



City of Homer

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Planning

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Memorandum

Agenda Changes/Supplemental Packet

TO: PLANNING COMMISSION
FROM: ZACH PETTIT, DEPUTY CITY CLERK II
DATE: OCTOBER 15, 2025
SUBJECT: SUPPLEMENTAL

11. NEW BUSINESS

11. A. Draft Title 21 Zoning Code Review

1. Comments from Penelope Haas for Kachemak Bay Conservation Society **Page 3**
2. Comments from Councilmember Jason Davis **Page 13**

PROTECTING OPEN SPACE IN HOMER

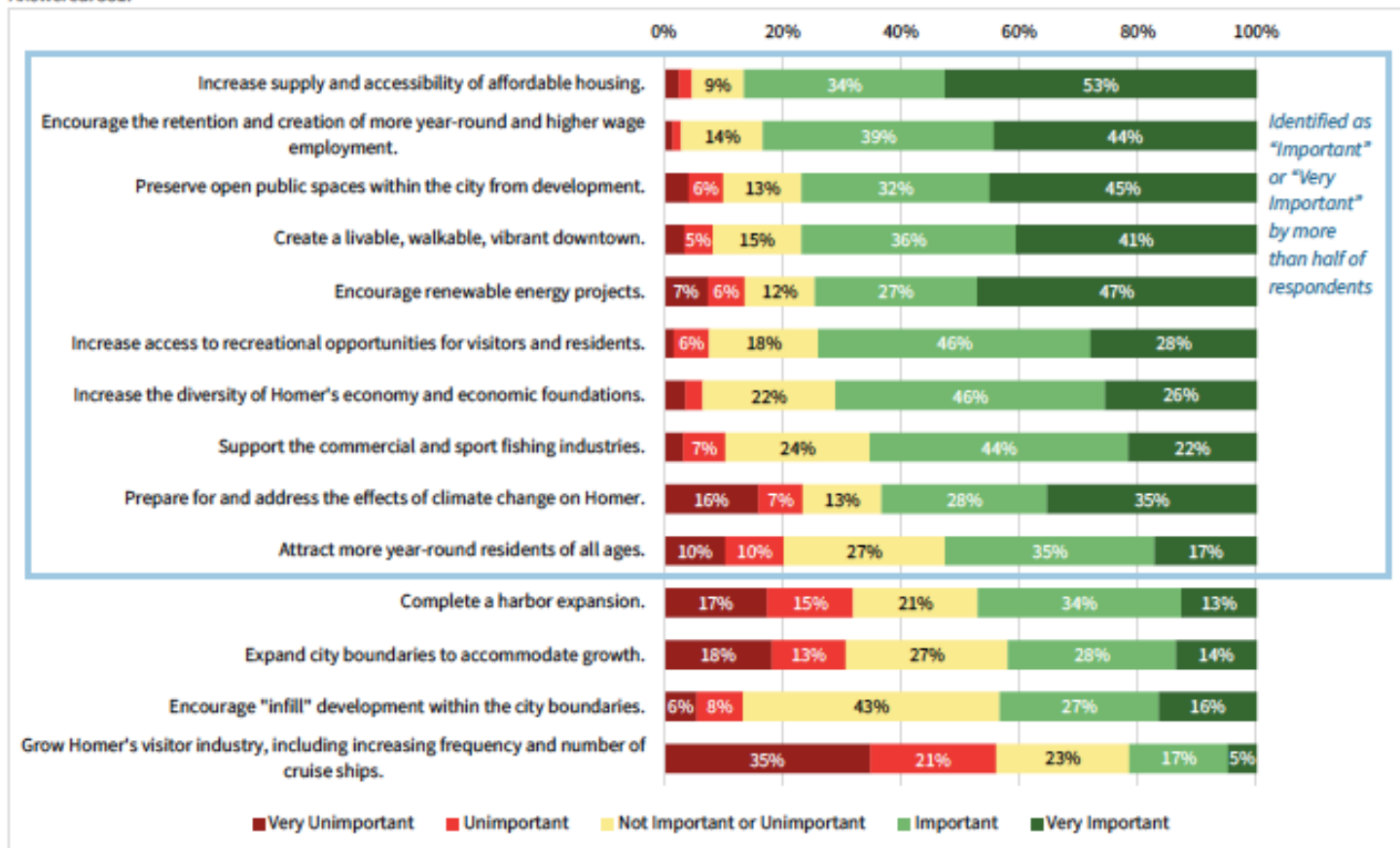
by Penelope Haas for the Kachemak Bay Conservation Society. Created with the support of the Homer Stormwater Workgroup, an ad-hoc group of local citizens who held meetings on stormwater management with experts in hydrology, soils, habitat, etc. 2023-2025.

