommendation to the City Council

### **Attachments**

Memorandum – staff review of the code amendment per 21.95.040

Draft Ordinance

Map dated 8/28/14

Letter to watershed land owners

Board of Realtors materials from 4/16/14 HAPC work session





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## Planning

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### Memorandum

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Deputy City Planner  
**MEETING:** October 15, 2014  
**SUBJECT:** AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.40.070, REQUIREMENTS, REGARDING STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT.

**This memo contains the planning staff review of the zoning code amendment as required by HCC 21.95.040.**

#### Planning Staff review of the **code amendment** per 21.95.040

The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

**a.** Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

*Staff response:* The 2008 Comprehensive Plan Chapter 4 Land Use Goal 2 Objective B states: "Establish development standards and require development practices that protect environmental functions." The amendment is consistent with the plan by creating new, consistent development standards.

**b.** Will be reasonable to implement and enforce.

*Staff response:* Under current code, property owners with parcels smaller than 2.5 acres may apply to the Planning Commission for approval of a mitigation plan. This is time consuming for the applicant, staff and the Planning Commission. The mitigation plans over the past ten years have been inconsistent. It's unclear to staff if the mitigation plan process has resulted in anything other than a disincentive to develop in the watershed due to the administrative process. The amendments will simplify city code, and will be easier to implement and enforce than the current code.

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

*Staff response:* The amendment promotes present and future public health, safety and welfare by creating clear, consistent regulation for small parcel development in the watershed.

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

*Staff response:* This amendment is consistent with the intent, wording and purpose of HCC Title 21. The city attorney has reviewed and amended the ordinance for consistency.

CITY OF HOMER  
ORDINANCE 14-xx

City Manager

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING  
HOMER CITY CODE 21.40.070, REQUIREMENTS, REGARDING  
STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE  
CREEK WATERSHED PROTECTION DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.40.070, Requirements, is amended to read as follows:

21.40.070 Requirements. The requirements of this section shall apply to all structures and uses in the BCWP district unless more stringent requirements are required pursuant to Chapter 21.71 HCC. The City of Homer water utility is exempt from this section.

a. Impervious Coverage.

1. Lots ~~three two and one half~~ acres and larger shall have a maximum total impervious coverage of 4.2 percent.

2. Lots smaller than ~~three two and one half~~ acres shall have a maximum total impervious coverage of 5,500 square feet ~~4.2 percent, except as provided in subsection (a)(3) of this section.~~

3. Lots smaller than ~~three two and one half~~ acres shall comply with the following performance standards: ~~may be allowed impervious coverage up to 6.4 percent if (a) the owner submits a lot specific mitigation plan for Planning Commission's approval, and (b) if approved, thereafter implements and continuously complies with the approved plan. The mitigation plan must be designed to mitigate the effect of impervious coverage on water flow and the effect of loss of vegetation created by the impervious coverage~~

a. Disturbed areas shall be reseeded by August 31<sup>st</sup>

b. Storm water retention of 40 gallons must be provided on site, in the form of one or a combination of dry wells, rain barrels, rain gardens, foot drain retention or other method approved by the City Planner. The storm water retention is intended to mitigate the effect of impervious coverage and the resulting loss of vegetation on water flow.

c. When the City Planner finds that special site considerations such as topography or drainage warrant such treatment, a ditch lined with filter fabric and rock shall be constructed to slow water runoff from the driveway and encourage infiltration of water into the ground.

b. Impervious Coverage Calculations.

1. For the purpose of calculating impervious coverage on lots smaller than ~~three two and one half~~ acres, up to 500 square feet of uncovered deck attached to a

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

**residence, and one accessory structure with a footprint area up to 200 square feet are excluded from the calculation** ~~driveways and walkways may be partially or fully excluded from the calculation, if constructed and maintained in accordance with a mitigation plan, submitted and approved in accordance with subsection (a)(3) of this section.~~

2. Except as otherwise provided in this section, parcels of land subdivided after February 25, 2003, shall be allowed a total impervious coverage of 4.2 percent including right-of-way (ROW) dedication. ROW coverage area shall be calculated as 50 percent of the total area of the dedicated ROW. The impervious coverage allowed for the subdivided parcels shall be calculated after deducting the ROW coverage from the total parcel allowance according to the following formula:

Formula:

$(\text{Area of parcel being subdivided}) \times 0.042 = \text{Total allowed impervious coverage (TAC)}$

$(\text{Area of ROW dedication}) \times 0.5 = \text{ROW coverage (ROW C)}$

$(\text{TAC}) - (\text{ROW C}) = \text{Allowed impervious coverage for remainder of parcel being subdivided}$

$(\text{Area of parcel being subdivided}) - (\text{Area of ROW dedication}) = \text{New parcel area}$   
 $(\text{Allowed impervious coverage for remainder}) \div (\text{New parcel area}) \times 100 =$   
Percent impervious coverage allowed on subdivided lots.

c. Additional Requirements for Subdivisions and Lots.

1. Lots created by subdivision after February 25, 2003, shall be a minimum of four and one-half acres.

2. Applications for subdivisions, dedications, and vacations of easements and rights-of-way in the BCWP district must be approved by the Planning Commission prior to submission to the Kenai Peninsula Borough.

d. Building Setbacks. Buildings must be set back from the Bridge Creek Reservoir and from streams as provided in HCC 21.40.110 and 21.40.120.

e. Sewer Systems. Appropriate to the use of the lot, each lot shall be served by a septic or sewer system approved by the Alaska State Department of Environmental Conservation (ADEC). Stream setbacks equal to 100 feet for drain fields and subsurface discharge and 250 feet for raised septic systems are required.

f. Ongoing Construction and Timber Harvesting. All activities including, but not limited to, timber harvesting, road building, subdivision and building activities involving loss of vegetation ground cover or soil disturbance and that are in process on February 25, 2003, shall be required to obtain permits under this chapter and shall fully conform to the terms of this chapter. Activities leaving disturbed or lost vegetative ground cover, disturbed soils without revegetation or leaving slash piles will be considered in process for the purposes of this subsection, regardless of when the activity occurred.

g. Pending Subdivisions. Subdivisions that have not received final plat approval by February 25, 2003, shall obtain approval from the Planning Commission and shall be required to conform to the requirements of this chapter.

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

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of \_\_\_\_\_ 2014.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Walt Wrede, City Manager

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

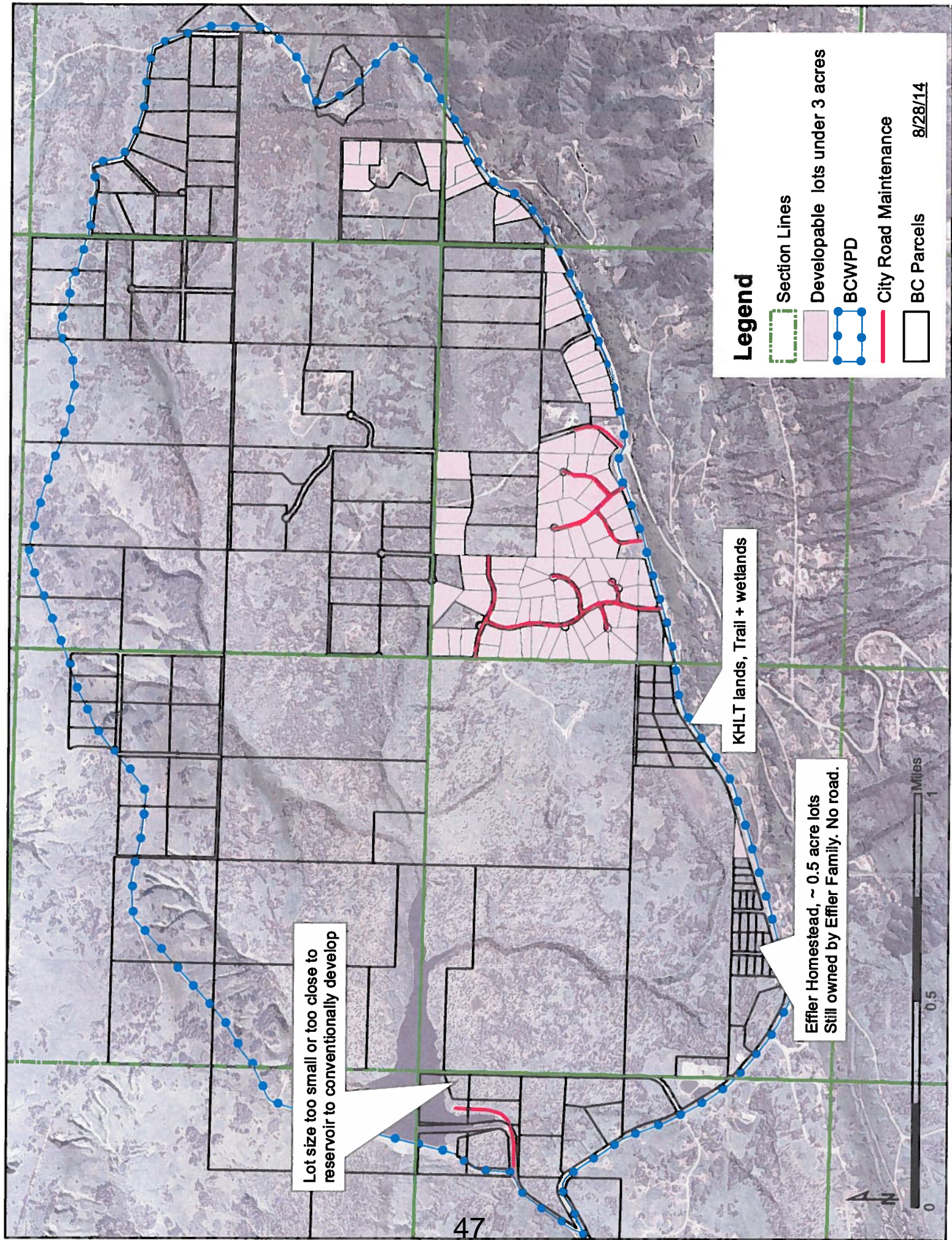
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Date: \_\_\_\_\_

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















## City of Homer

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## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

October 3, 2014

Dear Bridge Creek Watershed Property Owner;

The City of Homer Planning Commission is considering some changes to the watershed zoning rules. The Commission would like to hear from you! The proposed changes will only affect lots smaller than three acres. The rules for larger lots will remain unchanged. The goal of the changes is to make the rules easier to administer, enforce, and to ease the regulations for the smallest lots in the watershed, which are the most affected. Overall the changes would allow a small increase in impervious coverage in relation to the watershed as a whole.

The Commission will hold a public hearing on Wednesday, October 15<sup>th</sup>, at 6:30 PM, in the City Hall Cowles Council Chambers. You can testify at the meeting, or provide comments in writing by 4 pm the day of the meeting. (See reverse for more public notice information.)

**For lots under three acres, there are three main changes:**

- First, up to 5,500 square feet may be developed. Under the current rules, only 4.2% of the lot area may be developed, or 6.4% with a mitigation plan. This will change to a flat 5,500 square feet for all lots less than three acres.
- Second, all lots less than three acres will be required to meet some minimum requirements. This is in place of the current mitigation plan requirement.
  - a. Disturbed areas shall be reseeded by August 31<sup>st</sup>
  - b. Storm water retention of 40 gallons must be provided on site, in the form of one or a combination of dry wells, rain barrels, rain gardens, foot drain retention or other method approved by the City Planner. The storm water retention is intended to mitigate the effect of impervious coverage and the resulting loss of vegetation on water flow.
  - c. When the City Planner finds that special site considerations such as topography or drainage warrant such treatment, a ditch lined with filter fabric and rock shall be constructed to slow water runoff from the driveway and encourage infiltration of water into the ground.
- Third, for lots less than three acres, up to 500 square feet of uncovered deck attached to a residence, and one accessory structure (like a tool shed or greenhouse) with a footprint area up to 200 square feet are excluded from the calculation.

If you would like more information, please visit the Planning Department website at <http://www.cityofhomer-ak.gov/planning>, email: [planning@ci.homer.ak.us](mailto:planning@ci.homer.ak.us), or call 235-3106.

Sincerely,



Rick Abboud  
City Planner

## **PUBLIC HEARING NOTICE**

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, October 15, 2014 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

**AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.40.070, REQUIREMENTS, REGARDING STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT.**

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

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

**WHAT YOU PAY FOR  
and  
WHAT YOU PAY TAXES ON**

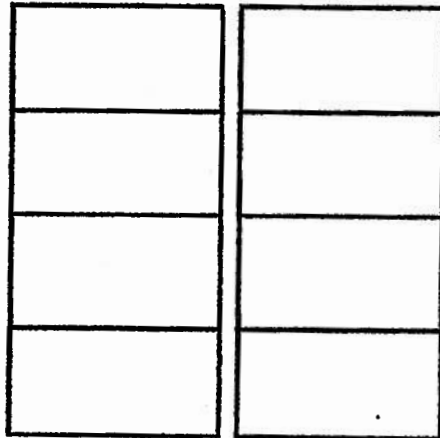

**WHAT YOU GET TO USE**


The Kachemak Board of Realtors is asking the Homer Planning Commission to reconsider the Bridge Creek Watershed Protection Ordinance. This ordinance has had a severe negative impact on the use and marketability of the property in the area. This has been witnessed first hand in Kelly Ranch Estates. Originally these lots sold quickly and many were developed with nice middle range homes. Upon the passage of BCWP ordinance marketing has become extremely difficult. This of course is only one area of the watershed, but it is a good example of what has happened and the inhibitions on any future development in the area.

