

REGULAR MEETING AGENDA

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Public Comment:** The public may speak to the 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 Sept. 16, 2015 meeting	Page 1
B. Decision and Finding for CUP 15-04 at 5185 Slavin Dr.	Page 6
C. Marley Subdivision Time Extension	Page 10
- 6. Presentations:** Carey Meyer, Public Works Director to discuss Waddell Way improvements
- 7. Reports:** Staff Report PL 15-67 City Planner's Report **Page 11**
- 8. Public Hearings:** Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.
- 9. Plat Consideration:**
- 10. Pending Business:**

A. 2015 Commissioner Attendance at City Council meetings	Page 13
B. Staff Report PL 15-69 Bridge Creek Watershed Protection District	Page 14
- 11. New Business:**

A. Staff Report PL 15-70 Zoning for the Marijuana Industry	Page 18
B. Staff Report PL 15-71 Transportation Recommendations	Page 21
- 12. Informational Materials**

A. City Manager's Report Sept. 28, 2015	Page 27
B. Town Hall Potential Revenue Solutions Pro/Cons	Page 28
- 13. Comments of the Audience:** Members of the audience may address the Commission on any subject. (3 min limit)
- 14. Comments of Staff**
- 15. Comments of the Commission**
- 16. Adjournment:** Next regular meeting is scheduled for October 7, 2015. A work session will be held at 5:30 pm. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

Session 15-14, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Acting Chair Bos at 6:30 p.m. on September 16, 2015 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: STEAD, STROOZAS

STAFF: DEPUTY CITY PLANNER ENGBRETSSEN
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Acting Chair Bos asked for a motion to approve the agenda.

HIGHLAND/BRADLEY SO MOVED.

Commissioner Erickson suggested amending the agenda to move New Business item A after Presentations. After discussion no motion was made to amend.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

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

There was no public comment.

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 August 19, 2015

Acting Chair Bos asked for a motion to approve the consent agenda.

VENUTI/BRADLEY SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

A. Adele Person on Walkability and the Homer Accelerated Road and Trails Program

Adele Person presented to the Commission about Homer Safe Routes. She addressed challenges the city faces with disconnected trails, unpleasant and unsafe places to walk, and the need for transportation options. She also referenced city plans and documents that support a walkable and bike friendly community in Homer; the Comprehensive plan chapters 5 and 7, 2004 Non-Motorized Transportation and Trails Plan (NMTTP), 2005 Transportation Plan, Economic Development Strategy, Climate Action Plan, MAPP Health Needs assessment, PARC needs assessment, and the City Council's Strategic Doing. Ms. Person talked about funds available to work on trails through the HART fund and the need to proposed projects to utilize funds as outlined in Resolution 13-078. Proposed projects from the NMTTP include walking trails at Soundveiw Avenue near West Homer Elementary, W.R. Bell trail, Greatland Street, Main Street, Bartlett Street, West Hill Road, the Town Center area, and Old Town. Steps that have been taken include Safe Route to School Grant, Homer Parks and Trails Symposium, Homer Cycling Club campaign, and trail group efforts. Next steps include HART fund request in October 2015 for priority projects, commit to fulfilling the NMTTP using HART, solicit and empower community groups, DOT rehabilitation of Pioneer Avenue, partnerships like Schoolyard Habitat, SVT's 10,000 steps, and getting out and enjoying the community.

Reports

Deputy City Planner Engebretsen reported there will be a Town Hall meeting for revenue solutions on September 23rd at 5:30 p.m. in the Council Chambers.

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 15-66, CUP 15-04 Slavin Dr. for more than one building on a lot in the Rural Residential District.

Deputy City Planner Engebretsen reviewed the staff report.

Fred Pfiel, applicant, thanked the Commission for their work and said he was available to answer questions.

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

VENUTI/BRADLEY MOVED TO APPROVE STAFF REPORT PL 15-66 AN APPLICATION TO BUILD A THIRD DWELLING UNIT ON THE PROPERTY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Plat Consideration

Pending Business

New Business

A. Staff Report 15-65 2016 Trail Project Recommendations

Deputy City Planner Engebretsen commented to the Commission about trail costs. A lot of trails can be built for \$100,000, but the trick is it takes a lot of staff time to acquire easements, plan, and do the leg work. When building roads, an engineer is hired to do the leg work. Trails don't require engineering the way roads do. She reviewed the staff report in the packet that includes the recommendations from the Parks and Recreation Advisory Commission.

Acting Chair Bos commented in support of completing the sidewalks that end at the schools is a good place to start. Deputy City Planner Engebretsen commented that there have been times when the city has worked with the school district in the past but it can be challenging. It is good when community groups get involved as well to address issues and concerns to the district.

Commissioner Erickson supports striping on the roads, particularly in time for winter driving when it is difficult to see the shoulder and bike lanes. Deputy City Planner Engebretsen explained the process the city uses for striping. There are things done with HART money like the striping on Bunnell when they paved the shoulder. Typically the striping is part of operations. The recommendation can be that we need to do a better job with striping then the City Manager and Council can address where the money comes from and how to better maintain striping.

