



City of Homer

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Memorandum

Agenda Changes/Supplemental Packet

TO: PLANNING COMMISSION
FROM: Scott Lynn, DEPUTY CITY CLERK I
DATE: December 17, 2025
SUBJECT: SUPPLEMENTAL

NEW BUSINESS

A. Draft Title 21 Zoning Code Review

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Memorandum

To: Homer Planning Commission
From: Janette Keiser, PE
Date: December 16, 2025
RE: Comments on proposed amendments to Title 21.

I have reviewed the version of the proposed amendments to Title 21 that were published in the Planning Commission's October 15, 2025 packet, and developed the following comments. I look forward to discussing these with you as the process moves forward.

Chapter 21.02 Definitions

21.02.040 Definitions

1. Need to define the word "*Transient*", in the context of the "*Worker Housing*" definition. Better yet, remove the word "*Transient*" from this definition; that is, employers should be allowed to provide permanent worker housing, whether the employees are seasonal or year-round .
2. The terms "*Buffer, runoff*" and "*Buffer, stream*" are defined as top of bank to top of bank. That is not enough for a buffer. Buffers sometimes need to include flood areas that go beyond top of bank.
3. The definition of "*City Engineer*", as a registered professional engineer, is in responsible charge of the City's technical engineering matters, much the same way the Fire Chief is in responsible charge of the City's fire safety/response matters. As such, the City Engineer should be appointed by the City Manager.
4. Definition of "*Comp Plan*" needs to mention the word "land use"
5. RE: Definition of "*gardening, personal use*". Does this definition include a personal high tunnel? If so, definition should specify.
6. Definition of "*Guest Room*" needs to include Short Term Rentals.
7. Definition of "*Home Occupation*" should include BnBs because they are businesses.
8. Why do definitions of "*Motels*" and "*Hotels*" exclude hostels and BnB?
9. Definition of "*Open Space*" has conflicting language It includes picnic areas and playgrounds but not "outdoor recreation facilities"
10. The definition of "*Person Aggrieved*" is too limiting. Should delete the second sentence. For example, the Planning Commission, when reviewing CUPs, has the authority to impose "*conditions necessary to protect the interests of the community and surrounding area*". But who would represent the community and surrounding area a member of the general public is excluded as an aggrieved person. You also

see this issue arise in the matter of variances, which have as a criterion, “*granting the variance...will not be detrimental to the public’s health, safety, or welfare.*”

11. The definition of “*Pollution*” here is different than the definition in HCC 13.04

12. In the definition “*Bed and Breakfast*”, the word “*if*” in the second line should read “*where*”; that is, the term “*Bed and Breakfast*” should be confined to owner-occupied residences.

13. Why are BnB’s excluded from the definition of “*rooming house*”?

14. You need a definition of “*Short Term Rental*”.

15. Definition of “*School*” needs to exclude home schooling.

16. Definition of “*sediment*” needs to include material not necessarily caused by erosion; for example, it should include material triggered by road sanding, cleaning storm drains or gutters, and construction activities.

17. Definition of “*Stormwater management*” needs to include changes to the land from natural causes.

Chapter 21.04 Measurements

21.04.020(g) Need to include “drainage easement”.

Chapter 21.05 Decision Making Authority

21.05.010 Should be changed to Community Development Department.

21.05.020 Does the City Manager or Director of Community Development appoint the City Planner?

21.05.030(b)(2) There is no definition of the term “*Land Use Plan*”. Is this the Future Land Use Plan?

21.05.050 Need definition of “*Land Use Plan*”

Chapter 21.06 Review Matrix

21.06.020 Need definition of “*Land Use Plan*”

Chapter 21.07 Comprehensive Plan

21.07.020 Need definition of “*Land Use Plan*”

21.07.010(b)(2) Are we sure we want to include the Homer Master Roads and Streets Plan (1986) as part of the new Comp Plan?

21.07.010(b)(4) The Homer Town Center Development Plan was deleted from this list, per Ord 25-64.

21.07.010(b)(5) The Homer Spit Plan (2010) was deleted from this list per Ord 25-64.

21.07.020 Need definition of “*Land Use Plan*”.

Chapter 21.08 Zoning Amendments

21.08.050 The process of requesting, or reviewing a request for, a zoning amendments seems suggests that (i) such requests are made, and reviewed, on a site specific basis and (ii) in accordance with the “Future Land Use Map” in the new Comp Plan. The problem is that the Future Land Use Map does not show property boundaries. This makes it very difficult for the process, as described herein, to be administered consistently.

Chapter 21.09 Conditional Use Permits

21.09.030(f) This states that CUPs can be issued only if the proposal “*will not be unduly detrimental to the health, safety, or welfare of the surrounding area or the City as a whole.*” This is one reason why the definition of “*person aggrieved*” needs to be broader than what it is. For example, under the current definition, a “*person aggrieved*” must be someone who has an interest in the proposed CUP that is different than the general public. With this definition, there is no eligible person/entity to represent “the City as a whole” when appealing a CUP on the basis that the proposed development will be detrimental to the “City as a whole”.

Chapter 21.10 Variances and Administrative Adjustments

21.10.040 I am opposed to Administrative Adjustments in all cases because non-elected staff of uncertain tenure and qualifications should not be allowed to make decisions previously held by the Planning Commission or City Council. I am particularly opposed to using Administrative Adjustments to expand legal nonconforming uses. Our goal should be to restrict and eliminate nonconforming uses, not expand them.

