

## 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 October 21, 2015 meeting **Page 1**
  - B. Decisions and findings: CUP 15-05 KHLT **Page 13**
- 6. Presentations**
- 7. Reports** Staff Report PL 15-74 City Planner's Report **Page 18**
- 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 15- 75 Zoning for Marijuana **Page 19**
- 9. Plat Consideration**
  - A. Staff Report PL 15- 76 Waddell Park 2016 Replat Preliminary Plat **Page 48**
- 10. Pending Business**
- 11. New Business**
  - A. 2016 Planning Commission meeting schedule **Page 59**
- 12. Informational Materials**
  - A. City Manager's Report October 26, 2015 **Page 64**
  - B. 2015 Commissioner Attendance at City Council meetings **Page 66**
- 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 December 2, 2015. A work session maybe 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 15-16, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on October 21, 2015 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 ABBOUD  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BRADLEY 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).

### **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 October 7, 2015
- B. Time Extension: Misty Mountain Preliminary Plat

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

BOS/HIGHLAND SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Presentations**

## Reports

### A. Staff Report PL 15-72, City Planner's Report

City Planner Abboud reviewed his staff report.

## Public Hearings

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

### A. Staff Report PL 15-68, CUP 15-05 Conditional Use Permit at 315 Klondike Avenue to increase the building setback in the Town Center District

City Planner Abboud reviewed the staff report.

Sam Means, Kachemak Heritage Land Trust Board President and Mandy Bernard, Kachemak Heritage Land Trust Conservation Director addressed the commission.

Mr. Means commented that he worked with Kachemak Heritage Land Trust (KHLT) staff to prepare the application to help relieve some of the staff's workload.

Ms. Bernard commented that the information in the packet explains what they are hoping to do. She summarized the history of the property and the means by which KHLT came to own the land in 2002. They are currently using the original cabin as the KHLT office location. KHLT has worked with the Rivers, Trails, and Conservation Assistance Program (RTCA), a program under the National Park Service that helps their partners give their community something to last a lifetime. RTCA assists with strategic planning, project visioning, and things of that sort. They have been assisting KHLT with planning for a future public park, including an expanded office on the property. She reviewed some of the future improvements and things currently happening on the property. Ms. Bernard explained that KHLT is a growing non-profit organization and in the past 6 years has gone from one full time and three part time employees to four full time and one to two part time employees. The building proposed in the application will serve as interim office space for two staff members until a permanent office space can be built. There is an existing outbuilding on the property that will be torn down and the proposed structure will be put in its place. This is a small part of the bigger effort that they are working toward.

Chair Stead opened the public hearing.

Bob Shavelson, Executive Director of Cook Inletkeeper, commented that KHLT adds a lot to the community and appreciates their work with land owners to heighten the value of property in the area. He supports their project.

There were no further comments and the hearing was closed.

In response to questions from the Commission, Ms. Bernard reiterated they are seeing this building as a temporary space. She explained part of the work of RTCA is focusing on the public park but also

acknowledging they intend to continue the KHLT office space there. There are architects who are helping them think through building to accommodate future needs. This proposed structure will be built on pilings and depending on future needs it could be sold or repurposed for another use. A new building for permanent office space wouldn't be built for another 5 to 10 years.

Mr. Means also responded to questions. He explained that he had a pre-application meeting with the Fire Marshall who walked him through the application. He found out today that they are just starting their formal review and doesn't anticipate any hitches. He further explained that the building will be handicap accessible and there isn't an issue with not having a toilet in the building.

City Planner Abboud confirmed KHLT is planning to place a 20' x 12' structure on the property. Mr. Means concurred that is correct.

Ms. Bernard reviewed some of the trail work and other improvements they are considering in their work with the RTCA.

Mr. Means confirmed they will be using a licensed electrical contractor, and will only work with licensed contractors as per their company policy.

VENUTI/HIGHLAND MOVED TO APPROVE STAFF REPORT PL 15-68 AND CUP 15-05 AT 315 KLONDIKE AVENUE TO INCREASE THE BUILDING SETBACK IN THE TOWN CENTER DISTRICT WITH FINDINGS 1 THROUGH 10 AND CONDITIONS 1 THROUGH 5.

Commissioner Highland acknowledged the Commissioners received Frank Griswold's comments and it looks like those things have been addressed by Mr. Abboud's response. She noted he had some interesting comments.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 15-73 Amending the Bridge Creek Watershed Protection District standards for impervious coverage

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing.

Bob Shavelson appreciates the additional consideration of this issue. He commented about the importance of maintaining the most valuable resource of the city's drinking water, particularly as we grow. He commends the planning staff for trying to add some specificity on what mitigation components look like. He still has questions about why there was a selection of a 10 year rain event for three hours and would like to understand the rationale for it. He thinks there is uncertainty about topography and sheet fall, he doesn't know what that means in the context of individual parcels or in the context of the larger watershed. When looking at the watershed he would erase the property lines because nature doesn't recognize them. He recommends making sure the mitigation plans are engineered and we understand if there is going to be

retention basins, catchment walls, or whatever is going to be used to ensure they will meet the capacity that is needed. He also recommends including a provision for a periodic review by the Planning Commission of the development in that area and make findings on the percent of impervious cover in the watershed so we can have this discussion regularly. He also asked that commissioners who own property in the watershed announce it and talk about possible recusal because he thinks there is a self-interest component there.

Joel Cooper, resident in the Bridge Creek Watershed Protection District, echoes Mr. Shavelson's comments and reiterated the need for engineering of the means for mitigating storm water runoff. He expressed his continued concern for the concentrated area of the Kelly Ranch Estates and the large area of imperviousness, even if the rest of the watershed isn't developed, it becomes the conduit for all the pollutants that could run into the drinking water system. He agrees they need to be diligent in checking to see what's going on in the area. He also questioned if someone from the Planning staff actually goes out and reviews the work during the process. He appreciates the efforts that are being put forward here. The watershed ordinance is a living document and we want to keep revisiting it and keep doing what we can to protect our drinking water source.

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

City Planner Abboud said he doesn't think it's reasonable to expect property owners to build catchment basins the size needed for a 100 year storm. He explained that the 10 year three hour event is the same one used throughout the city where the requirement is necessary. One of the reasons is that there is data on that event. It is measurable and will slow things down and allow runoff to percolate through the soil, and formulas can be created to plan for mitigating runoff. Mr. Abboud added that planning staff spends a lot more time inspecting mitigation plans throughout the development process in Bridge Creek than anywhere else. He thinks the Commission, and others, are trying to get a plan that will enhance the ability to retain runoff on a property without necessarily having to go to an engineer for it. The idea was to get a developer responsible for it. City Planner Abboud said if he has questions on a mitigation plan he will run it by the City Engineer for input on whether the plan will work and for help in inspecting them.

Question was raised whether the ordinance should specify that the City Engineer be involved in the plans. City Planner Abboud doesn't recommend doing that. He will consult with the City Engineer, but it isn't the City Engineers job to make the mitigation plan for a property. He referenced the last plan the Commission reviewed where the Commission acknowledged the driveway was impeding the flow and came up with the idea that the property owner needed to work to have catchment on both sides of the driveway.

Commissioner Erickson reiterated her suggestion from previous discussions that the City needs to buy pieces of property that are coming available to help alleviate the development of property up there. She questioned if the City is actively pursuing it. She also noted in doing this ordinance it will allow the Planning Department to deal with most of the property owners before it makes it to the Commission and anything more than what's in code will have to come before the Commission for further consideration. She questioned how many 2.5 acre lots in the Kelly Ranch Estates.

City Planner Abboud said the City has purchased foreclosure property in the watershed that was affordable. There has been other market rate property that there isn't a budget to purchase. With the current budget constraints he doesn't see the City being in a place to purchase property right now. He thinks there is up to 90 lots in the subdivision, but they aren't all developable. There is quite a large area they wouldn't expect to develop.

Commissioner Stroozas commented that after approximately 18 months of discussion, he thinks they have struck a reasonable balance on this. The whole idea was to enable small lot owners the ability to utilize more of their property without negative effect to the watershed. He thinks this document does that. In response to Mr. Shavelson's comment about property owners in the district, Mr. Stroozas clarified that he has made it known that he lives in the area. He noted that if he got an engineered study, as his neighbor did, his lot would very likely be excluded from the district because of where it sits on the corner of Skyline and Don's Drive. His neighbor to the west of Skyline and Don's Drive was excluded by an engineer's study. He was the first to file a mitigation plan in 2007 and at that time driveways were considered 100% impervious. He thinks they have made great strides here. He is built out anyway, but if the Commission feels he should recuse himself from further conversation, they will need to make that determination.

Commissioner Highland noted she has always been uncomfortable with the fact there are at least 80 lots of 2.5 acres. She has been uncomfortable where we are going because we are guessing. She agrees with something in the ordinance about public works personnel or somehow that we check on these properties and mitigation plans because it is our water source. When talking about staffing issues it worries her more because it almost seems it would be worth looking at having engineered reports if staff doesn't have the time.

City Planner Abboud commented about the liability and cost to having the City Engineer develop plans for property owners. He explained they do go up there several times throughout development in that area to monitor what is going on. The weak link is the long range of the development as these may require maintenance that property owners are responsible for. He thinks it will be important to keep reviewing this every five years is important. He doesn't think this is anymore detrimental that what we have in place now. He thinks the best thing is to leave this for now, and have greater protection the closer you get to the water and creek itself and have a community thought system. He thinks some of the biggest runoff in that area is from the roads, and who is mitigating that? We can put these additional things like monitoring and future review of the area and ordinance on their worklist to talk about.

Commissioner Highland raised the question about whether they need to address Mr. Stroozas participating in the discussions.

Deputy City Clerk Jacobsen reminded the Commission that they addressed Mr. Stroozas interest months ago when they began discussion. City Planner Abboud added that Mr. Stroozas is one of many in the area and this is not exclusive to his benefit.

Commissioner Erickson recalled they addressed it in the beginning and she felt the input of someone who has lived within the confines of the law would be an important part of their discussion. She personally has appreciated it. She also suggested on line 51 of the draft ordinance adding or an engineer's plan whichever is appropriate to the situation. It would give planning staff the flexibility to do what needs to be done.

City Planner Abboud responded that someone coming up with more than 50% either has a very unique piece of property or may be asking for a huge driveway. He doesn't want to say that someone can engineer their way out of something that might be considered excess. He thinks it should be something the Commission should consider.

Commissioner Bos said we've talked about this for a long time. He thinks they have addressed how minimally this is changing what was originally in the ordinance. He shares the concern with protecting the water and we have discussed things the City could have done to have made things better out there. For the amount of impact in the area and that the planning staff can give a person a number to target, we need to leave it to them to work with.

Commissioner Stroozas noted the objective was to save the applicant's time and provide clear and consistent expectations when developing in the watershed. We have to ask ourselves if the change in the ordinance achieves those objectives.

Chair Stead commented that was the reason the Commission reviewed this, but it is always their goal to keep the water clean.

Commissioner Erickson said ultimately for her, it needs to go back to where its one big piece of land. There has to be a way for people to work together to buy pieces of property, through the land trust or some way. It takes a lot of the risk out.

BRADLEY/BOS MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING HCC 21.40.070 REQUIREMENTS, REGARDING STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT AND FORWARD IT TO CITY COUNCIL FOR PUBLIC HEARING AND ADOPTION.

Commissioner Bradley commented about something brought up last meeting that could relate to zoning for marijuana. They had talked about chemicals and output related to cultivating in the district and how it could impact the runoff to the water source.

Commissioner Venuti commented that he still doesn't see the science to justify this change.

Commissioner Highland commented this started because a realtor came in and wanted them to lessen the requirements for development. On one side she feels they need stronger regulations to protect the water source, but they sent it to council, who sent it back. She questioned what happens if they decide they don't want to make any changes.

City Planner Abboud explained the Commission can make a recommendation, but regardless it will go back to City Council at their next meeting. He can't predict what will happen there. He thinks this is clearer and changes anything other than making it easier for someone to get a permit. After being asked how many permits have been issued in the last three years, Mr. Abboud said there have only been a dozen since the district was initiated, so one or two a year.

Discussion ensued regarding cultivation and it was noted that this action relates to the draft ordinance on impervious coverage standards and cultivation can come up as another agenda item.

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

Motion carried.



Chair Stead called for a recess at 7:56 p.m. and the meeting re-convened at 7:59 p.m.

## **Plat Consideration**

### **Pending Business**

#### A. Staff Report PL 15-74, Zoning for Marijuana

City Planner Abboud reviewed the staff report.

Commissioner Erickson feels that the 200 foot buffer around the parks should be increased at Jack Gist Park and at Hornaday Park. There are narrow roads and people walking around. She expressed her concern about drug use and parties. There are already problems in both parks and she suggested they be considered drug free zones.

Commissioner Bos expressed his concern with allowing any of the activity in rural residential. He thinks it would be detrimental to the value of neighboring properties. He recognizes it's just a building and a business, but suggested they consider lot size in the rural residential areas.

Commissioner Venuti commented he doesn't think legal pot in Homer is going to suddenly increase the number of users. People are already using it now and anyone can get it as it is right now. He thinks there is a bigger danger of drinking and driving in our community.

Commissioner Highland asked what this might look like. City Planner Abboud reviewed some of the regulations and restrictions involved in having business related to marijuana including lighting, video monitoring, security measures, disposal plans, etc. He anticipates minimal traffic from the activities in rural residential areas. On larger lots, a small scale cultivation operation probably won't be noticeable.

Concern was raised throughout the discussion regarding limiting the number of operations that can be licensed within the city. City Planner Abboud commented they could address it but it will probably be a requirement in a different section of code. They also talked briefly about taxation and how much interest they have heard at the CAC about people wanting to start businesses.

ERICKSON/HIGHLAND MOVED THAT CULTIVATION, MANUFACTURING AND TESTING ARE ONLY ALLOWED IN INDUSTRIAL ZONES AND MANUFACTURING WOULD HAVE TO HAVE A CONDITIONAL USE PERMIT.

City Planner Abboud clarified that the industrial zones are East End Mixed Use or General Commercial 2 and not in commercial districts like CBD, Town Center, GC1, or residential the gateway district or Bridge Creek.

There were opposing comments that the motion is overly restrictive and different activities should be allowed in the other districts. The legislation is clear and restrictive enough on how these activities can occur.

Supporting comments included we don't have to be like Palmer and ban it completely, but it is an intoxicating substance and it would be better starting with tighter restrictions that can be reviewed and relaxed if needed as time goes on. It would be better than starting with looser restrictions and have to deal with nonconforming uses if they need to tighten things up.

