January 3, 2026

How can we improve Homer City Code to help protect our sensitive wetlands, forests, and creeks? Public Engagement!

Below are Kachemak Bay Conservation Society's proposals. Please get comments into:

- **Planning Commission on 1/7 meeting** - they have a Work session on this specific topic.

- **Virtual Open House by 1/16** - The Virtual Open house is how City staff and the consultants are taking comment. We expect that staff will be required to state why they accept or reject proposals that come in through this portal. Use it!

- City Council. The Council has stated numerous times though the comp plan rewrite (and in the Comp Plan itself) that they want to use code to do a better job of balancing protections for the environment and development. Here are important tools we need to that. Talking to the council now is good because they are ultimately responsible for passing code and they are the bosses of staff who will be putting together draft code changes—if Council says they want to see something in code, it is much more likely we will get it.

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

- A Clear, Fill and Grade Permit would be required for any removal of trees or vegetation and/or grading critical areas.
- Loss of permeable green space and poor drainage management comes at

a cost to downstream property owners and the City.[1] Mismanaged stormwater is a problem all over Homer and leads to flooding, ice, clogged drainages, septic system failures, costs associated and more.

Relevant Examples

- King County, Washington.
- Evergreen and deciduous trees uptake a lot of water in Alaska's boreal forests. The primary source for tree water storage, whether it is rainfall or snowmelt, has consequences for watershed water balance and the connections between tree water use, storage, and drought stress.

II. 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."[2]
- This is a simple management approach with local precedent, low implementation cost and clear guidance to planners and developers.

Relevant Data and Examples:

- The EPA has a model ordinance for instituting local buffer zones and many example ordinances for local governments are explored in the "Planner's Guide to Wetland Buffers for Local Governments" by the Environmental Law Institute.
- The Kenai Peninsula Borough has buffers around all anadromous salmon waters.

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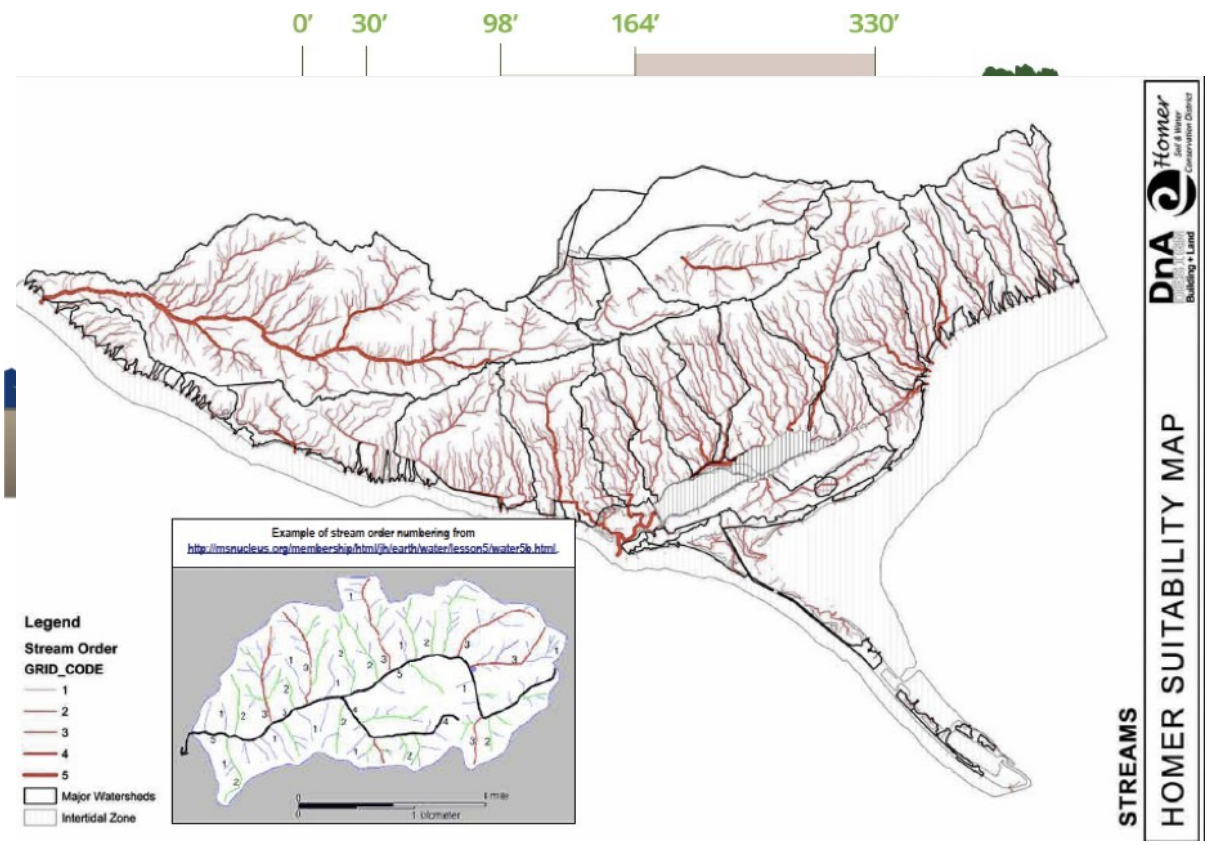
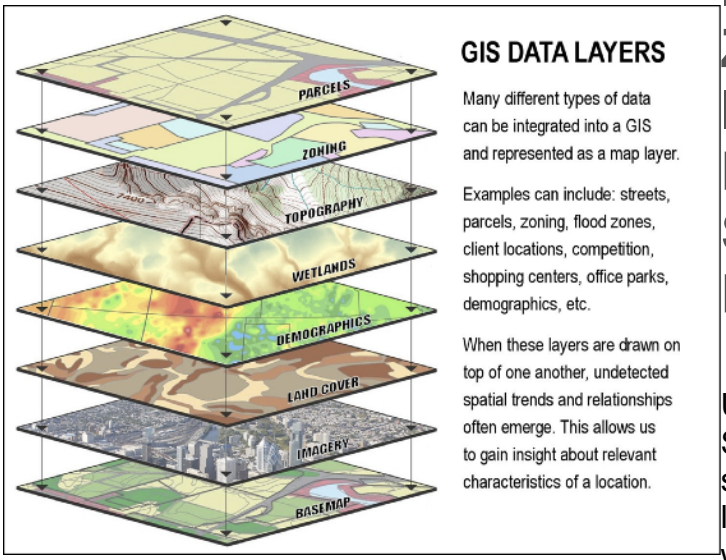
[1] During intense rain storms, as much as 50 percent of the overall flows received at the sewer treatment plant may be attributed to inflow and infiltration, which has to be managed a great cost to the city. -"Homer Comprehensive Plan, 2018."

