



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer

Agenda

City Council Regular Meeting

Monday, October 24, 2022 at 6:00 PM

Cowles Council Chambers and via Zoom Webinar

<https://cityofhomer.zoom.us/j/205093973?pwd=UmhJWEZ3ZVdvdDkxZ3Ntbld1NINXQT09>

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Webinar ID: 205 093 973 Passcode: 610853

CALL TO ORDER, PLEDGE OF ALLEGIANCE

AGENDA APPROVAL (Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 2.08.040.)

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA (Items listed below will be enacted by one motion. If a separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- a. Homer City Council Unapproved Regular Meeting Minutes of September 26th and October 10, 2022. City Clerk. Recommend approval.
- b. Memorandum 22-178 from Mayor re: Appointments/Reappointment(s) to Advisory Bodies. Recommend Approval.
- c. Ordinance 22-70, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code, Section 21.60.100 Signs Exempt from Regulation to Exempt Signs Not Visible from Public Rights of Way. Lord. Introduction October 24, 2022 S Public Hearing and Second Reading November 14, 2022.

Memorandum 22-179 from Councilmember as backup.

- d. Ordinance 22-71, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget by Appropriating \$20,250 From the Port Reserve Fund to Pump, Dispose/Recycle, and Replace the City Ice Plant's Ammonia Stores and Authorizing the City Manager to Execute the Appropriate Documents for a Sole Source Contract with

Multifrost. City Manager/Port Director. Introduction October 24, 2022 Public Hearing and Second Reading November 14, 2022

Memorandum 22-180 from Port Director as backup.

- e. Ordinance 22-72, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 20 Animals, Sections 20.04.020 Definitions, 20.08.010 Animals At Large, 20.08.040 Nuisance Animals And 20.32.020 Fine Schedule to Refine the Definition of “At Large”, Clarify Areas Where Animals Are To Be On Leash At All Times and Amend Related Fines. Venuti/Erickson. Introduction October 24, 2022 Public Hearing and Second Reading November 14, 2022.

Memorandum 22-181 from Police Chief as backup.

Memorandum 22-182 from Parks, Art, Recreation & Culture Advisory Commission as backup.

- f. Resolution 22-074, A Resolution of the City Council of Homer, Alaska Adopting the City of Homer 2022 Non-Motorized Transportation and Trails Implementation Plan. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-171 from Public Works Director as backup.

Public Comment received

- g. Resolution 22-081, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the 2022-2025 Snow Removal and Sanding Services to the Firm of Gregoire Construction of Homer, Alaska, in the Amount of \$535 Snow Removal Per Trip and \$436 Sanding Per Trip, and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption.

Memorandum 22-184 from Public Works Superintendent as backup.

- h. Resolution 22-082, A Resolution of the City Council of Homer, Alaska, Approving a Joint Resolution of the Councils of the Seldovia Village Tribe and Cities of Seldovia and Homer, Respectively, Establishing a Regional Partnership Between Homer and Seldovia. City Manager. Recommend adoption.

Memorandum 22-185 from City Manager as backup.

VISITORS

- a. West Homer Japanese Class
- b. Tim Dillon, KPEDD Update (10 minutes)

ANNOUNCEMENTS / PRESENTATIONS / REPORTS (5 Minute limit per report)

- a. Worksession Report
- b. Committee of the Whole Report
- c. Mayor's Report
 - i. i. Non-Motorized Transportation Plan Update - Jan Keiser, Public Works Director
- d. Borough Report
- e. Advisory Body Reports
 - i. Library Advisory Board
 - ii. Planning Commission
 - iii. Economic Development Advisory Commission
 - iv. Parks Art Recreation and Culture Advisory Commission
 - v. Americans with Disabilities Act (ADA) Advisory Board

PUBLIC HEARING(S)

a. FY24/25 Budget Priorities

Memorandum 22-186 from City Manager as backup.

b. Ordinance 22-42(S)(A), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 11.04.120 to Clarify that all New Streets which Serve as Public Access Corridors shall have Sidewalks. Davis/Erickson. Introduction July 25, 2022, Referred to Planning Commission, Parks Art Recreation & Culture Advisory Commission, and Public Works, Public Hearing and Second Reading Postponed to October 10, 2022 Postponed to October 24, 2022.

Ordinance 22-42(S-2), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Sections 11.04.120, 22.10.050, and 22-10.051 to Specify when New Streets are Required to Provide for Non-Motorized Transportation. Davis/Erickson.

Memorandum 22-165 from Planning Commission as backup.

Memorandum 22-166 from Parks Art Recreation & Culture Advisory Commission as backup.

c. Ordinance 22-62, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Operating Budget by Appropriating \$10,000 from the General Fund Unassigned Fund Balance to Fund Part of the Homer Business Advisory Position for the Alaska Small Business Development Center, and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. Venuti/Erickson. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022 Postponed to October 24, 2022 Postponed to October 24, 2022.

Memorandum 22-160 from Economic Development Manager as backup.

- [d.](#) Ordinance 22-63, An Ordinance of the City Council of Homer, Alaska Amending Accepting and Appropriating a Grant with the Alaska Energy Authority in the Amount of \$79,500 for the Design of a Micro-Hydro Unit in Homer's Water System and Authorizing a Sole Source Contract to InPipe Energy for Design Services of the Micro-Hydro Unit(s) in the Amount of \$79,500. City Manager/Public Works Director. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022 Postponed to October 24, 2022.

Memorandum 22-161 from Public Works Director as backup.

- [e.](#) Ordinance 22-64, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating an FY23 Designated Legislative Grant from the State of Alaska for the Purpose of New Large Vessel Harbor Matching Funds for an Army Corps of Engineers General Investigation and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022 Postponed to October 24, 2022.

- [f.](#) Ordinance 22-65, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Accepting and Appropriating a 2022 Commercial Passenger Vessel Tax Program Grant from the State of Alaska for \$35,445 and a Commercial Passenger Vessel Tax Program 2022 Pass-Through Grant from the Kenai Peninsula Borough in the Amount of \$35,445 to Rebuild Crane #7 on Homer Fish Dock and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Port Director. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022 Postponed to October 24, 2022.

Memorandum 22-162 from Port Director as backup.

- [g.](#) Ordinance 22-66, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$69,110 from the Port Reserve Fund to Rebuild Crane #7 on Homer Fish Dock and Authorizing a Sole Source Contract with Great Northern Hydraulics, LLC. City Manager/Port Director. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022 Postponed to October 24, 2022.

Memorandum 22-162 from Port Director as backup.

- [h.](#) Ordinance 22-67, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Authorizing a Transfer of \$438,315 from the Utility Fund Fund Balance to include \$200,000 to the Water Capital Asset Repair and Maintenance Allowance (CARMA) Fund and \$238,315 to the Sewer CARMA Fund and by Appropriating those Amounts from the Water CARMA and Sewer CARMA Funds Accordingly to fund Projects identified in the Water and Sewer Financial Plan. City Manager/Public Works Director. Introduction October 10, 2022 Public Hearing and Second Reading October 24, 2022.

Memorandum 22-168 from Finance Director as backup.

- i. Ordinance 22-68, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential District; Homer City Code 21.14, Urban Residential District; Homer City Code 21.12 Residential Office District; Homer City Code 21.18, Central Business District; Homer City Code 21.20 Town Center District; Homer City Code 21.22, Gateway Business District; Homer City Code 21.24, General Commercial 1 District; Homer City Code 21.26, General Commercial 2 District; And Homer City Code 21.27, East End Mixed Use District, Regarding Conditional Uses in each District. Planning Commission. Introduction October 10, 2022 Public Hearing and Second Reading October 24, 2022.

Memorandum 22-169 from City Planner as backup.

Public Comment Received

ORDINANCE(S)

- a. Ordinance 22-73, An Ordinance of the City Council of Homer, Alaska, Amending the FY22 Capital Budget to Authorize the Expenditure of \$97,860.73 from the Sewer CARMA Fund to Fully Fund Repairs of the Broken Clarifier Belt at the Waste Water Treatment Plant. City Manager/Public Works Director. Introduction October 24, 2022 Public Hearing and Second Reading November 14, 2022.

Memorandum 22-183 from Public Works Director as backup.

CITY MANAGER'S REPORT

- a. City Manager's Report

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

- a. Resolution 22-080, A Resolution of the City Council of Homer, Alaska, Requesting the State of Alaska Department of Transportation and Public Facilities (AKDOT/PF) to Conduct a Speed Limit Review on East End Road to Evaluate Decreasing the Current 45 Mile Per Hour (MPH) Speed Limit to 35 MPH within the City Limits of Homer. Lord/Mayor.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

COMMENTS OF THE CITY MANAGER

COMMENTS OF THE MAYOR

COMMENTS OF THE CITY COUNCIL

ADJOURNMENT

Next Regular Meeting is Monday, November 14, 2022, at 6:00 p.m. Committee of the Whole at 5:00 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 22-19 a Regular Meeting of the City Council of Homer, Alaska was called to order on September 26, 2022 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS ADERHOLD, DAVIS, ERICKSON, HANSEN, LORD, VENUTI

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON
PUBLIC WORKS DIRECTOR KEISER
NETWORK ADMINISTRATOR SULCZYNSKI
CITY ATTORNEY GATTI

AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

Mayor Castner announced the supplemental items and agenda changes:

ANNOUNCEMENTS/PRESENTATIONS/REPORTS Planning Commission written report and Cook Inlet RCAC Regional Director written report PUBLIC HEARINGS Ordinance 22-42(S), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 11.04.120 to Clarify that all New Streets which Serve as Public Access Corridors shall have Sidewalks from Davis/Erickson, and proposed amendments to Ordinance 22-42(S) from Council Member Lord.

ADERHOLD/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

Mayor Castner announced at the upcoming Port & Harbor Advisory Commission meeting he'll be recognizing outgoing Commissioner Cathy Ulmer for her 20 years of service on the Commission.

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA (Items listed below will be enacted by one motion. If a separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- a. Ordinance 22-62, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Operating Budget by Appropriating \$10,000 from the General Fund Unassigned Fund Balance to Fund Part of the Homer Business Advisory Position for the Alaska Small Business Development Center, and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. Venuti/Erickson. Recommended dates Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022.

Memorandum 22-160 from Economic Development Manager as backup.

- b. Ordinance 22-63, An Ordinance of the City Council of Homer, Alaska Amending Accepting and Appropriating a Grant with the Alaska Energy Authority in the Amount of \$79,500 for the Design of a Micro-Hydro Unit in Homer's Water System and Authorizing a Sole Source Contract to InPipe Energy for Design Services of the Micro-Hydro Unit(s) in the Amount of \$79,500. City Manager/Public Works Director. Recommended dates Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022.

Memorandum 22-161 from Public Works Director as backup.

- c. Ordinance 22-64, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating an FY23 Designated Legislative Grant from the State of Alaska for the Purpose of New Large Vessel Harbor Matching Funds for an Army Corps of Engineers General Investigation and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Recommended dates Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022

- d. Ordinance 22-65, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Accepting and Appropriating a 2022 Commercial Passenger Vessel Tax Program Grant from the State of Alaska for \$35,445 and a Commercial Passenger Vessel Tax Program 2022 Pass-Through Grant from the Kenai Peninsula Borough in the Amount of \$35,445 to Rebuild Crane #7 on Homer Fish Dock and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Port Director. Recommended dates Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022.

Memorandum 22-162 from Port Director as backup.

- e. Ordinance 22-66, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$69,110 from the Port Reserve Fund to Rebuild Crane #7 on Homer Fish Dock and Authorizing a Sole Source Contract with Great Northern Hydraulics, LLC. City Manager/Port Director. Recommended dates Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022.

Memorandum 22-162 from Port Director as backup.

- f. Resolution 22-068, A Resolution of the City Council of Homer, Alaska Awarding Certified Public Accounting Municipal Finance Term Contracts to the Firms of Carmen Jackson, CPA, LLC and Altman, Rogers & Co. and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 22-163 from City Clerk as backup.

Moved to Resolutions item c. Erickson.

- g. Resolution 22-069, A Resolution of the City Council of Homer, Alaska Acknowledging the Insufficiency of the East Hill Road Sewer Improvement Special Assessment District. City Clerk. Recommend adoption.

Memorandum 22-164 from Deputy City Clerk as backup.

- h. Resolution 22-072, A Resolution of the City Council of Homer, Alaska Supporting the Construction of a Fiber Optic System which would Connect Many of the Towns and Villages in Western Alaska to the National Network of High Speed Internet. Mayor. Recommend adoption.

Item f. moved to Resolutions item c. Erickson.

City Clerk Jacobsen read the consent agenda and recommendations.

ADERHOLD/ERICKSON MOVED TO ADOPT THE RECOMMENDATIONS OF THE CONSENT AGENDA AS READ.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VISITORS

- a. COVID-19 Agency Update Derotha Ferraro, South Peninsula Hospital Public Information Officer and Lorne Carroll, State of Alaska Public Health Nurse III (10 minutes)

Lorne Carroll announced this will be his final COVID agency update, he reviewed total case counts and death counts worldwide, the Alaska community case rates map, and the Kenai Peninsula Borough community level. He shared hospital capacity status statewide and Omicron variants prevalence, reviewed vaccination schedules, and gave a brief report on Monkeypox.

Derotha Ferraro reported on South Peninsula Hospital statistics for testing and hospitalizations, shared that the new Pfizer bivalent booster is available by appointment, hours at the test and vaccine clinic, and updated masking requirements for visitors.

- b. Fiscal Year 2021 Audit Report - BDO, USA (5 minutes)

Rescheduled to October 26, 2022.

- c. Kenai Peninsula Borough Superintendent Clayton Holland (10 Minutes)

Assistant Superintendent Kari Dendurent presented an overview of the school district, strategic planning, student enrollment, and the school bond issue on the upcoming ballot.

- d. Small Business Development Center - Robert Green (10 Minutes)

Robert Green, Homer Business Advisor, provided an overview of the services he provides at the Homer office of the Small Business Development Center. Cliff Cochran, Kenai Peninsula Center Director, Karin Marks Economic Development Advisory Commission Chair, and Julie Engebretsen, Economic Development Manager commented briefly in support of funding assistance for the Homer office.

ANNOUNCEMENTS / PRESENTATIONS / REPORTS (5 Minute limit per report)

- a. Worksession Report

City Manager Dumouchel reported Council heard a presentation from and had discussion with Special Projects and Communications Coordinator Jenny Carroll regarding the 2023-2028 Capital Improvement Plan and FY24 Legislative requests.

- b. Committee of the Whole Report

Council Member Aderhold reported Council had a presentation from BDO, the City's auditing firm on the FY21 audit. She noted they will be postponing the resolution that accepts the audit because they haven't received the final draft.

c. Mayor's Report

Mayor Castner reported on his discussion with the auditors, noting that the audits are fixed data points they can rely on from year to year. He also reported he's been working with the Kachemak City Mayor regarding speed limits and reducing them in our area.

d. Lunch with a Council Member - Council Member Davis

Council Member Davis reported they had good discussion regarding updating the Climate Action Plan, workforce housing, short term rentals, and invasive species.

e. Borough Report

Kenai Peninsula Borough Assembly Member Lane Chesley reported they will be swearing in Interim Borough Mayor Mike Navarre and the Assembly will be discussing the timeline for the upcoming special election. He shared that the Borough received their appraisals for properties that are being considered in a land trade with the City. Brandi Harbaugh, KPB Finance Director, is on board to attend a worksession with Council and he'll work on getting that scheduled. He provided an explanation of Proposition 1 on the upcoming ballot related to apportionment and the fiscal note related to increasing the assembly seats and school board seats.

f. Library Advisory Board

Library Advisory Board Chair Kate Finn reported at their last meeting they discussed library building priorities for repairs and the Finance Director attended and reported on the budget. They reviewed their 2022 goals, discussed development of a teen advisory board, state and federal legislative updates, banned books week, and status of the western lot.

g. Planning Commission

Planning Commissioner Mike Stark introduced himself as the newest Commission member. He reported on the Commission's discussion the Ordinance 22-42 regarding sidewalks, platting matters, and the draft ordinance reducing CUP's in zoning districts.

h. Economic Development Advisory Commission

Economic Development Advisory Commission Chair Karin Marks reported at their last meeting the Commission finished their balance of quality of life, change, and community growth report and will be presenting to Council, and they're giving updates to the other commissions.

i. Parks Art Recreation and Culture Advisory Commission

Parks Art Recreation and Culture Advisory Commissioner Deb Lowney reported at their last meeting they heard reports on Community Recreation, Karen Hornaday Park Master Plan, and

Drawdown Trail Work. She noted the upcoming Pathways Symposium and encouraged listeners to attend.

Mayor Castner called for a 10 minute recess at 7:43 p.m. and called the meeting back to order at 7:53 p.m.

PUBLIC HEARING(S)

- a. Ordinance 22-42, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 11.04.120 to Clarify that all New Streets which Serve as Public Access Corridors shall have Sidewalks. Davis/Erickson. Introduction July 25, 2022, Referred to Planning Commission, Parks Art Recreation & Culture Advisory Commission, and Public Works, Public Hearing and Second Reading Postponed to September 26, 2022.