Chapter 21.11 Site Plans

21.11.50 The requirements for site plans should have stronger language about legibility. Site plans should not look like they have been scrawled by a 4th grader using a crayon. Some of the site plans we’ve received are very crude and you can hardly discern what is existing or proposed.

Chapter 21.12 Zoning Permits

21.12.010(a) or (c) Theses would be good places to require a Fill & Grade permit. Ryan Foster drafted language for such a permit and permit review process. Please include this material.

21.12.060 I am opposed to Administrative Adjustments of any kind.

21.12.070 This section should specify consequences of proceeding with work without a permit or if work continues when the permit has been revoked.

Chapter 21.13 Appeals

21.13.030(a)(2) Government officials, agencies or units should have standing whether or not their enabling statutes specifically empower them to engage in legal actions. This is because the law on this matter is opaque, which causes the parties to go down a legal rabbit hole that has nothing to do with the land use issue at hand. It would be more transparent and equitable to give government bodies the right to question land uses issues that are (i) within their purview and subject matter expertise and (ii) where they have actively and substantively participated in the proceedings before the Commission.”

Chapter 21.14 Public Hearings. No comment.

Chapter 21.15 Nonconformities.

21.15.070 Nonconforming uses should not be allowed to be transferred to new property owners, including transfers upon death. Non-conforming uses that constitute nuisances should not be allowed.

Chapter 21.16 Nuisances

21.16.010 Nuisances:

- Nonconforming uses that constitute nuisances should not be allowed.
- We need a definition of “*solid waste*” and it should include materials that are not necessarily hazardous toxic, such as heaps of debris, 55-gallon drums of mystery fluids, junk cars, etc.
- There should be a process for dealing with nuisances – giving notice, clean up requirements, enforcement requirements, etc.
- Release of invasive flora and fauna should be classified as a nuisance.

21.17 Violations and Enforcement

21.17.040 Orders for addressing and remediating nuisances and never-ending non-conforming uses should be specifically listed in this section.

21.17.050 There should be a way of notifying the property owner by personal or substituted delivery, mail or publication, if other means of notice are not effective, similar to service of a summons.

There is some mis-numbering in this chapter.

21.18 Zoning Districts and Zoning Map

There are two Chapter 21.18's.

Chapter 21.18 Rural Residential District.

21.18 This section needs to be reconciled with the adopted version of the Comp Plan, where some of the zoning designations were changed.

21.18.020(l) This definition of “temporary...roadside stands” should be expanded to include other cottage industries such as: egg sales, garage sales, lemonade stands...

21.18.020 The keeping of RVs and small boats should be a permitted use.

21.18.030 “Home occupations” are a permitted use, but the definition of “Home occupation” does not include Air Bnbs. Are Air BnBs a permitted use?

21.18.030 It should be possible to get a permit to build/occupy a garage or other accessory building before the house is built.

21.18.040 Commercial green houses should be a conditional use. They certainly have less impact than a kennel or some of the other conditional uses.

21.18.050 There should be a view protection clause that requires new developments to preserve the view corridors of existing buildings.

21.18.050 Means of non-motorized transportation, such as connecting to existing sidewalks or trails, should be required.

Chapter 21.19 Neighborhood Flex District

21.19.030(h) Storage of heavy equipment seems out of character for the Intended Land Use of the Neighborhood Flex district. Please delete this.

21.19.030(j) It should be possible to get a permit to build/occupy a garage or other accessory building before the primary structure is built.

21.19.040(d) Storage of heavy equipment seems out of character for the Intended Land Use of the Neighborhood Flex district. Please delete this.

21.19.050 There should be a view protection clause that requires new developments to preserve the view corridors of existing buildings.

21.19.050 Means of non-motorized transportation, such as connecting to existing sidewalks or trails, should be required.

Chapter 21.20 Urban Residential District

21.20.030(h) Storage of heavy equipment seems out of character for the Intended Land Use of the UR district. Please delete this.

21.20.030(i) It should be possible to get a permit to build/occupy a garage or other accessory building before the primary structure is built.

21.20.040(d) Storage of heavy equipment seems out of character for the Intended Land Use of the UR district. Please delete this.

21.20.050 There should be a view protection clause that requires new developments to preserve the view corridors of existing buildings.

Page 117 There is a typo – 21.14.50 should read 21.20.050

21.20 Means of non-motorized transportation, such as connecting to existing sidewalks or trails, should be required.

Chapter 21.21 Medical Mixed Use District

21.21.050 Means of non-motorized transportation, such as connecting to existing sidewalks or trails, should be required.

Chapter 21.22 Downtown Mixed Use District

21.22.040(c) Auto repair should not be allowed in Downtown Mixed Use, if it involves on-site storage of vehicles waiting to be repaired. This is unsightly and easily becomes a junk yard.

21.22.040 (h) The need for a Traffic Impact Analysis should be triggered by probable impact, not merely by projected vehicle trips.

21.22.050 There should be a view protection clause that requires new developments to preserve the view corridors of existing buildings.

21.22.060 Means for non-motorized transportation should be required, such as connection to existing sidewalks or trails

21.22.060(b) and (c) All developments in this district should be required to have a Level 2 drainage and erosion control plan. It is too confusing to have some developments require a Level 1 plan and others require a Level 2 plan in the same district. This is the Downtown Mixed Use District where drainage is (i) already a problem and (ii) important to the viability of parking lots, driveways, etc. Plus, development should not be allowed to adversely impact surrounding properties.

