



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer Agenda

Planning Commission Regular Meeting

Wednesday, August 17, 2022 at 6:30 PM

Cowles Council Chambers and Via Zoom Webinar

<https://cityofhomer.zoom.us/j/97988160903?pwd=c21jOUhwaXVOZWtqbktqTFR5S3lVUT09>

Webinar ID: 979 8816 0903 Password: 976062

Dial: 1 669 900 6833 or 1 253 215 8782 Toll Free 1 877 853 5247 or 1 888 788 0099

CALL TO ORDER, 6:30 P.M.

AGENDA APPROVAL

PUBLIC COMMENTS The public may speak to the Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

RECONSIDERATION

CONSENT AGENDA All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda.

- [A.](#) Unapproved Regular Meeting Minutes for July 20, 2022
- [B.](#) Unapproved Regular Meeting Minutes for August 3, 2022
- [C.](#) Staff Report 22-51 Utility Easement Vacation Request Lot 2-A-1 Scenic View Subd. Scenic Grove And. No. 1 HM 2013-43

PRESENTATIONS / VISITORS

REPORTS

- [A.](#) Staff Report 22-51, City Planner's Report

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

- [A.](#) Memorandum from Special Projects & Communications Coordinator re: Draft City of Homer 2023-2028 Capital Improvement Plan & Legislative Requests

- [B.](#) Staff Report 22-53, Review of Conditional Uses and Structures

NEW BUSINESS

- [A.](#) Staff Report 22-54, Review of Ordinance 22-42, Sidewalks

INFORMATIONAL MATERIALS

- [A.](#) City Manager's Report for the August 8, 2022 Council Meeting
- [B.](#) Planning Commission Calendar 2022

COMMENTS OF THE AUDIENCE Members of the audience may address the Commission on any subject. (3 min limit)

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

ADJOURNMENT

Next Regular Meeting is **Wednesday, September 7, 2022, at 6:30 p.m.** A worksession is scheduled for 5:30 p.m. prior to the regular meeting. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission

Session 22-10, a Regular Meeting of the Planning Commission was called to order by Vice Chair Roberta Highland at 6:30 p.m. on July 20, 2022 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONERS BARNWELL, CHIAPPONE, CONLEY, HIGHLAND, VENUTI

ABSENT: COMMISSIONER SMITH (EXCUSED)

CONSULTING

MEMBERS: MAYOR CASTNER, PUBLIC WORKS DIRECTOR/CITY ENGINEER KEISER

STAFF: CITY PLANNER ABBOD
CITY CLERK JACOBSEN

AGENDA APPROVAL

VENUTI/BARNWELL MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

- A. Planning Commission Regular Meeting Minutes of June 1, 2022
- B. Preliminary Plat Time Extension Request for Jack Gist Subdivision No. 3

VENUTI/CONLEY MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PRESENTATIONS / VISITORS

STAFF & COUNCIL REPORT/COMMITTEE REPORTS

- A. Staff Report 22-42, City Planner's Report

City Planner Abboud reviewed his written report that was included in the packet and answered questions from the Commission.

PUBLIC HEARINGS

- A. Staff Report 22-43, a Request for Conditional Use Permit 22-04 to Replace Underground Petroleum Tanks with above ground tanks at 843 Fish Dock Rd.

City Planner Abboud reviewed his staff report that was included in the agenda packet, and noted the laydown material from Environmental Management, Inc. regarding the statement of work for this project.

Russell Cooper, applicant representative, reiterated the need for the project as the 220,000 gallon tanks are aging and for insurance and environmental reasons they need to come out of the ground. They are being replaced with 12,000 gallon tanks, which is the maximum size tank allowed, and there will be three tanks. He explained the layout of the tanks and steps that will be taken regarding tank specifications and developing the location related to spill containment.

Vice Chair Highland opened the public hearing. There were no comments and the hearing was closed.

Mr. Cooper responded to questions from the Commission. He explained their plan for providing service to customers during the 30 to 45 days the work is being done, and addressed the changes in capacity that will be lower because of the new regulations regarding the tanks.

VENUTI/BARNWELL MOVED TO ADOPT STAFF REPORT 22-43 AND RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT 2022-04 TO REPLACE UNDERGROUND PETROLEUM TANKS WITH ABOVE GROUND TANKS WITH FINDINGS 1-10 AND THE FOLLOWING CONDITIONS:

1. INSTALL GREEN SLATS IN FENCING SURROUNDING THE FACILITY
2. OUTDOOR LIGHTING MUST BE DOWN LIT PER HCC 21.59.030

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

NEW BUSINESS

- A. Memorandum from Public Works Director re: Update Water/Sewer Design Criteria Manual and Standard Construction Specifications

Public Works Director Jan Keiser reviewed the work done on the updates to the Water/Sewer Design Criteria Manual and the Standard Construction Specifications and answered questions

from Commissioners related to terminology in the Water/Sewer Design Criteria Manual and cost for the work done.

BARNWELL/VENUTI MOVED THAT THE UPDATED DESIGN CRITERIA MANUAL WILL BE VERY HELPFUL FOR THE FOR THE PLANNING COMMISSION, FOR THE CITY COUNCIL, FOR GOVERNMENT AGENCIES AND ENGINEERING INDUSTRY IN GENERAL. WE FULLY SUPPORT THE WATER/SEWER DESIGN CRITERIA MANUAL AND STANDARD CONSTRUCTION SPECIFICATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 22-44, Review of Conditional Uses and Structures

The Planning Commission continued their worksession review and discussion of Staff Report 22-44, Conditional Uses and Structures, picking back up at Rural Residential Zoning and working down through the General Commercial Districts. Up to that point Commissioners were generally in agreement with the changes proposed by staff in the staff report. It was suggested the Port and Harbor Advisory Commission review the marine districts and provide their recommendations back to the Planning Commission, and that they pick this back up at their next meeting.

No formal actions were taken.

INFORMATIONAL MATERIALS

A. City Manager's Reports for June 13, 2022 & June 27, 2022

B. Planning Commission 2022 Annual Calendar

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

City Planner Abboud had no comments.

City Clerk Jacobsen noted the Mayor had to leave when the Commission took their short recess, but he said he appreciates all that the Commission is doing.

COMMENTS OF THE COMMISSION

Commissioner Chiaponne said it was a good meeting and thanked the Commission for their work.

Commissioner Barnwell commented that it was a good meeting with good discussion. He thanked staff for all they do.

Commissioner Conley agreed it was a good and productive meeting and thanked everyone for their hard work.

Commissioner Venuti thanked City Planner Abboud for all his work on this and shared that he's honored to be re-appointed to the Borough Planning Commission.

Commissioner Highland asked if there had been any applications for the vacant seat. City Clerk Jacobsen shared that Mike Stark applied and is scheduled to be appointed at the next City Council Meeting.

ADJOURN

There being no further business before the Commission, the meeting was adjourned at 9:19 p.m. The next Regular Meeting is Wednesday, August 3, 2022 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom webinar.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

Approved: _____

Session 22-11, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on August 3, 2022 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONERS VENUTI, SMITH, CHIAPPONE, HIGHLAND AND STARK

ABSENT: COMMISSIONERS CONLEY AND BARNWELL (EXCUSED)

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK KRAUSE
SPECIAL PROJECTS & COMMUNICATIONS CORRINATOR CARROLL

The Planning Commission met at 5:30 p.m. for a presentation and worksession on the Draft 2023 – 2028 Capital Improvement Plan and 2024 Legislative Requests prior to the regular meeting with Special Projects & Communications Coordinator Carroll who facilitated the discussion and responded to questions by the Commission on the process of selection and recommendation of projects to City Council to be included in the revised document.

AGENDA APPROVAL

HIGHLAND/VENUTI MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

Jason Davis, city resident and Council member, commented on the introduction of Ordinance 22-42 regarding revisions to Homer City Code to require sidewalks be constructed in new subdivisions and roads. He noted that this ordinance was referred to the Planning Commission and the Parks, Art Recreation & Culture Advisory Commission for their input and they should be seeing it at their next meeting before coming back to the City Council for their September 26, 2022 Public Hearing and Second Reading.

RECONSIDERATION

CONSENT AGENDA

A. Decisions and Findings for Conditional Use Permit 22-04 at 843 Fish Dock Road

Chair Smith introduced the item and requested a motion.

HIGHLAND/VENUTI MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS / VISITORS

- A. Memorandum from Jenny Carroll, Special Projects & Communications Coordinator

Deputy City Clerk Krause provided guidance on this item at the request of the Chair. She noted that when the agenda was prepared by the Planning Department this topic was inadvertently listed under Presentations/Visitors and not New Business. It is the reason that this topic will be on the next meeting agenda for the Commission to take action.

STAFF & COUNCIL REPORT/COMMITTEE REPORTS

- A. Staff Report 22-45, City Planner's Report

City Planner Abboud provided a summary of Staff Report 22-45. He noted the following:

- Ordinances approved by City Council at the July 25th regular meeting
- New permitting software status update

City Planner Abboud facilitated questions and answered the following:

- status of asbuilts for completed projects

City Planner Abboud requested volunteers to make the report to City Council.

Chair Smith volunteered for the August 8th meeting. He then spoke at length explaining for Commissioner Stark what was involved in reporting at the Council meetings, noting that he always writes a summary report to submit and would be more than happy to provide a copy for him to assist in making the report.

PUBLIC HEARINGS

PLAT CONSIDERATION

- A. Staff Report 22-46, Lloyd Race Lot 4 Replat Preliminary Plat

Chair Smith introduced the item by reading of the title and invited City Planner Abboud to provide his report to the Commission.

City Planner Abboud provided a summary of Staff Report 22-46. he clarified that there would be no impact to the Public Works Department regarding the utility easement.

The Clerk confirmed for the Chair that there was no applicant present.

Chair Smith opened the public comment period. He confirmed with the Clerk that there was no public in attendance via Zoom wanting to comment and noted for the record that there was no public present in Council Chambers. He then closed the public comment period.

There were no questions or comments from the Commission for the City Planner in response to a request by the Chair, who then requested a motion from the Commission.

HIGHLAND/VENUTI - MOVED TO ADOPT STAFF REPORT 22-46 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. INCLUDE A PLAT NOTE STATING PROPERTY OWNER SHOULD CONTACT THE ARMY CORP OF ENGINEERS PRIOR TO ANY ONSITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST

CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.

2. DEDICATE A 15 FOOT UTILITY EASEMENT ADJACENT TO MISSION ROAD

3. DEDICATE A 30 FOOT DRAINAGE EASEMENT CENTERED ON THE DRAINAGE.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff report 22-47, Hamm Subdivision Preliminary Plat

Chair Smith introduced the item by reading the title and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-47. He noted the items that were included in the laydown materials and stated that a motion should contain a third condition regarding adding a 15 foot drainage and utility easement on the western lot line.

The Clerk confirmed for the Chair that there was no applicant present.

Chair Smith opened the floor to the Commission for questions.

City Planner Abboud provided clarification on the Borough requirement for cul-de-sacs and explained the reasoning behind the exception to KPB 20.30.100

Chair Smith hearing no further questions from the Commission requested a motion.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 22-47 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. INCLUDE A PLAT NOTE STATING PROPERTY OWNER SHOULD CONTACT THE ARMY CORP OF ENGINEERS PRIOR TO ANY ONSITE DEVELOPMENT OR CONSTRUCTION ACTIVITIY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.

2. THE CITY OF HOMER DOES NOT REQUEST THE DEDICATION OF COLLIE STREET OTHER THAN WHAT IS DEPICTED ON THE PLAT AND RECOMMENDS AN EXCEPTION TO KPB 20.30.100, CUL DE SACS.

3. ADD A 15 FOOT DRAINAGE AND UTILITY EASEMENT ON THE WESTERN LOT LINE.

There was no discussion

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report 22-48, Review of Conditional Uses and Structures

Chair Smith introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 22-48 for the Commission. He noted the status of the discussion from the previous meeting and facilitated discussion on the following points:

- making motions to effect the changes the Commission would like to make
- preference to waiting to make motions when there is a full commission present
- addressing pipelines and railroads as separate entities requiring different applications because while similar there are specific items for each
- Why the Commission is reviewing and considering changes to City Code regarding CUP's and the CUP process bring actions before the public, in the form of a Public Hearing, which if conditions are deleted the public would have no opportunity to express that they have concerns regarding those types of projects but then the CUP process does apply restrictions or possibly what could be determined as an unnecessary burden on the owner to go through; example was provided of more than one dwelling in the rural residential district
 - o refer to page 107 of the packet under Staff
- Preference to establish or use worksessions or special worksessions to discuss these issues
- Requesting motions from each Commissioner regarding their suggested amendments to be submitted to the Clerk and included in the packet for the next meeting. This would allow each Commissioner the opportunity to consider the motion.

Chair Smith volunteered to work with Commissioner Highland regarding her motions after the meeting when she expressed concerns on drafting the content of the motions.

There was no further discussion and it was noted that this item would be on the next meetings' agenda again by City Planner Abboud when he confirmed that he had enough information to continue.

NEW BUSINESS

A. Memorandum from Deputy City Clerk Re: Election of Officers

Chair Smith introduced the item and deferred to Deputy City Clerk Krause.

Deputy City Clerk Krause reviewed the memorandum provided in the packet.

Chair Smith requested a motion on the voting method.

VENUTI/HIGHLAND MOVED TO HAVE THE COMMISSION USE THE VOICE VOTE METHOD.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith opened the floor to nominations for the office of Vice Chair.

Commissioner Venuti inquired if Commissioner Highland would fulfill the office of Vice Chair if she was nominated.

Commissioner Highland expressed that she would but would also appreciate it if another Commissioner would take on the role.

Commissioner Venuti nominated Commissioner Highland for Vice Chair.

Commissioner Chiappone seconded the motion acknowledging that a second was not needed for the nomination.

Chair Smith confirmed that there were no further nominations for the office of Vice Chair and called for the vote.

Deputy City Clerk Krause performed a roll call vote. She stated for the record that there were five votes in support of Commissioner Highland being re-elected to the office of Vice Chair.

Chair Smith turned the meeting over to the newly re-elected Vice Chair Highland.

Vice Chair Highland called for nominations of the Office of Chair. She then requested clarifications from the Clerk if she was permitted to make a nomination for the office of chair.

Deputy City Clerk Krause confirmed that Commissioner Highland was a member of the Commission and allowed to make nominations.

Vice Chair Highland nominated Commissioner Smith to the office of chair.

Commissioner Smith confirmed he would accept the nomination of Chair.

Commissioner Chiappone seconded the nomination.

Seeing that there were no further nominations Vice Chair Highland called for the vote.

Deputy City Clerk Krause confirmed with the Commission that there were no further nominations for the office of Chair and performed a roll call vote. She then confirmed that there were five votes to re-elect Commissioner Smith to the Office of Chair and congratulated those Commissioners re-elected to their offices.

Vice Chair Highland turned the meeting over to newly re-elected Chair Smith.