Deputy City Planner Engebretsen noted Ms. Person's recommendation to work on the walkability loop between West Homer Elementary, Homer Middle School, and Bartlett. There are a lot of other connections that have been built and we could fill in some of the gaps and complete the loop. It's an easier part of town to address.

Commissioner Erickson supports including extending the sidewalk on Soundview in the Commission's recommendation.

Commissioner Bradley added comments of support for the loop around the schools; she feels it's a great opportunity.

HIGHLAND/VENUTI MOVED THAT THEY SUPPORT THE PARKS AND RECREATION ADVISORY COMMISSION IN THE THREE PROJECTS, CALHOUN TRAIL WORK, PEDESTRIAN AND BICYCLE IMPROVEMENT, AND SOUNDVIEW SIDEWALK EXTENSION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Acting Chair Bos commented about a photograph in Ms. Person's presentation that had a newer subdivision with a rolled curb. He suggested painting the rolled curb, as he has seen done in other areas.

Commissioner Venuti added additional crosswalks across the bypass near the Chamber of Commerce, requesting the state to stripe more frequently, and improving the access on the west side of Svedlund near the Senior Center.

Deputy City Planner Engebretsen will prepare a memorandum with their recommendations for their next meeting.

B. 2015 Commissioner Attendance at City Council Meetings

The Commission reviewed the schedule of the remaining City Council meetings. Acting Chair Bos said he would attend on October 12th.

There was discussion that the schedule will be included in their packets and others can sign up.

Informational Materials

- A. City Manager's Report September 14, 2015
- B. KBP Planning Commission-High Tide Replat decision

Comments of the Audience

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

Adele Person thanked the Commission for their time tonight. She noted on page 57 of the NMTTP lists the near term projects for completion and read through some of them. She is excited the group appreciates what's been done and is excited about taking it farther.

Comments of Staff

Deputy City Planner Engebretsen thanked Ms. Person for her presentation. She said the NMTTP is her favorite city plan and is happy to say we have accomplished most, if not all of the policy statements the documents. What we haven't accomplished is as much construction as we would like to, but there

is money in the bank to do some projects. It's a matter of the city having it be a priority and hearing from citizens that they want the improvements.

Deputy City Clerk Jacobsen commented about early voting starting. She also noted that election workers are needed for Election Day, October 6th.

Comments of the Commission

Commissioner Highland commented trails are near to her heart and she is glad Ms. Person and her group is working on that. There has always been the comment, Homer the city connected by trails, is one of the dreams.

Commissioner Bradley thanked Ms. Person for her presentation. It brought up several topics that have been on her mind lately, including the depressed downtown district and pedestrian crossings. We all need to do our part to lead by example and help support safe pedestrian and bicycle crossing. She's impressed with the changes she has seen since she was going to school.

Commissioner Erickson thanked everyone for their work. She is concerned about safety, not only pedestrians and bicyclists, but also for the drivers. Whatever we can do to make it safe along the sides of the roads is where she's at with the striping.

Commissioner Venuti said it was an interesting meeting. Business after hours is at the Pratt Museum and he encouraged people to attend. He also noted Commissioner Stroozas is running for City Council so there may be a seat open on the Commission soon.

Acting Chair Bos thanked Ms. Person for the presentation. He recognized one of the people driving one of the buggies with wheels in the pictures she displayed. She is staying in one of his cabins and navigating Main Street is a nightmare for her and there is nothing else she can do. That street isn't going to get better anytime soon. He thanked everyone for a good meeting.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 7:50 p.m. The next regular meeting is scheduled for October 7, 2015 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

HOMER ADVISORY PLANNING COMMISSION

Approved CUP 15-04 at the Meeting of September 16, 2015

RE: Conditional Use Permit (CUP) 15-04

Address: 5185 Slavin Drive

Legal Description: T 6S R 13W SEC 10 Seward Meridian HM 0000587 SCENIC VIEW SUB TRACT A THAT PORTION COMMENCING AT THE SECTION CORNER COMMON TO SEC 9 & 10 & 15 & 16 TH EAST 132 0.00 FT TH NORTH 416.00 TH WEST 104.00 FT TH NORTH 14.00 FT TO THE POB TH NORTH 432.00 FT TH EAST 104.00 FT TH S 40 DEG 41 MIN 30 SEC E 411.49 FT TH SOUTH 120.00 FT TH WEST 372.28 FT TO THE POB

DECISION

Introduction

Fred Pfeil (the "Applicant") applied to the Homer Advisory Planning Commission (the "Commission") for a conditional use permit under Homer City Code HCC 21.12.030(m) which allows more than one building containing a permitted principle use on a lot in the Rural Residential district.

The applicant proposes building a third dwelling unit on the property. The lot is 2.73 acres and is served by public water and sewer.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on September 16, 2015. Notice of the public hearing was published in the local newspaper and sent to 21 property owners of 19 parcels.

At the September 16, 2015 meeting of the Commission, the Commission voted to approve the request with five Commissioners present. The Commission approved CUP 15-04 with unanimous consent.