The Realtors are not insensitive to the purpose of the ordinance and would like to suggest to the commission a simpler manner of handling the watershed protection while at the same time allowing the smaller lots to develop.

The watershed is about 2100 acres. The reservoir itself is about 35 acres. This leaves 2065 acres. If you allow 4.2% of that remaining land to be developed that would be a total of 88 acres of impervious area.

There are 30 non-city owned lots comprising 1236 acres that could still be subdivided to the minimum lot size of 4.5 acres. This could generate an additional 262 lots at most. Added to the existing 150 smaller lots this is a total of 412 potential lots.



Above is 40 acres with a 60 ft ROW through acre tract with a 30 ft wide road bed you would have 30' x 1320' length = .9 acres or 2.3% of the property impermeable due to the road. If we take 2.3% of the entire 1236 acres of large lots is 28 acres that needs to be deducted for roads. So 88 acres of total impermeable minus the 28 acres for roads = 60 acres for homeowner development. Spread over 412 lots this is 6343 square feet per lot.

If you rewrite the uses to be residential with maybe secondary home business usage and limit the larger animals you make the watershed district strictly residential. Eliminate the increased impermeable allowance for an engineered discharge and simply allow 6300 square feet of impermeable development per lot. This keeps the larger parcels strictly residential, protects the watershed even if they subdivide and provides a means for the smaller lots to be utilized in a more practical manner and become more marketable.

**Here's an example:**

**2000 sf house + 600 sf garage + 1200 shop + 12'x200' driveway = 6200 impervious sf. This allowance give great flexibility to the smaller lots and in the end allow only 88 acres of impermeable impact on the 2100 acres. It also leaves a built in cushion as the City of Homer owns 330 acres besides the reservoir itself.**

**So in summary:**

**Only same 88 acres are impacted.**

**Watershed is strictly residential.**

**No engineering for more impermeable usage.**

**More flexible usage for smaller parcels.**

**More control on larger parcels.**

**Summary of Larger Lots.**

<b>Size Acres</b>	<b>Number</b>	<b>Total sf</b>	<b>Possible 196,020 sf (4.5 acre) lots</b>
115	1	5,009,400	25
130	1	5,662,800	28
160	1	6,969,600	34
111	1	4,835,160	24
80	2	6,969,600	34
40	6	10,454,400	52
50	1	2,178,000	10
35	1	1,524,600	7
34	1	1,481,040	7
30	1	1,306,800	6
20	3	2,613,600	13
11	1	479,160	2
10	1	435,600	2
18	1	784,080	3
9	8	3,136,320	15
	30	53,840,160 (1236 ac)	262



# City of Homer

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## Planning

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(p) 907-235-3106

(f) 907-235-3118

### Staff Report PL 14-88

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: October 15, 2014  
SUBJECT: AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.70.010, ZONING PERMIT REQUIRED, AND 21.90.030, INVALID LAND USE PERMITS, REGARDING THE REQUIREMENT FOR A ZONING PERMIT AND THE RELATIONSHIP OF ZONING VIOLATIONS TO PERMIT ISSUANCE.

---

**Introduction:** This particular section of code has been cited in regards to recent appeals of Planning Commission decisions in CUP's. The City Attorney has provided a suggested code amendment for your review.

Attached is a draft of an ordinance amending the Zoning Code regarding the issuance of zoning permits and relationship between permit issuance and zoning violations:

1. The ordinance defines more clearly the activities that require a zoning permit, in particular a zoning permit for alteration of an existing building, which is required only when the alteration changes the exterior dimensions of the building.
2. The ordinance prohibits the issuance of a permit under the Zoning Code unless all structures and uses permitted under the permit conform to the Zoning Code, and leaves it to the discretion of the permitting authority whether to require correction of other Zoning Code violations on the property.

**Analysis:** Code language may now be interpreted that all alterations need a zoning permit, even though we do not have a building inspector. It seems to be a waste of time and money to make someone gain a permit for an activity that the City does not have any regulation regarding, such as a residential interior remodel or roof replacement and such. This proposed amendment addresses this issue.

Currently if one were to make an inflexible interpretation of code, no zoning permits (as in all permits reference in zoning code, not just CUP's) could be issued unless it was determined that a property has maintained complete compliance with all development regulations and permits. While there may be some better reasons than others why someone may not be in

compliance, permits might only be issued after correction, as in correction that would not require a permit (sometimes this may be nearly impossible, how could you move a building without gaining a permit to do so??). This code language in its present form introduces a 'catch 22' situation. Our city's most experienced litigant has stated he believes all development found to not be in compliance must be removed prior to issuing a permit and no permit may be issued after the fact. While in a perfect world everyone would do their due diligence and get a permit for absolutely everything they do and not make any errors in construction, but this is just not realistic. Sometimes the only reasonable option is to gain a permit.

**Staff Recommendation:** Review the proposed amendment and have a discussion. A public hearing could be scheduled if so desired.

**Attachments:**

1. Proposed Ordinance
2. Memorandum per HCC 21.95.040



CITY OF HOMER  
ORDINANCE 14-xx

City Manager

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING  
HOMER CITY CODE 21.70.010, ZONING PERMIT REQUIRED,  
AND 21.90.030, INVALID LAND USE PERMITS, REGARDING THE  
REQUIREMENT FOR A ZONING PERMIT AND THE  
RELATIONSHIP OF ZONING VIOLATIONS TO PERMIT  
ISSUANCE.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.70.010, Zoning permit required, is amended to read as follows:

21.70.010 Zoning permit required. a. Except as provided in subsection (c) of this section, a zoning permit shall be obtained from the City Planner for the following:

1. Erection, construction or moving ~~expansion~~ of any building or structure.
2. Site development activities that trigger other review or approval requirements under the Homer Zoning Code, such as, but not limited to, the requirement of a site plan, development activity plan or stormwater protection plan.

3. An increase in the height, or an exterior dimension of any floor, of an existing building, or an increase in the height, or the footprint area, ~~A change or expansion of an existing any building, structure or lot.~~

4. A change or expansion of the use of a lot.

b. The zoning permit required by this section shall be obtained prior to the commencement of any ~~work, change or expansion of a building, structure, lot or use, or other~~ activity for which the permit is required. Failure to do so is a violation.

c. The following are exempt from the requirement to obtain a zoning permit, but not from compliance with applicable requirements of the Homer Zoning Code, such as, but not limited to, the development activity plan or stormwater protection plan:

1. Any change to an existing building that does not increase the height, or exterior dimension of any floor, of the building, and any change to an existing structure that does not increase the height, or footprint area, of the structure.

2. Erection or construction of a one-story detached accessory building used as a tool and storage shed, playhouse, or other accessory use, provided the building area does not exceed 200 square feet; and further provided, that there is already a main building on the same lot.

~~3.~~ 2. Fences or walls used as fences, unless otherwise regulated by the Homer City Code.

~~4.~~ 3. Removal of any building or structure.

~~5.~~ 4. Termination of any type of use.

Section 2. Homer City Code 21.90.030, Invalid land use permits, is amended to read as follows:

21.90.030 Invalid land use permits; correction of violations. No permit may be issued under the Homer Zoning Code unless all structures ~~on~~ and uses permitted under the permit of the property conform to the Homer Zoning Code, the regulations promulgated under the Homer Zoning Code, and the terms and conditions of any previously issued permits issued under the Homer Zoning Code that apply to the use or structure ~~are applicable to the property and remain in effect~~. Any permit issued in violation of this section is voidable upon written notice from the City Planner or City Manager. The issuance of a permit under the Homer Zoning Code may be conditioned upon the correction of any or all other violations of the Homer Zoning Code, the regulations promulgated under the Homer Zoning Code, and the terms and conditions of any previously issued permits issued under the Homer Zoning Code on the property that is the subject of the permit.

Section 3. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of \_\_\_\_\_ 2014.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

88 Second Reading:

89 Effective Date:

90

91

92 Reviewed and approved as to form:

93

94

95

96 Walt Wrede, City Manager

97

98 Date: \_\_\_\_\_

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Planning  
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Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
(p) 907-235-3106  
(f) 907-235-3118

## Memorandum

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** October 15, 2014  
**SUBJECT:** AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.70.010, ZONING PERMIT REQUIRED, AND 21.90.030, INVALID LAND USE PERMITS, REGARDING THE REQUIREMENT FOR A ZONING PERMIT AND THE RELATIONSHIP OF ZONING VIOLATIONS TO PERMIT ISSUANCE.

**This memo contains the planning staff review of the zoning code amendment as required by HCC 21.95.040.**

### Planning Staff review of the **code amendment** per 21.95.040

The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

**a.** Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

*Staff response:* The Homer Comprehensive Plan page 4-14. Goal 3, Objective A states "Create a clear, coordinate regulatory framework that guides development", going on to recommend implementation strategy 2, "Provide a clear and predictable approval process for every development including organizing project review and permitting and providing appropriate staff review".

Charging and processing payments for activities that are not currently regulated by the City of Homer does not promote an appropriate review.

**b.** Will be reasonable to implement and enforce.

*Staff response:* The proposed amendments will eliminate the spurious process of requirements for activities not currently regulated by City Code. It will be reasonable to implement and enforce.

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

*Staff response:* The amendment does not act as a detriment to present and future public health, safety and welfare. It promotes these values in that it does not require citizens to become frustrated with erroneous development hurdles.

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

*Staff response:* This amendment is consistent with the intent, wording and purpose of HCC Title 21. The city attorney has reviewed and amended the ordinance for consistency.



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)

(p) 907-235-8121 x2222

(f) 907-235-3148

### MANAGER'S REPORT

September 22, 2014

**TO:** MAYOR WYTHER / HOMER CITY COUNCIL

**FROM:** WALT WREDE

#### UPDATES / FOLLOW-UP

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

1. HERC Building Property / Deed Restrictions: The Homer City Council adopted Resolution 13-096 on September 23, 2013. This is the resolution which requests that the Kenai Peninsula Borough amend the deed restrictions on the HERC property to provide the City with the option of selling the property and using the proceeds for the benefit of the general public. A copy of the resolution is attached. You will recall that Mayor Navarre spoke in favor of this option and said he would support it. I reported to the Council about six months ago that I had checked in with the Mayor requesting a status report. The Mayor reported that the Council's request was undergoing a legal review. We also discussed the fact that the Council was actively considering this property as the site of a new public safety building and therefore, quick Borough action was not needed and could be delayed until the site selection process is completed. There was no further discussion about this until last week when suddenly there was a flurry of activity. First, Assembly Member Bill Smith called to say that the Council's resolution had just come to his attention and that he would be sponsoring an ordinance to remove the deed restrictions. His intent was to get it introduced before he left office. A day later, I received an e-mail from the Mayor's staff which included an application form for amendments to deed restrictions and indicated that the Administration was preparing to go ahead with its own ordinance. So, things are moving. The situation on the ground has changed somewhat since the Council adopted this resolution. Please let me know if the Council no longer supports Resolution 13-096.
2. Bishops Beach Mischief: The City continues to receive reports and complaints about problems at Bishops Beach, including Bishops Beach Park and the beach itself. These reports are coming from Old Town residents and as far up the beach as the Crittenden / Hidden Way and Salt Water Drive neighborhoods. The complaints include parties, loud noise, dangerous campfires, habitat damage, reckless driving, harassment of other beach and park users, drugs and alcohol, litter, etc. I am aware that Councilmembers are

receiving calls also. This week I will be getting together with U.S. Fish and Wildlife staff who are concerned about habitat damage there and want to do some restoration.

This is a topic that might need in-depth Council discussion. Below is a range of possible options that could be taken to address the issue. Some of them could be done administratively. Others would require specific Council action and/or appropriation. Support for all of these options has been expressed over time by various members of the community and by community organizations.

