City of Homer
www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603
Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Memorandum
Agenda Changes/Supplemental Packet

TO: PLANNING COMMISSION
FROM: AMY WOODRUFF, CITY CLERK
DATE: JANUARY 21, 2026
SUBJECT: SUPPLEMENTAL PACKET FOR 4 P.M. WORKSESSION

4. DISCUSSION TOPICS/PRESENTATIONS

4.A. Discussion with Agnew Beck and Stantec on Title 21 Zoning Code

1. Public Comment Received **Page 2**

Memorandum

TO: Homer Planning Commission
FROM: Janette Keiser, PE
DATE: January 16, 2026
RE: Wetlands Management – Comparing Homer with Muni. of Anchorage

At the Planning Commission Work Session on January 7, 2026, Agnew::Beck provided information about wetland management, including information about how the Municipality of Anchorage ("MOA") manages wetlands. I was curious about that and decided to research it. The purpose of this Memorandum is to summarize my findings and to make some recommendations. See page 6 - **How should this apply to Homer?**

I. How does the Municipality of Anchorage ("MOA") manage wetlands?

The MOA developed its first Anchorage Wetlands Management Plan ("AWMP") in 1982 and has updated it every 10 years since, with the most recent version adopted in 1996. It focuses on freshwater wetlands not associated with navigable waters.

The AWMP acknowledges that wetlands have multiple, well-documented benefits:

- Provide habitat for fish and wildlife
- Regulate and modulate surface water flows through retention of excess runoff
- Protection from erosion
- Purifying water
- Atmospheric regulation by wetlands ability to store carbon.

The goals of the AWMP are:

1. Identify and provide protection for wetlands that support important ecological and hydrological functions
2. Ensure that development in wetlands minimizes water quality degradation and maintains wetland hydrologic functions
3. Provides a balance between protection of higher value sites and the development of lower value areas
4. Protect the basic natural functions served by coastal marshes, freshwater marshes and wetlands.
5. Prevent public liabilities associated with the development of these areas.

The purposes fo the AWMP are to:

a. Provide accurate mapping and assessment of freshwater wetlands in the Municipality of Anchorage ("MOA")
b. Provide a hierarchy of va lues for wetland usnits based on factors
c. Derive management strategies that balance integrity and function while allowing development that would not cause more than minimal adverse impacts.

Implementation Strategies:

1. Wetlands were mapped using aerial photography, with some limited ground truthing. The mapping included all lands, public and private, State Park or National Forest Service, using the most current wetland delineation methodology used by the COE at the time. Some property owned by the military is included. In the 2012 update, GIS data was incorporated.
2. Wetlands were assessed using the Anchorage Wetlands Assessment Methodology ("AWAM") which was developed in conjunction with federal and state resource agencies as well as peer review from the U.S. Fish and Wildlife Service Western Field Office. The AWAM assesses wetlands for four functions:
    a. Hydrology
    b. Habitat
    c. Species occurrence; and
    d. Social function.

Each function addresses these factors:

- Sediment trapping (filtering for water quality)
- Flood retention
- Erosion control
- Nutrient retention and transport
- Fish, wildlife and plant habitats; and
- Recreation and heritage values

The assessments are contained in a report, Anchorage Wetlands Management Plan-Background Information, Volume II, January, 1994.

3. Wetlands are assessed in the following categories and given a score.
    a. "A" – Higher score. *"A" wetlands have the highest wetland resource values. They perform at least two, but typically more, significant wetland functions. "A" wetlands are considered most valuable in an undisturbed state, as most uses or activities, especially those requiring fill, negatively impact known wetland functions. "A" wetlands are not to be altered or otherwise disturbed in any*

manner, except if the actions will "*enhance or restore a site's functions and values".* Also, fill in privately-owned wetlands if all other portions of the property are undevelopable and all economic use of the parcel is precluded, without some fill. This is why, for example, when the COE issues a permit for single-family residence on wetlands, the permit is for a house pad and driveway; that is, only what is required to allow some economic use of the lot.

b. B – Middle range score. *A mix of higher and lower values and functions and some portion of these wetlands have a fairly high degree of biological or hydrological functions and site development limitations. They possess some significant resources but could possibly be marginally developed. The intent of the "B" designation is to conserve and maintain a site's key functions and values by limiting and minimizing fills and development to less critical zones while retaining higher value areas. Development could be permitted in the l ess valuable zones of a "B" site, provided avoidance and minimization and Best Management Practices are applied to limit disturbance and impacts to the higher non-fill portions".* While the wetland functions may not be critical, they do provide at least periodic significant contributions to key wetland functions, usually on a more localized scale, such as within a particular watershed or drainage basin. Cumulative impacts from filling "B" sites would likely contribute to significant drainage basin or water quality losses, flood problems or loss of wildlife habitats or public uses.

c. C – Lower score. *"The lowest value wetlands with reduced or minimal functions and/or ecological values. Such sites are suitable for development and are to be generally managed to support community expansion and infilling."* Cumulative impacts of filling C sites would be less than for "A" or "B" sites, especially with the use of site-specific Best Management Practices. "C" sites may be developed to satisfy growth needs but should not be filled automatically or speculatively. The more valuable parts of "C" sites should be delineated.

4. The MOA applied for and obtained two General Permits from the Corps of Engineers ("COE"), one for structures and one for roads, to facilitate wetland permitting for wetlands that had been classified by the MOA. Lands that were not classified by the MOA still went through the COE. Expired 2015.
5. MOA developed enforceable policies, including:
    a. Setbacks from streams and wetlands
    b. Site restrictions in all riparian areas,
    c. Site fill restrictions in hillside wetlands to minimize impacts to headwaters.