Memorandum 22-165 from Planning Commission as backup.

Memorandum 22-166 from Parks Art Recreation & Culture Advisory Commission as backup.

Mayor Castner opened the public hearing.

Pat Case, city resident, commented in support of sidewalks in Homer and Ordinance 22-42, recognizing there are clarifications that need to be made in the ordinance. Mr. Case highlighted ADA standards for sidewalks and the necessity of maintenance in the winter.

Deb Lowney, city resident, commented in support of Ordinance 22-42 but has concern about criteria, noting there are some streets that may not demand sidewalks. She shared her perspective as an avid walker, and agrees with Mr. Case's comments.

ERICKSON/DAVIS MOVED TO ADOPT ORDINANCE 22-42 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

DAVIS/LORD MOVED TO SUBSTITUTE 22-42(S) FOR 22-42.

Council Member Davis noted the substitute addresses concerns raised by the Planning Commission and Parks Art Recreation and Culture Advisory Commission. He asked if Public Works Director Keiser could share her thoughts about the substitute.

Public Works Director Keiser expressed her support for the spirit of the ordinance. She explained the language in the ordinance imposing requirements to design or build sidewalks needs to be enforceable. Developers need to be able to predict what will be required of them, and when it will be required. She has concern with the term public access corridor, the definition is vague. She has identified some criteria she thinks could help identify specific instances where connections would be required and explained some of them. In response to questions about the substitute, Public Works Director Keiser expressed that there are some

streets that clearly don't need sidewalks, and she likes the idea of case by case determinations and addressing findings, but the criteria needs to be predictable and easy to enforce. She commented regarding their efforts to accomplish this through the Non-Motorized Transportation and Trails Plan and the upcoming Trails Symposium.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ERICKSON/LORD MOVED TO AMEND LINE 36 TO READ NEW STREETS TO BE ACCEPTED BY THE CITY MAY BE REQUIRED TO HAVE A DEDICATED PATH OR TRAIL TO ENSURE PEDESTRIAN SAFETY.

Mayor Castner clarified this changes shall have to may be required.

Public Works Director Keiser shared her concern with the lack of enforceability. She needs criteria she can enforce and is willing to help draft something to bring back to the next meeting.

There was discussion regarding the amendment and next steps to coming forward with a more comprehensive amended ordinance.

VOTE (amendment): YES: VENUTI, ERICKSON, LORD, DAVIS, HANSEN
NO: ADERHOLD

Motion carried.

Council Member Lord commented regarding the amendments she provided as a laydown, and asked they be considered by the Public Works Director when preparing the updated draft.

Council Member Aderhold supports the concept of the ordinance and understands the urgency to get it completed as developers may be working on their plans over the winter. She agrees there needs to be more work done and the title will need to be amended so that it's consistent with the language being proposed.

Council Member Davis supports postponing and hopes as the Public Works Director is able to incorporate her criteria and consider what's proposed by Council Member Lord in her laydown. He hopes it can get to the Planning Commission for review before it comes back to council.

Mayor Castner asked that neighborhood density be considered as well.

LORD/DAVIS MOVED TO POSTPONE TO THE NEXT MEETING.

Mayor Castner noted that will be October 10, 2022.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- b. Ordinance 22-53, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 2.58, Boards and Commissions Section 2.58.020 Creation of City Boards and Commissions and Adopting Chapter 2.70 Americans with Disabilities Act Advisory Board. Aderhold. Introduction September 12, 2022 Public Hearing and Second Reading September 26, 2022.

Memorandum 22-143 from Deputy City Clerk as backup.

Memorandum 22-159 from City Clerk as backup.

Mayor Castner opened the public hearing.

Pat Case, city resident, commented in support of Ordinance 22-53, and suggested the ADA Advisory Board provide input regarding Ordinance 22-42.

ADERHOLD/ VENUTI MOVED TO ADOPT ORDINANCE 22-53 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

ERICKSON/ADERHOLD MOVED TO AMEND LINE 129 TO CHANGE EXPAND THE DUTIES TO MODIFY THE DUTIES.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ERICKSON/LORD MOVED TO AMEND LINE 83 AFTER ELECTED TO ADD OR UNTIL THEY SUBMIT THEIR RESIGNATION AND A REPLACEMENT IS APPOINTED.

There was brief discussion to clarify the amendment.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Council Member Aderhold provided history of the committee and the benefits of the committee becoming a board to continue to work on transition plans and addressing matters that may arise.

Mayor Castner questioned whether ADA requirements are included in the city's solicitations for construction. Public Works Director Keiser confirmed they are but in the past haven't necessarily been enforced. She's unsure why.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- c. Ordinance 22-54, An Ordinance of the City Council of Homer, Alaska Extending the Appropriations for Previously Funded Capital Projects through the end of Fiscal Year 2023. City Manager/Finance Director. Recommended dates Introduction September 12, 2022 Public Hearing and Second Reading September 26, 2022.

Memorandum 22-157 from Finance Director as backup.

Mayor Castner opened the public hearing. There were no comments and the hearing was closed.

ADERHOLD/ERICKSON MOVED TO ADOPT ORDINANCE 22-54 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- d. Ordinance 22-55, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$370,263 from the Utility Fund to Fully Fund the Repair of the Belt Driven Clarifier Skimmers at the Waste Water Treatment Plant. City Manager/Public Works Director. Introduction September 12, 2022 Public Hearing and Second Reading September 26, 2022.

Memorandum 22-147 from Public Works Director as backup.

Mayor Castner opened the public hearing. There were no comments and the hearing was closed.

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 22-55 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Council Member Lord noted there has been a lot of conversation about this very expensive skimmer and the infrastructure at the waste water treatment plant.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- e. Ordinance 22-56, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Operating Budget by Appropriating \$93,750 from the Water/Sewer Inventory Account for the Purchase of Concrete Septic Tanks. City Manager/Public Works Director. Introduction September 12, 2022 Public Hearing and Second Reading September 26, 2022.

Memorandum 22-148 from Public Works Director as backup.

Mayor Castner opened the public hearing. There were no comments and the hearing was closed.

ADERHOLD/ERICKSON MOVED TO ADOPT ORDINANCE 22-56 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- f. Ordinance 22-57, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$15,000 from the General Fund Capital Asset Repair and Maintenance Allowance Fund for Fencing at the Skyline Drive Fire Station. City Manager/Fire Chief. Introduction September 12, 2022 Public Hearing and Second Reading September 26, 2022.

Memorandum 22-149 from Fire Chief as backup.

Mayor Castner opened the public hearing. There were no comments and the hearing was closed.

ADERHOLD/ERICKSON MOVED TO ADOPT ORDINANCE 22-57 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- g. Ordinance 22-58, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Authorizing a Total Transfer of \$208,000 from the Utility Operations Fund Fund Balance to Include \$52,000 to the Water Capital Asset Repair and Maintenance Allowance (CARMA) Fund and \$156,000 to the Sewer CARMA Fund. City

Manager/Public Works Director. Introduction September 12, 2022 Public Hearing and Second Reading September 26, 2022.

Memorandum 22-150 from Public Works Director as backup.

Memorandum 22-158 from Finance Director as backup.

Mayor Castner opened the public hearing. There were no comments and the hearing was closed.

ADERHOLD/ERICKSON MOVED TO ADOPT ORDINANCE 22-54 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There brief comments expressing appreciation for staffs work on this matter.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- h. Ordinance 22-59, An Ordinance of the City Council of Homer, Alaska Amending the City of Homer Fee Schedule under City-Wide Administrative Fees for City Lease Fees. City Manager/City Clerk. Introduction September 12, 2022 Public Hearing and Second Reading September 26, 2022.

Memorandum 22-151 from Deputy City Clerk as backup.

Mayor Castner opened the public hearing. There were no comments and the hearing was closed.

ADERHOLD/ERICKSON MOVED TO ADOPT ORDINANCE 22-54 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- i. Ordinance 22-60, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Accepting and Appropriating the Second Tranche of American Rescue Plan Act (ARPA) Funds in the Amount of \$716,685.16 to Fund Necessary Utility Infrastructure Projects. City Manager/Finance Director. Introduction September 12, 2022 Public Hearing and Second Reading September 26, 2022.

Memorandum 22-152 from Finance Director as backup.

Mayor Castner opened the public hearing. There were no comments and the hearing was closed.

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 22-54 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- j. Ordinance 22-61, An Ordinance of the City Council of Homer, Alaska Amending the City of Homer Water and Sewer Rates and Updating the Homer Fee Schedule Accordingly. City Manager/Finance Director. Introduction September 12, 2022 Public Hearing and Second Reading September 26, 2022.

Memorandum 22-156 from Finance Director as backup.

Mayor Castner opened the public hearing. There were no comments and the hearing was closed.

ADERHOLD/ERICKSON MOVED TO ADOPT ORDINANCE 22-61 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was brief comment that this amendment creates a good balance for user costs and city needs.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

- a. City Manager's Report

City Manager Dumouchel commented regarding the progress on the Main Street Sidewalk, the Master Transportation Plan and upcoming Trails Symposium, the new Tsunami Flyers are being distributed, partnership work with the City of Seldovia, and short term rental discussion at the next worksession.

Council Member Lord commented regarding the speed limit on East End and how people can provide feedback related to this in the Master Transportation Plan. City Manager Dumouchel

responded there will be opportunities for public input that will be advertised when dates are set, and there will be opportunities to comment on line. Public Work Director Keiser provided additional information.

Council Member Lord also commented to clarify regarding the short term rental worksession, there are no grant programs being developed, and the work being done by city staff is to get a better understanding of short term rentals.

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

- a. Resolution 22-070, A Resolution of the City Council of Homer, Alaska Amending the 2022 City Council Meeting Schedule for November and December. City Manager.

ADERHOLD/DAVIS MOVED TO ADOPT RESOLUTION 22-070 BY READING OF TITLE ONLY.

Mayor Castner expressed strong concern about such a long gap between meetings if the December meeting is canceled.

There was discussion that it is a long time between meetings, but a special meeting can be called if needed.

Council Member Erickson noted she'll be out of town November 14th.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- b. Resolution 22-071, A Resolution of the City Council of Homer, Alaska Accepting the Fiscal Year 2021 Basic Financial Statements and Acknowledging the Management Letter Submitted by the City's Independent Auditor, BDO USA, LLP and Authorizing the City Manager to Execute the Financial Report. City Manager/Finance Director.

ADERHOLD/VENUTI MOVED TO POSTPONE TO OCTOBER 10, 2022.

Council Member Aderhold explained Council has not received the final audit to review.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- c. Resolution 22-068, A Resolution of the City Council of Homer, Alaska Awarding Certified Public Accounting Municipal Finance Term Contracts to the Firms of Carmen Jackson, CPA, LLC and Altman, Rogers & Co. and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager.

Memorandum 22-163 from City Clerk as backup.

ADERHOLD/LORD MOVED TO ADTOP RESOLUTION 22-068 BY READING OF TITLE ONLY.

Council Member Erickson asked for the rationale for these term contracts. She has concerns about why this is happening, and if we're changing staffing.

City Manager Dumouchel explained there are no staffing changes. This is similar to the engineering term contracts for Public Works, where we may have a project where we need a specialist to help us work through something. The Finance Department has been inundated since Council changed the fiscal year and it has continued to compound since. Working with an outside firm on some projects when we don't have in-house staff to do it will help take some of the pressure off the team.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Pat Case, city resident, commented on the history of the bond proposition for the West Homer Elementary School, and the importance of this school bond question on the ballot. He expressed his appreciation of their work on the sidewalk ordinance 22-42.

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti commended Council on their good work tonight.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen announced advisory body openings and election updates.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel had no comments.

COMMENTS OF THE MAYOR

Mayor Castner commented from his vantage point he could see there were voters in the lobby earlier this evening, and confirmed there is early voting happening. He thanked Lorne Carroll and Derotha Ferraro for all their support and reporting during the pandemic.

COMMENTS OF THE CITY COUNCIL

Council Member Hansen thanked everyone for a good meeting.

Council Member Aderhold commented regarding the upcoming Candidate Forum at the library and the Trails Symposium at the college.

Council Member Venuti thanked Lorne Carroll and Derotha Ferraro, she'll miss having them at the meetings. She shared condolences to family and friends of Nancy Vait who passed away recently and recognized those in western Alaska who have experienced damage from the hurricane strength winds. She encouraged listeners to get out and vote.

Council Member Lord said it was a good meeting, the Candidate Forum will be broadcast on the radio, and encouraged people to vote.

Council Members Davis and Erickson had no comments.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 9:15 p.m. The next Regular Meeting is Monday, October 10, 2022 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E921. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved: _____

Session 22-20 a Regular Meeting of the City Council of Homer, Alaska was called to order on October 10, 2022 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council’s Operating Manual, pg. 6)

Mayor Castner announced the supplemental packet items: **Consent Agenda** Resolution 22-074, A Resolution of the City Council of Homer, Alaska Adopting the City of Homer 2022 Non-Motorized Transportation and Trails Implementation Plan. City Manager/Public Works Director. Copy of the Non-Motorized Transportation and Trail Implementation Plan **Ordinances** Ordinance 22-69, An Emergency Ordinance of the City Council of Homer, Alaska Appropriating \$40,000 from the Homer Accelerated Roads and Trails Road Fund to Repair Alder Lane and Authorize an Increase in the East Road Services Indefinite Delivery Indefinite Quantity (IDIQ) Contract for this Work. City Manager/Public Works Director. Financial Supplement Form; **Resolutions** Resolution 22-079(S), A Resolution of the City Council of Homer, Alaska Certifying the Results of the City of Homer Regular Election held October 4, 2022 to Elect a Mayor for a Two Year Term and Two City Council Members for Three Year Terms each. City Clerk/Canvass Board, and Certificate of Election. Memorandum 22-177 from City Clerk as backup, and the Clerk will Administer the Oaths of Office.

ADDERHOLD/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Mayor Castner announced that due to issues with the newspaper, the Homer News did not publish the public hearing notice for tonight’s meeting, so public hearings will have to be postponed to the next meeting. The public may comment on items on the agenda including items listed under public hearing.

Larry Slone, city resident, commented regarding the Capital Improvement Plan and the necessity of including the costly ADA Accessibility projects CIP project for ADA accessibility to City Hall. Once inside there a person can’t get past the lobbies. He expressed support for Ordinance 22-62 and funding the Homer Business Advisory Position for the Alaska Small Business Development Center.

Robert Green commented in support of Ordinance 22-62 and funding the Homer Business Advisory Position for the Alaska Small Business Development Center.

Pat Case, city resident, commented in support of Ordinance 22-62 and funding the Homer Business Advisory Position for the Alaska Small Business Development Center and in support of ADA access to city facilities.

Karin Marks, city resident, commented in support of Ordinance 22-62 and funding the Homer Business Advisory Position for the Alaska Small Business Development Center.

RECONSIDERATION

CONSENT AGENDA (Items listed below will be enacted by one motion. If a separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- a. Homer City Council Unapproved Regular Meeting Minutes of September 12, 2022. City Clerk. Recommend adoption.
- b. Memorandum 22-167 from City Clerk re: Vacation of a Utility Easement Located on Lot 2-A-1 Scenic View Subdivision. Recommend approval.
- c. Ordinance 22-67, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Authorizing a Transfer of \$438,315 from the Utility Fund Fund Balance to include \$200,000 to the Water Capital Asset Repair and Maintenance Allowance (CARMA) Fund and \$238,315 to the Sewer CARMA Fund and by Appropriating those Amounts from the Water CARMA and Sewer CARMA Funds Accordingly to fund Projects identified in the Water and Sewer Financial Plan. City Manager/Public Works Director. Recommended dates Introduction October 10, 2022 Public Hearing and Second Reading October 24, 2022.

Memorandum 22-168 from Finance Director as backup.

- d. Ordinance 22-68, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential District; Homer City Code 21.14, Urban Residential District; Homer City Code 21.12 Residential Office District; Homer City Code 21.18, Central Business District; Homer City Code 21.20 Town Center District; Homer City Code 21.22, Gateway Business District; Homer City Code 21.24, General Commercial 1 District; Homer City Code 21.26, General Commercial 2 District; And Homer City Code 21.27, East End Mixed Use District, Regarding Conditional Uses in each District. Planning Commission. Recommended dates Introduction October 10, 2022 Public Hearing and Second Reading October 26, 2022.

Memorandum 22-169 from City Planner as backup.

- e. Resolution 22-071, A Resolution of the City Council of Homer, Alaska Accepting the Fiscal Year 2021 Basic Financial Statements and Acknowledging the Management Letter Submitted by the City's Independent Auditor, BDO USA, LLP and Authorizing the City Manager to Execute the Financial Report. City Manager/Finance Director. Recommend adoption.

Memorandum 22-177 from Finance Director as backup.

- f. Resolution 22-073, A Resolution of the City Council of Homer, Alaska Approving a Task Order to Kinney Engineering in the not to exceed amount of \$140,472 for the Design of the Heath Street Pavement Restoration Project and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-170 from Public Works Director as backup.