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



•The Bridge Creek Watershed has buffers around creeks.



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

Use existing GIS layers so 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. Importantly, GIS layers allow for the addition of additional information as it is gathered, thereby keeping any regulations up-to-date.

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

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

Relevant Data and Examples:

- The Stormwater Management Manual for Western Washington, which is standardized across most Western Washington counties, provides a model for the levels of consideration necessary for effective stormwater management for developments in sensitive areas.

- **City of Homer Public Works Maps on water flow and drainages.** Public Works has a lot of important data on flow, like expected future peak flow rate by basin, that should be integrated into the document and made available as GIS layers, overlaying parcels.

- **DGGS Discharge Maps** and the landslide hazard area around Bluff Point from the DGGS Report**.** GIS layers showing coastal and inland landslide hazards overlaying parcels need to be made publicly available to inform citizens, potential land buyers, staff, and commissions. The Bluff Point landslide hazard needs special attention and rules to protect residents and infrastructure to try to keep folks out of harms' way.

- All existing walking and biking trails and sidewalks, as a basis for a requirement to maintain connectivity. While all this data does not currently exist in one place, it is important for the City to collect it and overlay it onto the permitting process, to ensure connections between our existing side-walks, bike paths, and foot paths.

- **Aerial Imagery from the borough showing wooded areas.** Wooded areas around creeks and drainages should not be allowed to be cut without a permit (see Cut Fill and Grade Permit above).

- **Peatland Depth Maps.** These maps showing peatland depths along Kachemak Drive are vital indicators of the volume of water held in the peatlands, their viability as building sites, and their potential to cause flooding along Kachemak Drive if filled.

- **Wetland and water mapping, as it appeared in the 2018 Comp Plan.** Available from Homer Soil and Water Conservation District. It is particularly relevant for zoning and permitting considerations.

- **Conservation Lands Conserved by Kachemak Moose Habitat, Inc. and Kachemak Heritage Land Trust:**: Available on the Kenai Peninsula Borough Parcel Viewer: https://geo.kpb.us. The City should be seeking to conserve and connect existing conservation lands.

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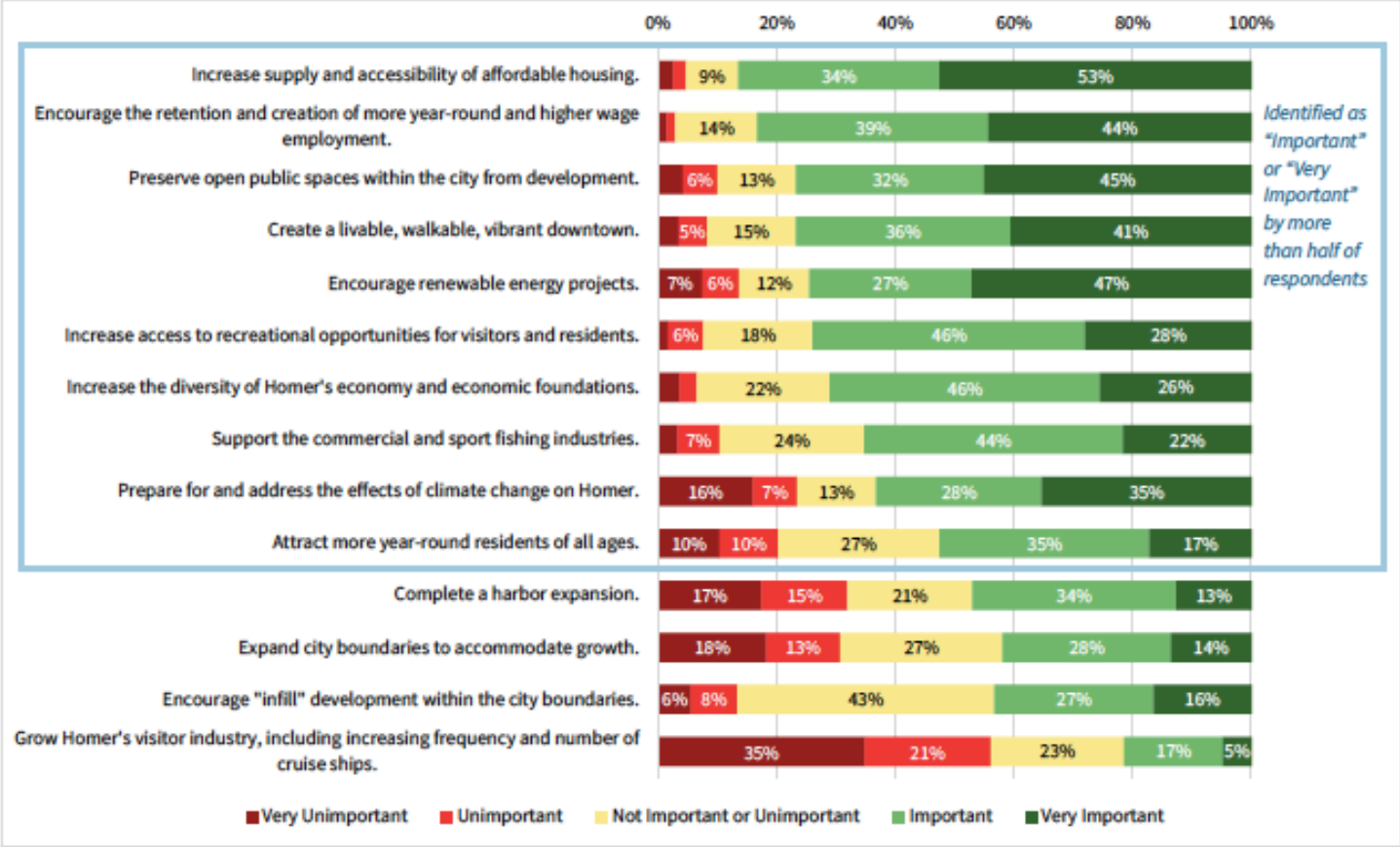
- **Migratory Bird Habitat**. A good tool for indicating shorebird habitat is data from E-bird.