Why is open space important to all of Homer?

- Seventy seven percent of a [survey of Homer-area residents](#) last year said that they wanted to "protect open public spaces within the city from development" --it is our # 3 priority-- and 74 percent said they want to "increase access to recreational opportunities"--it is our # 6 priority. These values are about quality of life and cut across political affiliation. As public servants, it is your duty to do the public's will.

Q13: Listed below are potential priorities for the greater Homer community to focus on for the next 10-20 years. For each potential priority, please indicate level of importance.

Answered: 551.



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- Open Spaces can provide recreational access & habitat.
- Critical green infrastructure slows the flow of water that helps manage our significant water-related hazards including, flooding, landslides, bluff-erosion, ice and water on the roads, overflowing culverts, and septic system failure.
- Homer is a tourist town, and our economy turns on the ecological diversity, vitality and picturesque beauty of places like Mud Bay, Beluga slough, and the Beluga Wetlands, as well as our popular trail systems like the Homer Spit bike trail and Diamond Creek and Beluga Slough.
- [Protected land increases the value of the lands around it](#)--boosting City Revenues, also see [here](#).
- [Bird tourism is big money in Alaska](#) and should not be overlooked as a key economic driver for Homer. Homer's Shorebird Festival is Alaska's largest wildlife viewing festival, and Mud Bay is designated as a Western Hemisphere Shorebird Reserve Network Site of International Importance, which means that at least 100,000 shorebirds annually return here.
- We do not expect much of an [increase in population](#): protecting open spaces will not restrict growth but rather direct it to appropriate areas. Any protections can and should be offset by liberalized growth in other areas, eg. The Town Center.

I. Key Code Tweaks

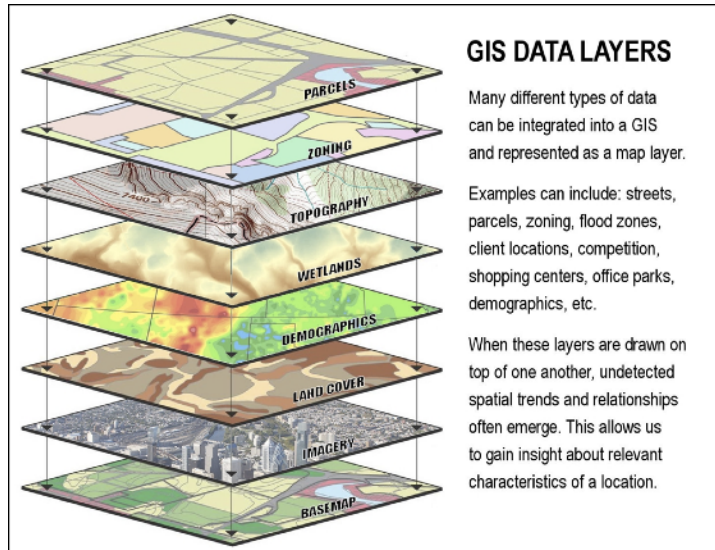
- a) Expand the definition of “Standing” (HCC 21.93.050 Standing) to allow appeals to Planning Commission decisions to be brought by people outside the current 300 ft limit. This should be allowable when impacts of a development will be larger, such as hazards associated with flooding, traffic, erosion, road or property damage.
- b) Get rid of Planned Unit Developments (PUDs)—this little code loophole lifts the lid on all development restrictions, like height and footprint, anywhere. This tool is confusing for the Planning Commission as it has little to no guidance on when it is appropriate and is a back door to allow for an unequal application of the law. It was used for the first time to allow mega-hotel at the base of the spit.
- c) Change the permitting process for large projects/projects in sensitive sites. These projects need more information and time for public participation/ checklist.
- d) Require that developments of x size create a certain amount of park space and walkability.
- e) Encourage Planning Staff and Planning Commission to make site visits before making decisions or and Require that they make site visits on large-scale projects or projects in sensitive/technical sites.
- f) Create an annual “Know your Waterways” workshop for the Planning Commission and Planning staff, in collaboration with Kachemak Bay National Estuarine Research Reserve, Homer Soil and Water Conservation District, and Coastal Studies to support informed analysis of development impacts to surrounding properties.
- g) Expand language describing the kinds of conditions that can be placed on Conditional Use Permits (Homer City Code, 21.71.040 Approval of conditional use) to include measures maintaining *riparian waterways, soil stability, woodlands, vegetation, wetland protection, and water quality*.
- h) Set a backstop on the ability of the Planning Commission to rezone individual areas one-by-one toward more intensive uses, eg. From Rural



