



## City of Homer

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

## Planning

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# Memorandum

## Agenda Changes/Supplemental Packet

TO: PLANNING COMMISSION  
FROM: ZACH PETTIT, DEPUTY CITY CLERK I  
DATE: OCTOBER 16, 2024  
SUBJECT: SUPPLEMENTAL

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### 8. PUBLIC HEARINGS

8. A. Conditional Use Permit 23-08 per HCC 21.24.030(f), Staff Report 24-052  
Public Comment Received

1. Additional Public Comment Received

**Page 3**



October 13, 2024

Dear City of Homer Planning & Zoning Advisory Commission:

With respect and appreciation for many points of concern addressed in the Remand CUP Application, there remain questions regarding the vacation of the B Street ROW, (portion of it that is in project area) which was denied in January 2024, and cannot be re-applied for one year.

**Please refer to Doyon Limited Remand Application, Page 4, Lots/Site Summary:**

**The existing proximity of the proposed development contains three lots and a ROW for B Street to the North. The lots will be platted to show the vacation of the B Street ROW and proposed a reduction of (3) total lots to two (2). The northern lot will contain the hotel and associated parking and utilities. The southern lot will include the proposed condominiums with an access route and utilities.**

The Remand Application does not address this "Catch-22", "cart before the horse" problem. Residential Lot 163 is approximately 80' wide. In this Remand CUP, it looks like Doyon has assumed that the vacation of B Street ROW is granted and will consume the 80' on the east side. A 50' Bike/Pedestrian Trail/Vegetated Buffer will be provided on the west side. What compensation will the public of the City of Homer receive for vacation of this valuable but necessary part of Doyon Limited's project? If this is a land trade technicality, how will the new 50' Bike/Pedestrian Trail/Vegetated Buffer be legally secured into a conservation easement? How will it be zoned, if not conservation easement? What entity will be the "owner" or "steward" of this legally binding conservation easement into perpetuity? It is not evident to the public what is happening and how it is happening here, nor is there any documentation to indicate Planning and Zoning Commission/City of Homer official action. All questions are asked with respect to procedural complications.

The above narrative notwithstanding, this Bike/Pedestrian Trail seems to end without connection to the Spit Trail. Access appears to go through the hotel's parking lot to the crossing on Spit Road. Where will people park who are bird viewers? As well, if housing for employees will be off-site, where will the aforementioned 40 employees park when at work? It is noted that the parking lot will hold 85 vehicles.

As a resident of Bay Avenue, my biggest concern has always been that Bay Avenue will become the default access and parking mess to this project while the people of Homer are sacrificing a 50' ROW that belongs to them. As a note, Doyon Limited states that property owners adjacent to this project have been notified. We have not received notification and have obtained this CUP Application via networking. There has not been enough time for the public and affected residents to research consequences.

Please consider delaying this decision until the procedural path to resolution is clarified and proper procedure is followed.

Respectfully,

Susan M. Cushing  
1423 Bay Avenue  
Homer, AK. 99603



Kachemak Bay Conservation Society  
3734 Ben Walters Ln, Homer, AK 99603  
907 235.8214  
kbayconservation@gmail.com

Tuesday, October 15, 2024

## RE: CUP 23-08 Remand Application

City of Homer Planning Commission:

We want to begin by thanking Doyon Limited for submitting a plan that shows consideration of the concerns brought by the public around their last proposal. We now have an application that conforms much more closely to Homer City code and Comprehensive Plan with respect to both density and height, and we have a plan that shows an understanding of the long-standing use of the area by birders and the Kachemak Bay Shorebird Festival.

This is a big project that can only go forward after vacating a Right of Way and handing over valuable City-owned waterfront land. It is also in a location of significant public value, as world-class bird habitat and home to the Kachemak Bay Shorebird Festival. We urge the Planning Commission to **postpone your decision on the CUP 23-08 Remand Application**. People have busy lives but want to participate in this process, and people only had 4 days to look this long and complex application over and compose comments. At least one more opportunity for public comment should be given. Also, this PUD is contingent upon decisions on the Right of Way (ROW) vacation, the Rezone and Replat, which this body has already considered. It is isn't good process to take up this new application until the decisions on the ROW, Rezone and Replat have made their way through the borough and/or the City Council.

That said, here are the Kachemak Bay Conservation Society's preliminary recommendations for conditions to be included a CUP/PUD:

1. **Public Access:** The project should include legally binding easements to ensure public access to bird viewing platforms and parking.
2. **Bird Habitat:** Developers should collaborate with local birding groups to protect migratory birds and their habitat.
3. **Building Height:** The hotel's height should not exceed 35 feet, in line with local regulations, to ensure fairness and preserve the public view.
4. **Conservation:** A conservation easement should protect the 30-foot buffer between residential areas and the development.

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5. **Traffic:** Developers should be responsible for any infrastructure needed to manage the traffic from their hotel.

Here's a breakdown of these points:

A building permit should only be granted under the following conditions:

**A Pedestrian Access Easement on the property titles to secure pedestrian access to the bird viewing platforms.**

Without a Pedestrian Access Easement (either from B Street, from the Spit Road, or both) to the viewing platforms, we cannot give up our B Street Right of Way. An unsecured public access is an unacceptable trade for our public right of way. The applicant has said that they plan to allow the public to access the viewing platform, so it should be a simple matter to add an Access Easement to the title(s).

**A binding plan to ensure the protection of migratory birds and their habitat.**

The large hotel/condo complex would be built in an area that has been used for decades by the Shorebird Festival, Alaska's largest wildlife viewing festival.<sup>1</sup> The site overlooks Mariner Park Lagoon, which is designated as a Western Hemisphere Shorebird Reserve Network (WHSRN) Site of International Importance, which means that at least 100,000 shorebirds annually return here.<sup>2</sup>

To qualify for a WHSRN designation the City of Homer—who owns the Lagoon—agreed to:

- make shorebird conservation a priority;
- protect and manage shorebird habitat; and
- keep WHSRN informed of any changes at the site.<sup>3</sup>

The City of Homer has agreed to ensure that this shorebird habitat will be protected on their property. The City should require protection of shorebirds and their habitat in Mariner Park Lagoon. As a condition of the permit and as a condition of giving up our valuable land, developers should have to work with local US Fish and Wildlife Service, Friends of Alaska National Wildlife Refuges (the local sponsors of the Kachemak Bay

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<sup>1</sup> <https://www.homerakalaska.org/events/kachemak-bay-shorebird-festival/>

<sup>2</sup> <https://kachemakbaybirders.org/western-hemisphere-shorebird-reserve-network/>

<sup>3</sup> <https://kachemakbaybirders.org/western-hemisphere-shorebird-reserve-network/>

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Shorebird Festival), as well as the Kachemak Bay Birders (supporters of the WHSRN) to come up with appropriate and binding measures to protect migratory birds and their sensitive habitat. This could be implemented in many ways, through, for example, a title restriction placed on the land the City gives to Doyon or through a condition placed on the CUP/PUD.

Issues include disruption of nesting birds and migratory shorebirds during their spring and fall migrations as a consequence of increased activity at the hotel and condos. Condo-dwellers and their dogs present a hazard to nesting and migratory birds that must be properly mitigated. It would be unacceptable, for example, for loud and disruptive aspects of construction (like pile driving) to occur during migration. A higher standard of stormwater mismanagement in this highly sensitive area is likely necessary. Window strikes, light and noise pollution, are other concerns that need to be mitigated in collaboration with local bird experts.

It is the City's responsibility to ensure the integrity of the WHSRN, and we should not give up our land without ensuring the hotel and the sensitive habitat can coexist on good terms.

### **The hotel building should be no higher than 35 feet.**

According to Doyon's plans, the height of the hotel is 43'4". Homer City Code 21.24.040 says that in the General Commercial 1 Zone, "the maximum building height shall be 35 feet." There is nothing in this code that indicates any flexibility on height in this zoning district, in contrast to code for General Commercial 2 Zone, which allows buildings to be up to 55 ft with a CUP.

If you cannot get a conditional use permit for a building over 35 feet in General Commercial 1 Zone, then it would seem that you cannot wrap it into a PUD—as has been done by the applicant and City Staff. We believe that this building in this location cannot and should not be higher than 35 feet.<sup>4</sup>

There are good reasons to put a hard ceiling on height in certain zoning districts in town. In Homer, the value of your land is tied closely to your view, so it is no light matter to throw out a height restriction. As outlined above, this is an area where the view is of particular public interest and value.

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<sup>4</sup> Homer City Code on PUDs (21.52.020), Uses allowed in PUDs is ambiguously written and seems quite flexible, but, while it calls out flexibility on "uses" but it does *not* state that there is flexibility on height.

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If the commission were able to throw out height restrictions as a general matter wherever they wanted, how high would they be willing to go—50', 100', 200'? Why? What rule would you follow if you could reject the rule in code? This is presumably why in GC 2, an upper limit of 55' is set for CUPs. If you don't have a rule, how would you ensure fairness among property or business owners?

During the last public hearings on this hotel, the need for fairness between hotel owners came up. This is an important concern. It isn't right to tell one hotel they have to be 35' and allow another to go over. This could easily become a slippery slope with businesses arguing that they need to be bigger and bigger.

Remember too, that when you add height, you add volume to your building, so the basic math of density is bumped when you go to taller—compounding your traffic and environmental issues. We note here that the hotel footprint and its height are both over the limits laid out in code, resulting in a much larger total *volume*.

The hotel is 43'4"

**This is 8' 4" over the 35' limit.**

Hotel footprint 25,539 ft<sup>2</sup>

Upper Lot = 78,408 ft<sup>2</sup>

30% of lot = 23,522 ft<sup>2</sup>

**2,027 over the 30% "building area" limit in code.<sup>5</sup>**

In terms of volume, that is an area of **16,824 ft<sup>3</sup> above the demential limits laid out in code.** That is a volume that is approximately the size of another building.

The location at the base of the Spit has not been zoned for dense development or large buildings because of issues related to traffic congestion, tsunami inundation, and the need to protect highly valuable shorebird habitats.