- Rehire Beach Patrol Officer
  - Install a gate that keeps vehicles out of the park and closes off the beach access point to vehicles during certain hours.
  - Install surveillance cameras
  - Establish park hours and close the Park during the evening.
  - Amend the Beach Policies with respect to where vehicles are allowed
  - Prohibit camping on the beach
  - Establish a permit system for motorized access to the beach
  - Organize a Neighborhood Watch / Beach Patrol effort
  - Start a reward system for information leading to arrests.
3. FEMA Flood Maps: FEMA has completed new preliminary flood maps for the Homer coastline. The new maps incorporate recent changes to the Spit Floodplain maps and new updated information about the rest of the coast within the City limits. In short, very little has changed in terms of flood hazards. The biggest change is good news for the City. The Public Works complex has been removed from the VE, 100 year flood zone. FEMA held a meeting for City staff and a public meeting on September 11<sup>th</sup>. These are preliminary maps and can be viewed on line or in the City planning office. An appeal period will begin on October or November of 2014. The appeal period will end in February of 2015. The City is eligible to appeal parts or all of the maps because it is the participant in the National Flood Insurance Program. Aggrieved property owners would bring complaints to the City, along with evidence and back-up, and the City would forward the information to FEMA for review and determination. Appeals must include specific data and facts. Letters of final determination will be issued in May of 2015. The effective date of the new maps will be November 2015. For more information, you can consult the Planning Department.
4. Candidates for Public Office and Information Requests: As you know, it is the campaign season. Candidates for public office often request documents or data from the City for their own information in order to get up to speed on City issues. Sometimes these documents or information are used for campaign purposes. This can be a tricky issue and must be handled carefully. City staff are required to be nonpartisan in local elections and must treat candidates equally. Additionally, incumbent candidates are prohibited from using their offices, or implied authority or influence to get City staff to assist them with their campaigns. An incumbent mayor in an Alaska city was recently publically chastised for using his office to obtain information used for campaign purposes that other candidates might not have access too or know existed. So, in order to address this, we



have been proceeding under the following policy. If a candidate requests information that is a public record, is routine, and could be obtained by any member of the public, we provide the information without asking the candidate to fill out a public records request. We do this because it is in the public interest to have well informed candidates and a well informed electorate. If the records request is not routine, requires a great deal of staff time to produce, or requires the staff to compile new records or records presentation, then a public records request is required and the provisions in HCC 2.84 (Public Release of Records) and the associated regulations apply like they would to any citizen. I think this is a way for the City to be fair and nonpartisan but at the same time, facilitate information release that leads to informed public discourse.

5. Kachemak City Sewer Agreement and Fee Schedule Changes: The Kachemak City Council reviewed the latest amendments to the draft Wastewater Agreement at its meeting on September 10<sup>th</sup>. I am scheduled to meet with Mayor Morris on September 18 to discuss his Council's reaction and comments. I can provide more information on this discussion at the meeting.
6. 2015 Budget: The Finance Department and the department heads are working hard on the draft 2015 operating budget. We are scheduled to bring the budget to the Council on October 13. One of the things Finance and PW is spending a lot of time on is re-evaluating how labor costs are allocated between Public Works and the Water and Sewer operation. Public Works has undergone some internal re-organization and now is a good time to take a look at labor allocation. This is still under active discussion but Council should expect that some level of labor costs will be shifted from the Water and Sewer Fund to the General Fund. This appears to be the right things to do however, it will have definite implications for the General Fund.
7. Employee Health Insurance: Jeff Paxton will be here on September 30 to meet with us and then the Employee Committee. John, Andrea, and I will have a phone conference with him next week in preparation for the meeting with the Employee Committee. The purpose of the meeting is to go over the year to date performance of the self insurance fund and to review the proposals we have received from the private sector. We have received several attractive bids from the private sector which look attractive and will receive further analysis. We are on track to provide Council with a recommendation on how to proceed as part of the upcoming budget process.
8. Natural Gas Project: The construction project is complete. Final invoices have been submitted and the accounts are closed. Enstar representatives will be here on September 25 to work with the City on a final project close-out.

#### ATTACHMENTS

1. Resolution 13-096





# **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](http://www.borough.kenai.ak.us)

**MIKE NAVARRE**  
**BOROUGH MAYOR**

September 10, 2014

## **NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE**

### **MEETING OF SEPTEMBER 8, 2014**

RE: Lakeside Village Subdivision 2014 Replat Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of September 8, 2014 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.25; 20.30; and 20.40.

#### **AMENDMENT A MOTION**

An amendment motion passed by unanimous consent to grant exception to KPB 20.30.120, Street Width Requirements for Hillfair Court based on the following findings of fact.

##### *Findings*

1. HM 78-52, which was amended by HM 84-5, dedicated Hillfair Court.
2. The 50-foot right-of-way width was acceptable when the plat that dedicated Hillfair Court was recorded.
3. Hillfair Court is a cul-de-sac, or permanently ended street.
4. The subdivision is within the City of Homer.
5. Development within the subdivision must comply with the requirements of the zoning district.
6. Per the Homer City staff report, no dedication of additional easements or rights-of-way is requested.
7. Homer Advisory Planning Commission conditionally approved the plat on August 6, 2014 with no request for additional right-of-way.
8. The replat is reducing the number of parcels fronting Hillfair Court.

#### **AMENDMENT B MOTION**

An amendment motion passed by unanimous consent to grant exception to KPB 20.30.240, Removal of the 20-foot building setback plat note based on the following findings of fact.

##### *Findings*

1. The subdivision is within the City of Homer.
2. Per HM 78-8, a 20-foot building setback exists along all rights-of-way.
3. HM 84-5 amended HM 78-8, but none of the amendments removed the 20-foot building setback plat note.
4. 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.
5. Ordinance 83-25, enacted on May 3, 1983, delegated zoning regulations to the City of Homer.
6. The parent plat was recorded prior to zoning regulations being delegated from KPB to the City of Homer.



7. Building setbacks within the subdivision must comply with the requirements of the zoning district per KPB 20.30.250.
8. 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.
9. Plat Note 2 states the subdivision is subject to the City of Homer zoning regulations.

This notice and unapproved minutes of the subject portion of the meeting were sent September 10, 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:** Seabright Survey + Design  
1044 East Road, #A  
Homer, AK 99603

**Subdivider/Petitioner:** South Peninsula Behavioral Health Services, Inc.  
3948 Ben Walters Lane  
Homer, AK 99603

**KPB File Number:** 2014-122

## AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

7. Lakeside Village Sub 2014 Replat  
KPB File 2014-122; Seabright/South Peninsula Health Services

Staff Report given by Patti Hartley

Plat Committee Meeting: 9/8/14

Location: City of Homer  
Proposed Use: Commercial  
Water/Sewer: City  
Zoning: Residential Office  
Assessing Use: Commercial  
Parent Parcel Number(s): 177-302-55, 177-302-95

### Supporting Information:

The proposed subdivision is a simple replat of two lots into one lot containing one acre. City water and sewer serve the subdivision. The plat fronts constructed Hillfair Court and paved Ben Walters Lane.

Homer Advisory Planning Commission approved the plat on August 5, 2014 subject to:

### Homer Public Works Comments:

1. Change the 10-foot wide utility easement to a 15-foot wide utility easement that fronts the rights-of-way.  
*Borough Staff Comments: The plat submitted for KPB review has the requested utility easement.*
2. Public Works does not support the vacation of a drainage easement unless the drainage improvements are relocated and granted a new easement. Please present to Public Works plan for relocation before final approval of the replat.  
*Borough Staff Comments: Comments by the surveyor during the Homer Commission's review indicate a vacation petition will not be submitted.*

### Homer Staff Recommendations:

1. Change the 10-foot wide utility easement to a 15-foot wide utility easement that fronts the rights-of-way and depict this on the plat.  
*Borough Staff Comments: The requested easement is on the plat submitted for KPB review.*
2. Depict the approximate location of the City's wastewater and water mains on the plat.  
*Borough Staff Comments: The City's sewer and water mains are on the plat submitted for KPB review.*
3. Delete Plat Note #2 which states, "All wastewater disposal systems shall comply with existing applicable laws at the time of construction."  
*Borough Staff Comments: The plat note was removed from the plat provided for KPB review.*
4. Delete Plat No. #4: Neither Ben Walters Lane nor Hillfair Court are a state maintained road so delete: "No direct access to state maintained rights-of-way is allowed without prior written consent of the Alaska State DOT."  
*Borough Staff Comments: The plat note was removed from the plat provided for KPB review.*
5. A development agreement is required for the removal of the water and sewer stub out on the eastern portion of the proposed lot.  
*Borough Staff Comments: **Staff recommends** compliance with KPB 20.60.080.*
6. Retain the 20-foot drainage easement.  
*Borough Staff Comments: **Staff recommends** compliance with the Homer Advisory Planning Commission's recommendation.*

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

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

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

Exception Requested:

- A. KPB 20.30.120 – Street Width Requirements for Hillfair Court

**Findings**

1. HM 78-52, which was amended by HM 84-5, dedicated Hillfair Court.
2. The 50-foot right-of-way width was acceptable when the plat that dedicated Hillfair Court was recorded.
3. Hillfair Court is a cul-de-sac, or permanently ended street.
4. The subdivision is within the City of Homer.
5. Development within the subdivision must comply with the requirements of the zoning district.
6. Per the Homer City staff report, no dedication of additional easements or rights-of-way is requested.
7. Homer Advisory Planning Commission conditionally approved the plat on August 6, 2014 with no request for additional right-of-way.
8. The replat is reducing the number of parcels fronting Hillfair Court.

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 standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-8 support this standard.**
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 standard.**
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 standard.**

Exception Requested:

- B. KPB 20.30.240 – Removal of the 20-foot building setback plat note required to be carried forward from HM 78-52 as amended by HM 84-5.

Plat Note 2 on HM 78-52 states the plat is subject to a 20-foot building setback along all rights-of-way. HM 84-

5 amended HM 78-52, but none of the amendments removed the 20-foot building setback.

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

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

#### Findings

1. The subdivision is within the City of Homer.
2. Per HM 78-8, a 20-foot building setback exists along all rights-of-way.
3. HM 84-5 amended HM 78-8, but none of the amendments removed the 20-foot building setback plat note.
4. 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.
5. Ordinance 83-25, enacted on May 3, 1983, delegated zoning regulations to the City of Homer.
6. The parent plat was recorded prior to zoning regulations being delegated from KPB to the City of Homer.
7. Building setbacks within the subdivision must comply with the requirements of the zoning district per KPB 20.30.250.
8. 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.
9. Plat Note 2 states the subdivision is subject to the City of Homer zoning regulations.

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 standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-9 support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-9 support this standard.**
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 1-9 support this standard.**

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 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN**

**REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AS FOLLOWS:**

**20.25.070 - Form and contents required.**

Platting staff comments: The plat complies with the following portions of 20.25.070: B, C, E-G, J, and K.

Platting staff comments: The following portions of 20.25.070 are not applicable to the subject plat: I, L, and O.

Platting staff comments: Additional information is provided for the following portions of 20.25.070 or additional information, revision or corrections are required

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
  2. Legal description, location, date, and total area in acres of the proposed subdivision; and
  3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
- Platting Staff Comments: **Staff recommends** City of Homer be included in the title block.*
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
- Platting Staff Comments: **Staff recommends** the Sections be labeled.*
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
- Platting Staff Comments: Per KPB GIS mapping, the plat is not affected by low wet areas.*
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
- Platting Staff Comments: Per KPB GIS 4-foot contours, terrain within the subdivision is basically flat.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval; and
- Platting Staff Comments: Per the Homer City staff report, there are no encroachments to be resolved.*

**20.25.080. Petition required. A petition shall be submitted with each subdivision, abbreviated subdivision and plat waiver subdivision and shall include:**

Platting staff comments: The submittal complies with 20.25.080 (A, B, D, and E).

Platting staff comments: The following portion of 20.25.080 is not applicable to the subject plat: C

**KPB 20.30 Design Requirements**

Platting staff comments: The plat complies with the following portions of 20.30: 20.30.050, 20.30.100, 20.30.130, 20.30.150, 20.30.190, 20.30.200, 20.30.210, and 20.30.220.

Platting staff comments: The following portions of 20.30 are not applicable to the subject plat: 20.30.020, 20.30.040, 20.30.090, 20.30.110, 20.30.140, 20.30.160, and 20.30.260.

Platting staff comments: Additional information is provided for the following portions of 20.30 or additional information, revision or corrections are required



20.30.030. Proposed street layout-Requirements.

*Platting Staff Comments: Notice of the proposed subdivision was mailed to DOT as part of the routine agency notification process. The plat does not front a State right-of-way.*

20.30.060. Easements-Requirements.

*Platting Staff Comments: The affected utility providers were mailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** compliance with 20.30.060.*

20.30.070. Lots on major streets-Access requirements.

*Platting Staff Comments: KPB Roads Department submitted a statement of no comments. The plat does not front a KPB right-of-way.*

20.30.080. Alleys. Alleys are prohibited unless allowed by city ordinance.

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

20.30.120. Streets-Width requirements.

*Platting Staff Comments: Ben Walters Lane is 60 feet wide. Hillfair Court is 50 feet wide; an exception is needed.*

20.30.170. Blocks-Length requirements.

Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

*Platting Staff Comments: The block is about 200 feet longer than allowed by 20.30.170.*

*The replat is within a block that is part of a looped access (Pennock Street, Lakeside Drive, Ben Walters Lane, and East End Road). The parent plat dedicated part of Pennock Street.*

*The plat is within the City of Homer. Development within the block must comply with the requirements of the zoning district. Neither Homer City staff nor Homer Advisory Planning Commission discussed block length. The Homer City staff report noted that no dedication of additional easements or rights-of-way is requested.*

*Based on the existing loop access for the block and no dedication recommended by the Homer Advisory Planning Commission, **staff recommends** the Committee concur that an exception to 20.30.170 is not required in this case.*

20.30.180. Pedestrian ways required when.

Pedestrian ways not less than 8 feet wide shall be required in blocks longer than 600 feet where reasonably deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

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

20.30.230. Lots-Double frontage prohibited when.

Double frontage lots with depths less than 250 feet will not be approved except where necessitated by topographic or other physical conditions, or to provide reverse frontage along arterial streets. Corner lots are not subject to the double frontage prohibition.