INFORMATIONAL MATERIALS

- A. City Manager's Report for July 25, 2022
- B. Memo 22-120 & Back up items, Appointment of Mike Stark to Planning Commission
- C. Planning Commission Calendar 2022

Chair Smith noted the informational materials provided, welcomed new Commissioner Stark and questioned if City Planner Abboud had any comments related to the Planning Commission Calendar.

City Planner Abboud noted that Commissioner Highland commented previously about performing some visioning exercises but they do not have time for that but he will try to sneak some concepts and items worthy of the commission's time at least to outline what is coming up and be prepared.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

Deputy City Clerk Krause expressed her appreciation for a shorter meeting than expected and belief that it was a productive meeting.

COMMENTS OF THE COMMISSION

Commissioner Stark requested clarification from the Commission on how or what process did the Commissioner's select their projects to recommend for inclusion in the CIP.

Discussion ensued with the Commissioners present on how and what projects they considered to support and include in their recommendations for various projects to be included in the Commission recommendation to City Council regarding the CIP and legislative requests.

Commissioner Highland noted that there is more to keep people here other than tourism or fishing and listed off schools, hospital, city businesses and many don't require college education. She expressed her appreciation and welcome to Commissioner Stark for joining the Planning Commission and looks forward to working with him. There are pretty exciting times right now and it is scary with the population growth. She noted that Commissioner Stark may be able to assist in the visioning and how to fix what is wrong and dealing with the tricky aspect such as infill for the infrastructure, bluffs, the ocean and wetlands.

Commissioner Chiappone expressed his appreciation for Commissioner Stark's skills and experience in local government and while they were sad to lose the previous Commissioner's experience, he is glad to see that Mike will be able to understand the language that is used and looks forward to working with him.

Commissioner Venuti expressed that when he read that Commissioner Stark worked in Colorado it brought memories of fantastic skiing back for him and welcomed him to the Commission.

Commissioner Stark expressed his appreciation for the warm welcome and noted a welcome card he received from Caroline Venuti. He was recommended by Jan Keiser to speak to the Mayor about being appointed to the Commission. He then related how he came to live in Homer and really looks forward to working with them.

Chair Smith expressed his appreciation to have a shorter meeting, great conversations, supporting the City Planner and staff as much as possible to lighten their load, because he knows that they are getting hit from every direction possible with work, work, work, work and then people get sick or leave or go on vacation that all comes back on the City Planner so anything we can do to help, please let us know. Chair Smith then apologized for missing the last meeting stating he just did not plan correctly and extended his appreciation to Commissioner Highland for stepping right up to the plate.

Commissioner Highland suggested that Commissioner Stark and Smith listen to the meeting recording so that they can be aware of what the Commission did at the July 20th meeting. It is really helpful to be able to listen to the previous meetings when the minutes are not available.

ADJOURN

There being no further business before the Commission, the meeting was adjourned at 8:25 p.m. The next Regular Meeting is Wednesday, August 17, 2022 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom webinar.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

Approved: _____



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

Staff Report PL 22-51

TO: Homer Planning Commission
THROUGH: Rick Abboud, AICP, City Planner
FROM: Travis Brown, Planning Technician
DATE: August 11, 2022
SUBJECT: Vacation of a utility easement on Lot 2-A-1 Scenic View Subd. Scenic Grove Addn. No. 1, HM 2013-43

Requested action: Recommend approval of the utility easement vacation.

Analysis

The applicant requests the vacation of a portion of a 15 foot wide utility easement that runs along the east boundary of the property at 2161 East End Rd. The portion requested is 112.2 feet long by 3 feet wide and is located as depicted in the attached drawing.

Planning Staff Comments: No objection to the vacation.

Public Works Comments: No objection to the vacation (see attached letter).

Staff Recommendation

Recommend approval of vacation of the portion of the utility easement that is described and depicted in the attached utility schematic dated May 25, 2022.

Attachments

Petition

Utility Schematic

Comments of Utilities



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

PETITION FOR ALTERATION TO PLATTED UTILITY EASEMENT

PUBLIC HEARING REQUIRED

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the Planning Commission hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of a complete application.

SUBMITTAL REQUIREMENTS

A utility easement alteration application will be scheduled for the next available planning commission meeting after a complete application has been received.

- ☒ non-refundable fee to help defray costs of advertising public hearing.
- ☐ Utility easement requested to be altered was granted by subdivision plat, filed as Plat No. _____ in _____ Recording District. **OR**
- ☒ Comments from _____ Electric Association attached.
- ☒ Comments from _____ Gas Company attached.
- ☒ Comments from _____ Telephone Company attached.
- ☒ Comments from _____ Cable Company attached.
- ☐ Comments from KPB Roads Department attached.
- ☐ Comments from City Advisory Planning Commission (if located within a city). Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- ☒ 1 copy of the plat or map showing the utility easement to be altered. Must not exceed 11 x 17 inches in size. Area to be altered shall be marked clearly with cross hatching or other identifiable markings.
- ☒ If an existing improvement is encroaching into the easement, an As-Built drawing depicting the encroachment must be attached.
- ☐ Yes ☒ No Is the utility easement in use by any utility company? If yes, which utility?

☒ **REASON FOR ALTERATION** The petitioner must attach a statement with reasonable justification for the alteration utility easement.

Alteration of utility easement will be finalized by ☐ resolution ☐ plat

LEGAL DESCRIPTION OF PARCEL CONTAINING THE UTILITY EASEMENT TO BE ALTERED:

T6S R13W Sec 15 SEW MER 44 2013043 Xenia View Sub Gove Addn No 1 Lot 2-A-1 ^{Replat}	
Section, township, range	SEC 15 HM
City (if applicable)	Homer
General area	2161 East End rd.

Owners of the parcel affected by the platted utility easement must sign the petition. Each petitioner must include address and legal description of his/her property. Attach additional signature sheets if needed.

Submitted by: <input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Representative	
Name (printed): Bill Hand	Signature: Bill Hand
e-mail: billghand@hotmail.com	Address: Po Box 3129, Homer AK 99603
Owner of:	

Petitioners:	
Name (printed): Thomas Blaine	Signature: Thomas Blaine
e-mail: blaineenterprises@yahoo.com	Address: 53775 E End Rd Homer, AK 99603
Owner of:	

Petitioners:	
Name (printed):	Signature
e-mail:	Address:
Owner of:	

FOR OFFICE USE ONLY

RECEIVED BY _____

DATE 14 ED _____

KPB FILE # _____

RECEIVED

JUL 26 2022

CITY OF HOMER
PLANNING/ZONING

Reason for Alteration

Bill Hand
Two Hands Construction
Po box 3129 Homer, AK 99603

Hello,

I purchased the property at 2161 East End Rd (where the 18 homes are being built) and the drawing that came with the sale was not the same as the Kenai borough drawing. The borough drawing has an 8 ft pedestrian easement and a 15-foot utility easement for a total of 23 ft. I assumed there was just a 15-foot utility easement, and I put my buildings back an extra 6 foot from the 15-foot utility easement (I thought), but unfortunately, I am still 2 feet into the utility easement. Both easements total to 23 feet and I currently have a structure approximately 2 feet into the utility corridor portion of the easement. I met with the City of Homer, City of Homer Planning, and Bishop Engineering; the group suggested that I try to vacate 3 feet of the 15-foot utility easement. Kenton Bloom at Seabright Survey has made a drawing included, that shows the proposed vacation of a 3 foot by 113-foot part of the utility easement.

To complete this task, I needed to have a letter from all the utilities stating that is ok with them to vacate the 3-foot section of the easement. I have completed the previous items and I am asking that this utility easement vacation be approved. I am embarrassed by my mistake and apologize for my error in planning. So, I am coming to you today, hat in hand, hoping that this would be an option to correct my mistake?

Thank you!

Bill Hand, E.I.T., C.E.
Two Hands Construction
907-299-1853
billghand@hotmail.com

RECEIVED

JUL 26 2022

**CITY OF HOMER
PLANNING/ZONING**

JUL 26 2022

CITY OF HOMER
PLANNING/ZONING

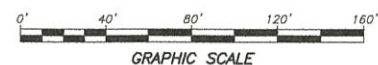
LOT 2-A-1 SCENIC VIEW SUBD.
SCENIC GROVE ADDN. NO. 1 (HM 2013-43)

SEABRIGHT SURVEY + DESIGN
KENTON T. BLOOM, P.L.S.
1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1091

DATE: 5/25/2022

SCALE: 1"=40'

SHEET #1 OF 1



UTILITY EASEMENT TO BE VACATED
TOTAL LENGTH OF 112.2' BY A WIDTH OF 3'

292.2' = THE DISTANCE FROM SE LOT CORNER ALONG
ROW TO THE SOUTHERLY LIMIT OF VACATED EASEMENT



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907-235-3170

(f) 907-235-3145

July 15, 2022

Bill Hand
P.O. Box 3129
Homer, Alaska 99603

Letter of Non-Objection

**RE: Lot 2-A-1 Scenic View Sub, Scenic Grove Addn. No. 1 2013 Replat
KPB Parcel # 179-240-36**

Mr. Hand,

The City of Homer has no objection to the vacation of a portion of the 15' utility easement, described as a total length of 112.2 feet by a width of 3 feet. The vacated portion is 292.2 feet from the SE lot corner along the ROW to the southerly limit of the vacated easement, as depicted on:

Utility Schematic, Lot 2-A-1 Scenic View Subd. Scenic Grove Addn. No. 1 (HM 2012-43).

RECEIVED

JUL 26 2022

**CITY OF HOMER
PLANNING/ZONING**

Sincerely,

CITY OF HOMER

Jean Hughes
Public Works, Inspector
907-435-3129
Jhughes@ci.homer.us.us



ENSTAR Natural Gas Company
A DIVISION OF SEMCO ENERGY
Engineering Department, Right of Way Section
401 E. International Airport Road
P. O. Box 190288
Anchorage, Alaska 99519-0288
(907) 277-5551
FAX (907) 334-7798

July 14, 2022

Kenai Peninsula Borough, Platting Division
144 North Binkley Street
Soldotna, Ak 99669

To whom it may concern:

ENSTAR Natural Gas Company has reviewed the following 112.2ft by 3ft utility easement vacation request, located within a 15ft wide utility easement on the easterly boundary of Lot 2-A-1 and has no comments or recommendations.

If you have any questions, please feel free to contact me at 334-7944 or by email at james.christopher@enstarnaturalgas.com.

Sincerely,

James Christopher

James Christopher
Right of Way & Compliance Technician
ENSTAR Natural Gas Company

RECEIVED

JUL 26 2022

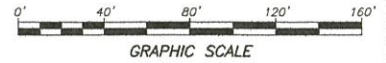
**CITY OF HOMER
PLANNING/ZONING**

RECEIVED

JUL 26 2022

CITY OF HOMER PLANNING/ZONING

UTILITY SCHEMATIC		
LOT 2-A-1 SCENIC VIEW SUBD. SCENIC GROVE ADDN. NO. 1 (HM 2013-43)		
SEABRIGHT SURVEY + DESIGN KENTON T. BLOOM, P.L.S. 1044 EAST ROAD, SUITE A HOMER, ALASKA 99603 (907) 299-1091		
DATE: 5/25/2022	SCALE: 1"=40'	SHEET #1 OF 1



HEA REVIEWED - SEE COMMENTS

Scott Huff
Scott Huff
Land Management Officer

By shuff at 11:53:00 AM, 7/14/2022

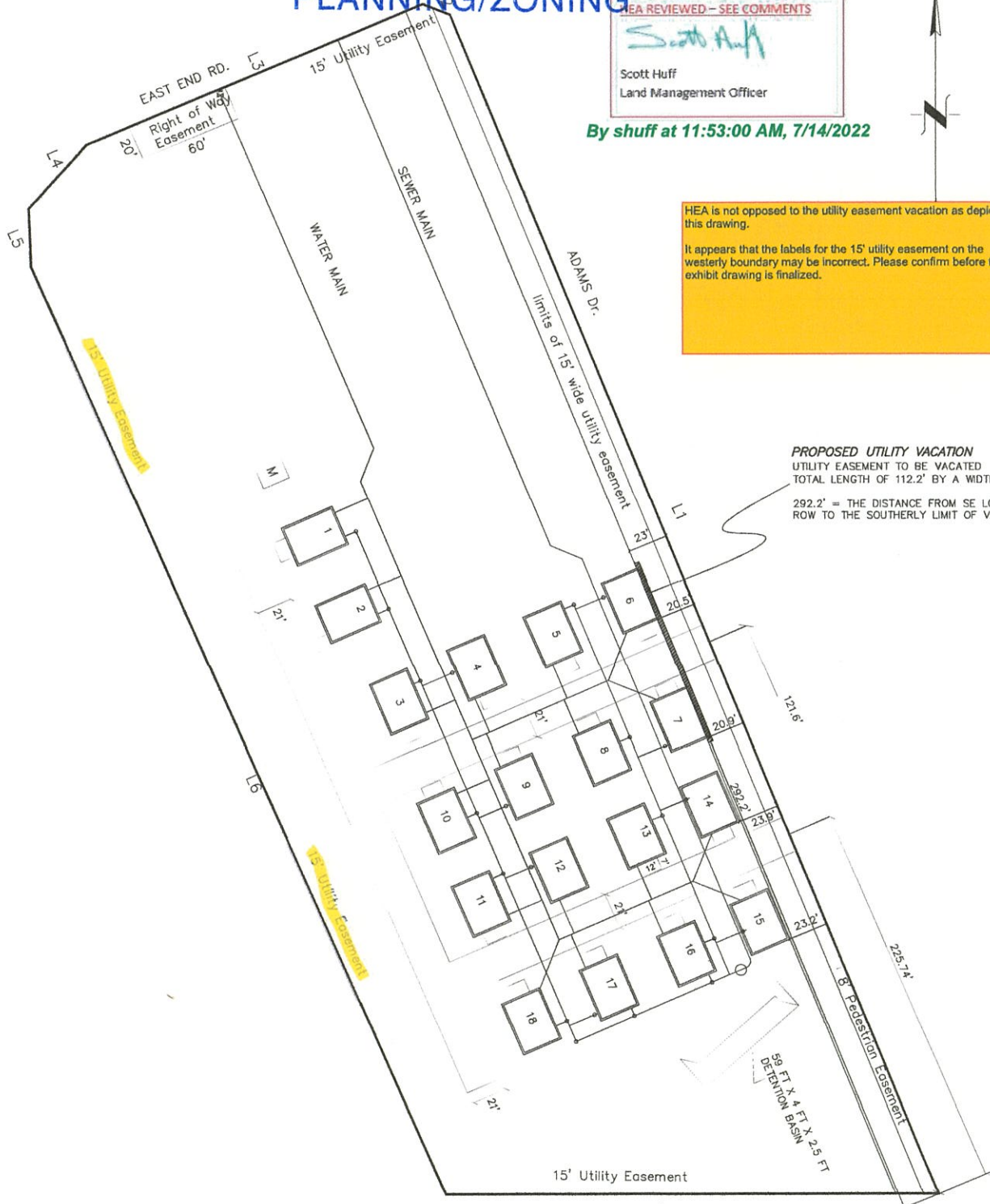
HEA is not opposed to the utility easement vacation as depicted on this drawing.