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

Motion failed.

The Commission considered the options presented for rural residential limited cultivation standards:

**Option A:** No small scale growing allowed, only personal use as allowed under the law.

**Option B:** Conditional Use Permit Standards

- Activity would be allowed outright on 40,000 sq ft lots
- Minimum lot size is 20,000 sq ft, and a CUP required on lots 20,000 sq ft -39,999 sq ft
- New structures built for cultivation should be at least 20 feet from the nearest lot line. The goal would be separation between the grow and neighboring property. Grows may include exterior lighting, security cameras and occasional smell – theoretically there won't be any odor.

Comments included

- 40,000 sq ft lot eliminates a lot of in town lots, maybe it should be larger, but this is a good start
- A limited amount of cultivation operations allowed in rural residential, not four in the city

VENUTI/STROOZAS MOVED THAT WE ADOPT OPTION B FOR RURAL RESIDENTIAL.

City Planner Abboud commented that he isn't sure of the best way to address permits for an existing structure. It might insinuate that an existing structure would be allowed to be closer than 20 feet. It is something they will need to talk about.

After brief discussion City Planner Abboud suggested it may be best to deal with existing structures through the CUP process.

It was suggested that increasing the 40,000 sq ft would offer more of a buffer from neighbors. Point was raised that an acre is a lot of room and it will ultimately depend on placement of the grow structure.

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

Motion carried.

ERICKSON/BOS MOVED THAT THE PARKS BUFFER BE THE SAME AS A SCHOOL, SPECIFICALLY AT JACK GIST AND HORNADAY PARK OF 1000 FEET.

It was expressed that this is overly restrictive and a majority of the people who use Jack Gist are adults who play on the ball fields and Frisbee Park. Hornaday has the playground, but also a nice campground. If the goal is to limit the number of intoxicated people at the facilities, limiting the buffer zone doesn't do that.

City Planner Abboud noted that Hornaday Park is in residential office, and you can't do anything there anyway.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
OCTOBER 21, 2015

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

Motion failed.

VENUTI/HIGHLAND MOVED TO ONLY ALLOW CULTIVATION IN THE COMMERCIAL AREAS WITH A CONDITIONAL USE PERMIT.

Chair Stead clarified that includes central business district, GC1 and town center district.

Question was raised why they would allow growing in the middle of town square. It has been suggested in the past that area would be more for stores, parks, entertainment and the arts, things like that. It can be hard to deny a CUP if it fits all the criteria.

BOS/HIGHLAND MOVED TO AMEND AND REMOVE THE TOWN CENTER DISTRICT.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT  
Motion carried.

BOS/VENUTI MOVED TO LEAVE THE INDUSTRIAL AS IS ON THE CHART (Small and large scale primary permitted use) AND TAKE LARGE CULTIVATION OUT OF THE BRIDGE CREEK AREA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

BOS/BRADLEY MOVED THAT MANUFACTURING BE ALLOWED BY CUP IN GC1, BY CUP IN GC2, AND PERMITTED IN EAST END MIXED USE.

Comment was raised that east end mixed use includes residential.

HIGHLAND/BOS MOVED TO AMEND TO INCLUDE A CUP FOR MANUFACTURING IN EAST END MIXED USE.

It was noted for clarification that with the amendment all allowed manufacturing will be in commercial and industrial and will be subject to a CUP.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

HIGHLAND/BRADLEY MOVED THAT TESTING BE ALLOWED AS THE CHART SHOWS.

Chair Stead clarified that with this motion testing would be allowed in commercial and industrial as an allowed activity.

BOS/ERICKSON MOVED TO AMEND THE MOTION TO INCLUDE THE SAME VALUES THAT THE MANUFACTURING HAS. GC1 IN COMMERCIAL, AND EAST END MIXED USE AND GC2 IN INDUSTRIAL ALL AS CUP.

It was clarified that the manufacturing and testing are completely separate operations, and also that testing could be done on product that comes in from all over the state. Point was raised that local cultivators could also send it out of town for testing and that it could be onerous to have a CUP.

It was suggested this is a good place to start, and they will have the opportunity to add CBD later if it seems reasonable.

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

Motion failed.

Commissioner Erickson feels there are people who will be very offended by these activities.

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

Motion carried.

HIGHLAND/STROOZAS MOVED TO ALLOW RETAIL IN COMMERCIAL AND INDUSTRIAL WITH A CUP.

There was brief discussion.

HIGHLAND/BOS MOVED TO EXTEND THE MEETING ADJOURNMENT 15 MINUTES UNTIL 9:45 P.M.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

BOS/HIGHLAND MOVED TO AMEND TO INCLUDE MARINE COMMERCIAL AS CUP.

There was brief discussion recognizing that it will be important to get public input for these activities. It was noted that they recommended testing be allowed outright with the understanding that it will be a laboratory environment.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT

There was no further discussion on the main motion as amended.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

City Planner Abboud expressed his frustration with having to take these recommendations to the Cannabis Advisory Commission.

Commissioner Bos reiterated that this is a good place to start and there may be some changes here and there after they get public testimony.

### **New Business**

### **Informational Materials**

- A. City Manager's Report October 12, 2015
- B. 2015 Commissioner Attendance at City Council Meetings

Commissioner Bradley confirmed she will plan to report at the November 23<sup>rd</sup> City Council meeting instead of November 9<sup>th</sup>.

### **Comments of the Audience**

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

### **Comments of Staff**

City Planner Abboud thanked them for their work on the marijuana zoning. There is a diverse group of views and it will help to get more public members providing feedback on this.

### **Comments of the Commission**

Commissioner Stroozas echoed that this is a good place to start. They did good work.

Commissioner Venuti said it was a good meeting. He commented that the Borough provided iPads to the Borough Planning Commissioners. He thinks it would be a good idea for the City to follow suit as it will save time and money in preparing and producing meeting packets. He recognized that some aren't computer savvy and could still receive a paper packet.

Commissioner Bos said it was a good meeting and it is nice that they can talk amongst each other at the meeting on these topics. He knows they don't have it all right, but it will get figured out. He will be absent until mid-December.

Commissioner Erickson said it's been an awful week and wished everyone a great week.

Commissioner Bradley said it was a great meeting and thanked everyone.

Commissioner Highland had no comment.

Chair Stead agreed it was a good meeting. He appreciates their comments and concerns. They are coming to an abrupt cliff and at some point will have to step off and see what happens. He thinks they made some good steps tonight toward getting there.

### **Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 9:42 p.m. The next regular meeting is scheduled for October 21, 2015 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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



## City of Homer

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

### Planning

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### HOMER ADVISORY PLANNING COMMISSION

#### Approved CUP 15-05 at the Meeting of October 21, 2015

**RE:** Conditional Use Permit (CUP) 15-05  
**Address:** 315 Klondike Avenue

**Legal Description:** T 6S R 13W SEC 20 Seward Meridian HM 0910041 NILS O SVEDLUND SUB NO 10  
LOT 16 A-1

### DECISION

#### Introduction

The Kachemak Heritage Land Trust (the “Applicants”) applied to the Homer Advisory Planning Commission (the “Commission”) for a conditional use permit per Homer City Code HCC 21.20.040(b)(4) to increase the setback from the right of way in the Town Center District.

The applicant proposes to build a 240 square foot office building near an existing office structure. The new structure will be approximately 116 feet from the Poopdeck right-of-way. In addition, the parking area will be improved and expanded.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on October 21, 2015. Notice of the public hearing was published in the local newspaper and sent to 34 property owners of 43 parcels.

At the October 21, 2015 meeting of the Commission, the Commission voted to approve the request with seven Commissioners present. The Commission approved CUP 15-05 with all seven Commissioners voted to approve CUP 15-05.

#### Evidence Presented

City Planner Abboud reviewed the staff report. Sam Means, Kachemak Heritage Land Trust (KHLT) Board President and Mandy Bernard, KHLT’s Conservation Director addressed the commission and were available for questions.

Bob Shavelson, Executive Director of Cook Inletkeeper commented in support of the project.

Frank Griswold, who resides at 519 Klondike Avenue, submitted written testimony by email on Oct. 19, 2015. The email was provided as a laydown for Commissioners. The Commissioners acknowledged the email and felt that the issues were addressed in the memorandum presented as a laydown by Rick Abboud, the City Planner.

No other testimony was received.

**Findings of Fact**

After careful review of the record, the Commission approves Condition Use Permit 15-05 to build a 240 square foot office at 315 Klondike Avenue.

**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 21.20.020(c) authorizes offices as a permitted use, HCC 21.20.020(z) authorizes more than one building containing a permitted principle use on a lot, and HCC 21.20.040(b)(4) authorizes an increased setback from a street right of way in the Town Center District.

**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 business office use and office building are structures and a land use that are compatible with and supported by the purpose of the Town Center 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 business office 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 office building is compatible with the existing uses of surrounding land, which include business offices, residences, retail and vacant land.

**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, and fire services are adequate to serve the existing and proposed structures.

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

**Finding 6:** The construction of a small business office will be in harmony with the bulk, scale, and coverage of the mixed use 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 construction of a small office and parking lot improvements is not detrimental to the health, safety or welfare of the surrounding neighborhood or the City as a whole.

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

**Finding 8:** The proposal complies with the regulations and conditions of Homer City Code Title 21.

**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.

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

**Finding 10:** Outdoor lighting must be down lit per HCC 21.20.090 and the CDM and complies with the applicable provisions of the CDM.

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

**1. Special yards and spaces:** No specific conditions deemed necessary

**2. Fences and walls:** No specific conditions deemed necessary

**3. Surfacing of parking areas: Condition 4:** KHLT shall delineate parking stalls. Since the parking lot is gravel and striping parking stalls is not practical, wheel stops may be used delineate parking stalls. KHLT may choose to use commercially available wheel stops such as concrete, or plastic, or may use logs, telephone poles or other common materials.

**Condition 5:** The wheel stops will be placed so there is adequate room for people to walk between buildings south of the parking lot cars. (ie, walkway/trail to the south of spaces 1-6). (See photo at end of staff report for example)

**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 2015-05 is hereby approved, with Findings 1-10 and Conditions 1-5.

**Condition 1:** A minimum of 6 parking spaces are required.

**Condition 2:** Shift parking space #1 to the west, to create a minimum 3 foot wide walkway to the front door.

**Condition 3:** Shift spaces 8 and 9 to the east. Space 8 will become the ADA van space. Space 7 is eliminated as a parking space and becomes the required 96 inch width ADA access aisle.

**Condition 4:** KHLT shall delineate parking stalls.

**Condition 5:** The wheel stops will be placed so there is adequate room for people to walk between buildings south of the parking lot cars. (ie, walkway/trail to the south of spaces 1-6).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair, Don Stead

\_\_\_\_\_  
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

\_\_\_\_\_  
Julie Engebretsen, Deputy City Planner

Applicant:

Kachemak Heritage Land Trust  
315 Klondike Avenue  
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





# 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 15-74

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud  
MEETING: November 4, 2015  
SUBJECT: City Planner's Report

BCWPD: The Substitute Ordinance 15-23(S) was adopted with discussion. The second reading is scheduled for Nov. 23<sup>rd</sup>. Please designate a Commissioner to be at the Nov. 23<sup>rd</sup> City Council meeting. This is essential since we did have a Council Member who could have used information from the Commission regarding how we arrived at the recommendation.

APA Alaska Annual Conference: APA is offering Commissioner training Sunday November 15<sup>th</sup> and the rest of the conference will continue Monday and Tuesday. If you are able to attend, I may be able to cover conference fees. The budget is tight and I may not have funds for travel. Let me know if you are interested.

All-Hazard Mitigation Plan (AHMP): Dotti has been working with the Fire Chief and others to update the AHMP. This 5-year update is directed by FEMA and in the end the City's AHMP becomes a part of the Kenai Peninsula Borough AHMP. The 67 page document is posted on the Planning and the Fire Department webpage for the public review and comment. Catriona Reynolds continues to provide the City Council with updates and will be sponsoring a resolution in Jan. 2016 for the plan's adoption.

Towers: After my presentation to the Council, I plan to navigate further and get help from a contractor to further review and administer the ordinance.





# 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  
(p) 907-235-3106  
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## STAFF REPORT PL 15-75

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud AICP, City Planner  
**MEETING:** November 4, 2015  
**SUBJECT:** Zoning for Marijuana, first public hearing

**Requested Action:** Conduct a public hearing on the draft ordinance regulating commercial marijuana activities by zoning district.

### GENERAL INFORMATION

This is the first of two scheduled public hearings. The draft ordinance creates zoning regulations for the four types of commercially regulated marijuana activities licensed by the state.

1. Cultivation. There are two sizes of cultivation operations:  
    Small scale is limited to 500 square feet of cultivation, and  
    Large scale is anything larger than that.
2. Testing
3. Manufacturing
4. Retail

The city may propose regulations in addition to the state regulations but may not allow anything that is less restrictive than the state. Below is a table of the activities proposed by zoning district. In addition to this, the city has proposed additional buffers:

- 1000 ft from schools (this mirrors the federal drug free zones)
- 200 ft from the library
- 200 ft from Jack Gist, Karen Hornaday, Bayview, and Ben Walters Parks

As proposed small scale cultivation (less than 500 square feet of cultivation) is permitted (no Conditional Use Permit (CUP)) in the Rural Residential District in lots over 40,000 square feet. A CUP is needed on lots between 39,999 and 20,000 square feet, and is not allowed on lots less than 20,000 square feet.

A = Allowed. C = Conditional Use Permit needed.

**Table 1. Cannabis Activity by Zoning District**

	<b>District</b>						
<b>Activity</b>	CBD	GC1	GC2	EEMU	MC	RR	BCWPD
Retail	C	C	C	C	C		
MFG		C	C	C			
Testing	A	A	A	A			
Cultivation							
small	C	C	C	C		C/A	C
large	C	C	C	C			

**STAFF COMMENTS:**

While we are looking at regulating relatively small aspects of the industry the meat of requirements are found in the states proposed regulations. The state regulations are quite extensive. There are requirements that apply (Article 7) to all of the activities along with more specific requirements that address each of the 4 individual licensing areas. One really needs to understand the state regulations to get an accurate picture of what these activities may look like when approved. There are 133 pages that compose articles 1-9, which the state uses for regulation. I will attempt to highlight some of these and draw attention to those that need particular consideration for zoning.

All activities are to be secured. This means that cameras and lighting needs to be adequate to identify those inside the facility and anyone within 20 feet of the outside entrances. Commercial grade locks will need to be installed. All personal that work or have ownership interest will need a handlers permit and this permit must be on the person at all times when in the facility.