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Residential to General Commercial. Could use existing code on [“variances”](#) as a guide.

II. Modernize Zoning Code: Integrate Digital Mapping of Sensitive Environments



Use existing GIS layers to create Special Area Management around sensitive and hazard zones around landslide hazard areas, flood zones, wetlands, and primary waterways would work to achieve community land-use values by protecting people from hazards associated with landslides, flooding, septic system failure, low water-quality, and fire. Rezone some sensitive areas for Conservation

Sensitive and Hazard Zones should be treated differently than other lands. They should:

- (a) Be mapped in GIS overlays that are visible on all zoning maps and overlays on KPB Parcel Viewer.
- (b) trigger the need for outside analysis and engineering (like current traffic analysis requirements)
- c) and/or have appropriate Site Development Standards, Platting Requirements, Stormwater Management Plans.

Relevant Data and Examples:

- City of Homer 21.40.020 Bridge Creek Watershed Protection District : “The purpose of this chapter is to prevent the degradation of the water quality and protect the Bridge Creek Watershed...These provisions benefit the public health, safety, and welfare of the residents of the City of Homer...by restricting land use activities that would impair the water quality, or increase the cost for treatment.”
- The [Stormwater Management Manual for Western Washington](#), which is standardized across most Western Washington counties, provides a model for the levels of



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consideration necessary for effective stormwater management for developments in sensitive areas:

- 1) Stormwater Site Plan
- 2) Construction Stormwater Pollution Prevention Plan
- 3) Source Control
- 4) Preserve Natural Drainage
- 5) Onsite Stormwater Management
- 6) Treatment
- 7) Flow Control
- 8) Wetlands Protection
- 9) Operations & Maintenance

• You are likely aware of the [proposed parking lot along the bike path on the Homer Spit](#) (folks seen birding in that location in image above). That fill application to the Corps of Engineers was possible because that land is currently zoned "Marine Industrial". The current (draft) Future Land Use Map maintains that designation (see blue stripe at the base of the spit in the Future Land Use Map). The Planning Commission should correct this inappropriate zoning and direct marine industrial use to the end of the spit. These lands should be zoned for conservation or "Minimal Impact Development."

We also want to draw your attention to lands around the [ADF&G Airport Critical Habitat Area](#) and conservation/recreation lands around Beluga Wetland and Slough, owned by City of Homer, KHLT and Moose Habitat Inc. (seen in green in the Future Land use maps). Checkered conservation and "General Commercial" (blue) and Urban Residential (orange) does not make sense in this area. We should have a more consistent buffer around these valuable conserved lands. These wetlands do a very important job of mitigating flooding, ice in the roads, bluff erosion etc. They are also critical habitat for migratory birds and moose in the winter - more conserved lands in these areas would make great recreation if trails could be put in.