It appears that the labels for the 15' utility easement on the westerly boundary may be incorrect. Please confirm before the exhibit drawing is finalized.

PROPOSED UTILITY VACATION

UTILITY EASEMENT TO BE VACATED
TOTAL LENGTH OF 112.2' BY A WIDTH OF 3'

292.2' = THE DISTANCE FROM SE LOT CORNER ALONG ROW TO THE SOUTHERLY LIMIT OF VACATED EASEMENT

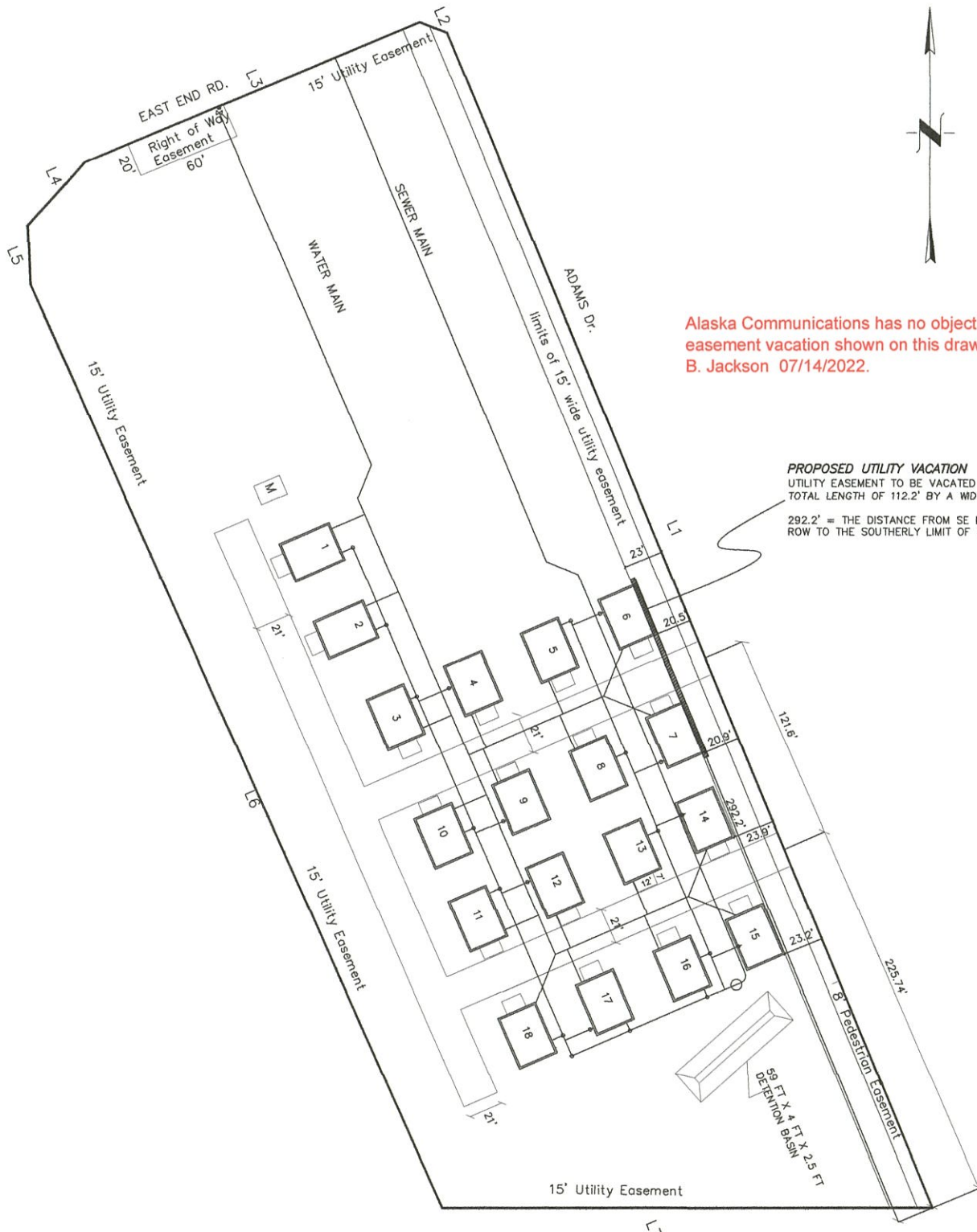
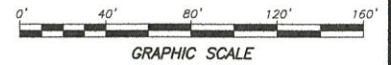


RECEIVED

JUL 26 2022

CITY OF HOMER PLANNING/ZONING

UTILITY SCHEMATIC LOT 2-A-1 SCENIC VIEW SUBD. SCENIC GROVE ADDN. NO. 1 (HM 2013-43)		
SEABRIGHT SURVEY + DESIGN KENTON T. BLOOM, P.L.S. 1044 EAST ROAD, SUITE A HOMER, ALASKA 99603 (907) 299-1091		
DATE: 5/25/2022	SCALE: 1"=40'	SHEET #1 OF 1



Alaska Communications has no objections to the
easement vacation shown on this drawing.
B. Jackson 07/14/2022.

PROPOSED UTILITY VACATION
UTILITY EASEMENT TO BE VACATED
TOTAL LENGTH OF 112.2' BY A WIDTH OF 3'
292.2' = THE DISTANCE FROM SE LOT CORNER ALONG
ROW TO THE SOUTHERLY LIMIT OF VACATED EASEMENT



RECEIVED

JUL 26 2022

CITY OF HOMER
PLANNING/ZONING

July 21, 2022

Bill Hand
2161 East End Rd
Homer, AK 99603

To whom it may concern,

Subject to your agreement to indemnify the company as set forth below, GCI Communication Corp has no objection to the two buildings encroachment into existing 15' utility easement of SCENIC VIEW SUBDIVISION SCENIC GROVE ADDITION NO 1 2013 REPLAT LOT 2-A-1 of Section 15, T6S, R13W SEWARD MERIDIAN also known as 2161 EAST END RD, city grid HOM4952, GCI WO# 22-0980-31.

This letter of non-objection in no way precludes GCI Communication Corp from full use and enjoyment of any rights it may have within any portion of the utility easement and or the right-of-way, including unlimited access for servicing its facilities. Also, any additional and extraordinary costs incurred during any future required construction, repair, or reconstruction of GCI's facilities to accommodate any or all the encroachments shall be paid by the property owner.

By signing below, you agree to indemnify and hold GCI Communication Corp harmless, now, and forever, for any damage, costs, expense (including reasonable attorney's fees), liabilities and injury to any person or property occurring as a result of the encroachment.

Please indicate your acceptance by signing and returning this letter to me at the address below.

Sincerely,

DocuSigned by:
A handwritten signature in black ink that reads "Alex Slavens".
3ABAE7D18E7E43A

ALEX SLAVENS

GCI | OSP Design Data Management Delivery Engineering
907-868-1049

A handwritten signature in black ink that reads "Bill Hand".
Signature
7/22/2022
Date



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

Staff Report PI 22-52

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: August 17, 2022
SUBJECT: City Planner's Report

8.8.22 City Council

Regular Meeting

Ordinance 22-45, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$126,917 from the Homer Education and Recreation Complex (HERC) Capital Asset Repair and Maintenance Allowance (CARMA) Fund and \$26,083 from the General Fund CARMA Fund to Demolish the Smaller Old School Building known as HERC 2. Mayor. Recommended dates Introduction August 8, 2022 Public Hearing and Second Reading August 22, 2022. Memorandum 22-132 from Economic Development Manager as backup.

Resolution 22-062, A Resolution of the City Council of Homer, Alaska Awarding a Contract to Arno Construction in the Not to Exceed Amount of \$60,868 for the Construction of the West Fairview Avenue (Eric Lane) Path and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager Recommend adoption. Memorandum 22-136 from Public Works Director as backup. ADOPTED without discussion.

Ordinance 22-38, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget and Appropriating \$185,368 from the Homer Accelerated Roads and Trails Fund for the Master Transportation Plan Update. City Manager/Public Works Director. Recommended Dates Introduction July 25, 2022, Public Hearing and Second Reading August 8, 2022.

Memorandum 22-124 from Public Works Director as backup.

Three people testified. ADOPTED with discussion.

Ordinance 22-40, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 11 by Adding Chapter 11.37 Prohibiting Obstructions and Encroachments in City Rights-of-Way and Easements. City Manager/Public Works Director. Recommended Dates Introduction July 25, 2022, Public Hearing and Second Reading August 8, 2022.

Memorandum 22-126 from Public Works Director as backup.

One person testified. ADOPTED with discussion.

Ordinance 22-41, An Ordinance of the City Council of Homer, Alaska Accepting the Vacation and Dedication of Parklands on Spruceview Avenue. City Manager/City Planner. Recommended Dates Introduction July 25, 2022, Public Hearing and Second Reading August 8, 2022.

Memorandum 22-127 from City Planner as backup.

No public comments. ADOPTED without discussion.

Permitting Software

Still working on it. Have to reschedule training until parcel and data transfer issues are resolved and IT is available to transfer data.

Transportation Plan

The City Manager and City Engineer are putting together a proposal for an update to the transportation plan. I will update as more information becomes available. See Ordinance 22-38, above.

Grading Ordinance

Ryan Foster our new Special Projects Coordinator is working on a draft grading ordinance. We are thinking it may supplement our current regulations. It will become before the Commission when it is further along.

Economic Development Advisory Commission – Does not meet until 8/23.

Commissioner Report to Council

8/22/22 Mike Stark
9/12/22 _____



City of Homer

www.cityofhomer-ak.gov

Administration
491 East Pioneer Avenue
Homer, Alaska 99603
(p) 907-235-8121 x2222
(f) 907-235-3148

Memorandum

TO: Homer Planning Commission
FROM: Jenny Carroll, Special Projects and Communications Coordinator
DATE: August 9, 2022
SUBJECT: 2023-2028 Draft CIP

- I. **Issue:** During the Commission's review of the draft CIP at an August 3, 2022 worksession, the Commission pointed out that the Large Vessel Harbor Expansion project budget section did not correctly display the total project cost.
- II. **Correction:** Per your request, I have attached to this Memorandum an updated project description, showing the total project cost with sub-sections for the cost of the General Investigation and construction cost estimate.

Please note that the draft project description is written as if the Federal funding for the General Investigation is secured. The City will not actually know if Federal Funds are secure until the Federal FY23 budget is approved, hopefully by the end of the calendar year.

The construction cost is an estimate only. We will not know the total construction costs until we progress through the General Investigation to determine the preferred design alternative. However, additional Federal and State funding will be necessary for construction, so estimated amounts are included in the project description.

Construction phases include the Final Engineering/Design phase (with costs shared 75% Federal, 25% local) followed by construction with costs (shared at 65% Federal, 35% local). Bear in mind, the construction cost is truly an estimate just to get a ballpark figure.

I look forward to getting your ranked Legislative Priority project recommendations to share with City Council.



1. Port of Homer: New Large Vessel Harbor

FY 2024 - DRAFT Document

Project Description & Benefit: This project will construct a new multi-modal large vessel harbor to the north of Homer's existing Port and Harbor. The new large vessel port will support economic development in Alaska by meeting demands of the marine industrial transportation sector and creating jobs. It also addresses navigational safety hazards and advances national security interests by accommodating the layover and repair needs of US Coast Guard ships deployed under the Arctic Security mission.

- Currently, large vessels are moored at System 4 and System 5 transient floats in Homer's Small Boat Harbor. Due to shortage of moorage space, large vessels are rafted two and three abreast constricting passage lanes, creating navigational hazards and overstressing the harbor float system.
- The new facility will fill the unmet mooring needs of 60-100 large vessels that would home port in Alaska, but have been turned away due to their overall size, draft, or that we simply lack the space. These large vessels work in the commercial fishing, oil and gas, research, marine transportation and cargo industries. Port expansion will capture an estimated \$3.5 million in economic activity Alaska loses annually due to lack of moorage space and create Alaskan jobs by an estimated \$2.75 annually. Over a 50-year period, the cost to Alaska's economy of doing nothing carries a present day value of \$93 million.
- The project will also meet the US Coast Guard's long-term mooring needs for the Arctic Security and Search & Rescue missions. The large vessel harbor will be built to USCG specifications for layover and repair of fast cutters and other assets deployed to the Arctic.

Centrally located in the Gulf of Alaska, Homer's Port & Harbor is the region's only ice-free gateway to Cook Inlet, the port of refuge for large vessels transiting the Gulf of Alaska, Cook Inlet, and Kennedy Entrance, and is the marine industrial and transportation system hub for central and Western Alaska.

Plans & Progress: The City, State of Alaska DOT, and Army Corps of Engineers (USACE) partnered on a feasibility study in 2007, which was put on hold because preliminary results indicated the project's Benefit to Cost ratio would be non-competitive for Federal funding. High demand and favorable changes in cost drivers since then prompted the City and USACE to reexamine feasibility utilizing a Section 22 Planning Assistance to States Program grant in 2019. Positive results led the USACE to recommend resuming work on the General Investigation (GI).

Federal funds for the GI have been secured through an FY23 appropriation and the City and State of Alaska have committed the 50% local match required to initiate the three-year study. The GI is scheduled to begin in Federal FY23.

Total Project Cost:	\$153,000,000
General Investigation:	\$ 3,000,000 (Federal funds and local match completed FY23)
Construction Estimate:	\$150,000,000
FY2024 Federal Request:	\$ 97,500,000
FY2024 State Request:	\$ 32,500,000
City of Homer:	\$ 20,000,000



Port expansion adds a new basin with its own entrance adjacent to the existing Small Boat Harbor. It will relieve large vessel congestion in the small boat harbor and will provide secure moorage compatible with the USCG's assets.





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

Staff Report PL 22-53

TO: HOMER PLANNING COMMISSION
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: AUGUST 17, 2022
SUBJECT: CUP REDUCTION

Introduction

Again, I am recycling last week's staff report. At the last meeting of the Commission it was moved that we wait until this meeting to review the CUP recommendations with a full Commission. Additionally, Commissioner Highland wanted to bring up a more comprehensive review of uses in all districts. After conversation it was apparent that the suggested discussion was much larger than the conversation about routine CUP's and the concept of an allowance for these to become permitted uses.

The proposed discussion would take a good amount of research and preparation on my part and the suggestions were not submitted prior to the meeting deadline. It would be likely that we could be working on the matter for quite some time and we would not forward the concepts that are nearly ready now for some time. I do believe that a larger conversation would have merit, although it could be best addressed in the revision of the comprehensive plan in order to set forth community expectations and allow for greater community participation. I also found it to be very challenging to have the conversation of uses in the Rural Residential District, where elimination would create many nonconformities, until we made an effort to rezone. We have a significant area noted in the Land Use Recommendation Map to rezone from Rural to Urban, this would change the landscape of the discussion and allow to better segregate a truly rural zone for which to apply standards. We also need to reconsider our policy regarding density allowance related to the provision of water and sewer which turns rural areas more urban without rezoning.