Evidence Presented

Deputy City Planner Engebretsen reviewed the staff report and the applicant was available for questions. There was no public testimony.

Findings of Fact

After careful review of the record, the Commission approved Condition Use Permit 15-04 to build a third dwelling unit on the property.

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

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

Finding 1: HCC 21.12.020(a) authorizes single family dwellings. HCC 21.12.030(m) authorizes more than one building containing a permitted principal use on a lot as a conditional use in the Rural Residential District. HCC 21.12.040(a)3 allows for one dwelling unit per 10,000 square feet of lot area when served by city water and sewer.

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

Finding 2: The residential use and proposed new dwelling on a 2.73 acre lot provides low density development that is compatible with the purpose of the district.

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

Finding 3: A third dwelling unit on the property is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

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

Finding 4: The proposed cabin is a similar use to the other single family homes found in the adjacent and surrounding area.

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

Finding 5: Existing public, water, sewer, road maintenance and police and fire services are adequate to serve the additional dwelling.

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

Finding 6: Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

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

Finding 7: The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole when all applicable standards are met as required by city code.

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

Finding 8: The proposal will comply with all applicable regulations and conditions when the permitting process is successfully navigated as provided in the CUP and permitting process.

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

Finding 9: The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan. Building a new dwelling unit meets the goal of increasing residential density in areas served by city water and sewer.

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

Finding 10: Outdoor lighting must be down lit per the provisions of the CDM.

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

- 1. Special yards and spaces:** No specific conditions deemed necessary
- 2. Fences and walls:** No specific conditions deemed necessary
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 4. Street and road dedications and improvements:** No specific conditions deemed necessary.
- 5. Control of points of vehicular ingress and egress:** No specific conditions deemed necessary.
- 6. Special provisions on signs:** No specific conditions deemed necessary.
- 7. Landscaping:** No specific conditions deemed necessary.
- 8. Maintenance of the grounds, building, or structures:** No specific conditions deemed necessary.
- 9. Control of noise, vibration, odors or other similar nuisances:** No specific conditions deemed necessary.
- 10. Limitation of time for certain activities:** No specific conditions deemed necessary.
- 11. A time period within which the proposed use shall be developed:** No specific conditions deemed necessary.
- 12. A limit on total duration of use:** No specific conditions deemed necessary.

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2015-04 is hereby approved, with Findings 1-10.

_____	_____
Date	Acting Chair, Tom Bos

_____	_____
Date	City Planner, Rick Abboud

NOTICE OF APPEAL RIGHTS

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

CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on _____, 2015. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

_____	_____
Date	Dotti Harness-Foster, Planning Technician

Fred Pfeil
PO Box 1625
Homer, AK 99603

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

Katie Koester, City Manager
491 E Pioneer Avenue
Homer, AK 99603

AGENDA ITEM C. CONSENT AGENDA (*This is a portion of the KPB-PC agenda for 11/9/15*)

1. Time Extension Request

- a. Marley Subdivision Time Extension
 KPB File 2007-239; [Imhoff/Marley, Nellis, Smith]
 Location: City of Homer

STAFF REPORT

PC Meeting: 11/09/2015

2007

This plat, which subdivided a 13.5-acre lot into two lots, was conditionally approved by the KPB Plat Committee on September 10, which was valid through September 10, 2008.

2008

The surveyor requested a 2-year time extension on August 07. This request was approved September 08, extending preliminary plat approval to September 08, 2010.

2010

On August 26, the surveyor requested a 2-year time extension. This request was approved September 27, extending preliminary plat approval to September 27, 2012.

2012

On August 27, the surveyor again requested a time extension on behalf of the owners. That request was approved on September 24, extending the preliminary plat approval to September 24, 2013.

2013

The surveyor, on the behalf of the owners, requested another 2-year time extension on September 11 for further planning and marketing of the property. That request was approved October 14, which extended preliminary plat approval to October 14, 2015.

The City of Homer was notified of the requests. No comments were received.

2015

On behalf of the Owners, another 2-year time extension is being requested by the surveyor on September 28, 2015.

Notice of the time extension request was mailed to the City of Homer with a request for comments.

There have been no changes in the area that would affect this plat.

Approval of the requested time extension will extend preliminary approval to 2017, which is 10+ years after the initial preliminary plat approval. **The owner and surveyor are put on notice** that staff may recommend any additional time extension requests revert the subdivision review to the new subdivision code (KPB 20.25, 20.30, and 20.60).

STAFF RECOMMENDATIONS: Extend preliminary plat approval for two years, through November 09, 2017, subject to the following:

1. Copy of plat with a current utility review being submitted with the final plat.
2. Plat must comply with any subsequent changes to Kenai Peninsula Borough Code up to February 11, 2014.

NOTE: An appeal of a decision of the Planning Commission may be filed to the Board of Adjustment in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the borough clerk within 15 days of date of notice of the decision; using the proper forms; and, be accompanied by the \$300 filing and records preparation fee.