6. Re: Setbacks and Buffers.
    a. The MOA developed the following definitions:
        i. *"Setback" – A discrete area of wetlands ad jacent to a watercourse, typically having a width of 10 feet, 85 feet, 65 feet, or customized in a specific management strategy or as a condition of a General Permit. Setbacks are measured outward or away from the Ordinary High Water line or outer bank of a lake, pond or stream. Setbacks are to be considered "A" wetlands. For subdivisions that are not platted, the setback area shall ideally be traced out, or set apart in a separate tract, rather than being included with individual lots.*
        ii. *" Buffer" – A discrete area of wetlands, as measured from the boundary of the wetlands.*
    b. The MOA developed setback and buffer guidelines in a Table, based on wetland type, position of a watercourse in a watershed, and fish resources of the subject watercourse. Setbacks are from the watercourse's ordinary high-water mark or outer bank. Setbacks and buffers are to remain undisturbed.
        i. 100-feet setback – for fish and wildlife habitat
        ii. 85-foot setback – next to non-anadromous fish streams, such as Woodard Creek, to support flood control functions of streams in the higher elevations of their watershed.
        iii. 65-foot setback – considered the minimum area of protection for a water course and water body. Generally, this applies to streams within the lower portion of their watershed.
        a. 15- and 25-buffer. Separates Category "C" wetlands from other categories of wetlands.
        b. 25- to 50-setbacks – from streams in uplands, where no wetlands are adjacent or abutting.
7. The MOA has some great definitions:
    a. Avoidance
    b. Conservation subdivisions – *a more compact residential development to preserves and maintain open areas, high value natural lands and lands unsuitable for development, in excess of what would be required by code.*
    c. Disturbance
    d. Drainageway
    e. Ephemera flow
    f. Intermittent flow
    g. Jurisdictional wetlands

h. Key or Core wetland areas
i. Maintain
j. Maximum extent
k. Mitigation
l. Park amenities
m. Practicable
n. Preserve
o. REV – Relative Ecological Value [of wetlands], ranging from REV, highest functioning, to REV 4, lowest
p. Stream
q. Water body
r. Watercourse
s. Wetland – *those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. (Federal Clean Water Act, §404, Part 328.3, 7(b))*.
t.
u. Wetland delineation

8. The MOA has developed a set of Best Management Practices related to construction activities in local wetlands and upland area. These are in addition to the conditions imposed by municipal Fill Permits.
    a. Drainage Impact Analysis
    b. Site Drainage Plan
    c. Water Quality Control Plan
    d. Site Restoration and Stabilization
    e. Minimization and habitat avoidance
9. The MOA has a website for public facing, on-line interactive maps at www.muni.org/maps
10. The AWMP has a chapter in Mitigation Measure, which addresses:
    a. Using conservation subdivision techniques, which cluster home sites and provide a community greenbelt that encompasses the wetland. This allows you to achieve maximum housing density with minimum impacts.
    b. Avoid drainage and water diversion
    c. Minimizing channelization
    d. Minimizing site clearing and grading
    e. Strategically amending cod es and regulations to facilitate mitigation

f. Develop a mitigation bank

II. **How should this apply to Homer?**

1. RE: Wetlands mapping & assessment.

a. The City of Homer has, or has access to, sufficient GIS mapping resources to identify the City's wetlands and should do so.

b. The City also has sufficient resources, mapping and staffing, to classify wetlands, using a system similar to the MOA, and should do so. For example, the graphic entitled Homer Wetland Complexes and Management Strategies, developed in 2012 as a collaboration of the City and multiple resource agencies, contains recommended strategies for regulating wetland development. This could serve as the basis for Homer's wetland classification system.

By the way, classifying private property as a wetland would not be viewed as a "taking" so long as the classification system (a) is applied to all wetlands; (b) meets an important public benefit; and (c) does not preclude all economic use of the private property.

c. Applicants for plats are currently required to identify the wetlands on proposed plants. They should also be required to identify the category of such wetlands.

d. Homer could regulate development on wetlands, depending on category. Such development will not be determined to be a "taking" so long as all economic benefit is not precluded.

2. RE: Buffers and Setbacks.

a. Homer should require buffers and setbacks from water courses based on the flow characteristics of the water course. Plat Applicants should be required to show these buffers and setbacks on proposed plats.

b. Homer should require buffers and setbacks from wetlands based on the category of the wetland. Plat Applicants should be required to show these buffers and setbacks on proposed plats.

3. Implementation Strategies

a. Planning could manage the administrative elements, such as

i. Mapping, in consultation with Public Works

ii. Application intake/review

iii. Connection to Planning Commission

iv. Issuing permits
v. Public information about the value of wetlands and the process

b. Public Works, as a consultant to Planning, would address the technical elements, such as
    i. Mapping
    ii. Plat review
    iii. Review of proposed Best Management Practices
    iv. Ground truthing and/or Inspection
    v. Public information about mitigation measures and Best Management Practices
c. Homer should investigate the possible use of a Mitigation Bank and/or an In-Lieu-Fee program.

MEMORANDUM

To: **Homer Planning Commission**
From: **Janette Keiser, PE**
Date: **January 14, 2026**
RE: **Examples where Homer's code re: wetlands, drainages and slopes failed**

At Planning Commission Work session, January 7, 2026, Commissioner Heath Smith asked for examples of where Homer's current Title 21 has failed us. The purpose of this Memorandum is to provide some examples that illustrate where Homer's code has failed is in (1) our ability to manage wetlands; (2) our ability to manage drainage; (3) our ability to prevent the AK DOT/PF from causing adverse impacts from state projects; and (4) our ability to manage risk from building on unstable bluffs.

Iris Court – an example of our inability to manage wetlands.

What happened? Iris Court is a short residential cul de sac on the southern end of Mattox Road. When I became Public Works Director, I was contacted by a property owner, let's call him John, who claimed that water from City ditches had flowed under his house, glaciated, and caused damage. I investigated the situation and concluded that he was right, but that the problem was a relatively new situation. When John first bought the property, water flowed from the City's drainage ditches on Iris Court into a natural drainage way between John's property and his neighbor's, let's call her Sally, and from there, into the wetlands on the north side of the Beluga Wetland Complex.

Sally, over the course of a year or so, had filled in her back yard and erected a barrier, consisting of large spruce tree root balls on the property line between her lot and John's. This almost completely filled in the natural drainage way and moved the flow of water so that instead of flowing on the line between John's and Sally's properties, it flowed under John's house. Both houses were built on wetlands, under permits from the Corps of Engineers ("COE"). Sally's permit authorized her to deposit fill for a house pad and driveway. Filling in her back yard and creating a barrier that changed the water flow was not authorized.

I tried to negotiate an agreement with Sally and John whereby, the City would remove the root ball barrier and restore the natural path of the drainage way, so it flowed down the property line as it had before. The City Council authorized funding to do this work, at an estimated cost of over $150,000. However, neither property owner was willing to grant an easement for their side of the drainage way, we came to an impasse and the

project never moved forward. I was unable to find a basis in Homer's Code for forcing Sally to remediate the fill that caused the problems. The COE was unwilling to get involved in a neighborhood dispute. John and Sally became enemies and John, frustrated with the hostile environment, moved away from Homer. Last I heard, John and Sally were in litigation. I know this because one of the lawyers called me to discuss the matter.