In light of the above considerations, I am requesting that we finish our conversation and limit the subject matter to considerations regarding frequently requested CUP uses that are routinely approved with few if any special conditions.

I have amended the original staff report with a section, "8.3.22". This contains my understanding of where the Commission's interest was to the suggested revisions at the last meeting. Please review these and make any additional recommendations. After this I will craft

an ordinance for review and schedule a review of the Marine District with the Port and Harbor Commission.

In an effort to be more efficient with the use of planning resources and encourage developments recommended through the comprehensive plan and city code, I am performing a comprehensive review of how we may lower the prevalence of Conditional Use Permits (CUP) to consider allowing items as a permitted use, disallowing altogether, or modifying them. I will review district by district in order to provide the best context and perspective. Along the way we may start thinking or recommending a more streamlined or consistent language for uses.

We will be using a format throughout the document the first lists the intent of the district as proposed by the Comprehensive Plan then applicability of the Community Design Manual when applicable. This is to put a prospective on how a use and/or density and design concerns are be supported in a district. Next, is a list of the code that makes a use or structure a Conditional Use. I used colored font to highlight the opportunities for change. This will be a long discussion and likely take several meetings to address.

Analysis

Rural Residential (RR)

Comprehensive Plan

- **Intent** The R-3 district is intended to provide areas for low density residential development and limited agricultural pursuits.
- **Primary Use** Low-density residential development in outlying locations, generally with less services and/or lower level of service than in urban areas.
- **Other Uses, Allowances, and Specifications**
 - Areas generally not served by water and sewer, nor likely to be served in the near future.
 - Larger lot sizes or cluster subdivisions to preserve sense of open space.
 - Allows accessory housing units by right (subject to standards).
 - Allows bed and breakfasts by right, subject to standards (for purposes of this plan B&B defined as lodging where owner proprietor resides on site)
 - Allows home-based businesses by right, subject to standards; allows some larger non-retail business activities subject to administrative review.
- **Development standards**
 - Option for higher densities and cluster development. Encourage open space subdivisions as alternative to more typical lot layouts.
 - Ensure newer housing is compatible with character of older neighborhoods.

Homer City Code (HCC)

The purpose of the Rural Residential District is primarily to provide an area in the City for low-density, primarily residential, development; allow for limited agricultural pursuits; and allow for other uses as provided in this chapter.

- a. Planned unit development, limited to residential uses only;
- b. Religious, cultural and fraternal assembly;
- c. Cemeteries;
- d. Kennels;
- e. Commercial greenhouses and tree nurseries offering sale of plants or trees grown on premises;
- f. Mobile home parks;
- g. Public utility facilities and structures;
- h. Pipelines and railroads;
- i. Storage of heavy equipment, vehicles or boats over 36 feet in length as an accessory use incidental to a permitted or conditionally permitted principal use;
- j. Day care facilities; provided, however, that outdoor play areas must be fenced;
- k. Group care home;
- l. Assisted living home;
- m. [More than one building containing a permitted principal use on a lot;](#)
- n. Indoor recreational facilities;
- o. Outdoor recreational facilities;
- p. Public school and private school;
- q. One small wind energy system having a rated capacity exceeding 10 kilowatts; provided, that it is the only wind energy system of any capacity on the lot

a. Lot Size.

1. The minimum lot area shall be 40,000 square feet, plus 40,000 square feet for each dwelling unit in excess of one unit in areas not served by public sewer and water.
2. Each lot shall contain a minimum of 20,000 square feet, plus 20,000 square feet per dwelling unit in excess of one unit if one of the following conditions exists:
 - a. The lot is served by public water supply approved by the State Department of Environmental Conservation; or
 - b. The lot is served by public or community sewer approved by the State Department of Environmental Conservation.
3. Each lot shall contain a minimum of 10,000 square feet, plus 10,000 square feet per dwelling unit in excess of one unit if the lot is served by both public water and sewer that satisfy both conditions of subsection (a)(2) of this section.

Staff: The overwhelming amount of CUP's in the RR District are for 'more than one', 16 out of 20 in the last ten years to be exact. This is mostly a result of the extension of water and sewer services into the district. Ideally, the zoning would change as service is extended into subdivisions, especially those that are centrally located and designated on the Land Use Recommendations Map. We can consider the allowance of 'more than one' with the

recommendations of the Future Land Use Map. The lot size requirements with the provision of water and/or sewer are listed above for reference.

Recommended revisions: Allow development of units according to the provision of water and sewer services subject to screening of dumpsters (screening of dumpsters for any multi-family (3 or more) is to be material for all the districts). The rest of the conditions typically addressed in CUP's for this district include a reminder to follow lighting rules and proof of compliance with DEC regulation, which is required by terms of a zoning permit. Only once did we ask that development adjust the sighting to provide an increased buffer for the existing neighbors.

While our code allows anyone in the RR district to reduce the space necessary for dwelling to one per 10,000 square feet, we should consider areas where we would want to preserve the a rural density standard. I am a proponent of creating more opportunity for density, I believe that there is room and some expectation of rural areas maintaining the rural standards of one dwelling unit per 40,000 square feet regardless of the provisioning of city water and sewer. Ideally, this is best accomplishes with reference in the comprehensive plan.

It is a good time to review the rest of the CUP's listed above. I have found that the occurrences of the other CUP's are minimal and they are structures and activities not necessarily associated with the vision for RR. It is also a time to consider if such activity should be allowed at all. Discuss.

8.3.22

Discussion about maintaining rural standards where appropriate and consideration of allowance of a number of additional structures in consideration of special standards according to provisioning of water and sewer. We could consider a number that would be allowed without a CUP. I believe at least four units and up to six could be permitting without requiring a CUP in areas designated for consideration of upzone in future land use recommendation found in the comprehensive plan. This would limit the number of units in areas outside of upzoning consideration of the comprehensive plan to two dwelling unit as the special allowance for the district may allow without a CUP.

Urban Residential (UR)

Comprehensive Plan

UR (URBAN RESIDENTIAL)

- **Intent** The R-1 district is intended to provide more intense residential development in the city core, in a manner that matches Homer's small town character and encourages increased densities near pedestrian-oriented commercial areas.
- **Primary Use** Medium and medium-high density residential including single-family, duplex, and multiple-family; allow for a variety in housing types and housing price levels.

- **Other Uses, Allowances, and Specifications**
 - Areas generally served by water and sewer; central locations with excellent access to a range of urban services and facilities.
 - Residential is primary use; but allows for other uses where these uses maintain residential character.
 - Moderate lot size minimums (for example, 6000 square foot lots for single family homes).
 - Allows bed and breakfasts by right, allows second units and duplexes by right (both subject to standards). (For purposes of this plan, a B&B is defined as lodging where owner proprietor resides on site.)
 - Allows home-based businesses by right (subject to standards).
- **Development standards**
 - Encourage attractive, diverse housing types (vs. “cookie-cutter” subdivisions).
 - Ensure newer housing is compatible with character of older neighborhoods (for example, by requiring transitional densities, buffer uses).

Homer City Code (HCC)

The Urban Residential District is primarily intended to provide a sound environment for medium-density residential occupancy including single-family, duplex and low-rise multiple-family dwellings of various types and designs and other compatible uses as provided in this chapter.

The following uses may be permitted in the Residential Office District when authorized by conditional use permit issued in accordance with Chapter [21.71](#) HCC:

- a. Planned unit development, excluding all industrial uses;
- b. [Townhouse developments](#);
- c. Day care facilities; provided, however, that outdoor play areas must be fenced;
- d. Religious, cultural and fraternal assembly;
- e. Hospitals;
- f. Pipelines and railroads;
- g. Storage of heavy equipment or boats over 36 feet in length as an accessory use incidental to a permitted or conditionally permitted principal use;
- h. Private stables and the keeping of larger animals not usually considered pets, including paddocks or similar structures or enclosures utilized for keeping of such animals as an accessory use incidental to a primary residential use; such use shall be conditioned on not causing unreasonable disturbance or annoyances to occupants of neighboring property, and on sufficient land to harbor such animals;
- i. Group care home;
- j. Assisted living home;
- k. [More than one building containing a permitted principal use on a lot](#);
- l. Indoor recreational facilities;
- m. Outdoor recreational facilities;

n. One small wind energy system having a rated capacity exceeding 10 kilowatts; provided, that it is the only wind energy system of any capacity on the lot.

Dimensional requirements *(these are standards commonly referred to in other districts)*

2. Multiple-family dwelling containing three or more units shall meet the following standards:

- a. The total floor area shall not be more than four-tenths the lot area;
- b. The total open area shall be at least 1.1 times the total floor area. Open area is any portion of the lot not covered or used for parking spaces and maneuvering.

Staff: We have had 5 CUP's in the UR District in the last ten years, 2 'more than one', a daycare facility (denied), indoor recreation/more than one, and a townhouse. Not as much opportunity here for reductions.

Recommended revisions: I believe that we could consider allowing 'more than one' while applying the density standards of multi-family to 3 or more units on a lot (I suggest that this be carried forth to all other districts when served with water and sewer). This would not be out of line with the multi-family standards which are allowed outright. The only difference is that they are not found in a single structure. I also feel that this standard should also apply to townhouse.

8.3.22

This discussion landed on the thought of limiting the number of structures allow to be permitting out right. I would like to confirm a number that would comply with the current density standards of multifamily

Residential Office (RO)

Comprehensive Plan

RO (RESIDENTIAL OFFICE)

- **Intent** The intent of the RO district is to allow for a range of residential and residential compatible uses. While allowing office, certain commercial and other business uses, buildings and sites must have a scale and character similar to single family detached or small multi-family homes. This district serves as a transition zone between commercial and residential neighborhoods.
- **Primary Use** Provide a mix of low-density to medium-density residential uses with certain specified businesses and offices which may include professional services, administrative services and/or personal services, but does not include direct retail or wholesale transactions except for sales which are incidental to the provision of services.
- **Other Uses, Allowances, and Specifications**
 - Areas served by public water and sewer, full range of other urban services, close to other urban services.

- Moderate lot size minimums (for example, 7500 square feet); allows for attached housing.
- Guide use to create/maintain an attractive highway environment
- **Design and development standard**
 - Required (not advisory) standards to maintain residential character/residential scale of buildings (e.g., height, setbacks, parking location, signage).
 - Advisory design guidelines regarding building style (e.g., use of materials, architectural style).
 - Allow for limited commercial signage, consistent with overall goal of retaining a largely residential character.

Homer City Code (HCC)

The Residential Office District is primarily intended for a mixture of low-density to medium-density residential uses and certain specified businesses and offices, which may include professional services, administrative services and personal services, but generally not including direct retail or wholesale transactions except for sales that are incidental to the provision of authorized services. A primary purpose of the district is to preserve and enhance the residential quality of the area while allowing certain services that typically have low traffic generation, similar scale and similar density. The district provides a transition zone between commercial and residential neighborhoods.

The following uses may be permitted in the Residential Office District when authorized by conditional use permit issued in accordance with Chapter [21.71](#) HCC:

- a. Planned unit developments, excluding all industrial uses;
- b. [Townhouses](#);
- c. Public or private schools;
- d. Hospitals and [medical clinics](#);
- e. Public utility facilities and structures;
- f. [Mortuaries](#);
- g. [Day care facilities](#); provided, however, that outdoor play areas must be fenced;
- h. [More than one building containing a permitted principal use on a lot](#);
- i. [Group care homes](#);
- j. Helipads, but only as an accessory use incidental to a hospital conditional use;
- k. One small wind energy system having a rated capacity exceeding 10 kilowatts; provided, that it is the only wind energy system of any capacity on the lot;
- l. Other uses approved pursuant to HCC [21.04.020](#).

Dimensional requirements

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

Staff: We have had 16 CUP's in the RO district in the last ten years including 7 'more than one', 5 medical clinics (one more than 8000sf, mostly found in subsequent medical district), 4 - 8000sf, and 2 daycare facilities (math does add up due to multiple CUP triggers).

Recommended revisions: Townhouses and 'more than one' can be handled as previously suggested. I see mortuaries and group care homes as something that the district can reasonable support, as it is not direct wholesale or retail which is not provisioned in the district, these along with medical clinic would only be a CUP when provisioned with more than 8,000sf in a lot. I see no reason require a CUP for daycare in the district. This leaves us with a discussion of the 'more than 30% building area. Perhaps we could discuss the '8000', if any are uncomfortable with the number. I do high recommend that the '30%' does not disappear in concept but we should move the bar.

8.3.22

The Commission discussed the removal of hospitals from the lists of uses. Confirm suggested conditionally permitted uses to change to permitted use and to consider going from 30% to 40% building area coverage.

Medical District (M)

Comprehensive Plan

MEDICAL DISTRICT

Intent: Acknowledge demand for medical services will increase with a larger, aging population. Enact zoning regulations that allow medical services to expand with the growing need for life long medical care, in a localized area near the hospital.

Homer City Code (HCC)

The purpose of the Medical District is to provide an area near the hospital to support medical facilities and other professional office and limited commercial uses. The district is meant to accommodate a mixture of residential and nonresidential uses. Pedestrian-friendly designs and amenities are encouraged.

The following uses may be permitted in the Medical District when authorized by conditional use permit issued in accordance with Chapter [21.71](#) HCC:

- a. Planned unit developments, excluding all industrial uses;
- b. Public or private schools;
- c. Hospitals;
- d. Public utility facilities and structures;
- e. Mortuaries;
- f. Group care homes;

- g. Helipads, but only as an accessory use incidental to a hospital conditional use;
- h. One small wind energy system having a rated capacity exceeding 10 kilowatts; provided, that it is the only wind energy system of any capacity on the lot;
- i. Other uses approved pursuant to HCC [21.04.020](#);
- j. Parking garage.

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

A conditional use permit is required for every use that:

- a. Is estimated to generate more than 100 vehicle trips during any hour of the day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use; or
- d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection

Staff: The Medical District is new and has not recorded a CUP. I do not suggest any amendments.

8.3.22

No change

Central Business District (CBD)

Comprehensive Plan

CBD (CENTRAL BUSINESS DISTRICT)

- **Intent** The intent of the CBD commercial district is to provide a mixed use business district in the core area of Homer, with greater allowance for vehicular use than in the Downtown district, but still with a character that encourages pedestrian use.
- **Primary Use** Provide a centrally located area within the City for a mixture of urban uses and activities, including general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and related businesses, civic uses, recreation, and residential uses. Allow a mixture of residential and commercial uses but conflicts resolved in favor of business.
- **Other Uses, Allowances, and Specifications**
 - Areas served by public water and sewer, full range of other urban services

- Allow and encourage relatively high densities (sufficient concentration of uses to encourage circulation by foot).
- On-site parking required (option for shared parking with an approved parking plan).
- Residential densities – for example, multi-family up to 6 units per acre - allowed by right
- **Development standards include:**
 - Create an attractive, pedestrian-oriented environment (e.g., landscaped parking, standards to humanize buildings such as clearly articulated entries).
 - Advisory guidelines regarding design character, so buildings and other structures within the district are compatible with one another and with the surrounding area.
 - Control signage to maintain visual quality (for example, avoid large, highly illuminated signs).