END OF STAFF REPORT



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

STAFF REPORT PL 15-67

TO: Homer Advisory Planning Commission
FROM: Rick Abboud
MEETING: October 7, 2015
SUBJECT: City Planner's Report

Towers: On September 28th at the Committee of the Whole, I presented an update on the proposed Tower ordinance. I received support for the concept of hiring a third party for the review of applications with the major benefits of industry expertise and taking much of the process off the plate of the planning office. They also expressed a concern for some other work around for the 1.1 setback requirement in commercial and industrial districts. I plan to have the contract put together some recommendations as part of their agreement to review our ordinance.

Cannabis Advisory Commission: Thanks to Don Stead for reporting to the City Council on the City's planning related issues. The CAS has been reviewing the draft State regulations and will forward the City's recommendations to the State. In conjunction with the CAC, the HAPC will be working to establish buffers around parks and schools, and safety standards to keep cannabis out of the hands of minors.

Lillian Walli: The time for property owners to reply to the Special Assessment District for road and sewer improvements has been extended to mid-October.

All Hazard Mitigation Plan (AHMP): Dotti have been working with Fire Chief Painter, KBBI, Enstar, HEA, SPH and Scott Nelsen with the State of Alaska to update the AHMP. The committee hopes to have a final DRAFT for public review posted on the City's website by November. City Council member Reynolds will encourage public participation that will be followed by a Resolution in January for the adoption of plan. The City's AHMP will be incorporated into the KPB Hazard Mitigation Plan, all of which are required and reviewed by FEMA.

Educational opportunity: On October 20-21st, two FEMA courses: Tsunami Awareness (Oct. 20th) and Coastal Community Resilience (Oct. 21st) will be offered at Islands and Ocean Visitor Center. FEMA CEUs are available. Online registration is available at <https://ndptc.hawaii.edu/training>.

Beach: All discussion of vehicles on the beach has been postponed until January 2016. It is the City Council's intent to bring forward an Ordinance that closes the beach to motorized vehicle traffic from east of the Bishops Beach entrance to the end of the Homer Spit.

City Budget: Draft budget will be presented to the City Council on Oct. 12th. This is certainly the most challenging budget cycle with which I have been involved. Please take note of what is happening and voice any concerns you have as the Planning Commission or citizen. If additional revenue is not identified, some serious cuts in service will need to take place. Over at least the last 5 years, the City's budgets have reduced spending levels while public services were minimally affected from the view point of the public. Now we are in a position where reductions will no longer support the services we provide. The gap is significant.

2015 Homer City Council Meetings
Planning Commissioner Attendance

It is a goal of the Commission to have a member speak regularly to the City Council at council meetings. There is a special place on the council's agenda specifically for this. After the Council approves the consent agenda, there is a spot for visitors, and then agenda item number seven, announcements, reports from Commissions, the Borough, etc. That is when you would jump up and speak. If the mayor moves on to public hearings, you have waited too long! Typically if there is no visitor or special presentation, you would be talking within the first half hour (or less) of the Council meeting. The Regular meeting start time is 6:00 p.m.

Each commissioner is assigned a month and is responsible for attending one of the two council meetings, ***OR finding another commissioner to do it in their place*** if they will not be attending the meeting.

Meeting Date	Commissioner
September 28	Thanks Don!
October 12th	Tom Bos
October 26th	_____
November 9th	_____
November 23rd	_____
December 7 th	_____

Budget related council meetings, check schedule at that time: October, November, December

The regular December meeting is when the Budget is finally approved by City Council.

Any Special Meetings are usually schedule the first Monday of the month.



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Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 15-69

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: October 7, 2015
SUBJECT: BCWPD

Introduction: After working with the last recommendations for the ordinance, I found some difficulty with interpretation and intent within the language.

Analysis: The ordinance forwards two separate concepts that should be clearly noted. The first is that in order to exceed the 4.2% impervious coverage on lots smaller than 2.5 acres, one is required to produce a mitigation plan in accordance with the standards set forth in the amended ordinance. Second, one may get some exclusion from impervious calculation for driveways and walkways.

The version of the ordinance sent to the City Council used the method of calculating a mitigation measure as the amount of exclusion for impervious cover that was acceptable, all without specifically spelling it out. The implied amount of exclusion was 10% of the structure and 30% of the driveway ("walkways may be calculated as 70% impervious and structures as 90% impervious"), as it represents the numbers an engineer would use in calculating the amount of retention necessary for the specified event.

One of the goals of the amendment was to clarify just how much of a driveway or walkway may be excluded without presenting a mitigation plan before the Planning Commission. Currently, one may partially or fully exclude driveways or walkways from the amount of impervious (even without any specific guidelines). My proposed amendment would specify allowance at 50% that could be approved in the Planning Office. Only one proposal since inception of the district, in 2003, has proposed a greater number. Additionally, the last proposal that requested relief worked with the 90% and 70%, which equated to consideration of 60% impervious for the driveway.

I am comfortable with providing 50% relief for walkways and driveways with the installation of retention measures that consider the entire development for a lot. The proposed language spells this out and does not mix the mitigation measures with the formula for impervious mitigation. This way code is consistent in what is considered impervious in other sections of

title 21. If one does find it necessary to request relief beyond the 50% for walkways and driveways, they may make their case before the Commission.