How could better City Code have helped? If Homer Code required a fill and grade permit, Sally would have been required to get a permit before filling her yard and creating the root ball barrier, which altered the flow of water, this situation could have been prevented.

1. **Horizon Court – an example of our inadequate ability to manage drainage.**

What happened? Horizon Court is a long City-maintained cul de sac, which is connected to Skyline Drive by a road called Scenic Place. At the very end of the Horizon Court cul de sac, is a 10+ acre parcel with a single-family residence owned by, let's call them, the Browns. There are other parcels around the cul de sac as well as an unnamed, undeveloped City ROW. An owner of one of the other parcels, let's call him Sam, wanted to build a driveway in the City ROW to access his property. He got a permit from Public Works to do this. The permit required him to install a cross culvert where the unnamed ROW intersected with the Horizon Court cul de sac. He did this.

In the winter, the Browns noticed more water than normal was flowing onto their driveway causing glaciation and flooding. They asked us to do something about the new cross-culvert. Upon investigation, we discovered the extra water wasn't coming from the new cross-culvert; there was almost no water flowing from that direction. Rather, the water was flowing down the side of Sam's new driveway. We were unable to contact Sam, an out-of-state property owner. Public Works agreed that if the Browns provided an easement across their property, we would dig a ditch to direct water from Sam's new driveway so that it flowed towards a natural drainage ditch before it reached the Brown's driveway. The Browns agreed to this. Public Works mobilize a small backhoe to this relatively remote site and spent a day or so to correct the situation. We had no realistic way of recouping our costs from Sam.

How could better City Code have helped? Better Code could have given us the opportunity to require Sam to investigate the drainage implications of his new driveway more thoroughly. It could also have given us a mechanism for holding Sam accountable for the costs to correct a problem that he created.

2. **Baycrest Subdivision – an example of our inability to prevent the AK DOT/PF from causing adverse impacts from state projects.**

What happened? Some years ago, the Alaska DOT/PF upgraded the Sterling Highway and in the process, installed numerous cross-culverts that carry drainage from the north side of the highway to the south. When the agency did this, it didn't pay attention to downstream impacts. Property owners in the Baycrest Subdivision have experienced substantially increased water flowing across their properties as surface water and through their properties as near-surface ground water. This extra water has saturated some lots and together with slippery soils, has caused increased erosion, both in the drainage channels through which the water flows and at the bluff, where the water eventually discharges.

This matter came to my attention when I first took over as Public Works Director and I tried to find a solution. I discussed this matter with the DOT/PF's State Hydrogeologist, who opined that it wasn't the state's problem. The City Council authorized funds to create an engineered solution and I hired an engineering firm to do this. However, we couldn't find a solution that didn't create more adverse downstream impacts. Our ultimate conclusion was that the Sterling Highway drainage needed to stay on the Sterling Highway until it could get to a natural drainage that flowed directly to Kachemak Bay, such as Bidarki Creek. The cost estimate for this far exceeded funding the City Council authorized and we were not able to proceed with a project. As far as I know, this problem has not been solved.

How would better City Code have helped? Better City Code that required project owners to prevent adverse downstream impacts would have given the City leverage to negotiate with the State when the Sterling Highway project was being designed. It might have even required the State to comply with the City's drainage management standards.

3. **Saltwater Drive – an example of our inadequate ability to manage risk from building on unstable bluffs.**

What happened? There is a piece of property on Saltwater Drive, which has a high, steep bluff that faces Kachemak Bay. Some years ago, the edge of the bluff fell off, nearly taking the small cabin built there and the two people who were sleeping there, with it. Multiple scientists reviewed the situation and concluded that a contributing factor to the bluff's failure was super-saturated soils caused by drainage from various sources. The people moved away and memories of the massive bluff failure faded from general public memory.

Five years later, the owners were able to sell the lot. Multiple property transfers after that, a new owner built an over $150,000 building on the property and the whole site is assessed at about $360,000. This is fine except no one knows when the next bluff failure will occur or whether people will be in the building when it happens. This is a very risky situation the City

had no power to prevent or mitigate. New owners who don't know the history, don't know the risk.

How would better City Code have helped? Better City Code could have helped in multiple ways. It could have limited the size, and uses of, any buildings built on unstable slopes. It could have had public facing maps that clearly showed the extent of the unstable slopes. It could have required preventative measures to direct drainage water away from this property, so it didn't facilitate bluff failure. In a perfect world, this lot would have been acquired by the City and retained as open space to protect it from unwise development that threatened not only the property owners, but ultimately, the Sterling Highway.

From:	sharon whytal
To:	Department Clerk; shelly@agnewbeck.com
Subject:	Title 21 input Homer
Date:	Wednesday, January 14, 2026 8:04:35 PM

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

Dear Council members and Shelly,
Thanks for all your work on this update! I am most concerned that open space and Affordable Housing are addressed in clear language to direct the Planning Commission clearly:

Jan Keiser's input on open space speaks to me, so I won't bother to repeat it here. Her expertise and lived experience are a valuable resource for us, and I hope you will add my vote to her thorough review of the draft and input on the final plan.

For short term rentals, I believe we NEED to take action on this now to offset the overtaking of corporate real estate purchases for Air BnB that can make neighborhoods unsafe (well, untended) and destroy opportunities for young people seeking local housing options on limited budgets. We need affordable housing and tourism can simply NOT take priority over this. We need the mix. These simple fixes are low hanging fruit as we and all the country looks at this issue.

• 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 ON THE PROPERTY: 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 [3]necessarily make it more affordable (see the last 5 years in Homer.)

[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**).

Thank you so much for extending the comment period and revisiting the draft so that what has somehow become a 20-year plan, may truly protect our community from corporate profit as a housing priority.

Sincerely,
Sharon Whytal
City Resident
235-2094 (c)

From: Department Planning
To: Amy Woodruff
Subject: FW: Recommendations to Title 21
Date: Monday, January 19, 2026 8:23:16 AM

Hi Amy,

Please include the comments below in the supplemental packet for Wednesday's PC work session.

