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**CITY OF HOMER
HOMER, ALASKA**

Davis/Erickson

ORDINANCE 22-42(S-2)

AN ORDINANCE OF THE CITY OF HOMER ALASKA AMENDING
HOMER CITY CODE SECTIONS 11.04.120, 22.10.050 AND 22.10.051
TO SPECIFY WHEN NEW STREETS ARE REQUIRED TO PROVIDE
FOR NON-MOTORIZED TRANSPORTATION.

WHEREAS, The Homer Non-Motorized Trails and Transportation Plan states that *“All new road construction projects will include facilities designed for non-motorized transportation,”* which *“may include sidewalks, safe crossings, separated/shared pathways, wide outside lanes, paved shoulders and striped, signed bikeways,”* but with no criteria, enforcement mechanisms or timelines; and

WHEREAS, The City of Homer has not been consistently requiring pedestrian access when new streets are being approved, in part because city code as currently formulated, does not clearly require sidewalks, but rather only easements for sidewalks, and even then only on certain streets specified in a long-outdated map; and

WHEREAS, Numerous new roads have been built in town in the past several years that lack any type of non-motorized transportation facility; and

WHEREAS, Any new standards adopted in the final draft of the Master Transportation Plan currently in process will not be applied retroactively to the projects already approved by the City of Homer; and

WHEREAS, The City is in the process of updating the Master Transportation Plan and a Non-Motorized Transportation Plan, which will address these matters, but the City Council has determined immediate remedial action is in the City’s best interests and editorial adjustments can be made at a later date, if required.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. HCC 11.04.120 Sidewalks and non-motorized transportation corridors is hereby amended to read as follows:

11.04.120 Sidewalks and non-motorized transportation corridors.

~~a. New streets to be accepted by the City and identified as public access corridors in the adopted Homer Non-Motorized Transportation and Trail Plan shall have easements for~~

43 ~~sidewalks, bicycle paths or other non-motorized transportation facilities to ensure convenient~~
44 ~~mobility and convenient access to parks, recreation areas, trails, playgrounds, schools and~~
45 ~~places of public assembly.~~

46

47 **a. The purpose of this section is to enhance public safety, convenience and mobility by**
48 **ensuring access by non-motorized traffic to places of public assembly to participate in**
49 **recreational, cultural, civic, educational and essential business activities.**

50

51 ~~b. New streets to be accepted by the City and not identified as public access corridors in the~~
52 ~~Non-Motorized Transportation and Trail Plan may, at the developer's option, have sidewalks,~~
53 ~~bicycle paths or other non-motorized transportation facilities.~~

54

55 **b. A new street to be accepted by the City for maintenance shall be required to include**
56 **dedicated facilities, within the property over which the street will traverse and at the**
57 **developer's cost, for non-motorized transportation, such as a sidewalk, path or trail,**
58 **unless specifically exempted, where any of the following conditions exist:**

59 **1. There is an existing non-motorized transportation facility on an adjacent**
60 **property, ROW or easement that could be extended to, and along, the new street.**

61 **2. The new street connects to, or comes within 100 linear feet, of an existing**
62 **destination, which provides recreational, cultural, civic, educational services or**
63 **essential business services.**

64 **3. The Homer 1986 Master Streets & Roads Plan, the 2005 Homer Non-**
65 **Motorized Trails and Transportation Plan (NMTTP), or the 2022 Trails Work Plan,**
66 **shows a non-motorized route connected to, or along, the new street.**

67 **4. The new street lies within an Area of Interest, as shown in the 2022 Trails**
68 **Work Plan or its successor documents.**

69 **6. The new street lies within the Central Business District, Urban Residential**
70 **Zone or Residential Office District.**

71

72 ~~c. Sidewalks, bicycle paths and other non-motorized transportation facilities shall be designed~~
73 ~~in accordance with the design criteria of the City of Homer Design Criteria Manual.~~

74

75 **c. Exceptions. Exceptions to the requirements of this Chapter may be approved by the**
76 **City Manager or designee for good cause shown including, but not limited to, the**
77 **following circumstances:**

78

79 **1. The topography or other pre-existing physical conditions do not allow a**
80 **non-motorized transportation route to be constructed per the Homer Design Criteria**
81 **Manual, if a sidewalk, or the Homer Trails Design Manual, if a path or trail.**

82 **2. A means of non-motorized transportation is not warranted because:**

83 **a. There is no route for non-motorized transportation that would**
84 **connect to any recreational, cultural, civic, educational services or essential**
85 **business services and**

86 **b. The existing and projected population density, for the property**
87 **through which the new road will traverse is, pursuant to the most recent version**
88 **of the Homer Comprehensive Plan, lower than the population densities projected**
89 **for the zoning districts identified in Paragraph B(6).**