21.22.070(c) Architecture for franchises should be required to conform to the Community Design Manual, not just “*encouraged*”.

21.22.070(e) and (f) Artwork and high-quality materials should be required, not just “*encouraged*”.

21.22 There should be some qualitative standards for when a Traffic Impact Analysis is required.

Chapter 21.23. Commercial Mixed Use District

21.23 I think this needs to go back to the Gateway Business District. Regardless, the permitted and conditional uses in the district need to be more limited to conform to the intent of the district.

Chapter 21.24 Light Industrial Mixed Use

21.24.040(i) Extractive Enterprises should not be allowed in Light Industrial.

21.24.040(l) There should be a qualitative trigger for when a Traffic Impact Analysis is required.

21.24.050(c) There should view protection for neighboring residential uses.

21.24.060 There should be means for connection to sidewalks or trails that are existing or planned.

Chapter 21.25 Marine Commercial District

21.25.020 Auto related businesses should not be allowed in the Marine Commercial District. It should be preserved for marine-related uses.

21.25.030(b) It should be possible to build an accessory building before the primary building is built.

21.25.040 There should be some qualitative standards for when a Traffic Impact Analysis is required.

Chapter 21.26 Marine Industrial District

21.26.020 Auto related businesses should not be allowed in the Marine Industrial District. It should be preserved for marine-related uses.

21.26.050 There should view protection for neighboring residential or commercial uses, which are view dependent.

21.26.060 There should be means for connection to sidewalks or trails that are existing or planned.

Chapter 21.27 Open Space Recreational District

21.27.040 The requirements of Level 2 drainage and erosion control should apply any dirt-moving activity or structures.

Please add the following new language:

- The City shall develop an Open Space Lands Policy and Strategy that maps lands currently held for Open Space Recreation as well as a fund for the acquisition of such lands.

Chapter 21.28 Conservation District

21.28.060 The requirements of Level 2 drainage and erosion control should apply any dirt-moving activity or structures.

Please add the following new language:

- The City shall develop a Conservation Lands Policy and Strategy that maps lands currently held for conservation as well as a fund for the acquisition of such lands.

Chapter 21.29 Dimensional and Intensity Standards – No Comments.

Chapter 21.30 Small Boat Harbor Overlay District – No comments.

Chapter 21.31 Bridge Creek Watershed District – No comments.

Chapter 21.32 Flood Prone Areas – No comments.

Chapter 21.33 no chapter by this number

Chapter 21.34 Slopes and Coastal Development.

21.34.010 This refers to a Steep Slope Overlay District. Where is this overlay? It should be linked to the City's GIS maps of steep slopes.

21.34.030 This would be a good place to insert a requirement for a Fill & Grade permit.

21.34.040 This would be a good place to insert a requirement that the City must inspect and approve construction.

21.34.060(c)(1) and (3) These sections limit review of adverse impact to “*adjacent*” properties. This needs to be broadened to encompass a larger area, including all

downstream impacts within the subject watershed, as shown in the City's GIS maps for drainage ways and watersheds.

Chapter 21.35 Planned Unit Developments. This section should go away. Homer does not have enough physical space to allow these kinds of developments.

Chapter 21.36 Accessory Dwelling Units

21.36.030 Accessory Dwelling Units should be allowed in nonresidential districts for permanent, year-round worker housing.

Chapter 21.37 Agricultural Activities

21.37.030 Roosters should be allowed in Rural Residential districts.

Chapter 21.38 Auto Repair and Auto Fueling Stations – No comments.

Chapter 21.39 Drive-Through Establishments – No comments.

Chapter 21.40 Home Occupations

21.40.030 Storage of heavy equipment should not be allowed in residential, downtown mixed use, or flex districts as well as in other districts where heavy equipment storage is out of character with the intended use of the districts.

Chapter 21.41 Large Format Development . No comments.

Chapter 21.42 Marijuana Cultivation, Manufacturing, Retail and Testing. No comments.

Chapter 21.43 Mobile Home Parks, Mobile Homes and RV Parks. No Comments.

Chapter 21.44 Outdoor Storage. No comments.

Chapter 21.45 Snow Storage. No comments.

Chapter 21.46 Small Wind Energy Systems. No comments.

Chapter 21.47 Temporary Storage. No comments.

Chapter 21.48 Worker Housing

21.48.020 Appropriate, permanent, year-round worker housing should be allowed in all districts.

Chapter 21.49 Places of Assembly. No comments.

Chapter 21.50 Towers and Related Structures. No comments.

Chapter 21.51 Drainage and Erosion Control.

21.51.010 This section should specify that on-site nature-based systems for managing drainage and stormwater shall be used for all Levels of development.

21.51.020(c) Site Development Standards – Level One.

- A fill and grade permit should be required before cutting trees, doing any excavation, or depositing fill.
- A storm water management plan should be required before altering or containing any drainage way, adding any impervious surface, doing any excavation or depositing any fill.

21.51.030 Site Development Standards – Level Two.

- A fill and grade permit should be required before cutting trees, doing any excavation, or depositing fill.
- A storm water management plan should be required before altering or containing any drainage way, adding any impervious surface, doing any excavation or depositing any fill.