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<sup>5</sup> The relevant city code on allowable density in General Commercial 1 zone is Homer City Code 21.24.040, which states:

"No lot shall contain more than 8,000 square feet of building area (all buildings combined), **nor shall any lot contain building area in excess of 30 percent of the lot** area without an approved conditional use permit."

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The commission should stick to 35 ft or change the rules for GC1 through proper process, if that is what the public wants.

### **A public parking easement to ensuring public parking.**

Up to 100 birders have historically accessed the old viewing platform at any given time during the shorebird festival, with 50 -200 visitors each day.<sup>6</sup> Doyon has said birders will be able to park at the hotel. They should back this up with an easement on the title.

### **The developer should pay to manage any traffic issues.**

While the developer has presented a traffic study, concerns around congestion at this busy, blind intersection linger for those of us who live here. The developer should agree in writing to pay for traffic issues caused by their development. Homer is growing, and injecting 210 vehicles (70 guests + 40 staff + 100 birders at peak capacity) at this intersection sounds like a nightmare to most of us who live here, and it seems inevitable that some sort of light or round about or cross walk will be necessary--Doyon should be on the hook for that pay for that. It is not good model to subsidize the costs of a private for-profit venture with the public purse.

### **A Conservation Easement securing the vegetative buffer.**

Fair trade for City land includes a conservation easement protecting the woods in the existing B Street Right of Way, ensuring the integrity of the 30-foot vegetative buffer between the Rural Residential neighbors and the large hotel. Doyon has said that they want to protect neighbors from the noise, lights, etc. of the hotel; a conservation easement on the title will ensure that those trees stay in place.

### **Interpreting the PUD's soft standards.**

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<sup>6</sup> According to the Kachemak Bay Shorebird Festival organizers.

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The City code on PUDs is vague and broad, prompting the commission to make big decisions on the basis of “community standards” and the “welfare of the community.”<sup>7</sup> We argue that this type of standard is best applied not by using the individual feelings and preferences of the commissioners, but by using the best available information on community values, preferences and standards. The City of Homer recently completed a survey of public priorities that should be applied, interpreted, and cited by the commission in their final PUD decision.<sup>8</sup>

Here is a quick analysis of how this project breaks down vis a vis the community’s top priorities, as ranked in the 2023 community survey.

**#1 “Increase supply an accessibility of affordable housing.”** The condos in the proposed project are not “affordable housing” by any measure. Note that the median income for Homer residents \$69,797.<sup>9</sup> No special allowances should be made to the project on the basis of the condos. Consider that there are not kitchens in the triplex.

**#2 “Encourage the retention and creation of year-round and higher wage employment.”** Hotel work is not “high wage” employment, and the applicants have not indicated how many year-round jobs they expect will be generated. If this hotel follows the pattern of other hotels in town, it will be a highly seasonal establishment, seeking to hire staff for low wages primarily in the summer months.

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<sup>7</sup> Homer City Code 21.52.040 Commission review

“b. If the Commission determines that the **PUD** development plan does not satisfy the conditional use permit standards and requirements or is **not consistent with good design, efficient use of the site, or community standards, the Commission shall deny the application.**

c. If the Commission determines that the **PUD** development plan does satisfy the conditional use permit standards and requirements, and is consistent with good design, efficient use of the site and community standards, the Commission may approve the development plan and a conditional use permit with such **modifications or conditions that it deems necessary to protect the public health, safety, and welfare of the community and the surrounding area.**”

<sup>8</sup> “Homer Comp Plan Survey and Map Summary” p. 25. Online at [https://homercompplanupdate.com/wp-content/uploads/2024/09/09-06-24\\_HomerCompPlan-SurveyMap\\_Summary.pdf](https://homercompplanupdate.com/wp-content/uploads/2024/09/09-06-24_HomerCompPlan-SurveyMap_Summary.pdf).

<sup>9</sup> U.S. Census Bureau American Community Survey 2018 - 2022 Five Year Average for Homer.

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# Kachemak Bay Conservation Society

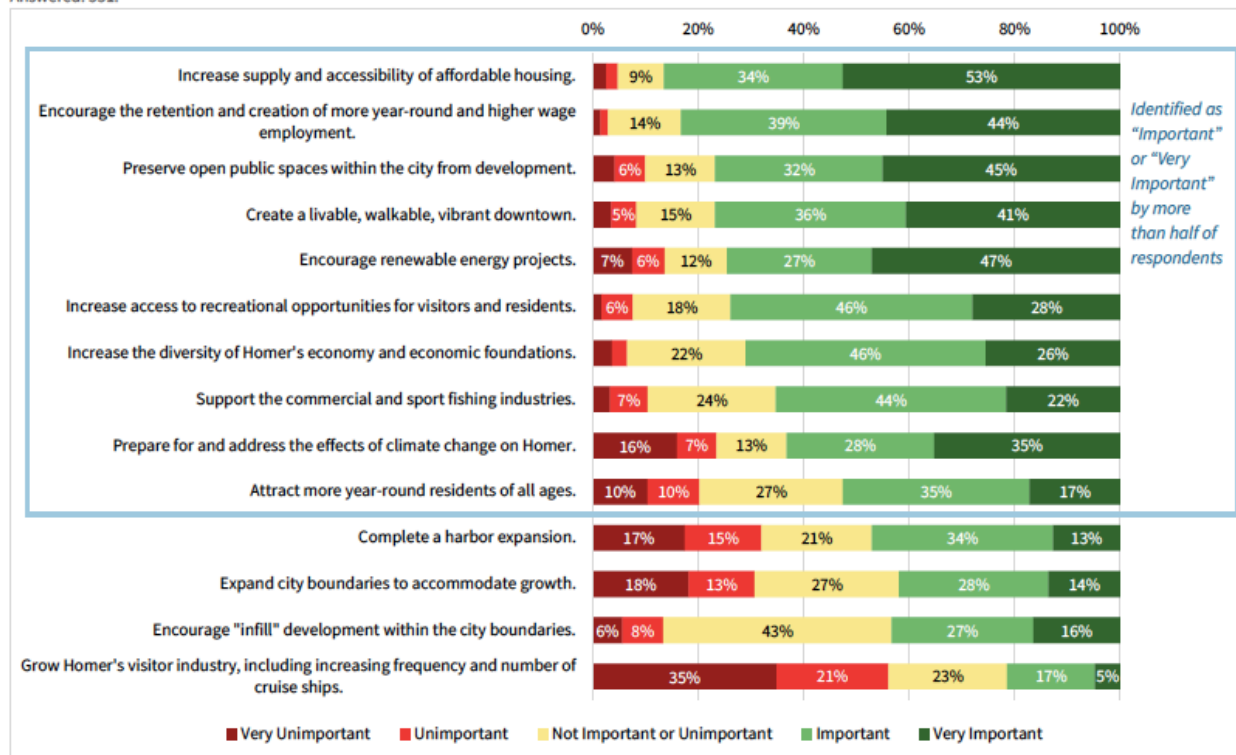
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**Q13: Listed below are potential priorities for the greater Homer community to focus on for the next 10-20 years. For each potential priority, please indicate level of importance.**

Answered: 551.



**#3 "Preserve open public spaces within the city from development."** This property would be a good candidate for this priority. With some work to revegetate the filled area, it would make for world-class recreation and bird viewing park, with trails connecting to the spit and bird viewing platforms...While it is not the owner's plan to preserve this property, and it is not the place of the commission to tell the owner what to do with their land, the Commission should make their determination in furtherance of community values, asking, does the application meet community standards enough to allow the applicant to build something bigger than is technically allowable in this location? At the least, conditions for conservation measures should be placed on the permit.

**#4 "Create a livable, walkable, vibrant downtown"** N/A

**# 5 "Increase access to recreational opportunities for visitors and residents."** The incorporation of the viewing platforms and trails in this proposal fit this description, though they would need to be instituted through Easements on the title.

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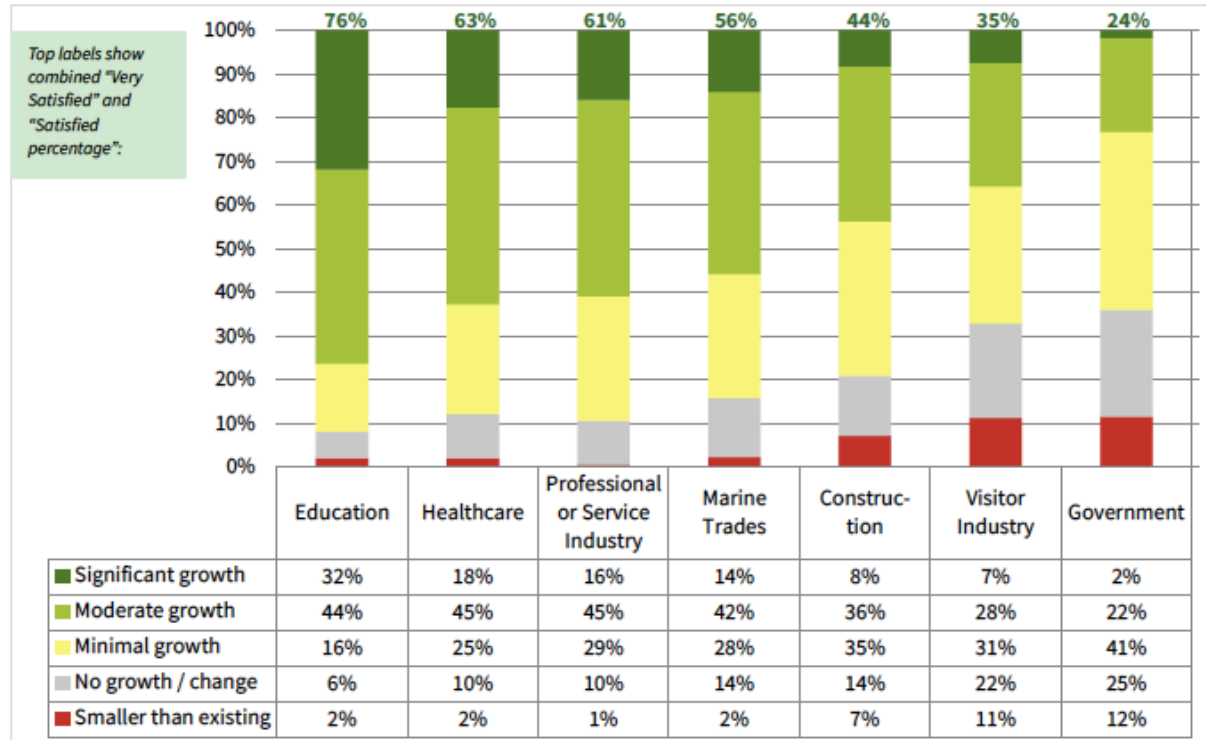


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#6 **"Increase the diversity of Homer's economy and economic foundations."** This hotel and condo complex does not add to our economic diversity, instead, it advances the most unpopular priority listed on the survey, "Grow Homer's visitor industry." Over half the surveyed folks strongly oppose growing the tourism industry. This finding is reinforced by another question on economic sectors where people want to see growth, which shows a strong preference for de-growth, no-growth and minimal growth in the "visitor industry."<sup>10</sup> Taken together, these values indicate that the application of "community standards" and the "welfare of the community" in this instance, mean that the commission should not allow the hotel to be larger than the parameters in code (30% of the lot area and no higher than 35').