- g. Resolution 22-074, A Resolution of the City Council of Homer, Alaska Adopting the City of Homer 2022 Non-Motorized Transportation and Trails Implementation Plan. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-171 from Public Works Director as backup.

Moved to Resolutions item b. Aderhold.

- h. Resolution 22-075, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Increase East Road Services Indefinite Delivery Indefinite Quantity (IDIQ) Contract in the Amount of \$39,000 to Construct the Adams Lane Bike Path. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-172 from Public Works Director as backup.

- i. Resolution 22-076, A Resolution of the City Council of Homer, Alaska Supporting Full Funding (\$8,236,815) for the State of Alaska Municipal Harbor Grant Program in the FY 2024 State Capital Budget. City Manager/Port Director. Recommend adoption.

- j. Resolution 22-077, A Resolution of the City Council of Homer Alaska Awarding the Contract for the Small Boat Harbor Cathodic Protection Project to Global Diving & Salvage, Inc. in the Amount of \$503,975 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-173 from Public Works Director as backup.

Item g. moved to Resolutions item b. Aderhold.

City Clerk Jacobsen read the consent agenda and its recommendations.

ADERHOLD/VENUTI MOVED TO ADOPT THE CONSENT AGENDA AS READ.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VISITORS

- a. Audit Report - BDO (5 minutes)

BDO Assurance Partner Bikky Shrestha and Finance Director Walton reported the 2021 audit was a clean auditing. There were no findings presented in the financial statements.

ANNOUNCEMENTS / PRESENTATIONS / REPORTS (5 Minute limit per report)

- a. Worksession Report

City Manager Dumochel reported Council had a presentation regarding short term rentals.

- b. Committee of the Whole Report

Council Member Aderhold reported Council discussed Resolution 22-073 and the design of Heath Street, 22-074 and the Non-Motorized Transportation and Trails Plan, 22-069 and how the elections percentages are calculated, Ordinance 22-68 reducing conditional use permits in zoning districts, and the 2021 audit.

- c. Mayor's Report

Mayor Castner reported he was in Anchorage on Thursday and for some reason his council email was down and discovered it today. He apologized to anyone who sent him an email during that time, he's catching up and will response soon.

- d. Borough Report

Kenai Peninsula Borough Assembly Member Lane Chesley Lane reported on a meeting he attended with the Borough Assessor, Borough Finance Director, City Manager Dumouchel and Economic Development Manager Engebretsen regarding short term rentals. He's received phone calls regarding concern about the volume of truck traffic on Pioneer Avenue. Interim Borough Mayor Navarre was sworn in and former Planning Director Max Best was hired as his Chief of Staff. He shared at their next meeting the Assembly will set the schedule for the special

election, about participating with a Homer Drawdown event, and regarding the school bond question on the October 4th ballot.

- e. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

ADERHOLD/VENUTI MOVED TO POSTPONE PUBLIC HEARINGS ON ORDINANCES 22-42(S)(A) AND (S-2), 22-62, 22-63, 22-64, 22-65, AND 22-66 TO THE OCTOBER 24TH REGULAR MEETING.

Council Member Lord suggested limited presentations.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- a. Ordinance 22-42(S)(A), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 11.04.120 to Clarify that all New Streets which Serve as Public Access Corridors shall have Sidewalks. Davis/Erickson. Introduction July 25, 2022, Referred to Planning Commission, Parks Art Recreation & Culture Advisory Commission, and Public Works, Public Hearing and Second Reading Postponed to October 10, 2022.

Ordinance 22-42(S-2), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Sections 11.04.120, 22.10.050, and 22.10.051 to Specify when New Streets are Required to Provide for Non-Motorized Transportation. Davis/Erickson.

Memorandum 22-165 from Planning Commission as backup.

Memorandum 22-166 from Parks Art Recreation & Culture Advisory Commission as backup.

- b. Ordinance 22-62, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Operating Budget by Appropriating \$10,000 from the General Fund Unassigned Fund Balance to Fund Part of the Homer Business Advisory Position for the Alaska Small Business Development Center, and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. Venuti/Erickson. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022.

Memorandum 22-160 from Economic Development Manager as backup.

- c. Ordinance 22-63, An Ordinance of the City Council of Homer, Alaska Amending Accepting and Appropriating a Grant with the Alaska Energy Authority in the Amount of \$79,500 for the Design of a Micro-Hydro Unit in Homer's Water System and Authorizing a Sole Source Contract to InPipe Energy for Design Services of the Micro-Hydro Unit(s) in the Amount of \$79,500. City Manager/Public Works Director. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022.

Memorandum 22-161 from Public Works Director as backup.

- d. Ordinance 22-64, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating an FY23 Designated Legislative Grant from the State of Alaska for the Purpose of New Large Vessel Harbor Matching Funds for an Army Corps of Engineers General Investigation and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022
- e. Ordinance 22-65, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Accepting and Appropriating a 2022 Commercial Passenger Vessel Tax Program Grant from the State of Alaska for \$35,445 and a Commercial Passenger Vessel Tax Program 2022 Pass-Through Grant from the Kenai Peninsula Borough in the Amount of \$35,445 to Rebuild Crane #7 on Homer Fish Dock and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Port Director. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022.

Memorandum 22-162 from Port Director as backup.

- f. Ordinance 22-66, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$69,110 from the Port Reserve Fund to Rebuild Crane #7 on Homer Fish Dock and Authorizing a Sole Source Contract with Great Northern Hydraulics, LLC. City Manager/Port Director. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022.

Memorandum 22-162 from Port Director as backup.

ORDINANCE(S)

- a. Ordinance 22-69, An Emergency Ordinance of the City Council of Homer, Alaska Appropriating \$40,000 from the Homer Accelerated Roads and Trails Road Fund to Repair Alder Lane and Authorize an Increase in the East Road Services Indefinite Delivery Indefinite Quantity (IDIQ) Contract for this Work. City Manager/Public Works Director.

Memorandum 22-175 from Public Works Director as backup.

ADDERHOLD/LORD MOVED TO INTRODUCE ORDINANCE 22-69 BY READING OF TITLE ONLY.

At the request of Council Public Works Director explained the issue at Alder Lane where the road has become impassable due to the work being done to install water lines and the rain on substandard road. This will make some improvements to the road and the City will be able to take over some additional maintenance.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

- a. City Manager's Report

City Manager Dumouchel commented on the Main Street Sidewalk project nearing completion, budget priorities as a discussion at the next meeting, and the draft RFP for the Comprehensive Plan and Zoning Code updates.

PENDING BUSINESS

- a. Resolution 22-066, A Resolution of the City Council of Homer, Alaska Approving the 2022 Council Operating Manual Update. Aderhold/City Clerk.

Memorandum 22-176 from City Clerk as backup.

Memorandum 22-155 from City Clerk as backup.

Mayor Castner announced there is a motion on the floor from September 12th for the adoption of Resolution 22-066 by reading of title only and opened the floor for discussion.

There were comments in support of the new language regarding Political Agendas and an adjournment time of 10:00 p.m.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

RESOLUTIONS

- a. Resolution 22-078, A Resolution of the City Council of Homer, Alaska Adopting the 2023-2028 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2024. Mayor/City Council.

Memorandum 22-174 from Special Projects and Communications Coordinator as backup.

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 22-079 BY READING OF TITLE ONLY.

ADEROLD/LORD MOVED REMOVE THE PUBLIC RESTROOM ACCESSIBILITY BARRIER REMOVAL, HOMER INTERSECTION IMPROVEMENTS, BELUGA SLOUGH TRAIL EXTENSION, HORIZON LOOP

TRAIL, PHASE 1 AND MARINER PARK IMPROVEMENT PROJECTS FROM THE CAPITAL IMPROVEMENT PLAN (CIP).

It was noted these items are either complete, substantially complete, or have no sponsor.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

LORD/ADERHOLD MOVED TO MOVE THE BARGE MOORING & LARGE VESSEL HAUL OUT REPAIR FACILITY FROM THE LEGISLATIVE PRIORITY SECTION TO THE MID-RANGE SECTION; AND MOVE THE DEEP WATER/CRUISE SHIP DOCK EXPANSION AND OLD MAIN DOCK REMOVAL AND DISPOSAL PROJECTS FROM THE MID-RANGE SECTION TO THE LONG-RANGE SECTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ADERHOLD/LORD MOVED TO INCLUDE CITY OF HOMER PROJECTS: A-FRAME WATER TRANSMISSION LINE REPLACEMENT, BELUGA SEWAGE LIFT STATION, FISH GRINDING BUILDING REPLACEMENT, HOMER AIRPORT TERMINAL IMPROVEMENTS, WAYFINDING & STREETScape PLAN IMPLEMENTATION, SVEDLUND AND HERNDON STREET SIDEWALKS HOMER HARBOR DREDGING, AND HOMER HARBOR SYSTEM 5 REDESIGN.

It was noted Council discussed these items at their last Committee of the Whole.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ADERHOLD/LORD MOVED TO ADD HAP LOOP, HEATH STREET REHABILITATION AND MAIN STREET REHABILITATION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

LORD/VENUTI MOVED TO APPROVE LEGISLATIVE PRIORITIES LISTED IN THE RESOLUTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was no further discussion on the main motion.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- b. Resolution 22-074, A Resolution of the City Council of Homer, Alaska Adopting the City of Homer 2022 Non-Motorized Transportation and Trails Implementation Plan. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-171 from Public Works Director as backup.

ADERHOLD/LORD MOVED TO POSTPONE RESOLUTION 22-074 TO THEIR NEXT MEETING.

Council Member Aderhold noted they discussed corrections needed for the resolution at the Committee of the Whole.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- c. Resolution 22-079, A Resolution of the City Council of Homer, Alaska Certifying the Results of the City of Homer Regular Election held October 4, 2022 to Elect a Mayor for a Two Year Term and Two City Council Members for Three Year Terms each. City Clerk/Canvass Board.

Resolution 22-079(S), A Resolution of the City Council of Homer, Alaska Certifying the Results of the City of Homer Regular Election held October 4, 2022 to Elect a Mayor for a Two Year Term and Two City Council Members for Three Year Terms each. City Clerk/Canvass Board.

ADERHOLD/LORD MOVED TO ADOPT RESOLUTION 22-079 BY READING OF TITLE ONLY

ADERHOLD/LORD MOVED I MOVE SUBSTITUTE RESOLUTION 22-079(S) FOR 22-079

There was no discussion on the motion to substitute.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no discussion on the main motion.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

City Clerk Jacobsen administered the Oath of Office to the Newly Elected Mayor Castner and Council Members Hansen and Davis.

COMMENTS OF THE AUDIENCE

Louie Flora, borough resident, commented regarding the upcoming HEA Board meeting and a modification to the commercial property assessed clean energy statute that allows a commercial business owner to get a loan for energy improvements for their industrial or commercial property, and repay it through their property tax bill.

Pat Case, city resident, commented on the importance of the City to continue moving forward on barrier removal for accessibility.

Larry Slone, city resident, acknowledged Mr. Case's comments, noted that impacts a smaller segment of society, and commented regarding the physical barriers in city hall being an impediment to him and others.

Rika Mouw, city resident, congratulated the newly elected Mayor and Council Members and thanked the Council for all the work they're doing on the Non-Motorized Transportation Plan and for their hard work overall.

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti congratulated the newly elected officials.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen announced advisory body openings and election information.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel had no comments.

COMMENTS OF THE MAYOR

Mayor Castner noted at our next meeting he's mindful of the schedule and getting through the meeting before 10:00 p.m. They will have a presentation from the Japanese Language Class at the next meeting that will take some time, but it's a really important thing and time shouldn't be most important issue.

COMMENTS OF THE CITY COUNCIL

Council Member Hansen thanked the voters for their support, she's glad to be serving another term.

Council Member Aderhold congratulated the newly elected officials. She commented today is Indigenous People's Day and she acknowledged the indigenous people here in our state and the diversity of our populations. She participated as a facilitator for the Trails Symposium, there was a really good turnout and really good discussion at the event.

Council Member Davis noted he was originally elected for a one year term and he's looking forward to serving a full term. He thanked everyone for a great year.

Council Member Erickson congratulated the newly elected officials. She shared that it's getting dark earlier so keep an eye out for moose and children on the sides of the road, and gave a shout out to the workers on East Hill Road.

Council Member Venuti hopes City Manager Dumouchel feels better soon. She acknowledged Indigenous People's Day, it's a day to pause and think about the resilience, strengths, and all the impacts indigenous people have made on the aspects of our society. She thanked all the candidates who ran for office and the voters who voted, she congratulated the newly elected officials.

Council Member Lord encouraged City Manager Dumouchel to stay home, rest, and feel better. She congratulated the newly elected officials and said it was a good meeting.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 7:25 p.m. The next Regular Meeting is Monday, October 24, 2022 at 6:00 p.m., Worksession 4:00 p.m. Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved: _____

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-70

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code, Section 21.60.100 Signs Exempt from Regulation to Exempt Signs Not Visible from Public Rights of Way.

Sponsor: Lord

1. City Council Regular Meeting October 24, 2022 Introduction
Memorandum 22-179 from Councilmember Lord as backup.

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3
4 Lord

5 **ORDINANCE 22-70**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING HOMER CITY CODE SECTION 21.60.100, SIGNS EXEMPT
9 FROM REGULATION TO EXEMPT SIGNS NOT VISIBLE FROM
10 PUBLIC RIGHTS OF WAY.

11
12 WHEREAS, The purposes of the City of Homer’s sign regulation are outlined in Homer
13 City Code (HCC) 21.60.020 which states, “The purposes of this sign code are: to encourage the
14 effective use of signs as a means of communication in the City; to maintain and enhance the
15 aesthetic environment and the City’s ability to attract sources of economic development and
16 growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of
17 signs on nearby public and private property; and to enable the fair and consistent enforcement
18 of these sign restrictions.”; and

19
20 WHEREAS, If a sign is not visible from the public right-of-way, its regulation is not
21 justified under these stated purposes; and

22
23 WHEREAS, Numerous other communities in Alaska with sign codes explicitly exempt
24 signs which are not visible from the public right-of-way; and

25
26 WHEREAS, The City of Homer should also clearly exempt signs that are not visible from
27 the public right-of-way to reduce regulatory burden and confusion and to focus City resources
28 where there is a public nexus.

29
30 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

31
32 Section 1. Homer City Code Chapter 21.60.100, Signs exempt from regulation under
33 this chapter, is amended to read as follows:

34
35 The following signs shall be exempt from regulation under this chapter:

36
37 a. Any sign bearing only a public notice or warning required by a valid and applicable Federal,
38 State, or local law, regulation, or ordinance.

39
40 b. Any emergency warning sign erected by a governmental agency, a public utility company,
41 or a contractor doing authorized or permitted work within a public right-of-way.

42
43 ~~c. Any sign inside a building, not attached to a window or door, that is not legible from a~~
44 ~~distance of more than three feet beyond the lot line of the lot or parcel on which such sign is~~

[Bold and underlined added. ~~ed language stricken through.~~

45 ~~located.~~ **Any sign that is not legible from the public right-of-way.**

46

47 d. Works of art that do not contain a commercial message.

48

49 e. Holiday lights between October 15th and April 15th.

50

51 f. Traffic control signs on private property, such as a stop sign, a yield sign, and similar signs,
52 the face of which meets Department of Transportation standards and that contain no
53 commercial message of any sort.

54

55 g. Signs in existence before February 11, 1985, but such signs shall not be replaced, moved,
56 enlarged, altered, or reconstructed except in compliance with this chapter.

57

58 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

59

60 Section 3. This ordinance is of a permanent and general character and shall be included
61 in the City code.

62

63 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ____ day of
64 _____ 2022.

65

66 CITY OF HOMER

67

68

69

KEN CASTNER, MAYOR

70

71 ATTEST:

72

73

74

75 _____
MELISSA JACOBSEN, MMC, CITY CLERK

76

77 YES:

78 NO:

79 ABSTAIN:

80 ABSENT:

81

82 First Reading:

83 Public Reading:

84 Second Reading:

85 Effective Date:



Memorandum 22-179

TO: Mayor Castner and Homer City Council

FROM: Rachel Lord, Councilmember

DATE: October 24, 2022

SUBJECT: Ordinance 22-70 Amending Homer City Code 21.60.100 Regarding Signs Legible from Public Rights of Ways

Background

Thank you for your consideration of Ordinance 22-70. This action was inspired by the sign in front of Paul Banks Elementary, which is almost 400 feet downhill from the public right-of-way (ROW), and impossible to see from the road. It is falling apart and the school staff and Parent Teacher Association would like to replace it. My understanding is that last year they were told by the City that they've already maxed out their sign allotment and so if they took that one down they would not be permitted to replace it. That made no sense to me at all.

I asked City Planner Abboud about this situation and he said that as a matter of practicality, if it's not visible from the right-of-way to the public, it would not be considered a sign subject to regulation under the code. But he noted that he hadn't looked at that specific sign. I went to look at the code to see where that exemption might be explicitly stated, and I found the verbiage about the interior signs only. Nothing about signs not visible from the public ROW.