Thanks,

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

From: Sandra Garity <aksandy612@gmail.com>
Sent: Friday, January 16, 2026 9:41 AM
To: Department Planning <Planning@ci.homer.ak.us>
Subject: Recommendations to Title 21

Planning Commission:

I have studied the Comprehensive Plan and the Title 21 outline and would like to make the following suggestions;

SHORT TERM RENTALS
. This has not been addressed
. 14.8% of housing in Homer is STR's
. Adopt — STR's are considered rentals for 30 days or less for any form of compensation. Regulate under the Bed and Breakfast ordinance. This would require some grandfathering and penalties would be enforced.
Reference Ojai, CA Regulating small town STR's

BUFFERS AROUND CREEKS, WETLANDS, AND STEEP SLOPES
. Vegetated buffer zones around creeks and wetlands provide areas where stormwater can permeate the soil and replenish the groundwater. They also slow the flow of

stormwater,
which helps to filter sediment, decrease soil erosion and prevent stream-bank and steep slope collapse, and the EPA identifies buffers as a “Stormwater Best Management Practice”.
.This is a simple management approach with local precedent, low implementation cost and
clear guidance to planners and developers.

CLEAR, FILL AND GRADE PERMIT TO MITIGATE THE HAZARDS OF LANDSLIDES, FLOODING, AND LOW WATER QUALITY.
. A Clear and Fill and Grade Permit would be required for any removal of trees or vegetation
and/or grading areas.
. Loss of permeable green space and poor drainage management comes at a cost to downstream property owners all over Homer and leads to flooding, ice clogged drainages,
septic system failures, costs associated and more.

DEFINE WETLANDS AND PEAT

INTEGRATE DIGITAL MAPPING OF SENSITIVE ENVIRONMENTS
. Utilize the expertise of the GIS map employee at Homer PublicWorks
. Use existing GIS layers to create Special Area Management around sensitive and hazard
zones, around landslide hazard areas, flood zones, wetlands and primary waterways would
work to achieve community land-use values by protecting people from hazards associated
with landslides, flooding, septic system failure, low water-quality, and fire.
. Rezone some sensitive areas for Conservation.
. GIS layers overlaying parcels need to be made publicly available to inform citizens, potential
land buyers, staff and commissions.
. GIS layers allow for the addition of additional information as it is gathered, keeping any regulations up-to-date.
. Sensitive and Hazard Zones should be treated differently than other lands. They should;
. Be mapped in GIS overlays that aaps and overlays on KPB Parcel Viewer.
. Trigger the need for outside analysis and engineering. (Ex. current traffic requirements)
. Have appropriate Site Development Standards, Platting Requirements, Storm Water management.
. Write a definitive code for drainage, landslides, erosion….the existing is too generic..

CUP
Omit the CUP so that all will be treated equally.

DESIRED GROWTH
. 64% of those surveyed desired minimum to moderate growth.
. It appears to me that this has not been factored in when a permit for 8,000+ square feet

is discussed.

OPEN
SPACES
. 77% of those surveyed requested to preserve open spaces within the city from development.
This should be considered in every development application.

Thank you for your attention.
Sandra Garity, Homer, AK

From: Sammy Walker
To: Amy Woodruff
Subject: PC worksession 1/21
Date: Tuesday, January 20, 2026 5:37:55 PM

Hi Amy, tried to send this to Scott but I got an automatic "out of the office" reply. Anyways, can you pass this cobbled together letter (below) on to the other commissioners?
I can't make it to the Wednesday worksession/meeting unfortunately. Thanks

Unfortunately due to a family emergency I cannot make it to the Wednesday meeting.
In lieu of my presence here are some scattered thoughts on the new code— some specific, others broader ideas on the direction of the code. Since I haven't had hardly any time to prepare these are excerpted for the most part from past emails I had with Shelley and Erin (so this should look familiar to you two). I haven't had a chance to even glance at the latest packet, so bear that in mind. I hope this can help the discussion somewhat.

1. I strongly disagree with the proposed changes to the CUP requirement. I can't see how that aligns with the feedback from open houses and the comp plan and the wish for "moderate to minimal" growth. It's not like the current limits on lot % and sq footage strictly prohibit larger developments, it just triggers much needed community input/review.
I could see raising the % of lot limit on smaller lots to favor infill, but it would have to be in conjunction with GIS overlay data to ensure responsible development. I would also like to see the 8000sqft limit remain if not slightly reduced.
For me this all comes back to encouraging *locally owned,* small scale development.

2. Obviously affordable housing is on everyone's minds. I feel that it's important not to conflate "affordable housing" with housing more broadly or simply "more building".
We need to define "affordable", and require it of new housing developments over a certain scale through an inclusionary zoning ordinance— before simply pulling the stops, encouraging development and hoping for the best. KBRC provided this definition: "Attainable: 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)".
Through inclusionary zoning that requires a percentage of units in a new development to be affordable at a certain level of AMI, we can ensure new developments (especially any apartment and multi-unit) serve those who need it most, and the intentions of the comp plan. Including a max square footage per each dwelling also could help limit new developments becoming unaffordable.

I, and I think many others would like to see more of a re-distribution and better management of housing in Homer prioritized rather than more development that would strain the environment and change the shape of the town. I see the limiting of STRs playing a huge role in easing the housing crisis here. Left unaddressed, I think AirBnb, Vrbo, etc will have a

massive negative impact on homer residents and specifically my generation. One step would be to update language in the current code on B&B requirements to include STRs. See 21.51.100. This would allow locals to still benefit from the income boost that an STR provides, but would limit seasonal "dark homes" and outside ownership by requiring any STR to "be accessory to and in a dwelling occupied by the operator" (21.51.100).
as the operator's primary residence.

Another thought is to encourage long term rentals and primary residence developments through tax exemptions. The lost revenue to the city could be made up from a bed tax on STRs. Other cities including Seward have implemented taxes like this. It provides much needed income to the city at the expense of visitors rather than constituents, while discouraging vacancy.

3. Last worksession we talked about GIS data— I especially appreciated commissioner Barnwell's input on use of GIS in the new code. I'd like to see code in which GIS data overlayed to prevent irresponsible development in sensitive areas. Maybe we can use GIS data to either trigger special conservation requirements and/or to form smaller very specific overlay "districts"?

4. Remove the PUD. It's a loophole that is easily exploited.

5. I also agreed with Jason Davis's comments at the 12/3 work session, that we should avoid requiring parking as this is completely at odds with walkability. Owners can decide for themselves how to resolve that issue, but I think we will only get a more walkable dense downtown by prioritizing pedestrians over parking. Encourages carpooling and benefits the environment at the least.

-Sammy

Sammy Walker
Alaska Timberframe
907.399.8786

From:	Department Planning
To:	Amy Woodruff
Cc:	Ryan Foster
Subject:	FW: comments regarding Homer Title 21. Update for upcoming Planning Commission Work Session
Date:	Tuesday, January 20, 2026 11:15:43 AM

Hello Amy,

We received this email comment in the Planning Department email.