Let's not forget the landslide hazard zones above the hospital is at the base of the Woodard Creek Watershed. Mismanagement above the hospital could be catastrophic. Also, the slide hazard and around the Baycrest Overlook has been singled out as one of the most significant hazards in Homer by DGGS. Note that the future land use map designates some of the Baycrest Overlook, which has a potential for a massive slide, as Light Industrial, and the area above the hospital is zoned like everywhere else, and in fact the draft Future Land Use map got rid of the Gateway District, which limited development in the sensitive area. This is a mistake. Both these areas should have minimal development, and would make great

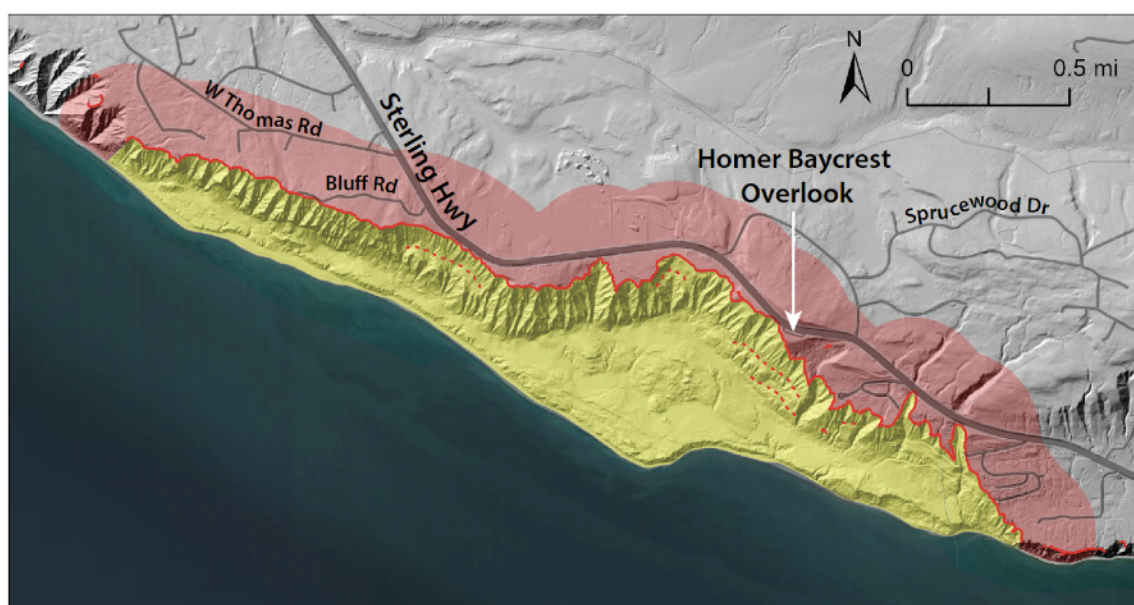
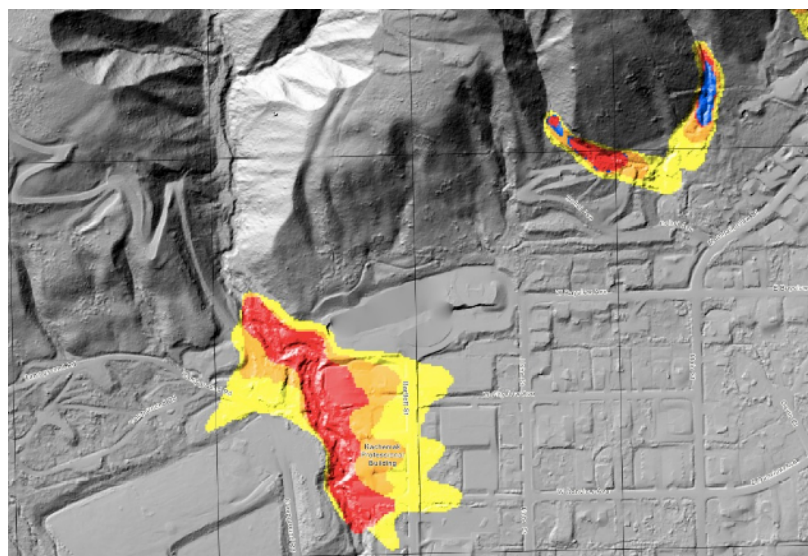


Figure 8. Deep-seated landslide susceptibility near the Bluff Point landslide (red polygon). The landslide body (yellow area, south of the red headscarp line) is the landslide deposit and is also susceptible to repeated failure.

recreational areas.