Staff Recommendation: Review proposed amendment and make recommendation. This may then be scheduled for a public hearing.

Attachments:

1. Ordinance

CITY OF HOMER
ORDINANCE 15-xx

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 two and one-half acres and larger shall have a maximum total impervious coverage of 4.2 percent.

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

3. Lots smaller than two and one-half acres may be allowed impervious coverage up to 6.4 percent if (a) the owner submits a lot-specific mitigation plan for **the City Planner's** ~~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 and **shall comply with the following performance standards:**

a. Disturbed areas shall be reseeded by August 31st

b. Storm water retention for the proposed new impervious surface must be provided on site.

1. The post-development stormwater discharge rate shall not exceed the pre-development peak discharge rate (PDR) for the 10-year frequency storm event, consisting of rainfall for a period of three consecutive hours at a rate of one-half inch per hour.

2. Retention may be provided 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.

~~**c. For the purpose of calculating impervious coverage for mitigation plans on lots smaller than two and one-half acres, driveways and walkways may be calculated as 70% impervious and structures as 90% impervious.**~~

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

b. Impervious Coverage Calculations.

1. For the purpose of calculating impervious coverage on lots smaller than two and one-half acres, 50% of driveways and walkways may be ~~partially or fully~~ excluded from the calculation, if constructed and maintained in accordance with a mitigation plan in consideration of the entire impervious coverage proposed, submitted and approved in accordance with subsection (a)(3) of this section.

2. Consideration for any exclusion greater than 50% shall require approval of the Planning Commission.

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

ENACTED BY THE CITY COUNCIL OF 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:

_____, City Manager

Thomas F. Klinkner, City Attorney

Date: _____

Date: _____

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



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Planning

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Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 15-70

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: October 7, 2015
SUBJECT: Zoning for marijuana

Introduction – After getting some general recommendation from the Cannabis Advisory Committee (CAC), we are ready to bring this subject to the Planning Commission. I expect this to spend several meeting with the planning commission before recommending adoption to the City Council. Ideally, we will have regulation in place prior to February when the state is obligated to process applications. They will have ninety days to act on the applications, so licenses should be active in May.

Analysis – The state is working on some buffer requirements for marijuana related businesses from schools and churches. We will not be able to be less restrictive at the local level. Most buffers, as of now, are 500ft. Hopefully, I can provide a laydown at the meeting the will confirm the changes. I was informed that the regulations will be available October 5, give or take a day or two. Regardless, the CAC did make some recommendation that would be in addition to the states requirements. This includes a 1000 foot buffer from schools (to match federal drug free zones) and 200 feet from playgrounds (which are not addressed according to my take of the regulations). With this in mind, we will recommend which activities are appropriate in which districts.

Discussion – Please consider the activities as suggested by the CAC in the tables below. Keep in mind that the activities of any of these ventures are highly regulated. Without going into all the details, the following applies to all activities (Article 7, 3 AAC 306). All activities will require a license and will be subject to the buffer restrictions. All establishments are required to have security systems and video surveillance. All employees need handler permits and the facilities and employees are held to health and safety standards. All facilities will have restricted access areas (under video surveillance) and are required to have a waste disposal plan and insurance. All inventory is required to be tracked. Things more unique to specific operation are discussed below. The attached articles provide draft regulation. Some changes are being made and will be forwarded to the commission when finished. Skimming through the articles will give you an idea of the regulation proposed.

Retail (Article 3) – All retail sites are restricted by the state from operation between the hours of 12am and 8am. No consumption is allowed on-site, or in public as defined by the state. No one under 21 is allowed in the premises. All employees must have a handlers permit. No more than an ounce of useable product will be sold at a time. Restrictions also exist for the quantity of the other various marijuana infused products allowed for purchase. Signage and advertising is restricted. All products have labeling requirement and will be tracked.

Cultivation (Article 4) – Cultivators may only sell or transport product to another licensed facility. A standard facility (over 500 sq. ft., as opposed to a limited one – under 500 sq. ft.) may apply for a marijuana product manufacturing facility and a retail store licenses, which would have to be separated by a secure door. No consumption is allowed within 20 of a building. Any marijuana growing operation shall be conducted within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. The operation cannot be observed by the public outside of the facility and may not emit an odor that is detectable by the public from outside the facility. The facility shall have full video surveillance of the licensed premises including any area where marijuana is grown, processed, packaged, stored or destroyed.

A limited marijuana facility must have less than 500 sq. ft. of cultivation. They are to operate through a broker. The broker will arrange for activities outside the actual cultivation of the product to be accomplished. A limited facility will be able to focus primarily on cultivation and will be subject to all the other conditions of a standard facility found in Article 7.

Manufacturing/processing (Article 5) – These facilities must meet all applicable public health, fire and safety codes. They may not sell product or allow it to be consumed on-site. Standards are set as to the method of extracting and concerning the products they create.

Testing (Article 6) – Testers may not hold any other marijuana industry licenses. They have specific standards for testing and the levels of contaminants allowable. Basically, this is a highly regulated laboratory.