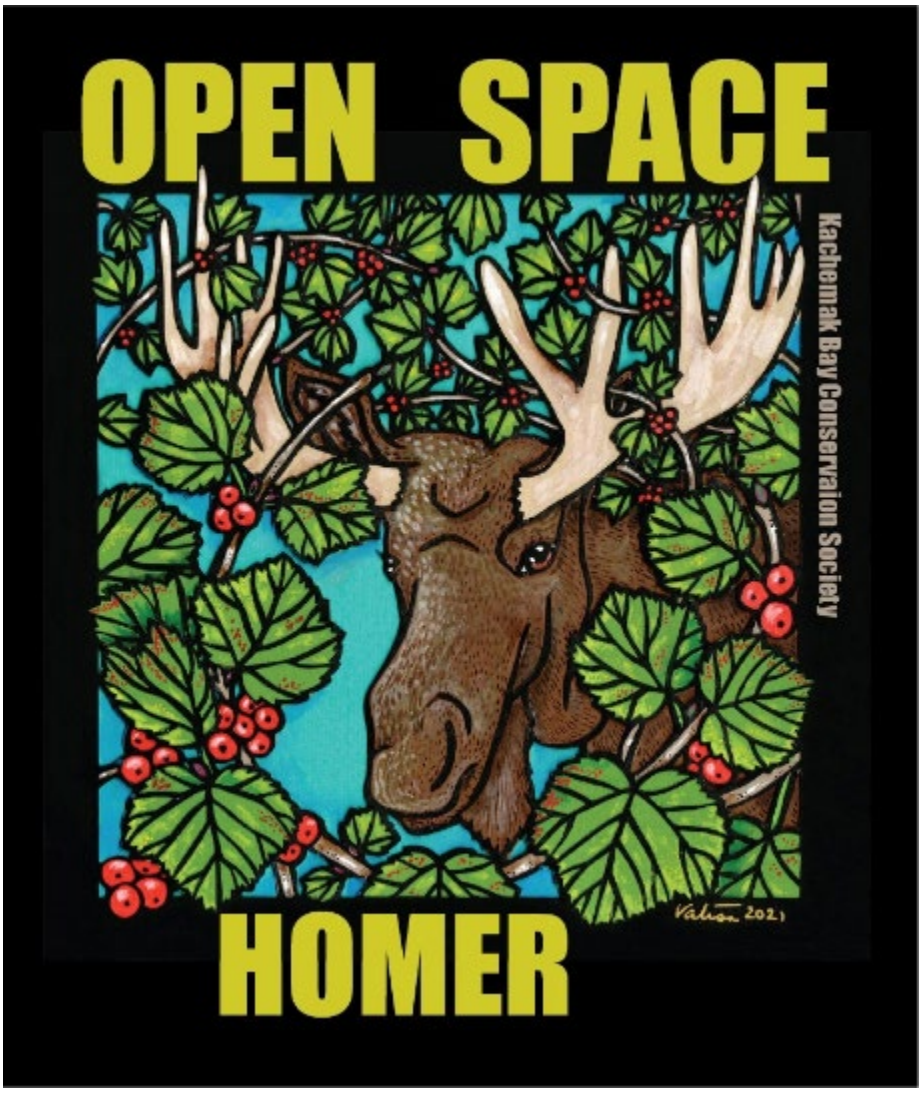
Never forget, the public wants the City to do more to protect our environment!

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

Answered: 551.



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!