Many other aspects of the activities are regulated by the state including:

- All waste disposal
- Transportation of the product
- Signage and advertising
- Inventory tracking
- No odor may be detectable off site
- None of the product may be consumed in any licensed facility
- No facilities may reduce or expand without board approval
- No delivery off-site
- No operation between the hours of 5am and 8am



State application procedures require announcement in the newspaper for 3 consecutive weeks and announcements on the radio twice a week for 3 consecutive weeks, as well as on-site and nearby postings.

Also the state has proposed buffers:

- 500 feet from a school, a recreation or youth center, a building which religious services are regularly conducted, or a correctional facility.

After reviewing the draft ordinance, I did find an inconsistency of policy. Currently, limited cultivation may be permitted without a CUP in the Rural Residential District (on lots 40,000 square feet or greater). In other districts such as the East End Mixed Use, an approved CUP would be required for the same activity. This seemingly encourages cultivation in a residential district while making it more restrictive in a district where I believe the activity would be more appropriate.

**RECOMMENDATIONS:**

Hold a public hearing and consider amending the ordinance if appropriate. This item is scheduled for another HAPC public hearing December 4<sup>th</sup>.

**ATTACHMENTS**

1. Draft ordinance
2. Memo form Attorney Wells
3. November 4<sup>th</sup> map series (3 maps)



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**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 15-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF HOMER,  
ALASKA, AMENDING TITLE 21 TO IDENTIFY THE ZONING  
DISTRICTS PERMITTING MARIJUANA FACILITIES AND  
ADOPTING CHAPTER 21.62 ENTITLED “MARIJUANA  
FACILITIES” REGARDING GENERAL LAND USE  
REQUIREMENTS FOR MARIJUANA CULTIVATION,  
MANUFACTURING, RETAIL, AND TESTING FACILITIES**

WHEREAS, it is in the City’s best interest to draft comprehensive regulations regarding the use of property within the City to cultivate, manufacturer marijuana or to operate a retail store selling marijuana; and

WHEREAS, the City is dedicated to drafting regulations that prevent the distribution of marijuana to minors; prevents revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; prevents the diversion of marijuana from states where it is legal under state law in some form to other states; prevents state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; prevents violence and the use of firearms in the cultivation and distribution of marijuana; prevents drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; prevents the growing of marijuana on public lands and the attendant public safety and environmental dangers posted my marijuana production on public land; and prevents marijuana possession or use on federal property.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.12 is amended to read as follows:

Section 21.12.020 Permitted uses and structures.

The following uses are permitted outright in the Rural Residential District:

- a. Single-family dwelling;
- b. Duplex dwelling;
- c. Multiple-family dwelling, only if the structure conforms to HCC 21.14.040(a)(2);

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

- 41 d. Public parks and playgrounds;
- 42 e. Rooming house, bed and breakfast and hostel;
- 43 f. Home occupations, provided they conform to the requirements of  
44 HCC 21.51.010;
- 45 g. Agricultural activities, including general farming, truck farming,  
46 livestock farming, nurseries, and greenhouses; provided, that:
- 47 1. Other than normal household pets, no poultry or livestock may  
48 be housed and no fenced runs may be located within 100 feet of  
49 any residence other than the dwelling on the same lot;
- 50 2. No retail or wholesale business sales office is maintained on the  
51 premises;
- 52 h. Private stables;
- 53 i. Private floatplane tie-down as an accessory use incidental to  
54 residential use;
- 55 j. Storage of personal commercial fishing gear in a safe and orderly  
56 manner and separated by at least five feet from any property line as  
57 an accessory use incidental to residential use;
- 58 k. As an accessory use incidental to residential use, the private outdoor  
59 storage of noncommercial equipment, including noncommercial trucks,  
60 boats, and not more than one recreational vehicle in a safe and orderly  
61 manner and separated by at least five feet from any property line, provided  
62 no stored equipment, boat or vehicle exceeds 36 feet in length;
- 63 l. Other customary accessory uses incidental to any of the  
64 permitted uses listed in the RR district; provided, that no separate  
65 permit shall be issued for the construction of any detached accessory  
66 building prior to that of the main building;

- 67 m. Temporary (seasonal) roadside stands for the sale of produce grown on  
68 the premises;
- 69 n. Mobile homes, subject to the requirements of HCC 21.54.100;
- 70 o. Day care homes; provided, however, that outdoor play areas must be  
71 fenced;
- 72 p. Recreational vehicles, subject to the requirements of HCC 21.54.320;
- 73 q. Open space, but not including outdoor recreational facilities described  
74 in HCC 21.12.030;
- 75 r. As an accessory use, one small wind energy system per lot having a  
76 rated capacity not exceeding 10 kilowatts;
- 77 s. One detached dwelling unit, excluding mobile homes, as an accessory  
78 building to a principal single family dwelling on a lot serviced by City  
79 water and sewer services in compliance with HCC Title 14;
- 80 t. One detached dwelling unit, excluding mobile homes, as an accessory  
81 building to a principal single family dwelling on a lot that is over one acre  
82 and not serviced by City water and sewer services.

83 **u. Small scale marijuana cultivation facilities on 40,000 sq ft lots or**  
84 **larger**

85 ..... Section 21.12.030 Conditional uses and structures.  
.....

86 The following uses may be permitted in the Rural Residential District  
87 when authorized by conditional use permit issued in accordance with  
88 Chapter 21.71 HCC:  
.....

- 89 ..... a. Planned unit development, limited to residential uses only;  
.....
- 90 b. Religious, cultural and fraternal assembly;
- 91 c. Cemeteries;

- 92 d. Kennels;
- 93 e. Commercial greenhouses and tree nurseries offering sale of plants or  
94 trees grown on premises;
- 95 f. Mobile home parks;
- 96 g. Public utility facilities and structures;
- 97 h. Pipelines and railroads;
- 98 i. Storage of heavy equipment, vehicles or boats over 36 feet in length as  
99 an accessory use incidental to a permitted or conditionally  
100 permitted principal use;
- 101 j. Day care facilities; provided, however, that outdoor play areas must be  
102 fenced;
- 103 k. Group care home;
- 104 l. Assisted living home;
- 105 m. More than one building containing a permitted principal use on a lot;
- 106 n. Indoor recreational facilities;
- 107 o. Outdoor recreational facilities;
- 108 p. Public school and private school;
- 109 q. One small wind energy system having a rated capacity exceeding 10  
110 kilowatts; provided, that it is the only wind energy system of any capacity  
111 on the lot.
- 112 **r. Marijuana cultivation facility as defined in state statute and only up**  
113 **to 500 square feet**

114  
115 Section 2. Homer City Code Chapter 21.18 is amended as follows:

116 Section 21.18.020 Permitted uses and structures.  
.....

117                   The following uses are permitted outright in the Central Business District, except  
118                   when such use requires a conditional use permit by reason of size, traffic volumes, or  
119                   other reasons set forth in this chapter:  
.....

120                   a. Retail business where the principal activity is the sale of merchandise  
121                   and incidental services in an enclosed building;  
.....

122                   b. Personal service establishments;

123                   c. Professional offices and general business offices;

124                   d. Restaurants, clubs and drinking establishments that provide food or  
125                   drink for consumption on the premises;

126                   e. Parking lots and parking garages, in accordance with  
127                   Chapter 21.55 HCC;

128                   f. Hotels and motels;

129                   g. Mortuaries;

130                   h. Single-family, duplex, and multiple-family dwellings,  
131                   including townhouses, but not including mobile homes;

132                   i. Floatplane tie-up facilities and air charter services;

133                   j. Parks;

134                   k. Retail and wholesale sales of building supplies and materials, only if  
135                   such use, including storage of materials, is wholly contained within one or  
136                   more enclosed buildings;

137                   l. Customary accessory uses to any of the permitted uses listed in the CBD  
138                   district; provided, that a separate permit shall not be issued for the  
139                   construction of any detached accessory building prior to that of the main  
140                   building;

141                   m. Mobile homes, provided they conform to the requirements set forth in  
142                   HCC 21.54.100;

- 143 n. Home occupations, provided they conform to the requirements of  
144 HCC 21.51.010;
- 145 o. Ministorage;
- 146 p. Apartment units located in buildings primarily devoted to business or  
147 commercial uses;
- 148 q. Religious, cultural, and fraternal assembly;
- 149 r. Entertainment establishments;
- 150 s. Public, private and commercial schools;
- 151 t. Museums and libraries;
- 152 u. Studios;
- 153 v. Plumbing, heating and appliance service shops, only if such use,  
154 including the storage of materials, is wholly within an enclosed building;
- 155 w. Publishing, printing and bookbinding;
- 156 x. Recreational vehicle parks only if located south of the  
157 Sterling Highway (Homer Bypass) from Lake Street west to the boundary  
158 of the Central Business District abutting Webber Subdivision, and from  
159 Heath Street to the west side of Lakeside Village Subdivision, provided  
160 they shall conform to the standards in HCC 21.54.200 and following  
161 sections;
- 162 y. Taxi operation limited to a dispatch office and fleet parking of no more  
163 than five vehicles; maintenance of taxis must be conducted within an  
164 enclosed structure, and requires prior approval by the City Planner of  
165 a site, access and parking plan;
- 166 z. Mobile food services;
- 167 aa. Itinerant merchants, provided all activities shall be limited  
168 to uses permitted outright under this zoning district;



- 169 bb. Day care homes and facilities; provided, however, that outdoor play  
170 areas must be fenced;
- 171 cc. Rooming house, bed and breakfast and hostel;
- 172 dd. Auto repair and auto and trailer sales or rental areas, but only on  
173 Main Street from Pioneer Avenue to the Sterling Highway,  
174 excluding lots with frontage on Pioneer Avenue or the Sterling Highway,  
175 subject to the following additional requirements: Vehicles awaiting repair  
176 or service, inoperable vehicles, vehicles for parts, and vehicles awaiting  
177 customer pickup shall be parked indoors or inside a fenced enclosure so as  
178 to be concealed from view, on all sides. The fence shall be a minimum  
179 height of eight feet and constructed to prohibit visibility of anything inside  
180 of the enclosure. The portion of any vehicle exceeding eight feet in height  
181 may be visible outside of the fence. Vehicle parts (usable or unusable),  
182 vehicle service supplies, and any other debris created in the repair or  
183 servicing of vehicles shall also be stored indoors or inside the fenced  
184 enclosure out of view of the public;
- 185 ee. Farmers' market;
- 186 ff. Dormitory;
- 187 gg. Financial institutions;
- 188 hh. As an accessory use, one small wind energy system per lot having a  
189 rated capacity not exceeding 10 kilowatts;
- 190 ii. One detached dwelling unit, excluding mobile homes, as an accessory  
191 building to a principal single-family dwelling on a lot.

192 **iii. Marijuana testing facility.**

193 .....

194 .....  
Section 21.18.030 Conditional uses and structures.  
.....

195                   The following uses may be permitted in the Central Business District  
196 when authorized by conditional use permit issued in accordance with  
197 Chapter 21.71 HCC:  
.....

- 198                   a. Planned unit developments, excluding all industrial uses;
- 199                   b. Indoor recreational facilities and outdoor recreational facilities;
- 200                   c. Mobile home parks;
- 201                   d. Auto fueling stations;
- 202                   e. Public utility facilities and structures;
- 203                   f. Pipeline and railroads;
- 204                   g. Greenhouses and garden supplies;
- 205                   h. Light or custom manufacturing, repair, fabricating, and assembly, provided  
206 such use, including storage of materials, is wholly within an enclosed building;
- 207                   i. Shelter for the homeless, provided any lot used for such shelter does not abut a  
208 residential zoning district;
- 209                   j. More than one building containing a permitted principal use on a lot;
- 210                   k. Group care homes and assisted living homes;
- 211                   l. Drive-in car washes, but only on the Sterling Highway from Tract A-1 Webber  
212 Subdivision to Heath Street;
- 213                   m. One small wind energy system having a rated capacity exceeding 10 kilowatts;  
214 provided, that it is the only wind energy system of any capacity on the lot;
- 215                   n. Other uses approved pursuant to HCC 21.04.020
- 216                   **o. Marijuana retail facilities as defined by state law**
- 217                   **p. Marijuana cultivation facility as defined by state law**

218            Section 3. Homer City Code Chapter 21.24 is amended as follows:

219            Section 21.24.020 Permitted uses and structures.

220                    The following uses are permitted outright in the General Commercial 1  
221            District, except when such use requires a conditional use permit by reason of size,  
222            traffic volumes, or other reasons set forth in this chapter.

- 223                    a. Air charter operations and floatplane tie-up facilities;
- 224                                b. General business offices and professional offices;
- 225                    c. Dwelling units located in buildings primarily devoted to business uses;
- 226                    d. Auto repair;
- 227                    e. Auto and trailer sales or rental areas;
- 228                    f. Auto fueling stations and drive-in car washes;
- 229                    g. Building supply and equipment sales and rentals;
- 230                    h. Restaurants, including drive-in restaurants, clubs and drinking  
231                    establishments;
- 232                    i. Garden supplies and greenhouses;
- 233                    j. Heavy equipment and truck sales, rentals, service and repair;
- 234                    k. Hotels and motels;
- 235                    l. Lumberyards;
- 236                    m. Boat and marine equipment sales, rentals, service and repair;
- 237                    n. Mortuaries;
- 238                    o. Open air businesses;

- 239 p. Parking lots and parking garages, in accordance with  
240 Chapter 21.55 HCC;
- 241 q. Manufacturing of electronic equipment, electrical devices, pottery,  
242 ceramics, musical instruments, toys, novelties, small molded products and  
243 furniture;
- 244 r. Publishing, printing and bookbinding;
- 245 s. Recreation vehicle sales, rental, service and repair;
- 246 t. Retail businesses;
- 247 u. Trade, skilled or industrial schools;
- 248 v. Wholesale businesses, including storage and distribution services  
249 incidental to the products to be sold;
- 250 w. Welding and mechanical repair;
- 251 x. Parks and open space;
- 252 y. Appliance sales and service;
- 253 z. Warehousing, commercial storage and mini-storage;
- 254 aa. Banks, savings and loans, credit unions and other financial institutions;
- 255 bb. Customary accessory uses to any of the permitted uses listed in the  
256 GC1 district; provided, that no separate permit shall be issued for the  
257 construction of any type of accessory building prior to that of the main  
258 building;
- 259 cc. Dry cleaning, laundry, and self-service laundries;
- 260 dd. Taxi operation;
- 261 ee. Mobile food services;

- 262 ff. Itinerant merchants, provided all activities shall be limited  
263 to uses permitted outright under this zoning district;
- 264 gg. Recreational vehicle parks, provided they shall conform to the  
265 standards in Article II of Chapter 21.54 HCC;
- 266 hh. Day care homes; provided, that a conditional use permit was obtained  
267 for the dwelling, if required by HCC 21.24.030; all outdoor play areas  
268 must be fenced;
- 269 ii. Rooming house and bed and breakfast;
- 270 jj. Dormitory;
- 271 kk. As an accessory use, one small wind energy system per lot.