Thank you,

Ed Gross
Associate Planner
City of Homer Planning Department
491 Pioneer Ave, Homer AK. 99603
(907) 435-3118

From: marshall@xyz.net <marshall@xyz.net>
Sent: Tuesday, January 20, 2026 10:49 AM
To: Department Planning <Planning@ci.homer.ak.us>
Subject: comments regarding Homer Title 21. Update for upcoming Planning Commission Work Session

Dear Planning Commission,

I have resided in Homer and Fritz Creek areas since 1989. I have seen the availability of long term rentals drastically decreased and at the same time, the cost is becoming prohibitive to many residents, especially families.

15% of available housing in Homer is STRs (short term rentals). That is the second highest in the entire state, with Girdwood at 16%. STRs directly impact the availability and affordability of year round rentals.

I ask that the language in the current HCC Title 21.51.100 be updated from “bed and breakfast” (BnB) to short term rental to ensure that people who own BnBs (including

Air BnBs) are also living on the property. This is a requirement for every other kind of business in residential neighborhoods. STRs should have to comply the same as other businesses operating in residential neighborhoods. Existing BnBs could be grandfathered in as an exemption but draft a code the prohibits owners from transferring BnB permits upon sale of property or through inheritance.

Please also draft a code for the City Council and the public to consider phasing out STRS in neighborhoods around schools and the hospital and prohibits creation of additional STRs.

In keeping with the community survey in the 2045 Comprehensive Plan, lack of affordable housing is one of the top 3 themes. Zoning for affordability and updating the code for STRs is a start to address this concern.

Thank you for the opportunity to express my concerns,
Karen Murdock
55200 East End Road
Homer, AK. 99603

Kachemak Bay Watershed Council

PO Box 332 Homer, AK 99603
907 – 491-1355
HalShepherdwpc@gmail.com

January 20, 2026

City of Homer Planning Commission
Work Session – January 21, 2026
Comments of the Kachemak Bay Watershed Council
Submitted Via E-mail to clerk@cityofhomer-ak.gov

RE: Work Session 4 – Wetlands, Rivers and Lakes Jurisdiction

Thank you for this opportunity to provide comments on the above topics for the City of Homer's revision of its zoning policies under Title 21 of the City Code. These comments are intended to be a continuation of our testimony and written comments regarding the Code changes for past Work Sessions and which are incorporated herein by reference.

Our specific comments are as follows:

I. Environmental Considerations

a. Data/Maps

This month, the Homer Planning Commission continued shaping regulations on housing, development, wetlands, and watersheds that affect public health, safety, and welfare, and fish and wildlife habitat. On January 7, 2026, the Commission held another work session addressing potential changes to the Environmental Features sections of Title 21 of the Homer Zoning Code.

The work session consisted primarily of a slide presentation by the Planning Team made up of the Agnew-Beck Consultants and the City Planning Department. The Team described a watercourse as "any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that is subject to inundation from overflow or floodwater." A wetland is an "area of land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions."

The Planning Team noted that there are currently no requirements under the Code for development setbacks or areas where building is prohibited on or around wetlands or watercourses. Unlike Homer's Code other municipalities have some regulatory structures designed to protect wetlands, rivers, and streams. Anchorage, for example, has mapped its wetlands and then classified them into 3 types: where A or B require permitting by the U.S. Army Corps of Engineers, while C is suitable for development without a Corps permit. Also, setbacks are required for water bodies, drainage ways, riparian edges, and wetlands.

Unlike development provisions for the scoping process in previous work sessions, during the January 7 session, the Team did not recommend changes and instead chose to ask the Commission members present if there was a need for such regulation. In the past, the Team has said that the "City lacks accurate data to guide wetland and watercourse management. The basis for all wetland regulations via zoning requires a clear wetland boundary. Without that data or a clear way to create it, staff would have no way to evaluate a development proposal/land use application."[1]

In an effort to offset the lack of maps that could apply to wetlands and stream regulations, the Kachemak Bay Conservation Society (KBCS) and other members of the public have submitted ideas for mapping of sensitive environmental areas, protecting watersheds from overdevelopment, and preventing flooding and landslides hazards.[2] According to KBCS's Vice President, Penelope Haas, "You can always criticize maps for not being accurate enough. The alternatives are either to ignore that there are any limitations – the staff proposal, or to require burdensome hiring of engineers, hydrologists, etc., the latter likely being appropriate for a CUP or PUD application in mapped sensitive areas, just as we do with requirements for traffic analysis." Haas also noted that "Maps are very helpful rules of thumb that mitigate a lot of bureaucracy and expense while helping protect folks from the impacts of poor planning and helping protect some of the valuable green spaces around Homer." The Commission members present at the Work Session, almost unanimously supported strengthening protections for wetlands. Commissioner Heath Smith mentioned the need for examples of where the code framework has failed.

b. The City Should Take Over Wetlands Permitting

Another factor in the management of wetlands and watersheds looming on the horizon, therefore, is the Trump Administration's announcement last month to revise the Waters of the United States rule that would largely gut the Clean Water Act (CWA). The WOTUS Rule determines which waters – e.g., rivers, streams, and wetlands – are subject to CWA protections. Because the Army Corps of Engineers is the agency responsible for issuing permits for development within City Boundaries that will impact wetlands and the Corps jurisdiction will be drastically limited by the expected role back of the WOTUS rule, some members of the public are encouraging the city to take over that jurisdiction. To this end, wetland regulations could be created using a clear wetland boundary such as

[1] City of Homer, Homer Title 21 Update p. 7 (November 2025) (Title 21 Update)
[2] KBCS, PROMOTING OPEN SPACE IN HOMER (2025)(Promoting Open Space)

GIS layers recommended by KBCS. (*See e.g.*, KBCS e-mail, How can we improve Homer City Code to help protect our wetlands, forests, and creeks and get more open space for parks, trails and recreation? Public Engagement Now pp. 3-5 (January 5, 2026) (Code Changes))

Alaska's Home Rule framework allows local governments to adopt their own wetlands and watershed-related regulations (e.g., setbacks, land-use zoning, habitat buffers, conservation programs) that are stricter than federal/state requirements.

Under the Municipality of Anchorage's Wetlands Management Plan for example, developers must comply with both federal permitting requirements and local municipal rules as long as such rules do not directly conflict with federal and state law. Such local policies can focus on protections to local ecological priorities (e.g., salmon habitat buffers, floodplain restrictions).