#### Q12: Please indicate your preferred level of growth for the following key economic sectors:

Answered: 544.



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<sup>10</sup> "Homer Comp Plan Survey and Map Summary" p. 24. Online at [https://homercompplanupdate.com/wp-content/uploads/2024/09/09-06-24\\_HomerCompPlan-SurveyMap\\_Summary.pdf](https://homercompplanupdate.com/wp-content/uploads/2024/09/09-06-24_HomerCompPlan-SurveyMap_Summary.pdf).

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In closing, we want to thank you very much for your service to the community on the Planning Commission. It is a huge unpaid time-commitment with a lot of responsibility, so thank you.

Sincerely,

Penelope Haas

Vice-President  
Kachemak Bay Conservation Society

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City of Homer Planning Commission  
Homer City Hall  
491 East Pioneer Avenue  
Homer, AK 99603

Dear Planning Commissioners,

Oct 15, 2024

As a longtime local coastal biologist/ecologist and active member of Kachemak Bay Birders, as well as viewing guide for the Kachemak Bay Shorebird Festival, I have serious concerns about the proposed Doyon Hotel development at the base of the Spit. The current CUP 23-08 Remand Application was only made available for review a few days ago. This is not nearly enough time for community members to read through and evaluate the changes made from the original, rejected CUP application for this proposed development. In fact, it is totally unreasonable. It is only fair that we, the public community, are given a full, and standard, 30 to 45 days for public review. This is a consequential proposal that will impact us directly.

I personally am heading out on a couple week business trip tomorrow and will not be able to devote time to a review until early November.

Therefore, I ask that you postpone the Planning Commission review of this Remand Application at the present time and allow for a fair 30-45 day public review and comment period, with full and adequate public notice given.

Thank you,

Laurie Daniel

*Laurie Daniel  
PO Box 3713  
Homer, AK 99603  
lauriedanieltn@hotmail.com*

To  
Homer City Clerk  
Att.: Homer Planning Commission  
From: Roberta Highland & Robert Archibald  
Subject: Comments on CUP 23-08 Remand Application

October 15, 2024

Dear Planning Commission,

Thank you for your public service.

We would like to go on record as supporting The Kachemak Bay Conservation Society and Glenn Seaman's comments that we consider thorough and as such, we do not need to repeat again, however we do want to add some further comments which are going to be somewhat harsh at times:

1. A decision on CUP 23-08 should be postponed until the next Planning Commission Meeting to allow for adequate public engagement.
2. The traffic issue for this development is a **deal breaker. This area is the wrong place for a development of this size.**
3. This is a tsunami zone and should be recognized and treated as such – minimal development.
4. This site is contiguous to important bird habitat – minimal development.
5. The B Street vacation should have been addressed prior to the CUP 23-08 remand because it may have substantial impact on the development.
6. Building height in GC-1 has been limited to 35 feet. Deviation from this accepted standard should not be allowed.
7. We have concerns about the increased impervious surface area at this site that will increase runoff into very sensitive wildlife habitat.
8. We think the architectural design for the two duplexes and one triplex is distasteful and unappealing for this spectacular site which deserves a marine theme in line with it's surroundings.
9. Setbacks for the triplex and duplexes should be 40 feet from retaining wall.
10. All tidelands south of existing fill proposed for duplexes and triplex should be deeded to the city for Conservation Land for mitigation if the vacation of B Street is approved.
11. A recorded pedestrian right of way should be established in place of a pedestrian easement to guarantee public access into the future, especially for the B Street trail replacement.
12. To ensure a sufficient Buffer Zone is established between the rural residential area and a proposed pedestrian trail, a legally binding agreement or conservation easement should be established to guarantee Buffer Zone serves it's purpose and existing natural vegetation (trees) west of pedestrian easement stay undisturbed.

We appreciate Doyon's changes to their original CUP; **however we still think this is the wrong place for this type of development.**

Homer is at a Defining Moment. YOU, as the planning Commission will set the course for future development of our town. There are many of us who have a sense of where and how Homer developed in the past. We are a growing city amongst a fast growing area. We should temper this growth to the services that sustain us.

In closing,  
**Thank you again for your public service.**

Respectfully Submitted

Roberta Highland  
&  
Robert Archibald

PO Box 2460  
Homer AK. 99603  
(907) 235-8214



**From:** [Renee Krause](#)  
**To:** [Zach Pettit](#)  
**Cc:** [Ryan Foster](#)  
**Subject:** FW: amended CUP 2023-08  
**Date:** Monday, October 14, 2024 8:17:57 AM

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Renee Krause, MMC  
City Clerk/ADA Coordinator  
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491 E Pioneer Avenue  
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[Rkrause@ci.homer.ak.us](mailto:Rkrause@ci.homer.ak.us)

"Listen to the wind, it talks. Listen to the silence, it speaks. Listen to your heart, it knows."  
– *Ojibwe Prayer*

*PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to [this](#) address will be available for public inspection under Alaska public records law.*

**From:** Michael Armstrong <wordfolk@gmail.com>  
**Sent:** Friday, October 11, 2024 7:05 PM  
**To:** Department Clerk <clerk@ci.homer.ak.us>  
**Subject:** amended CUP 2023-08

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear City Clerk Krause:

Please forward this letter to the Homer Planning Commission members for its Oct. 16, 2024 meeting

Dear Commissioners:

First, as a longtime Homer birder, I commend Doyon in its amended CUP for adding a lower viewing platform on the approximate site of the former platform (the southwest corner of the lower lot). This change addresses a criticism I and other birders made about the previous application. In its final design of the platform as well as connecting paths to the Homer Spit Trail and the upper viewing platform, I would recommend that Doyon make those platforms and paths compliant with the Americans with Disabilities Act. For example, there should be viewing windows to allow children and people using wheelchairs to see through the platform railing.

I'd also like to raise a procedural issue.

In his staff report on amended CUP 2023-08, City Planner Ryan Foster recommends as a condition for granting the CUP that "The B Street Right-of-way south of Bay Avenue must be vacated" and "The final approval of this vacation is decided by the Homer City Council."

As you may recall, the Homer Planning Commission denied recommending the vacation of the B Street Right-of-way. In Staff Report 23-062, Mr. Foster included Doyon's application to vacate and a copy of its application to the Kenai Peninsula Borough Planning Commission to vacate the Right-of-way. That report also notes that "City of Homer Code does not address right of way vacations, but the Kenai Peninsula Borough code does. The Borough holds platting authority and the Homer Planning Commission is advisory to the Borough on platting matters." Thus, the authority for granting approval of Right-of-way vacations lies with the borough.

In talking to the KPB planning department, I was told Doyon had not submitted yet its Right-of-way vacation application. It is unclear if this application has gone before the KPB Planning Commission. A check box on the 2023 application is unchecked regarding the action of the Homer Planning Commission.

Borough code Chapter 20.65 speaks to the process for granting Right-of-way vacations. That code can be found at this link:

[https://library.municode.com/ak/kenai\\_peninsula\\_borough/codes/code\\_of\\_ordinances?nodeId=TIT20SU\\_CH20.65VA](https://library.municode.com/ak/kenai_peninsula_borough/codes/code_of_ordinances?nodeId=TIT20SU_CH20.65VA)

That code notes that "A (borough) planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city." This may be the final approval that Mr. Foster mentions in his condition 2.

The amended CUP 2023-08 cannot happen without the vacation of the B Street Right-of-way. While the Homer Planning Commission in its wisdom could act on the CUP, including adopting condition 2 as Mr. Foster suggests, the matter remains unresolved until the KPB Planning Commission acts on the application and the Homer City Council addresses it. As I understand the process, the KPB Planning Commission must first consider the B Street Right-of-way application. As part of its consideration, the KPB Planning Commission would look at the Homer Planning Commission's recommendation that the vacation be denied.

KPB code Section 20.65 also says this:

"J.

A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed."

It seems to me that the Homer Planning Commission might create a paradox if it acts on the CUP before the KPB Planning Commission has considered the original ROW vacation application. It could approve a CUP and condition that would then be denied by the borough, thus spiking the CUP. Or, the borough could grant the vacation, only to have the Homer City Council deny it.

To save debate, I recommend that the Homer Planning Commission hold its public hearing on Oct. 16, but table consideration until such time at the ROW vacation issue has been resolved by the borough and city. Since Doyon has amended its CUP application, it might be cleaner for Doyon also to submit a new ROW vacation application. That application could, for example, set conditions on its Bay Avenue lot that would make the ROW vacation more acceptable to the Homer Planning Commission. Or, the Homer Planning Commission could set new conditions.

The borough ROW vacation application may also have already been considered and granted, in which case this issue is moot. If that is the case, Mr. Foster should provide clarification. If it hasn't been considered, so that the Homer Planning Commission can make an informed decision, Mr. Foster should provide clarity on

the status of Doyon's ROW vacation application to the borough.

