



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

Memorandum

Agenda Changes/Supplemental Packet

TO: PLANNING COMMISSION
FROM: ZACH PETTIT, DEPUTY CITY CLERK I
DATE: NOVEMBER 6, 2024
SUBJECT: SUPPLEMENTAL

8. PUBLIC HEARINGS

8. A. Conditional Use Permit 24-12 per HCC 21.14.030(i), Staff Report 24-054

1. Addendum SR 24-054

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2. Public Comment Received

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8. B. A Proposal to Vacate the Farmwald Circle Right-of-Way within the Bridge Creek Coop. Subdivision, Located in the E 3/4, S 1/2, SW 1/4, SEC. 4 T. 6S, R13W, S.M., ALASKA, Staff Report 24-055

1. Addendum SR 24-055

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Addendum SR 24-054

TO: Homer Planning Commission
FROM: Ryan Foster, City Planner
DATE: 11/5/24
SUBJECT: CUP 24-12 688 Waddell Road Additional Information

Based on public comments received on CUP 24-12 688 Waddell Road, I'd like to provide additional information for consideration by the Planning Commission.

What is a Conditional Use Permit?

Conditional Use Permits in Homer City Code (HCC) are primarily required based on land use and structures (though there are other triggers for conditional use permits in HCC). In each zoning district of the City, there are land uses and structures listed as those permitted outright and those that require a conditional use permit review. Conditional use permits are approved by the Planning Commission per the review criteria and conditions, (HCC 21.71.030) in order to receive these land use entitlements. For example, a single-family dwelling is a permitted use outright in the Urban Residential District, while the CUP 24-12 application requests multiple principal (single-family) dwellings on the property per HCC 21.13.030(i).

Conditional Use Permits are not a site plan approval and they are not approvals for construction. Once a CUP is approved, the applicant is now at the same stage of the development process as those land uses and structures that are permitted outright in that same zoning district. At the next stage of the development process, a Zoning Permit is required for construction. Final site plans are approved at the Zoning Permit stage of the development process.

What is a Zoning Permit?

Zoning Permits are required for construction in Homer and are processed and approved by the Planning Department in coordination with the Public Works

Department. Zoning permits may require a significant amount of technical work dependent on the requirements of HCC or other state and federal agencies such as:

- State Fire Marshal Plan Review (Commercial and multi-family dwellings)
- Conditional Use Permit
- Development Activity Plan
- Stormwater Plan
- U.S. Army Corps of Engineers Wetlands Permit
- Homer Sewer and Water Permits
- City and State DOT Driveway Permits
- Adherence to additional requirements in HCC:
 - Steep slope development requirements
 - Coastal Edge requirements
 - Bridge Creek Watershed Protection District requirements
 - Sign permits
 - Grading/fill plan requirements
 - Floodplain Permits
 - Elevation requirements
 - Site Plan and Dimensional requirements
 - Landscaping requirements
 - Community Design Manual requirements
 - Alaska Department of Environmental Conservation requirements
 - Traffic Impact Analysis

Comments Regarding Steep Slopes, Bluffs, and Coastal Edges

The Planning Commission spent a significant amount of time and effort in the development of HCC 21.44 Slope and Coastal Development. This section of code was modified in 2022 based on information from the 2022 Coastal Bluff Stability Assessment for Homer, Alaska. This report provides detailed information that can be used to guide decisions to reduce risk.

The Homer Planning Commission can require conditions on the approval of a CUP to mitigate weaknesses or deficiencies identified in their review of CUP criteria. The Commission can also request additional information from the applicant to determine if the application meets the review criteria.

Comments Regarding Covenants, Conditions, and Restrictions

Covenants, Conditions, and Restrictions (CCRs) are agreements between private property owners and are commonly managed by a Homeowner's Association. The City of Homer, including the Planning Commission, enforce Homer City Code Title 21, and do not enforce CCR agreements.

Staff Recommendation:

Consider the following condition of approval for CUP 24-12:

- The applicant will submit a Zoning Permit to the Planning Department and demonstrate all applicable requirements of HCC 21.44 Slope and Coastal Development have been met.

To: City of Homer Planning Commission
From: Janette Keiser, PE
Date: November 4, 2024
RE: Comments Related to Proposed Conditional Use Permit 24-012

- I. **Overview:** The Applicant proposes to construct 6 separate dwellings on the subject lot, a property on the Homer bluff. The hazards of erosion on the Homer bluffs, particularly in this area, are widely documented by numerous scientific studies and described in Homer's Hazard Mitigation Plan. My general comment is that while this section of the bluff has obviously experienced sloughing in the past, this fact has not been addressed by either the Applicant or Staff. Staff makes no mention of how the subject development, with its increased impervious surfaces, will impact drainage and the possibility of bluff erosion.