To this end we hereby incorporate the attached January 16, 2026 Memorandum submitted to the Homer Planning Commission by Janette Keiser Wetlands Management – Comparing Homer with Muni. of Anchorage (Keiser Memo). We further maintain that the recommendations beginning on page 6 of the Keiser Memo, should be applied to rivers, streams and lakes and not just wetlands.

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CONCLUSION

The Planning Team and Commission need to take the current threat from the Trump Administration to wetlands and watersheds seriously. And join other municipalities around the country who have recognized the fact that Federal jurisdiction to protect these waters is becoming non-existent. Homer should reverse this trend by using the State's Home Rule authority to adopt regulations that are more stringent than federal and state standards.

Please contact me if you have any questions regarding these comments.

Sincerely,

Hal Shepherd, President

Homer Wetland Complexes and Management Strategies

Moose Population and Movements Around Homer

Moose have been abundant on the Kenai Peninsula for over 100 years (Lutz 1960). Moose are an important resource for hunters and are a desired spectacle for local wildlife viewers and tourists.
Densities around the state vary according to the quality of the habitat, predation levels, and other factors. The moose population around the greater Homer area (south of the Anchor River to Kachemak Bay) is currently over 500 animals and is considered a high-density population (Schwartz and Franzman 1989) with about 3 moose per square mile. This Homer moose population is currently the most abundant and productive population on the Kenai Peninsula. Moose from this population likely act as a "source" population in providing dispersing individuals to areas of lower moose densities around the lower Kenai Peninsula (Labonte et al. 1998).

Moose have evolved and adapted to habitat changes influenced by fire (Spencer and Hakala 1964, Loranger et al. 1990) and other natural disturbances. While disturbances such as fire increase the quality and quantity of browse for moose over time with the regeneration of new plant growth, the habitat changes caused by human development can remove important moose forage, eliminate access to existing forage, and/or fragment available browse into small and disconnected areas.

Moose and humans have shared the landscape in various Alaskan communities for many years. Moose inhabit areas within Anchorage because there still is available habitat. However, human-moose conflicts continue to increase as the human population grows and the amount of moose habitat decreases. Moose have been radiocollared in Anchorage using GPS technology that records locations multiple times each day. The data have not been analyzed; however, moose in urban areas appear to spend most of their time in natural areas including parks, greenbelts, and undeveloped properties near developments (R. Sinnott, Anchorage-ADF&G biologist, pers. comm.). These "green areas" provide moose browse, cover to escape from human disturbance and to stay cool, bedding areas for rest and food processing, and undisturbed areas for calving.

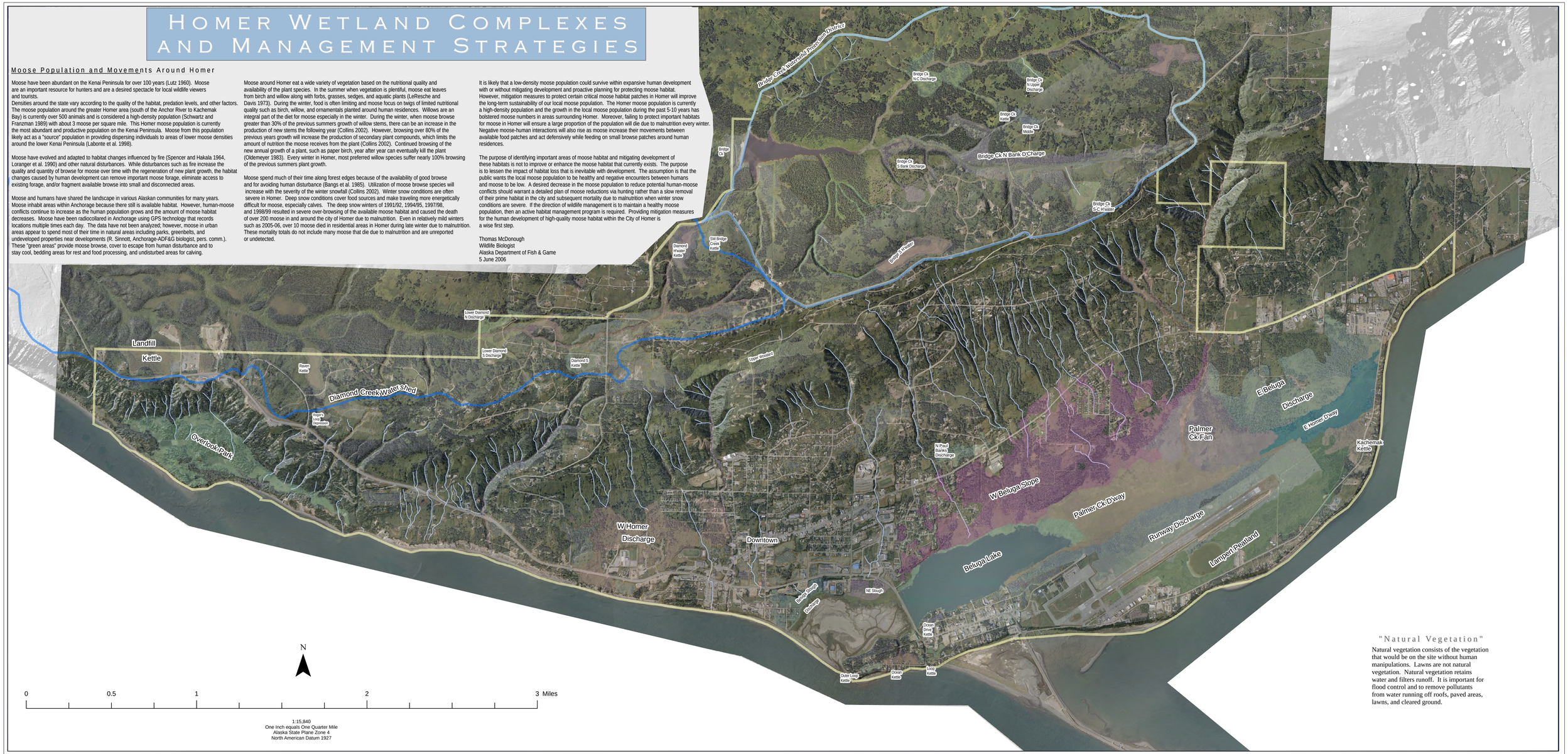
Moose around Homer eat a wide variety of vegetation based on the nutritional quality and availability of the plant species. In the summer when vegetation is plentiful, moose eat leaves from birch and willow along with forbs, grasses, sedges, and aquatic plants (LeResche and Davis 1973). During the winter, food is often limiting and moose focus on twigs of limited nutritional quality such as birch, willow, and ornamentals planted around human residences. Willows are an integral part of the diet for moose especially in the winter. During the winter, when moose browse greater than 30% of the previous summers growth of willow stems, there can be an increase in the production of new stems the following year (Collins 2002). However, browsing over 80% of the previous years growth will increase the production of secondary plant compounds, which limits the amount of nutrition the moose receives from the plant (Collins 2002). Continued browsing of the new annual growth of a plant, such as paper birch, year after year can eventually kill the plant (Oldemeyer 1983). Every winter in Homer, most preferred willow species suffer nearly 100% browsing of the previous summers plant growth.