Community Design Manual – Applicable to uses and structures requiring a CUP

Chapter 1. Architecture, Chapter 2. Site Design, Chapter 3. Lighting (applicable to all uses).

These Chapter's apply to all non-residential uses and uses with more than 12 residential units in the Central Business District.

Homer City Code (HCC)

The following uses may be permitted in the Central Business District when authorized by conditional use permit issued in accordance with Chapter [21.71](#) HCC:

- a. Planned unit developments, excluding all industrial uses;
- b. [Indoor recreational facilities and outdoor recreational facilities;](#)
- c. Mobile home parks;
- d. [Auto fueling stations;](#)
- e. Public utility facilities and structures;
- f. Pipeline and railroads;
- g. [Greenhouses and garden supplies;](#)
- h. Light or custom manufacturing, repair, fabricating, and assembly, provided such use, including storage of materials, is wholly within an enclosed building;
- i. Shelter for the homeless, provided any lot used for such shelter does not abut a residential zoning district;
- j. [More than one building containing a permitted principal use on a lot;](#)
- k. [Group care homes and assisted living homes;](#)
- l. Drive-in car washes, but only on the Sterling Highway from Tract A-1 Webber Subdivision to Heath Street;

- m. One small wind energy system having a rated capacity exceeding 10 kilowatts; provided, that it is the only wind energy system of any capacity on the lot;
- n. Other uses approved pursuant to HCC [21.04.020](#).

4. If approved by a conditional use permit, the setback from a dedicated right-of-way, except from the Sterling Highway or Lake Street, may be reduced.

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

A conditional use permit is required for every use that:

- a. Is estimated to generate more than 100 vehicle trips during any hour of the day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use; or
- d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection.

Staff: There have been 25 CUP's in the CBD in the last ten years. These were for a wide variety of reasons, including many with multiple triggers. There were 9 'more than one's' (including 4 that were greater than 8000sf), 8 setback reductions, 7 'more than 8000sf' (commonly with additional triggers), 2 manufacturing, 2 'more than 30%', a greenhouse, mobile home park, group care, auto fueling station, and an amendment.

Recommended revisions: Move recreational facilities, auto fueling, greenhouses, more than one, group care and assisted living to permitted uses. Consider moving the bar for 30% building coverage, something like **50%** would be more appropriate for an area where we encourage density. (This is a district under guidance of CDM, CUP requires review). I am still formulating the value of the 30% building coverage, its purpose is unclear in my understanding of our regulation and what exactly we are looking to address. It is something that rarely or possibly has never been the sole reason for a CUP.

8.3.22

Accepted suggestions for change from conditional use to permitted use, move 30% coverage to 40%, and consider up to 4 permitted structures.

Town Center District (TC)

Town Center Plan

The following goals and objectives from the Homer Comprehensive Plan (1999 Update) are particularly relevant to planning for development in Homer's Town Center:

- Improve the attractiveness and usability of the business core to encourage use of the area.
- Encourage a balance of open space and attractive, retail-oriented development of vacant land in the business/core area.
- Actively pursue a theme for Pioneer Avenue. Support the establishment of a Town Square and connecting green spaces through town.
- Develop an integrated system of trails, sidewalks, and walkways to connect City parks, schools, recreational areas, and the downtown core area.
- Encourage and enhance the cultural and educational amenities of Homer.
- Guide growth and development in areas planned or zoned Central Business District (CBD) to provide a centrally located business/commercial area and focal point for the community.
- The City, in cooperation with private business owners, shall research and evaluate steps involved in creating and enabling a Pioneer Avenue theme and town square to become a reality.
- Work with the community to develop a centralized Town Square that includes a cultural center, interfacing with existing organizations and institutions to explore partnerships and shared parking.
- Investigate innovative funding mechanisms to provide funding for development of the Town Square with cultural and other facilities and public art programs

Homer City Code (HCC)

The primary purpose of the Town Center District is to provide a centrally located area in Homer for a core business area and a community focal point. Pedestrian-friendly designs and amenities are encouraged.

The following uses may be permitted in the Town Center District when authorized by conditional use permit issued in accordance with Chapter [21.71](#) HCC:

- a. Planned unit developments, limited only to uses otherwise permitted in this district;
- b. [Indoor recreational facilities](#);
- c. [Greenhouses and garden supplies](#);
- d. Light or custom manufacturing, repair, fabricating, and assembly, provided such use, including storage of materials, is wholly within an enclosed building;
- e. [Group care homes and assisted living homes](#);
- f. Other uses approved pursuant to HCC [21.04.020](#);
- g. [Outdoor recreational facilities](#);

h. Customary accessory uses to any of the permitted uses listed in the TCD district; provided, that a separate permit shall not be issued for the construction of any type of accessory building prior to that of the main building;

i. Self-service laundries;

j. Retail sales of hardware, appliances and furniture, building supplies and materials, but only if such use, including storage of goods and materials, is wholly contained within one or more enclosed buildings;

k. Plumbing, heating and appliance repair shops, but only if such use, including storage of goods and materials, is wholly contained within one or more enclosed buildings;

l. One wind energy system having a rated capacity exceeding 10 kilowatts; provided, that it is the only wind energy system on any capacity of the lot

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

A conditional use permit is required for every use that:

a. Is estimated to generate more than 100 vehicle trips during any hour of the day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;

b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;

c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use; or

d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection

Staff: Only one CUP as development has never taken off in the TC district.

Recommended revisions: recreational facilities, greenhouses, group care, assisted living, and laundries should be acceptable within our regulations. The retail sales of hardware and etc. along with plumbing and etc. should be eliminated and treated as permitted equivalents (and sometime we should look at the permitted uses as to not 'pigeon hole' specific details of retail operations).

8.3.22

Commission was amenable to suggested changes including the elimination of J and K from conditionally permitted uses. We would need to consider the changing of Permitted Uses of HCC 21.20.020 k. ~~Retail sales of building supplies and materials, only if such use, including storage of materials, is wholly contained within an enclosed building;~~

Retail sales are required to be wholly contained in an enclosed build per HCC 21.20.080 Nuisance standards b. Storage of Items for Sale. Products for sale may be displayed outdoors in unscreened areas only during the open hours of the business. This does not apply to outdoor storage of items for sale when outdoor storage or sale is permitted in the zoning district, nor does it apply to items normally kept outdoors, such as motor vehicles.

Gateway Business District (GBD)

Comprehensive Plan

G-MU (Gateway Mixed Use)

- **Intent** The intent of the G-MU district is to provide land uses that primarily cater to the tourism and visitor industry of Homer and to promote year round activity. The gateway district serves as the primary roadway entry into Homer. It will provide an attractive built environment and promote those uses that will not compete with the DT, CBD and GC districts.
- **Primary Use** Promote mixed-use development, with emphasis on the visitor industry. Serve needs and interests of the visitor industry, as well as year-round residents and Homer's role as the Gateway to Kachemak Bay (not to conflict w/CBD). Minimize future traffic congestion along the Sterling Highway corridor and preserve the experience residents and visitors have when entering Homer by way of the Sterling Highway.
- Commercial uses are primary objective; focus on “Gateway” appropriate businesses such as visitor amenities, hotels – no gas stations, fast-food, strip development.
- **Other Uses, Allowances, and Specifications**
 - Areas served by public water and sewer, full range of other urban services.
 - Allow and encourage relatively high densities (sufficient concentration of uses to encourage circulation by foot).
 - Residential densities – for example, multi-family up to 6 units per acre - allowed by right; higher densities with administrative review or use dimensional standards like CBD above.
- **Development standards**
 - Advisory guidelines re “Gateway” design character.
 - Encourage parking behind buildings (through appropriate set-back rules).
 - Design standards that create an entry point the community can be proud of - attractive, pedestrian-oriented to a degree (e.g., landscaped parking).
 - Control signage to maintain visual quality (for example, avoid large, highly illuminated signs).

Community Design Manual – Applicable to uses and structures requiring a CUP

Chapter 1. Architecture, Chapter 2. Site Design, Chapter 3. Lighting (applicable to all uses).

These Chapter's apply to all non-residential uses and uses with more than 12 residential units in the Central Business District.

Homer City Code (HCC)

The purpose of the Gateway Business District is primarily to promote mixed use development, with an emphasis on visitor-oriented business. Conflicts between residential and business uses are resolved in favor of business. Among the goals of the Gateway Business District regulations are the minimization of future traffic congestion along the Sterling Highway corridor, and preservation of the favorable experience residents and visitors have when entering Homer by way of the Sterling Highway.

The following conditional uses may be permitted in the Gateway Business District when authorized in accordance with Chapter [21.71](#) HCC:

- a. More than one building containing a permitted principal use on a lot.
- b. One wind energy system having a rated capacity exceeding 10 kilowatts; provided, that it is the only wind energy system of any capacity on the lot.
- c. Other uses approved pursuant to HCC [21.04.020](#).
- d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall any lot contain building area in excess of 30 percent of the lot area, without an approved conditional use permit.

A conditional use permit is required for every use that:

- a. Is estimated to generate more than 100 vehicle trips during any hour of the day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use; or
- d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection

Staff: So far, we have had one property with a CUP in the GBD for 'more than one', the same property amended the CUP.

Recommended revisions: Follow previous recommendation for dealing with more than one and consider moving the bar for 30% building area lot coverage.

8.3.22

Move 30% to 40% building coverage.

General Commercial 1 (GC1)

Comprehensive Plan

- **Intent** The intent of the GC-1 district is to provide for auto-oriented business.
- **Primary Use** Provide for a diverse array of commercial, retail, and civic uses; commercial uses are primary objective. Applied in locations where the auto is primary means of access.
- **Other Uses, Allowances, and Specifications**
 - Areas served by public water and sewer, full range of other urban services.
 - Residential densities – for example, residential uses up to 6 units per acre allowed by right; higher densities with administrative review or use dimensional standards like CBD above.
 - On-site parking required (option for shared parking with an approved parking plan).
 - Guide use to create/maintain an attractive highway environment.
- **Development standards** include:
 - Control signage to maintain visual quality (for example, avoid large, highly illuminated signs).
 - Provide for safe pedestrian circulation.

Homer City Code (HCC)

The General Commercial 1 (GC1) District is primarily intended to provide sites for businesses that require direct motor vehicle access and may require larger land area, and to provide business locations in proximity to arterials and transportation centers. It is also intended to minimize congestion and adverse effects on adjacent residential districts and on the appearance of the community.

The following uses may be permitted in the General Commercial 1 District when authorized by conditional use permit issued in accordance with Chapter [21.71](#) HCC:

- a. Campgrounds;
- b. Crematoriums;
- c. [Multiple-family dwelling](#);
- d. Public utility facility or structure;
- e. Mobile home parks;
- f. Planned unit developments;
- g. [Townhouses](#);
- h. Pipelines and railroads;
- i. Shelter for the homeless, provided any lot used for such shelter does not abut an RO, RR, or UR zoning district;
- j. More than one building containing a permitted principal use on a lot;

- k. Day care facilities; provided, however, that outdoor play areas must be fenced;
- l. Other uses approved pursuant to HCC [21.04.020](#);
- m. Indoor recreational facilities;
- n. Outdoor recreational facilities.

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

A conditional use permit is required for every use that:

- a. Is estimated to generate more than 100 vehicle trips during any hour of the day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use; or
- d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection

Staff: We have had 9 CUP's in the GC1 District. All of these except a multi-family dwelling involved 'more than one' (5 were on Lakeshore Dr.).

Recommended revisions: Recreational facilities can be permitted uses. I recommend that 'more than one' be allowed by right using current regulations. 30% building area should be reconsidered. This district brings up the concept of consideration for me of the general thought of differences between 'multi-family' and multiple individual structures, would we ever want to think of the congregation of small structures to be treated like multi-family. This could be an approach for the inclusion of 'tiny homes' in the zoning regime.

8.3.22

I would like to pick up the conversation here. We did have some conversation about elimination of pipelines and railroads from code. If we did remove these items, they could fall under the provision for Unlisted Uses per HCC 21.04.020 and go through a process of consideration by the Commission.

General Commercial 2 (GC2)

Comprehensive Plan

- **Intent** The intent of the GC-2 district is to locate commercial and industrial uses where access to transportation infrastructure is a primary consideration. This

district will also serve as a reserve to allow for future commercial and industrial expansion.

- **Primary Use** Promote a sound heavy commercial area within the community with good access to main roads, and reserve land for future industrial expansion. Designed to permit manufacturing, processing, assembly, packaging, or treatment of products within enclosed utilities and facilities required to serve these uses. Residential uses permitted, recognizing the primacy of light industrial and commercial activities. Residential uses limited; certain retail enterprises limited. Performance standards for heavy commercial uses, especially where the district abuts other zoning districts. Allows for heavier commercial uses – manufacturing, processing, packaging, and support of airport activities / needs.
- **Other Uses, Allowances, and Specifications**
 - Accessible by vehicle/direct access.
 - Allows for mixed use, live/work, provides larger lots than would be available in CBD
 - On-site parking required.
- **Development standards include:**
 - Minimal – basic guidelines for parking, minimal setbacks
 - Encourage basic landscaping, screening

Homer City Code (HCC)

The purpose of the General Commercial 2 District is primarily to provide a sound area for heavy commercial and industrial uses within the community designed to permit manufacturing, processing, assembly, packaging, or treatment of products and other uses described in this chapter. Residential uses and certain retail enterprises are purposely limited.

The following uses may be permitted in the General Commercial 2 District when authorized by conditional use permit issued in accordance with Chapter [21.71](#) HCC:

- a. Mobile home parks;
- b. Construction camps;
- c. Extractive enterprises, including the mining, quarrying and crushing of gravel, sand and other earth products and batch plants for asphalt or concrete;
- d. Bulk petroleum product storage above ground;
- e. Planned unit developments, excluding residential uses;
- f. Campgrounds;
- g. Junk yard;
- h. Kennels;
- i. Public utility facilities and structures;
- j. Pipelines and railroads;
- k. Impound yards;
- l. Shelter for the homeless, provided any lot used for such shelter does not abut an urban, rural or office residential zoning district;
- m. More than one building containing a permitted principal use on a lot;

- n. Day care facilities; provided, however, that outdoor play areas must be fenced;
- o. Group care homes and assisted living homes;
- p. Other uses approved pursuant to HCC [21.04.020](#);
- q. Indoor recreational facilities;
- r. Outdoor recreational facilities.

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

A conditional use permit is required for every use that:

- a. Is estimated to generate more than 100 vehicle trips during any hour of the day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use; or
- d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection.

Staff: No CUP's have been issued in GC2

Recommended revisions: We can transfer several conditional uses to permitted when considering the purpose of the district including petroleum storage, impound yards, more than one, and recreation facilities. A discussion can be had regarding the appropriateness of things like mobile home parks, daycares, group and assisted living homes. These uses generally would not upset the goings on of a commercial district, it's more about protecting themselves from the possible negative externalities of the allowed uses.

As the district is to support heavy commercial and industrial activities, we should eliminate CUP for spatial limits and let development regulations guide the development.