IV. A Clear, Fill and Grade Permit to mitigate the hazards of landslides, flooding, and low water quality.

- A Clearing Permit would be required for any removal of trees or vegetation from a critical area or from properties subject to clearing standards or clearing restrictions in a special district overlay defined in Code.
- Clearing over of eg. 7,000 square feet on specially zoned properties or removal of 5,000 board feet of merchantable timber also requires a permit. A separate forest practices permit may also be required.
- A Grading Permit would be required for any amount of grading around a critical area. Otherwise the threshold for a grading permit is 100 cubic yards or creation of 2,000 square feet of new impervious surface. If more than 500 cubic yards is to be disturbed, a checklist is required. Exemptions to clearing and grading permit requirements are listed in code.
- Loss of permeable green space and poor drainage management comes at a cost to the City: during intense rain storms, as much as 50 percent of the overall flows received at the sewer treatment plant may be attributed to inflow and infiltration. During major storms, over 1,000,000 gallons per day of flow may be attributed to infiltration and inflow.¹ The 2018 Comprehensive Plan points out that “the lack of inspections of new home construction, poor drainage around homes and businesses, lack of enforcement, and the lack of pipe storm drain systems have led to illegal storm drain connections to the sanitary sewer system.”
- Could pair with programs like a free culvert program.

Relevant Data and Examples

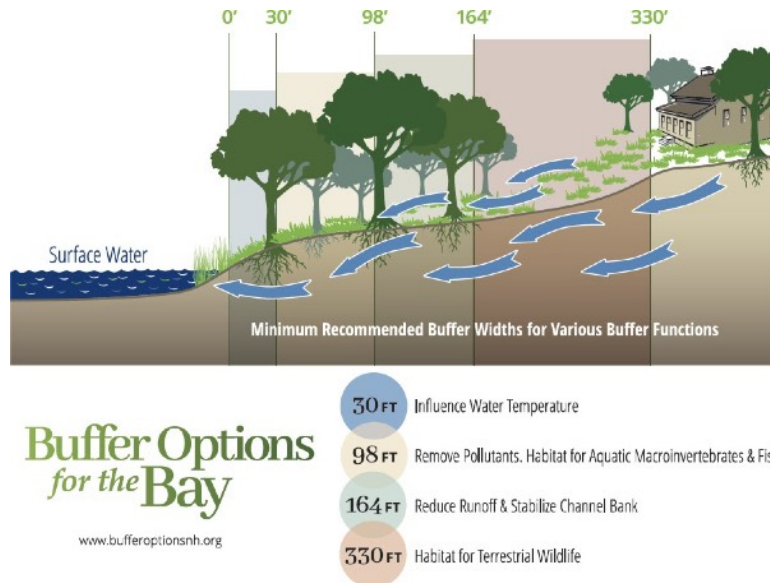
- King County, Washington.
- Evergreen and [deciduous trees uptake a lot of water in Alaska's boreal forests](#). The primary source for tree water storage, whether it is rainfall or snowmelt, has

¹ “Homer Comprehensive Plan, 2018.”



consequences for watershed water balance and the connections between tree water use, storage, and drought stress.

V. Buffers around creeks, wetlands, and steep slopes.



- Buffers mitigate the hazards of landslides, flooding, and low water quality. Properly designed buffers can also act as critical wildlife corridors.
- The EPA identifies stormwater buffers as a “Stormwater Best Management Practice.” Buffer zones around creeks and wetlands provide an area where stormwater can permeate the soil and replenish the groundwater. They also slow the flow of stormwater, which helps

to filter sediment, decrease soil erosion and prevent stream-bank and steep slope collapse.²

- This is a simple management approach with low implementation cost and clear guidance to planners and developers.
- A 5 ft or 10ft of buffer next to the 1st and 2nd order streams is a lot more powerful in mitigating stormwater than 100ft next to the bigger stream.