Below are Kachemak Bay Conservation Society's proposals for changes to Homer City Code. All our voices need to be a part of this conversation. Please get comments into:

- **Planning Commission on 1/7 meeting -** they have a Work session on this specific topic.
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because they are the bosses of staff who will be putting together draft code changes this month—if Council tells Staff they want to see something in code, it is much more likely we will get it. And, ultimately, they are responsible for passing any code change.

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

- A Clear, Fill and Grade Permit would be required for any removal of trees or vegetation and/or grading critical areas.
- Loss of permeable green space and poor drainage management comes at a cost to downstream property owners and the City. Mismanaged stormwater is a problem all over Homer and leads to flooding, ice, clogged drainages, septic system failures, costs associated and more.

Relevant Data and Examples

- King County, Washington.

II. 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.”

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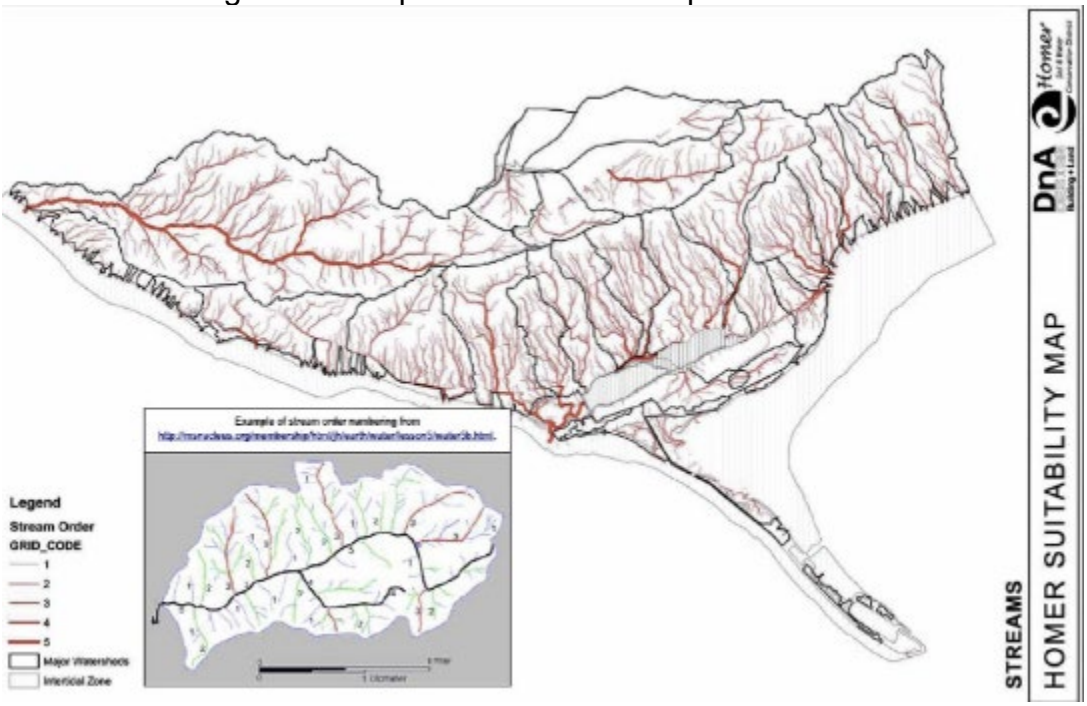

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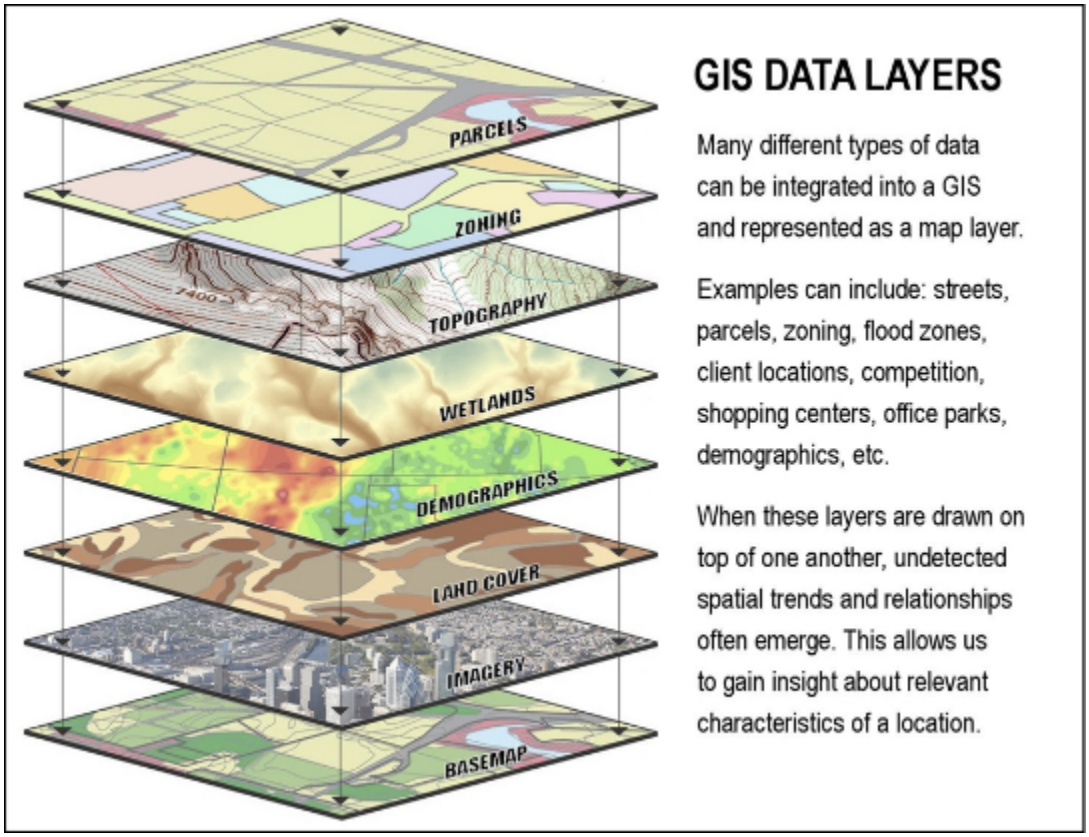
III. Modernize Zoning Code: Integrate Digital Mapping of Sensitive Environments



Use existing GIS layers so 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.