East End Mixed Use District (EEMU)

Comprehensive Plan

- **Intent** The intent of the E-MU district is to allow a wide variety of commercial, industrial, and heavy industrial uses in a district with access to the boatyard, marine

services, and the airport; and to ensure such uses, which are important to Homer's economy, continue to have a viable location.

- **Primary Use** Mixed-use development with fewer constraints on uses than existing GC-1 and GC-2. Designed to accommodate the wide range of uses found in the area today, as well as other future uses; examples include industrial, marine-oriented, construction services (including batch plants), storage, and artist workshops. Residential and retail are allowable, but residential/retail and commercial conflicts will be resolved in favor of commercial/industrial uses.
- **Other Uses, Allowances and Specifications**
 - Allows for mixed use, live/work, provides larger lots than would be available in CBD.
 - On-site parking required.
 - Guide use to create/maintain an attractive highway environment.
- **Development standards**
 - Minimal – basic guidelines for parking, setbacks.
 - Encourage basic landscaping.
 - Properties adjacent to the Conservation zone should use best management practices when developing near the southern edge of the property. Strategies may include, but are not limited to, 100 foot buffer zones along the southern property lines adjacent to the conservation areas, tree retention (bird habitat, moose cover), habitat and vegetation retention, and storm water and pollution management techniques. Developers are encouraged to use a combination of techniques to minimize impacts within 100 feet of the south property line and to provide for storm water filtration. Development is encouraged to concentrate on the northern portions of these lots.

Homer City Code (HCC)

The East End Mixed Use (EEMU) District is primarily intended to provide sites for businesses that require direct motor vehicle access and may require larger land area. The district is meant to accommodate a mixture of existing and accessory residential with nonresidential uses. When a conflict exists between residential and nonresidential uses conflicts shall be resolved in favor of nonresidential uses.

The following conditional uses may be permitted in the East End Mixed Use District when authorized by conditional use permit issued in accordance with Chapter [21.71](#) HCC:

- a. Construction camps;
- b. Extractive enterprises, including crushing of gravel, sand and other earth products and batch plants for asphalt or concrete;
- c. Auto fueling stations;
- d. Bulk petroleum product storage;
- e. Planned unit developments;
- f. Junk yard;

- g. Kennels;
- h. Public utility facilities and structures;
- i. Impound yards;
- j. Indoor recreational facilities;
- k. Outdoor recreational facilities;
- l. Other uses approved pursuant to HCC [21.04.020](#).

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

A conditional use permit is required for every use that:

- a. Is estimated to generate more than 100 vehicle trips during any hour of the day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use; or
- d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection

Staff: We have had 4 CUP's in the EEMU District, 3 for the same lot that kept expanding operations, all for more than 8000sf.

Recommended revisions: As the district is noted for the support of commercial and heavy industrial, we should consider eliminating CUP for coverage. We can use developmental regulations to permit, screening is required by code.

Marine Commercial District (MC)

Comprehensive Plan

MC (MARINE COMMERCIAL) (See also 2011 Homer Spit Comprehensive Plan)

Provide adequate space for the commercial needs which service and support water-dependent industries and facilities; encourage adequate separation between allied but potentially incompatible commercial and industrial uses while providing proximate locations for the mutual benefit of such water-oriented commercial and water dependent industrial uses. Commercial enterprise permitted to the extent that it services and supports the water-dependent industries which are important to Homer's economic base (e.g., fishing, marine transportation, off-shore energy development, recreation, and tourism) and to the extent that location elsewhere creates unnecessary hardship for the users of such commercial services.

Performance standards are required to minimize the impact of commercial development on the natural features on which it depends.

Homer City Code (HCC)

The purpose of the Marine Commercial District is primarily for water-related and water-dependent uses and the business and commercial uses that serve and support them, including but not limited to fishing, marine transportation, off-shore energy development, recreation and tourism. It is recognized that unique natural features of Homer's marine environment contribute significantly to the economic and social environments; therefore, performance standards are required to minimize the impact of development on the natural features on which they depend.

The following uses may be permitted in the Marine Commercial District when authorized by conditional use permit issued in accordance with Chapter [21.71](#) HCC:

- a. Drinking establishments;
- b. Public utility facilities and structures;
- c. Hotels and motels;
- d. Lodging;
- e. More than one building containing a permitted principal use on a lot;
- f. Planned unit developments, limited to water-dependent and water-related uses, with no dwelling units except as permitted by HCC [21.28.020\(o\)](#);
- g. Indoor recreational facilities;
- h. Outdoor recreational facilities;
- i. The location of a building within a setback area required by HCC [21.28.040\(b\)](#). In addition to meeting the criteria for a conditional use permit under HCC [21.71.030](#), the building must meet the following standards:
 1. Not have a greater negative effect on the value of the adjoining property than a building located outside the setback area; and
 2. Have a design that is compatible with that of the structures on the adjoining property.

b. Setbacks. No building may be located in a required setback area without an approved conditional use permit.

d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall any lot contain building area in excess of 70 percent of the lot area without an approved conditional use permit.

A conditional use permit is required for every use that:

- a. Is estimated to generate more than 100 vehicle trips during any hour of the day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;

- b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use; or
- d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection.

Staff: We have had 6 CUP's in the MC District. 3 of those involved setback reductions. Also we have had a restaurant, more than one's, 2 overslope, lodging, heliport, and a 8000sf. It would be a good process to get feedback from the Port and Harbor Commission to incorporate into our discussion.

Marine Industrial (MI)

Comprehensive Plan

MI (MARINE INDUSTRIAL) (See also 2011 Homer Spit Comprehensive Plan)

Provide adequate space for those industrial uses that require direct marine access for their operation and to encourage the most efficient utilization of land. Promote marine-dependent industries important to Homer's economic base (e.g., fishing, fish processing, marine transportation, off-shore oil development, and tourism); give priority to those uses, and minimize conflicts among industrial, commercial and recreational uses.

Homer City Code (HCC)

The purpose of the General Commercial 2 District is primarily to provide a sound area for heavy commercial and industrial uses within the community designed to permit manufacturing, processing, assembly, packaging, or treatment of products and other uses described in this chapter. Residential uses and certain retail enterprises are purposely limited.

The following uses may be permitted in the General Commercial 2 District when authorized by conditional use permit issued in accordance with Chapter [21.71](#) HCC:

- a. Mobile home parks;
- b. Construction camps;
- c. Extractive enterprises, including the mining, quarrying and crushing of gravel, sand and other earth products and batch plants for asphalt or concrete;
- d. Bulk petroleum product storage above ground;
- e. Planned unit developments, excluding residential uses;
- f. Campgrounds;
- g. Junk yard;
- h. Kennels;
- i. Public utility facilities and structures;
- j. Pipelines and railroads;
- k. Impound yards;

- l. Shelter for the homeless, provided any lot used for such shelter does not abut an urban, rural or office residential zoning district;
- m. More than one building containing a permitted principal use on a lot;
- n. Day care facilities; provided, however, that outdoor play areas must be fenced;
- o. Group care homes and assisted living homes;
- p. Other uses approved pursuant to HCC [21.04.020](#);
- q. Indoor recreational facilities;
- r. Outdoor recreational facilities.

2. If approved by conditional use permit, buildings up to 55 feet in height may be allowed.

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

A conditional use permit is required for every use that:

- a. Is estimated to generate more than 100 vehicle trips during any hour of the day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use; or
- d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection.

Staff: We have had 6 CUP's in the MI District, the Harbor Building (overslope), bulk petro/8000sf/30%, 2 other similar uses (later rezoned to MC), and a PUD for a restroom/guard shack. Again, I would like to run the concept by the Port and Harbor Commission for their recommendations.

Staff Recommendation

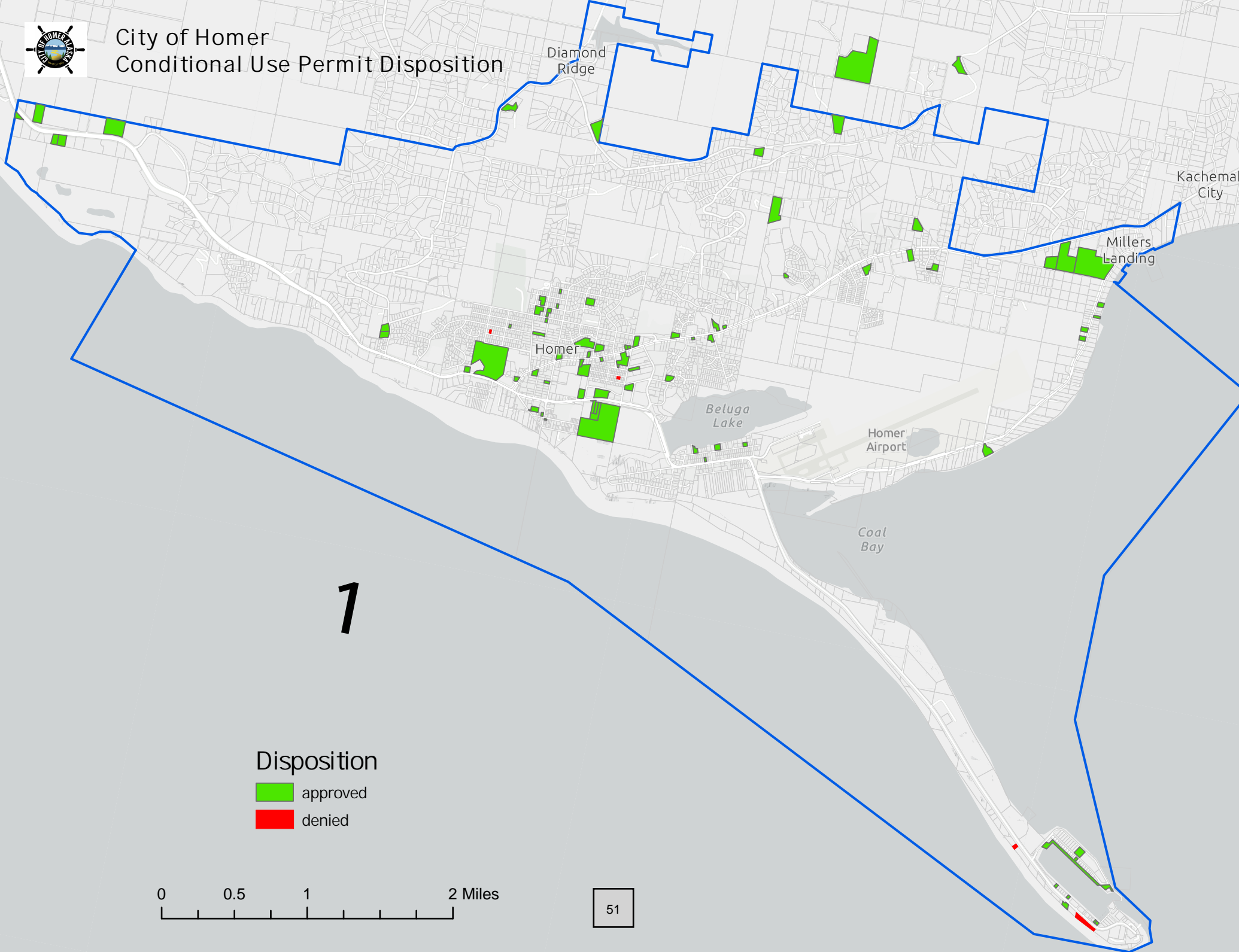
Continue discussion on items and address new issues and any requests for additional information in subsequent meetings

Attachments

CUP report 2011-2021
CUP disposition



City of Homer Conditional Use Permit Disposition



Disposition

- approved
- denied



<u>CUP</u>	<u>address</u>	<u>zone</u>	<u>reason</u>	<u>disposition</u>	<u>special conditions* beyond required codes</u>	<u>notes</u>
2011-01	n/a	BCWPD/Conservation	buffers for timber harvesting	approved	time limit/tree survey	
2011-02	4755 Homer Spit Rd	MI	bulk petroleum storage/more than 8000sf/more than 30% lot coverage	approved	none	
2011-03	4136 Hohe St	RO	day care facility	approved	none	
2011-04	880 East End Rd	RO	more than one building/medical clinic/more than 8000sf	approved	pave/screen dumpster	
2011-06	4241 Homer Spit Rd	MC	restaurant/hotel/more than one building/more than 8000sf	approved	architectural features/design	
2011-07	1295 Mission Rd	RR	more than one building	approved	population cap w/I DEC regulation	
2011-08	533 E Pioneer Ave	CBD	amend CUP - landscaping	approved	landscaping/scren dumpster	
2011-09	3406 Main St	CBD	more than one building/setback reduction	approved	none	
2011-10	5155 Kachemak Dr	GC1	more than one building/more than 8000sf	approved	install water	
2011-11	3300 Sterling Hwy	GC1	more than one building/more than 8000sf/Public Utility or Structure	approved	none	
2011-13	1033 Skyline Dr	RR	amend CUP/public utility or structure	approved	none	
2012-01	4744 Homer Spit Rd	MI	other similar uses found in MC	approved	fence/planters/dumpster screening	
2012-02	3800 Sterling Hwy	RR	commercial greenhouse	approved	time limit/lighting	
2012-03	4770 Homer Spit Rd	MI	other similar uses found in MC	approved	resolve setbacks/fence/boardwalk	
2013-01	1401 Candlelight Ct	RR	more than one building	approved	none	
2013-02	4667 Freight Dock Rd	MI	PUD - restroom/guard shelter	approved	none	
2013-03	580 E Pioneer Rd	CBD	setback reduction	approved	none	
2013-04	4661 Kachemak Dr	RR	more than one building	approved	none	
2013-05	1496 Lakeshore Dr	GC1	multi-family dwelling	approved	wetland buffer/screen dumpster/landscaping	
2013-06	265 E Pioneer Ave	CBD	setback reduction	approved	parking plan/screen dumpster/stormwater deadline	
2013-07	3851 Homer Spit Rd	MC	heliport	denied	n/a	
2013-08	4834 Kachemak Dr	RR	more than one building	approved	none	
2013-09	3651 Sterling Hwy	RR	more than one building	approved	proof of DEC compliance - water supply	
2013-10	4914 Kachemek Dr	RR	more than one building	approved	none	
2013-11	203 W pioneer Ave	CBD	setback reduction	approved	landscaping/screen dumpster/landscaping time limit	
2013-12	5700 Easy St	RR	public utility facility and structures (communication tower)	approved*	off site impacts/lighting	project discontinued after remand order project discontinued after remanded approve and further litigation
2013-13	3850 Heath St	CBD	more than one building	approved*	many	
2014-01	4165 Mattox Rd	UR	more than one building	approved	lighting/ screen dumpster	
2014-02	560 Noview Ave	UR	day care facility	denied	n/a	
2014-03	4725 Kachemak Dr	RR	more than one building	approved	lighting	
2014-04	188 Skyline Dr	BCWPD	more than one building/other similar uses	approved	none	
2014-05	320 W Pioneer Ave	CBD	setback reduction	approved	lighting/landscaping	appealed - prevailed in court
2014-06	4311 Freight Dock Rd	MC, MI, SBHOD	overslope/setback reduction	approved	screen dumpster/lighting	
2014-07	564 E Pioneer Ave	CBD	reduced setback	approved	gain non-conforming status	
2014-10	1164 East End Rd	RO	daycare facility	approved	limit hrs/lighting/move nonconforming accessory	
2015-01	2315 East End Rd	RR	more than one building	approved	lighting/ depict easements/screen dumpster	
2015-02	3575 Heath St	CBD	more than one building/more than 8000sf/public facilities and structures	approved	landscaping	
2015-03	4166 Homer Spit Rd	MC	setback reduction/more than one building	approved	parking design	
2015-04	5185 Slavin Dr	RR	more than one building	approved	lighting	
2015-05	315 Klondike Ave	TCD	increase setback	approved	parking design	
2015-06	4242 Calhoun St	UR	more than one building	approved	screen dumpster/driveway design/fence	
2015-07	1242 Ocean Dr	GC1	more than one building	approved	FM approval/W&S connect/screen dumpster/time limit	
2016-01	3902 Shelford St	RO	medical clinic/more than one	approved	FM approval/landscaping/lighting	
2016-02	3936 Svedlund St	RO	more than on building/more than 8000sf	approved	vacate lot line/lighting/screen dumpster/drainage plan	
2016-03	500 Sterling Hwy	UR	indoor rec/more than one building	approved	DEC approval/lighting/access road FM approved	
2016-04	4060 Heath St	CBD	more than one building/public utily facilities and structures	approved	none	
2016-05	5185 Slavin Dr	RR	more than one building	approved	none	
2016-06	4136 Bartlett St	RO	medical clinic/more than 8000sf	approved	pave parking/pedestrian path,/landscaping/screen dumpster	
2017-01	2080 Shannon Ln	RR	more than one building	approved	lighting/screen dumpster/move development 50'	
2017-02	210 Olsen Ln	CBD	more than one building,decrease setback,more than 8000sf	approved	pedestrian trail/screen dumpster/lighting	
2017-03	61447 Florence Martin Ct	BCWSPD	more than 6000sf grading	approved	erosion control/bmp for road	
2017-04	3101 Kachmek Dr	RR	more than one building	approved	lighting	
2017-05	3301 East End Rd	EEMU	more than 8000sf	approved	stormwater plan	
2017-06	3965 Sterling Hwy	RR	bluff setback	approved	time limit/inspection/landscaping/limit disturbance	
2017-07	4300 Freight Dock Rd	MI	tower	approved	seal feed lines/no alteration w/o approval/lighting	
2017-08	91 Stering Hwy	CBD	more than 8000sf	approved	approve lighting plan/landscaping	
2018-01	94 Sterling Hwy	CBD	auto fueling station	approved	fence/lighting plan	
2018-02	302 E Pioneer Ave	CBD	descrease setback	approved	lighting	appealed - sustained in Supreme Court
2018-03	152 W Danview	RO	more than one building	approved	lighting/ screen dumpster	
2018-04	680 Sterling Hwy	GBD	more than one building	approved	lighting/screen dumpster/time limit	
2018-05	4201 Rhonda St	RO	more than one building	approved	lighting/dumpster	
2018-06	1170 Lakeshore Dr	GC1	more than on building/multi-family dwelling	approved	lighting	
2018-08	1344 Lakeshore Dr	GC1	more than one building	approved	lighting	