Zoning District Groupings

Residential	Commercial	Industrial	Other
Rural residential	Central business	East End Mixed	Bridge Creek
Urban residential	Town center	General commercial 2	Marine Commercial
Residential office	Gateway		Marine Industrial
	General commercial 1		

Recommended allowance for marijuana related activities

Cultivation

Residential	Commercial	Industrial	other
Small scale only RR* (500ft, or less)	Sm. and Lg. scale – CBD,GC1 TCD(Conditional Use) only	Sm. and Lg. scale <ul style="list-style-type: none"> Primary Use, permitted 	Sm. & Lg. <ul style="list-style-type: none"> Conditional Permit Bridge Creek only

Manufacturing

Residential	Commercial	Industrial	other
Not allowed	CBD (Conditional)	EEMUD (permitted)	Not allowed

Testing

Residential	Commercial	Industrial	other
Not allowed	Allowed	Allowed	Not allowed

Retail

Residential	Commercial	Industrial	other
Not allowed	Allowed	Allowed	Not allowed except Marine Commercial permitted

Staff Recommendation – Have a discussion about the implications of the various activities on the various districts. Recommend any appropriate subject for continued discussion, research, or code amendments. We will bring this back for review with the changing state draft regulations.

Attachments

1. Chapter 306. Draft Regulation of Marijuana Industry. Supplemental packet



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

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

Staff Report PL 15-71

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: October 6, 2015
SUBJECT: Transportation Recommendations

Introduction

At the last meeting, the Commission discussed some recommendations to improve pedestrian, cyclist and vehicle transportation. From your comments, staff has compiled a list of recommendations to the City Council.

1. Better or more frequent striping of lanes on City roads. It can be really difficult on dark unlit streets to see the edge of the road or bike lanes.
2. Request the state stripe more frequently, and add additional crosswalks near the Chamber of Commerce.
3. Recommend the school district extend the sidewalk at Homer Middle School from the highway all the way to the main entrance of the building. The sidewalk currently ends and children walk in the parking lot driveway to reach the entrance area.
4. Support the Same as Parks and Recreation Advisory Commission budget recommendation: Extend the sidewalk on Soundview Avenue, between Mullikan and the end of the existing sidewalk to the west, Calhoun Trail south end rehabilitation, and pedestrian and cyclist signage and striping improvements.
5. Improve the west side of Svedlund near the Senior Center to construct a sidewalk.
6. Consider painting rolled curbs, such as along the Soundview sidewalk, to increase visibility of where the traffic lane ends and the sidewalk begins. This is a solution used in other cold climate areas.
7. Make road shoulders safer by mowing, fixing potholes, or otherwise leveling the shoulder when possible. In the absence of sidewalks, these are low cost methods that could increase safety.

Staff Recommendation: Commission add any new recommendations, and forward to the list to the City Council.

Attachments

Minutes excerpt of September 16, 2015

Parks and Recreation 2016 Budget Recommendations

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Plat Consideration

Pending Business

New Business

A. Staff Report 15-65 2016 Trail Project Recommendations

Deputy City Planner Engebretsen commented to the Commission about trail costs. A lot of trails can be built for \$100,000, but the trick is it takes a lot of staff time to acquire easements, plan, and do the leg work. When building roads, an engineer is hired to do the leg work. Trails don't require engineering the way roads do. She reviewed the staff report in the packet that includes the recommendations from the Parks and Recreation Advisory Commission.

Acting Chair Bos commented in support of completing the sidewalks that end at the schools is a good place to start. Deputy City Planner Engebretsen commented that there have been times when the city has worked with the school district in the past but it can be challenging. It is good when community groups get involved as well to address issues and concerns to the district.

Commissioner Erickson supports striping on the roads, particularly in time for winter driving when it is difficult to see the shoulder and bike lanes. Deputy City Planner Engebretsen explained the process the city uses for striping. There are things done with HART money like the striping on Bunnell when they paved the shoulder. Typically the striping is part of operations. The recommendation can be that we need to do a better job with striping then the City Manager and Council can address where the money comes from and how to better maintain striping.

Deputy City Planner Engebretsen noted Ms. Person's recommendation to work on the walkability loop between West Homer Elementary, Homer Middle School, and Bartlett. There are a lot of other connections that have been built and we could fill in some of the gaps and complete the loop. It's an easier part of town to address.

Commissioner Erickson supports including extending the sidewalk on Soundview in the Commission's recommendation.

Commissioner Bradley added comments of support for the loop around the schools; she feels it's a great opportunity.

HIGHLAND/VENUTI MOVED THAT THEY SUPPORT THE PARKS AND RECREATION ADVISORY COMMISSION IN THE THREE PROJECTS, CALHOUN TRAIL WORK, PEDESTRIAN AND BICYCLE IMPROVEMENT, AND SOUNDVIEW SIDEWALK EXTENSION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Acting Chair Bos commented about a photograph in Ms. Person's presentation that had a newer subdivision with a rolled curb. He suggested painting the rolled curb, as he has seen done in other areas.

Commissioner Venuti added additional crosswalks across the bypass near the Chamber of Commerce, requesting the state to stripe more frequently, and improving the access on the west side of Svedlund near the Senior Center.