21.51.040 Site Development Standards – Level Three.

- A fill and grade permit should be required before cutting trees, doing any excavation, or depositing fill.
- A storm water management plan should be required before altering or containing any drainage way, adding any impervious surface, doing any excavation or depositing any fill.

21.51.050 Fill Standards. A fill and grade permit should be required before cutting trees, doing any excavation, or depositing fill.

21.51.050(c)(1)(iii) There should be no adverse impact on drainage ways within the watershed as depicted on the City’s GIS watershed map.

Chapter 21.52 Stormwater Management

21.52 .010 This section should require that:

- Stormwater Management Plans a(“SWP”) are required for all Levels of Development. SWPs for single family residences need not be prepared by a professional engineer or accompanied by a performance guarantee, but must be approved by the City Engineer.

- Stormwater shall be managed to prevent adverse impact to existing drainage ways or properties within the subject watershed, as depicted on the City's GIS watershed maps.
- Nature-based systems shall be used in all districts.

21.52.020(l) This should say that dewatering activities must not adversely impact any existing drainage way or downstream properties within the same watershed of the subject property, as depicted on the City's GIS watershed map.

Chapter 21.53 Parking and Loading. No comment.

Chapter 21.54 Landscaping. No comment.

Chapter 21.55. Lighting. No comment.

Chapter 21.56. Fences. No comment.

Chapter 21.57 Right-of-Way Access. No comment.

Chapter 21.58 Traffic Impact.

21.58.020 This should specify that developers shall employ Context-Sensitive Design in conformance with the City's Complete Streets Ordinance.

Chapter 21.59 Signs. No comment.

From: [Anne Coray](#)
To: [Department Clerk](#)
Cc: [Department City Manager](#); [Mayor Email](#)
Subject: Planning Commission Work Session 12/17/25.
Date: Tuesday, December 16, 2025 8:24:39 PM

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

Dear Planning Commission,

I live at Mile 6 East End Road, so I am not within the Homer City limits, but decisions made by your commission impact residents within the greater Homer area. The need to retain open spaces is crucial. Homer is attractive to tourists in large part because of its aesthetic appeal, which includes treed and undeveloped areas and small commercial buildings that don't have a "box-store" facade. Keeping height restrictions in check on projects like hotels complements Homer's landscape and allows visitors to experience the look and feel of this beautiful rural town. This is why many people come to Homer and spend money.

Therefore, it is economically viable to move slowly with regard to growth.

Another reason to keep open spaces is pragmatic in terms of landslide potential.

Clearcutting large swaths of land should be prohibited simply because it increases the danger of a natural disaster. It's no secret that tree roots help hold soil in place.

I am a lifelong Alaskan and I spent many years in the Alaska bush. But I have also lived in Willow, Meadow Lakes in the Mat-Valley, and in Kenai, where I grew up. Of places with a population center in Alaska, Homer has always been my first choice of residence--for all the reasons listed above. Namely, aesthetic appeal and a small-town feel.

I have seen the Wasilla area grow disproportionately over the years from when I first moved to the Mat-Valley in the early 1980s. The lack of planning has resulted in a grotesque sprawl of commercial buildings and no way to divert the almost endless stream of traffic. It would behoove you to take a look at Wasilla for an example of how NOT to proceed.

The Homer planning commission should take the long view when deciding to rewrite code.

I understand that three meetings are taking place over the holidays. Not only is this poor timing for public input, it is unfair. I respectfully ask the city manager and mayor to extend the time allowing for people to weigh in.

Thank you,

Anne Kahn

From: [Shirley Evans](#)
To: [Department Clerk](#)
Subject: December 17, 2025 Planning Commission Work Session
Date: Tuesday, December 16, 2025 9:52:39 PM

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

I would like to submit written comment for the December 17th Planning Commission Work Session.

My name is Shirley Evans and I live outside the City limits, but have worked, played and continue to utilize services all within the City of Homer.

I listened to the entirety of the last work session by video as I was out of state. I was impressed with the thoughtfulness of the city staff and the Planning Commission members as they tackled complex, detailed areas of consideration. It was, however, evident that more time than has been allotted, is needed to untangle issues and clarify language. I'm hopeful the group will allow for more than just the three sessions scheduled so far (the January 7th one now cancelled). I'm especially interested in further discussion of how city zoning will encourage multiplex housing, the issue of short term rentals, and also the topic brought up by an audience member regarding a lack of any sort of plan for the homeless.

Thank you.

City of Homer Planning Commission

Homer City Hall
491 East Pioneer Ave
Homer AK 99603

Subject: Title 21 Zoning Code Update – Phase 2: Development Process

Dear Commissioners,

December 17, 2025

I would like to comment on the proposed elements of Phase 2: Development Process in the Title 21 Update the City is undertaking at present.

First of all, it seems very poor timing to hold these Update meetings around the winter holidays. Scheduling them for November, December and early January clearly limits community participation due to the prioritizing of family and community holiday travel, activities and events. It's hard not to think this wasn't done intentionally.

Secondly, I feel this process is moving too fast for the community. My observations are that the contractors and city planning staff have demonstrated a development bent that does not track with expressed community interest and desire. As a result, many of us in the community, myself included, simply do not have trust in the current City Planning staff. The Planning Commission, while comprised of attentive and dedicated local resident individuals, do not have the expertise or analytical skills to be making these serious, far-reaching decisions without much greater background information.