2018-09	267 Cityview St	RO	medical clinic/more than 8000sf	approved	lighting/screen dumpster/sunset	appealed - remand points addressed - approved
2018-10	3301 East End Rd	EEMU	more than 8000sf	approved	none	
2018-11	3779 Bartlett St	CBD	more than 800sf/more than one building	approved	lighting	
2018-12	3725 West Hill Rd	RR	more than one building	approved	lighting/screen dumpster/adjust parking	
2018-13	3771 West Hill Rd	RR	more than one building	approved	lighting/screen dumpster	
2018-14	205 W Fairview Ave	RO	medical clinic	approved	lighting/screen dumpster	
2019-01	267 Cityview St	RO	remand CUP 2018-02	approved	lighting	
2019-02	625 Grubstake Ave	CBD	more than 8000sf/unlisted uses	approved	lighting/screen dumpster/landscaping	
2019-03	3641 Sterling Hwy	RR	more than one building	approved	lighting/signage/placement of leachfield FM certificate/fencing/landscaping/time limit/screen dumpster/color palate	withdrew after intent to appeal
2019-04	397 E Pioneer Ave	CBD	group care home/more than 30% building area	approved	lighting/screen dumpster	
2019-05	210 W Fairview	RO	medical clinic	approved	none	
2019-06	3301 East End Rd	EEMU	more than 8000sf	approved	n/a	
2019-07	Lot 31 Spit Rd Sub Amened	OSR	parking lot	denied	lighting/screen dumpster	
2019-08	4155 Pennock St	RO	more than one building	approved	parking/lighting/screen dumpster	
2020-01	104 E Pioneer Ave	CBD	more than one building/manufacturing/more than 8000sf	approved	time limit/outdoor lighting/screen dumpster	
2020-02	680 Sterlig Hwy	GBD	amend - more than one building	approved	lighting	
2020-03	436 Soundview Ave	UR	townhouse	approved	landscaped screening	
2020-04	3385 East End Rd	EEMU	more than 8000sf	approved	screen trash container and electrical boxes	
2020-05	1081A Freight Dock Rd	MC	overslope/lodging	approved	lighting	
2020-06	3935 Svedlund St	RO	more than 8000sf	approved	sediment and erosion control plan	
2020-07	62890 Skyline	BCWSPD	stream buffer	approved	lighting/screen dumpster	
2020-08	151 W Bayview Ave	RO	more than one building	approved	lighting	
2020-09	3657 Main St	CBD	manufacturing/more than one building	approved	lighting	
2020-10	750 Nedosik Rd	RR	more than one building	approved	lighting	
2020-11	4936 Clover Ln	RR	more than one building	approved	lighting	
2020-12	3972 Bartlett St	RO	more than one building	approved	lighting	
2020-14	541 Bonanza Ave	CBD	mobile home park	denied	n/a	
2020-15	106 W Bunnell	CBD	setback reduction/more than 30% building area	approved	setback standard/lighting/screen dumpster/screen parking lot	appealing - applicant withdrew
2021-01	1308 Lakshore Dr	GC1	more than one building	approved	no RV occupancy/lightning	
2021-02	89 Sterling Hwy	CBD	more than one building	approved	parking spaces/parking landscaped buffer/lighting	
2021-03	870 Smokey Bay Way	CBD	manufacturing	approved	none	
2021-04	90 Sterling Hwy	CBD	more than 8000sf	approved	none - design manual application	
2021-05	4262 Homer Spit Rd	MC	setback reduction	approved	none	
2021-06	1308 Lakshore Dr	GC1	amended - more than one building	approved	lighting	
2021-07	1554 Homer Spit Road	GC1	more than one	approved	lighting	
2021-08	3860 Kachemek Way	CBD	greenhouse	approved	lighting	



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

Staff Report PL 22-54

TO: HOMER PLANNING COMMISSION/PARCAC
FROM: RICK ABBOUD, AICP, CITY PLANNER
DATE: AUGUST 17, 2022
SUBJECT: ORDINANCE 22-42, SIDEWALKS

Introduction

The Planning Commission and PARAC has been asked to comment on a proposed ordinance that amends Chapter 11.04 of the Homer City Code, Street Design and Construction Standards.

While there was no memo explaining the ordinance in the City Council packet, my understanding is that this is to address new subdivisions. This is separate from the conversation of adding sidewalks to our current inventory of existing City owned rights-of-way. I have attached a copy of the memo I provided for a presentation to the City Council on City Codes and Plans. This memo provides of background of how the code and adopted City plans get us to dedicating and building sidewalks.

After hearing from Council Member Davis at the Planning Commission meeting of August 3rd, I found that his intent was to require that new streets in the Urban Residential District provide sidewalks. He also stated that it was not imperative that sidewalks be required on all roads, using that example that a cul-de-sac might be excluded.

I have found some structural issues with the ordinance and have an analysis of the proposal.

We find ourselves in Chapter 11, outside of the Commissions familiarity. To familiarize ourselves with the chapter we should have a review of intent, applicability, and definitions of the terms that are being used:

11.04.010 Intent

The intent of this chapter is to:

- a. Promote the safety, convenience, comfort, and common welfare of the public by providing for minimum standards to regulate design and construction of public streets, roads, and highways within the City.
- b. Minimize public liability for publicly and privately developed improvements by ensuring that roads and streets will be built to City standards. [Ord. [87-6\(S\)](#) § 1, 1987].

11.04.020 Applicability.

The requirements of this chapter shall govern the construction or reconstruction of roads and streets within the City of Homer. [Ord. [87-6\(S\)](#) § 1, 1987].

11.04.030 Definitions.

“Street” is a general term denoting a public way or track, or any length thereof, in urban settings, used for purposes of vehicular travel.

“Public access corridor” means an easement or right-of-way providing public access through a lot, subdivision or development.

The proposed ordinance states that:

11.04.120 Sidewalks and non-motorized transportation corridors.

a. New streets to be accepted by the City and ~~identified which serve~~ as public access corridors ~~in the adopted Homer Non Motorized Transportation and Trail Plan~~ shall have easements for sidewalks, ~~bicycle paths or other non motorized transportation facilities~~ to ensure convenient mobility and convenient access to parks, recreation areas, trails, playgrounds, schools and places of public assembly.

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

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

Analysis

While I am supportive of the issue of providing more sidewalks in newly platted subdivisions, I believe that this ordinance presents structural challenges.

1. This amendment is found in the Chapter of code that addresses street design. Sidewalks have to first be considered as part of the platting process. Proper space must be dedicated in response to local conditions. A standard street must have a dedication of at least 60 feet in width, which may or may not support all the road, drainage, non-motorized transportation, sidewalks, or other amenities that may be appropriate.
2. As the ordinance is written, it applies to every easement or right-of-way in any district that provides public access. This would imply that any street accepted [*the city accepts improvements as part of a development agreement to provide built or bonded infrastructure improvements, such as roads, utilities, drainage features, and etc. to be completed prior to the recording of final plat*] by the city *shall have sidewalks*. I do not

believe that it is appropriate for every street to have a sidewalk. We may want to consider the utility of a sidewalk in consideration of such things as location, street classification, and proximity public and private facilities.

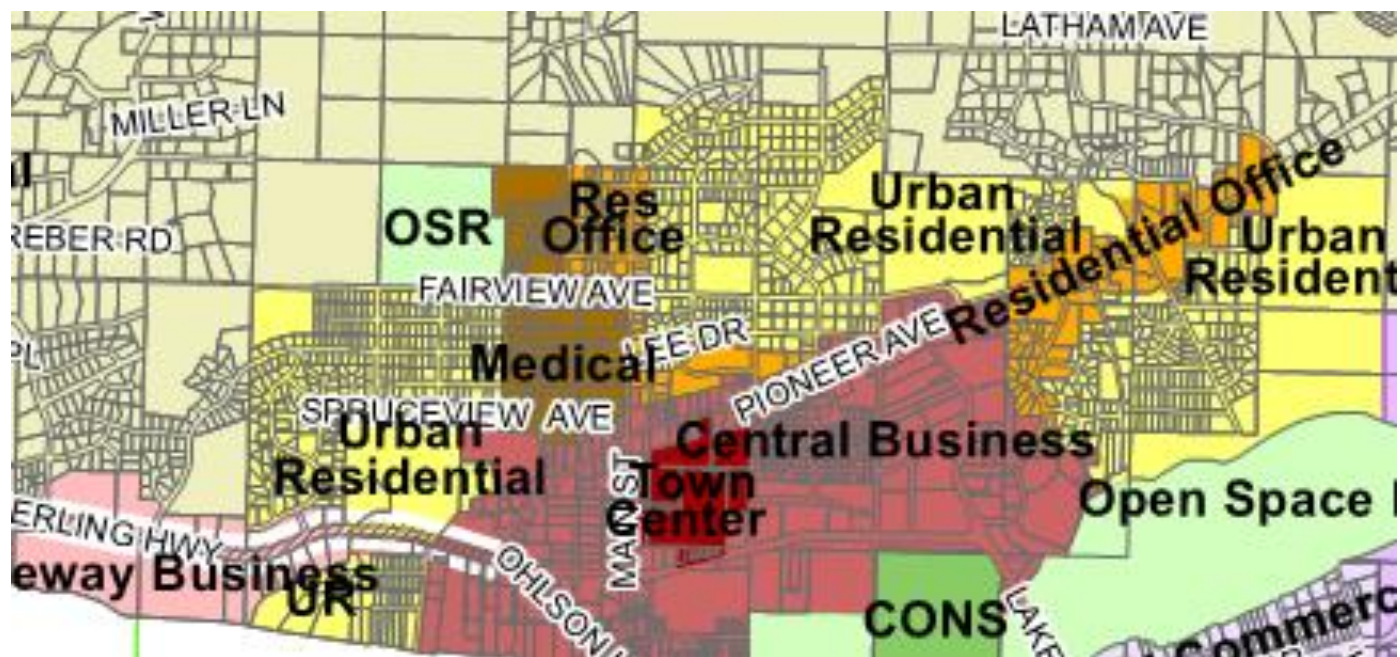
3. Streets which *do not serve as corridors* is undefined and not designated anywhere once the Non Motorized Trail and Transportation Plan element is removed.

Prior to requiring construction a proper dedication must be made. Title 22 deals with dedications and is where we have requirements for subdivision, this is where we can require easements and dedications. The use of the term 'public access corridors' is problematic in a semantic sense, as I have not found reference to the term in the Non Motorized Trail and Transportation Plan and it does not fit into the definition in code mentioned above. We have to imply that any route identified in the plan is a public access corridor.

22.10.051 Easements and rights-of-way.

- 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.
- 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.

Next, I would like to address the scope of the intent of applying the ordinance to the Urban Residential District. Below is a zoning map (with the new rezone not depicted). I would point out that possibility of subdivisions that might dedicate a right-of-way is basically limited to one lot next to the northwest corner of the high school (and so far there is no hint of this happening in the near future). All other larger parcels are already in the process of subdivision or represent school or DNR lands.



Solutions

This leads us to considerations for the recommendation of where sidewalks should be required to be provided as part of a new subdivision. I have a few concepts that I would like to forward that would be best addressed by transportation experts and legal, such as the firm that we are hiring to update our transportation plan.

Our plan and code already mention, *new streets..... shall have easements for sidewalks, bicycle paths or other non-motorized transportation facilities to ensure convenient mobility and convenient access to parks, recreation areas, trails, playgrounds, schools and places of public assembly.* I believe that we have the right to request any sidewalk which would perform in these areas and we should process this into our requirements for development agreements for subdivision. I am not prepared to address this portion of code individually without having a provision to require the proper dedications to support such facilities in the platting process (title 22), where one would need to have a plat approved prior to construction of the development agreement (basically title 11 and Design Criteria Manual).