Deputy City Planner Engebretsen will prepare a memorandum with their recommendations for their next meeting.

B. 2015 Commissioner Attendance at City Council Meetings

The Commission reviewed the schedule of the remaining City Council meetings. Acting Chair Bos said he would attend on October 12th.

There was discussion that the schedule will be included in their packets and others can sign up.

Informational Materials

- A. City Manager's Report September 14, 2015
- B. KBP Planning Commission-High Tide Replat decision

Comments of the Audience

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

Adele Person thanked the Commission for their time tonight. She noted on page 57 of the NMTTP lists the near term projects for completion and read through some of them. She is excited the group appreciates what's been done and is excited about taking it farther.

Comments of Staff

Deputy City Planner Engebretsen thanked Ms. Person for her presentation. She said the NMTTP is her favorite city plan and is happy to say we have accomplished most, if not all of the policy statements the documents. What we haven't accomplished is as much construction as we would like to, but there

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2016**

Requesting Department Parks and Recreation Advisory Commission Date 8/20/2015

Level of Need: Urgent ☐ Essential ☒ Necessary ☐ Desirable ☐

Request for Additional Personnel:

Position Title _____

Salary Range & Step _____

Full-time ☐ _____

Part-time ☐ Hours Per Year _____

Request Other Than Personnel:

Description Soundview Sidewalk Extension

Fund Name: HART Roads

Account Name: HART Roads

Account # 160.766

Estimated Cost: \$75,000

(FINANCE DEPT WILL COMPLETE)

5101 Permanent Employees _____

5102 Fringe Benefits _____

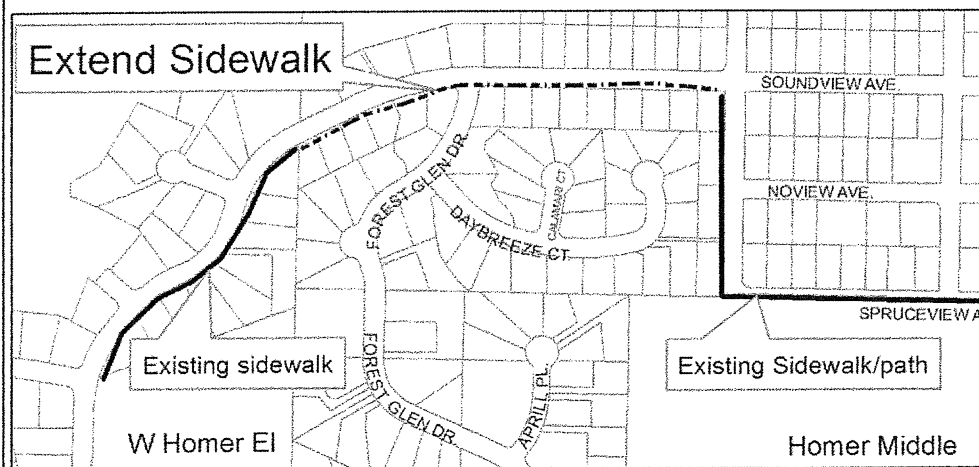
5103 P/T Employees _____

5104 Fringe Benefits P/T _____

5105 Overtime _____

Total Personnel Cost _____

Justification: Extend existing sidewalk on Soundview Ave east, to Mullikin St. Provides pedestrain connection from just short of West Homer EI, east to Bartlett.



Requestor's Name: P&R Advisory Commission

Department Head Approval: _____

City Manager Recommendation: _____ Date _____

Approved _____

Denied _____

Comments _____

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2016**

Requesting Department Parks and Recreation Advisory Commission Date _____

Level of Need: Urgent ☐ Essential ☐ Necessary ☐ Desirable ☒

Request for Additional Personnel:

Position Title _____

Salary Range & Step _____

Full-time ☐ _____

Part-time ☐ Hours Per Year _____

Request Other Than Personnel:

Description Calhoun Trail work

Fund Name: HART Trails

Account Name: HART Trails

Account # 165.375

Estimated Cost: \$5,000

(FINANCE DEPT WILL COMPLETE)

5101 Permanent Employees _____

5102 Fringe Benefits _____

5103 P/T Employees _____

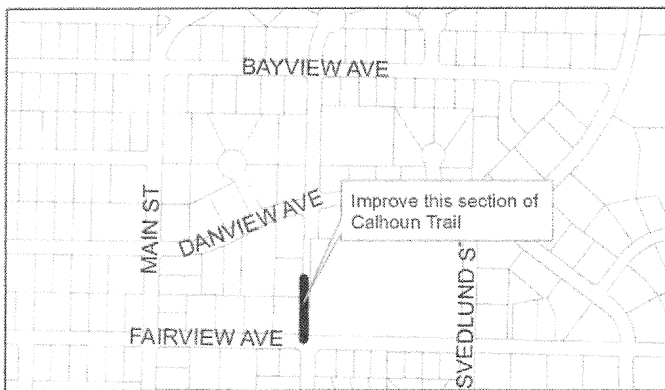
5104 Fringe Benefits P/T _____

5105 Overtime _____

Total Personnel Cost _____

Justification:

The lower portion of Calhoun Trail, north of Fairview and adjacent to the Coast Guard Housing, is steep and needs some reworking.