In this amendment, I am suggesting that we fully replace subsection HCC 21.60.100(c) to limit the City's regulation to signs clearly visible from the public ROW and intended to be viewed by the public. Below I have provided some examples from other Alaskan municipalities sign codes.

While I believe this is a fairly straightforward and simple amendment to code, I look forward to feedback from the Planning Commission. I would like to see the City limit resources to regulating what is in the interest of the public. Signs that cannot be seen by the public from the public right-of-way should be clearly exempt from regulation under Homer City Code.

Wasilla: 16.32.020 Scope.

This chapter shall not regulate: building design; official traffic or government signs; the copy and message of signs; ***signs not intended to be viewed from a public right-of-way***; window displays, product dispensers, and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or noncommercial organization, unless part of a sign; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined in this chapter as a sign. (Ord. 17-09 § 3, 2017; prior code § 16.43.902)

Seward: 15.20.015 - Definitions.

Sign. Any device fixed to, painted on, or incorporated into the building surface; displayed from or within a building or structure; or free-standing upon the site, and **which is (a) visible from a public right-of-way and (b) designed to convey or direct a message to the public concerning the identification of the premises or to advertise or promote the interests of any private or public firm, person or organization.**

Soldotna:

15.08.010 - Administration. C. Scope .1.

General. **The scope of this chapter shall be to regulate signs of a commercial nature intended to be viewed from public rights-of-way.** This code does not regulate government signs; the copy and message of signs; window signs; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or non-commercial organization; gravestones; commemorative plaques; display of addresses; or any display or construction not defined herein as a sign.

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-71

An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget by Appropriating \$20,250 From the Port Reserve Fund to Pump, Dispose/Recycle, and Replace the City Ice Plant's Ammonia Stores and Authorizing the City Manager to Execute the Appropriate Documents for a Sole Source Contract with Multifrost.

Sponsor: City Manager/Port Director

1. City Council Regular Meeting October 24, 2022 Introduction

Memorandum 22-180 from Port Director as backup.

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager/
4 Port Director

5 **ORDINANCE 22-71**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE FY23 CAPITAL BUDGET BY APPROPRIATING
9 \$20,250 FROM THE PORT RESERVE FUND TO PUMP,
10 DISPOSE/RECYCLE, AND REPLACE THE CITY ICE PLANT'S
11 AMMONIA STORES AND AUTHORIZING THE CITY MANAGER TO
12 EXECUTE THE APPROPRIATE DOCUMENTS FOR A SOLE SOURCE
13 CONTRACT WITH MULTIFROST.

14
15 WHEREAS, The City Ice Plant uses approximately 1000 gallons of anhydrous ammonia
16 (NH3) refrigerant as the coolant for ice production and byproduct cold bait storage for the
17 Homer fishing industry;

18
19 WHEREAS, The solubility characteristics of ammonia in water allows an aqueous
20 ammonia solution to be formed over time which replaces the anhydrous ammonia refrigerant
21 causing penalties, inefficiencies, and increased stresses on the system; and

22
23 WHEREAS, While the ice plant has received periodic small quantity deliveries of NH3 to
24 replace standard user losses through the system, since the plant's inception 40+ years ago the
25 plant's NH3 has never been fully removed, replaced, or exchanged for new ; and

26
27 WHEREAS, This has caused a slow build up aqueous ammonia that has impaired the
28 pressure-temperature relationship and adversely affected pump operation, piping pressure
29 drop, and evaporator performance; and

30
31 WHEREAS, The City ice plant's NH3 tank needs to be pumped, the ammonia solution
32 safely disposed of, and a new anhydrous ammonia solution delivered; and

33
34 WHEREAS, No liquid gas supplier in Alaska provides the pumping and disposal services
35 needed for this project; and

36
37 WHEREAS, Multifrost is the nearest company on the west coast that can provide these
38 services and additionally provides hazardous material handling to recycle the waste products
39 into useable crop fertilizer; a sole source contract is justified.

40
41 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
42

43 Section 1. The FY23 Capital Budget is hereby amended by appropriating \$20,250 to
44 pump, dispose/recycle, and replace the city ice plant's ammonia stores as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78	45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78	45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78

49 Section 2. The City Manager is authorized to enter into a sole source contract with
50 Multifrost in an amount not to exceed \$20,250 for pumping, disposing/recycling, and replacing
51 the city ice plant's ammonia stores .

53 Section 3. This Ordinance is a budget Ordinance only, is not permanent in nature, and
54 shall not be codified.

56 ENACTED BY THE HOMER CITY COUNCIL this _____ day of _____, 2022.

58 CITY OF HOMER

61 _____
62 KEN CASTNER, MAYOR

64 ATTEST:

67 _____
68 MELISSA JACOBSEN, MMC, CITY CLERK

70 YES:

71 NO:

72 ABSTAIN:

73 ABSENT:

75 First Reading:

76 Public Hearing:

77 Second Reading:

78 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

Memorandum 22-180

TO: HOMER CITY COUNCIL AND MAYOR CASTNER
THRU: ROB DUMOUCHEL, CITY MANAGER
FROM: BRYAN HAWKINS, HARBORMASTER
DATE: OCTOBER 11 2022
SUBJECT: ICE PLANT- DEFERED MAINTENANCE AMMONIA (NH₃) REPLACEMENT

Water contamination of ammonia refrigerant is common in many refrigerating systems. The solubility characteristics of ammonia in water allows an aqueous ammonia solution to be formed which replaces the anhydrous ammonia refrigerant. In many systems this change occurs over a period of time and the effects go unnoticed until the resulting penalties experienced in coping with these changing conditions become continuous and increasingly greater.

The effects of water contamination of ammonia refrigerant are many. The pressure-temperature relationship is impaired. Chemical changes occur to the compressor oil organic acids and sludge's are formed. Pump operation, piping pressure drop, and evaporator performance are adversely affected. Also the addition of ammonia breakdown due to heat and age cause a decrease in efficiency.

Since its inception, the City's ice plant has received "top offs" of liquid NH₃ approx. every two years to make up for use loss through the system, and this has mitigated some of those build-up performance inefficiencies, but for the past 40 years of operation the whole ammonia refrigerant store has never been fully removed, replaced, or exchanged for new. It's time. It's actually way past time.

Sole Source Justification

Our local supplier of NH₃ cannot meet our needs in this case. The "top offs" of NH₃ have been supplied by the liquid gas supplier out of Kenai, Matheson Tri-Gas Inc, (approx. 150 gallons per delivery). These are delivered via truck, by roadway, on prescheduled routes per federal and state guidelines/requirements for hazardous substance transport. There is a 300 gallon maximum for this kind of transport. The Ice Plant's tank is 1000 gallons. Also, Matheson Tri-Gas Inc. is a supplier of liquid gases, but provides no service for the removal or disposal of those gases. They are a supplier ONLY.

For this one time exchange event, staff recommend a sole source contract with Multifrost out of Washington for the replacement of the Ice Plant's ammonia refrigerant for several reasons:

- Multifrost has the ability to transport bulk quantities of NH₃ via shipping vessel transport in the amounts needed.
- They also provide pump out and disposal services, services not available by any chemical supplier within AK.
- Additionally, their company uses the “disposed of” aqueous ammonia solution as fertilizer for crops. It becomes an inert useful byproduct and recycles nitrogen back into the soil.

Recommendation

Adoption of Ordinance 22-71 amending the FY23 budget by appropriating \$20,250 from the port reserve fund for the pumping, disposal, and replacement of the city ice plant’s ammonia refrigerant stores and authorizing the City Manager to execute the appropriate documents for a sole source contract with Multifrost.

Attached : Bid quote from Multifrost
Lynden Northbound Shipping Quote
Lynden Southbound Shipping Quote



Lynden Transport
 P.O. Box 24348
 Seattle, WA 98124
www.lynden.com/ltia

Customer Service:
 Anchorage: 800 / 327.9390
 Kenai: 888 / 319.6119
 Fairbanks: 800 / 478.5535
 Tacoma: 800 / 326.5702

Rate Quote MLP80

Quote Date 13 OCT 2022

(LTIA)

Origin Homer, AK 99603-8029	ORG HOM	DST TAC	Destination Fife, WA - DOCK	Mode Water - Steamship	Est Departure 15 NOV 2022
Shipper PORT OF HOMER 795 FISH DOCK RD FISH DOCK ICE PLANT HOMER, AK 99603-8029	Consignee MULTIFROST INC 101 W FIR ST OTHELLO, WA 99344-1060 509 488-5601			Bill To PORT OF HOMER 795 FISH DOCK RD FISH DOCK ICE PLANT HOMER, AK 99603-8029	

Prepared for: CITY OF HOMER PORT - DEL 907 299-0051 dmasterhan@ci.homer.ak.us	Prepared by: Vonne Baillio 907 257-5175 vonne@lynden.com	Route: Door to Dock PO #: BL #:	Eq Type: LCL Unit: Temp:
--	--	--	---

Qty	UOM	Description	Dims (LxWxH)	Weight	Rate	Charge
		STEAMSHIP ROUTING				
1	PC	UN1005, AMMONIA, ANHYDROUS, 2.2, INHALATION HAZARD, 8000 LB, 1 TANK <i>Rated as Class 55</i>	15' x 3' x 3'	8,000	31.39	\$2,511.20
		EMERGENCY CONTACT: * * * 800-424-9300 / CHEMTREC/MULTIFROST Hazardous Materials <i>Rated as 8,000 pounds</i>			2.69	\$215.20
		Fuel Surcharge - Water, Ship 45%			45.00%	\$1,130.04
Estimated Total:						\$3,856.44

NOTES:

- The shipper's bill of lading must reference "MLP80" for the rated estimate to apply. Rate estimates are valid for 30 days.
- The rate estimate was calculated based on the information you provided. Actual shipment weight, commodity, and dimensions will determine the final pricing.
- The rate estimated does not contain any accessorial charges. If accessorial services are necessary, applicable accessorial charges will be billed to the party responsible.
- Rate includes current fuel surcharge for estimating purposes. Actual fuel surcharge in effect at the time of movement will be assessed.
- Rates are proprietary and for the account of the requestor only.
- Carrier's legal liability in the event of loss or damage to properly packaged goods is limited to \$20.00 per lb., up to a maximum of \$200,000.00 per load. Carrier's legal liability for shipments originating in Canada is limited to \$2.00 per lb. Liability for used, reconditioned or remanufactured articles of any nature are accepted with a limited liability of \$.10 per lb. See Bill of Lading or tariff rules for complete terms and conditions.
- Shipper is responsible for proper packaging, bracing, and protection according to NMFC requirements to withstand the normal rigors of transportation and handling. Carrier will not package or prepare goods for shipping.

This estimate has been prepared based on information provided on this date and is valid for 30 days. Charges may differ from those contained herein due to changes in weight, dimensions, description of goods, or requested services. All services are subject to the standard terms and conditions of our tariff (available at www.lynden.com/ltia) and the bill of lading published therein. Any bill of lading or other shipping document issued shall not be effective to the extent it conflicts with our terms and conditions. By shipping with Lynden Transport, Inc., you are acknowledging acceptance of our terms and conditions.





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Seattle, WA 98124
www.lynden.com/tia

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Anchorage: 800 / 327.9390
Kenai: 888 / 319.6119
Fairbanks: 800 / 478.5535
Tacoma: 800 / 326.5702

Rate Quote **MLP80**
Quote Date 13 OCT 2022

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*EZ Tracing** - Sign in at www.lynden.com/ez

Standard Tracking - Go to www.lynden.com/trace.html

or call (866) 596-3368

Step 4: Schedule delivery

Email trancs@lynden.com or call (866) 596-3368

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 Tacoma: 800 / 326.5702

Rate Quote **MLP10**
Quote Date 13 OCT 2022

(LTIA)

Origin Fife, WA - DOCK	ORG TAC	DST HOM	Destination Homer, AK 99603-8029	Mode Water - Steamship	Est Departure 01 NOV 2022
Shipper MULTIFROST INC 101 W FIR ST OTHELLO, WA 99344-1060 509 488-5601	Consignee PORT OF HOMER 795 FISH DOCK RD FISH DOCK ICE PLANT HOMER, AK 99603-8029			Bill To PORT OF HOMER 795 FISH DOCK RD FISH DOCK ICE PLANT HOMER, AK 99603-8029	

Prepared for: CITY OF HOMER PORT - DEL 907 94225210 dmasterhan@ci.homer.ak.us	Prepared by: Vonne Baillio 907 257-5175 vonne@lynden.com	Route: Dock to Door PO #: BL #:	Eq Type: LCL Unit: Temp:
--	--	--	---

Qty	UOM	Description	Dims (LxWxH)	Weight	Rate	Charge
		STEAMSHIP ROUTING				
1	PC	RESIDUE; LAST CONTAINED, UN1005, AMMONIA, ANHYDROUS, 2.2, INHALATION HAZARD, 3300 LB, 1 PC <i>Rated as Class 85</i>	15' x 3' x 3'	3,300	62.51	\$2,062.83
		EMERGENCY CONTACT: * * * 800-424-9300 / CHEMTREC/MULTIFROST Hazardous Materials <i>Rated as 3,300 pounds</i>			2.69	\$88.77
		Fuel Surcharge - Water, Ship 45%			45.00%	\$928.27
Estimated Total:						\$3,079.87

NOTES:

- The shipper's bill of lading must reference "MLP10" for the rated estimate to apply. Rate estimates are valid for 30 days.
- The rate estimate was calculated based on the information you provided. Actual shipment weight, commodity, and dimensions will determine the final pricing.
- The rate estimated does not contain any accessorial charges. If accessorial services are necessary, applicable accessorial charges will be billed to the party responsible.
- Rate includes current fuel surcharge for estimating purposes. Actual fuel surcharge in effect at the time of movement will be assessed.
- Rates are proprietary and for the account of the requestor only.
- Carrier's legal liability in the event of loss or damage to properly packaged goods is limited to \$20.00 per lb., up to a maximum of \$200,000.00 per load. Carrier's legal liability for shipments originating in Canada is limited to \$2.00 per lb. Liability for used, reconditioned or remanufactured articles of any nature are accepted with a limited liability of \$.10 per lb. See Bill of Lading or tariff rules for complete terms and conditions.
- Shipper is responsible for proper packaging, bracing, and protection according to NMFC requirements to withstand the normal rigors of transportation and handling. Carrier will not package or prepare goods for shipping.

This estimate has been prepared based on information provided on this date and is valid for 30 days. Charges may differ from those contained herein due to changes in weight, dimensions, description of goods, or requested services. All services are subject to the standard terms and conditions of our tariff (available at www.lynden.com/ltia) and the bill of lading published therein. Any bill of lading or other shipping document issued shall not be effective to the extent it conflicts with our terms and conditions. By shipping with Lynden Transport, Inc., you are acknowledging acceptance of our terms and conditions.





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Rate Quote **MLP10**
Quote Date 13 OCT 2022

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ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-72

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 20 Animals, Sections 20.04.020 Definitions, 20.08.010 Animals At Large, 20.08.040 Nuisance Animals And 20.32.020 Fine Schedule to Refine the Definition of “At Large”, Clarify Areas Where Animals Are To Be On Leash At All Times and Amend Related Fines.

Sponsor: Venuti/Erickson

1. City Council Regular Meeting October 24, 2022 Introduction

Memorandum 22-181 from Police Chief as backup.

Memorandum 22-182 from Parks, Art, Recreation & Culture Advisory Commission as backup.

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 Venuti/Erickson

4 **ORDINANCE 22-72**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE TITLE 20 ANIMALS, SECTIONS
8 20.04.020 DEFINITIONS, 20.08.010 ANIMALS AT LARGE, 20.08.040
9 NUISANCE ANIMALS AND 20.32.020 FINE SCHEDULE TO REFINE
10 THE DEFINITION OF “AT LARGE”, CLARIFY AREAS WHERE ANIMALS
11 ARE TO BE ON LEASH AT ALL TIMES AND AMEND RELATED FINES.
12

13 WHEREAS, There has been an increase in the number of reports of dogs off leash causing
14 severe disruption and incidents of unfavorable interactions between dogs, humans and wildlife
15 in our parks, campgrounds, and parking lots over the past few years; and
16

17 WHEREAS, It is especially problematic when a member of the public requests another
18 dog owner to please restrain their animal, and the situation becomes aggressively
19 confrontational; and
20

21 WHEREAS, Current Homer City Code does not provide enough clarity and guidelines on
22 the restraint of animals, definitions of “voice control” and “at large” require amendment; and
23

24 ~~WHEREAS, Current Homer City Code does not provide enough clarity and guidelines on~~
25 ~~the restraint of animals, “voice control” has been proven not to work in many interactions, and~~
26 ~~what it means for an animal to be considered “at large” requires interpretation; and~~
27

28 **WHEREAS, Enacted measures in current city code and public informational**
29 **campaigns have been ineffective and failed to encourage positive behavior; and**
30

31 WHEREAS, Homer Police Department has expressed support for the proposed
32 amendments to city code; and
33

34 ~~WHEREAS, Amendments in this ordinance provide clarification on the requirements to~~
35 ~~restrain animals, which further ensure the overall enjoyment and safety of the public in the City~~
36 ~~of Homer parks, parking lots, campgrounds, and safeguard the areas dedicated as wildlife~~
37 ~~habitat.~~
38

39 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
40

41 Section 1. Homer City Code Chapter 20.04.020 entitled, “Definitions” is hereby
42 amended as follows:

43 “At large” means that an animal is off the property of its owner, **and not physically**
44 **unrestrained by leash or chain.** and not under the direct control of a competent person.