*Platting Staff Comments: Lot 12B-1 is a corner lot.*

20.30.250. Building setbacks-Within cities.

The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts.

*Platting Staff Comments: The plat will come into compliance with 20.30.250 if the exception to 20.30.240 is granted.*

20.30.270. Different standards in cities.

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

20.30.280. Floodplain requirements.

*Platting Staff Comments: The City of Homer administers the floodplain ordinance through HCC 21.41 Flood Prone Areas. Per the Homer City staff report, the plat is within Zone D, flood hazards undetermined.*

20.30.290. Anadromous habitat protection district.

*Platting Staff Comments: Per River Center review, the subdivision is not affected by the Anadromous Habitat Protection District.*

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

#### **KPB 20.40 -- Wastewater Disposal**

*Platting Staff Comments: The appropriate wastewater disposal note is on the plat.*

*The Alaska Department of Environmental Conservation approved and signed HM 95-3.*

#### **ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF THE FINAL PLAT (KPB 20.60)**

Platting staff comments: The plat complies with the following portions of 20.60: 20.60.130, 20.60.130 and 20.60.140.

Platting staff comments: The following portions of 20.60 are not applicable to the subject plat: 20.60.040, 20.60.050, 20.60.060, 20.60.090, and 20.60.100.

Platting staff comments: Additional information is provided for the following portions of 20.60 or additional information, revision or corrections are required

20.60.010. Preparation requirements generally.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.010.*

20.60.020. Filing-Form and number of copies required.

*Platting Staff Comments: **Staff recommends** two full-sized paper copies of the plat be submitted for final review prior to submittal of the mylar. **Staff recommends** compliance with 20.60.020.*

20.60.030. Certificate of borough finance department required.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.030.*

20.60.070. Plat specifications.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.070.*

20.60.080. Improvements-Installation agreement required.

A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

*Platting Staff Comments: Per the Homer City staff report, a development agreement is required. **Staff recommends** compliance with 20.60.080.*

20.60.120. Accuracy of measurements.

All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

*Platting Staff Comments: KPB GIS will verify closure complies with 20.60.120. **Staff recommends** compliance with 20.60.120.*

20.60.150. Utility easements.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.150.*

20.60.160. Easements.

*Platting Staff Comments: **Staff recommends** the drainage easement granted to the City of Homer be shown and labeled with the recording information.*

*The owner may wish to work with Homer Electric Association to remove the blanket easement since specific utility easements have been granted.*

**Staff recommends** compliance with 20.60.160.

20.60.170. Other data required by law.

*Platting Staff Comments: The recording information for the private restrictive covenants has been noted on the plat. The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.*

**Staff recommends** compliance with 20.60.170.

20.60.180. Plat notes.

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

*Plat Note 5 is not required by KPB Code and may be removed.*

20.60.190. Certificates, statements, and signatures required.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.190.*

*KPB 20.60.190 corrected the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat. **Staff recommends** the Notary's Acknowledgement on the final plat comply with 20.60.190.*

20.60.200. Survey and monumentation.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.200; show (or by note) all original monumentation of record.*

20.60.210. Approval-Authority-Certificate issued when.

*Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff recommends compliance with 20.60.210.*

20.60.220. 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 20.60.220.*

*The planning director may refer the final plat to the planning commission when:*

- 1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;*
- 2. Final approval by the commission was a condition of preliminary approval; or*
- 3. The planning director determines there are other conditions to support referral to the commission.*

KPB 20.70 – Vacation Requirements

*Platting Staff comments: The submittal indicates the 20-foot utility and drainage easement along the former common lot line is being petitioned to be vacated. Per the Homer City staff report, the utility/drainage easements accommodated water flows which are still relevant today so city staff could not support vacating the drainage easement. Homer City staff confirmed no city utilities are in the easement. The surveyor discussed the proposed vacation with Homer City Public Works and Homer City Planning staff, and the decision was made to not petition to vacate either easement.*

*If plans change and a petition to vacate the utility and drainage easement is processed, staff recommends the plat be subject to conditions and approval of the vacation.*

**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

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

**MAIN MOTION:** Commissioner Whitney moved, seconded by Commissioner Isham to grant approval of the preliminary plat subject to staff recommendations, conditions and findings.

Commissioner Whitney asked for clarification that the plat states that the 20 foot utility easement will be vacated by this plat. Mr. Voeller replied that it was a utility or drainage easement. The owners want to vacate the utility easement but leave the drainage easement in place. He also stated that the City of Homer recommended that the drainage easement remain in place. Commissioner Whitney felt it wasn't clear that the drainage easement would remain in place. Mr. Voeller replied that according to "KPB 20.60.160, Easements; staff recommends the drainage easement granted to the City of Homer be shown and labeled with the recording information." Commissioner Whitney asked if that would show up somewhere on the plat. Mr. Voeller replied that it will be shown on the final plat.

Chairman Pro Tem Ruffner stated that the motion was to approve the plat per staff recommendations so all staff recommendations will need to be met if the plat is approved.

**AMENDMENT A MOTION:** Commissioner Whitney moved, seconded by Commissioner Isham to grant exception to KPB 20.30.120, Street Width Requirements for Hillfair Court; citing the 8 findings and tying them to the three standards.

#### *Findings*

1. HM 78-52, which was amended by HM 84-5, dedicated Hillfair Court.
2. The 50-foot right-of-way width was acceptable when the plat that dedicated Hillfair Court was recorded.
3. Hillfair Court is a cul-de-sac, or permanently ended street.
4. The subdivision is within the City of Homer.
5. Development within the subdivision must comply with the requirements of the zoning district.
6. Per the Homer City staff report, no dedication of additional easements or rights-of-way is requested.
7. Homer Advisory Planning Commission conditionally approved the plat on August 6, 2014 with no request for additional right-of-way.

8. The replat is reducing the number of parcels fronting Hillfair Court.

**AMENDMENT A VOTE:** The motion passed by unanimous consent.

COLLINS YES	ISHAM YES	LOCKWOOD ABSENT	RUFFNER YES	TAURIAINEN ABSENT	WHITNEY YES	4 YES 2 ABSENT
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**AMENDMENT B MOTION:** Commissioner Whitney moved, seconded by Commissioner Isham to grant exception to KPB 20.30.240, Removal of the 20-foot building setback plat note; citing the 9 findings and tying them to the three standards.

*Findings*

1. The subdivision is within the City of Homer.
2. Per HM 78-8, a 20-foot building setback exists along all rights-of-way.
3. HM 84-5 amended HM 78-8, but none of the amendments removed the 20-foot building setback plat note.
4. 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.
5. Ordinance 83-25, enacted on May 3, 1983, delegated zoning regulations to the City of Homer.
6. The parent plat was recorded prior to zoning regulations being delegated from KPB to the City of Homer.
7. Building setbacks within the subdivision must comply with the requirements of the zoning district per KPB 20.30.250.
8. 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.
9. Plat Note 2 states the subdivision is subject to the City of Homer zoning regulations.

**AMENDMENT B VOTE:** The motion passed by unanimous consent.

COLLINS YES	ISHAM YES	LOCKWOOD ABSENT	RUFFNER YES	TAURIAINEN ABSENT	WHITNEY YES	4 YES 2 ABSENT
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**MAIN MOTION VOTE:** The motion passed by unanimous consent.

COLLINS YES	ISHAM YES	LOCKWOOD ABSENT	RUFFNER YES	TAURIAINEN ABSENT	WHITNEY YES	4 YES 2 ABSENT
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**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

9. Doyle Estates Subdivision Fourth Addn.  
KPB File 2014-124; McLane/Doyle

Staff Report given by Patti Hartley

Plat Committee Meeting: 9/8/14

Location: On Karluk Avenue, Kenai area  
Proposed Use: Residential, Recreational, Commercial  
Water/Sewer: On-site  
Zoning: Unrestricted  
Assessing Use: Residential  
Parent Parcel Number(s): 055-181-09

Supporting Information:

The Plat Committee conditionally approved Doyle Estates Subdivision Fourth Addition (KPB 2010-059) on May





# **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](http://www.borough.kenai.ak.us)

**MIKE NAVARRE  
BOROUGH MAYOR**

September 10, 2014

## **NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE**

### **MEETING OF SEPTEMBER 8, 2014**

**RE:** Scenic View Tract A 2014 Replat Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of September 8, 2014 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.25; 20.30; and 20.40.

An amendment motion passed by unanimous consent to grant exception to KPB 20.30.190, the length of the access portion of the flag Lot 2B-2 exceeds 150 feet in length based on the following findings of fact.

#### *Findings*

1. Per Homer City Code, the long flag will allow the property owner of Lot 2B-2 to have city water service.
2. The lot design is strictly for the purposes of providing legal frontage to the water main along East End Road.
3. No vehicular access will be allowed in this flag portion of the lot except for maintenance of the water service.
4. The plat is within the City of Homer.
5. Development within the subdivision must comply with the requirements of the zoning district.
6. Homer Advisory Planning Commission conditionally approved the plat as designed on August 6, 2014
7. The plat is granting a 30-foot utility easement within the flag.
8. Lot 2B-2 has constructed access by Jake's Little Fireweed Lane.

This notice and unapproved minutes of the subject portion of the meeting were sent September 10, 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:** Seabright Survey + Design  
1044 East Road, #A  
Homer, AK 99603



**Subdivider/Petitioner:** Weston & Stephanie Carroll  
1170 Queets Circle  
Homer, AK 99603-9375

**Interested Parties:** Robert & Tina Day  
5091 Williams Pl  
Homer, AK 99603

**KPB File Number:** 2014-121



AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

6. Scenic View Tract A 2014 Replat  
KPB File 2014-121; Seabright/Carroll

Staff Report given by Patti Hartley

Plat Committee Meeting: 9/8/14

Location: City of Homer  
Proposed Use: Residential  
Water: City  
Sewer: City for 2B-1; on-site for 2B-2  
Zoning: Rural Residential  
Assessing Use: Residential  
Parent Parcel Number(s): 179-240-02

Supporting Information:

The proposed plat subdivides a 2.7 acre parcel that was originally created by a 1952 plat and apparently re-subdivided by deed into two lots containing 1.2 acres each. The subdivision fronts State maintained East End Road. Lot 2B-2 also fronts constructed Jakes Little Fireweed Lane, 30 feet of which is being dedicated by this platting action.

A letter of objection was received on August 28, 2014 from the adjoining owners to the east.

Homer Advisory Planning Commission approved the plat on August 6, 2014 subject to:

1. Correct the street name to Jake's Little Fireweed Lane.  
*Borough Staff Comments: The correction is on the plat submitted for KPB review.*
2. Show the 15-foot utility easement fronting the ROW's, both East End Road and the dedication ROW, Jake's Little Fireweed Lane.  
*Borough Staff Comments: The utility easements are on the plat submitted for KPB review. **Staff recommends** 'granted this plat' be added to the easement fronting East End Road.*
3. Show the waterline on East End Road fronting Lot 2B-1 and the flag portion of Lot 2B-2.  
*Borough Staff Comments: The waterline is on the plat submitted for KPB review.*
4. A development agreement is required.  
*Borough Staff Comments: **Staff recommends** compliance with KPB 20.60.080.*
5. An agreement to waive the right to object to a Special Assessment District for water and sewer on Jake's Little Fireweed Lane will be required prior to connecting to city services on Lot 2B-2.  
*Borough Staff Comments: The installation agreement (KPB 20.60.080) and Different Standards in Cities (20.30.270) are the only avenues under which this recommendation can be supported by KPB Code. If the city wishes to apply 20.60.080 for this recommendation, **staff recommends** the applicable Homer City Code be cited as the basis for the requirement.*

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

A physical address may be affected by the replat. Homer Planning and Zoning Department can answer questions about the effect of the replat on the address.

**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 20.30.190. The length of the access portion of the flag Lot 2B-2 exceeds 150 feet in length.

Surveyor Discussion: Per Homer City Code, the long flag will allow the property owner of Lot 2B-2 to have city water service. The lot design is strictly for the purposes of providing legal frontage to the water main along East End Road. No vehicular access will be allowed in this flag portion of the lot except for maintenance of the water service as this area is covered by a proposed utility easement grant.