272 **II. Marijuana testing and manufacturing facilities as defined by law.**

273 Section 21.24.030 Conditional uses and structures.

274 The following uses may be permitted in the General Commercial 1 District when  
275 authorized by conditional use permit issued in accordance with Chapter 21.71 HCC:

- 276 a. Campgrounds;
- 277 b. Crematoriums;
- 278 c. Multiple-family dwelling;
- 279 d. Public utility facility or structure;
- 280 e. Mobile home parks;
- 281 f. Planned unit developments;
- 282 g. Townhouses;
- 283 h. Pipelines and railroads;

- 284 i. Shelter for the homeless, provided any lot used for such shelter does
- 285 not abut an RO, RR, or UR zoning district;
- 286 j. More than one building containing a permitted principal use on a lot;
- 287 k. Day care facilities; provided, however, that outdoor play areas must be
- 288 fenced;
- 289 l. Other uses approved pursuant to HCC 21.04.020;
- 290 m. Indoor recreational facilities;
- 291 n. Outdoor recreational facilities
- 292 **o. Marijuana retail facilities and cultivation facilities as defined by**
- 293 **state law.**

294 Section 4. Homer City Code Chapter 21.26 is amended as follows:

296 Section 21.26.020 Permitted uses and structures.

297 The following uses are permitted outright in the General Commercial 2 District,

298 except when such use requires a conditional use permit by reason of size, traffic volumes,

299 or other reasons set forth in this chapter:

- 300 a. Production, processing, assembly and packaging of fish, shellfish and
- 301 seafood products;
- 302 b. Construction, assembly and storage of boats and boat equipment;
- 303 c. Manufacture and assembly of pottery and ceramics, musical
- 304 instruments, toys, novelties, small molded products, electronic instruments
- 305 and equipment and electrical devices;
- 306 d. Research and development laboratories;
- 307 e. Trade, skills or industrial schools;
- 308 f. Publishing, printing and bookbinding facilities;

- 309 g. Auto, trailer, truck, recreational vehicle and heavy equipment sales,  
310 rentals, service and repair, excluding storage of vehicles or equipment that  
311 is inoperable or in need of repair;
- 312 h. Storage and distribution services and facilities, including truck  
313 terminals, warehouses and storage buildings and yards, contractors'  
314 establishments, lumberyards and sales, or similar uses;
- 315 i. Airports and air charter operations;
- 316 j. Underground bulk petroleum storage;
- 317 k. Cold storage facilities;
- 318 l. Parking lots and parking garages, in accordance with  
319 Chapter 21.55 HCC;
- 320 m. Mobile commercial structures;
- 321 n. Accessory uses to the uses permitted in the GC2 district that are clearly  
322 subordinate to the main use of the lot or building, such as wharves, docks,  
323 restaurant or cafeteria facilities for employees; or caretaker  
324 or dormitory residence if situated on a portion of the principal lot;  
325 provided, that separate permits shall not be issued for the construction of  
326 any type of accessory building prior to that of the main building;
- 327 o. Taxi operation;
- 328 p. Mobile food services;
- 329 q. Itinerant merchants, provided all activities shall be limited  
330 to uses permitted outright under this zoning district;
- 331 r. Recreational vehicle parks, provided they shall conform to the standards  
332 in Chapter 21.54 HCC;
- 333 s. Hotels and motels;
- 334 t. Dormitory;

335 u. As an accessory use, one small wind energy system per lot;

336 v. Open air business.

337 **w. Marijuana testing and manufacturing facilities as defined by law.**

338 Section 21.26.030 Conditional uses and structures.

339 The following uses may be permitted in the General Commercial 2  
340 District when authorized by conditional use permit issued in accordance with  
341 Chapter 21.71 HCC:

342 a. Mobile home parks;

343 b. Construction camps;

344 c. Extractive enterprises, including the mining, quarrying and  
345 crushing of gravel, sand and other earth products and batch plants  
346 for asphalt or concrete;

347 d. Bulk petroleum product storage above ground;

348 e. Planned unit developments, excluding residential uses;

349 f. Campgrounds;

350 g. Junk yard;

351 h. Kennels;

352 i. Public utility facilities and structures;

353 j. Pipelines and railroads;

354 k. Impound yards;

355 l. Shelter for the homeless, provided any lot used for such shelter  
356 does not abut an urban, rural or office residential zoning district;



- 357 m. More than one building containing a permitted principal use on
- 358 a lot;
- 359 n. Day care facilities; provided, however, that outdoor play areas
- 360 must be fenced;
- 361 o. Group care homes and assisted living homes;
- 362 p. Other uses approved pursuant to HCC 21.04.020;
- 363 q. Indoor recreational facilities;
- 364 r. Outdoor recreational facilities.
- 365 **s. Marijuana retail facilities and cultivation facilities as defined**
- 366 **by state law.**

367 Section 5. Homer City Code Chapter 21.27 is Amended to read as follows:

368 Section 21.27.030 Conditional uses and structures.

369 The following conditional uses may be permitted in the East End  
370 Mixed Use District when authorized by conditional use permit issued in accordance with  
371 Chapter 21.71 HCC:  
.....

- 372 a. Construction camps;
- 373 b. Extractive enterprises, including crushing of gravel, sand and
- 374 other earth products and batch plants for asphalt or concrete;
- 375 c. Auto fueling stations;
- 376 d. Bulk petroleum product storage;
- 377 e. Planned unit developments;
- 378 f. Junk yard;
- 379 g. Kennels;
- 380 h. Public utility facilities and structures;

- 381 i. Impound yards;
- 382 j. Indoor recreational facilities;
- 383 k. Outdoor recreational facilities;
- 384 l. Other uses approved pursuant to HCC 21.04.020.

385 **m. Marijuana testing facilities, manufacturing facilities, cultivation**  
386 **facilities.**

387 Section 6. Homer City Code Chapter 21.28 is amended to read as follows:

388 Section 21.28.020 Permitted uses and structures.

389 The following uses are permitted outright in the Marine Commercial  
390 District, except when such use requires a conditional use permit by reason of size,  
391 traffic volumes, or other reasons set forth in this chapter:  
.....

- 392 a. Offices for tourism-related charter and tour businesses,  
393 such as fishing, flight seeing, day excursions and boat  
394 charters and tours;
- 395 b. Marine equipment sales, rentals, service, repair and storage;
- 396 c. Retail stores limited to the sale of seafood products, sporting goods,  
397 curios, and arts and crafts;
- 398 d. Business offices for water-dependent and water-related activities such  
399 as fish brokers, off-shore oil and gas service companies, and stevedores;
- 400 e. Customary accessory uses that are clearly subordinate to the main use of  
401 the lot or building such as piers or wharves; provided, that  
402 separate permits shall not be issued for the construction of an  
403 accessory structure prior to that of the main structure;
- 404 f. Mobile food services;

- 405 g. Itinerant merchants, provided all activities shall be limited  
406 to uses permitted outright under this zoning district;
- 407 h. Recreational vehicle parks, provided they shall conform to the standards  
408 in Chapter 21.54 HCC;
- 409 i. Restaurants;
- 410 j. Cold storage facilities;
- 411 k. Campgrounds;
- 412 l. Manufacturing, processing, cooking, and packing of seafood products;
- 413 m. Parks;
- 414 n. Boat launching or moorage facilities, marinas;
- 415 o. Caretaker, business owner or employee housing as an accessory use to a  
416 primary use, and limited to no more than 50 percent of the floor area of  
417 a building and for use by an occupant for more than 30 consecutive days;
- 418 p. Lodging as an accessory use, limited to no more than 50 percent of  
419 the floor area of a building;
- 420 q. As an accessory use, one small wind energy system per lot.

421 **r. Marijuana retail facilities as defined by state statute.**

422 Section 7. Chapter 21.62 is hereby enacted as follows:

423

424

425 **Chapter 21.62**

426

427 **Marijuana Cultivation, Manufacturing, and Retail Facilities**

428

429

430 **Sections:**

431 **21.62.010 Scope.**

432 **21.62.020 Intent**

433 **21.62.030 Definitions**

434 **21.62.040 Pre-application conference.**

- 435 **21.62.050 Costs**
- 436 **21.62.060 Safety and Security Plan**
- 437 **21.62.070 Buffers.**
- 438 **21.62.080 General restrictions on all marijuana facilities.**

- 439
- 440
- 441 **21.62.010 Scope**

442

443 **a. This chapter applies to the operation of all marijuana cultivation, manufacturing,**

444 **testing, and retail facilities within the city boundaries.**

445

446 **b. This chapter in no way protects marijuana facilities from enforcement of federal**

447 **law nor is it intended to sanction conduct or operations prohibited by law. All**

448 **persons engaged in the marijuana industry within the city operate at their own risk**

449 **and have no legal recourse against the City in the event that city laws are**

450 **preempted, negated or otherwise found unenforceable based upon federal law**

451 **prohibiting the sale, distribution, consumption or possession of marijuana.**

452

453 **21.62.020 Intent**

454

455 **a. This chapter is intended to impose regulations that prevent:**

- 456
- 457 **1. The distribution of marijuana to minors;**
- 458 **2. Revenue from the sale of marijuana from going to criminal enterprises,**
- 459 **gangs, and cartels;**
- 460 **3. The diversion of marijuana from states where it is legal under state law in**
- 461 **some form to other states where it is unlawful;**
- 462 **4. State-authorized marijuana activity from being used as a cover or pretext**
- 463 **for the trafficking of other illegal drugs or other illegal activity;**
- 464 **5. Violence and the use of firearms in the cultivation and distribution of**
- 465 **marijuana;**
- 466 **6. Drugged driving and the exacerbation of other adverse public health**
- 467 **consequences associated with marijuana use;**
- 468 **7. The growing of marijuana on public lands and the attendant public safety**
- 469 **and environmental dangers posted my marijuana production on public land;**
- 470 **and**
- 471 **8. Marijuana possession or use on federal property.**

472

473 **21.62.030 Definitions [Reserved.]**

474

475 **21.62.040 Pre-application Conference.**

476

477 **21.57.050 Costs.**

478

479 **The cost of all permits, studies and investigation required under this chapter**

480 **shall be borne by the applicant.**

481

482 When Title 21 requires a conditional use permit for a marijuana facility, the  
483 applicant must meet with the City Planner to discuss the conditional use  
484 permit process and any issues that may affect the proposed conditional use.  
485 This meeting is to provide for an exchange of general and preliminary  
486 information only and no statement made in such meeting by either the  
487 applicant or the City Planner shall be regarded as binding or authoritative  
488 for the purposes of this title.

489  
490 **21.62.060 Safety and Security Plan**

491  
492 A conditional use permit for a marijuana facility required by this title shall  
493 include an analysis of the ways in which the intent and purpose of this  
494 chapter have been met and the safety concerns identified in Sections  
495 21.62.010 and 21.62.020 will be addressed.

496  
497 **21.62.070 Buffers**

498  
499 a) The Commission may require buffers, including berms, fences, trees, and  
500 shrubs, to minimize impacts to adjacent property. A landscaped buffer or  
501 combination of landscaping and berms of no less than ten feet in width will  
502 be required where the property with a marijuana facility adjoins districts in  
503 which marijuana facilities are prohibited or permitted only as a conditional  
504 use.

505  
506 b) The following buffer zones shall be applied to all marijuana facilities in all  
507 districts:

- 508  
509 1. Schools 1000 square feet  
510 2. Churches 500 square feet  
511 3. Jail 500 square feet  
512 4. Youth/rec. center 500 square feet  
513 5. Library 200 square feet

514  
515 c) Marijuana facilities abutting the Jack Gist Municipal Park, Hornaday  
516 Municipal Park, Bayview Municipal Park, Ben Walters Municipal Park, or  
517 Jeffrey Municipal Park must have 200 square feet or more buffers measured  
518 from the boundary of the park.

519  
520 **21.62.80 General restrictions applied to all marijuana facilities.**

521  
522 a) All marijuana facilities in all districts shall comply with Section 21.59.030 of this  
523 title.

524  
525 b) An application for a conditional use permit under this chapter shall not be approved  
526 if the location of the facility violates the regulatory intent in Section 21.62.020.  
527  
528



**MEMORANDUM**  
**ATTORNEY-CLIENT PRIVILEGE**

**TO: PLANNING COMMISSION**

**FROM: HOLLY C. WELLS**

**RE: INITIAL DRAFT OF ORDINANCE REGARDING MARIJUANA REGULATIONS**

**CLIENT: CITY OF HOMER**

**FILE NO.: 506,742.222**

**DATE: OCTOBER 29, 2015**

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**Introduction**

The purpose of this memorandum is to provide the Planning Commission an introduction and overview to Ordinance \_\_\_\_, and to help facilitate a discussion on the regulation of marijuana activities, permitted and prohibited activities related to the marijuana industry in each of the zoning districts, and buffers required under the zoning code. Ordinance \_\_ incorporates the Planning Commission's zoning recommendations for the marijuana industry within the City of Homer, Alaska ("City"). Although Ordinance \_\_ focuses primarily on recommended revisions to the conditional use permit process to address the marijuana industry, we will be providing a supplemental memo and revisions to Ordinance \_\_ encompassing any other areas of the Homer City Code ("HCC") that need to be amended to reflect the introduction of the marijuana industry within the City.

**Ordinance 15-\_\_ Update**

Ordinance \_\_ incorporates the zoning and land use amendments to the City Code as recommended by the Planning Commission and expanded upon by the Planning Department. The amendments within the ordinance pertain to the conditional use permit standards that apply to all marijuana activities, permitted and prohibited activities related to the marijuana industry in each of the zoning districts, and buffers required under the zoning code.

## General Standards Affecting All Marijuana Facilities

In an effort to address the Commission's substantive and policy concerns stemming from all marijuana facility operations, Section 21.62 was proposed. This section incorporates the preventive measures required under federal policy as well as land use regulations that stem from the more specific challenges presented by marijuana facility land use within the City.