45 Section 2. Homer City Code Chapter 20.08.010, entitled “Animals at large” is hereby
46 amended as follows:

47 a. No person may cause or permit an animal to be at large in a public street or alley, or on other
48 public property, **this includes such as city parks, campgrounds, parking lots, or designated**
49 **protected wildlife habitat** or on private property without the property owner’s consent.

50 Section 3. Homer City Code Chapter 20.08.040 entitled “Nuisance animals” is hereby
51 amended as follows:

52 20.08.040 Nuisance animals.

53 a. No person may cause or permit an animal that the person owns or controls to:

54 1. Annoy another person by interfering with the latter’s sleep, work or reasonable right to
55 peace and privacy by making repeated or continued noise;

56 2. Defecate, dig upon or injure private property owned by another person or a public street,
57 ~~or~~ alley, **park, campground, parking lot, designated protected wildlife habitat** or other
58 public property;

59 3. Frequently or habitually growl, snap at, jump upon or otherwise menace, injure or
60 frighten another person who is not trespassing ~~or otherwise violating the law~~; or

61 4. Chase, harass, or otherwise disturb or injure wildlife.

62 b. The Animal Control Officer or a peace officer may impound an animal that is engaging in
63 behavior described in subsection (a) of this section. A person, **in accordance with HCC**
64 **20.04.020** may restrain an animal from continuing to engage in behavior described in
65 subsection (a)(4) of this section, and shall promptly surrender any animal so restrained to the
66 Animal Control Officer for impoundment.

67 **c. A violation of subsection (a) of this section for the first conviction shall be punishable**
68 **by a fine of not less than \$50.**

69 ~~e.~~ **d.** A violation of subsection (a) of this section with three or more prior convictions shall be
70 punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended
71 portion of the fine shall not be less than \$100.00. [Ord. 16-38(S)(A) § 4, 2016].

72 Section 4. Homer City Code Chapter 20.32.040 entitled “Fine schedule” is hereby
73 amended as follows:

74 20.32.020 Fine schedule.

75 Citations for offenses listed in this section may be disposed of as provided in AS 12.25.195
76 through 12.25.230, without a court appearance, upon payment of the fine amounts listed

77 below plus the State surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to
 78 the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all
 79 offenses listed below. Citations charging these offenses must meet the requirements of Minor
 80 Offense Rule 3. If a person charged with one of these offenses appears in court and is found
 81 guilty, the penalty imposed for the offense may not exceed the scheduled fine amount plus any
 82 surcharge required to be imposed by AS 12.55.039 and 29.25.074. If an offense in this title is not
 83 listed in the fine schedule, the defendant must appear in court to answer the charges.

Code Section	Code Section Title	Fine per Day
HCC 20.08.010(a)	Animal at large	No prior First conviction \$50; One prior conviction \$100; Two prior convictions \$200
HCC 20.08.010(b)	Unauthorized release of animal from restraint	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200
HCC 20.08.030	Animals on harbor floats	\$25
HCC 20.08.040(a)	Nuisance animals	No prior First conviction \$50; One prior conviction \$100; Two prior convictions \$200
HCC 20.08.070	Female animals in heat	\$100
HCC 20.08.080	Abandonment of animals	\$100
HCC 20.08.090	Maintenance and sanitation	\$100
HCC 20.12.010	License required – Issuance	\$50
HCC 20.12.020	License tag to be worn and displayed	\$50
HCC 20.24.060	Furnishing false information	\$200
HCC 20.28.020	Kennel license – Required	\$100

84
 85 Section 5. This ordinance is of a permanent and general character and shall be
 86 included in city code.

87
 88 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____th day of November,
 89 2022.

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

Introduction:

Public Hearing:

Second Reading:

Effective Date:



City of Homer

www.cityofhomer-ak.gov

Police Department

625 Grubstake Avenue
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

(f) 907-235-3151/ 907-226-3009

Memorandum 22-181

TO: Renee Krause, MMC, Deputy City Clerk II
FROM: Chief Robl
DATE: 9-26-2022
SUBJECT: City Ordinance Revision of Title 20

I am in support of amending Title 20 regarding animals at large and nuisance animals. I fully support increasing the associated fines.

We do not issue many citations under this ordinance section. Problems with animals being at large, dogs off of leashes, etc. are seldom brought to our attention. We have records of four animal at large complaints in the last two years. In three of the four cases responding officers were not able to locate the offenders or identify them. In one case the animal owner was issued a warning. Approximately five years ago we dealt with a continuing problem of goats being at large and damaging private property in the Kachemak drive area. We issued over 20 citations in the case and eventually gained compliance from the goats' owners. This case eventually required the involvement of our city attorney.

Trying to define "noise" relating to complaints with animals is difficult to do. Relatively low amplitude noise in the form of continuous whining or whimpering from a dog can be extremely annoying. Birds can make various noises for a considerable period of time that is also low in volume but still very aggravating. I think leaving the noise definition alone and instead continuing to refer to repeated or continued noise in the ordinance is best. Having a firm definition of noise could restrict our ability to take enforcement action with this ordinance in some cases. We have run into issues trying to enforce the current ordinance. Two years ago we had a citizen report problems with a neighbors geese making continuous, irritating noise. He tape recorded the noises and we did eventually issue a citation in the case. The judge dismissed the case and stated; "This is Alaska and we have animal noises here". The goose noises continued and the citizen continued to tape record them. We listened to the recordings for hours and never noticed a new, louder or different noise than was originally reported so no further citations were issued. The city manager became involved in this case and helped to mediate it. I think we need to have the flexibility to judge noise complaints independently based on the circumstances of each case.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 22-182

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

THRU: ROB DUMOUCHEL, CITY MANAGER

FROM: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION

DATE: OCTOBER 10, 2022

SUBJECT: ORDINANCE 22-XX, AMENDING CHAPTER 20, ANIMALS SECTIONS 20.04.020 DEFINITIONS, 20.08.010 ANIMALS AT LARGE, 20.08.040 NUISANCE ANIMALS AND 20.32.020 FINE SCHEDULE TO REFINE THE DEFINITION OF "AT LARGE", CLARIFY AREAS WHERE ANIMALS ARE TO BE ON LEASH AT ALL TIMES AND AMEND RELATED FINES.

Background:

Over the years the Parks, Arts, Recreation & Culture Advisory Commission (PARC) has fielded complaints regarding unfavorable interactions between dogs, humans and wildlife in areas such as city owned campgrounds, beaches, parks, parking lots and sensitive or protected habitats such as Beluga Slough. These interactions have increased exponentially over the last few years and various city personnel and Commissioners have fielded numerous complaints and witnessed several incidents of dogs at large and not under the direct control of their owner.

The Commission has attempted to address the actions of owners who allowed their dogs to be at large by implementing non-punitive measures such as educational campaigns, providing free leashes and they have not worked.

The Commission has reviewed the proposed amendments to City Code addressing the issue regarding restraint and amending the fine schedule to hopefully bring the public more awareness and address the fact that voice command or control is not an effective measure to controlling animals. This lack of control has been acknowledged by Public Safety both city and state.

These proposed changes are supported by Homer Police Department.

Recommendation

Approve the proposed amendments to Homer City Code presented in the Ordinance 22-xx

Session 22-06, a Regular Meeting of the Parks, Art, Recreation and Culture Advisory Commission was called to order by Chair Dave Lewis at 5:30 p.m. on August 18, 2022 from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar.

PRESENT: COMMISSIONERS FAIR, LOWNEY, HARRALD, ARCHIBALD, GALBRAITH, LEWIS

ABSENT: STUDENT COMMISSIONER FLORA AND COMMISSIONER ROEDL (EXCUSED)

STAFF: DEPUTY CITY CLERK KRAUSE
PUBLIC WORKS DIRECTOR KEISER
SPECIAL PROJECTS & COMMUNICATIONS COORDINATOR CARROLL
CITY PLANNER ABBOD

PENDING BUSINESS

B. Memorandum from Deputy City Clerk re: Amending City Code to Address Restraint of Animals in Specific Areas and Applicable Fees

Chair Lewis introduced the item and invited Councilmember Venuti to speak to the Commission.

Councilmember Venuti expressed her appreciation of the Commission on the work regarding leashes for dogs, receiving input from the Police Department and getting their support and was proud to sponsor the ordinance stating that she believed it to be well written and addressed the issues regarding dogs off leash in specific areas. Ms. Venuti noted that they have to get ahead of this issue and address the concerns and be proactive.

Chair Lewis questioned if it would be possible to address the responsibility of owner liable for what damage or injury that their pet does.

Councilmember Venuti stated that the question would be a question for the attorney. She confirmed with the Clerk that this draft would be submitted to the City Attorney for review.

LOWNEY/ARCHIBALD MOVED TO ACCEPT THE DRAFT ORDINANCE AMENDING CITY CODE IN REGARDS TO RESTRAINT.

Discussion and comments were made regarding it was overdue.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Deputy City Clerk Krause explained that a motion to forward the draft ordinance to a Public Hearing was required as that was the next step in the process.

HARRALD/FAIR - MOVED TO CONDUCT A PUBLIC HEARING ON THE PROPOSED DRAFT ORDINANCE TO AMEND SECTIONS OF TITLE 20 ANIMALS AT THE SEPTEMBER 15, 2022 REGULAR MEETING.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY OF HOMER
PUBLIC HEARING NOTICE
PARKS, ART, RECREATION & CULTURE ADVISORY COMMISSION MEETING

A public hearing on the following matter is scheduled for Thursday, October 20, 2022 at 5:30 p.m. during the Regular Parks, Art, Recreation & Culture Advisory Commission Meeting at the City Hall Cowles Council Chambers and by Zoom webinar at zoom.us or Telephone Dial 1-669-900- 6833 or 1-253-215 8782; (Toll Free) 888-788-0099 or 877- 853-5247; use Meeting ID: 990 6701 0473 Passcode: 295088

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 20 Animals, Sections 20.04.020 Definitions, 20.08.010 Animals At Large, 20.08.040 Nuisance Animals and 20.32.020 Fine Schedule, To Refine the Definition of “At Large”, Clarify Areas Where Animals Are To Be On Leash At All Times and Amend Related Fines.

Additional information regarding this matter will be available by 5pm on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for Thursday, October 20, 2022 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available in the Downstairs Lobby at Homer City Hall and at the Homer Public Library.

Written comments can be emailed to the City Clerk’s Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 3:00 pm on the day of the meeting.

If you have questions, contact the City Clerk’s Office. Phone: (907) 235-3130, email: clerk@ci.homer.ak.us or in-person downstairs at Homer City Hall.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 22-074

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
ADOPTING THE CITY OF HOMER NON-MOTORIZED
TRANSPORTATION AND TRAILS PLAN 2022
IMPLEMENTATION PLAN.

WHEREAS, The City of Homer adopted a Non-Motorized Transportation and Trails Plan (NMTTP) in 2004; and

WHEREAS, The City is working to update the NMTTP as part the City’s plan to update the Master Transportation Plan; and

WHEREAS, New information and strategies require immediate attention; and

WHEREAS, The City has developed the City of Homer Non-Motorized Transportation and Trails Plan 2022 Implementation Plan to guide the development of non-motorized transportation within the City in the near future; and

WHEREAS, The City of Homer Non-Motorized Transportation and Trails Plan 2022 Implementation Plan has been reviewed and approved by the Park, Arts, Recreation and Culture Advisory Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby adopts the City of Homer Non-Motorized Transportation and Trails Plan 2022 Implementation Plan, to be effective upon the date of adoption and to expire on the date when the City Council adopts the updated Master Transportation Plan.

PASSED AND ADOPTED by the Homer City Council on this 24th day of October, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A



MEMORANDUM 21-171

To: City Council
Through: Rob Dumouchel, City Manager
From: Janette Keiser, PE, Public Works Director
Date: October 3, 2022
Subject: Adoption of City of Homer 2022 Non-Motorized Transportation and Trails Implementation Plan

Issue: The purpose of this memorandum is to recommend adoption of the City of Homer 2022 Non-Motorized Transportation and Trails Implementation Plan.

Background: The first City of Homer Comprehensive Sidewalk and Trail Plan for the Homer Area was developed in 1984. It was updated in the form of a Non-Motorized Transportation and Trails Plan (NMTTP), developed *circa* 1996 and adopted in 2004. The 2004 NMTTP has been universally recognized as being outdated. We are planning to update it as part of the Master Transportation Plan update process, which is currently underway. In the meantime, new land uses, real estate developments and strategies have emerged, which require immediate attention. Earlier this year, staff developed a 2022 Implementation Plan to serve as an interim work plan to guide the development of non-motorized transportation within the City in the near future, until such time as the updated NMTTP was complete.

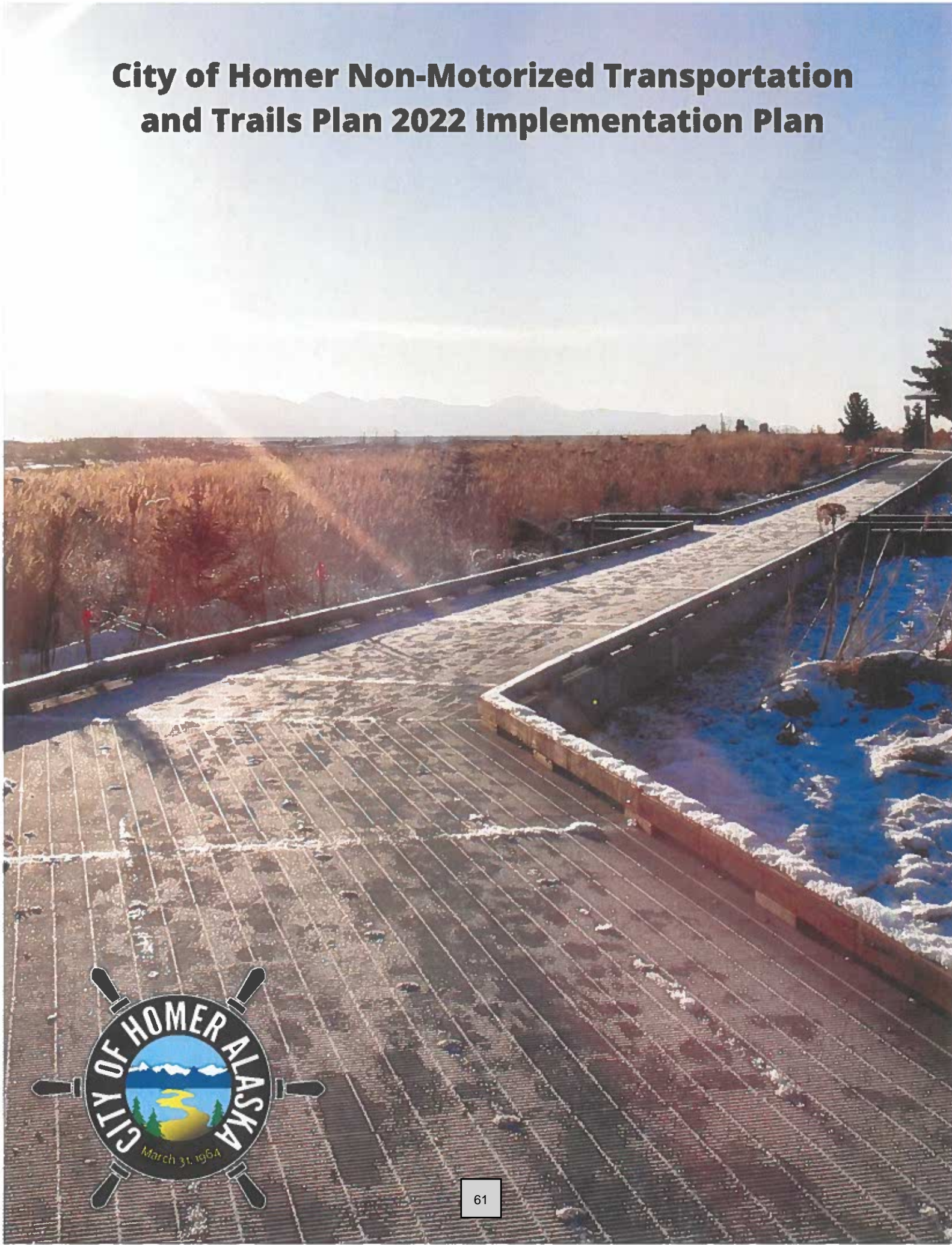
We reviewed the 2022 Implementation Plan with the Park, Arts, Recreation and Culture Commission, which endorsed it. The 2022 Implementation Plan has not yet been adopted by the City Council.