The Application Form indicates that a Development Activity Plan and a Storm Water Plan will not be required. This means that there will be no review of drainage or slope stability issues at all, unless the development triggers the requirements of HCC 21.44, Slopes and Coastal Development. Sadly, there is not enough information on the Application, or Staff Report 24-054, to ascertain whether the subject development will trigger HCC 21.44 or not. The Applicant's site plan shows a line representing "*drainage flow*". This line of drainage seems to flow within 10 feet or less of an existing single family residence. Staff doesn't address whether new drainage patterns will affect the existing residence. The entire topic of drainage and bluff erosion has been completely ignored.

II. Specific Errors in Staff Report 24-054:

- A. **Staff's Finding #3**, that the development "*is not expected to negatively impact the adjoining properties...*" is not well founded. Staff does not address whether the proposed development will negatively impact the existing single family residence adjacent to the subject proposal.

This means if you approve this CUP application, you would be making this decision in ignorance, without understanding how drainage will be handled, how bluff erosion will be addressed, or whether these issues will be reviewed at the Zoning Permit stage. You will never know whether you've approved a risky project or not because you don't have the information you need to make an informed decision.

- B. **Staff's Finding #6** states "[t]he proposal will not cause undue harmful effect upon desirable neighborhood character." This Finding ignores possible harmful effects of drainage and bluff erosion on the neighborhood, particularly on the existing adjacent single family residence. Finding #6 is not based on evidence.

- C. Staff's Finding #7** states "[t]he proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole..." This Finding ignores possible harmful effects of drainage and bluff erosion on the neighborhood, particularly on the existing adjacent single family residence. Finding #7 is not based on evidence.
- D. Staff's Finding #9** states "[t]he proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan...and no evidence has been found that it is contrary to the applicable land use goals and objectives of the Comprehensive Plan".

This finding is not based on evidence, as demonstrated below:

1. **"Goal 1, Objective D:** Consider the regional and global impacts of development in Homer.

Staff: *This project discourages sprawl with additional infill dwelling units at the scape and density of the Urban Residential zoning district and fits the moderate-density character planned just outside the city core."*

Comment: Building 6 separate dwellings, 6 separate parking lots, and 6 separate driveways on a single lot, with an access road that is 430 feet long is not my definition of "discouraging sprawl". Rather, this development encourages sprawl by spreading out separate mini-developments on a single piece of property. It would be better to consolidate the 6 dwelling units into one multi-family building, with one parking lot, and one driveway, all located as far from the bluff as possible, with appropriate measures for drainage and to mitigate possible bluff erosion.

- a. **"Goal 2, Objective C:** Provide extra protection for areas with highest environmental value or development constraints.

Staff: "N/A – already developed area, no change in impact is proposed."

Comment: Despite well-documented evidence that the Homer Bluff is subject to erosion and the subject lot has experienced bluff erosion in the past, Staff ignores the topic completely. Staff does not know if there will be an impact or not.

Homer City Clerk
491 East Pioneer Avenue
Homer, AK. 99603
clerk@cityofhomer-ak.gov
Attn. Planning Commission

November 6, 2024

Comments regarding CUP 24-12

Dear Planning Commission,

We have grave concerns in allowing increased development on unstable bluff properties. We think these types of development requests should be red flags for the Planning Department, The Planning Commission, Public Works and the City Council so they can begin the serious process of recognizing the DGGs Report of Investigation 2022 – 05, "Coastal Bluff Stability Assessment for Homer, AK".

Policy needs to be researched, updated and put into code for public safety. We also want to go on the record that we concur with the comments submitted by Jan Keiser.

Respectfully,
Roberta Highland
&
Robert Archibald

PO Box 2460
Homer, AK. 99603
Robert.e.archibald@gmail.com



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Addendum SR 24-055

TO: Homer Planning Commission
THROUGH: Ryan Foster, City Planner
FROM: Will Anderson, Associate Planner
DATE: 11/5/24
SUBJECT: Vacation of Farmwald Cir. Right of Way, Additional Comment

At the property owner's request, the surveyor proposes an amendment to the preliminary plat to reflect a vacation of the existing utility easement adjacent to the vacated Farmwald Circle 50' right-of-way on Lot 6-A. In place of the existing easement, a new 20-foot utility easement will be dedicated along the west boundary of Lot 6-A as part of the replat. This new easement is intended to serve the northwest portion of the newly created Lot 1-A.

Staff Recommendation:

Recommend approval of the vacation of the Farmwald Cir. right-of-way with the following comment.

1. In place of the existing utility easement along Farmwald Circle, a new 20-foot utility easement will be designated along the west boundary of Lot 6-A as part of the replat.