Therefore I ask that you genuinely slow the Update down and bring the community more actively and solidly into the process.

For the sake of time and effort in the midst of my Winter Solstice and Yuletide activities, I am including several points that I strongly agree with, which were developed and shared by interested community members late this fall. I have slightly edited them here.

- Expand the definition of who has "Standing" (HCC 21.93.050 Standing) to appeal Homer Planning Commission decisions.

Appeals should be allowed when a development will impact a larger public, such as hazards associated with flooding, traffic, erosion, road or property damage or when development is in an area of significant public interest, such as the shorebird habitat along the Spit.

- Completely remove Planned Unit Developments (PUDs).

This is a loophole in the code that lifts the lid on all development restrictions, like height and footprint, anywhere in the City regardless of zoning category. This tool is confusing for the Planning Commission as it has little to no guidance on when it is appropriate, and is a backdoor avenue to allow for an unequal application of the law. It was used for the first time recently, to allow the Doyon mega-hotel and townhouse rentals at the base of the Spit, against the wishes of the community. Homer is a small town that prides itself on local small business - we don't need or want these huge developments. You would do well to keep foremost in mind that only 7% of the public is in favor of large scale development, while 64% support minimal to moderate growth. We should not cater development to the 7%, just as we do not cater development to the 12% who want no development or reduced development.

- Change the permitting process for large projects and/or projects in sensitive sites.

Proposed projects need to present more detailed information, time for public participation, and many of them need a longer checklist and engineering analysis to protect downstream neighbors and the general public. The potential negative impacts of rushed, large-scale development are significant.

Require that developments of 'x' size create a certain amount of integrated park space and connectivity/walkability. Connectivity and green space have deep public support, as shown in the new Comprehensive Plan. People appreciate parks and trails and open spaces where they can walk with friends, family, and pets.

- Encourage Homer Planning Staff and the Planning Commission to make site visits before making decisions; require site visits on large-scale projects or projects in sensitive/technical sites.

It is extremely unreasonable and highly impractical that they are currently not allowed to visit these sites before they make a decision about it.

- Create an annual "Know your Waterways" workshop for the Homer Planning Commission and City Planning staff.

Organize this in collaboration with the expertise provided by the Kachemak Bay National Estuarine Research Reserve, Homer Soil and Water Conservation District, and the Center for Alaskan Coastal Studies in order to support informed analysis of development impacts to surrounding properties.

- Expand the language describing the kinds of conditions that can be placed on Conditional Use Permits (Homer City Code, 21.71.040 Approval of conditional use) to include measures maintaining *riparian waterways, soil stability, woodlands, vegetation, wetland protection, and water quality*.

This is supported by substantial language throughout the new Homer Comprehensive Plan suggesting the need to support development that manages hazards associated with stormwater, such as flooding, erosion.

- Set a backstop on the ability of the Homer Planning Commission to rezone individual areas one-by-one toward more intensive uses.

An example of this is rezoning individual property from Rural Residential to General Commercial use. Use existing code on variances as a guide:

<https://www.codepublishing.com/AK/Homer/html/Homer21/Homer2172.html>

- Uphold a more rigorous CUP process that prevents poor quality and/or out-of-scale development. Clarify height and footprint limits for each zoning district and make it more difficult to ask for Conditional Use Permits that allow for construction above and beyond those limits.

We should develop some good rules and solidly stick to them. CUPs should not allow for increased height or footprints more than a very few percentage points over the baseline, and then only when extremely essential; our current approach allows for highly unequal application of the law.

Thank you for this opportunity to comment,

Laurie Daniel

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

FROM: Carol Harding, Concerned Homer Resident
TO: City Clerk, clerk@cityofhomer-ak.gov,
RE: Planning Commission Work Session 12/17/25.
Changes to the City Code
DATE: Dec 17, 2025

As a resident of Homer for over 30 years, I care deeply about my community and my quality of life here. During this 30-year span, I have witnessed unbridled development, without consideration to the preservation of our drinking water, important drainage areas, wildlife habitat, including birding areas and wildlife corridors, and the value of open spaces.

As a member of Kachemak Bay National Estuarine Preserve's (KBNERRS) Community Council, I have spent the past four years engaged in seeking public input, including partners such as the Heritage Land Trust, Moose Inc, Seldovia Native Association, Conservation Society and others, to identify potential lands for conservation that were vulnerable for development. This effort was fueled by a large grant opportunity from Biden's 5-year infrastructure Program. During that process, I was stunned to discover that sensitive areas such as prime bird, fish and wildlife habitat, headwaters for our drinking water, and even areas around our city's water source were not protected, but rather zoned for commercial development!

Crazy proposals, as a result, have surfaced over the 30+ years I've lived here, such as paving over Mud Bay to make a parking lot, most recently filling a parcel in the middle of Mud Bay with gravel to build a smaller parking lot, building a fish processing plant in our wetlands, development in our valuable peatlands and headwaters, expanding parking lots on the spit into what little we have left of open space, etc. We now know that development on these parcels would have serious negative environmental and ecological impacts. It is time for the City of Homer to identify these sensitive public lands that are critical to the maintenance of fish and wildlife resources and to protect important watershed areas.

Let's work together to help ensure our community get codes that prevents harm to our neighbors, that grants some measure of protection for wetlands, creeks, trees, unstable bluffs, and that respects 77 percent of the public who said they wanted to preserve open spaces from development in surveys last year.