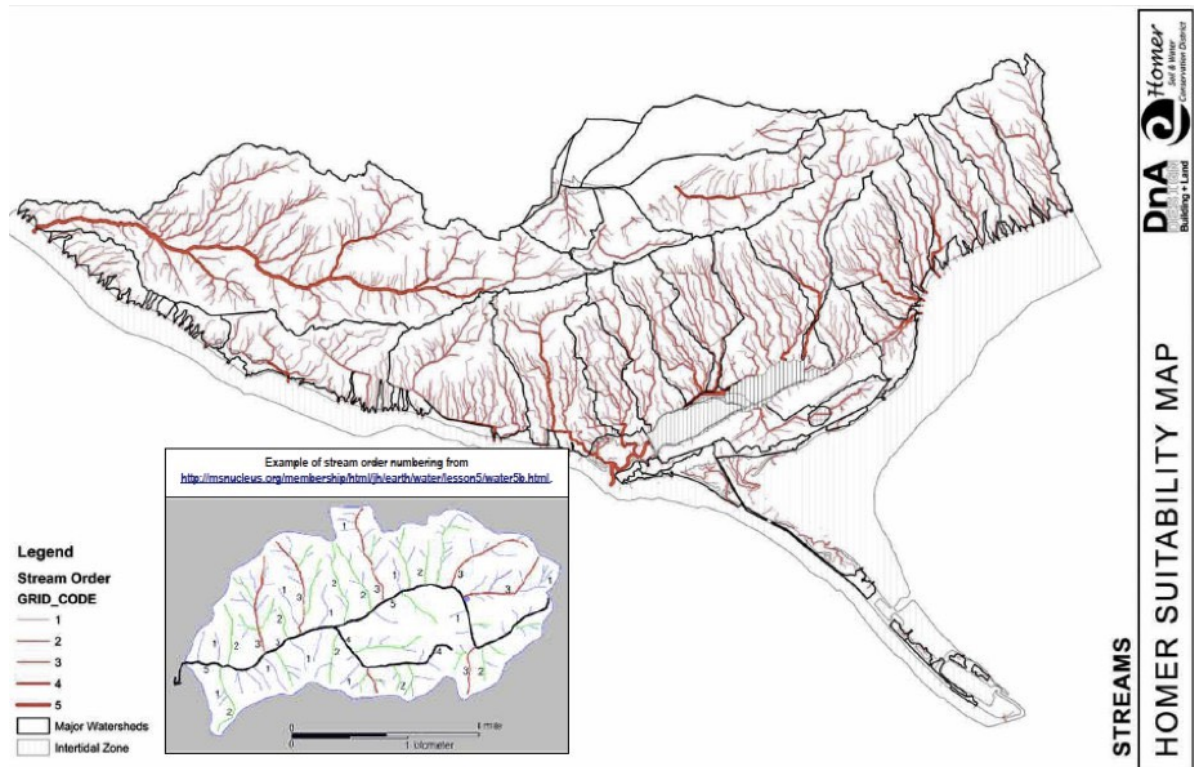
Relevant Data and Examples:

- A number of states, including Georgia, Minnesota, South Dakota, Oregon, New Hampshire, New York, Rhode Island, Vermont, North Carolina, New Jersey, California, Delaware, Maryland, and Washington have some form of statewide buffer regulation. Connecticut and Maine have buffer codes that require municipalities to

² "Stormwater Best Management Practice: Vegetated Buffer," EPA. Online at: <https://www.epa.gov/system/files/documents/2021-11/bmp-vegetated-buffers.pdf>

regulate buffers.³

- [The EPA has a model ordinance](#) for instituting local buffer zones and many example ordinances for local governments are explored in the “Planner’s Guide to Wetland Buffers for Local Governments” by the Environmental Law Institute.



V. \$\$\$ to Conserve Open Space

- A Stormwater Utility Fee is similar to a water or sewer utility fee. Stormwater utility fees are a fee that the government charges for managing stormwater. Fees can be instituted as a flat rate or calculated based on a property’s impervious surface or total estimated runoff.
- There is consensus among public works officials that the utility approach is the best way to finance stormwater management systems: “utilities are a stable, equitable, secure source of funds.”⁴
- Funds could be used for green infrastructure/Conservation of lands and recreational sites.

³ Wetland Buffers: Use and Effectiveness” USACE, online at https://www.spk.usace.army.mil/Portals/12/documents/regulatory/pdf/Wetland_Buffers_Use_and_Effective_ness.pdf

⁴ *Financing Stormwater Utilities, 2nd Edition* by John F. Damico and Lamont W. Curtis, Revised and Updated by the American Public Works Association Water Resources Management Committee, 2020.