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b. trigger the need for outside analysis and engineering (like current traffic analysis requirements
c. and/or have appropriate Site Development Standards, Platting Requirements, Stormwater Management Plans.

The alternatives to mapping are either to ignore that there are any environmental limitations (status quo) or to require burdensome, expensive, hiring of engineers, hydrologists etc. (which may be appropriate for some types of higher-impact development). Maps are helpful rules-of-thumb and tools that mitigate a lot of

bureaucracy and expense while helping protect folks from the impacts of poor planning and protecting green spaces around Homer.

Relevant Data and Examples:

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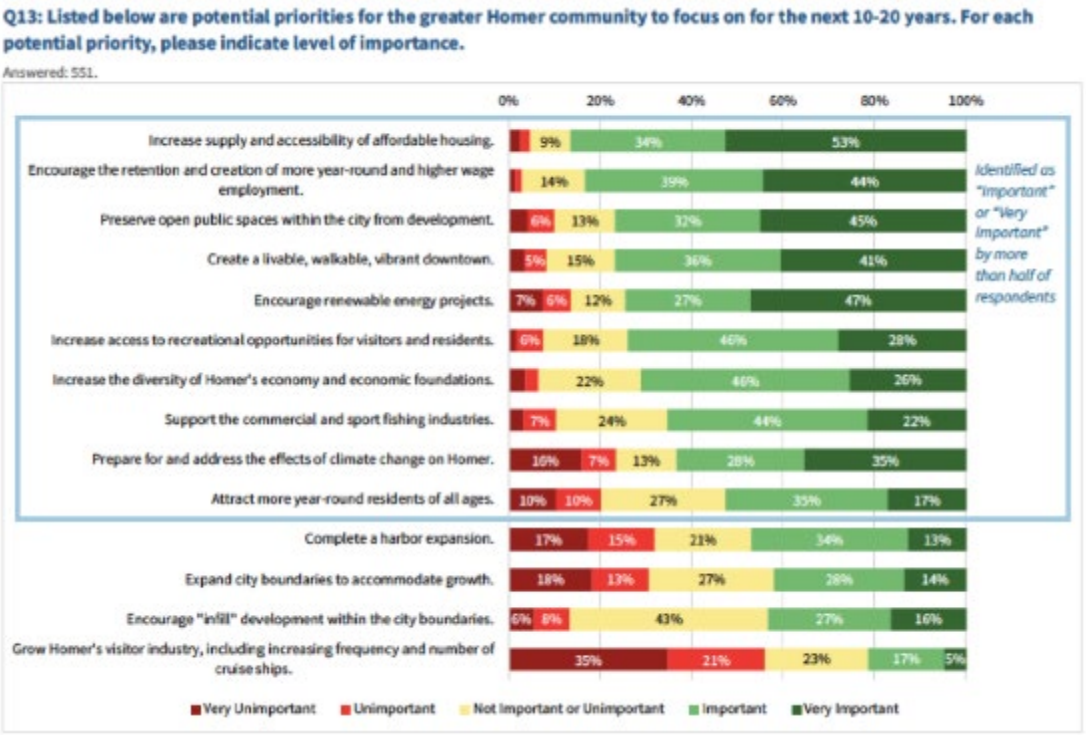
Never forget, the public wants the City to do more to protect our environment and open spaces, improve recreational access, walkability and connectivity!



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Kachemak Bay Conservation Society
Homer, Alaska
kbayconservation@gmail.com

http://www.kbayconservation.org

alaskansknowclimatechange.com

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

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

Relevant Data and Examples

• King County, Washington.
• Evergreen and deciduous trees uptake a lot of water in Alaska’s boreal forests. The primary source for tree water storage, whether it is rainfall or snowmelt, has consequences for watershed water balance and the connections between tree water use, storage, and drought stress.

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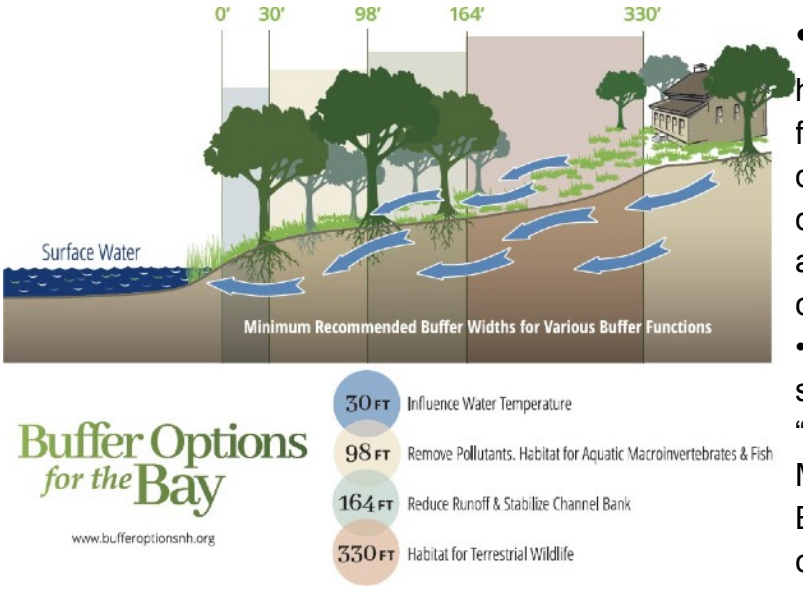