Best,

Michael Armstrong  
65240 Diamond Ridge Rd.  
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907-299-3469

**From:** [Renee Krause](#)  
**To:** [Zach Pettit](#)  
**Cc:** [Ryan Foster](#)  
**Subject:** FW: Base of the spit hotel expansion  
**Date:** Monday, October 14, 2024 8:41:32 AM

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Renee Krause, MMC  
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907-235-3130  
907-235-3143 Fax  
[Rkrause@ci.homer.ak.us](mailto:Rkrause@ci.homer.ak.us)

"Listen to the wind, it talks. Listen to the silence, it speaks. Listen to your heart, it knows."

– Ojibwe Prayer

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-----Original Message-----

From: Janet Fink <[janetfink17@gmail.com](mailto:janetfink17@gmail.com)>  
Sent: Monday, October 14, 2024 6:05 AM  
To: Department Clerk <[clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us)>  
Subject: Base of the spit hotel expansion

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Dear Panning Commission ,

I am writing once again at that many concerns I have about the hotel development at the base of the spit. . I am hoping that the planning commission is able to consider previous comments from the numerous people who spoke and wrote letters earlier.

At this time, I have several new concerns. I feel that if it is necessary to continue this to the next meeting in order to have proper input from the public. Many of us are not available to be present at this meeting in October on such short notice.

I think it's essential that our previous discussions about easements and right of ways are enforced. I am extremely concerned about the size of the proposal. Height of the development should not exceed 35 feet. In my mind this is for safety concerns for fire, concerns for the airport traffic, and concerns for fitting into the planning of the community. I also feel it is essential that there is a buffer for wildlife and reestablishment of access for the Birding platform.

For these and many other reasons, please continue the discussion of this beyond the October planning commission meeting. Please continue listening to the public input as you have previously on this subject.

Thank you,  
Janet Fink  
907 235-6890  
Sent from my iPad

**From:** [Renee Krause](#)  
**To:** [Zach Pettit](#)  
**Subject:** FW: CUP 23-08 Remand Application  
**Date:** Thursday, October 10, 2024 4:58:33 PM

---

Renee Krause, MMC  
City Clerk/ADA Coordinator  
City of Homer  
491 E Pioneer Avenue  
Homer, AK 99603  
907-235-3130  
907-235-3143 Fax  
[Rkrause@ci.homer.ak.us](mailto:Rkrause@ci.homer.ak.us)

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– *Ojibwe Prayer*

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**From:** Lani Raymond <[lanibirder@gmail.com](mailto:lanibirder@gmail.com)>  
**Sent:** Thursday, October 10, 2024 2:40 PM  
**To:** [dunlapz@doyon.com](mailto:dunlapz@doyon.com)  
**Cc:** Ryan Foster <[rfoster@ci.homer.ak.us](mailto:rfoster@ci.homer.ak.us)>; Department Clerk <[clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us)>; Department Planning <[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)>; Mayor Email <[Mayor\\_Email@ci.homer.ak.us](mailto:Mayor_Email@ci.homer.ak.us)>; Rachel Lord <[RachelLord@ci.homer.ak.us](mailto:RachelLord@ci.homer.ak.us)>; [cepoa-rd-kenai@usace.army.mil](mailto:cepoa-rd-kenai@usace.army.mil)  
**Subject:** CUP 23-08 Remand Application

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Doyon Limited, [dunlapz@doyon.com](mailto:dunlapz@doyon.com)  
City of Homer Planning Director [rfoster@ci.homer.ak.us](mailto:rfoster@ci.homer.ak.us)  
City of Homer Planning Commission, [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov);  
[planning@ci.homer.ak.us](mailto:planning@ci.homer.ak.us)  
Mayor of Homer [mayor@ci.homer.ak.us](mailto:mayor@ci.homer.ak.us)  
Rachel Lord [rachelord@ci.homer.ak.us](mailto:rachelord@ci.homer.ak.us)  
US Army Corps Kenai Field Office: [cepoa-rd-kenai@usace.army.mil](mailto:cepoa-rd-kenai@usace.army.mil)

**RE: CUP 23-08 Remand Application**  
**Wednesday, October 9, 2024**

Dear Zach,

It is our understanding that the US Army Corps of Engineers (USACE) permitted in some fashion the existing fill on Lot 164-B, Parcel 18101035; that permit and its conditions are relevant to Doyon's CUP 23-08 Remand Application for the development of a hotel and condo complex, which will be considered for approval by the Homer Planning Commission on October 16, 2024. The applicant was Fred Yenney, with a

permit number of POA-1981-00238. A FOIA request with the USACE was made, but beyond that file number, no file or records were found. We do not know if this permit was granted before fill was done or if it was part of a settlement with the USACE to correct any alleged fill violations.

If Doyon has it, we ask that the USACE permit and its associated conditions be submitted in the packet to the Planning Commission for their consideration. We understand that there may be conditions in the permit to grant public access and wildlife viewing on the property, and so it is particularly relevant to discussion of the future of public access to the bird viewing platform and the vacation of the developed portion of the B Street Road Right of Way.

There may also be a determination from the USACE as to the survey line on the project plan where a permit from the USACE is required. The plans and a prior plat do indicate a line described as "U.S. Army Corps of Engineers Permit Line." If you have a letter of determination from the USACE to that effect we would also ask it be included.

This access issue is not our only concern related to the proposed development, but it is a basic question of fact that needs clarification in advance of the meeting.

Sincerely,  
Lani Raymond, Michael Armstrong, and Michelle Michaud  
Homer, AK

**From:** [Renee Krause](#)  
**To:** [Zach Pettit](#)  
**Cc:** [Ryan Foster](#)  
**Subject:** FW: Doyon hotel proposal  
**Date:** Monday, October 14, 2024 8:21:38 AM

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Renee Krause, MMC  
City Clerk/ADA Coordinator  
City of Homer  
491 E Pioneer Avenue  
Homer, AK 99603  
907-235-3130  
907-235-3143 Fax  
[Rkrause@ci.homer.ak.us](mailto:Rkrause@ci.homer.ak.us)

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– *Ojibwe Prayer*

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**From:** Douglas Westphal <dwestphal5@gmail.com>  
**Sent:** Sunday, October 13, 2024 11:24 AM  
**To:** Department Clerk <clerk@ci.homer.ak.us>  
**Subject:** Doyon hotel proposal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing to express my concerns regarding the potential for a hotel at the base of the spit. I have a number of concerns.

1. The hotel height should not exceed the current city code of 35 feet for commercial properties. The view from this area in particular has significant value to the public.
2. The planning commission should postpone action on this plan, considering the magnitude of this project to allow sufficient time for adequate public testimony, given the impact this could have on our community.
3. The developer should bear the cost, in writing, for any and all costs related to mitigation of traffic flow in this area. It is a busy corner already and the additional traffic will undoubtedly necessitate a light, crosswalk, or with any luck a roundabout to manage the increased volume of vehicles.
4. This area is of historic interest to the Kachemak Bay Shorebird festival and public access must be guaranteed in writing for both parking and viewing platforms. It is unacceptable to give up the B street right of way without a pedestrian right of way guaranteed in writing.
5. A 30 foot conservation easement between the hotel and B street should be a part of the

city's plan for vacating land adjacent to the hotel. This is absolutely necessary to protect the property value and privacy of adjacent landowners.

6. Given the proximity to Homer's Western Hemisphere Shorebird Reserve Network the city and the developer must agree in writing to give priority to migratory wildlife during construction of any structures. As condition of the permit , developers must have to work with local US Fish and Wildlife Service, Friends of Alaska National Wildlife Refuge. And Kachemak Bay Birders to come up with appropriate and binding measures to protect migratory birds and their sensitive habitat.

Douglas Westphal  
57373 Glacier View Rd N  
Homer, AK 99603

[Dwestphal5@gmail.com](mailto:Dwestphal5@gmail.com)

907-435-7608



**From:** [Renee Krause](#)  
**To:** [Zach Pettit](#)  
**Subject:** FW: Doyon meeting WED  
**Date:** Tuesday, October 15, 2024 4:32:15 PM

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Public comments

Renee Krause, MMC  
City Clerk/ADA Coordinator  
City of Homer  
491 E Pioneer Avenue  
Homer, AK 99603  
907-235-3130  
907-235-3143 Fax  
[Rkrause@ci.homer.ak.us](mailto:Rkrause@ci.homer.ak.us)

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**From:** Alexandra Clark <k.alexandra.clark@gmail.com>  
**Sent:** Monday, October 14, 2024 7:31 PM  
**To:** Department Clerk <clerk@ci.homer.ak.us>  
**Subject:** Doyon meeting WED

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Is this how I submit a public comment?

I live at the corner of B St and Bay Ave. I wanted to share my opinions.

I will attach them below. Please let me know if there is a more appropriate location for my concerns to be addressed.

Thank you,  
Alex

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I am writing this while looking out my front window. I see my little yard, my neighbor across the street, a wooded residential lot, and the orange arrow where B St becomes the ROW. Then there are commercial lots hiding behind the mature brush and a drop in elevation.

The height, vacation of ROW, and rezoning the residential lot are going to impact my family unduly.

The treed lot is just by the yard my son plays in; we've retrieved soccer balls and frisbees from the trees.

This being developed into a public gathering place instead of a residential lot is very stressful. Will people be parking in front of my home to access this?  
I disagree with rezoning the Bay Ave lot. Vehemently. It should remain residential.

The B St ROW could be developed into the viewing access.  
The condos are residential. They could go on the residential lot following the residential guidelines.

The hotel can remain on the commercial section.

I feel so frustrated that this large company seems to think the rezoning and ROW are a given. That their money trumps the rights of existing property owners on Bay Ave.

There are other points I could make but I believe my neighbors and community members have addressed many of them.

My statement comes from being a close neighbor to this development.

Loosing my peekaboo view of Grewingk is unfortunate. Losing the privacy of my neighborhood by extending a commercial section into a residential section is not a precedent that should be set.