Requestor's Name: P&R Advisory Commission

Department Head Approval: _____

City Manager Recommendation: _____ Date _____

Approved _____

Denied _____

Comments _____

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2016**

Requesting Department Parks and Recreation Advisory Commission Date 8/20/2015

Level of Need: Urgent ☐ Essential ☐ Necessary ☐ Desirable ☒

Request for Additional Personnel:

Position Title _____

Salary Range & Step _____

Full-time ☐ _____

Part-time ☐ Hours Per Year _____

Request Other Than Personnel:

Description Pedestrian and Bicycle Improvement

Fund Name: HART Roads

Account Name: 160.766

Account # 160.766

Estimated Cost: \$5,000

(FINANCE DEPT WILL COMPLETE)

5101 Permanent Employees _____

5102 Fringe Benefits _____

5103 P/T Employees _____

5104 Fringe Benefits P/T _____

5105 Overtime _____

Total Personnel Cost _____

Justification:

Funding for narrow lane striping on Heath Street, improved striping and signage on Soundview near West Homer Elementary School, crosswalk at Soundview and Mullikin. Other signage and striping as budget allows.

Requestor's Name: P&R Advisory Commission

Department Head Approval: _____

City Manager Recommendation: _____ Date _____

Approved _____

Denied _____

Comments _____



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

City Manager's Report

TO: Honorable Mayor Wythe and Homer City Council

FROM: Katie Koester, City Manager

DATE: September 23, 2015

SUBJECT: City Manager's Report

Changes to Council Packets

After attending the Borough Assembly meeting that was held in Homer, Councilmember Reynolds recommended instituting a cover sheet similar to the one the Borough uses for to help the public better understand the meeting process and when to comment. Mayor Wythe and I talked about developing some short titles for Resolutions and Ordinances that could help the public follow what item the Council is referring to beyond the resolution and ordinance number. City Clerk Johnson and I are working on these updates to improve the public's ability to follow and contribute to Council proceedings and plan to implement in October. Please let us know if there are other recommendations you feel would be helpful.

Winter Road Maintenance Privatization Considerations

At the request of Councilmember Lewis, Superintendent Gardner drafted the attached memo outlining the consequences of privatizing winter road maintenance. In summary, city of Homer equipment operators do much more than plow and sand streets. When not plowing roads and sanding streets there is a long list of necessary maintenance activities the equipment operators perform that range from utility locates to ditch clearing. If winter road maintenance were privatized, these activities would still have to occur. Having the flexibility to respond to winter road conditions with the same employees that perform many other maintenance helps ensure that the City gets the most out of these talented employees.

ENC:

Front page of Kenai Peninsula Borough Assembly Packet September 15, 2015

Memo from Public Works Superintendent Gardener, Re: Winter Road Maintenance
Privatization Considerations

Memorandum 15-162 from City Attorney, Re: Runoff Election and Expiration of Council
Member Terms

Property Tax Pro (Mil \$1 Per \$1,000)	Property Tax Con (Mil \$1 Per \$1,000)
SRS \$150,000 exemption if Mil = 6 then 0 sales tax generates \$660,000.	Raising Mil rate pushes growth outside city limits Senior exemptions - discounting more 5,000 property owners in city 12,000 in area unfair burden on city parcel owners Taking money out of disposable income Natural gas assessment - recent large budget strain for property owners What about 1/2 Mil or 0.75 Mil?
Sales Tax Pro (0.5% Year Round)	Sales Tax Con (0.5% Year Round)
Outside residents participate State may leave this to cities Harbor sales tax might be a good addition revenue source Visitors contribute Ability to write off	People may choose to buy things elsewhere Cost of election \$6,000 Burden on business Unfair for residents - cannot avoid sales tax on utilities Year round burden Regressive Eliminate sales tax cap make tax 4% for entire purchase
Seasonal Sales Tax Pro (1% x 6 Mon. Summer & Shoulder)	Seasonal Sales Tax Con (1% x 6 Mon. Summer & Shoulder)
Captures \$ from visitors Better than yearly More equitable Visitors have \$ Winter when need \$ have it	In effect acts like a bed tax Regressive
Repeal Future HART Pro (Suspend 3-5 Years)	Repeal Future HART (Suspend 3-5 Years)
Not new / redirection 27 years 7M here (low yield) / 560K Trails Could be reduced Could have a special election (4-6 weeks)	Roads is critical infrastructure Used as matching funds to contribute small portion to leverage large grant S.A.D Program Trails are needed Having savings positions city for unpredicted road needs Consider short term suspension - or reduce it
No New Revenue Pros	No New Revenue Cons
None	Layoffs Loss of services Makes community less desirable Derated Fire Dept. - property insurance rates Fine to State P.E.R.S. for eliminating an entire Dept. Harder to attract tourists (camping, park, library, etc.) Loss of leverage (example child advocacy @ Haven House)