90 **3. No alternative non-motorized transportation route is possible.**

91
92 **d. Drainage or Utility Easements. Non-motorized transportation routes may be installed**
93 **in utility or drainage easements, so long as the Public Works Director determines that**
94 **sufficient space, topography and other physical conditions allow for joint use.**

95
96 **e. Developer's Option. In the event a developer is not required to provide non-motorized**
97 **facilities but choses to do so anyway, the City will accept the non-motorized facilities for**
98 **maintenance, when the new street is accepted, so long as the non-motorized facilities are**
99 **designed and built in accordance with the City's design manuals.**

100
101 **f. Betterments. In the event the City desires to provide a non-motorized facility to a**
102 **design or construction standard that goes beyond what the developer is required to**
103 **provide, the City will reimburse the developer for the actual, documented cost of the**
104 **upgrade.**

105
106 **g. Design/Construction Standards. Any non-motorized facility developed under this**
107 **Chapter shall be designed in accordance with the Trail Level Design Parameters, set forth**
108 **in the current version of the City of Homer Trail Manual – Design Criteria and constructed**
109 **in accordance with the applicable provisions of the current version of the City of Homer**
110 **Construction Standards.**

111
112 **h. Liberal construction. The provisions of this chapter are remedial in nature and shall be**
113 **construed liberally so as to promote its purpose.**

114
115 **i. Appeal. Any person or persons who are affected by an action or determination taken**
116 **under this chapter may appeal said action under the appeals procedure outlined in**
117 **Chapter 21.93(e) and (f) denying an exception under HCC 22.10.055(e) and (f) shall be**
118 **taken directly to the Superior Court for the State of Alaska, within 30 days from the date**
119 **of such action.**

120

121 Section 2. Homer City Code Section 22.10.050 Improvement requirements is hereby
122 amended as follows:

123
124 **22.10.050 Improvement requirements – General.**

125 a. The Kenai Peninsula Borough shall not release any final plat for a subdivision in the
126 City for filing at the State Recorder’s office until the subdivider or developer of the subdivision
127 either enters a subdivision agreement for, or constructs and obtains written City approval of,
128 the following improvements, according to the standards and procedures required under HCC
129 Title 11:

- 130
- 131 1. Streets in all rights-of-way dedicated by the plat;
 - 132 2. All other utilities and public improvements to be constructed in the rights-of-way and
133 easements dedicated by the plat, including water, sewer, electric, communications,
134 and gas lines, ~~as~~ **and** applicable **means for non-motorized transportation**; and
 - 135 3. Abandonment or relocation of existing water or sewer service lines required due to
136 conflict with new or relocated property lines, as required by the Public Works
137 Department.

138 b. The Commission may exempt a plat from the provisions of subsection (a) of this section as
139 provided in HCC 22.10.040.

140
141 c. The subdivider shall be required to dedicate street rights-of-way according to the standards
142 and specifications of Chapter 11.04 HCC and the City of Homer Design Criteria Manual. **The**
143 **subdivider shall be required to dedicate ROW or easements required to support non-**
144 **motorized transportation facilities required by HCC 11.04.120.** Beyond a minimum of 60
145 feet, the subdivider may agree to a note attached to said subdivision plat providing sufficient
146 setback to allow future expansion of the right-of-way without removal of improvements.
147 Horizontal alignments are subject to City review; the City may require realignment of streets
148 on proposed plats if the alignments do not conform to Chapter 11.04 HCC and the Design
149 Criteria Manual. Final plat approval shall thus be subject to the approval of horizontal
150 alignments by the City Public Works Engineer.

151
152 d. All street and utility main improvements to be constructed as part of a subdivision
153 improvement **means for non-motorized transportation** project shall be constructed
154 according to the procedures of Chapter 11.20 HCC. The City shall accept no such improvements
155 unless a development agreement is executed prior to construction of such improvements.

156
157 e. All streets constructed as part of a subdivision improvement project shall be monumented
158 according to the procedures of Chapter 11.20 HCC (HCC 11.20.090(d)).

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160 Section 3. Homer City Code Section 22.10.051 Easements and rights-of-way is hereby
161 amended as follows:

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163 22.10.051 Easements and rights-of-way.

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a. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

b. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the Council.

c. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities ~~in areas identified as public access corridors in the Homer Non-Motorized Transportation and Trail Plan, other plans adopted by the City Council, or as required by the Kenai Peninsula Borough Code.~~ **The subdivider shall be required to dedicate ROW or easements required to support any non-motorized transportation facilities required by HCC 11.04.120**

d. The City Council may accept the dedication of easements or rights-of-way for non-motorized transportation facilities that are not required by subsection (c) of this section, if the City Council determines that accepting the dedication would be consistent with the adopted plans of the City.

Section 4. This ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of October, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

205 ABSENT:
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207 First Reading:
208 Public Reading:
209 Second Reading:
210 Effective Date:
211