Respectfully submitted,

Carol Harding

907-252-6008



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

Dear Members of the Planning Commission:

Thank you for your work to help Homer's code better meet the community's needs. This is an important task that should take longer than three work sessions over the holidays. Given the amount of money and effort that all hinges at this juncture, we encourage you to take the time you need to do the best job you can aligning code with the values and goals of Homer today. **We suggest that you should at least double the time-frame you have allotted to rewrite code, to ensure good decision-making and appropriate public engagement.**

Below are suggestions for code change to achieve open space protections, quality of life, moderate growth, hazard mitigation, and affordable housing, all of which we believe are well-founded in the directives of the new Comprehensive Plan and the values articulated by the public through the process.

Moderate Growth, Quality of Life, and Hazard Mitigation:

- Require that larger developments create some park space and connectivity/walkability. Connectivity and green space have deep public support, as shown in the Comp. Plan, especially in mixed use and residential areas. People appreciate parks and places where they can walk with friends, family, and pets. If developments go in adjacent to trails or bike paths, they should continue those trails or bike paths.
- Expand language describing the kinds of conditions that can be placed on Conditional Use Permits (Homer City Code, 21.71.040 Approval of conditional use) to include measures maintaining riparian waterways, soil stability, woodlands, vegetation, wetland protection, and water quality. This is supported by substantial



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language throughout the Comprehensive Plan suggesting the need to support development that manages hazards associated with stormwater, such as flooding, erosion and the basic legal principle that governments have the power to protect people from harm caused by other people.

- Change the permitting process for large projects and/or projects in sensitive sites. These projects need more information and time for public participation, and many of them need a longer check-list and engineering to protect down-stream neighbors and the public. The potential negative impacts of rushed large-scale development outweigh the benefits. The public supports more a more rigorous CUP process, not a less rigorous one.
- Clarify height and footprint limits for each zoning district and make it more difficult to ask for Conditional Use Permits that allow for construction above and beyond those limits. We should have good rules, and we should stick to them. Conditional use permits should not allow for increased height or footprints much more than a few percentage points over the base-line: our current approach allows for highly unequal application of the law. Do not remove the 8,000 square ft limit—this is a very large building and does not belong everywhere. It is good that the planning commission review such large buildings, and the public does not support this change, as illustrated in your packet.
- Expand the definition of who has “Standing” (HCC 21.93.050 Standing) to appeal Planning Commission decisions. Appeals should be allowed when a development will impact a larger public, such as hazards associated with flooding, traffic, erosion, road or property damage or when development is in an area of significant public interest, such as the shorebird habitat along the spit.



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- Get rid of Planned Unit Developments (PUDs)—this little code loophole lifts the lid on all development restrictions, like height and footprint, anywhere. This tool is confusing for the Planning Commission as it has little to no guidance on when it is appropriate and is a back door to allow for an unequal application of the law. It was used for the first time to allow a mega-hotel at the base of the spit. Homer is a small town that prides itself on local small-business. The public doesn't need or want these huge developments. Remember that only 7 percent of the public is in favor of large scale development, while 64 percent support minimal to moderate growth. We should not cater development to the 7 percent, just as we do not cater development to the 12 percent who want no development or reduced development.
- Encourage Planning Staff and Planning Commission to make site visits before making decisions; require that they make site visits on large-scale projects or projects in sensitive/technical sites. It is absurd that they are currently not allowed to visit these sites before they make a decision on the apparent basis that everyone needs to have the same basis of information—this is never the case, and no one should be penalized for having relevant or useful information about a site; on the contrary it should encouraged.
- Create an annual “Know your Waterways” workshop for the Planning Commission and Planning staff, in collaboration with Kachemak Bay National Estuarine Research Reserve, Homer Soil and Water Conservation District, and the Center for Alaskan Coastal Studies to support informed analysis of development impacts to surrounding properties. These groups have signaled interest and willingness to support such a program.
- Set a backstop on the ability of the Planning Commission to rezone individual areas one-by-one toward more intensive uses, eg. From



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Rural Residential to General Commercial. Use existing code on “variances” as a guide.

Affordable Housing:

- Update language in current HHC Title 21.51.100 from “bed and breakfast” to “short term rental (STR)” to ensure that folks who own BnBs are also living in the: this is a requirement for every other kind of business in residential neighborhoods.
- Create Inclusionary Zoning: A zoning overlay that requires/ incentivizes a minimum number of “attainable” housing units in every new multi-family development.¹ Building more housing will not necessarily make it more affordable (see the last 5 years in Homer for reference). We need to zone for affordability.

Thank you again for your time and effort on these questions, they are all very important. You have a lot of power over Homer’s future right now, we ask you to use it responsibly and wisely: please, at a minimum, extend the time-frame for your deliberations, so that both you and the public can give this crucial step the consideration and research needed.

Sincerely,

Penelope Haas
Vice-President
Kachemak Bay Conservation Society

¹ “Attainable housing” is housing that is affordable to people earning around the Area Median Income (AMI). Households living in attainable housing and earning between 80% and 120% of the AMI should not need to spend more than 30% of their income on housing costs. (attainablehome.com).