The Commission's recommendations for buffers requirements are also proposed in Title 21.62, and are as follows:

1) Schools	1000
2) Churches	500
3) Jail	500
4) Youth/rec. center	500
5) Library	200
6) Parks (see below)	200

Buffers for parks would be 200 square feet but would only apply to the Jack Gist, Hornaday, Bayview, Ben Walters, and Jeffery Parks. The buffer would be measured from the boundary of the park.

## Specific Zoning District Amendments

While the Commission's general comments and policy concerns are adopted through Chapter 21.62, Ordinance 15-\_\_ also amends Title 21 to identify the specific use requirements for each specific marijuana facility in each zoning district. A brief synopsis of such uses in each district is provided below.

### Residential Office ("RO")

- 1) As of this date, no use has been authorized in this district

### Rural Residential ("RR")

- 1) Testing, manufacturing, and retail are not permitted
- 2) Small scale cultivation is permitted in this district on 40,000 sq ft lots or larger
- 3) CUP will be required on lots 20,000-39,999 sq ft
- 4) Lighting standards in HCC 21.59.030 apply (Level One)
- 5) New structures built for cultivation should be at least 20 feet from the nearest lot line. The goal would be separation between the grow operations and the neighboring property to minimize conflict between cultivators and their neighbors.



Central Business District (“CBD”)

- 1) Testing is permitted in CBD
- 2) Retail is permitted only via conditional use permit
- 3) Cultivation is permitted only via conditional use permit

General Commercial 1 (“GC1”)

- 1) Testing is permitted
- 2) Manufacturing facilities are permitted
- 3) Retail is permitted only via conditional use permit
- 4) Cultivation is permitted only via conditional use permit

General Commercial 2 (“GC2”)

- 1) Testing is permitted
- 2) Manufacturing facilities are permitted
- 3) Retail is permitted only via conditional use permit
- 4) Cultivation is permitted only via conditional use permit

East End Mixed (“EEMU”)

- 1) Testing is permitted only via conditional use permit
- 2) Manufacturing facilities are permitted only via conditional use permit
- 3) Retail is permitted only via conditional use permit
- 4) Cultivation is permitted only via conditional use permit

Marine Commercial (“MC”)

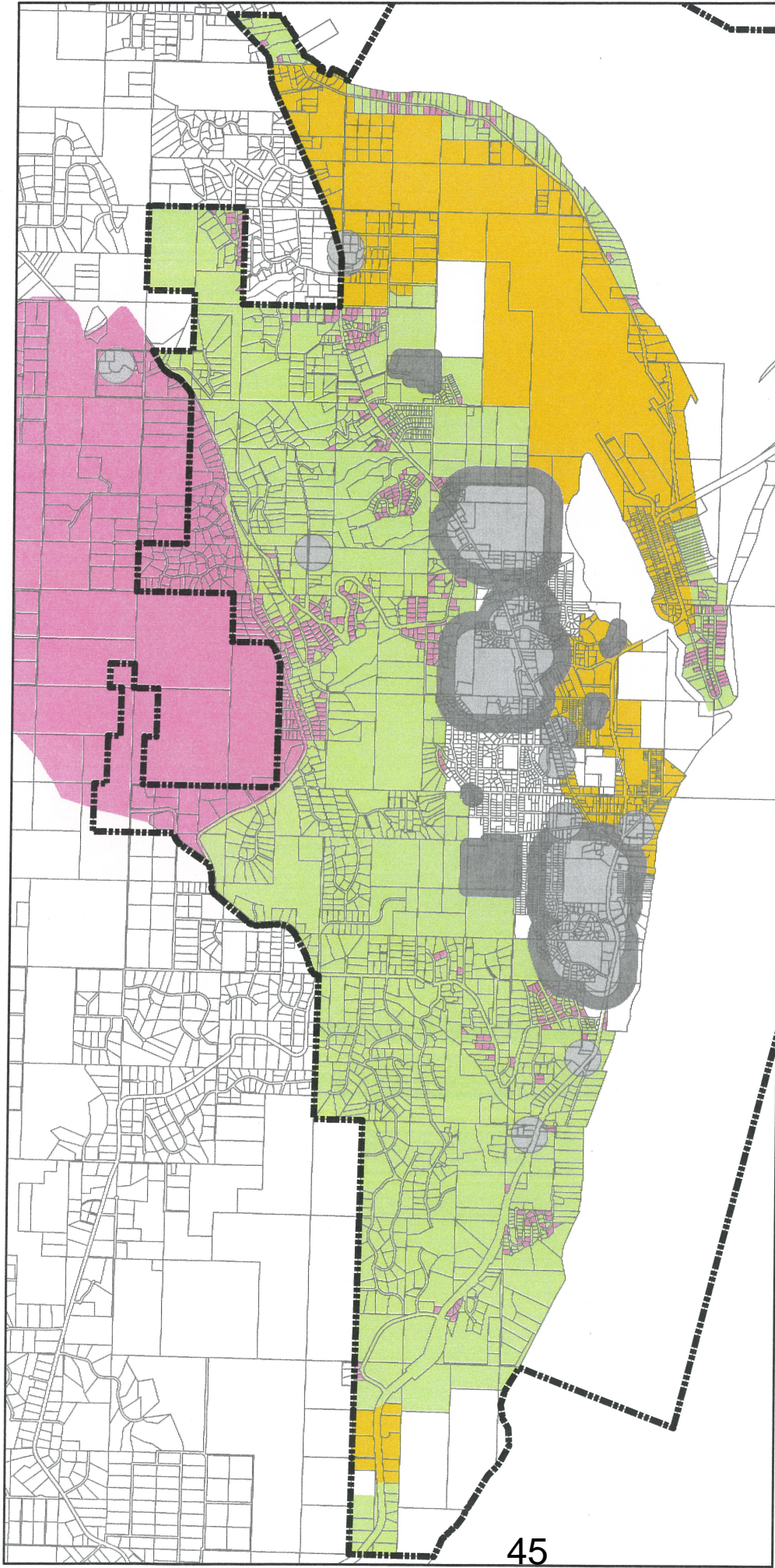
- 1) Retail is permitted in this district

Additionally, no marijuana industry cultivation efforts are permitted in some of the overlay districts.

**Conclusion**

This memorandum was created to serve only as an introduction to Ordinance 15-\_\_\_\_ and to help facilitate discussion regarding the Planning Commission’s recommendations. Ordinance 15-\_\_\_\_ incorporates most of the Commission’s recommended revisions but has by no means been finalized. In addition to the regulations proposed, we are currently considering additional definitions that may be needed to properly interpret the City Code.

# Commercial Cannabis Cultivation Map 11/4/2015



45

## Legend

City Limits

State Buffers

Additional City Buffers

## Commercial Cannabis Cultivation

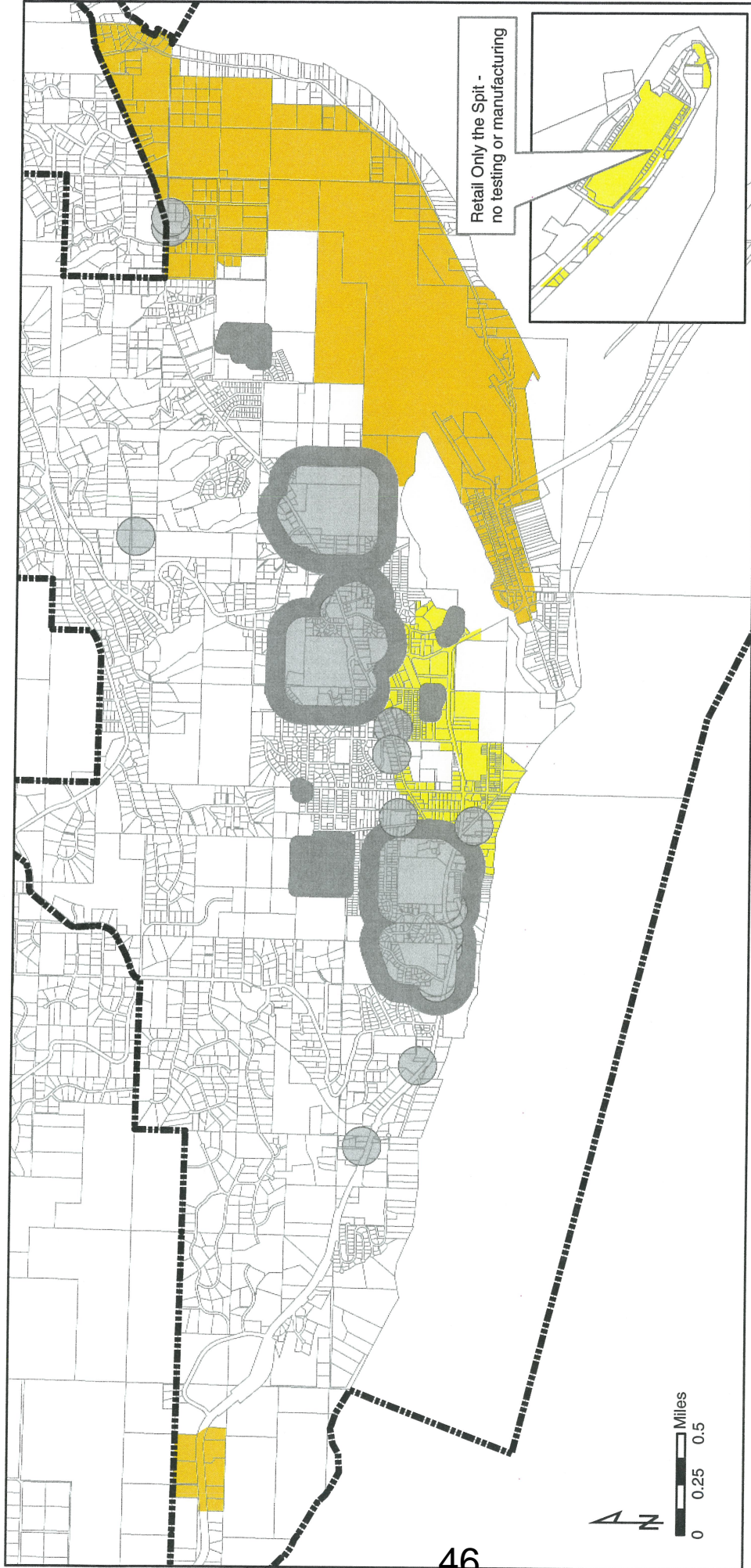
Small cultivation only, permitted outright

Small cultivation only, CUP

Large and Small, CUP

Proposed state regulations call for buffers to be measured between the public entrance of the cannabis business, and the public entrances of churches and jails. Distances for schools and youth/rec centers are measured from the boundaries to the front door of the cannabis business. All distances are measured by the shortest pedestrian route.

**11/4/2015 Cannabis Retail and Manufacturing Map.**  
 Testing is allowed outright as a land use in the green area,  
 and in downtown Homer.



**Legend**

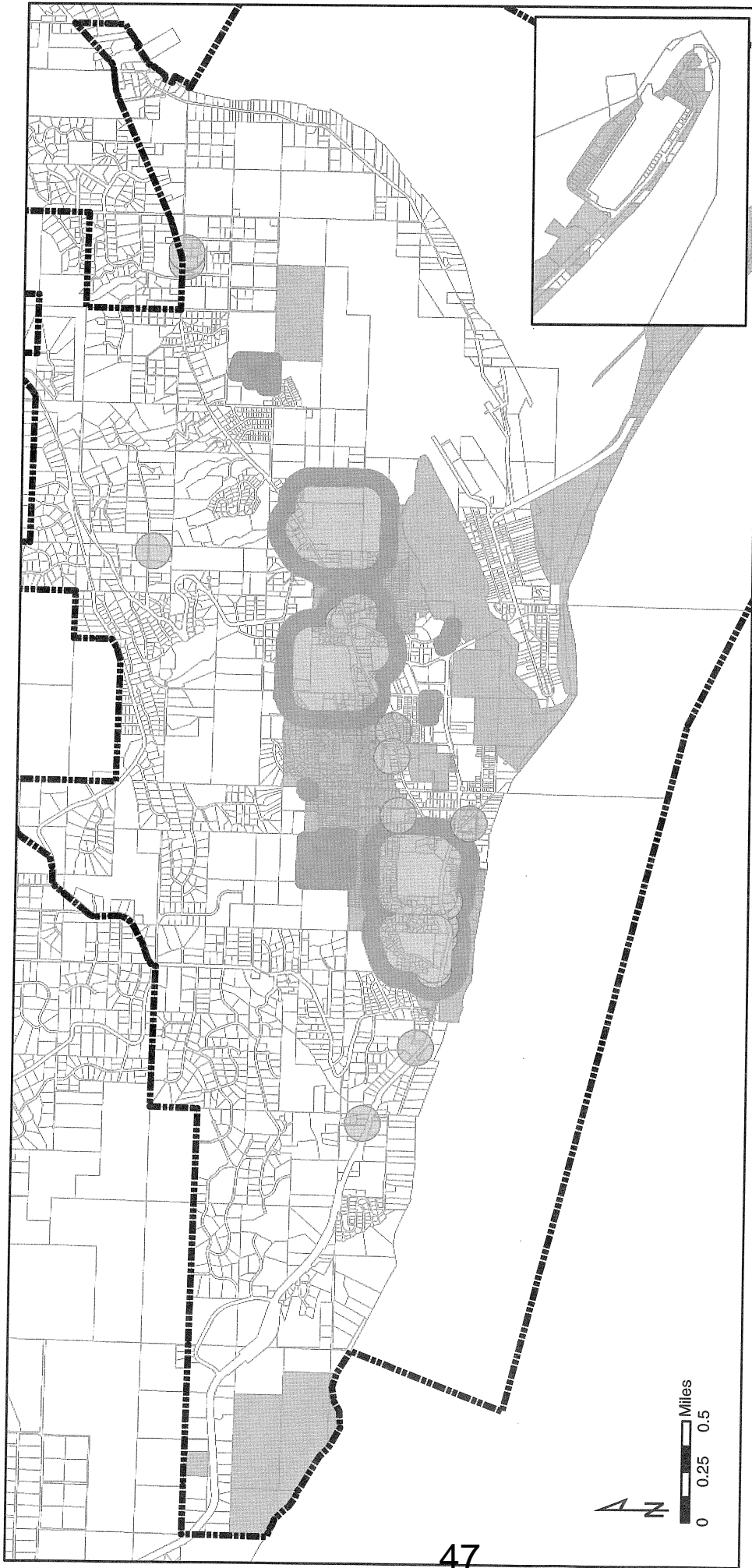
- City Limits
- State Buffers
- Additional City Buffers

**Conditionally Permitted Cannabis Activities**

- Retail, Mfg.
- Retail, (No Mfg).