The City Council is planning to amend HCC 11.04, which addresses the design and construction of new streets in the City, which are planned to be adopted for City maintenance. The purpose of the amendments is to require such new streets, unless exempted, to include provisions for non-motorized transportation. The amendments, among other things refers to the 2022 Implementation Plan. The City Council should formally adopt the 2022 Implementation Plan, with the understanding that it will expire on the date the City Council adopts the updated Non-Motorized Trails and transportation Plan, which is expected to be in late 2023.

Recommendations:

That the City Council pass a resolution adopting the 2022 Implementation Plan to the Non-Motorized Transportation & Trails Plan.

City of Homer Non-Motorized Transportation and Trails Plan 2022 Implementation Plan



City of Homer
Non-Motorized Transportation and Trails Plan
2022 Supplement

I. Overview

The City of Homer Non-Motorized Transportation and Trails Plan (“NMTTP”) was created by DOWL Engineers in 2004 as a planning document to guide the development of trails, paths, and sidewalks in the City of Homer. This 2022 Supplement does not necessarily replace the 2004 NMTTP. Rather, it addresses some immediate issues related to new/pending development, changing priorities, resources, and standards to facilitate sensible near-term planning and implementation of non-motorized transportation. A more comprehensive replacement NMTTP will be developed later.

This Supplement was developed by a team consisting of:

- Rob Dumouchel, City Manager
- Rick Aboud, Planning Director
- Julie Engebretsen, Deputy City Planner
- Matt Steffy, Parks Superintendent
- Aaron Yeaton, GIS Technician
- Janette Keiser, PE, Public Works Director



II. Approach

This Supplement considered possible non-motorized transportation routes from two perspectives:

- Perspective #1 – Which areas of the City, affected by recent or proposed development as well as important destinations, would benefit from new non-motorized transportation routes?
- Perspective #2 – Where were new routes needed to improve the function of existing non-motorized routes by providing connectivity or accessibility?

Perspective #1 – Which areas of the City, affected by recent or proposed development as well as important destinations, would benefit from non-motorized transportation routes?

The team identified four primary Areas of Interest, shown in Figure A. These areas were selected because of the extent to which recent development has affected, or the potential for future development could affect, the way people flow from the developments to important destinations. Further the four areas were identified as high priority due to their lack of non-motorized infrastructure as well as their proximity to schools, new residential construction, and recreational opportunities.

Area of Interest #1 – West Homer (See Figure B)

This area is currently undergoing rapid development. The City is attempting to address pedestrian access through this area by coordinating with developers involved with on-going design/construction as well as adjacent land owners. For example, West Fairview Avenue will be connected to Eric Lane, as part of a pending development. This connection should have a sidewalk/path at least on one side. Further,

discussions are underway with a landowner at the current terminus of West Fairview to develop trails across their property that would connect Fairview Avenue south to Soundview Avenue by accessing a City culvert easement.



Fairview Ave looking east

The Reber Trail currently connects to the terminus of West Fairview Avenue, providing a popular scenic hike and transportation route to Reber Road off of West Hill Road. Trails counters have measured up to 500 people per week using this trail. The northern-most 300 feet is steep, making it very difficult for most users to climb year round, and particularly dangerous in the winter. This section needs an additional switchback to improve the accessibility of this trail.

Fairview Avenue should allow non-motorized use from Bartlett Street to West Hill Road, through a combination of widened shoulders, sidewalks and trails. Connectivity to West Hill could be through Seascape Drive.

A non-motorized route on West Hill Road should be installed to direct pedestrians and bicyclists from the Sterling Highway to the Reber Trail. This would protect non-motorized traffic from the most dangerous switchback on West Hill Road. It would also connect with the City's non-motorized network, at Eric Lane and further north, at the Reber Trail.

The Karen Hornaday Park should be connected with a wilderness trail to a City-owned parcel on the ridge above the Park. This would provide access to, and use of, this parcel.

Area of Interest #2 – East Homer (See Figure C)

There has been, and continues to be, a lot of development in this area, which is home to multiple important destinations including the Quiet Creek residential subdivision, Homer High School and Glacier View Baptist Church. There are dedicated trail easements in the Quiet Creek subdivision that should connect to the existing trail system on the High School property.

There is a small connector that comes down South Slope Drive to (New) Nelson Avenue that should be developed and maintained.

There is also a dedicated easement that connects Old Nelson Avenue to the High School and the Glacier View Baptist Church and ultimately, to the existing sidewalk along East End Road. A path should be developed in this easement.



South Slope Connector Path

Area of Interest #3 – Town Center (See Figure D)



ADA ramp on Poopdeck Extension Trail

The Town Center consists of a mixture of land ownership, including Cook Inlet Regional Incorporated, Kachemak Heritage Land Trust, City of Homer, and various private parcels. Access is needed from east to west branching off of the existing Poopdeck Trail system. The Poopdeck Trail system is one of Homer’s most popular trails. Trail counters have measured up to 160 users/week.

Area of Interest #4 – Beluga Slough (See Figure E)

The Beluga Slough area, rich natural resources, is owned/maintained by the USFWS and the City of Homer. There is an existing boardwalk and trail that connects the Islands and Oceans Visitor Center with Bishop’s Beach Park. Numerous local natural resource agencies have expressed a high level of interest in extending the boardwalk to prevent pedestrians from straying into the slough, and its surrounding wetlands. This is because this straying adversely impacts the slough’s ecological function as well as breeding migratory birds. Also, the slough is listed as salmon habitat in Alaska’s anadromous inventory.

The goal is to ultimately connect the boardwalk from its existing location to the intersection of Lake Street and the Sterling Highway. There are two possible ways of accomplishing this. The first possible route crosses private land owned by the Aspen Hotel and sticks to the edge of the green, upland-ish areas



of the slough. The second possible route is situated entirely on City property, coming off the end of East Bunnell Avenue. Multiple natural resource agencies would be interested in this route and possibly, willing and able to partner with the City in its development, including: Islands & Oceans, Kachemak Bay National Estuarine Research Reserve, and Center for AK Coastal Studies.

Perspective #2 – Where were routes needed to improve the function of existing non-motorized routes by providing connectivity or accessibility? This perspective addressed the function of trails, etc., as elements of transportation infrastructure to get to and from destinations, not just as recreational assets.

From this perspective, the following projects that would improve connectivity and/or accessibility, were identified. These projects are listed in order of priority and are shown on Figure B. Most of these routes fall within the Areas of Interest and are listed in the City of Homer Public Works Department 5-year Capital Improvement Program.

A. Sidewalks	Area of Interest
1. Main Street – North of Pioneer	General
2. West Fairview Avenue	West Homer
3. Ben Walters Way	General
4. Svedlund/Herndon to Senior Center	General
5. Main Street – South of Pioneer to Sterling Highway	Town Center
6. Main Street – Sterling Highway to Bishop’s Beach	General
B. Trails	
1. Karen Hornaday Park – ADA Pedestrian Access Trail	West Homer
2. Upper Reber Trail grade improvements	West Homer
3. Old Nelson Trail	East Homer
4. Bishop Beach Sculpture Trail	Beluga Slough
5. Bishop Beach Wetland Trail	Beluga Slough
6. Beluga Slough Boardwalk Extension	Beluga Slough
C. Paths	
1. East Fairview Avenue	East Homer

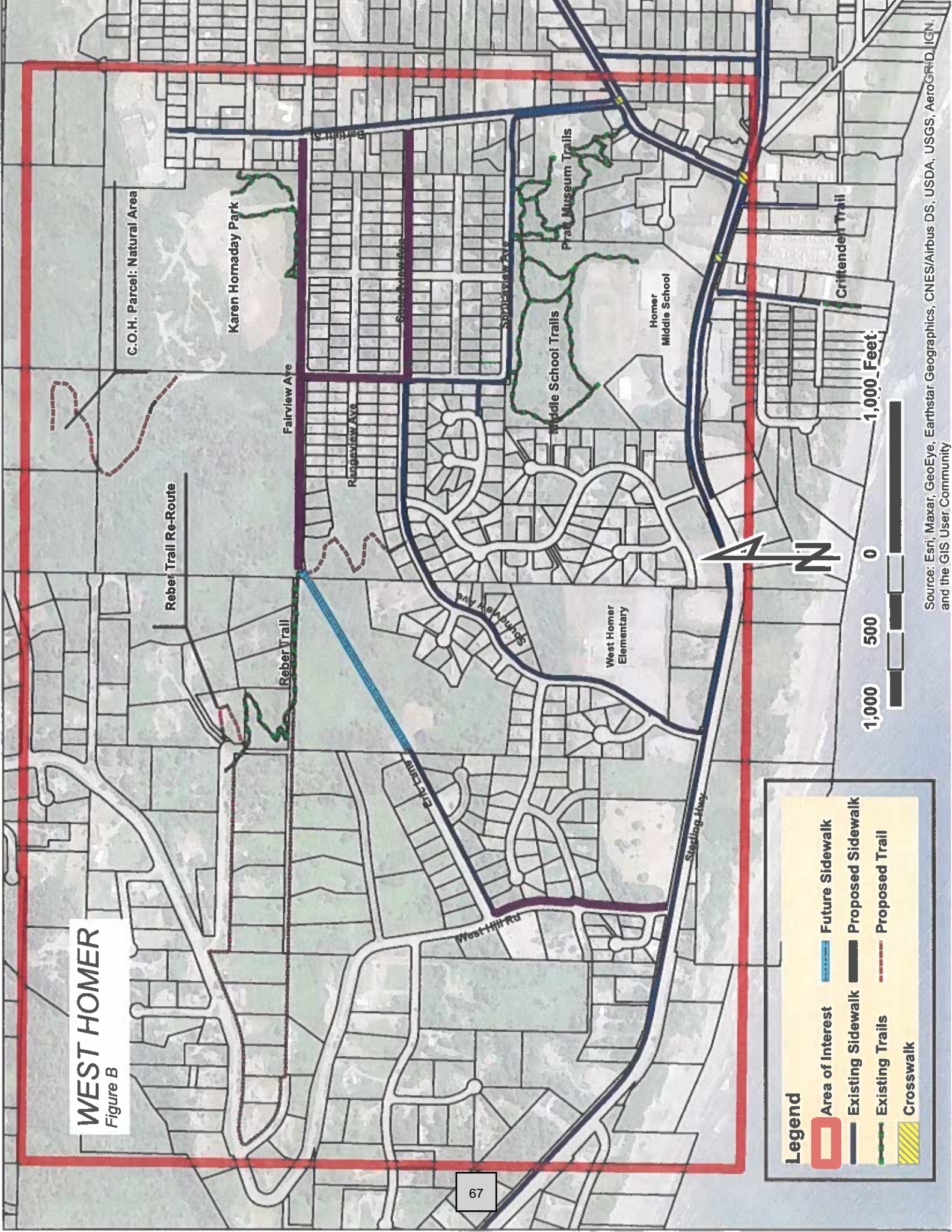
City of Homer: Pedestrian Features and Connectivity Gaps

Figure A



WEST HOMER

Figure B



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

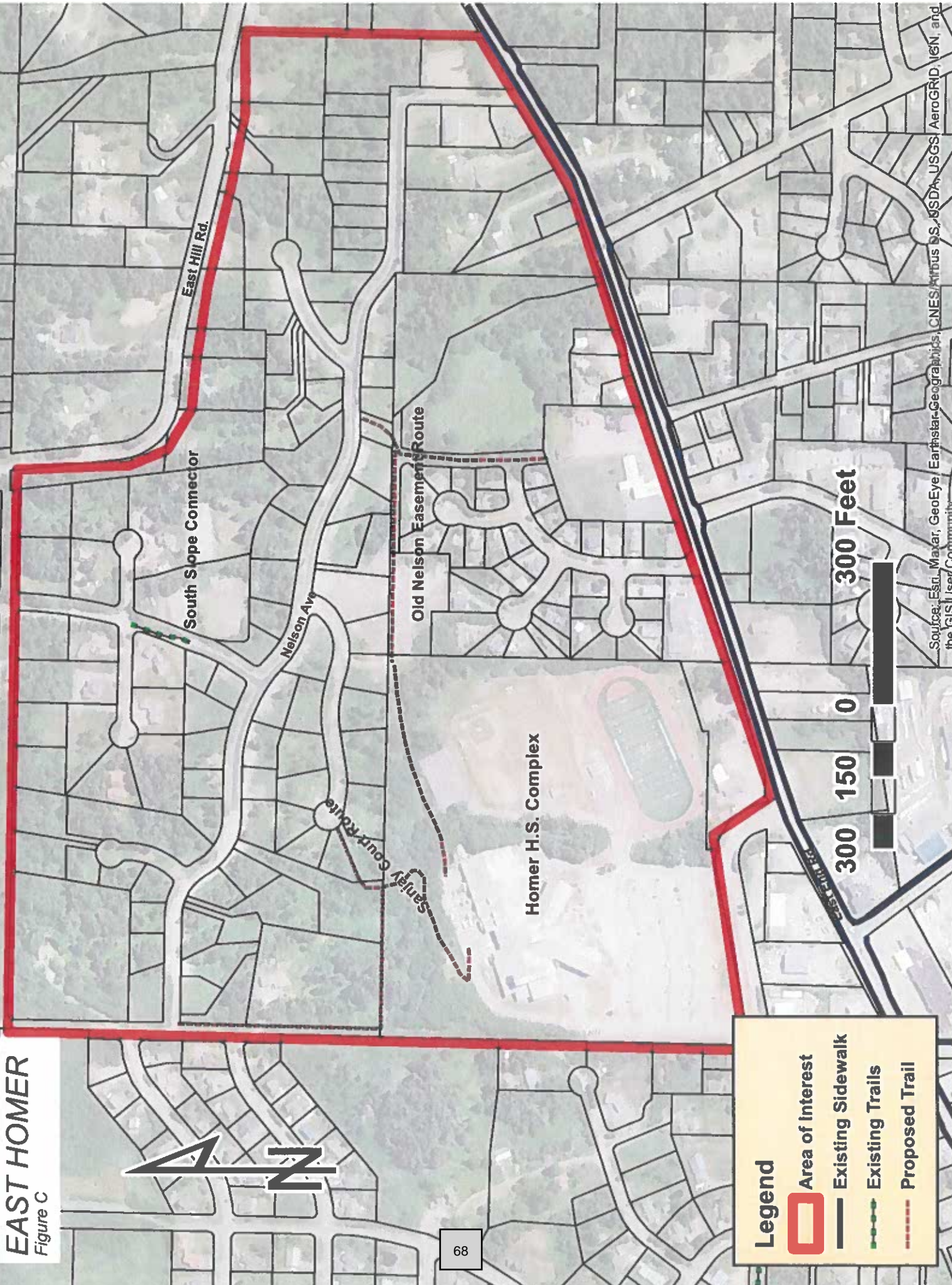
EAST HOMER

Figure C



Legend

-  Area of Interest
-  Existing Sidewalk
-  Existing Trails
-  Proposed Trail



TOWN CENTER
Figure D

69



Legend

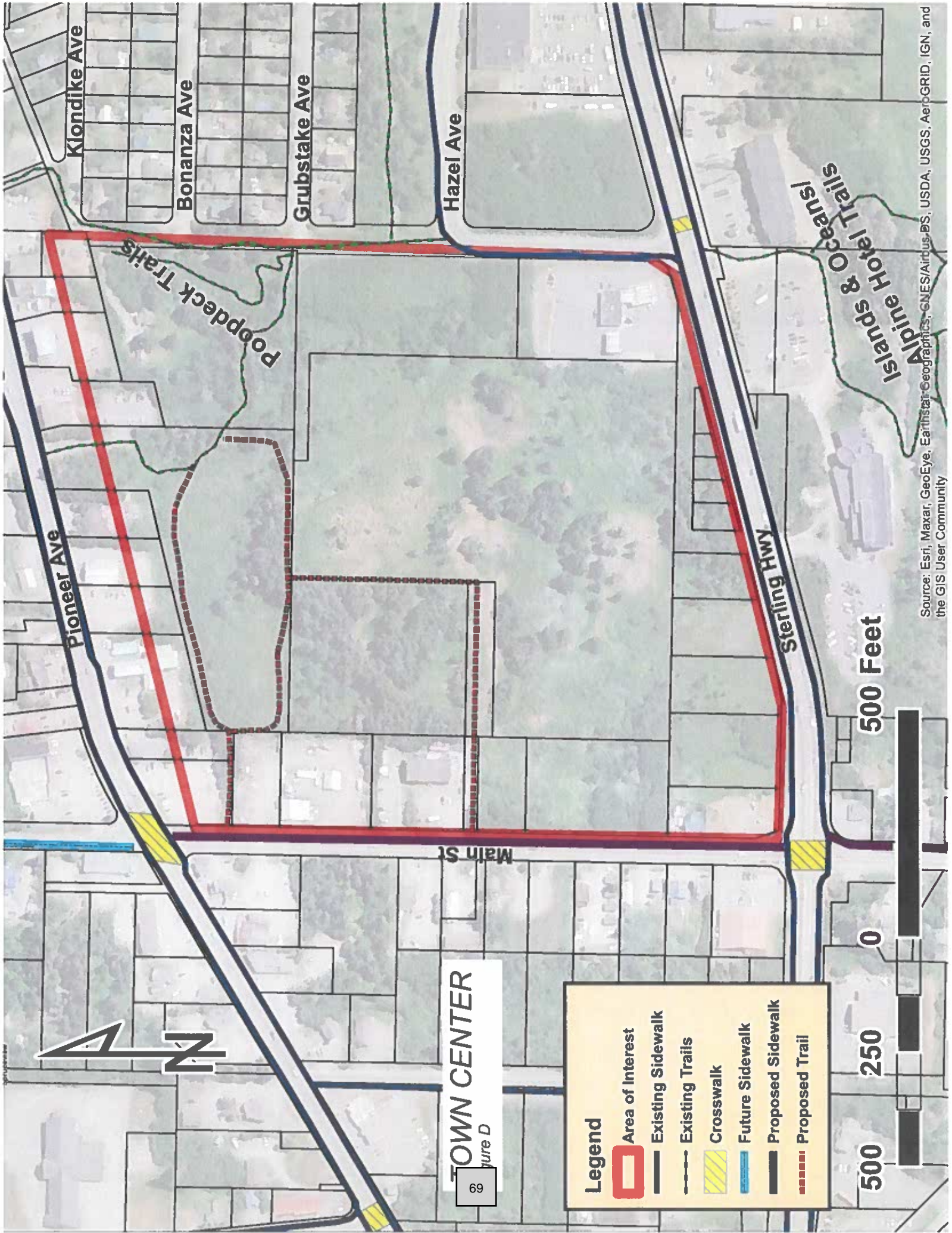
-  Area of Interest
-  Existing Sidewalk
-  Existing Trails
-  Crosswalk
-  Future Sidewalk
-  Proposed Sidewalk
-  Proposed Trail