From: [Frank Griswold](#)
To: [Department Planning](#)
Cc: [Department Clerk](#)
Subject: December 17, 2025 Planning Commission Work Session Re: Title 21
Date: Wednesday, December 17, 2025 9:30:34 AM

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Dear Commissioners,

Please consider the following regarding the biased, inaccurate, and misleading information provided to you by Agnew::Beck:

Page 10: A Variance is not a *request* to deviate from the requirements of the zoning code, it is *permission* to do so. A Variance allows a condition expressly prohibited by the regulations and is therefore a dispensation to violate the law.

Page 11: A Conditional Use Permit is not a permitted use nor can it be applied to a permitted use. A Conditional Use Permit is *permission* for a use that is conditionally *permissible* where special conditions may be applied to minimize or eliminate potentially adverse impacts on the surrounding area. No existing provision of HCC provides that an application for CUP must be approved if that application meets the standards. HCC 21.71.010(c) currently states: "Nothing in the zoning code shall be construed to require the granting of a conditional use permit. [Ord. [08-29](#), 2008]." Furthermore, HCC 21.71.040(a) and proposed HCC 21.09.040(a) state: "The Planning Commission will review and may approve, approve with conditions, or deny an application for conditional use permit. The application shall not be approved unless it is established that the *proposal*, with conditions if necessary, satisfies the *applicable review criteria*."

Page 13: On numerous occasions the Commission has imposed substantial conditions for approval of applications for CUPs and has occasionally denied CUP applications altogether. Not all conditions are the same nor should they be. All listed conditional uses should be considered to potentially have adverse community impacts; that's why they are listed in HCC as conditional uses and not as permitted uses. All applications for CUP should receive the same high level of scrutiny and the fact that most CUP applications have traditionally not undergone a high level of scrutiny is no fault of the zoning code. Furthermore, unless the Commission receives substantial professional training, there is little likelihood that applications for uses requiring a high degree of scrutiny due to adverse community impacts will ever receive it.

Page 14: Just because some conditions of approval *typically* included down-lit

outdoor lighting and dumpster screening does not mean that other conditions for approval were not also imposed. If the one CUP for more than one principal structure on a lot had not been denied, neighborhood character etc. would presumably have been adversely affected. If an application for 10 principal structures on a lot (10 being more than one) were unconditionally approved, the surrounding area would irrebuttably be adversely affected. Just because 18% of CUPs between 2020 and 2024 were either for building coverage over 30% or for building area over 8,000 s.f. and all were approved does not dictate that all future CUP applications for these uses should be pre-approved. Just because conditions for their approval *typically* included screening, down-lit lighting, and conformance with setbacks does not mean that additional conditions were not or should not have been imposed. Building coverage over 30% includes building coverage of 100% so should 100% building coverage be allowed outright instead of being subjected to the conditional use permitting process? Building area exceeding 8,000 s.f. could clearly have deleterious effects on surrounding areas. Should applications for 200,000 s.f. building area (which qualify as exceeding 8000 s.f.) be allowed outright instead of being subjected to the conditional use permitting process? How about 500,000 s.f. buildings?

Page 15: "More than one principal building on a lot" should not be removed as a conditional use because that could result in the unconditioned construction of an infinite number of principal buildings on a lot. "More than one building" could apply to far more than 4 buildings and the City Council recently rescinded a misguided code provision allowing up to 4 buildings/structures on a lot. "Buildings more than 8000 s.f." and "more than 30% lot coverage" are distinct dimensional requirements and should not be lumped together. Furthermore, both dimensional requirements should be considered under Variance procedures instead of under CUP procedures. Auto, marine, and RV sales, rental, repair and storage could all have considerable adverse effects on surrounding properties in the Commercial Mixed Use District and in the Light Industrial Mixed Use District.

Page 16: The vast majority of community input was in opposition to the proposed changes.

Page 17: The public wants a more rigorous CUP process, not a less rigorous one.

Page 19: The fact that Variance criteria may be hard to meet is not a valid reason to circumvent Alaska statutes by approving de-facto variances via the CUP permitting process. Providing for an "administrative adjustment" to further circumvent Alaska Variance requirements is inappropriate and reprehensible.

Page 20: "Increasing code clarity" does not justify any of the proposed changes and allowing the City Planner to arbitrarily hand out zoning code violation permits to

his cronies constitutes a gross abuse of power and illegally bypasses the public hearing process. None of the proposed administrative adjustments are trivial matters. Lighting standards should apply equally to all. Building height for boat construction is unlimited. Off-street parking requirements should be applied uniformly to everybody. Allowing expansions of legal nonconforming uses is totally violative of the purposes for allowing nonconforming uses in the first place. Clean code my ass! These proposals are devious, corrupt and downright dirty. If flexibility is the ultimate goal, eliminate all zoning code requirements city-wide.

Page 33: Proposed HCC 21.09.010 surreptitiously deletes the current text of HCC 21.71.010(c) which states: "Nothing in the zoning code shall be construed to require the granting of a conditional use permit."