- Buffers mitigate the hazards of landslides, flooding, and low water quality. Properly designed buffers can also act as critical wildlife corridors.
- The EPA identifies stormwater buffers as a "Stormwater Best Management Practice." Buffer zones around creeks and wetlands provide an area where stormwater can permeate the soil and replenish the groundwater. They also slow the flow of stormwater, which helps to filter sediment, decrease soil erosion and prevent stream-bank and steep slope collapse.[2]
- This is a simple management approach with low implementation cost and clear guidance to planners and developers.
- A 5 ft or 10ft of buffer next to the 1st and 2nd order streams is a lot more powerful in mitigating stormwater than 100ft next to the bigger stream.

Relevant Data and Examples:

- A number of states, including Georgia, Minnesota, South Dakota, Oregon, New Hampshire, New York, Rhode Island, Vermont, North Carolina, New Jersey, California, Delaware, Maryland, and Washington have some form of statewide buffer regulation. Connecticut and Maine have buffer codes that require municipalities to regulate buffers.[3]
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[3] Wetland Buffers: Use and Effectiveness" USACE, online at https://www.spk.usace.army.mil/Portals/12/documents/regulatory/pdf/Wetland_Buffers_Use_and_Effective ness.pdf

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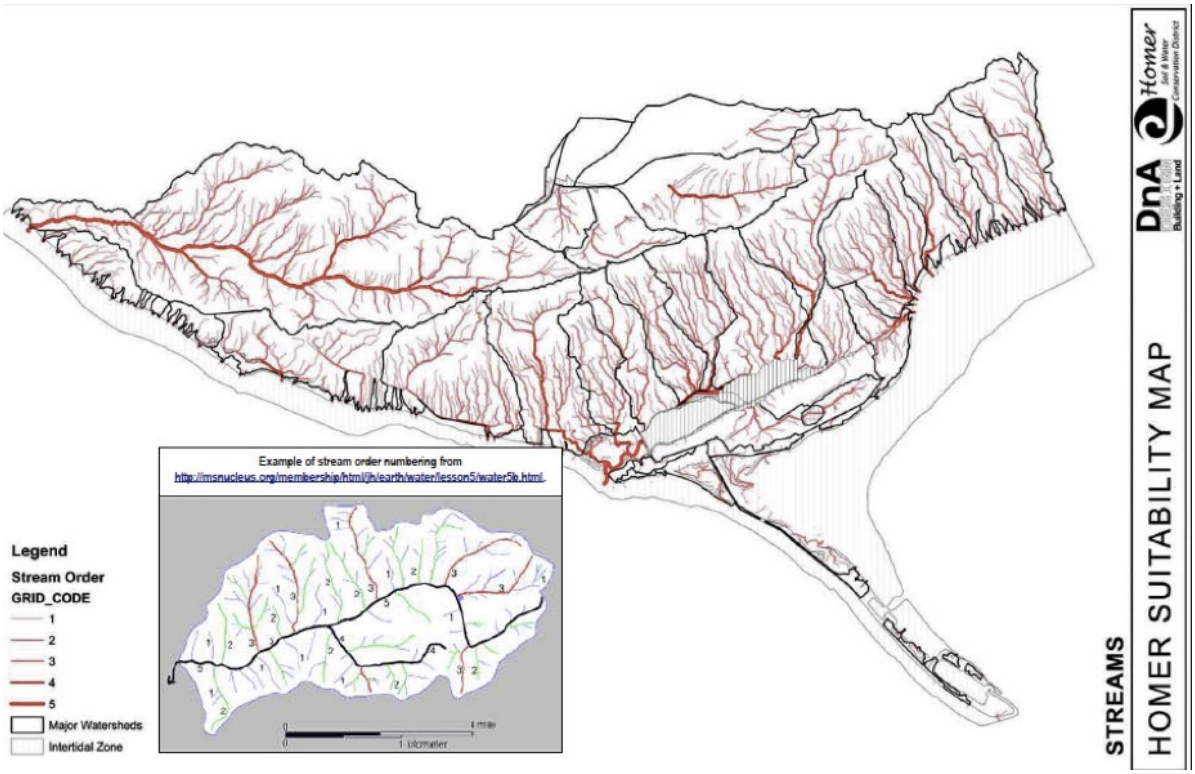