500

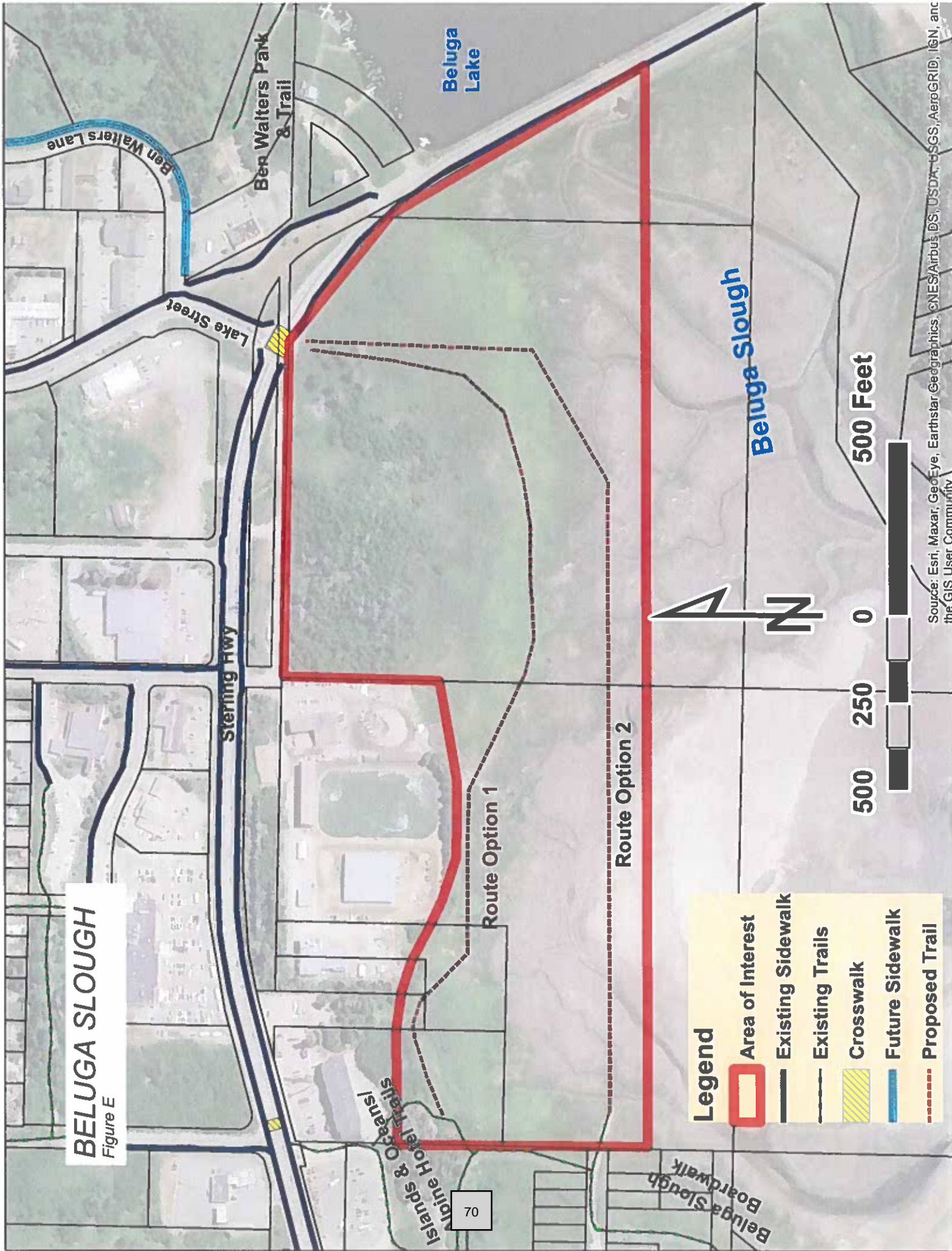
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0

500 Feet



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus-BS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



BELUGA SLOUGH
Figure E

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

From: [Julie Engebretsen](#)
To: [Melissa Jacobsen](#); [Caroline Venuti](#)
Cc: [Renee Krause](#)
Subject: FW: Resolution 22-074
Date: Wednesday, October 19, 2022 11:20:28 AM

From: Kathryn Carssow <kcarssow@live.com>
Sent: Wednesday, October 19, 2022 11:18 AM
To: Mayor Email <Mayor_Email@ci.homer.ak.us>; Donna Aderhold <DonnaAderhold@ci.homer.ak.us>; Storm Hansen-Cavasos <StormHansen-Cavasos@ci.homer.ak.us>; Jason Davis <JasonDavis@ci.homer.ak.us>; Rachel Lord <Rachellord@ci.homer.ak.us>; Shelly Erickson <ShellyErickson@ci.homer.ak.us>
Cc: Julie Engebretsen <JEngebretsen@ci.homer.ak.us>; Robert Dumouchel <RDumouchel@ci.homer.ak.us>; Department Clerk <clerk@ci.homer.ak.us>
Subject: Resolution 22-074

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

Please forward the following to Mayor Castner and the City Council.

Dear Mayor and City Council Members,
I commend the work of many, including the city planning department, on developing and preparing to implement a trails plan for our city. I am writing in support of a letter you are receiving from Nina Faust regarding amending the trail route proposed for the north side of Beluga Slough to protect the gathering and nesting habitat of our beloved Sandhill cranes. Please amend the plan to change the proposed trail on the north shore of Beluga Slough to the alternate route Ms. Faust recommends. Thanks.
Sincerely,
Kathryn Carssow

Sent from [Mail](#) for Windows

From: Julie Engebretsen
To: Caroline Venuti; Shelly Erickson; Donna Aderhold; Storm Hansen-Cavazos; Jason Davis; Ken Castner; Rachel Lord
Cc: Robert Dumouchel; Renee Krause
Subject: FW: Homer Transportation Plan Beluga Slough Trail extension
Date: Wednesday, October 19, 2022 1:02:43 PM

From: Nina Faust <kachbay@gmail.com>
Sent: Tuesday, October 18, 2022 4:32 PM
To: Julie Engebretsen <JEngebretsen@ci.homer.ak.us>
Subject: Homer Transportation Plan Beluga Slough Trail extension

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

Hi Julie, I would appreciate it if you would share this with the other planners on the Transportation Planning Committee. Or if you prefer, let me know who else I should share this with. Thanks.
Nina

P.O. Box 2994
Homer, AK 99603

October 18, 2022

Dear Homer Transportation Planners:

Overall, I am impressed with the Transportation Plan. Working to make this community more accessible to everyone is a very important tenet for improving quality of life for all residents.

I do want to comment in depth on the proposed separated trail along the north shore of Beluga Slough. I know folks are looking at this to connect trails from the Bunnell and Bishops Beach areas to the trail along and between Beluga Slough and Beluga Lake. I see several reasons not to build the trail where it is proposed and would like to propose an alternative. First, here are some of the reasons why I am concerned and opposed to the proposed route.

First, the northern shore is the only portion of the Beluga Slough habitat that remains mainly undisturbed and relatively wild. For several years two of the three active nesting pairs of Sandhill Cranes have used the north shoreline of the Slough where there presently is no trail. They nest, feed, forage, and rest all along that area at the edge of the forest. No wildlife assessment has been made to determine how many other bird species are nesting in this important wild part of the Slough. Nor has there been an assessment of what small mammals might be using this small refugia. Keeping this area wild enhances the diversity of birds and animals the Slough can support.

Many people travel to Homer to see these nesting cranes. The Boardwalk Pair has become a bit of a celebrity pair, and the pair provides up close observation of crane family life, an amazing attraction for bird watchers.

Second, a trail in this extremely wet area, especially nearer to the By-Pass, would be very expensive to build. This trail would bring many people into an area that is now difficult for people to access, and thus makes it a safe zone for animals and birds. It also will bring dog walkers. Unfortunately, many of these dog walkers will not have their dogs leashed, and those dogs will be off trail in the habitat disturbing nesting birds during the critical time when they are raising their young.

The City has not been able as yet to control the problems with non-compliant dog owners who let their dogs romp in the nesting habitat from the existing boardwalk from Islands and Ocean Visitor Center to Bishops Beach. Extending the boardwalk into this now remoter portion of the Slough would be detrimental to nesting populations.

I do see alternatives for a separated connection from the By-Pass to the existing Boardwalk Trail. The sidewalk from the By-Pass could join a dedicated bike/pedestrian path through the RV servicing station. The trail could either join the existing sidewalk heading towards Island and Ocean VC or be tucked south of the line of trees adjacent to the main road. Then to make the final link, it could continue along the sidewalk and into the Islands and Ocean VC parking area where the final link could join the existing gravel trail from I & O. Another option for the last link could follow a short trail from the Aspen parking lot back to the boardwalk along an existing informal trail on the east end of the I & O parking lot.

This alternate route would create the link between the I & O boardwalk to the Bishops Beach and whatever trail is planned on the other side of the By-Pass near Ben Walter's Park. By doing this, we would provide dedicated connectivity, while protecting the north shore Slough habitat for all the animals and birds nesting, denning, or resting there.

As Homer gets more tourism, problems in Beluga Slough may increase. If we avoid putting people along the north shore by using this alternate route, we will hopefully reduce future problems and protect the biodiversity of the Slough. Beluga Slough, an Audubon Important Bird Area, deserves to have the highest level of protection we can provide through good public management, even if it means we might have to go around an area of critical habitat to protect it.

Sincerely,

Nina Faust
Kachemak Crane Watch



Nina Faust Co-founder
Kachemak Crane Watch
235-6262
reports@cranewatch.org
www.cranewatch.org

**CITY OF HOMER
HOMER, ALASKA**

City Clerk/
Public Works Director

RESOLUTION 22-081

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AWARDED THE CONTRACT FOR THE 2022-2025 SNOW REMOVAL AND SANDING SERVICES TO THE FIRM OF GREGOIRE CONSTRUCTION OF HOMER, ALASKA, IN THE AMOUNT OF \$535 SNOW REMOVAL PER TRIP AND \$436 SANDING PER TRIP, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was advertised in the Peninsula Clarion on October 8, 2022 and the Homer News on October 13, 2022; sent to three in-state plans rooms; and posted on the city website; and

WHEREAS, Bids were due on October 19, 2022, one addendum was issued and two bids were received; and

WHEREAS, Gregoire Construction of Homer, Alaska, was found to be the lowest responsive bidder; and

WHEREAS, This award is not final until written notification is received by the firm from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the contract for the 2022-2025 Snow Removal and Sanding Services contract to the firm of Gregoire Construction of Homer, Alaska, in the amount of \$535 snow removal per trip and \$436 sanding per trip, and authorizes the City Manager to execute the appropriate documents necessary to complete this work.

PASSED AND ADOPTED by the Homer City Council this 24th day of October, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note:	Fire Dept.	100.151.5210
	Police Dept.	100.160.5244
	City Hall	100.140.5210
	Library	100.145.5244



Memorandum 22-184

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

THRU: ROB DUMOUCHEL, CITY MANAGER

FROM: MIKE ZELINSKI, PUBLIC WORKS SUPERINTENDENT

DATE: OCTOBER 24, 2022

SUBJECT: SNOW REMOVAL & SANDING SERVICES 2022-2025

On October 19, 2022 bids were opened for the referenced three year renewable service contract. This work was advertised in the Peninsula Clarion on October 8, 2022, the Homer News on October 13, 2022, three plans rooms in the state and on the city website.

This service contract provide snow removal and sanding for the following facilities:

- City Hall 100.0140.5210
- Fire Department 100.0150.5210
- Police Department 100.0160.5244
- Public Library 100.0145.5244
- Skyline Drive Fire Station

Two bids were received from qualified firms. The bid results were totaled per citywide trip, and the results are as follows:

	Snow Removal/Trip	Sanding/Trip	Total/Trip
Gregoire Construction	\$535	\$436	\$971
Dutch Boy Landscaping & Paving	\$816	\$511	\$1327

Recommendation:

City Council adopt Resolution 22-081 and Award the 2022-2025 Snow Removal & Sanding Services Contract to Gregoire Construction of Homer, Alaska and Authorize the City Manager to execute the appropriate documents.

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 22-082

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
ADOPTING JOINT RESOLUTION 2023-01 OF THE COUNCILS OF
THE SELDOVIA VILLAGE TRIBE AND CITIES OF SELDOVIA AND
HOMER ESTABLISHING A REGIONAL PARTNERSHIP.

WHEREAS, The Cities of Seldovia and Homer have been working together to find ways to strengthen the relationships between the two cities; and

WHEREAS, As a federally recognized tribe and government that offers services in Homer and Seldovia, Seldovia Village Tribe has also been included in these discussions as the tribe's participation is vital to ensure our communities work together; and

WHEREAS, There are a significant number of social, economic, and environmental linkages between Homer and Seldovia, providing and receiving valuable services from each other; and

WHEREAS, The City of Seldovia and Seldovia Village Tribe have shared with the City of Homer just how important Homer is to Seldovia in providing its residents with access to essential services and infrastructure that enhances the quality of life for the community; and

WHEREAS, The joint resolution 2023-01 is an opportunity to formally recognize the relationships, and encourage each governmental agency to continue to strengthen and expand those connections.

NOW, THEREFORE BE IT RESOLVED that the City Council of Homer, Alaska hereby adopts Joint Resolution 2023-01 of the Councils of the Seldovia Village Tribe and Cities of Seldovia and Homer Establishing a Regional Partnership.

PASSED AND ADOPTED by the Homer City Council this 24th day of October, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

43 ATTEST:

44

45 _____

46 MELISSA JACOBSEN, MMC, CITY CLERK

47

48 Fiscal note: N/A



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 22-185

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: October 20, 2022
SUBJECT: Regional Partnership with City of Seldovia and Seldovia Village Tribe

Over the last two years, the Seldovia City Manager and I have been working together to find ways to strengthen the relationships between our cities. As a federally recognized tribe and government that offers services in Homer and Seldovia, Seldovia Village Tribe has also been included in these discussions as the tribe's participation is vital to ensure our communities work together to represent and serve all citizens with as many opportunities as possible. There are a significant number of social, economic, and environmental linkages between Homer and Seldovia, and we all provide and receive valuable services from each other. The City of Seldovia and Seldovia Village Tribe have shared with me just how important Homer is to Seldovia in providing its residents with access to essential services and infrastructure that enhances the quality of life for the community. The joint resolution before Council is an opportunity to formally recognize our relationships, and encourage each governmental agency to continue to strengthen and expand those connections.

In recent years, we have supported each other through formal advocacy of the Alaska Marine Highway System and support of regional utility (electric and broadband) expansion projects. Homer and Seldovia regularly work together on public safety, harbor, and transportation issues. Seldovia Village Tribe offers health care in both communities, a service not provided by first class cities in Alaska, as well as transportation to and from Homer and Seldovia through the Seldovia Bay Ferry. We all also engage in a great deal of informal agency-to-agency support through information sharing and lobbying on regional priorities. After this November election, Homer and Seldovia will now be represented by the same state delegation as a result of redistricting. This will create opportunities for Homer and Seldovia to work together at the state level on regional priorities that support our communities. We've even shared surplus furniture with our neighbors, the former Homer dais found a new home in Seldovia where it is now used for their Council meetings. Additionally, formal partnerships like these may create opportunities for regional funding to support services in both communities. There are many exciting potentials to look forward to.