While there are not significant opportunities to design subdivisions in the Urban Residential District, we shouldn't keep the scope of our sidewalk requests confined to the Urban Residential District. The concept forwarded above should apply to all districts where such facilities may be found. Additionally, we should look at the connectivity that a sidewalk might provide. Routes that lead to arterials, especially those on collector or collector type roads or other routes that have sidewalks leading to public and private facilities could go a long way to improve walkability.

Homer, being a small town, does not easily translate to the commonly accepted systems of road classification. Our traffic counts and physical designs mostly do not meet common standards for arterials, collectors, and such. This means that we need to consult with traffic engineers to craft a functional classification system that meets our needs. We just committed \$180,000 to an engineering firm to work on creating a new transportation plan. It would be a disservice for someone not trained in the discipline to try to create some hurried classification system prior to their work.

A properly considered road classification needs to be developed for proposed roads and standards associated with the functions tied to them. Even definitions found in title 11 rely upon designation in the Master Roads and Streets Plan for sorting out the classifications (HCC 11.04.030, “Arterial” & “Collector”). Once our classification system is revised it can be applied citywide to attain our desired sidewalk and non-motorized transportation elements when platting and constructing.

Another consideration for the development of sidewalks is the distribution of costs. Our code currently eludes to a cost share with the city for improvements in the rights-of-way beyond that of a minimum standard in place where a sidewalk or higher function road may be designated in adopted plans (HCC 11.04.050(c)). This introduces another possible conflict in code where the minimum road design standard is the requirement. Perhaps there are some places where some sort of cost share may be appropriate or is it to be cost born exclusively by a developer?

Due to the technical issues associated with the application of the proposed ordinance, I cannot recommend adoption or provide a revision that would accomplish the wishes of the sponsor of the ordinance without considerable input from other experts. My recommendation would be to consult with our contractors and City Attorney to identify our best path forward to not introduce conflicts in code. This would best address issues related to the nature of the wide array of moving parts necessary to thoughtfully address the complex array of codes, plans, and coordination necessary for adoption and implementation.

Staff Recommendation

Review staff report and make recommendation to City Council regarding (1). The proposed ordinance and (2). Recommendations for criteria to consider when requiring the dedication and construction of sidewalks.

Attachments

Memo, Trails & Sidewalks in Code and Plans
Proposed Ordinance 22-42

CITY OF HOMER
HOMER, ALASKA

Davis/Erickson

ORDINANCE 22-42

AN ORDINANCE OF THE CITY OF HOMER ALASKA AMENDING
HCC.04.120 TO CLARIFY THAT ALL NEW STREETS WHICH SERVE AS
PUBLIC ACCESS CORRIDORS SHALL HAVE SIDEWALKS.

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,”; 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 pedestrian access.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. HCC 11.04.120 Street construction, design and dedication requirements – General, 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~~ **which serve** as public access corridors in the adopted Homer Non-Motorized Transportation and Trail Plan shall have easements for sidewalks, bicycle paths or other non-motorized transportation facilities to ensure convenient mobility and convenient access to parks, recreation areas, trails, playgrounds, schools and places of public assembly.

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

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

Section 2. 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 _____, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:



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

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: August 8, 2022
SUBJECT: Trails & Sidewalks in Code and Plans

Introduction

There has been a great deal of interest in non-motorized transportation from the City Council, Committees, Commissions, and citizen lead groups. I am putting together some information on the state of business regarding the issue so that all may have a similar understanding to use as a basis for addressing the subject in a productive unified method. I consider this a more detailed discussion of my Comprehensive Plan item on the agenda. We get to the plans dealing with non-motorized transportation that compose the Homer Comprehensive Plan through code cited below. Newly proposed streets are subject to the criteria.

HCC 22.10 Subdivision Improvements

- Intent of code is to supplement the Kenai Peninsula Borough subdivision ordinance
- Requires rights-of way to be built to standards of Design Criterial Manual, HCC 22.10.050
- Requires utility easements and other easements such as, sidewalks, bike paths, and other non-motorized transportation facilities as identified in the Non-Motorized Transportation and Trail Plan. Other non-required easements (such as trails and path not identified on the plan) may be accepted by the City Council, HCC 22.10.051.
- Utilities to be underground, HCC 22.10.055

Title 11 Streets, Sidewalks and Driveway Construction

- This Chapter deals with construction
- Adopts classification system of the Master Roads and Street Plan map and building standards associated with the classification, HCC 11.04.050.
- Requires streets to be built to minimum requirements of the plan, “however, that the City may, upon direction of the City Council, elect to require construction to the full standards and pay to the developer the cost difference between the required street and the proposed street.” (HCC 11.04.050(c))
- “The City Council shall be empowered to designate additional routes as arterials and collectors beyond those adopted on the Master Plan map.” (HCC 11.04.050(d))

- Adopts by reference the “Design Criteria Manual for Streets and Storm Drainage,” dated April 1985 and revised February 1987 (HCC 11.04.058).
- Technical specs and references for construction and reconstruction including:

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

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

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

Design Criteria Manual for Streets and Storm Drainage, April 1985 Revised February, 1987

- The document is the technical design criteria and includes specifications for construction of Sidewalks (Article 5.11) and Bikeways (Article 5.12). This is basically approved technical specifications including materials and dimensions.

Master Roads & Streets Plan, 1986

- The document was created by contractors working with an appointed Road Standards Committee. It includes an inventory, classification, status and recommendations of all roads (in 1986). It documented the many issues associated with the local physical conditions and the built environment. Not surprisingly, we are still addressing many today. It proposed revision to the classification system and corrective actions to take on existing streets (including constructing a sidewalk on Main Street north of Pioneer Avenue!).
- Obviously this document could use an update, but also a review for lessons learned.

Non-Motorized Transportation and Trail Plan, 2004 (NMTTP)

- This plan was created with a grant and was created with a contractor driven public engagement process.
- With an exclusive focus on non-motorized transportation an inventory of all existing features were documented along with mapped recommendations for future paths including sidewalks, trails and bike paths.
- Included are strategies for forwarding policies including recommended actions and funding opportunities.

So how do we get more non-motorized facilities??

Right now:

- Support our Public Works Director’s plan to utilize HART funds for projects currently identified.

- Continue to lobby the state for federal funds, especially for those associated with state roads and other projects that qualify for funding.
- Find champion to future investigate funding opportunities identified in the NMTTP.

For future infrastructure:

- Update plans and codes for non-motorized requirements for future subdivision, including consideration of cost share options for routes with the greatest community benefits.
- Update Special Assessment District (SAD) policy to better encourage participation in local district for sidewalks.

How do our plans help us?

- The plans really set the stage for funding opportunities, especially through government entities.
- They could also help address future 'growing pains' by identifying infrastructure requirements.



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov
(p) 907-235-8121 x2222
(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: August 4, 2022
SUBJECT: City Manager's Report for August 8, 2022 Council Meeting

Federal Funding for the Large Vessel Harbor Expansion General Investigation

I am happy to report that the City's Congressionally Designated Spending request to Senator Lisa Murkowski for Federal matching funds for the Homer Large Vessel Harbor Expansion General Investigation have successfully moved out of the U.S. Senate Appropriations Committee. Currently, \$300,000 is budgeted, the amount the US Army Corps of Engineers (USACE) anticipates expending in FY23 to initiate the 3-year, \$3M million study (funding is split \$1.5M federal, \$1.5M local sources which we have split 50/50 between the State of Alaska and the City of Homer). While funding is not guaranteed, approval by the Senate Appropriations Committee is a significant step in the process. The Federal budget will now move forward for consideration by the full Senate and then needs to be finalized by the full Congress. We hope to know definitively in December before the holiday recess.

Thanks to Senator Murkowski's strong project support, Senator Sullivan's advocacy for the project, State matching funds, and the continued coordinated efforts by Council and staff, we are cautiously optimistic that we will secure funding and be able to start the General Investigation in FY23.

The General Investigation will accomplish the necessary front-end planning for the project. Planning will involve the City and stakeholders and will be done cooperatively with the USACE. It will define and quantify Federal and non-Federal harbor conditions and needs, solicit input from stakeholders, develop alternative approaches and designs to solve the problems and determine whether the benefits of the project merit Federal investment in construction. We look forward to seeing this item in Congress' final budget for FY2023. Staff will continue to work with the USACE and Senator Murkowski's office to assist as needed.

Main Street Sidewalk Construction on a Short Pause

The Main Street Sidewalk project is on a brief hiatus as the contractor awaits delivery of some materials for the next stage of the project. It is expected that the hiatus should be approximately two weeks and we remain on track to finish the project this season. While there has been a break in the action, Public Works took advantage of the excavation for the sidewalk to replace two obsolete fire hydrants and upgraded a pressure reducing station on the Main Street water line.

Weed-Free Gravel and Sand Program

The City contracted with the Homer Soil & Water Conservation District to help Public Works address invasive species as part of the Department's normal operations. So far, the District has certified the three contractors

who have provided the City with most of its gravel and sand, as Weed-Free: East Road Services, Inc., Dibble Creek and R/C Land Development. This was just in time to ensure that the gravel/sand used on Main Street Sidewalk Project, the Frost Boil Dig-out projects and the City's stockpile of winter sand would be certified weed-free.

Bunnell Sidewalk Discussion

On Tuesday July 26th, Public Works Director Jan Keiser and Economic Development Manager Julie Engebretsen met with Old Town business owners and residents to discuss future road and sidewalk improvements. Engineers from Kinney and Associates were there to present some choices and listen to the conversation. Bunnell Street Arts Center graciously hosted the event, and participants appreciated talking about the traffic and parking issues, while watching large trucks delivering freight navigate the uniquely narrow streets. The quest for traffic calming and better pedestrian access began in Old Town in 2014 and culminated in improvements such as lower speed limits, speed humps and striped pedestrian walkways. The neighborhood looks forward to working with the City on the next stage of improvements for this vibrant neighborhood. Councilwoman Aderhold has expressed interest on working on policy changes and staying well-informed on developments in Old Town.



Jail Funding Update

The City of Homer is tentatively set to receive a 46% increase in community jail funding. An increase in jail contract funding is something that Homer and many other cities with community jails lobbied for this past year in Juneau. Our annual amount has remained the same for quite some time at \$424,080. Beginning in FY23 (effective July 1, 2022), the annual disbursement to the City is projected to increase to \$619,938 (increase of \$195,858). As stated these numbers are tentative and there is still the matter of updating our jail contract to contend with before this topic comes to a close. I will report back as the situation develops.

Building Code Update

Special Project Coordinator Ryan Foster has gotten to work on the Council priority of moving forward on the implementation of a building code for Homer. The first step is to address permitting of dirt work (i.e., grading).

As part of this change, we have identified three sections of Homer City Code (HCC) Title 21 which should be considered for transfer to a new title set up specifically for building regulations. The following are likely to be moved: HCC 21.44 Slopes; HCC 21.50 Site Development Standards and Miscellaneous Regulations; and HCC 21.75 Stormwater Plan. This project is currently under review by the Development Work Group and will need to make a trip to the Planning Commission before it gets up to the Council table. We're also planning on conducting some stakeholder outreach with the development community. Work related to building code adoption and implementation for structures is also underway, however, that is a larger topic which will take more time to develop.

Comprehensive Plan and Zoning Code Update

City Planner Rick Abboud, Economic Development Manager Julie Engebretsen, Special Projects Coordinator Ryan Foster, and I have been meeting to formulate a first draft RFP for the Council priority of updating the comprehensive plan and zoning code. We have some more work to do before we start to bring in other stakeholders, but I wanted Council to be aware that this is now moving ahead thanks to the added capacity of the new special project coordinator positions.

Agenda Management Upgrade

The Clerk's office is excited to announce a change in agenda management software from Municode Meetings to iCompass. iCompass provides for improved internal routing capabilities to assist staff in preparation for Council and Board/Commission packets. There will be an app on Council's tablets for quick access to agenda packets that provides quick links to agenda items, and it has an easy to use public facing portal for citizens to stay informed on meeting schedules and agendas. We don't have a date to go live yet, but we're close to having the agenda packet formatting completed and will be scheduling staff and council training on using the program soon. If you'd like a quick peek at what's to come, visit the City of Wasilla's page at <https://cityofwasilla.civicweb.net/Portal/> or the Village of Lisle at <https://villageoflisle.civicweb.net/portal/> to see what the iCompass public portal offers.

Running for Local Office Open House

The first Running for Local Office Open House was held Saturday, July 23rd from 10 to 11 am in the Council Chambers. The City Clerk was available for the hour to meet with folks interested in running for local office. One person stopped by, asked questions, and took copies of the materials that were available. The Clerk's Office will look at ways to improve on the event for next year. As a reminder, the Candidacy Filing Period is open until Monday, August 15th at 4:30 p.m. and filing packets are available on the City Clerk's webpage and at the City Clerk's Office.

Disaster Relief Funding from the 2018 Pacific Cod Federal Fishery Disaster

The City received disaster relief funds in the amount of \$2,106 related to the Gulf of Alaska Pacific Cod Disaster of 2018. Communities must use the funds to improve or maintain infrastructure or services that support Pacific cod commercial fisheries. The City will utilize the funds to help complete necessary maintenance on the Fish Dock cranes. Thanks to the Pacific States Marine Fisheries Commission for administering the funds for affected communities.

Attachment- August Employee Anniversaries



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: MAYOR CASTNER AND CITY COUNCIL
FROM: Andrea Browning
DATE: August 8, 2022
SUBJECT: August Employee Anniversaries

I would like to take the time to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

Joe Inglis	Public Works	11	Years
Shawn Krause	Public Works	3	Years
Kellen Stock	Police	3	Years
Rob Dumouchel	Admin	2	Years
Nate Brown	Public Works	1	Year

PLANNING COMMISSION ANNUAL CALENDAR
FOR THE 2022 MEETING SCHEDULE

<u>MEETING DATE</u>	<u>SCHEDULED EVENTS OR AGENDA ITEM</u>
JANUARY 2022	
FEBRUARY 2022	PC training: legislative vs quasi-judicial decisions; decisions and findings
MARCH 2022	Guest speaker and training: KPB Platting/Planning AK APA Conference
APRIL 2022	2018 Comprehensive Plan Review / HNMTP
MAY 2022	Transportation work session with Public Works
JUNE 2022	Reappointment Applications Deadline
JULY 2022	Reappointments Spit Plan Review / Transportation Plan (One meeting this month)
AUGUST 2022	Election of Officers (Chair, Vice Chair) PC training: Roberts rules, OMA Capital Improvement Plan Review
SEPTEMBER 2022	Economic Development speaker (such as KPEDD, chamber, SBA,)
OCTOBER 2022	Floodplain or other hazard regulations overview...connect dots between comp plan and our current regs
NOVEMBER 2022	(One meeting this month) Review and Approve the 2022 Meeting Schedule
DECEMBER 2022	(One meeting this month) Review Bylaws, and Policies and Procedures / Town Center Plan

Semi Annually: PW project update

Odd Years: 2018 Comprehensive Plan (April) Homer Spit Plan, (July), Review Bylaws, and Policies
and Procedures (December)

Even Years: HNMTP (April), Transportation Plan (July), Town Center Plan (December)