Proposed state regulations call for buffers to be measured between the public entrance of the cannabis business, and the public entrances of churches and jails. Distances for schools and youth/rec centers are measured from the boundaries to the front door of the cannabis business. All distances are measured by the shortest pedestrian route.

11/4/2015 Commercial Cannabis not allowed



**Legend**

 City Limits

 State Buffers

 Additional City Buffers

**Commercial Cannabis Activities**

 None Allowed



# 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 15-76

TO: Homer Advisory Planning Commission  
 THROUGH: Rick Abboud, City Planner  
 FROM: Julie Engebretsen, Deputy City Planner  
 DATE: November 4, 2015  
 SUBJECT: Waddell Park 2016 Replat Preliminary Plat

**Requested Action:** Preliminary Plat approval.

### General Information:

Applicants:	City of Homer 491 E Pioneer AVE Homer AK 99603	Homer Electric Association 3977 Lake St Homer, AK 99603
	Seabright Surveying 1044 East End Road, STE A Homer, AK 99603	
Location:	Waddell Way, between Heath and Lake Streets, just north of the Post Office	
Parcel ID:	1771102, 17712027, 17712029	
Size of Existing Lot(s):	4.43, 2.01 and 4 acres	
Size of Proposed Lots(s):	1.5, 3.7 and 4.4 acres	
Zoning Designation:	Central Business District	
Existing Land Use:	Vacant and HEA storage yard	
Surrounding Land Use:	North: Auto repair, vacant/abandoned house, mixed commercial and residential use. South: Post Office, retail (Gold Mine gifts), Sterling Highway, City RV dump and snow storage area East: Haven House, mixed commercial/retail/ offices West: Mixed residential and commercial uses, retail, library	
Comprehensive Plan:	Goal 1 Object B (p. 4-4) Promote a pattern of growth characterized by a concentrated mixed use center, and a surrounding ring of moderate-to-high density residential and mixed use areas with lower densities in outlying areas.	

Wetland Status:	The 2005 wetlands mapping shows some wetlands on lot 3-A-1. However, staff has low confidence on the accuracy of the map for lot 2-A-1, as there is a known major drainage through the lot that is not reflected in the mapping.
Flood Plain Status:	Zone D, flood hazards undetermined.
BCWPD:	Not within the Bridge Creek Watershed Protection District.
Utilities:	City water and sewer are available
Public Notice:	Notice was sent to 67 property owners of 78 parcels as shown on the KPB tax assessor rolls.

**Analysis:** This subdivision is within the Central Business District. This plat will dedicate the extension of Grubsteak Ave, between Heath Street and the existing Waddell Way. The street names will change to meet E 911 standards. Additionally, the intersections at both ends of Grubstake, at Heath St and Lake St, have been engineered to allow HEA to continue to maneuver 70 foot power poles in and out of their yard. Lastly, staff has several comments about the parent plat notes. Many are no longer relevant or Staff recommendations have been included at the end of the staff report.

**Homer City Code 22.10.051 Easements and rights-of-way**

- A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

**Staff Response:** The plat meets these requirements.

- B. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the Council.

**Staff Response:** The plat meets these requirements. No additional water and sewer infrastructure is planned within the subdivision.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities in areas identified as public access corridors in the Homer Non-Motorized Transportation and Trail Plan, other plans adopted by the City Council, or as required by the Kenai Peninsula Borough Code.

**Staff Response:** The plat meets these requirements. The road construction project includes a sidewalk on one side of the street between Heath and Lake Streets, and a wide shoulder on the other side of the street. Wide shoulders are planned to the current shoulders to the south near the post office.

**Preliminary Approval, per KPB code 20.25.070 Form and contents required.** The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

- A. Within the Title Block:

1. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a 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;

**Staff Response:** The plat meets these requirements.

- B. North point;

**Staff Response:** The plat meets these requirements.

- 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;

**Staff Response:** The plat meets these requirements.

- 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;

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

- G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff Response:** The plat meets these requirements.

- H. Approximate location 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;

**Staff Response:** The plat does not meet these requirements. There is a drainage within lot 2-A-1 that is not depicted, not stated in the plat notes. Plat 2000-20, Waddell Park 2000, dedicated a 20 ft

drainage easement until such time as the drainage is moved. **Staff recommends** depicting the drainage and including a portion of the parent plat note. "A 20 foot easement exists along existing drainage until such time it is relocated."

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

**Staff Response:** The plat meets these requirements. Not tidally influenced.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

**Staff Response:** The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

**Staff Response:** The plat meets these requirements. The plat shows the utilities in Heath Street, but not Lake Street.

- 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;

**Staff Response:** The plat does not meet these requirements. However, Public Works provided the 35% design road elevation design, which shows the steepest grade at 6%. This road is not considered an arterial.

- 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;

**Staff Response:** The plat does not meet these requirements. Public Works staff verified the no parts of the property currently have slopes of 20 percent.

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

**Staff Response:** The plat meets these requirements.

- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

**Staff Response:** The plat meets these requirements.

**Public Works Comments:** None – plat is submitted by the PW department for the purposes of replatting and the construction of both roads.

**Fire Department Comments:** No comments.



**Staff Recommendation:**

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

1. Delete plat note 3; it duplicates the information in plat note 7. Plat note 7 is worded more clearly.
2. Depict the drainage on lot 2-A-1 and include a portion of the parent plat note (note 6). "A 20 foot easement exists along existing drainage until such time it is relocated."
3. Amend plat note 6 to remove the following language: "A low-value wetland permit is required prior to any filling of wetlands;" This language is no longer accurate. Suggested new language: "This subdivision may contain wetlands; contact the Army Corps of Engineers prior to development."
4. If both land owners are agreeable, remove plat note 9, concerning the right for a skywalk.
5. Plat note 10: Remove part A as its unclear in this subdivision which tract is referred to, and it is no longer applicable with the full dedication of right of way.
6. Plat Note 10: Remove part D: Public Works and staff see no reason for an additional setback beyond the current standard of 20 feet. Unless there are special circumstances that are noted on the plat, setbacks are regulated by the current zoning code at the time of development, which is why plat note 3 is found on all plats.
7. Update any remaining part of plat note 10 with new street names.
8. Depict the power line and include the easement from parent plat 87-27, Waddell Park 1985 Replat. The plat states: "Approximate location of existing overhead power line 10' easement each side until line is removed."

**Attachments:**

1. Preliminary Plat
2. Public Notice
3. Aerial Map
4. Portion of plat Plat 87-27, Waddell Park 1985 Replat
5. Portion of plat 2000-20 Waddell Park 2000

## NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

### **Waddell Park 2016 Replat Preliminary Plat**

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

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, November 04, 2015 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

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

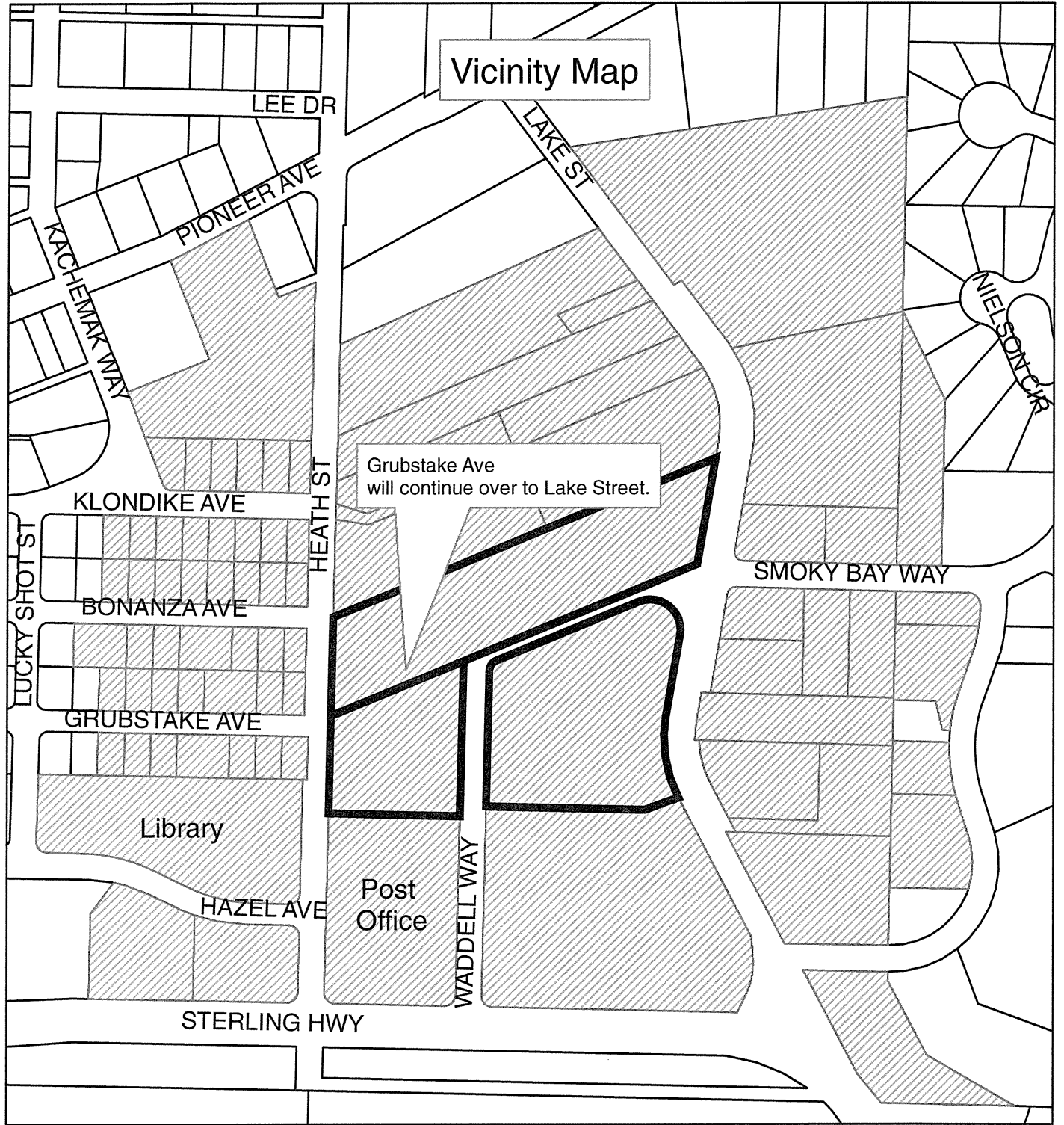
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud in the Planning and Zoning Office, 235-3106.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.**

.....

**VICINITY MAP ON REVERSE**

Vicinity Map

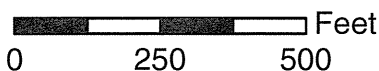


City of Homer  
 Planning and Zoning Department

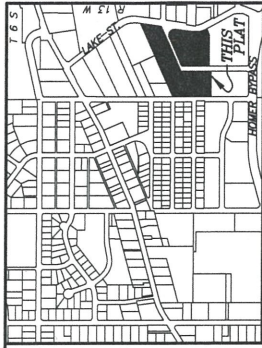
October 22, 2015

Waddell Park 2016 Replat  
 Preliminary Plat

Marked lots are within 500 feet  
 and property owners notified.



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



SCALE: 1" = 1000' U.S.G.S. ROAD, SELDOWNA (C-4 & C-5)

**NOTARY'S ACKNOWLEDGMENT**

FOR: \_\_\_\_\_  
 ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_, 2015.  
 DAY OF \_\_\_\_\_  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES \_\_\_\_\_

10. THE FOLLOWING BUILDING SETBACK LIMITS SHALL APPLY UNLESS A LESSER STANDARD IS APPROVED BY THE APPROPRIATE PLANNING COMMISSION (#87-27 HRD):  
 A) 60' FROM THE NORTHERN BOUNDARY OF TRACT A.  
 B) 70' FROM THE CENTERLINES OF LAKE STREET AND THE HOMER BYPASS.  
 C) 10' FROM THE CENTERLINE OF WADDELL PARK STREET.  
 D) 60' FROM THE CENTERLINE OF WADDELL WAY.

**CURVE TABLE**

CURVE	CHD	BRNG	CHD	DIST.	RADIUS	LENGTH
C1	S 52.38.51" E	122.58'	70.00'	149.32'	(R)	
C2	S 101.7.55" E	185.95'	289.09'	189.32'	(R)	
C3	S 33.08.37" W	27.30'	25.00'	28.88'	(R)	

**NOTES**

- NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
- ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
- ALL DEVELOPMENT IN THIS SUBDIVISION IS SUBJECT TO THE REQUIREMENTS OF THE CITY OF HOMER'S ZONING DISTRICT.
- THERE IS A 15' UTILITY EASEMENT FRONTING ON ALL STREET RIGHT OF WAYS, EXTENDING TO 20' WITHIN 5' OF SIDE LOT LINES.
- THESE LOTS ARE SERVED BY THE CITY OF HOMER SEWER AND WATER.
- A LOW-VALUE WETLAND PERMIT IS REQUIRED PRIOR TO ANY FILLING OF WETLANDS; A 20' EASEMENT EXISTS ALONG EXISTING DRAINAGE UNTIL SUCH TIME IT IS RELOCATED (#00-20 HRD).
- THESE LOTS ARE SUBJECT TO THE ZONING LAWS AND REGULATIONS OF THE CITY OF HOMER.
- NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- THE RIGHT OF CONSTRUCT A "SKYWALK" FROM TRACT 2A ACROSS WADDELL WAY TO TRACT 3A, SUBJECT TO MINIMUM CROSSING AND MAXIMUM BUILDING HEIGHTS, IS HEREBY RESERVED (#87-27 HRD).