- COH Public Works has roughly calculated the cost of installing drain works to accommodate increased flows over the next 10 years at \$47 million dollars.⁵ Loss of permeable green space and poor drainage management comes at a cost to the City: during intense rain storms, as much as 50 percent of the overall flows received at the sewer treatment plant may be attributed to inflow and infiltration. During major storms, over 1,000,000 gallons per day of flow may be attributed to infiltration and inflow.⁶

Relevant Data and Examples:

- There are an estimated 2,000+ stormwater utility programs in existence.⁷
- The 2019 Western Kentucky Stormwater Utility Survey summarizes data from 1,716 stormwater utility programs across the country. Nationwide, the average monthly single-family residential fee was \$5.85, the standard deviation was \$4.50, and the median fee was \$4.75. Fees range from zero up to \$45 per month for a typical single-family home.

⁵ “Green Infrastructure Planning for the City of Homer,” <https://www.arcgis.com/apps/MapJournal/index.html?appid=2f427e99603a4c61979f5b4e64462096>.

⁶ Homer Comprehensive Plan, 2018

⁷ *Financing Stormwater Utilities, 2nd Edition* by John F. Damico and Lamont W. Curtis, Revised and Updated by the American Public Works Association Water Resources Management Committee, 2020.

Planning Commissioners,

Reviewing your packet for Wednesday, I saw the proposal to remove the current special zoning for the Town Center district, and to combine it with Central Business District zoning in a new “Downtown Mixed Use” zoning district.

I also reviewed the presentation on proposed zoning revisions for the Downtown Mixed Use district, and while there were not a lot of details included, I came away with the impression that rather than being thoroughly updated and modernized to favor pedestrian-friendly mixed-use development going forward, the standards for minimum lot size, coverage, setback and parking requirements were instead being “tweaked” by a few percentage points.

The city has invested a significant amount in this once in a generation zoning rewrite, and I hope you will help ensure that it is done thoroughly.

For a reality check, I asked an AI assistant what changes should be considered for our CURRENT Town Center District zoning regulations to ensure this area is developed in a pedestrian-friendly manner.

This was the response; I hope the Planning Commission will steer the process in this direction for the Town Center at a minimum, and ideally for the entire Downtown Mixed Use District:

To encourage pedestrian-friendly mixed-use development in Homer's Town Center District (TCD), the dimensional requirements should be revised to prioritize density, street activation, and a historic neighborhood feel—drawing from zoning reform implemented recently in other communities (examples below). This approach shifts from car-centric standards (e.g., large lots, deep setbacks) to ones that promote walkable, human-scale environments with buildings close to sidewalks, reduced vacant space, and flexible lot configurations. Such changes emulate pre-automobile development patterns seen in historic downtowns, where shops, residences, and public spaces blend seamlessly.

Such zoning reforms in other cities often eliminate or minimize lot sizes and setbacks to foster this vibe, focusing instead on building form, facade design, and pedestrian amenities. While Homer's TCD already has some supportive elements (e.g., architectural standards), revisions could make it more effective.

Here are some specific changes to the TCD dimensional requirements (from HCC 21.20.050), justified by common practices in reformed zoning codes in other communities. These aim to reduce barriers to infill, reduce empty space between buildings as in many historic districts, bring facades to the street for vibrancy, and maximize buildable area to minimize vacant space—while retaining safety buffers where needed (e.g., for fire codes).