**From:** [Renee Krause](#)  
**To:** [Zach Pettit](#)  
**Subject:** FW: New hotel at base of spit  
**Date:** Tuesday, October 15, 2024 5:14:46 PM

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Renee Krause, MMC  
City Clerk/ADA Coordinator  
City of Homer  
491 E Pioneer Avenue  
Homer, AK 99603  
907-235-3130  
907-235-3143 Fax  
[Rkrause@ci.homer.ak.us](mailto:Rkrause@ci.homer.ak.us)

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– Ojibwe Prayer

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-----Original Message-----

From: Michael Yourkowski <[michael.yourkowski@icloud.com](mailto:michael.yourkowski@icloud.com)>  
Sent: Tuesday, October 15, 2024 5:12 PM  
To: Department Clerk <[clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us)>  
Subject: New hotel at base of spit

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Commisioners...My only concern with this project is access to the Homer Spit Road. Having access across from Kachemak Drive is an accident waiting to happen. This access should be abandoned. It will only create more traffic issues. The real answer is a large roundabout created at Doyans expense. Make it happen commisioners. Thank you.  
Sent from my iPhone

**From:** [Renee Krause](#)  
**To:** [Zach Pettit](#); [Ryan Foster](#)  
**Subject:** FW: New Lighthouse Village proposal by Doyan  
**Date:** Monday, October 14, 2024 8:47:41 AM

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Renee Krause, MMC  
City Clerk/ADA Coordinator  
City of Homer  
491 E Pioneer Avenue  
Homer, AK 99603  
907-235-3130  
907-235-3143 Fax  
[Rkrause@ci.homer.ak.us](mailto:Rkrause@ci.homer.ak.us)

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– *Ojibwe Prayer*

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**From:** Nina Faust <[aknina51@gmail.com](mailto:aknina51@gmail.com)>  
**Sent:** Sunday, October 13, 2024 1:33 PM  
**To:** Department Clerk <[clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us)>; Melissa Jacobsen <[MJacobsen@ci.homer.ak.us](mailto:MJacobsen@ci.homer.ak.us)>  
**Subject:** New Lighthouse Village proposal by Doyan

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Please share this with all members of the Homer planning commission. Thank you.

P.O. Box 2994  
Homer AK 99603

October 12, 2024

Homer Planning Commission  
City of Homer  
Homer AK 99603

Dear Commission Members:

I have followed this issue since the first proposal and have expressed many concerns about it. Doyan has returned with a revised proposal, but it seems to be on an extremely fast track that is not beneficial for full public engagement or a thorough vetting of the new proposal. I recommend that you at least postpone any decision until your next meeting to allow for more public comment.

The Lighthouse village location is the gateway to the Spit, so we need to make the best decision possible on how this site is developed. This location has been integral to the Shorebird Festival with the very important former viewing platform and its public access. I am concerned that the documents from the original Army Corps permits for the fill are apparently missing. These Permits hold important information on that original permit regarding public access and what was allowed. I would think copies would be in archives somewhere since the original decision would have needed these documents for guidance.

I am still not in favor of vacating the city owned Right-of-Way. There is discussion of which has to come first as this process goes forward. It seems to me that the ownership of the ROW is first before any discussion of the CUP can go forward. This is important because the public needs to know that there is a guaranteed public access which is what a ROW provides. If the City decides to vacate the ROW, then a permanent right of access for the pedestrian trail needs to be secured. I want this in writing as a permanent public access easement.

Beyond access by easement, the public will need a place to park to visit the bird viewing platform. Will there be enough space? Where will the parking be? At the hotel? How do we know that down the road non-hotel users will still be allowed to park there. This needs to be worked out to guarantee parking for this purpose. Maybe something in the requirements of the CUP or a parking agreement with the City for viewing platform use?

The suggested buffer of trees is a good change to protect the trees that screen development from the adjoining neighborhood and also allow continuance of the wildlife corridor through those trees. But what protects this buffer into the future? Perhaps the City could require a Conservation Easement (CE) on the buffer. CEs are established in perpetuity so that might be the best option.

I still have concerns about the possibility of toxic chemicals in the fill given the past uses the land had. I am not sure that the previous minimal sampling provides a full picture. Along with this, a robust storm water system must be designed to filter out any toxins from the site so they do not go into the adjacent bird habitat.

I agree with the concerns of our local birding group about the integrity of the adjoining lands in the Mariner Park Lagoon because they are part of the the Western Hemisphere Shorebird Reserve Network. It is important to work out an agreement with the landowner to protect this habitat because the City of Homer did agree to the qualifying terms of this type of protected area: 1. to make shorebird conservation a priority; 2. To protect and manage shorebird habitat; and 3. To keep WHSRN informed of any changes at the site. Please include an agreement with Doyan to follow the WHSRN guidelines to protect the adjacent habitat in Mariner Park Lagoon.

Due to the location of this development, I want the City to enforce the height restriction of 35 feet. This is the entrance to the Spit. We have a code, so in fairness to all, it should be applied to all buildings.

Thank you for your consideration,

Nina Faust

**From:** [Renee Krause](#)  
**To:** [Zach Pettit](#)  
**Subject:** FW: Notes to the Homer Planning commission re. The Doyan project  
**Date:** Tuesday, October 15, 2024 5:06:35 PM

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Renee Krause, MMC  
City Clerk/ADA Coordinator  
City of Homer  
491 E Pioneer Avenue  
Homer, AK 99603  
907-235-3130  
907-235-3143 Fax  
[Rkrause@ci.homer.ak.us](mailto:Rkrause@ci.homer.ak.us)

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– Ojibwe Prayer

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-----Original Message-----

From: Rick and Dorla Harness <[rdoharness@gmail.com](mailto:rdoharness@gmail.com)>  
Sent: Tuesday, October 15, 2024 5:04 PM  
To: Department Clerk <[clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us)>  
Subject: Notes to the Homer Planning commission re. The Doyan project

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There seem to be a number of open questions regarding the Doyon project. It feels like the finalization might be pushed ahead too fast. The public access to the wildlife viewing stations for the Shorebird Festival is not clearly defined. The site has traditionally been an important access point for pedestrians to the Spit and Mariner Park, which looks like it gets limited.

The consideration to vacate the B Street right of way can give the planning commission leverage to negotiate continued traditional public access, as this is a very valuable asset.

Please give this process more time.

Respectfully, Rick and Dorla Harness

Sent from my iPhone

**From:** [Renee Krause](#)  
**To:** [Zach Pettit](#)  
**Cc:** [Ryan Foster](#)  
**Subject:** FW: One more thought  
**Date:** Monday, October 14, 2024 8:41:55 AM

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Renee Krause, MMC  
City Clerk/ADA Coordinator  
City of Homer  
491 E Pioneer Avenue  
Homer, AK 99603  
907-235-3130  
907-235-3143 Fax  
[Rkrause@ci.homer.ak.us](mailto:Rkrause@ci.homer.ak.us)

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-----Original Message-----

From: Janet Fink <[janetfink17@gmail.com](mailto:janetfink17@gmail.com)>  
Sent: Monday, October 14, 2024 6:10 AM  
To: Department Clerk <[clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us)>  
Subject: One more thought

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Dear Planning Commission,

I just sent off my letter of concerns about the proposed hotel at the base of the spit, and I neglected to include one major concern, that is for traffic at that intersection. The traffic study done by the developer was done in the off-season and extrapolate it back to the summer season. That intersection is already currently borderline a nightmare. Myself and many others can't even imagine the potential danger of that intersection when you add the increased traffic from a hotel. I feel it is essential that developers come up for with and pay for a safer intersection if the development is allowed to occur.

Thank you,  
Janet Fink

Sent from my iPad



**From:** [Department Planning](#)  
**To:** [Zach Pettit](#)  
**Subject:** FW: Planning Commission Special Meeting October 16, 2024  
**Date:** Wednesday, October 16, 2024 8:41:04 AM

---

Hi Zach,

Below is another comment for tonight's supplemental packet.

Sincerely,

Ryan Foster  
City of Homer, City Planner  
rfoster@ci.homer.ak.us  
(907) 435-3120

-----Original Message-----

From: Kristin Curtis <kristinleecurtis@me.com>  
Sent: Tuesday, October 15, 2024 5:29 PM  
To: Department Planning <Planning@ci.homer.ak.us>  
Subject: Planning Commission Special Meeting October 16, 2024

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Mr. Foster;

My name is Kristin Curtis and I have been a resident of the Homer Area since 1980.

I hope that you will take into account my concerns about the proposed development of a hotel and multi-family units at the base of the Homer Spit being considered at tomorrow's Planning Commission meeting. I pass this property almost every day and, while I certainly understand the attraction of wanting to build on this property, the area experiences almost constant traffic congestion now. The use of the property this summer by trucks involved in the airport paving work has certainly been an example of the drawbacks to any additional traffic in this area. More use of this intersection would create a serious bottle neck in the only access to the Homer Spit.

In addition to traffic, I am also concerned about the percentage of the property that might be allocated for parking, as there is nowhere in the area for parking now except the few spots along Kachemak Drive for access to the Spit trail.

The intersection of the Homer Spit and Kachemak Drive already has problems with access. Please do not add to it.

Sincerely, Kristin Curtis

TO: Planning Commission, City of Homer

FROM: Lani Raymond

DATE: October 15, 2024

RE: CUP 23-08 Remand Application

I'm writing to ask that you postpone your decision on the CUP 23-08 Remand Application. We in the community have been given too much information and too short of a time to process and understand the details of this important and very complex project. We have significant questions: many parts are unclear, some important parts seem to be missing, and some of the information does not seem to jibe. The community needs more time to understand it.

The Wildlife Mitigation Section of this document seems primarily—*often, only*--to cover the period of time that construction is taking place, not the ongoing impact this development will have on the area after construction is completed--extremely important to the decision to approve or not to approve.

Mariner Park Lagoon is part of a larger area designated as a Western Hemisphere Shorebird Reserve Network (WHSRN) Site of International Importance. The City of Homer agreed to this designation and needs to honor this commitment: to protect shorebirds and prioritize conservation of their habitat, making sure these are iron-clad conditions before granting this permit. For birds and other wildlife, what will be the ongoing effects of significant outdoor lighting 24/7, greatly increased noise and traffic in this area, and air pollution also? Many windows in the structures will increase the dangers of window strikes. Will residents' dogs run free in the lagoon?