Page 34: Proposed HCC 21.09.030(g) states: "The proposal is *not contrary to* the applicable land use goals and objectives of the Comprehensive Plan." This is not a valid review criteria because it requires the applicant to prove a negative fact. "The law rarely requires a party to prove a negative fact." *Hewing v. Alaska Workmen's Compensation Bd.*, 512 P.2d 896, 900 n.14 (Alaska 1973). This text should be amended as follows: "The proposal comports with the applicable land use goals and objectives of the Comprehensive Plan." HCC 21.09.030(h) states: "The proposal will comply with all applicable provisions of the Community Design Manual." However, in this context the term "applicable" is excessively vague and ambiguous. All provisions of the CDM that could be applied to the subject CUP proposal must be considered applicable even if they would not apply to non-conditional uses in the same zoning district. Otherwise, there would be no point in including this provision in the CUP review criteria since it would already be required where expressly deemed applicable within the CDM. While HCC 21.71.030(h) requires that "the proposal does or will comply with the applicable regulations and conditions specified in [Title 21] for such use," it is not the purpose of the CUP review criteria to point out every applicable regulation and condition. Nonetheless, lighting standards per HCC 21.59.030 are traditionally imposed as token conditions for approval in an attempt to obfuscate the fact that no actual conditions were imposed.

Page 35: Proposed HCC 21.10.040 re: Administrative Adjustments should be deleted in its entirety. The allegedly "minor" reductions, deviations, and modifications authorized by this section are clearly not minor (which is undefined in HCC). Both major and minor requests for variances should be reviewed and adjudicated by the Planning Commission under the existing Variance procedures which include the holding of a public hearing. HCC 21.72.010 and proposed HCC 21.10.010 state "A variance may be granted *by the Planning Commission* to provide relief when a literal enforcement of the Homer Zoning Code would deprive a property owner of the reasonable use of a lot." The City Planner has no authority to secretly, arbitrarily, and unilaterally grant or deny a ZVP (Zoning Violation

Permit) or otherwise usurp the authority of the Planning Commission. Expansions of legal nonconforming uses pursuant to **Chapter 21.15** should not be addressed in **Chapter 21.10**. In any event, expansions of legal nonconforming uses do not constitute minor deviations or modifications nor does proposed HCC 21.10.040(b) (5) require such expansions to be minor. Expansions of legal nonconforming uses potentially pertain to expansions of the original nonconforming (grandfathered) use to other uses which never before legally existed on the subject lot. This violates HCC 21.61.040(a) which states: "No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied as of the date it became nonconforming." Proposed HCC 21.10.040(c) states that administrative adjustments are reviewed by the Planning Department and acted upon by the City Planner but there is no requirement that the City Planner conduct any review or that the Planning Department make recommendation(s) to the City Planner. The proposed provisions provide for no public hearing so the general public is kept in the dark and effectively prevented from appealing the City Planner's decision. Furthermore, no findings are required so there is no practical way for a member of the general public to determine whether any of the requisite conditions for approval were complied with. It is difficult to imagine how any professional planner could recommend such a patently unconstitutional procedure.

With liberty and justice for all (cough),

Frank Griswold

From: [George Matz](#)
To: [Department Clerk](#)
Subject: Comment for Planning Commission meeting
Date: Wednesday, December 17, 2025 11:17:54 AM

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To: Homer Planning Commission
From: George Matz
Re: Planning Commission Work Session 12/17/25
Date: 12/17/2025

I think the Homer City Code is a good document, but improvements are needed to meet current situations. Rather than burden you with my thoughts, I would just like to endorse:

CHANGING HOMER CITY CODE TO PROTECT OPEN SPACE IN HOMER
by Penelope Haas of the Kachemak Bay Conservation Society

I believe this document has been previously presented to you and is a more articulate comment than what I would be able to come up with. I think what is particularly useful with this document is that it follows many of the changes that the Homer City Council has passed with the updated Comprehensive Plan.

One issue I would like to emphasize is that the Planning Commission should eliminate spot zoning situations where the zoning for a small parcel or parcels of land is incompatible with adjoining land uses, whether that be public or privately owned parcels. I think the recent situation at Mud Bay is an example of where controversy wouldn't even occur if spot zoning hadn't previously been granted.

Thank you for your interest in public input.

From: [Frank Griswold](#)
To: [Department Planning](#)
Cc: [Department Clerk](#)
Subject: Supplemental comments/questions re: Agnew::Beck's proposed amendments to Title 21.
Date: Wednesday, December 17, 2025 12:47:19 PM

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Dear Commissioners,

At page 10, Agnew::Beck states: “Buildings like the Bunnell Street Arts Center *require* a variance because they do not meet the side setback requirements.” This statement totally misapprehends the legitimate purposes of a Variance. The owners of the Bunnell Street Arts Center are not denied any rights commonly enjoyed by other properties in the CBD (note that other nonconforming land use or structures within the CBD cannot be considered grounds for granting a variance), no special conditions or circumstances exist that are peculiar to the land or structures involved and are not applicable to other lands and structures in the CBD, and financial hardship and/or inconvenience cannot be the sole reason for granting a variance. See HCC 21.72.020. Furthermore, the subject property owners have clearly not been deprived of the reasonable use of their manifestly over-built lot. See HCC 21.72.010.

Proposed Ordinance HCC 21.10.050(e) states that a Variance or administrative adjustment shall not be granted that will permit a land use in a district in which that use is otherwise prohibited. Proposed HCC 21.10.040(b)(5) states that applicants may seek administrative adjustments for expansions of legal [sic] nonconforming uses. [By definition, nonconforming uses constitute legal uses.] So how does one “expand” a nonconforming use without enlarging it, increasing it, or extending it to occupy a greater area of land than was occupied as of the date it became nonconforming, all of which are prohibited under HCC 21.61.040(a), or by permitting a land use in a district that is otherwise prohibited which, in turn, is prohibited under HCC 21.10.050(e)?

Frank Griswold