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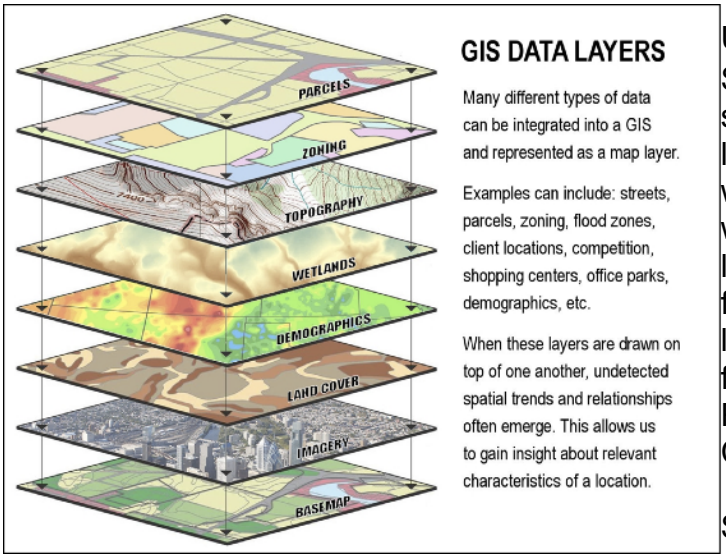

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Relevant Data and Examples:

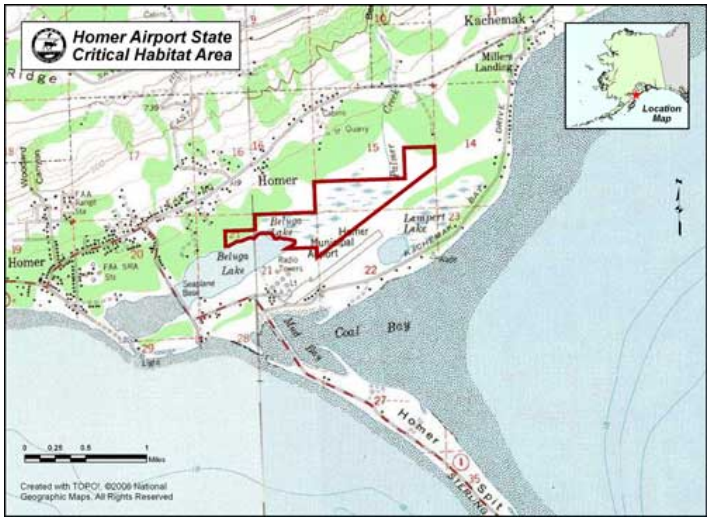
- City of Homer 21.40.020 Bridge Creek Watershed Protection District : “The purpose of this chapter is to prevent the degradation of the water quality and protect the Bridge Creek Watershed…These provisions benefit the public health, safety, and welfare of the residents of the City of Homer…by restricting land use activities that would impair the water quality, or increase the cost for treatment.”

- The Kenai Peninsula Borough Anadromous Setback code and Gravel Pit groundwater impact requirements.

• The Stormwater Management Manual for Western Washington, which is standardized across most Western Washington counties, provides a model for the levels of consideration necessary for effective stormwater management for developments in sensitive areas:

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

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



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

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

Kachemak Bay Watershed Council

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

January 5, 2026

City of Homer Planning Commission
Work Session – January 7, 2026
Comments of the Kachemak Bay Watershed Council
Submitted Via E-mail to clerk@cityofhomer-ak.gov

RE: Environmental Features

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—rules that determine how land is used, developed, and protected. These changes will shape housing, open space, wetlands and watersheds that affect Kachemak Bay and the character of our community for decades to come. Zoning codes determine how land is used and set rules for property functions within a municipality. Title 21 of the Homer Zoning Code was "adopted as one means of implementing the general goals and policies of the Homer Comprehensive Plan. Its purpose is to enhance the public health, safety and welfare through land use regulations to:

a. Designate, regulate and restrict the location and use of buildings, structures and land;

b. Regulate the height, number of stories, and size of buildings and other characteristics of structures;

c. Regulate and determine the size of yards and other open spaces;

d. Regulate and limit the density of population;

e. Conserve and stabilize the value of property;

f. Provide adequate open spaces for light and air; and to prevent and fight fires;

g. Prevent undue concentration of population;

h. Lessen congestion on streets and highways;

i. Preserve and enhance the aesthetic environment of the community;

j. Promote health, safety and general welfare….”

Our first concern with the process so far achieving these goals in relation to the each of the Planning Commission work sessions regarding the proposed changes to Title 2, that from start to finish this will have taken place over a little over a month in the middle of an holiday season. With many people being on travel or otherwise unavailable during that time it is impossible to get full public participation in the process and the work sessions or at least, the public comment process for commenting on them should be extended into the new year.

In addition, while the Planning Team (consisting of City staff and consultants)(PT) apparently has been speaking with developers, realtors and business interests, few if any of the same conversations have occurred with conservation interests and this is reflected in the PT recommendations.

Our specific comments are as follows:

I. To Date the proposed code changes include pro-development but lack environmental protection language

Even before the scoping process began, the Planning Team met with builders, developers, realtors, and business owners which is why the City Sponsored Open House last November and the first two work sessions which focused on housing district and the development process changes, were heavily weighted with specific recommendations making it easier for development to take place, while so far, there have been little to no specific changes to date regarding protection of wetlands, watersheds and open space.

For example, the first work session on **December 3,** focused on Housing and District consolidation and simplifying including combining the CBD Central Business District and the Town Center concept into one Downtown Mixed Use district. The PT claims that this change is because the “two districts have nearly identical intents and permitted uses, this change would eliminate the walkable town center proposal which would include an area were cars are prohibited and non-motorized shopping would be emphasized.

This work session also featured the “More Housing in More Places” and “making housing easier to build in homer” but did not include a discussion of how more development would impact watersheds, open space & wetlands.