Moose spend much of their time along forest edges because of the availability of good browse and for avoiding human disturbance (Bangs et al. 1985). Utilization of moose browse species will increase with the severity of the winter snowfall (Collins 2002). Winter snow conditions are often severe in Homer. Deep snow conditions cover food sources and make traveling more energetically difficult for moose, especially calves. The deep snow winters of 1991/92, 1994/95, 1997/98, and 1998/99 resulted in severe over-browsing of the available moose habitat and caused the death of over 200 moose in and around the city of Homer due to malnutrition. Even in relatively mild winters such as 2005-06, over 10 moose died in residential areas in Homer during late winter due to malnutrition. These mortality totals do not include many moose that die due to malnutrition and are unreported or undetected.

It is likely that a low-density moose population could survive within expansive human development with or without mitigating development and proactive planning for protecting moose habitat. However, mitigation measures to protect certain critical moose habitat patches in Homer will improve the long-term sustainability of our local moose population. The Homer moose population is currently a high-density population and the growth in the local moose population during the past 5-10 years has bolstered moose numbers in areas surrounding Homer. Moreover, failing to protect important habitats for moose in Homer will ensure a large proportion of the population will die due to malnutrition every winter. Negative moose-human interactions will also rise as moose increase their movements between available food patches and act defensively while feeding on small browse patches around human residences.

The purpose of identifying important areas of moose habitat and mitigating development of these habitats is not to improve or enhance the moose habitat that currently exists. The purpose is to lessen the impact of habitat loss that is inevitable with development. The assumption is that the public wants the local moose population to be healthy and negative encounters between humans and moose to be low. A desired decrease in the moose population to reduce potential human-moose conflicts should warrant a detailed plan of moose reductions via hunting rather than a slow removal of their prime habitat in the city and subsequent mortality due to malnutrition when winter snow conditions are severe. If the direction of wildlife management is to maintain a healthy moose population, then an active habitat management program is required. Providing mitigation measures for the human development of high-quality moose habitat within the City of Homer is a wise first step.

Thomas McDonough
Wildlife Biologist
Alaska Department of Fish & Game
5 June 2006



1:15,840
One Inch equals One Quarter Mile
Alaska State Plane Zone 4
North American Datum 1927

"Natural Vegetation"

Natural vegetation consists of the vegetation that would be on the site without human manipulations. Lawns are not natural vegetation. Natural vegetation retains water and filters runoff. It is important for flood control and to remove pollutants from water running off roofs, paved areas, lawns, and cleared ground.

Synopsis

In 2005-2006 representatives of the City of Homer, US Army Corps of Engineers, Environmental Protection Agency, US Fish & Wildlife Service, Kachemak Bay Research Reserve, Cook Inletkeeper, Kenai Watershed Forum, Natural Resources Conservation Service, and Alaska Department of Fish & Game met to assess Homer wetlands. After a thorough review of methods, a scoring protocol was developed and all wetlands were scored. The group then discussed these management strategies.
The strategies have not been formally adopted, but they represent a starting point to manage Homer wetlands as a unified resource.

Beluga Lake

Prohibit fill in Beluga Lake or the two associated wetland polygons (docks are permitted).

Beluga Slough

Development in tidally influenced wetlands should be prohibited.

Beluga Slough Discharge Slope

Development should be encouraged in this core area of Homer. Mitigate for the loss of moose habitat. Further development north of Bunnel Avenue and east of Main Street should be discouraged. A goal of this plan is to bring private parcels in this area into conservation status. Development in tidally influenced wetlands should be prohibited.

Bridge Creek Wetlands

The wetland management strategy for this watershed is the same as the Bridge Creek Watershed Protection ordinance, which includes a prohibition on filling wetlands.

Diamond Creek Wetlands

Maintain large lot sizes. Maintain a 100 ft setback of natural vegetation along either side of Diamond Creek and its tributaries. Crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Downtown wetlands

On City-owned parcels, maintain greenbelts incorporating storm water retention designs. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

East Beluga Discharge

Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Site design should include hydrologic connectivity to upstream and downstream parcels. Moose habitat values are high throughout. Moose habitat should be preserved or mitigated. Development along the border with the East Homer Drainageway Complex should maintain an 85 ft buffer of natural vegetation.

East Homer Drainageway

This area should be targeted for preservation and restoration. Encourage purchasing of private lots by Kachemak Heritage Land Trust, Moose Habitat Incorporated and others.
If possible, restore hydrology and repair or implement suitable storm water management measures along Kachemak Drive. Some fill may be allowed along Kachemak Drive.

Kachemak Kettle

Maintain a 100 ft buffer along the East Homer Drainageway. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Lampert Peatland

Maintain a 100 ft buffer around Lampert Lake. Mitigate for lost hydrologic, general habitat, and moose habitat functions in wetlands west of Lampert Lake. Discourage further development of wetlands east of Lampert Lake. Prohibit wetland filling more than 400 ft from Kachemak Drive.

Landfill Kettle

Restrict development to the south side of the wetlands and along the highway. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated. The peatlands should be preserved and buffered with a 50 ft setback of undisturbed natural vegetation as they are highly functional for water retention and filtering.

Loop Kettle

Loss of moose habitat should be mitigated.

NE Slough

Retain natural vegetation as is practicable. Preserve existing wetlands for water quality functions and moose habitat.

N. Paul Banks Discharge

Encourage development here. Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Ocean Kettle

Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Ocean Drive Kettle

Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Outer Loop Kettle

Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Overlook Park

Public lands: Maintain in conservation status and manage according to site management plan. Private Lands: Maintain moose habitat by limiting fill to the minimum necessary for a residence and minimum driveway and parking. No ditching or changes to drainageways should be allowed. Locate roads out of wetlands and out of drainageways to the extent possible. Maintain a 100 ft setback of natural vegetation on either side of Overlook Creek.