**Surveyor Findings**

1. Per Homer City Code, the long flag will allow the property owner of Lot 2B-2 to have city water service.
2. The lot design is strictly for the purposes of providing legal frontage to the water main along East End Road.
3. No vehicular access will be allowed in this flag portion of the lot except for maintenance of the water service.

**Platting Staff Findings**

4. The plat is within the City of Homer.
5. Development within the subdivision must comply with the requirements of the zoning district.
6. Homer Advisory Planning Commission conditionally approved the plat as designed on August 6, 2014.
7. The plat is granting a 30-foot utility easement within the flag.
8. Lot 2B-2 has constructed access by Jake's Little Fireweed Lane.

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 standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-8 support this standard.**
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 standard.**
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 standard.**

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 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AS FOLLOWS:**

**20.25.070 - Form and contents required.**

Platting staff comments: The plat complies with the following portions of 20.25.070: B, D-G, J, and K.

Platting staff comments: The following portions of 20.25.070 are not applicable to the subject plat: I and O.

Platting staff comments: Additional information is provided for the following portions of 20.25.070 or additional information, revision or corrections are required

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
  2. Legal description, location, date, and total area in acres of the proposed subdivision; and
  3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
- Platting Staff Comments: **Staff recommends:***
- *Correct the aliquot description: NW1/4NW1/4*
  - *Include the City of Homer.*
  - *Remove Tract A from the Plat's name. Tract A will remain in the description of this platting action.*
  - *Correct the parent plat's recording number: HM 587*
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Platting Staff Comments: **Staff recommends:***
- *Remove the 30' label from the northwestern status labels. Lot 49-B did not dedicate Jake's Little Fireweed Lane.*
  - *Provide one width for East End Road, such as at the midpoint of the southern boundary of Lot 2B-1.*
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
- Platting Staff Comments: KPB GIS mapping indicates the property is not affected by low wet areas. Homer City staff report noted Lot 2B-1 may have a drainage in the southwestern corner. HM 73-87 indicates a stream within Lot 49A may flow into Lot 2B-2. HM 2004-87 shows a low value drainage per the Corps of Engineers is within Lot 2B-1. Additional information was requested from the surveyor.*
- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;
- Platting Staff Comments: Per KPB GIS 4-foot contours, terrain within the dedication provided by this plat appears to meet 20.25.070. Additional information was requested from the surveyor.*
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
- Platting Staff Comments: Homer City staff report commented the plat did not appear to have slopes greater than 20 percent. KPB GIS 4-foot contours seem to concur. Staff emailed the surveyor for additional information.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval; and
- Platting Staff Comments: Per the submittal, a gravel driveway/pad may encroach onto Lot 2A-2, including a 10-foot drainage easement. Homer City staff report suggested the owners work with the*

Homer Public Works Department to resolve this issue if a drainage problem occurs. Another option may be for the owner to grant an encroachment easement.

If there are any existing encroachments, **staff recommends** a note be placed on the plat to indicate that acceptance of the plat by the Borough does not indicate acceptance of any encroachments by the City of Homer or the Kenai Peninsula Borough.

**20.25.080. Petition required. A petition shall be submitted with each subdivision, abbreviated subdivision and plat waiver subdivision and shall include:**

Platting staff comments: The submittal complies with 20.25.080 (A, B, D, and E).

Platting staff comments: The following portion of 20.25.080 is not applicable to the subject plat: C

### **KPB 20.30 Design Requirements**

Platting staff comments: The plat complies with the following portions of 20.30: 20.30.050, 20.30.200, 20.30.210, 20.30.220, 20.30.230, and 20.30.250.

Platting staff comments: The following portions of 20.30 are not applicable to the subject plat: 20.30.020, 20.30.040, 20.30.100, 20.30.120, 20.30.130, 20.30.140, 20.30.150, 20.30.240, and 20.30.260.

Platting staff comments: Additional information is provided for the following portions of 20.30 or additional information, revision or corrections are required

20.30.030. Proposed street layout-Requirements.

Platting Staff Comments: Notice of the proposed subdivision was mailed to DOT as part of the routine agency notification process.

20.30.060. Easements-Requirements.

Platting Staff Comments: The affected utility providers were mailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** compliance with 20.30.060.

20.30.070. Lots on major streets-Access requirements.

Platting Staff Comments: KPB Roads Department submitted a statement of no comments. The plat does not front a KPB right-of-way.

20.30.080. Alleys. Alleys are prohibited unless allowed by city ordinance.

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

20.30.090. Streets-Maximum grades allowed.

The subdivider shall demonstrate that streets can be readily constructed in accordance with current borough road standards and that the grades on any such roads shall not exceed 6 percent on arterial streets and 10 percent on other streets, or 4 percent within 130 feet of any centerline intersections. Submittal of centerline profiles and cross-sections may be required to demonstrate that compliant construction in the right-of-way is feasible.

Platting Staff Comments: KPB GIS 4-foot contours indicate the plat complies with 20.30.090. Additional information was requested from the surveyor.

20.30.110. Half streets.

A. Half streets shall generally not be allowed except where one of the following circumstances applies:

1. The street is identified on the borough road plan as an arterial;
2. The street is a logical extension of an existing street; or
3. The remaining half street can reasonably be expected to be dedicated.

Platting Staff Comments: Jake's Little Fireweed Lane is constructed and in use for access. The parent plat provided the existing 30-foot right-of-way that ends at the midpoint of Lot 2B-2's northern boundary. Lot 49A

contains 17,860 square feet, and Lot 49-B contains 2.7 acres. It is reasonable to expect a matching dedication from the lots to the northwest in the future.

20.30.120. Streets-Width requirements.

- A. The minimum right-of-way width of streets shall be 60 feet.
- B. Additional right-of-way or easement width may be required to provide for the construction of side slopes or to otherwise accommodate right-of-way construction standards set forth in KPB Title 14.

*Platting Staff Comments: This platting action brings Jake's Little Fireweed Lane closer to compliance with 20.30.120.*

20.30.160. Streets-Name requirements.

Streets shall be named to conform to KPB Chapter 14.10

*Platting Staff Comments: The dedication provided by this platting action will assume the existing street name.*

20.30.170. Blocks-Length requirements.

Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

*Platting Staff Comments: The block technically complies with 20.30.170. It is generally defined by East End Road, Williams Place, Jakes Little Fireweed Lane, and the 33-foot section line easement to the west.*

*Based on existing structures, it is unlikely the section line easement can be constructed. KPB GIS 4-foot contours indicate Jakes Little Fireweed Lane drops off into a canyon. Thompson Drive has the suffix of a through right-of-way, but it is actually a cul-de-sac. A canyon is between Thomson Drive and Jakes Little Fireweed Lane.*

*On paper the block complies with the requirements of 20.30.170, but terrain dictates the actual block in this area. Adjacent parcels have constructed access either by dedicated right-of-way, flag lots, or existing driveways. The proposed plat is providing a 30-foot matching dedication for Jakes Little Fireweed Lane so the existing travel way has continuous public access from Williams Place to Lot 18A High Cliff Subdivision 2003 Addition per 20.30.030.*

20.30.180. Pedestrian ways required when.

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

20.30.190. Lots-Dimensions.

- B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

*Platting Staff Comments: Lot 2B-2 contains about 1.3 acres. Since Lot 2B-2 will be served by city water, KPB Code would allow it to be further subdivided to not less than 20,000 square foot lot(s). The flag is 30 feet wide.*

*Since Lot 2B-2 fronts Jake's Little Fireweed Lane, a note about possibly limiting further subdivision is not required. Said flag is covered by a utility easement being granted this plat.*

20.30.270. Different standards in cities.

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

20.30.280. Floodplain requirements.

*Platting Staff Comments: The City of Homer administers the floodplain program by HCC 21.41 Flood Prone Areas. Per the Homer City staff report, the plat is within Zone D, flood hazards undetermined.*

20.30.290. Anadromous habitat protection district.

*Platting Staff Comments: Per River Center review, the subdivision is not affected by the Anadromous Habitat Protection District.*

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

#### **KPB 20.40 -- Wastewater Disposal**

*Platting Staff Comments: **Staff recommends** compliance with 20.40.*

#### **ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF THE FINAL PLAT (KPB 20.60)**

Platting staff comments: The plat complies with the following portions of 20.60: 20.60.110, 20.60.130, and 20.60.140.

Platting staff comments: The following portions of 20.60 are not applicable to the subject plat: 20.60.040, 20.60.050, 20.60.060, 20.60.090, and 20.60.100.

Platting staff comments: Additional information is provided for the following portions of 20.60 or additional information, revision or corrections are required

20.60.010. Preparation requirements generally.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.010.*

20.60.020. Filing-Form and number of copies required.

*Platting Staff Comments: **Staff recommends** two full-sized paper copies of the plat be submitted for final review prior to submittal of the Mylar. **Staff recommends** compliance with 20.60.020.*

20.60.030. Certificate of borough finance department required.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.030.*

20.60.070. Plat specifications.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.070.*

20.60.080. Improvements-Installation agreement required.

A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.080*

20.60.120. Accuracy of measurements.

All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

*Platting Staff Comments: KPB GIS will verify closure complies with 20.60.120. **Staff recommends** compliance with 20.60.120.*

20.60.150. Utility easements.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.150.*

20.60.160. Easements.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.160 and that the utility easement being granted over the flagpole portion of Lot 2B-2 also be noted on the southern portion for clarity.*

*The northern boundary adjoins a section line. Based on the date of entry (1920), section line easements do not affect the subject plat.*

20.60.170. Other data required by law.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.170.*

20.60.180. Plat notes.

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

**Staff recommends** the plat notes be numbered sequentially.

20.60.190. Certificates, statements, and signatures required.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.190.*

*KPB 20.60.190 corrected the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat. **Staff recommends** the Notary's Acknowledgement on the final plat comply with 20.60.190.*

**Staff recommends** an acceptance statement for the right-of-way being dedicated be provided on the final plat per 20.60.190 (7) for the appropriate official for the City of Homer.

20.60.200. Survey and monumentation.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.200.*

20.60.210. Approval-Authority-Certificate issued when.

*Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff recommends compliance with 20.60.210.*

20.60.220. 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 20.60.220.*

*The planning director may refer the final plat to the planning commission when:*

- 1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;*
- 2. Final approval by the commission was a condition of preliminary approval; or*
- 3 The planning director determines there are other conditions to support referral to the commission.*

KPB 20.70 – Vacation Requirements

*Platting Staff comments: 20.70 is not applicable to the proposed plat.*

**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.**

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**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 Pro Tem Ruffner read the rules by which public hearings are conducted.

Chairman Pro Tem Ruffner opened the meeting for public comment.

1. Weston Carroll, 1170 Queets Cir, Homer

Mr. Carroll stated that this property has been in his family and belonged to his grandparents since the 1960's. In 2005, he and his wife bought the property to keep it in the family. He commented that they wanted to build a house behind the existing one so they decided to subdivide the property.

Mr. Carroll stated that the flag lot was created so that they could gain access to city water and sewer. He stated that the exception regarding the length of the flag lot had to do with vehicular access. His hope was that the flag lot wasn't something that they couldn't work with since the flag portion would primarily be used for utilities.

Chairman Pro Tem Ruffner asked if he fully supported the project. Mr. Carroll replied yes, he supported the project and was not the one objecting to the plat.

Chairman Pro Tem Ruffner asked if there were questions for Mr. Carroll.

Mr. Voeller asked if he planned on accessing the northerly lot from Jakes Little Fireweed Ln. Mr. Carroll replied yes, there was already vehicular access that was acceptable from the north.

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

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

**MAIN MOTION:** Commissioner Isham moved, seconded by Commissioner Collins to grant approval of the preliminary plat subject to staff recommendations, conditions and findings.

Commissioner Whitney stated there was reference to a letter of opposition from Barbara Williams that was stated in the Homer Advisory Planning Commission (APC) minutes of August 6, 2014 however it wasn't included in the KPB Planning Commission packet.

Ms. Hartley replied that the only letter of opposition that the Borough received was the letter from Robert & Tina Day which was included in the PC Packet. Chairman Pro Tem Ruffner understood that the Homer APC did not forward their letter to the Borough. Ms. Hartley replied that was correct. Mr. Voeller stated that it was not included in the Homer APC packet that was given to the Borough.

Commissioner Isham asked if the commission should have that letter of opposition and if this item should be postponed so that staff could obtain a copy of that letter. Mr. Voeller replied no, not necessarily, he wasn't sure why they did not receive a copy of that letter. Staff looked in the file to make sure it wasn't overlooked and stated that there was not a letter of opposition from Barbara Williams in the plat file.

Mr. Voeller replied there were two letters of opposition that were mentioned in the Homer APC minutes; one from Robert & Tina Day and one from Barbara Williams. According to the minutes, they expressed the same concerns. He stated that the only letter the Borough received was from the Day's.