**LEGEND**

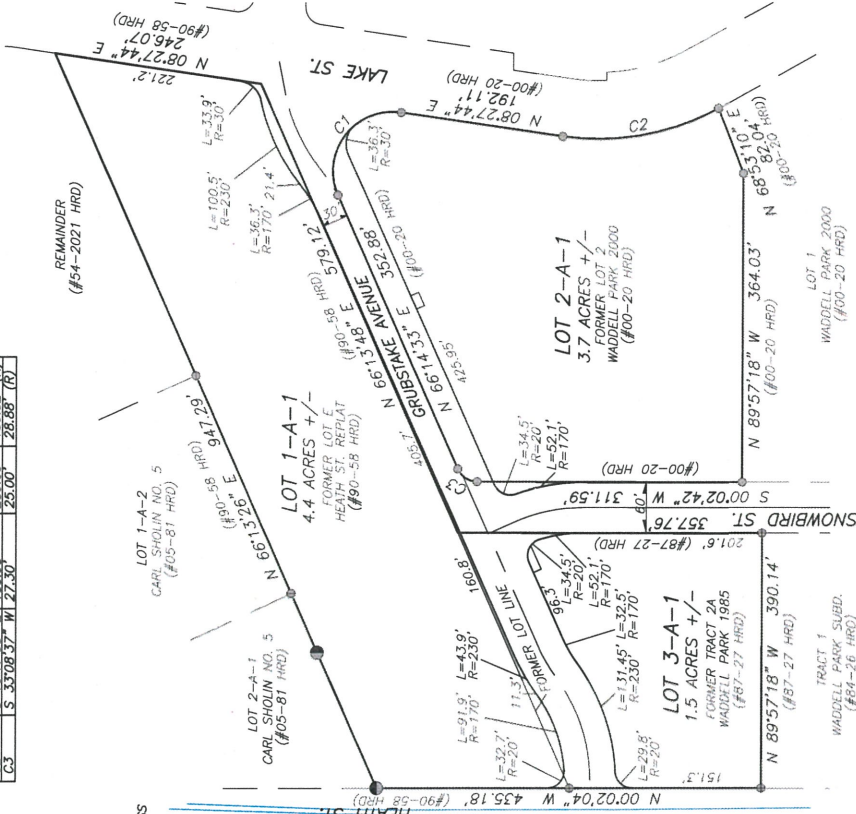
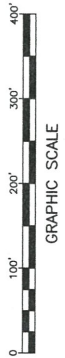
- 5/8" x 30" REBAR W/ 1.5" ALCAP (PLAT #2000-20 HRD)
- 5/8" REBAR OF RECORD (PLAT #1987-27 HRD)
- 5/8" x 30" REBAR (PLAT #2005-81 HRD)
- 1/2" REBAR 3686-S 1982 (PLAT #2005-81 HRD)
- 2" ALCAP 3686-S (PLAT #1990-58 HRD)
- 1.5" ALCAP 3815-S 1989 (PLAT #2005-81 HRD)

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_

BY: \_\_\_\_\_ AUTHORIZED OFFICIAL  
 KENAI PENINSULA BOROUGH

DATE \_\_\_\_\_



**CERTIFICATE OF OWNERSHIP**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

KATIE KOESTER, CITY MANAGER  
 CITY OF HOMER  
 491 EAST PIONEER AVENUE  
 HOMER, AK 99603

SKNOR  
 HOMER ELECTRIC ASSOCIATION, INC.  
 5977 LAKE ST.  
 HOMER, AK 99603

**NOTARY'S ACKNOWLEDGMENT**

FOR: \_\_\_\_\_  
 ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_, 2016.  
 DAY OF \_\_\_\_\_  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES \_\_\_\_\_

HOMER RECORDING DISTRICT KPB FILE NO. 2015-777

**WADDELL PARK 2016 REPLAT**  
 A REPLAT OF LOT E HEATH ST. REPLAT HM 0900058, TRACT 2-A WADDELL PARK SUBD. 1985 REPLAT HM 0870027, AND LOT 2 WADDELL PARK 2000 HM 2000020, LOCATED WITHIN THE NE 1/4 SEC. 20, T. 6 S., R. 13 W., S.M., WITHIN THE CITY OF HOMER, KENAI PENINSULA BOROUGH, ALASKA THROUGH ORIGINAL DISTRICT C-4, C-5, CONTAINING 10.439 ACRES

**SEABRIGHT SURVEY + DESIGN**  
 KENTON T. BLOOM, P.L.S.  
 1044 EAST ROAD, SUITE A  
 HOMER, ALASKA 99603  
 (907) 235-4247

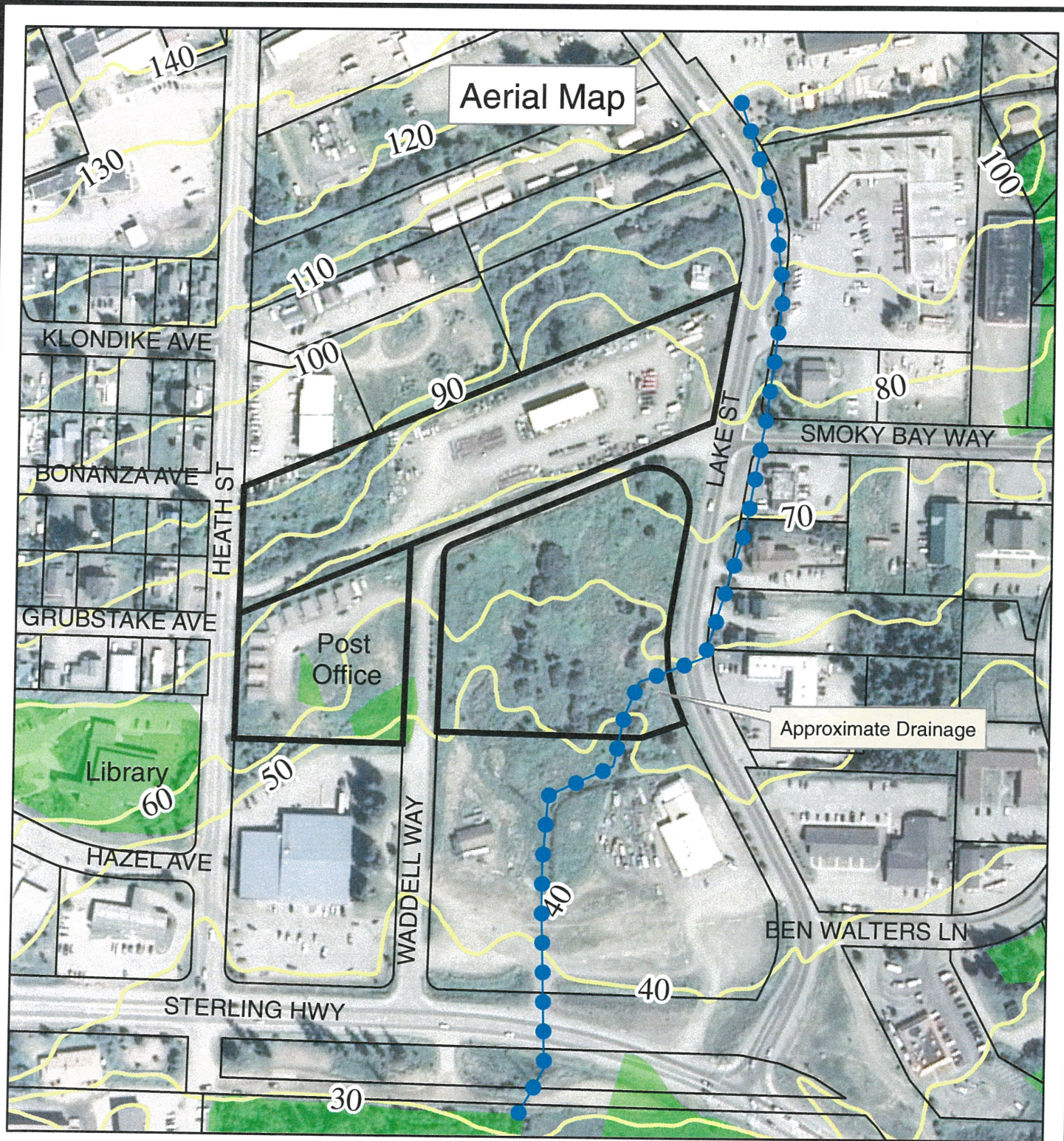
DRAWN BY: KK  
 CHKD BY: KB  
 JOB #2015-43

DATE: 8/2015  
 SCALE: 1"=100'  
 SHEET #1 OF 1



**WASTEWATER DISPOSAL**

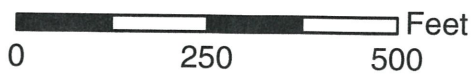
PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



*City of Homer  
Planning and Zoning Department*

October 27, 2015

## Waddell Park 2016 Replat Preliminary Plat



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



**CERTIFICATE OF OWNERSHIP**

I hereby certify that I am the owners of the real property shown and described hereon, and that I hereby adopt this plat of subdivision, and by my free consent dedicate all rights of way and grant all easements to the use shown.

*Ethel Waddell*  
 Ethel Waddell, Personal Representative  
 for the Estate of Albert O. Waddell  
 by Order of PROBATE 3 AN 88-191

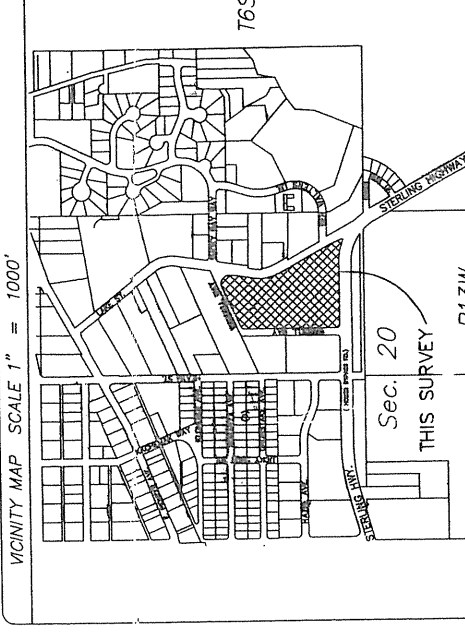
*Ethel Waddell*  
 Ethel Waddell, Trustee  
 3695 LAKE STREET  
 HOMER, ALASKA 99603

**NOTARY'S ACKNOWLEDGEMENT** for Ethel Waddell, Trustee  
 Subscribed and sworn before me this 24th day  
 of May 2000

Notary Public for Alaska  
**OFFICIAL SEAL STATE OF ALASKA**  
**GEORGE G. GOENNA**  
 Expires \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**  
 I hereby certify that this survey was performed by me or under my direct supervision. I declare that the information shown hereon is true and correct to the best of my knowledge and belief.  
P. B. Voeller Date 5-24-00  
 Paul B. Voeller

**PLAT APPROVAL**  
 This plat was approved by the Kenai Peninsula Borough Planning Commission in accordance with Section 20.04.070 Kenai Peninsula Borough Subdivision Regulations.  
 Date: June 2, 2000  
 Borough Official Mary J. Best

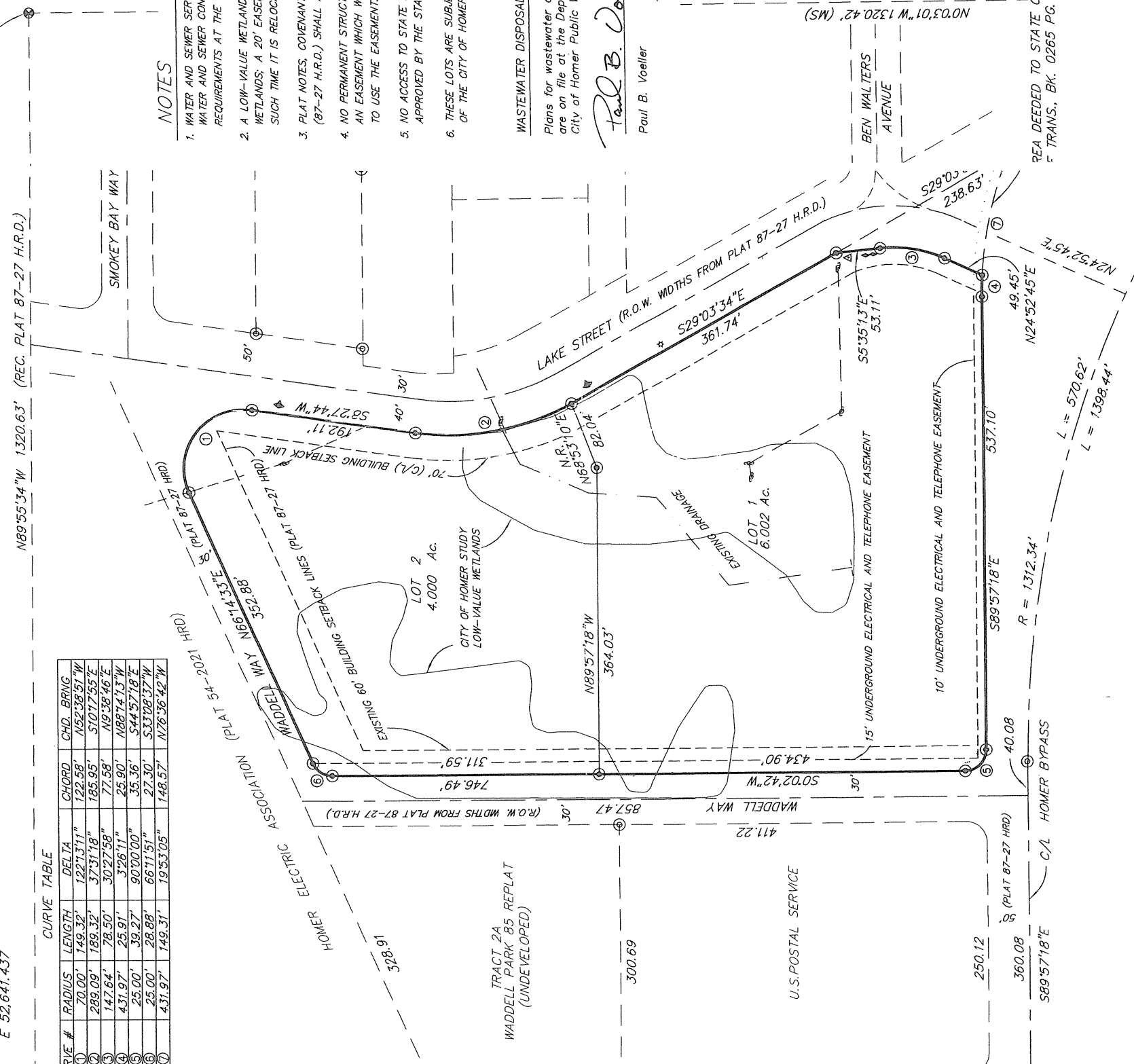


DATE: MAY 2000  
 SCALE: 1" = 100'  
 BASE MAP: AR-73  
 FIELD BOOK: S-20  
 KPB FILE: 2000-091  
 JOB No: 431  
 ZONING: C.O.H. CBD

**WADDELL PARK 2000**  
 A SUBDIVISION OF TRACT 3A, WADDELL PARK, PLAT NO. 87-27 H.R.D. LOCATED WITHIN THE NE1/4 S.21 T.6S, R.13W, S.M. ALASKA WITHIN THE CITY LIMITS OF HOMER, ALASKA; HOMER RECORDING DISTRICT. CONTAINING 10.002 ACRES

**BORDERLINE**  
 ENGINEERS - LAND SURVEYORS - ENVIRONMENTAL CONSULTANTS  
 34601 Alamar Road Anchor Point, Alaska 99556

FOUND 3-1/4" ALUMINUM CAP 4469-S, 1995  
 1.14" S and 0.11" W OF RECORD POSITI (PLAT 87-27)  
 MARKER 1/16 S. 20



**CURVE TABLE**

PIECE #	RADIUS	LENGTH	DELTA	CHORD	CHD. BRNG
1	70.00'	149.32'	122°13'11"	122.58'	N52°36'51"W
2	289.09'	189.32'	37°31'18"	185.95'	S10°17'55"E
3	147.64'	78.50'	30°27'59"	77.58'	N9°38'46"E
4	431.97'	25.91'	3°26'11"	25.90'	N88°41'13"W
5	25.00'	38.27'	90°00'00"	35.36'	S44°57'18"E
6	25.00'	28.88'	66°11'51"	27.30'	S33°08'37"W
7	431.97'	149.31'	79°53'05"	148.57'	N78°36'42"W

**NOTES**  
 1. WATER AND SEWER SERVICE WILL BE SUPPLIED BY THE CITY OF HOMER. WATER AND SEWER CONNECTIONS SHALL COMPLY WITH CITY OF HOMER REQUIREMENTS AT THE TIME OF INSTALLATION.  
 2. A LOW-VALUE WETLAND PERMIT IS REQUIRED PRIOR TO ANY FILLING OF WETLANDS; A 20' EASEMENT EXISTS ALONG EXISTING DRAINAGE UNTIL SUCH TIME IT IS RELOCATED.  
 3. PLAT NOTES, COVENANTS AND RESTRICTIONS FROM THE PARENT PLAT (87-27 H.R.D.) SHALL APPLY TO THIS PLAT.  
 4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.  
 5. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.  
 6. THESE LOTS ARE SUBJECT TO THE ZONING LAWS AND REGULATIONS OF THE CITY OF HOMER.