Proposed Revisions to TCD Dimensional Requirements

1. **Minimum Lot Size (Currently 6,000 sq ft):**
 - **Revision:** Eliminate the minimum lot size entirely, or reduce it to 1,000-2,000 sq ft for mixed-use or commercial lots. This allows for smaller parcels, enabling diverse ownership and incremental development like the narrow storefronts in historic Main Streets.
 - **Rationale:** Large minimums discourage dense, walkable infill by favoring sprawl-like lots. Eliminating them promotes "missing middle" housing and retail, reducing vacant space and encouraging a fine-grained urban fabric.
2. **Side Setbacks (Currently 5 ft from lot lines, min 2 ft with fire code approval):**
 - **Revision:** Reduce to 0 ft (zero-lot-line) for nonresidential or mixed-use buildings, with a 5 ft minimum only if abutting residential zones or for fire access. Allow shared walls or party wall agreements for adjacent buildings.
 - **Rationale:** 10 ft of combined empty space (5 ft each side) creates gaps that disrupt street continuity and pedestrian flow. Zero-lot-lines foster a cohesive "wall" of buildings, as in pre-car eras, enhancing walkability and reducing visual clutter from alleys/gaps.
3. **Front Setbacks (Currently 10-20 ft from street rights-of-way, adjustable via conditional use except Sterling Hwy; 20 ft fixed from Sterling Hwy):**
 - **Revision:** Reduce to 0-5 ft for most streets (build-to lines encouraging street-facing entrances and windows), with flexibility for awnings, stoops, or plazas. Maintain 10-15 ft on high-traffic arterials like Sterling Hwy for safety, but allow encroachments (e.g., cafes) via permit.
 - **Rationale:** Deep setbacks prioritize cars (e.g., for parking/pull-ins) and create dead zones at sidewalks. Shallow or zero front setbacks activate streets, inviting pedestrians and mimicking historic downtowns where buildings meet the curb.
4. **Building Area/Coverage (Currently max 8,000 sq ft total or 30% of lot without conditional use, implying 70% vacant):**
 - **Revision:** Increase maximum coverage to 70-100% of the lot (with conditional use for over 80%), removing the absolute 8,000 sq ft cap for smaller lots. Require 10-15% open space for landscaping/plazas, but integrate it as usable public amenities (e.g., pocket parks) rather than vacant buffers.
 - **Rationale:** Mandating that 70% of each lot be unbuilt land or parking enforces low-density, car-oriented sprawl. Higher coverage allows fuller use of land for mixed-use buildings (e.g., retail ground floors with apartments above), reducing underutilized lots and promoting economic vitality without sacrificing green space.

These revisions could be implemented via a form-based overlay or code amendment, incorporating design guidelines (e.g., from Homer's Community Design Manual) to ensure compatibility. Add incentives like expedited permits for compliant projects. Overall, this would shift TCD toward a more vibrant, pre-automobile aesthetic—compact, walkable, and mixed—while addressing safety through conditional uses.

Examples from Other Communities

Several U.S. cities have reformed car-centric zoning to emulate historic, walkable neighborhoods by reducing/eliminating minimum lot sizes, setbacks, and coverage limits. These often use form-based codes (FBCs) to focus on building form over use separation, resulting in Main Street-style districts.

- **Downtown Las Vegas, NV:** Adopted Nevada's first FBC in 2019 to create a compact, mixed-use downtown with reduced setbacks (0-5 ft fronts, 0 ft sides in core areas) and no minimum lot sizes, emphasizing pedestrian scale and eliminating parking minimums. This transformed vacant lots into vibrant, historic-feeling spaces. Link: <https://files.lasvegasnevada.gov/planning/Form-Based-Code.pdf> (full code); see also <https://www.westernplanner.org/2019articles/2019/4/25/downtown-las-vegas-form-based-code-a-nevada-first> for implementation details.
- **Houston, TX:** Reduced minimum lot sizes from 5,000 sq ft to 1,400 sq ft in 2013 (with further reforms), allowing denser townhouses and mixed-use infill in urban areas. Setbacks were minimized (0-5 ft fronts in walkable zones), increasing coverage to 60-80% and fostering pedestrian-friendly neighborhoods amid housing shortages. This emulates pre-car density without mandating vacancy. Link: <https://www.opb.org/article/2024/02/17/the-hottest-trend-in-u-s-cities-changing-zoning-rules-to-allow-more-housing/> (overview of reforms).
- **Kingston, NY:** Implemented a citywide FBC in 2023 that eliminates minimum lot sizes in mixed-use districts, reduces setbacks to 0 ft for fronts/sides (build-to lines), and allows up to 100% coverage with green space integrated via plazas. This revives historic neighborhood feels in uptown/downtown areas. Link: https://kingston-ny.gov/filestorage/8399/8469/48370/Kingston_Form_Based_Code_adopted.pdf (full code).