Commissioner Isham stated that there were expressed concerns regarding drainage. Mr. Voeller replied that there were concerns regarding drainage, increased traffic and lot size according to the Homer APC minutes. He felt that Mr. Bloom's comments in the minutes cover those concerns fairly well.



Commissioner Whitney wondered if the Day's letter was a different letter than what was submitted to the Homer APC. Mr. Voeller replied that it addressed the same issues that were referenced in their minutes. He stated the Day's letter also talked about soils suitability which is up to the engineer's soils report.

There being no further comments or questions, the meeting proceeded.

**AMENDMENT MOTION:** Commissioner Isham moved, seconded by Commissioner Collins to grant exception to KPB 20.30.190, the length of the access portion of the flag Lot 2B-2 exceeds 150 feet in length; citing the 8 findings and tying them to the three standards.

*Findings*

1. Per Homer City Code, the long flag will allow the property owner of Lot 2B-2 to have city water service.
2. The lot design is strictly for the purposes of providing legal frontage to the water main along East End Road.
3. No vehicular access will be allowed in this flag portion of the lot except for maintenance of the water service.
4. The plat is within the City of Homer.
5. Development within the subdivision must comply with the requirements of the zoning district.
6. Homer Advisory Planning Commission conditionally approved the plat as designed on August 6, 2014.
7. The plat is granting a 30-foot utility easement within the flag.
8. Lot 2B-2 has constructed access by Jake's Little Fireweed Lane.

**AMENDMENT VOTE:** The motion passed by unanimous consent.

COLLINS YES	ISHAM YES	LOCKWOOD ABSENT	RUFFNER YES	TAURIAINEN ABSENT	WHITNEY YES	4 YES 2 ABSENT
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**MAIN MOTION VOTE:** The motion passed by unanimous consent.

COLLINS YES	ISHAM YES	LOCKWOOD ABSENT	RUFFNER YES	TAURIAINEN ABSENT	WHITNEY YES	4 YES 2 ABSENT
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**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

7. Lakeside Village Sub 2014 Replat  
KPB File 2014-122; Seabright/South Peninsula Health Services

Staff Report given by Patti Hartley

Plat Committee Meeting: 9/8/14

Location: City of Homer  
Proposed Use: Commercial  
Water/Sewer: City  
Zoning: Residential Office  
Assessing Use: Commercial  
Parent Parcel Number(s): 177-302-55, 177-302-95

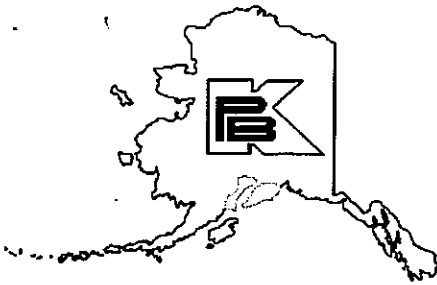
Supporting Information:

The proposed subdivision is a simple replat of two lots into one lot containing one acre. City water and sewer serve the subdivision. The plat fronts constructed Hillfair Court and paved Ben Walters Lane.

Homer Advisory Planning Commission approved the plat on August 5, 2014 subject to:

Homer Public Works Comments:





## **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

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**MIKE NAVARRE**  
**BOROUGH MAYOR**

September 10, 2014

### **NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE**

#### **MEETING OF SEPTEMBER 8, 2014**

RE: Forest Glen Subdivision Unit 2 2014 Replat Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of September 8, 2014 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.25; 20.30; and 20.40.

An amendment motion passed by unanimous consent to grant exception to KPB 20.30.120, Street Width Requirements for Aprill Place based on the following findings of fact.

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

#### *Findings*

1. Aprill Place was dedicated in 1974 by HM 74-531.
2. A 50-foot right-of-way width was acceptable when the parent plat was recorded.
3. The replat is in the City of Homer.
4. Homer Advisory Planning Commission conditionally approved the plat on August 6, 2014 with no concerns or recommendations for extra right-of-way for Aprill Place.
5. Development within the subdivision must comply with the requirements of the zoning district.
6. Through traffic is not possible on Aprill Place.
7. Aprill Place is a cul-de-sac and serves a limited number of parcels.
8. Development has taken place along Aprill Place based on the 50-foot width.
9. Per the Homer City staff report, an installation agreement is required.

**STANDARD 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. Aprill Place was dedicated in 1974 by HM 74-531.
2. A 50-foot right-of-way width was acceptable when the parent plat was recorded.
3. The replat is in the City of Homer.
4. Homer Advisory Planning Commission conditionally approved the plat on August 6, 2014 with no concerns or recommendations for extra right-of-way for Aprill Place.
5. Development within the subdivision must comply with the requirements of the zoning district.
6. Through traffic is not possible on Aprill Place.
7. Aprill Place is a cul-de-sac and serves a limited number of parcels.
8. Development has taken place along Aprill Place based on the 50-foot width.
9. Per the Homer City staff report, an installation agreement is required.



**STANDARD 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*

2. A 50-foot right-of-way width was acceptable when the parent plat was recorded.
3. The replat is in the City of Homer.
4. Homer Advisory Planning Commission conditionally approved the plat on August 6, 2014 with no concerns or recommendations for extra right-of-way for Aprill Place.
5. Development within the subdivision must comply with the requirements of the zoning district.
6. Through traffic is not possible on Aprill Place.
7. Aprill Place is a cul-de-sac and serves a limited number of parcels.
9. Per the Homer City staff report, an installation agreement is required.

This notice and unapproved minutes of the subject portion of the meeting were sent September 10, 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:** Seabright Survey + Design  
1044 East Road, #A  
Homer, AK 99603

**Subdivider/Petitioner:** Stephen E. Rollins  
Stephens 1957 LLC  
PO Box 669  
Homer, AK 99603

**KPB File Number:** 2014-120

## AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

5. Forest Glen Subdivision Unit 2 2014 Replat  
KPB File 2014-120; Seabright/Rollins

Staff Report given by Patti Hartley

Plat Committee Meeting: 9/8/14

Location: City of Homer  
Proposed Use: Residential  
Water/Sewer: City  
Zoning: Urban Residential  
Assessing Use: Vacant  
Parent Parcel Number(s): 175-270-02

### Supporting Information:

The proposed plat subdivides an approximate 1-acre lot into 3 lots ranging in size from 13,000 to 23,000 square feet. City water and sewer serve the subdivision. The subdivision fronts Forest Glen Drive and Aprill Place.

Homer Advisory Planning Commission approved the plat on August 6, 2014 subject to:

1. Delete Plat Note #2 because the property is serviced by public water and sewer.  
*Borough Staff Comments: This note was removed from the plat submitted for KPB review. The wastewater disposal note per KPB 20.40.070 is on the plat.*
2. Depict the 15-foot utility easement that fronts the ROW.  
*Borough Staff Comments: The plat submitted for KPB review has the requested utility easement.*
3. Remove the Wastewater Disposal at Alaska DEC signature Block  
*Borough Staff Comments: The wastewater disposal signature block is part of KPB 20.40.070. The wastewater disposal note on the plat for KPB review is acceptable.*
4. Depict the water and sewer mains.  
*Borough Staff Comments: Water and sewer mains are depicted on the plat submitted for KPB review.*
5. Delete Plat Note #4 because the property does not front a State maintained road.  
*Borough Staff Comments: The plat submitted for KPB review did not have this plat note.*
6. Add a plat note indicating that no permanent structures in the access portion of the flag lots, Lot 4B and 4C.  
*Borough Staff Comments: The plat submitted for KPB review contained the requested note.*
7. Modify Plat Note #5 to read: The front 15 feet along the existing rights-of-way is a utility easement [HCC 22.10.051].  
*Borough Staff Comments: The plat submitted for KPB review has the requested plat note.*

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

A physical address may be affected by the replat. Homer Planning and Zoning Department can answer questions about the effect of the replat on the address.

**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 20.30.120 (Street Width Requirements) for Aprill Place

Staff Discussion: Aprill Place is 50 feet wide. Although Aprill Place has a suffix for a through right-of-way, it is actually a cul-de-sac.

Two replats of lots fronting Aprill Place have taken place since it was dedicated. HM 2009-17, which replatted 2 lots into 8 lots, was recorded prior to enactment of the minimum 60-foot right-of-way requirement. HM 2009-15, which replatted 1 lot into 3 lots, was approved a few months after the new right-of-way minimum was in effect. Right-of-way width was not discussed during the plat review. Homer Advisory Planning Commission did not voice concerns about right-of-way width during the review of HM 2009-15 and HM 2009-17.

The proposed subdivision is similar to the replat to the north.

Lot 4C fronts Forest Glen Drive, a 60-foot right-of-way.

**Findings**

1. Aprill Place was dedicated in 1974 by HM 74-531.
2. A 50-foot right-of-way width was acceptable when the parent plat was recorded.
3. The replat is in the City of Homer.
4. Homer Advisory Planning Commission conditionally approved the plat on August 6, 2014 with no concerns or recommendations for extra right-of-way for Aprill Place.
5. Development within the subdivision must comply with the requirements of the zoning district.
6. Through traffic is not possible on Aprill Place.
7. Aprill Place is a cul-de-sac and serves a limited number of parcels.
8. Development has taken place along Aprill Place based on the 50-foot width.
9. Per the Homer City staff report, an installation agreement is required.

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 standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-9 support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-9 support this standard.**
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 2-7 and 9 support this standard.**

**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 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AS FOLLOWS:**

**20.25.070 - Form and contents required.**

Platting staff comments: The plat complies with the following portions of 20.25.070: B-G, J, and K.

Platting staff comments: The following portions of 20.25.070 are not applicable to the subject plat: I, L, O.

Platting staff comments: Additional information is provided for the following portions of 20.25.070 or additional information, revision or corrections are required

**A. Within the Title Block**

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
2. Legal description, location, date, and total area in acres of the proposed subdivision; and
3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

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

- *Correct the aliquot description: Within the SE¼ of the NW ¼, or SE1/4NW1/4*
- *Include the City of Homer.*

**H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;**

*Platting Staff Comments: Per the Homer City staff report, the eastern half of the plat is affected by a discharge slope. KPB GIS mapping concurs. A second submittal was requested from the surveyor on 8/22/14.*

***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.*

**M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;**

*Platting Staff Comments: Per the Homer City staff report, the plat does not have slopes greater than 20 percent. Based on KPB GIS 4-foot contours, staff would describe the property as gently sloping.*

**N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval; and**

*Platting Staff Comments: Per the submittal, the existing roadbed for Aprill Place encroaches into Lot 4A. During the Homer Advisory Planning Commission's public hearing, the surveyor noted the city and owner had a working agreement regarding the encroachment, and the intent was to move the road in the future.*

**20.25.080. Petition required. A petition shall be submitted with each subdivision, abbreviated subdivision and plat waiver subdivision and shall include:**

Platting staff comments: The submittal complies with 20.25.080 (A, B, D, and E).

Platting staff comments: The following portion of 20.25.080 is not applicable to the subject plat: C

Platting staff comments: Additional information is provided for the following portions of 20.12.070 or additional information, revision or corrections are required:

**KPB 20.30 Design Requirements**

20.60.020. Filing-Form and number of copies required.

*Platting Staff Comments: **Staff recommends** two full-sized paper copies of the plat be submitted for final review prior to submittal of the mylar. **Staff recommends** compliance with 20.60.020.*

20.60.030. Certificate of borough finance department required.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.030.*

20.60.070. Plat specifications.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.070.*

20.60.080. Improvements-Installation agreement required.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.080.*

20.60.120. Accuracy of measurements.

All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

*Platting Staff Comments: KPB GIS will verify closure complies with 20.60.120. **Staff recommends** compliance with 20.60.120.*

20.60.150. Utility easements.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.150.*

20.60.160. Easements.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.160.*

20.60.170. Other data required by law.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.170.*

20.60.180. Plat notes.

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

**Staff recommends** Plat Note 4 be revised to reflect the multiple lots in the subdivision: These lots are served ...

20.60.190. Certificates, statements, and signatures required.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.190.*

KPB 20.60.190 corrected the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat. **Staff recommends** the Notary's Acknowledgement on the final plat comply with 20.60.190.

**Staff recommends** documentation be provided prior to or with the final plat confirming who has the authority to sign the plat on behalf of the LLC, such as a corporate resolution. An option would be to provide documentation that the signatory owns 100 percent of the LLC.

20.60.200. Survey and monumentation.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.200.*

20.60.210. Approval-Authority-Certificate issued when.

*Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff recommends compliance with 20.60.210.*

20.60.220. 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 20.60.220.*



*The planning director may refer the final plat to the planning commission when:*

1. *Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;*
2. *Final approval by the commission was a condition of preliminary approval; or*
3. *The planning director determines there are other conditions to support referral to the commission.*

KPB 20.70 – Vacation Requirements

*Platting Staff comments: 20.70 is not applicable to the proposed plat.*

**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

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

**MAIN MOTION:** Commissioner Collins moved, seconded by Commissioner Whitney to grant approval of the preliminary plat of Forest Glen Subdivision Unit 2 2014 Replat subject to staff recommendations and conditions.