I was sorry to read that the overall (erroneous) message about shorebirds seemed to be that Mud Bay is the primary--and only important--feeding and resting area for shorebirds and other migratory birds when they come through Homer. Saying on p. 68 that "the bulk of the migration stopping over at Mud Bay [11]. Mud Bay is roughly 0.5 miles east of the project area..." Of course Mud Bay is important, but all shorebirds use many areas to feed and rest. Mariner Lagoon is one of the most important of the other areas, and since it is not tide-dependent, is available for feeding many times when Mud Bay is not. Our 16 years of Shorebird Monitoring has documented what these birds do. (Shorebird Monitoring reports were submitted to DOYON initially and again recently, I believe.) There are also historical records of year-round birding at Light House Village available on eBird and from local birders if anyone doubts shorebirds and other migrating birds are in Mariner Lagoon and surrounding area throughout the whole year.

And I did not see even mentioned the fact that the reverse migration in the summer/fall is as heavy as spring in total numbers but is spaced out through several months. For example, returning shorebirds, such as unsuccessful breeders, begin return migrating south through Homer by July.

Many birders would like the following to be conditions of the City granting this permit: the Mariner Lagoon habitat protected, shorebirds and other migrants (plus resident birds) protected there, guaranteed public access year-round to viewing areas, continuation of the Shorebird Festival events at Light House Village, and continuation of Shorebird Monitoring (Kachemak Bay Birders, George Matz coordinator). The birding community will help in any way we can, hoping that this development would be appropriate for the world-class area for birds and birders that it is. We will help.

In conclusion, overall, right now we need more time to understand this better and work on some of the problems we see. I hope you will delay making this important decision so the public can better understand the plan and then be able to submit more informed input at a subsequent meeting.

Thank you.

Lani Raymond

**From:** [Department Planning](#)  
**To:** [Randi](#); [Department Planning](#)  
**Cc:** [Zach Pettit](#)  
**Subject:** RE: Revision to tonight's meeting  
**Date:** Wednesday, October 16, 2024 3:49:36 PM

---

Hi Randi,

Your revised comments will be included as a laydown packet for tonight's meeting.

Sincerely,

Ryan Foster  
City of Homer, City Planner  
[rfoster@ci.homer.ak.us](mailto:rfoster@ci.homer.ak.us)  
(907) 435-3120

**From:** Randi <[sadiecove@gmail.com](mailto:sadiecove@gmail.com)>  
**Sent:** Wednesday, October 16, 2024 3:47 PM  
**To:** Department Planning <[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)>  
**Subject:** Revision to tonight's meeting

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I, **Randi Iverson**, would like to go on record as supporting The Kachemak Bay Conservation Society and Glenn Seaman's comments that we consider thorough and as such, we do not need to repeat again, however we do want to add some further comments which are going to be somewhat harsh at times:

1. A decision on CUP 23-08 should be postponed until the next Planning Commission Meeting to allow for adequate public engagement.
2. The traffic issue for this development is a **deal breaker. This area is the wrong place for a development of this size.**
3. This is a tsunami zone and should be recognized and treated as such – minimal development.
4. This site is contiguous to important bird habitat – minimal development.
5. The B Street vacation should have been addressed prior to the CUP 23-08 remand because it may have substantial impact on the development.
6. Building height in GC-1 has been limited to 35 feet. Deviation from this accepted standard should not be allowed. Please confer with the Homer Fire Department on building heights and fire suppression.
7. I have concerns about the increased impervious surface area at this site that will increase runoff into very sensitive wildlife habitat. Also, the weight of the new buildings on soft ground may raise any contaminants already on or below the surface to be washed out into Kachemak Bay. Doyon Corp has done some core samples already. Who did the samples? What were the results? When will those results be posted for the public to see? We're the results ever approved or did the land need a professional, government approval so as not to pollute Kachemak Bay? Will Army Corps of engineers and Kachemak Bay Research Reserve do, prior to building, multiple site core sample studies as well as a during the building core studies, and a post building, multiple site, core sample studies and will these results be regulated by the Army Corps of Engineers, Kachemak Bay Research Reserve, and posted for the public. If further contamination is discovered at any time during or post construction, will Doyon be responsible for the clean-up?
8. I personally think that the architectural design for the two duplexes and one triplex is distasteful and unappealing for this spectacular site which deserves a marine theme in line with it's surroundings. Everyone is entitled to their own opinions, but as a council group, I feel that you have not done your due diligence in seeking the public opinion in a

timely and easily accessible manner of and for the residents of Homer whom you represent and that, as a group, you have ignored, to a great degree, attempts at educating the council on known public opinion and have disregarded, worst of all, member(s) of your own council who have done their best to present public opinion comments to the council which are contrary to other opinions, who have been marked by your council as being “disrespectful and impolite.” Quite the opposite in my opinion. I believe that the council should reconsider who they consider to be disrespectful and impolite and look inwards to reflect upon themselves. Please don’t forget that we live in a democracy.....

9. Setbacks for the triplex and duplexes should be 40 feet from retaining wall.

10. All tidelands south of existing fill proposed for duplexes and triplex should be deeded to the city for Conservation Land for mitigation if the vacation of B Street is approved.

11. A recorded pedestrian right of way should be established in place of a pedestrian easement to guarantee public access into the future, especially for the B Street trail replacement.

12. To ensure a sufficient Buffer Zone is established between the rural residential area and a proposed pedestrian trail, a legally binding agreement or conservation easement should be established to guarantee Buffer Zone serves it’s purpose and existing natural vegetation (trees) west of pedestrian easement stay undisturbed.

We appreciate Doyon’s changes to their original CUP; **however we still think this is the wrong place for this type of development.**

Homer is at a Defining Moment. YOU, as the planning Commission, as representatives of the residents of Homer Alaska from whom you, in all morality, should persistently seek and respect opinions from all residents of our beloved community, will set the course for future development of our town. There are many of us who have a sense of where and how Homer developed in the past. We are a growing city amongst a fast growing area. We should temper this growth to the services that sustain us as a unique and wonderful place in Alaska.

In closing,

**Thank you again for your public service.**

Respectfully,

Randi Iverson

--

Peace and Happiness,  
Randi

Stay well and remember to be kind to everyone and everything.

Attention Planning Commissioners:

*October 14 Update: We added comments in italics and RED to address relevant issues in Planning Department's staff analysis. As noted in the **October 11 comments below**, we were not able to comment previously as Staff Analysis had not been completed. Otherwise, our comments are the same.*

*Thank you!*

*Glenn and Bette Seaman*

October 11, 2024

To: Homer Planning Commission

From: Glenn Seaman

Subject: Initial Comments on Doyon's Remanded Application CUP 23-09.25.24

Thank for the opportunity to review the Remanded Application for the Doyon Hotel. I have included my initial comments herein. **I will review City of Homer Planning Staff's recommendation when it is available and will submit additional comments.**

I would like to extend a special thanks to the Doyon team for the revised plan. Doyon has listened to the many heartfelt concerns of the Homer residents and made many substantial and positive changes to Lighthouse Village Hotel proposal. Moreover, I would like to thank Doyon's Development Director, Zach Dunlap, for making himself available to meet and have a dialog on the project. He has been sincere, listened with an open mind, and welcomed public comments and ideas. This is a very accelerated review timeframe. Zach has openly shared the final plans and encouraged us to share them with anyone who was interested. Certainly, a very positive step to be a good community partner!

A summary of my recommendations is provided below, followed by more specific comments on the proposed development and the *Wildlife Mitigation Plan*. My comments are from the perspective an affected resident near the proposed development, and a career Habitat Biologist with the Alaska Department of Fish and Game.

Summary of Recommendations:

- 1) The Wildlife Mitigation Plan falls short of assuring the public that the project will have little or no impact on migrating birds off site. We recommend that Doyon expand the plan to look at the full effect of development, both during construction and after development.
- 2) Reach out to public, agencies staff, landowners, the Maritime Refuge, and others with knowledge of migratory bird use in areas close to proposed development. We recommend that Doyon sponsor a public meeting in Homer for this purpose, followed by other dialog as needed. Both Fairweather and Doyon staff should participate in this process.
- 3) Locate and consider research of how such developments could mitigate those impacts.
- 4) As currently planned, all vegetation in project area will be totally removed (see page 31 of Doyon's plan). This includes the Bay Avenue parcel, except for 30-foot natural

vegetation buffer. We recommend that Doyon delay removal or replacement of vegetation on the bluff leading down to the marsh, including the small trees, alders, and other shrubs. Existing vegetation will both provide a visual buffer between construction activities and the productive Mariner Park wetlands, help stabilize the bluff, and reduce sedimentation.

- 5) In the long-term, it is very important to have a well-designed plan to stabilize the bluff. Some Bay Avenue residents have experienced slope failure as a result when all tree/shrub vegetation was removed. Moreover, there are many other instances where this has happened both east and west of the Homer Spit. The project should develop a plan to ensure bluff stability.
- 6) The plan does not currently detail what it plans to do with the edge of current fill on lower lot. In recent conversations, Doyon clarified it may replace or modify the existing wall at the base fill area, but will not expand development beyond the existing Corps permit fill line. Will any of these activities or other aspects of the development require a wetlands permit?
- 7) Make the 30-foot natural vegetation barrier permanent. Provide permanent/guaranteed public trail access through development. Establish permanent easements, changes to title/deeds, or other means to accomplish this.

Thank you for considering these comments. Many local residents have expressed an interest in maintaining a dialog with Doyon as this development proceeds.

## Comments on Doyon's Resubmittal

Page 1, #1: Removal of off-site student housing – Good change. Leaves more space for other mitigation and decreases on-site impact of project.

Page 1, #2: Additions of 30-foot Vegetative Buffer and 20-foot Easement – Positive move for the reasons stated therein. A 50-foot buffer would be more effective. Doyon has express interest in looking for way improve the effectiveness of this easement.