**WASTEWATER DISPOSAL**  
 Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation and City of Homer Public Works Department.

Paul B. Voeller License # CE-9920 Date 5-24-00  
 Paul B. Voeller

- LEGEND**
- EXISTING POWER POLE AND LINE
  - EXISTING WATER AND SEWER MAIN
  - STUB-OUTS
  - EXISTING FIRE HYDRANT
  - EXISTING TELEPHONE PEDISTAL
  - EXISTING LIGHT POLE
  - C.O.H. CONTROL MONUMENT
  - REBAR OR MONUMENT FOUND
  - 5/8" X 30" REBAR AND
  - 1 1/2" ALUMINUM CAP SET

REA DEEDED TO STATE OF ALASKA DEPT. OF TRANS., BK. 0265 PG. 800, HRD., 0.241AC.  
 8000-20 9000  
 6/2 00  
 10:49 A  
 Voeller

CN 1/16 S. 20 - FOUND 3-1/4" ALUMINUM CAP  
 BASIS OF COORDINATES  
 N 48,675.480  
 E 52,641.437

589°56'42"E 1320.88' (REC. PLAT 87-27 H.R.D.) & MS.  
 FOUND 3" BRASS CAP MONUMENT  
 ILLEGIBLE, 1987

CE 1/16 S. 20  
 SS CAP MONUMENT  
 3686-S, 1990







## 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

(f) 907-235-3143

## Memorandum

TO: ADVISORY BODIES  
FROM: JO JOHNSON, CITY CLERK  
DATE: OCTOBER 16, 2015  
SUBJECT: 2016 MEETING SCHEDULE

---

Please review the 2016 meeting schedule for your Advisory Body and approve with or without amendments. The draft resolution includes the entire 2016 meeting schedule. The resolution will be presented to Council on December 7, 2015 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 1, 2015.

Thank you!



1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

City Clerk

3  
4 **RESOLUTION 15-xxx**

5  
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 ESTABLISHING THE 2016 REGULAR MEETING SCHEDULE FOR  
8 THE CITY COUNCIL, ECONOMIC DEVELOPMENT ADVISORY  
9 COMMISSION, LIBRARY ADVISORY BOARD, PARKS AND  
10 RECREATION ADVISORY COMMISSION, ADVISORY PLANNING  
11 COMMISSION, PORT AND HARBOR ADVISORY COMMISSION,  
12 CANNABIS ADVISORY COMMISSION, PERMANENT FUND  
13 COMMITTEE, AND PUBLIC ARTS COMMITTEE.  
14

15 WHEREAS, Pursuant to Homer City Code Section 1.14.020, the City Council annually  
16 sets the schedule for regular and some special meetings, noting the dates, times and places  
17 of the City Council, Advisory Commissions, the Library Advisory Board, and standing  
18 committee meetings; and  
19

20 WHEREAS, The public is informed of such meetings through notices located at the City  
21 Clerk's Office, Clerk's Calendar on KBBI, the City Clerk's Website, and postings at the Public  
22 Library; and  
23

24 WHEREAS, HCC 1.14.020 - 040 states that meetings may be advertised in a local paper  
25 of general circulation at least three days before the date of the meeting and that special  
26 meetings should be advertised in the same manner or may be broadcast by local radio at  
27 least twice a day for three consecutive days or two consecutive days before the day of the  
28 meeting plus the day of the meeting; and  
29

30 WHEREAS, HCC 1.14.010 notes that the notice of meetings applies to the City Council  
31 and all commissions, boards, committees, subcommittees, task forces and any sub-unit of  
32 the foregoing public bodies of the City, whether meeting in a formal or informal meeting; that  
33 the failure to give the notice provided for under this chapter does not invalidate or otherwise  
34 affect any action or decision of a public body of the City; however, this sentence does not  
35 change the consequences of failing to give the minimum notice required under State Statute;  
36 that notice will ordinarily be given by the City Clerk; and that the presiding officer or the  
37 person or persons calling a meeting are responsible for notifying the City Clerk of meetings in  
38 sufficient time for the Clerk to publish notice in a newspaper of general circulation in the City;  
39 and  
40

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

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

45  
 46 NOW, THEREFORE, BE IT RESOLVED by the Homer City Council, that the 2016 meeting  
 47 schedule is established for the City Council, Economic Development Advisory Commission,  
 48 Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning  
 49 Commission, Port and Harbor Advisory Commission, Permanent Fund Committee, and Public  
 50 Arts Committee of the City of Homer, Alaska, as follows:

51  
 52 Holidays - City Offices closed:

January 1*, New Year's Day, Friday	February 15*, Presidents' Day, the third Monday	March 28*, Seward's Day, last Monday	May 30*, Memorial Day, last Monday	July 4*, Independence Day, Monday	September 5*, Labor Day, first Monday
October 18*, Alaska Day, Tuesday	November 11*, Veterans Day, Friday	November 24* Thanksgiving Day, Thursday	November 25*, Friday, the day after Thanksgiving	December 26**, Christmas, Monday	

53  
 54 \*Indicates holidays - City offices closed.  
 55 \*\*If on a Sunday, the following Monday is observed as the legal holiday; if on a Saturday, the  
 56 preceding Friday is observed as the legal holiday pursuant to the City of Homer Personnel  
 57 Rules and Regulations.

58  
 59 CITY COUNCIL (CC)

January 11, 25	February 8, 22	March 14, 28	April 11, 25	May 9, 23	June 13, 27
July 11**, 25	August 8, 22	September 12, 26	October 4 Election	October 10, 24, for Oath of Office 17*	Canvass Board October 7 or 10
November 1 Runoff Election	November 14**, 28	December 12****	December 19**** if needed		

60  
 61 City Council's Regular Committee of the Whole Meetings at 5:00 p.m. to no later than 5:50  
 62 p.m. prior to every Regular Meeting which are held the second and fourth Monday of each  
 63 month at 6:00 p.m. \*\*\*The City Council traditionally reschedules regular meetings that fall on  
 64 holidays or High School Graduation days, for the following Tuesday. Council will not conduct  
 65 a First Regular Meeting in July.

66 AML Annual Conference Week is tentatively scheduled for November 14 – 18, 2016.

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

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

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

72

73 ECONOMIC DEVELOPMENT ADVISORY COMMISSION (EDC)

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

74

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

77

78 LIBRARY ADVISORY BOARD (LAB)

	February 2	March 1		May 3	June 7
July 5		September 6	October 4		December 6

79

80 Library Advisory Board Regular Meetings are held on the first Tuesday of the months of  
 81 February, March, May, June, July, September, October, and December at 5:00 p.m.

82

83 PARKS AND RECREATION ADVISORY COMMISSION (P/R)

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

84

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

87

88 PLANNING COMMISSION (P/C)

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

89

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

93

94

95

96 PORT AND HARBOR ADVISORY COMMISSION (P/H)

January 27	February 24	March 23	April 27	May 25	June 22
July 27	August 24	September 28	October 26	November 16	December 21

97  
98 Port and Harbor Advisory Commission Regular Meetings are held on the fourth Wednesday of  
99 each month at 5:00 p.m., with the exception of May, June, July and August meetings that are  
100 held at 6:00 p.m. The Regular Meetings in the months of November and December are  
101 traditionally scheduled for the third Wednesday of the month.  
102

103 CANNABIS ADVISORY COMMISSION (CAC)

January 28	February 25	March 24	April 28	May 26	June 23
July 28	August 25	September 22	October 27	November 29	December 15

104  
105 Cannabis Advisory Commission Regular Meetings are held on the fourth Thursday of each  
106 month at 5:30 p.m. The Regular Meeting in the month of November is scheduled for the last  
107 Tuesday of the month and the Regular Meeting in December is scheduled for the third  
108 Thursday of the month.  
109

110 PERMANENT FUND COMMITTEE (PFC)

February 11	May 12	August 11	November 10
-------------	--------	-----------	-------------

111  
112 Permanent Fund Committee Regular Meetings are held quarterly on the second Thursday of  
113 the months of February, May, August, and November at 5:15 p.m.  
114

115 PUBLIC ARTS COMMITTEE (PAC)

February 11	May 12	August 11	November 10
-------------	--------	-----------	-------------

116  
117 Public Arts Committee Regular Meetings are held quarterly on the second Thursday of the  
118 months of February, May, August, and November at 5:00 p.m.  
119

120 PASSED AND ADOPTED by the Homer City Council this 7<sup>th</sup> day of December, 2015.

121  
122 CITY OF HOMER

123  
124 \_\_\_\_\_  
125 MARY E. WYTHE, MAYOR

126 ATTEST:

127  
128 \_\_\_\_\_  
129 JO JOHNSON, MMC, CITY CLERK



## 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

## City Manager's Report

TO: Honorable Mayor Wythe and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: October 26, 2015  
SUBJECT: City Manager's Report

---

### **Request to Postpone Strategic doing until second meeting in January**

A Strategic Doing work session is currently scheduled for November 23. I would like to request the Strategic Doing work session be rescheduled to the second meeting in January. November will be the height of the educational campaign on HART and the December 1 special election and will be my focus. We will also be short staffed in my office for the month of November.

### **Should City Assume Maintenance of Lake Street Bike Paths?**

The City has been informed by ADOT/PF that their Lake Street Improvements will incorporate a bike lane on each side of the road. However, they are requesting that maintenance of the signage and pavement markings for the bike lane on the west side be maintained by the City. If the City does not agree to take on maintenance responsibilities, the State will still build the dedicated space for bike traffic, however it will be considered a 'bike route' with minimal signage and no pavement markings (bike stencils in path). Any agreement for the City to take over maintenance of the bike path would have to include the State plowing and sanding the path and associated liability or we would be looking at a considerable expense. The maintenance expense (replacement cost of signage and stenciling) is estimated at \$2,400 a year.

The City is currently designing similar bike lanes on Waddell Way. Ideally signing and pavement markings should be consistent on Lake Street and Waddell Way.

Lake Street bike lane signage/markings cost \$9,000 to install. \$2,400/ year to maintain.

Waddell Way bike lane signage/markings cost \$6,000 to install. \$1,800/ year to maintain.

\$4,200 annual total

Should the City take on the additional maintenance cost for bike lane signage and markings (on both streets) or should the lanes be constructed as 'bike routes' with minimal signage/markings (on both streets)?

### **Buccaneer Creditors' Liquidating Trust Settlement**

You may recall that in June of this year the City of Homer received letter from the Trustee of the Buccaneer Creditors' Liquidating Trust demanding the City return \$17,460 in payment that had been received in the 90 days preceding Buccaneer's bankruptcy. The City Attorney countered with a letter stating that the payment was made during the course of regular business. Nevertheless, the City Attorney has negotiated a 50% reduction in the original demand (\$8730) which I have agreed to. While it gives me heartburn to acquiesce to the claim, it is a modest amount that could quickly be surpassed in legal fees if we were to engage in a lengthy battle. The funds received were for services delivered at the Port and Harbor and will be assigned a legal settlement code in the enterprise budget so we can track these types of expenses.

### **Update on Sale of Lillian Walli Lots**

Council directed staff to sell all 8 City-owned parcels in the Lillian Walli subdivision. I wanted to provide you an update on that process. A request for proposals was posted on the City website on October 12<sup>th</sup>. The total appraised value and minimum bid for all lots is \$91,000. Written questions are due by October 28<sup>th</sup> to the City Clerk's Office. Bids are due by noon November 12, 2015 and will be opened by the City Manager. <http://www.cityofhomer-ak.gov/rfps>.

### **Woodard Creek Coalition**

City Planner Abboud attended the Woodard Creek Coalition Workshop Saturday, October 17<sup>th</sup>. The meeting was held to prioritize several problem statements and set goals and objectives for the coalition. Channelization, erosion, and flooding have been identified as public safety concerns. Development in and around the drainage area has contributed to these problems. The coalition prioritized raising public awareness of the condition of the creek and the value it has to the community. See the attached press release for more information.

### **Upcoming Elections**

We have two more elections before the end of the year. I wanted to remind everyone when absentee voting starts so they can make sure and fit it in – it is coming right up.

November 3 Runoff: Absentee voting started Tuesday, October 20.

December 1 Special Election: Absentee voting starts Monday, November 16.

Enc:

Settlement agreement with Buccaneer Creditors' Liquidating Trust

Woodard Creek Coalition Press Release

Thank you to SPH for Hosting Dinner on September 15



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**

November 23 rd                      Savanna Bradley

December 7 th                      Tom Stroozas

Budget is given to department heads in July, August to return to city manager for first presentation to council on September.

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.