**AMENDMENT MOTION:** Commissioner Collins moved, seconded by Commissioner Whitney to grant exception to KPB 20.30.120, Street Width Requirements for Aprill Place; citing the 9 findings and tying them to the three standards in the following manner.

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

*Findings*

1. Aprill Place was dedicated in 1974 by HM 74-531.
2. A 50-foot right-of-way width was acceptable when the parent plat was recorded.
3. The replat is in the City of Homer.
4. Homer Advisory Planning Commission conditionally approved the plat on August 6, 2014 with no concerns or recommendations for extra right-of-way for Aprill Place.
5. Development within the subdivision must comply with the requirements of the zoning district.
6. Through traffic is not possible on Aprill Place.
7. Aprill Place is a cul-de-sac and serves a limited number of parcels.
8. Development has taken place along Aprill Place based on the 50-foot width.
9. Per the Homer City staff report, an installation agreement is required.

**STANDARD 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. Aprill Place was dedicated in 1974 by HM 74-531.
2. A 50-foot right-of-way width was acceptable when the parent plat was recorded.
3. The replat is in the City of Homer.
4. Homer Advisory Planning Commission conditionally approved the plat on August 6, 2014 with no concerns or recommendations for extra right-of-way for Aprill Place.
5. Development within the subdivision must comply with the requirements of the zoning district.
6. Through traffic is not possible on Aprill Place.
7. Aprill Place is a cul-de-sac and serves a limited number of parcels.
8. Development has taken place along Aprill Place based on the 50-foot width.
9. Per the Homer City staff report, an installation agreement is required.

**STANDARD 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*

2. A 50-foot right-of-way width was acceptable when the parent plat was recorded.
3. The replat is in the City of Homer.
4. Homer Advisory Planning Commission conditionally approved the plat on August 6, 2014 with no concerns or recommendations for extra right-of-way for Aprill Place.
5. Development within the subdivision must comply with the requirements of the zoning district.
6. Through traffic is not possible on Aprill Place.
7. Aprill Place is a cul-de-sac and serves a limited number of parcels.
9. Per the Homer City staff report, an installation agreement is required.

**AMENDMENT VOTE:** The motion passed by unanimous consent.

COLLINS YES	ISHAM YES	LOCKWOOD ABSENT	RUFFNER YES	TAURIAINEN ABSENT	WHITNEY YES	4 YES 2 ABSENT
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**MAIN MOTION VOTE:** The motion passed by unanimous consent.

COLLINS YES	ISHAM YES	LOCKWOOD ABSENT	RUFFNER YES	TAURIAINEN ABSENT	WHITNEY YES	4 YES 2 ABSENT
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**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

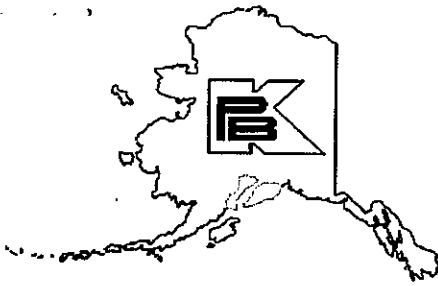
6. Scenic View Tract A 2014 Replat  
KPB File 2014-121; Seabright/Carroll

Staff Report given by Patti Hartley

Plat Committee Meeting: 9/8/14

Location: City of Homer  
Proposed Use: Residential  
Water: City  
Sewer: City for 2B-1; on-site for 2B-2  
Zoning: Rural Residential  
Assessing Use: Residential  
Parent Parcel Number(s): 179-240-02

Supporting Information:



# **KENAI PENINSULA BOROUGH**

## **PLANNING DEPARTMENT**

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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**MIKE NAVARRE  
BOROUGH MAYOR**

September 10, 2014

## **NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE**

### **MEETING OF SEPTEMBER 8, 2014**

**RE:** Vineyard Estates 2014 Addition Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of September 8, 2014 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.25; 20.30; and 20.40.

An amendment motion passed by unanimous consent to grant exception to KPB 20.30.240, 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 78-29, a 20-foot building setback exists along all rights-of-way.
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 20.30.250
7. Removing the 20-foot building setback restriction 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. Plat Note 2 states the subdivision is subject to the City of Homer zoning regulations.

This notice and unapproved minutes of the subject portion of the meeting were sent September 10, 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:** Kurt St Jean  
722 Waddell St.  
Homer, AK 99603

**KPB File Number:** 2014-118

## AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

2. Vineyard Estates 2014 Addn.  
KPB File 2014-118; Johnson/St. Jean

Staff Report given by Patti Hartley

Plat Committee Meeting: 9/8/14

Location: City of Homer  
Proposed Use: Residential  
Water/Sewer: City  
Zoning: Rural Residential  
Assessing Use: Residential  
Parent Parcel Number(s): 177-020-86

### Supporting Information:

The proposed plat subdivides an approximate 1.5-acre lot into two lots containing 30,945 and 34,124 square feet. This platting action is returning the plat to the approximate configuration of the parent plat HM 78-29. City water and sewer serve the subdivision. The subdivision fronts Latham Avenue. Lot 1-A2 fronts State maintained East Hill Road.

Homer Advisory Planning Commission approved the plat on July 16, 2014 subject to:

1. Width of Latham Lane needs to be noted.  
*Borough Staff Comments: The width was noted on the plat provided by KPB review.*
2. A plat note indicating that access for both lots is provided by Latham Avenue.  
*Borough Staff Comments: KPB Code does not require access be restricted to a certain right-of-way.*
3. Add plat note: No direct access to a state maintained R.O.W. permitted unless approved by State of Alaska Department of Transportation.  
*Borough Staff Comments: **Staff recommends** compliance with the Homer Advisory Commission's recommendation.*
4. Add plat note: No structure shall be constructed or placed within a utility easement.  
*Borough Staff Comments: Per KPB 20.60.150, **staff recommends** the following note be placed on the final plat: No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.*

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

A physical address may be affected by the replat. Homer Planning and Zoning Department can answer questions about the effect of the replat on the address.

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

Exception(s) Requested: KPB 20.30.240 (removal of the 20-foot building setback note established by the parent plat, HM 78-29).

Staff Discussion: Plat Note 2 on HM 78-29 states a 20' building setback exists along all rights-of-way. When Lot 1 and 2 were replatted into Lot 1-A in 2005 (HM 2005-26), the 20-foot building setback note was not discussed in the staff report. The building setback note was not carried forward to the 2005 replat. Failure to carry forward a plat note does not remove the burden from the property.

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 restriction 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.

#### **Findings**

1. The subdivision is within the City of Homer.
2. Per HM 78-29, a 20-foot building setback exists along all rights-of-way.
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 20.30.250
7. Removing the 20-foot building setback restriction 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. Plat Note 2 states the subdivision is subject to the City of Homer zoning regulations.

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 standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-8 support this standard.**
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 standard.**
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 standard.**

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 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AS FOLLOWS:**

**20.25.070 - Form and contents required.**

Platting staff comments: The plat complies with the following portions of 20.25.070: A-E, G, J, and K.

Platting staff comments: The following portions of 20.25.070 are not applicable to the subject plat: H, I, and L-O.

Platting staff comments: Additional information is provided for the following portions of 20.25.070 or additional information, revision or corrections are required

F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;

*Platting Staff Comments: Staff recommends the 10-foot utility easement be carried forward from the parent plat.*

**20.25.080. Petition required. A petition shall be submitted with each subdivision, abbreviated subdivision and plat waiver subdivision and shall include:**

Platting staff comments: The submittal complies with 20.25.080 (A, B, D, and E).

Platting staff comments: The following portion of 20.25.080 is not applicable to the subject plat: C

### **KPB 20.30 Design Requirements**

Platting staff comments: The plat complies with the following portions of 20.30: 20.30.050, 20.30.120, 20.30.150, 20.30.190, 20.30.200, 20.30.210, and 20.30.220.

Platting staff comments: The following portions of 20.30 are not applicable to the subject plat: 20.30.020, 20.30.040, 20.30.090, 20.30.100, 20.30.110, 20.30.130, 20.30.140, 20.30.160, and 20.30.260.

Platting staff comments: Additional information is provided for the following portions of 20.30 or additional information, revision or corrections are required

20.30.030. Proposed street layout-Requirements.

*Platting Staff Comments: Notice of the proposed subdivision was mailed to DOT as part of the routine agency notification process.*

*Homer City staff contacted DOT during their plat review. The replat has existing access off Latham Avenue as well as an unused access off East Hill Road. DOT commented the approach off East Hill Road had not been permitted, and it was unlikely DOT would grant a permit since the subdivision had access off Latham Avenue.*

20.30.060. Easements-Requirements.

*Platting Staff Comments: The affected utility providers were mailed the subdivision plat public hearing notice as part of the routine notification process. Staff recommends compliance with 20.30.060.*

20.30.070. Lots on major streets-Access requirements.

*Platting Staff Comments: KPB Roads Department submitted a statement of no comments. The plat does not front a KPB right-of-way.*

20.30.080. Alleys. Alleys are prohibited unless allowed by city ordinance.

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

20.30.170. Blocks-Length requirements.

Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

*Platting Staff Comments: The replat is within two apparent blocks.*

The block on paper is defined by Latham Avenue, the 66-foot section line easement named Alm Lane, and East Hill Road. However, imagery shows a large structure very close to, possibly within, the section line easement on Lot 10A R.W. Edens Subdivision Addition No. 1. KPB's imagery is not rectified, but if it is approximately correct, extending Alm Lane to East Hill Road may not be possible.

HM 59-4806 and HM 2005-01 show what appears to be the neighborhood's alternative for the block (Latham Avenue, Riis Drive, and East Hill Road). The problem with this route is a large structure on Lot 2-A is very close to the existing travel way that connects Latham Avenue with Riis Drive. Formally dedicating right-of-way to connect these two rights-of-way may not be practical.

Based on its location and size, the subject replat cannot address block length.

20.30.180. Pedestrian ways required when.

Pedestrian ways not less than 8 feet wide shall be required in blocks longer than 600 feet where reasonably deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

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

20.30.230. Lots-Double frontage prohibited when.

Double frontage lots with depths less than 250 feet will not be approved except where necessitated by topographic or other physical conditions, or to provide reverse frontage along arterial streets. Corner lots are not subject to the double frontage prohibition.

*Platting Staff Comments: Lot 1-A2 is a corner lot.*

20.30.250. Building setbacks-Within cities.

The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts.

*Platting Staff Comments: Approval of the exception to 20.30.240 will allow the plat to come into compliance with 20.30.250.*

20.30.270. Different standards in cities.

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

20.30.280. Floodplain requirements.

*Platting Staff Comments: The City of Homer administers the floodplain program through HCC 21.41 Flood Prone Areas. Per the Homer City staff report, the plat is within Flood Zone D, flood hazards undetermined.*

20.30.290. Anadromous habitat protection district.

*Platting Staff Comments: Per River Center review, the subdivision is not affected by the Anadromous Habitat Protection District.*

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

#### **KPB 20.40 -- Wastewater Disposal**

*Platting Staff Comments: Staff recommends the wastewater disposal note per KPB 20.40.070 be placed on the final plat and the conditions of KPB 20.40.070 (A) be met.*

#### **ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF THE FINAL PLAT (KPB 20.60)**

Platting staff comments: The plat complies with the following portions of 20.60: 20.60.110, 20.60.130, and 20.60.140.

Platting staff comments: The following portions of 20.60 are not applicable to the subject plat: 20.60.040, 20.60.050, 20.60.060, 20.60.090, and 20.60.100.



Platting staff comments: Additional information is provided for the following portions of 20.60 or additional information, revision or corrections are required

20.60.010. Preparation requirements generally.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.010.*

20.60.020. Filing-Form and number of copies required.

*Platting Staff Comments: **Staff recommends** two full-sized paper copies of the plat be submitted for final review prior to submittal of the Mylar. **Staff recommends** compliance with 20.60.020.*

20.60.030. Certificate of borough finance department required.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.030.*

20.60.070. Plat specifications.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.070.*

20.60.080. Improvements-Installation agreement required.

A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.080. The conditions of KPB 20.40.0701(A) may be included with this statement.*

20.60.120. Accuracy of measurements.

All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

*Platting Staff Comments: KPB GIS will verify closure complies with 20.60.120. **Staff recommends** compliance with 20.60.120.*

20.60.150. Utility easements.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.150.*

20.60.160. Easements.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.160.*

20.60.170. Other data required by law.

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

*Platting Staff Comments: Per the parent plat, the subdivision is affected by private restrictive covenants. The current Certificate to Plat does not mention covenants. The State Recorder's web site shows the covenants recorded in Book 93 Page 966 Homer Recording District apply to a completely different subdivision and not the subject plat. A plat note will not be required unless the final Certificate to Plat says the subdivision is affected by private restrictive covenants.*

*The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.*

**Staff recommends** compliance with 20.60.170.

20.60.180. Plat notes.

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

**Staff recommends** the spelling of development be corrected in Plat Note 2.

20.60.190. Certificates, statements, and signatures required.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.190.*

20.60.200. Survey and monumentation.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.200.*

20.60.210. Approval-Authority-Certificate issued when.

*Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff recommends compliance with 20.60.210.*

20.60.220. 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 20.60.220.*

*The planning director may refer the final plat to the planning commission when:*

- 1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;*
- 2. Final approval by the commission was a condition of preliminary approval; or*
- 3 The planning director determines there are other conditions to support referral to the commission.*

KPB 20.70 – Vacation Requirements

*Platting Staff comments: KPB 20.70 is not applicable to the proposed plat.*

**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

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

**MAIN MOTION:** Commissioner Isham moved, seconded by Commissioner Whitney to approve the preliminary plat subject to staff recommendations, conditions and findings.