Currently, the “vegetative buffer” is not well defined in the documents. Based on discussions with Zach Dunlap, this buffer is intended to be a natural vegetated buffer, i.e., maintain a portion of the existing spruce forest as a natural buffer. This needs to be more clearly stated in plan documents and in CUP approval.

*Staff Report, Page 30, Setbacks, Standards, and Buffers – See insert from Staff Report:*

c. If topographical or other barriers do not provide adequate privacy for uses adjacent to the PUD, the Commission may impose conditions to provide adequate privacy, including without limitation one or both of following requirements:

1. Structures located on the perimeter of the planned development must be set back a distance sufficient to protect the privacy of adjacent uses;
2. Structures on the perimeter must be permanently screened by a fence, wall or planting or other measures sufficient to protect the privacy of adjacent uses.

**Finding 17:** Setbacks, fencing, and vegetative buffers are illustrated on the Architectural Site Plan AS0.01 to provide adequate privacy via setbacks and screening.

*The 30-foot buffer does provide a limited buffer from adjacent properties on the south side of B Street. Due to the mature nature of trees in buffer, its value in providing a visual screen from development is limited. We noted on these comments we Doyon to enhance the screen properties of buffer with additional plantings.*

*Also of note, the proposed buffer on addressed residential properties on the south side of B Street. Doyon should also employ some kind of “setbacks, fencing, and vegetative buffers to “protect the privacy of adjacent areas” on the north side of B Street. This was not addressed in Doyon’s plan. The current demolition plan current plans remove all vegetation from the site, excluding 30-foot buffer.*

Moreover, this needs to be a *permanent buffer* which Doyon has stated is their intent. Kenai Peninsula Borough standards require that, before a ROW is abandoned, the develop must ensure “equal or greater access.” Before approving the CUP/PUD, it is important to find a method to improve this permanency. Preferred options are:

1. Have a “land trade” or otherwise move the B Street ROW to this site



- a. Rezone this site to conservation, allowing access through property and maintaining the buffer?
2. Look at permanent easements – for both the ROW and the buffer -- that will guarantee permanent access through the property and maintain the full 30-ft buffer for full life of the project.
3. Modify the property deed or title to ensure this a permanent easement.
4. Other effective options?

*Staff Report, Page 12-13, Rezone, Replat, and ROW Vacation -- See below quotes (page 12)*

**Rezone Application:** This ordinance proposes a zoning map amendment to move the General Commercial 1 District Boundary west to encompass the subject lot at 1491 Bay Avenue. The applicant proposes a planned unit development at 1563 Homer Spit Road, 1663 Homer Spit Road, and 1491 Bay Avenue. The rezoning is necessary to allow for a mixed use planned unit development (residential and commercial); the Rural Residential District only allows planned unit development with residential uses only. At the January 3, 2024 Special Meeting of the Homer Planning Commission, the Commission voted to recommend City Council approval of the rezone application.

**Bayview Subdivision Lighthouse Village Replat:** This plat accompanies the action of vacating the B Street Right of Way south of Bay Avenue, and reconfigures three smaller lots into two larger lots. This preliminary plat would be the mechanism by which the property boundaries would legally change. At the January 17, 2024 Planning Commission Regular Meeting, the Commission recommended to not approve the preliminary plat.

**Right-of-Way Vacation:** This action would vacate B Street, south of Bay Avenue. Unlike other platting processes, the final approval of this vacation is decided by the Homer City Council. At the January 3, 2024 Special Meeting of the Homer Planning Commission, the Commission voted to recommend denial to the City Council on the right-of-way vacation.

**Condition 1:** The property at 1491 Bay Avenue must be rezoned to an authorized zoning district, General Commercial 1, to align with the proposed commercial uses.

**Condition 2:** The B Street Right-of-Way, south of Bay Avenue must be vacated. The final approval of this vacation is decided by the Homer City Council.

*We do not support the rezone applications that isn't tied to an approved, proposed development. To rezone this independently would mean it could be sold as commercial property if the development does not go forward. The lot 1491 on Bay Avenue must remain residential unless it is part of a larger development. The same applies to replat: it should not be considered unless the development is approved.*

*The ROW vacation should not be approved unless – per Borough standards for vacation – equal or improved access”– is achieved. We do not think this standard can be met until access to waterfront and viewing platform is legally and formally guaranteed.*

*Staff Report, Page 16, Buffer and Easement – See following insert from staff report:*

**Applicant:** The proposed development by Doyon, Limited in Homer, Alaska, is meticulously designed to harmonize with the surrounding land's existing uses. The site's topography is ideal for development, allowing for a smooth integration with the natural landscape while adhering to planned unit development (PUD) regulations.

This alignment with zoning provisions ensures that the residential and commercial elements blend seamlessly into the area.

Adding a 30-foot vegetative buffer and a 20-foot pedestrian easement further enhances the design. These features provide pedestrian access across the site and serve as a natural buffer from the rural residential zoned lots to the west, preserving the privacy and character of the neighborhood.

**Finding 5:** The proposal is compatible with existing uses of surrounding land.

*See comments above on the need for permanent and legal easement through the property before Borough requirements "equal or great access can be met."*

Page 2, #3: Addition of 20-foot Pedestrian Easement – Good change! However, we have several concerns with the easement.

Page 2, #4: Reduced number of Units and Repositioning – Good changes for the reasons stated therein. However, the current vegetation provides a good opportunity to further buffer visual impact of the condos and viewshed. Consider comments provided later in this review.

Page 2, #5: Reduced Number of Condo Units and Repositioning – Also a good change for the reasons stated therein.

Page 2, Final Paragraph – Even if the edge of fill is apparently not considered a “coastal bluff”, we encourage Doyon to meet the intent and spirit of setback requirements.

Page 3, #6: “The proposed development *is promised to enhance property values in the area ...*” A statement that adjacent property values will increase is not true. There is no basis of this statement. Most of the surrounding property is in a residential development, and the placement of very large hotel will not increase property value. No one would be able to sell their nearby properties for at least 3 years ... the period of construction. Imagine all the construction noise? Clearly, the increased noise from operation and maintenance of building after development, converting the east end of our neighborhood from a quiet neighborhood, to a much noisier one. This does not appeal residential buyer, who would prefer a quiet and private neighborhood as it is today.

*Staff Report, Page 15, Property Values – See follow quote from this report.*

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.

**Applicant:** The proposed development promises to enhance property values in the area and contribute significantly to the local economy.

*See comment above: this project does NOT promise to enhance property values of adjacent properties and will likely have a NEGATIVE AFFECT.*

Page 10, Construction Timing – See insert below:

The initial stage focuses on comprehensive site work, including groundwork, infrastructure development, and foundational establishment across the project area. This foundational work is crucial as it sets the stage for subsequent phases and provides a solid base for the residential condos, hotel, and supporting facilities.

The second stage involves constructing the residential condo development. This phase includes erecting multi-building structures, interior finishes, and landscaping. By separating this stage, we ensure focused attention on creating a cohesive and appealing residential space.

The third stage centers on constructing the year-round hotel and convention space. This phase allows for detailed attention to the specific needs of hotel infrastructure, dining facilities, and convention spaces.

With respect to the “residential condo development,” when – what time of year – will the foundation (or pilings) be built? Year one or year two? Doyon’s initial submittal (in the Geotechnical Report) noted that, due to the nature of fill and being laid over organic marsh material, the Doyon will need to drive pilings at least 20 feet down – through the existing fill, the organic matter of former marsh, and further to reach solid ground suitable for these facilities. If done in spring and summer, these activities will have substantial impact on bird use, particularly nesting and rearing *sandhill cranes*, which utilize the area throughout this period. Lesser sandhill cranes have nested here for at least five decades. They utilize this area from mid-April to when young colts fledge in early August. An independent analysis of potential impacts of this development on cranes and other nesting birds should be done. Measures should be taken during construction to avoid or minimize such impacts.

Page 14, “Wetlands Permit” – Is a wetlands permit required for this plan (see insert below)? If so, for what? Zach Dunlap confirmed their intent to stay within limits of Corps “permit line,” as indicated in Doyon’s documents. We recommend that Doyon make this explicit in the plan.

**A list of all permits required from local, State, and Federal agencies for the uses proposed in the PUD:**

- Site Plan
- As-built survey
- Building Elevation
- Lighting standards
- Wetlands Permit
- Grading/Fill Plan
- Storm Water Plan (SWP)
- Conditional Use Permit (CUP)
- Landscaping requirements
- Development Activity Plan (DAP)
- Building Permit from the State of Alaska Department of Public Safety
- State Fire Marshal Plan Review

Coastal Topography, Page 29 of Packet – What does Doyon propose to do for the slope of bank on Lot 164? Will they modify or replace the aging bulkhead that is there at the base of fill? If so, how will that look, and will it involve wetland fill. Will there be any disturbance to the existing wetland? What time of year will the work be done? These activities are not addressed in the plan, nor are the potential impacts addressed in mitigation plan.

Figure C2.00 and C4.00 – How far will the condos be set back from the edge of the fill? To help minimize adverse effects of condos on the fill and bird use, we recommend that units be set back 30-40 feet from water's edge. Looking at the scale on the map, it looks the two duplexes are roughly 30 feet while the triplex is half that amount.

C .10, Demolition Schedule, Page 31 – The demolition schedule – to be done in first year of the project – indicated the removal of **all** vegetation on the site ... which includes everything all the lots except the 30-foot vegetated buffer on the east end of the lot. Will they also remove all trees or shrubs on sloped bluff above the marsh? Recommend that the bluff be retained in its current vegetated state during construction to minimize sedimentation and provide a visual barrier from activities to mitigate impact on marsh wildlife. In the long-term, it is very important to have a well-designed plan to stabilize the bluff. Some Bay Avenue residents have experienced slope failure as a result when all tree/shrub vegetation was removed. Moreover, are many other instances where this has happened both east and west of the Homer Spit. The project should develop a plan to ensure bluff stability.