Palmer Drainageway and Fan

Maintain a 100 ft setback of natural vegetation on either side of Palmer Creek. Crossings should be perpendicular to the channel via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. All of these wetlands should be preserved. A wetlands bank with Moose Habitat Incorporated will target private parcels in this area, along with the East Homer Drainageway, for purchase and preservation. Wetlands within the City of Homer that have been targeted for moose mitigation are eligible to receive credits from this bank.

Raven Kettle & Roger's Loop Depression

Avoid wetland fill. Maintain the hydrologic integrity of drainageways and water retention and filtration capacity of the complex. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Runway Discharge

Within the airport boundary wetland hydrology should be maintained. Public lands: Those tracts outside the airport boundary should be maintained and managed for the values of the Homer Airport Critical Habitat Area.
Private lands: Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Upper Woodard

On City-owned parcels, maintain greenbelts incorporating storm water retention designs. Retain as much natural vegetation on individual lots as is practicable. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

West Beluga Slope

Public lands: Publicly owned lands should be preserved as undisturbed wetlands.
Private lands: These should be prioritized and purchased over time for inclusion in a mitigation bank whose purpose is to preserve moose habitat. Development should be discouraged. A master plan should be developed for this area as it is a very important wetland complex, and it is probably the most threatened in the City of Homer.

West Homer Discharge

Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Wetlands mapped at 1:12,500, 2005.
Background imagery from Aerometric, 2003.
Prepared by Mike Gracz, Kenai Watershed Forum mike@kenaiwatershd.org 16 August 2010.

Memorandum

To: **Homer Planning Commission**
From: **Janette Keiser, PE**
Date: **January 20, 2026**
RE: **Alaskan law regarding government regulations and takings** [1]

I'm an advocate of regulating development on wetlands and other sensitive areas more comprehensively. I was curious about whether such regulations could be construed as a "taking." I researched the question and with the help of Google and some on-line libraries, found some pertinent information, which I wanted to share with you.

Question: If a City of Homer enacts regulations that limit the development of wetlands or other sensitive areas, could that be considered a "taking"?

Answer: It depends on a case-by-case analysis. Federal law is clear that governmental regulations can be a "taking" if the government deprives the owner of "*all economic use of the land*." *Penn Central Transp. Co. v. New York City*, 438 U.S. 104 (1978). In this case, the City of New York imposed development restrictions on a historic building owned by the Penn. Central Railway. The Railway claimed the restriction deprived the agency of its right to develop its property and thus, a taking had occurred. The U.S. Supreme Court evaluated the need for compensation applying the following three factors:

- The character of the government action;
- The economic impact of the regulation on the property owner; and
- The extent to which the regulation has interfered with distinct investment-backed expectations.

The Court ruled that a taking had not occurred because the City had a legitimate interest in protecting historic landmarks and the Railway still had the ability to develop the building, just not in the manner it originally proposed. *Id*. at 106.

In another federal case, *Jentgen v. United States,* 657 F.2d 1220 (U.S. Ct. Cl 439), the property owner purchased a 101.8- acre parcel and intended to develop a residential community. The property contained large areas of dense mangrove vegetation, including wetlands. COE declined to permit the proposed development, which would have required filling sixty acres of the wetlands, but offered the owner a modified permit to develop twenty acres of the wetlands. The owner refused the offer and sued. He claimed the denial of the permit devalued his property and deprived him of the economically viable use of his property and thus, a taking had occurred. The Court of Claims ruled it was not a taking because the regulation did not preclude all development, citing *Penn. Central Transp.* and

[1] **Disclosure:** I am a retired member of the Washington Bar and not a member of the Alaskan Bar. I am not, with this Memorandum, intending to practice law or offer legal advice. I have, out of curiosity, researched Alaskan law pertaining to when government regulations could be construed as takings. The information cited herein is readily available in the public domain to anyone with a little time and reasonable computer skills.

other U.S. Supreme Court cases, particularly cases where the U.S. Supreme Court ruled that *"mere diminution of value, standing alone, cannot establish a taking."* [2]

The Alaskan Supreme Court has taken the U.S. Supreme Court's methodology a step further, by adding a fourth factor – the legitimacy of the interest advanced by the regulation or land use decision. *R & Y, Inc. v. Municipality of Anchorage,* 34 P.3d 298 (Alaska 2001).

In this case, the Municipality of Anchorage restricted a property owner from building within a 20-foot setback of a wetland, pursuant to regulations that applied city-wide. The property owner claimed this was a taking.

The Alaska Supreme Court, after reviewing the four factors, found no regulatory taking because the economic damage was "*minor*" compared to the Municipality's legitimate interest in restricting development in wetlands.[3] Specifically, the Court held that:

- The 20-foot setback diminished the value of the entire property by less than 2%; and
- This relatively minor impact a "taking" would be "*inconsistent with established takings doctrine and the economic policies underlying that doctrine." R & Y, Inc. v. Municipality of Anchorage.* [4]

This case involved regulations that applied city-wide and had a minor impact on the private property. The outcome would probably have been different if *"all economic value of a particular piece of property had been destroyed." Id.* Further, the outcome would probably have been different if the property had been singled out for conservation.

In Alaska, consideration of the four factors rarely leads to a finding that a regulation constitutes a compensatory taking, where the Alaska Supreme Court acknowledged that *"a 'taking' may more readily be found when…[there] is a physical invasion by government, than when…[there is] some public program adjusting the benefits and burdens of economic life to promote the common good." Dep't. of Natural Res. V. Arctic Slope Reg'l Corp*, 834 P.2d 134 (Alaska 1991).

Conclusion: General regulation in Homer that limited development in wetlands or other sensitive areas would probably not be viewed as a taking.

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[2] See *Euclid v. Ambler Realty*, 272 U.S. 365 (1926), approximately 75% diminution in value; *Hadacheck v. Sebastian*, 239 U.S. 394 (1915) 92.5% diminution in value.

[3] In *R & Y, Inc.* the U.S. Supreme Court acknowledged *"the unique ecological and economic value that wetlands provide in protecting water quality, regulating local hydrology, preventing flooding, and preventing erosion."*

[4] The Alaska Supreme Court follows the precedent established by the U.S. Supreme Court in holding that a taking exists in *"cases where a regulation denies a landowner of all economically feasible use of the property." Balough v. Fairbanks N. Star Borough*, 995 P.2d 245 (Alaska 2000).