The next work session on **December 17, 2025** focused on the Development Process (including conditional use permits and administrative flexibility). To reduce approval times and provide greater predictability for developers, this change would limit CUP requirements to only

those developments with the most significant community impacts. The PT suggests this will give the Planning Commission more time to focus on other priorities, though these have not been clearly defined. CUPs would be reserved for specific uses.

II. Environmental Considerations

a. Data/Maps

The final work Session on January 7, 2026 will focus on Environmental Features (slopes, wetlands, etc.). The PT recommendations under this section of the code merely consists of citing the current code provision with no recommendations for specific changes to protect open space, wetlands, or watersheds within or affected by the City offered. (*See*, City of Homer, Homer Title 21 Update p. 7 (November 2025) (Title 21 Update). The PT suggests that the reason for the lack of such recommendations is because 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." (Title 21 Update p. 7.).

This is regardless of the fact, however, that the Kachemak Bay Watershed Council (KBCS) and other members of the public have repeatedly submitted proposed changes for protecting open space and integrate mapping of sensitive environmental areas, protecting watersheds from over development and preventing flooding and landslides hazards. (KBCS PROMOTING OPEN SPACE IN HOMER (2025)(Promoting Open Space).

Other comments KBCS has submitted on what maps should be included as the basis for GIS environmental overlay mapping include: 1) City of Homer Public Works Maps on water flow and drainages; 2) DGGS Discharge Maps; 3) All existing walking and biking trails and sidewalks, as a basis for a requirement to maintain connectivity; 4) Aerial Imagery from the borough showing wooded areas; Landslide hazard area around Bluff Point from the DGGS Report; 5) Peatland Depth Maps; Wetland and water mapping, as it appeared in the 2018 Comp Plan; and 6) Conservation Lands Conserved by Kachemak Moose Habitat, Inc. (*See*, KBCS e-mail, Meeting on Homer City Code and Open Space, (January 2, 2026)(Attached).

Therefore, wetland regulations could be created using a clear wetland boundary already proposed by KBCS in Promoting Open Space pages 3-11 on integrating digital mapping of sensitive Environments into the Code. Such maps are an easy-to-use tool that can mitigate a lot of bureaucracy and expense while helping protect folks from the impacts of poor planning and protect some of the valuable green spaces around Homer**.**

The PT, however, appears to reject existing mapping for not being accurate enough to be useful for environmental regulations. It seems however, that with all the mapping tools available including comprehensive GIS data bases, this is just an

excuse for doing nothing. Even in the event that existing maps are not sufficient, could the city hire engineers, hydrologists, etc. to assist in accurate map development.

The problem and potential solutions should at least be brought to the Planning Commission/Council so that strategies can be discussed to address it. This is better than just throwing up our hands and saying it's impossible to address wetlands, watershed, etc. protection so we're not going to do it.

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 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))

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c. Other proposed Code changes previously submitted by members of the public (*See* Attached) which can serve as a basis for mapping or otherwise should be incorporated into Title 21 changes include:

i. A Clear, Fill and Grade Permit to mitigate the hazards of landslides, flooding, and low water quality. (KBCS, Code Changes for the Environment p. 1).

ii. KBCS Buffers around creeks, wetlands, and steep slopes (Code Changes p. 2-3).

CONCLUSION

While the Planning Team appears to be making specific recommendations to the Code based on in-put from development and commercial interests, no such recommendations have been offered in relation to protecting open space, wetlands and watersheds even though such recommendations have been made both verbally and in writing on several occasions. Similarly, sufficient strategies for mapping of these areas in order to provide a basis for jurisdiction and

protection have been suggested to the city that could at minimum provide a starting point for the creation of such maps and other resources.

Sincerely,

Hal Shepherd, President

Dear members of the Planning Commission, Thank you for all the work you are doing on Title 21.

Regarding the Natural Hazards and Features comments for this meeting, I feel strongly about the need to strengthen the regulations in the zoning code in developing near the remaining sensitive environmental features and hazards that we have in the city. The land remaining for development is limited and probably the most challenging to address, therefore it is more important than ever to protect the integrity of the land that is the infrastructure that allows for nature water flow, protecting areas that are prone to hazardous landslides, flooding and erosion. The concern of natural wildlife movement corridors and habitat are critical as well.

All watercourses and wetlands must have at least a 25' buffer from all development. This protects running water and water holding wetlands in managing stormwater and potential flooding, landslides and erosion.

It is incumbent on zoning regulations for steep slopes, watercourses, water absorbing forests and wetlands to have a special set of regulations in any permit that affect these sensitive areas.

Protection of all down stream lands, private and public and private is critical in considering permitted development in or near these environmentally sensitive landscape features. Down stream lands are the ones most affected by loosely regulated development.

Significant setbacks from steep slopes and eroding bluffs should be at least 50'. Natural vegetation in the buffer zone should remain intact.

At least a 25' buffer from the top of the bank on both sides of any watercourse must remain intact with no soil disturbance so that the natural flow of water and vegetative cover is undisturbed. Watercourses often over flow and they also provide shade cover, habitat and

wildlife movement. That would be 50’ plus the width of the waterway, top of bank to to top of bank.

I urge City code to initiate and pass a Cut, Fill and Grade permit for development in these areas, much like what is instituted in King County, Washington and other places. You have been provided information for King County’s permitting regulations to refer to.

Steep slope set backs 50’ minimum with natural vegetation left intact.

Watercourse buffer

Cut, Fill and Grade permits modeled by King County, Washington

Thank you very much.

The current and future residents in Homer will thank you for this.

Respectfully,

Rika Mouw

Homer