ASO.01, Walk and Bike Path, Page 36 – Doyon has indicated they want this path to be handicap accessible (to their credit!), which explains why this path is laid out as is. The existing trail is OK, but we would recommend a more direct offshoot from trail to enter to road closer to crosswalk and roadway entrance. We suggest this branch off from “sideways U” in front of hotel wraps around as roughly delineated in image below. We don't see this as an essential change, but it does make the trail a little more bike and walker friendly to those who may use the trail to access to Homer Spit trail.

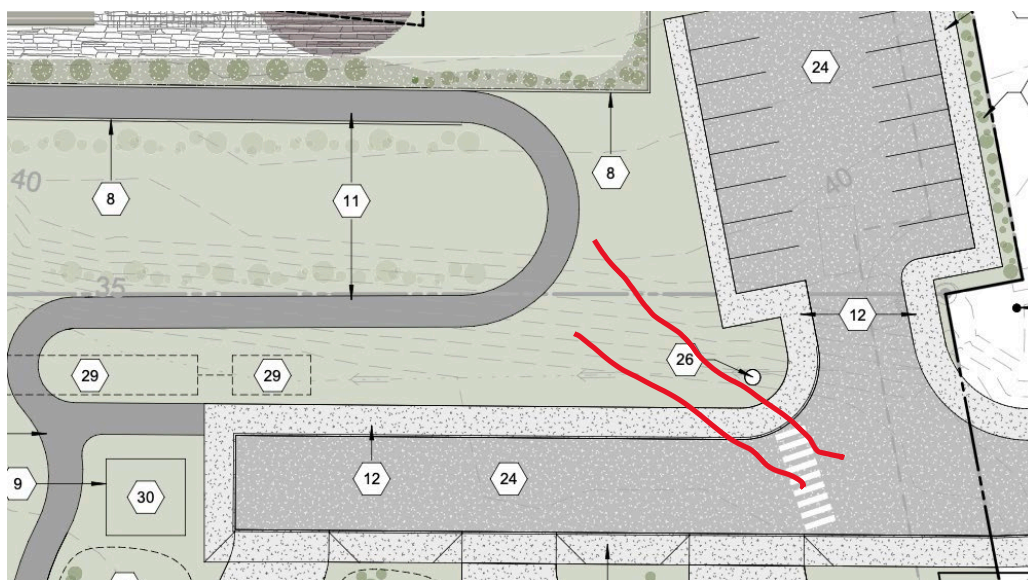


Figure EXH-2, the Walking/Bike Path – How wide is the bike path? The space reserved for the path is 20 feet, but it appears the bike path is half that distance wide. How will Doyon ensure that the activities for construction activities for the ROW don't damage the integrity of the buffer, or inadvertently remove trees?

As a nearby Bay Avenue landowner, we greatly appreciate Doyon planning for 30-foot natural vegetation buffer. However, given that this is a thick, mature and dense stand of native spruce, much of the spruce branches in lower branches of tree and understory has died away. After a long time, some of this will likely fill in. In recent discussions with Mr. Dunlap, we suggested they plant "moose resistant" trees and scrubs on sides of walking/bike path to provide a more effective sight barrier. Larger trees were suggested to shorten the period of "fill-in." Doyon was amenable to the suggestion, and we look forward with Doyon and other nearby Bay Avenue residents to further discuss this in subsequent project planning.

### **Wildlife Mitigation Plan, Page 63 ++**

The 2023 submittal of plans did not include any information on potential effects of the development on fish and wildlife or their habitat or identify mitigations measures. Doyon indicated that they work with Fairweather Environmental (a Doyon-owned company) to ensure that the project will not impact local wildlife. We raised the concern about possible impacts of construction and the completed project, and encouraged Doyon undertake a careful and thorough evaluation to identify and mitigate potential impacts on adjacent wetlands and affected wildlife.

One example was highlighted, but there are many. The Geotechnical site evaluation concluded that condo would need to be built on piling, perhaps 20 feet or more in length. This will certainly create a lot of noise and disturbance to local wildlife, as well disrupt other wildlife viewing activities. This activity would create a lot of noise over a long period. Conducted at wrong time, it could have a major impact on migratory birds.

The current plan includes a "Wildlife Mitigation Plan" with a focus on *on-site impacts*, and offers a comprehensive set of guidelines and procedures to meet the requirements of the Migratory Birds Act. Except stating that they sensitive to such impacts, the plan does not evaluate the overall effects of the construction activities or completed project on Mariner Park Lagoon wetlands and the wildlife the utilize these important habitats.

Doyon should expand the scope of their evaluation to include potential off-site impacts. Also, reach out to local people for information and to identify their concerns. Homer is blessed with a large number knowledgeable and skilled birders, ornithologists, and other professional biologists that could help Doyon and Fairweather in this process. Access and use information from local citizen shorebird monitoring efforts. For example, there over 20 years of data from Homer's Citizen shorebird monitoring program.

*Staff Analysis, Pages 19 to 21, Compliance with Comprehensive Plan – The following page includes relevant portions of the staff analysis.*



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

**Applicant:** The proposed development focuses on the community's health, safety, and welfare. The project adheres to zoning regulations and city ordinances, aligning with local standards. Safety measures have been implemented for construction and the final development to address potential risks. The project also incorporates sustainable practices to protect the local ecosystem. Through careful planning, Doyon, Limited aims to enhance the quality of life in the area while maintaining safety and environmental standards.

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

**Applicant:** Doyon, Limited's proposal for a year-round hotel and condos in Homer, Alaska, aligns closely with the city's comprehensive plan, focusing on growth and preserving Homer's unique character. The development supports key objectives of the Land Use chapter: increasing housing supply and diversity (Goal 1) and maintaining the natural environment (Goal 2).

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**Finding 10:** The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan. The proposal aligns with Chapter 4, Goal 1, Objectives A and C, and D and no evidence has been found that it is contrary to the applicable land use goals and objectives of the Comprehensive Plan.

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*The captions from (g) and (i) show applicable Comprehensive Plan requirements and applicants desire and commitment to protect important wildlife habitats and local ecosystems. It is imperative that Doyon do a better job to protect important and their use by wildlife. Up to the present, the wildlife mitigation plan only addresses impacts to migratory birds onsite. Fairweather should become more familiar with the current development plan and develop actions to ensure construction and subsequent use does not adversely impact wildlife habitat. Our recommendations above encourage Doyon to locals and local agencies for information on how to minimize impact to these resources.*

#### Specific Observations and Comments on Mitigation Plan

- 1) It is unclear what the purposes and scope of this document is. Section 1, Fourth paragraph states that “Fairweather science has developed this wildlife assessment for the Doyon project team regarding the potential wildlife in area. At this time, there are no known required wildlife mitigation actions that Doyon must follow; however, Doyon is aware and sensitive to wildlife that migrate through this area.”
  - a) The evaluation is limited to so few species, and it has failed to acknowledge the presence or evaluate the possible impact on so many common migratory birds that are locally abundant and adjacent to development.
  - b) Is there a concern for the impact of construction activities – visual and noise – on migratory bird use of adjacent wetlands?
- 2) The following statement states that: “This assessment also provides potential mitigation actions that Doyon can implement to reduce impacts to migrating birds and eagles. The mitigation actions will continue to be developed after conversations with various agencies and continued public input through the permitting process.”
  - a) The proposed mitigation actions address potential impact of activities on site to comply with the Migratory Bird Act. Presently, no attention seems to be given to the project's effect on wildlife use of adjoining wetlands.

- b) Development activities will almost certainly have the potential to adversely affect ducks, shorebirds, and especially sandhill cranes, yet the plan does not address this.
  - c) The document talks about “continued public input through the permit process.” What permit process is being referred to? We are not aware of any public involvement in City’s permit process. One could be involved in any wetland permits by the Corps, but will the public receive notice of these permits? Are there other permits this is referring to?
- 3) Until recently, there has been little evidence of reaching out the community, to seek local expertise or information on bird uses.
  - 4) A number of avian species the use the Mariner Park wetland and adjacent areas are not even acknowledged. A good example is the lesser sandhill cranes that have been nesting and rearing in these wetlands for over 35 years, and likely longer.
  - 5) Their Wildlife Assessment tool – USFWS’s “Rapid Avian Information Location” (RAIL) tool – is over generalized and of little use in identifying what species are present. This seems to be a tool that Fairweather uses in other applications in North Slope, where there little site-specific information? It seems to have little utility in an urban area like Homer, and where there is so much site specific and local knowledge.
  - 6) The review identifies “project area” as 6.2 miles from the development. Why? Will the project influence animals 6 miles from site?
  - 7) Why focus on just a few threatened species, eagles, and a few migratory birds ... some of which are present during spring migration, but according to local knowledge, do not nest here ... or at least in Mariner Park Lagoon?
  - 8) There was no evaluation of possible effect the condos on bird use of adjoining areas immediately adjacent to proposed development, and what measures/modifications could be taken to mitigate those impacts.
  - 9) The results of this RAIL assessment as completed seems of little value for on-site, specific evaluation ... of little value for identifying mitigation measures for development of hotel.
    - a) Steller’s Eiders are not present any where’s near the development site, and are uncommon or rare in outside water of Kachemak Bay
    - b) Bald eagles are very common, and golden eagles are very rare in area
    - c) Have never seen documentation of Aleutian terns close to development. There use to be a small colony around Lampert Lake, but that colony is gone.
    - d) The following three species may be present in area, but are not believed to nest in area
    - e) There are many species of shorebirds that are much more common than the shorebirds mentioned in report
    - f) Of the birds listed, lesser yellowlegs are one of the more common shorebirds in the Mariner Park Lagoon wetlands. They are the first to arrive, are present all summer, nest here, and last to leave.
    - g) Report fails acknowledge the extensive mid to late use of these wetlands by a wide variety of shorebirds ... before their fall migration south.
    - h) Why highlight sea otters? They are very common Kachemak Bay, outside the lagoon, and in mud bay ... but not close to development site.
    - i) What about ducks? Ducks are present all spring, summer, and fall. Some nest in Mariner Park wetlands, often near the development site. A wide variety of species of ducks use the area.

- 10) There are four documents noted that reviewed in this assessment. None of these documents were referenced in report. What information was in these reports, and were they even used?
- 11) The Kachemak Bay bird species list is out of date. The most recent list was dated 2023.