**AMENDMENT MOTION:** Commissioner Isham moved, seconded by Commissioner Whitney to grant exception to KPB 20.30.240, removal of the 20 foot building setback note; citing the 8 findings and tying them to the three standards.

*Findings*

1. The subdivision is within the City of Homer.
2. Per HM 78-29, a 20-foot building setback exists along all rights-of-way.
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 20.30.250
7. Removing the 20-foot building setback restriction 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. Plat Note 2 states the subdivision is subject to the City of Homer zoning regulations.

**AMENDMENT VOTE:** The motion passed by unanimous consent.

COLLINS YES	ISHAM YES	LOCKWOOD ABSENT	RUFFNER YES	TAURIAINEN ABSENT	WHITNEY YES	4 YES 2 ABSENT
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**MAIN MOTION VOTE:** The motion passed by unanimous consent.

COLLINS YES	ISHAM YES	LOCKWOOD ABSENT	RUFFNER YES	TAURIAINEN ABSENT	WHITNEY YES	4 YES 2 ABSENT
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#### AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

4. Quandt Subdivision 2014 Replat  
KPB File 2014-119; Integrity/Newton

Staff Report given by Patti Hartley

Plat Committee Meeting: 9/8/14

Location: City of Kenai  
Proposed Use: Residential  
Water/Sewer: On-site  
Zoning: Rural Residential  
Assessing Use: Residential, Accessory Building  
Parent Parcel Number(s): 049-260-36, 049-260-45

#### Supporting Information:

The proposed subdivision is a simple replat of two lots into one lot containing one acre. Per KPB 20.40.020, a soils report is not required. The plat fronts State maintained Beaver Loop Road and city maintained Juliussen Street.

Kenai Planning and Zoning Commission reviewed the plat on August 13, 2014. The replat will resolve a non-conforming situation because the accessory building will be on the same parcel as the principal structure. The Kenai Commission approved the plat subject to:

1. Further development of the property shall conform to all federal, state, and local regulations.  
*Borough Staff Comments: Per KPB GIS mapping, the plat is not affected by low wet areas, and terrain is flat. Kenai City staff report did not cite a KMC reference upon which to base this recommendation. KPB Code has no provision to require this plat note.*
2. Utility easements, if required, shall be shown.  
*Borough Staff Comments: **Staff recommends** compliance with KPB 20.30.060 and 20.60.150.*



Beluga Air, LLC  
PO 3662  
Homer, AK 99603

September 16, 2014

Planning Commission  
491 East Pioneer ave  
Homer, AK 99603

Re: Sign Violation Notice dated September 9, 2014

Dear Planning Commission,

I am in receipt of a letter from Dotti Harness regarding our banner that was tacked to the wooden sign at the corner of Lakeshore and Lampert Lane. The offending banner has been removed.

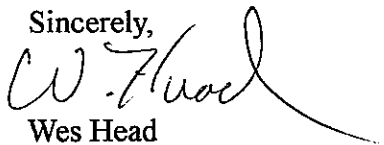
In accordance with HCC 21.93 I am appealing the order that we must take down or modify the original sign as well.

The original wooden sign has been up for over 25 years, unchanged and in the same location. It is the only way that people can find our business since we are located on Beluga Lake and our office is not visible from city roads due to the large amount of alders and spruce trees. We have no other signage that is visible from any city road (the access road to our office is on airport property), and given the restrictions on sign size and the distance of our office to the causeway, we cannot put up a sign on the side of our office that that would be readable from the road.

If we are forced to comply with this order it would be an unnecessary hardship on our business.

I am more than happy to attend a Planning Commission meeting to make my case, and answer any questions that you may have.

Sincerely,



Wes Head  
Beluga Air, Llc

cc Walt Wrede, City Manager  
Rick Abboud, City Planner

RECEIVED

SEP 18 2014

CITY OF HOMER  
PLANNING/ZONING





## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

### Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

September 23, 2014

Beluga Air  
PO Box 3662  
Homer, AK 99603

Dear Wes and Angela Head,

Thank you for removing Beluga Air's banner from the corner of Lakeshore Drive and Lampert Lane. I understand your frustration and we are forwarding your letter to the Planning Commission. If you would like to address the Commission about increasing your allowed off-site sign size, the next meeting is **Wed. October 15<sup>th</sup> starting at 6:30pm in the City Council Chambers.**

You're right in that many of the air charter offices on Beluga Lake are not visible from the road ways; Lake Street, Ocean Drive or Lakeshore Drive. For that reason Homer's Sign Standards allow a business to have one off-premise sign. Both Steller Air's (red arrow) and Emerald Air (near the Head Start building) are displaying off-premise signs to direct customers to their business. Homer's sign standards:

- Allow one off-premise sign with a maximum size of 5 sf and maximum height of 10 feet. Both Steller Air's (red arrow) and Emerald Air (near the Head Start building) have an off-premise sign. HCC 21.60.092.
- Each building has a "sign allowance" which is based on the size of the building. This signage must be on the property or the business' building. HCC 21.60.060. See the Homer Signs Simplified brochure.

As the messenger of the City's sign standards, I have met many passionate air charter business owners who now comply with Homer's Sign standards: Bald Mt. Air, Hallo Bay, K Bay Air, Homer Air, Steller Air, Emerald Air, and Sasquatch Alaska Adventures. Implementing Homer's sign standards fairly and consistently is the number one request followed by advice on effective use of signage.

I'd be glad to work with Beluga Air on a Sign Permit for the 2015 season that meets Homer's Sign Code. In addition, you can address the Planning Commission and gauge their interest in amending the sign code to address your situation. Either way, you also have the option to appeal through the City Clerks, 235-3130.

Your letter also describes the original wood sign that has been in place for years. Homer's sign code now limits off-premise signs to 5 square feet per business. With several air charter businesses in the area, a combined sign to direct travelers to their charter is certainly worth considering. I would be glad to explore options to use signage effectively.

Respectfully,

Dotti Harness-Foster  
City of Homer  
Planning and Zoning Office  
907-235-3106

Att: Appeals Form  
Homer Signs Simplified brochure

Cc: Walt Wrede, City Manager  
Rick Abboud, City Planner





US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

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

**PUBLIC NOTICE DATE:** September 22, 2014

**EXPIRATION DATE:** October 22, 2014

**REFERENCE NUMBER:** POA-2011-13

**WATERWAY:** Palmer Creek

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

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Andy Mitzel at (907) 283-3519, by fax at (907) 283-3981, or by email at [andy.mitzel@usace.army.mil](mailto:andy.mitzel@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Homer Bookkeepers, LLC, PO Box 2311, Homer, AK, 99603

**AGENT:** Ms. Aryn Young, Southern Exposures, LLC, PO Box 2311, Homer, AK, 99603

**LOCATION:** The project site is located within SW ¼ of the NE ¼ of Section 15, T. 6 S., R. 13 W., Seward Meridian; USGS Quad Map Seldovia C-4; Latitude 59.658413° N., Longitude 151.46521° W.; Tietjen Subdivision, Tract O-1, in Homer, Alaska.

**PURPOSE:** The applicant's stated purpose is to construct a commercial composting, vermiculture, landscaping product manufacturing facility and to provide commercial storage for equipment and machinery.

**PROPOSED WORK:** The applicant is proposing to discharge 2040 cubic yards (cy) of pit run gravel and 49 cy of concrete for the construction of a driveway, parking lot, composting facility, and drainage ditch in Waters of the U.S. All work would be performed in accordance with the enclosed plan (sheets 1-5), dated June 5, 2014.

**ADDITIONAL INFORMATION:** The applicant is proposing to construct a gravel pad which would be 1 foot deep, 300 feet wide, and 160 feet long underlain with tyar. The pad would require the placement of 1780 cy of clean pit run gravel permanently impacting 0.37 acres of Waters of the U.S. This area would be used for the construction of a 25 by 50 foot building, which would have 1 foot deep concrete foundation, and area for equipment storage.

The area shown as the "Commercial Compost/Agricultural Area" would be graded to allow for future activities. No material would be brought in for the development of the site. The only fill associated with this area would be generated from the grading of the site. This activity would impact 0.37 acres of Waters of the U.S. specifically, wetlands.

The wetland where the work would occur is classified as moderate value wetlands by the Homer Wetland Ranking. A wetland delineation was conducted, and the site was determined to be a mosaic of uplands and wetlands. The site consists of 33% wetlands, with the remainder being uplands.

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

a. Avoidance: The applicant's proposal would avoid half of the wetlands on the property by only using the northern half of the property. No impacts are proposed on the southern half of the property.

b. Minimization: The applicant has stated that minimization would occur by using only native material and maintaining vegetated cover to allow for water permeability on the commercial compost/agricultural area. This would allow for water infiltration in the area.

c. Compensatory Mitigation: The applicant is not proposing compensatory mitigation. The applicant has stated that: "Compensatory mitigation should not be required for these impacts since the wetland being disturbed is patchy, low-grade wetland and will not have significant loss of effectiveness due to the proposed project."

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

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

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

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

**ESSENTIAL FISH HABITAT:** The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). No EFH species are known to use the project area. We have determined the described activity would not adversely affect EFH in the project area.

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

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

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

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

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

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

District Commander  
U.S. Army, Corps of Engineers

Enclosures

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER

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401 Certification Program  
Non-Point Source Water Pollution Control Program

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

## NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2011-13, Palmer Creek**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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

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

## **NOTICE TO EDITORS:**

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

## **NOTICE TO POSTMASTERS:**

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

**Project drawings  
are available online at:**

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





For Community Members in:  
Homer + Anchor Point + Kachemak City + Diamond Ridge + East End

***Take the Survey:*** City of Homer Parks and Recreation Website  
(Paper surveys available at City Hall, Library, Community Recreation office in the Homer High School Commons, and Homer Council on the Arts)

***Go to:*** [www.cityofhomer-ak.gov/recreation](http://www.cityofhomer-ak.gov/recreation)

***Save the Date:*** Thursday, November 13<sup>th</sup>  
Community Meeting, Islands and Ocean Visitor Center



## **PARC = Parks, Art, Recreation + Culture Needs Assessment**

Homer + Anchor Point + Kachemak City + Diamond Ridge + East End

**For a long time**, the Homer area has had a rich offering of parks, arts, recreation and cultural amenities. Community parks, indoor and outdoor sports, visual and performing arts, cultural events and festivals are all part of life in Homer. This is part of what makes the area what it is, attracts new friends and family to live here, and keeps us healthy and engaged in community life.

The City and a number of community organizations have overcommitted or inadequate physical facilities, face tight budgets and other limitations to their ability to sustain programing and facilities. **It's time** to get creatively organized – as a community – about how to make the most of what we have, to build on our existing foundation to provide new amenities, or to move existing programs and facilities in new directions.

**A needs assessment is not simply a wish list.** It is a thoughtful look forward over the next 10 to 15 years to understand the big picture of our existing PARC activities and resources, what is missing, and which changes we – as a community – would like to see. Please join in the discussion. Your participation is important!

**Take the online survey:** <http://www.cityofhomer-ak.gov/recreation>

**Not online?** Paper copies will also be available at City Hall, Library, Community Recreation office in the Homer High School Commons, and Homer Council on the Arts

### **The Needs Assessment will also include:**

- **Focus group discussions** with youth, seniors, and differently-abled community members to better understand their particular needs and resources.
- **Telephone survey** to provide an objective, statistically valid picture of the PARC activities, programs and facilities Homer-area residents value. If you are called, please take a few minutes to give your input!
- **A summary report** with public review and comment opportunities. Check back to the website throughout the next few months for more information.

### **Project Timeline:**

- Fall 2014: Gather information, including surveys, community workshop.
- Winter 2014-2015: Produce needs assessment.
- Spring 2015: Release summary report for community review and approval.

**Come to the community workshop:**

*Thursday, November 13, 2014 at the Islands and Ocean Visitor Center.*

**Questions? Contact Julie Engebretsen at 235-3106**