In September, I traveled to Seldovia to meet with Seldovia Village Tribe President/CEO Crystal Collier, Seldovia Mayor Jeremiah Campbell, and City Manager Rachel Friedlander to discuss the creation of a more formal partnership. One of the outcomes of that meeting in September is a joint resolution which is being reviewed by all three Councils. Seldovia Village Tribe approved the joint resolution on September 29th and both the City of Homer and the City of Seldovia have the joint resolution scheduled for Council meetings on October 24th.

I look forward to continuing to support and strengthen the relationship between our three entities.

Staff Recommendation: Approve the joint resolution with the City of Seldovia and Seldovia Village Tribe to establish a regional partnership

**SELDOVIA VILLAGE TRIBE
CITY OF HOMER
CITY OF SELDOVIA**

JOINT RESOLUTION NO. 2023-01

**A JOINT RESOLUTION OF THE
COUNCILS OF THE SELDOVIA VILLAGE TRIBE AND CITIES OF HOMER AND
SELDOVIA, RESPECTIVELY, ESTABLISHING A REGIONAL PARTNERSHIP
BETWEEN HOMER AND SELDOVIA.**

WHEREAS, The Seldovia Village Tribe, IRA is a federally recognized Tribe under the provisions of the U.S. Federal Indian Reorganization Act of 1934 that serves both Native and Non-Native communities throughout the Southern Kenai Peninsula;

WHEREAS, The City of Homer was established as a first-class municipality in March 1964; and

WHEREAS, The City of Seldovia was established as a first-class municipality in September 1962; and

WHEREAS, The Seldovia Village Tribe, City of Homer and City of Seldovia are neighbors connected by the Alaska Marine Highway System; have developed a positive, collaborative relationship; and provide essential services that benefit the citizens and visitors of the Southern Kenai Peninsula; and

WHEREAS, This collaboration has already been demonstrated by the passage of the first-ever joint resolution supporting the Homer Electric Association’s pursuit of funding for the South Kachemak Bay Distribution Upgrade and Broadband Expansion Project, advocacy concerning the Alaska Marine Highway System, emergency response, marine transportation, healthcare, and commerce; and

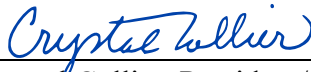
WHEREAS, A recognized partnership between these three organizations may create a mutual value that is greater than what each entity could individually generate or contribute as well as leverage resources to address common issues, ensure strong and clear communications, and strengthen relationships between each organization’s respective elected officials, staff, and the public.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCILS OF THE SELDOVIA VILLAGE TRIBE, CITY OF HOMER, AND CITY OF SELDOVIA:

SECTION 1. That the Seldovia Village Tribe and Cities of Homer and Seldovia hereby enter into a regional partnership intended to increase collaboration and mutual benefit of each community’s residents.

SECTION 2. That this resolution takes effect immediately upon adoption of the Seldovia Village Tribe and the City Councils of the City of Homer and City of Seldovia.

APPROVED BY THE COUNCIL OF SELDOVIA VILLAGE TRIBE THIS 29th DAY OF SEPTEMBER 2022.



Crystal Collier, President/CEO

ATTEST:



Trinket Gallien, Tribal Secretary

APPROVED BY THE COUNCIL OF THE CITY OF HOMER THIS _____ DAY OF OCTOBER, 2022.

Ken Castner, Mayor

ATTEST:

Melissa Jacobsen, MMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SELDOVIA THIS _____ DAY OF OCTOBER, 2022.

Jeremiah Campbell, Mayor

ATTEST:

Heidi Geagel, City Clerk



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Memorandum 22-186

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: October 20, 2022
SUBJECT: Budget Priorities Public Hearing & Committee of the Whole

As a standard feature of our budget development cycle, we have included a budget priorities discussion in committee of the whole followed by a public hearing to allow the public a chance to talk about what they would like to see in the upcoming budget. My recommendation at this point in the budget cycle is to talk about big picture ideas, values, etc. as opposed to getting deep into specific numbers. Detailed dollar discussions are later in this fiscal year.

There are no decisions being made at this time, it's purely an opportunity for ideas and feedback to flow from the Council and the public to the Administration as we continue to work on the FY24/25 budget. There will be many more opportunities to discuss the budget as we move through this process.

The goal is to have the budget developed and adopted by May 2023.

Staff Recommendation: Discuss budget priorities with staff and hold a public hearing

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-42

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 11.04.120 to Clarify that all New Streets which Serve as Public Access Corridors shall have Sidewalks.

Sponsor: Davis/Erickson

1. City Council Regular Meeting July 25, 2022 Introduction

Postponed to September 26, 2022 and referred to Planning Commission, Parks Art Recreation & Culture Advisory Commission and Public Works
2. City Council Regular Meeting September 26, 2022 Public Hearing and Second Reading

Memorandum 22-165 from Planning Commission as backup
Memorandum 22-166 from Parks Art Recreation & Culture Advisory Commission as Backup
3. City Council Regular Meeting October 10, 2022 Public Hearing and Second Reading

Postponed to the next meeting due to technical issues causing non-publication of the Homer News Classifieds/Legal Notices in the October 6, 2022 edition of the paper.
4. City Council Regular Meeting October 24, 2022 Public Hearing and Second Reading

Memorandum 22-165 from Planning Commission as backup
Memorandum 22-166 from Parks Art Recreation & Culture Advisory Commission as Backup

1 CITY OF HOMER
2 HOMER, ALASKA

Davis/Erickson

3
4 ORDINANCE 22-42(S)(A)
5

6 AN ORDINANCE OF THE CITY OF HOMER ALASKA AMENDING
7 HCC.04.120 TO CLARIFY THAT ALL NEW STREETS WHICH SERVE AS
8 PUBLIC ACCESS CORRIDORS SHALL HAVE SIDEWALKS.
9

10 WHEREAS, The Homer Non-Motorized Trails and Transportation Plan states that “All
11 new road construction projects will include facilities designed for non-motorized
12 transportation,” which “may include sidewalks, safe crossings, separated/shared pathways,
13 wide outside lanes, paved shoulders and striped, signed bikeways,” **but with no enforcement**
14 **mechanisms or timelines**; and
15

16 WHEREAS, The City of Homer has not been consistently requiring pedestrian access
17 when new streets are being approved, in part because city code as currently formulated does
18 not clearly require sidewalks, but rather only easements for sidewalks, and even then only on
19 certain streets specified in a long-outdated map; and
20

21 WHEREAS, Numerous new roads have been built in town in the past several years that
22 lack any pedestrian access; **and**
23

24 **WHEREAS, Any new standards adopted in the final draft of the Master**
25 **Transportation Plan currently in process will not be applied retroactively to the projects**
26 **already approved by the City of Homer.**
27

28 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
29

30 Section 1. HCC 11.04.120 Street construction, design and dedication requirements –
31 General, is hereby amended to read as follows:
32

33 11.04.120 Sidewalks and non-motorized transportation corridors.
34

35 a. New streets to be accepted by the City and identified ~~which serve~~ as public access corridors
36 in the adopted Homer Non-Motorized Transportation and Trail Plan shall have **may be**
37 easements for sidewalks, bicycle paths or other non-motorized transportation facilities **a**
38 **dedicated pedestrian path or trail** to ensure convenient mobility and convenient access to
39 parks, recreation areas, trails, playgrounds, schools and places of public assembly **pedestrian**
40 **safety.**
41

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

45
46 c. Sidewalks, bicycle paths and other non-motorized transportation facilities shall be designed
47 in accordance with the design criteria of the City of Homer Design Criteria Manual, **and/or the**
48 **most current version of the Master Transportation Plan.**

49
50 Section 2. This ordinance is of a permanent and general character and shall be included
51 in the City Code.

52
53 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2022.

54
55 CITY OF HOMER

56
57
58 _____
59 KEN CASTNER, MAYOR

60
61 ATTEST:

62
63
64 _____
65 MELISSA JACOBSEN, MMC, CITY CLERK

66
67
68 YES:

69 NO:

70 ABSTAIN:

71 ABSENT:

72
73 First Reading:

74 Public Reading:

75 Second Reading:

76 Effective Date:

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

Davis/Erickson

3
4 **ORDINANCE 22-42(S-2)**

5
6 AN ORDINANCE OF THE CITY OF HOMER ALASKA AMENDING
7 HOMER CITY CODE SECTIONS 11.04.120, 22.10.050 AND 22.10.051
8 TO SPECIFY WHEN NEW STREETS ARE REQUIRED TO PROVIDE
9 FOR NON-MOTORIZED TRANSPORTATION.
10

11 WHEREAS, The Homer Non-Motorized Trails and Transportation Plan states that “*All*
12 *new road construction projects will include facilities designed for non-motorized transportation,*”
13 *which “may include sidewalks, safe crossings, separated/shared pathways, wide outside lanes,*
14 *paved shoulders and striped, signed bikeways,*” but with no criteria, enforcement mechanisms
15 or timelines; and
16

17 WHEREAS, The City of Homer has not been consistently requiring pedestrian access
18 when new streets are being approved, in part because city code as currently formulated, does
19 not clearly require sidewalks, but rather only easements for sidewalks, and even then only on
20 certain streets specified in a long-outdated map; and
21

22 WHEREAS, Numerous new roads have been built in town in the past several years that
23 lack any type of non-motorized transportation facility; and
24

25 WHEREAS, Any new standards adopted in the final draft of the Master Transportation
26 Plan currently in process will not be applied retroactively to the projects already approved by
27 the City of Homer; and
28

29 WHEREAS, The City is in the process of updating the Master Transportation Plan and a
30 Non-Motorized Transportation Plan, which will address these matters, but the City Council has
31 determined immediate remedial action is in the City’s best interests and editorial adjustments
32 can be made at a later date, if required.
33

34 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
35

36 Section 1. HCC 11.04.120 Sidewalks and non-motorized transportation corridors is
37 hereby amended to read as follows:
38

39 11.04.120 Sidewalks and non-motorized transportation corridors.
40

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

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

46

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

50

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

54

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

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

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

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

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

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

71

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

74

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

78

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

159
160 Section 3. Homer City Code Section 22.10.051 Easements and rights-of-way is hereby
161 amended as follows:

162

163 22.10.051 Easements and rights-of-way.

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

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

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

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

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

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

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

205 ABSENT:
206
207 First Reading:
208 Public Reading:
209 Second Reading:
210 Effective Date:
211



City of Homer

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Memorandum 22-166

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION
THRU: ROB DUMOUCHEL, CITY MANAGER
DATE: SEPTEMBER 26, 2022
SUBJECT: RECOMMENDATIONS ON ORDINANCE 22-42

Background:

City Council referred Ordinance 22-42 to the Parks, Art, Recreation & Culture (PARC) Advisory Commission for input at their regular meeting of July 25, 2022.

Ordinance 22-42 came before the PARC Advisory Commission at their regular meeting on August 18, 2022. City Planner Abboud presented his informed analysis on Ordinance 22-42 and how it applied to current standards and regulations. The Commission held a lengthy and robust discussion on the subject and made the following recommendation:

PARC Advisory Commission requests that the City Council extend the time the Commission has to provide recommendation(s) until after the Trails Symposium scheduled for October 1, 2022 so the Commission has more information available to provide quality recommendations.

The excerpt of the approved meeting minutes have been included for review.

August 18, 2022
Regular Meeting Minutes

NEW BUSINESS

D. Memorandum from City Planner re: Ordinance 22-42, Sidewalks

Chari Lewis introduced the item and thanking City Planner Abboud for his patience, invited him to speak to the Commission.

City Planner Abboud commented on the memorandum in the packet and his review of Ordinance 22-42. He noted the following points for consideration:

- There is only one parcel that this may apply
- Transportation Plan Update
- Requires additional work
- Brad Parsons will be attending the next worksession regarding Non-motorized Transportation options
- removing conflicts in city code
- Criteria needed for requiring sidewalks and where they are required
- Does not apply to existing agreements

City Planner Abboud facilitated comments and questions from the Commission regarding:

- Review is written through a vehicular viewpoint when transportation covers all forms of transportation and should include animal as well as pedestrian, cyclists, etc.
- Not all roads need sidewalks as currently all main through streets have sidewalks which may not be the safest place to through pedestrians
- No access from a cul-de-sac to these non-motorized corridors, navigable green spaces

Commissioner Harrald noted the time and if they were to continue, the Commission would need to extend the meeting time.

Chair Lewis requested a motion and second.

HARRALD/LOWNEY MOVED TO EXTEND THE MEETING TIME BY TWENTY MINUTES.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud continued his facilitation of the discussion and responding to Commission questions on the following points:

- Walkability
- Prioritization
- Limitation on City actions outside city limits and that is where it needs to be addressed
- Existing subdivisions development

- Addressing the density in Rural Residential zoning and rezone issues in Urban Residential zoning
- Results of the kickoff meeting with the transportation planner
 - o Public input on the level of service such as walkability
 - o Ability to make changes in the update
 - o Borough is constrained on the regulations and policies established by the City
- Pedestrian Access does not need to focus solely on sidewalks
- Previous developers stated that they will include green space and walkability but then no access or green space was provided
 - o No enforcement or lack of enforcement
 - o Incentives to developers including these features
- Review of remaining land that could be subdivided or include access and green space for walkability

Chair Lewis requested a motion and second.

Commissioners express some uncertainty on what recommendations they were expected to provide or action that they were to take on the ordinance.

City Planner Abboud provided clarification in response to numerous questions from the Commission on what action is being requested from the Commission.

Public Works Director Keiser stated that it is clear by the ordinance and amendments offered by City Council, they are well meaning, but would not be effective and possibly unenforceable. They are also slightly premature since the City is just starting review and update of the transportation planning which will address many of these issues. She suggested the Commission consider a recommendation to Council that the Commission fully supports the idea behind the ordinance but it is not timely. Additional work, research and drafting is required before the Commission can make sensible recommendation.

City Planner Abboud concurred with Public Works Director Keiser's suggestion.

HARRALD/LOWNEY MOVED THAT THE COMMISSION FULLY SUPPORTS THE IDEA BEHIND THE ORDINANCE BUT IT IS NOT TIMELY AS ADDITIONAL WORK AND RESEARCH IS REQUIRED BEFORE THE COMMISSION CAN MAKE A SENSIBLE RECOMMENDATION TO COUNCIL.

Discussion ensued on including stronger language to include a time period or date as requested by Councilmember Erickson and clarification when the ordinance was scheduled to be before the Council with the Commission's recommendations.

HARRALD MOVED TO AMEND THE MOTION TO POSTPONE THIS ITEM TO THE NEXT MEETING UNTIL MORE INFORMATION CAN BE PROVIDED.

Amendment died for lack of a second.

LOWNEY MOVED TO AMEND THE MOTION TO AFTER THE TRAILS SYMPOSIUM ON OCTOBER 1ST.

Amendment died for lack of a second.

Commissioner Harrald stated that she could pull her motion that is on the floor.

Chair Lewis requested clarification on the motions on the floor if any.

Deputy City Clerk Krause stated that no second was offered on the two proposed amendments. The main motion is on the floor but Commissioner Harrald has offered to pull her motion. It could be voted down since it was seconded.

City Planner Abboud reported that this ordinance was going before the Planning Commission at their September 7th meeting and Brad Parsons has been invited to the worksession to speak to the Commission on transportation planning and that at this time he did not have a definitive recommendation for Council.

ARCHIBALD/ MOVED TO AMEND THE MOTION TO FORWARD A RECOMMENDATION TO COUNCIL THAT THE COMMISSION HAS RESERVATIONS ON THE LANGUAGE IN ORDINANCE 22-42 AS IT ONLY ADDRESSES SIDEWALKS NOT WALKABILITY AND THE COMMISSION IS REQUESTING ADDITIONAL TIME IN LIGHT OF ALL THE PLANS BEING DEVELOPED.

Commissioner Archibald pulled his amendment from the floor for consideration upon hearing comments by Public Works Director Keiser and Commissioner Lowney on preference for waiting until after the Trails Symposium for any action on non-motorized transportation.

LOWNEY/ARCHIBALD MOVED TO AMEND THE MOTION TO REQUEST CITY COUNCIL EXTEND THE TIME TO ALLOW THE COMMISSION TO PROVIDE A RECOMMENDATION UNTIL AFTER THE SCHEDULED TRAILS SYMPOSIUM HAS BEEN CONDUCTED SO THE COMMISSION HAS MORE INFORMATION AVAILABLE TO PROVIDE QUALITY RECOMMENDATIONS.

There was a brief discussion on including a statement of support for more walkability. She did not want to provide the impression that the Commission did not want sidewalks.

There was a brief discussion on Council receiving a copy of the minutes and they will be aware of the Commissions opinions on sidewalks.

VOTE. (Amendment).NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was no further discussion.

VOTE.(Main Motion as Amended)) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud provided input on how the PARC Commission should interact with the Planning Commission in response to Commissioner Archibald, stating that the Planning Commission will address in city code how to respond to this subject.



City of Homer

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Planning

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Memorandum 22-165

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: HOMER PLANNING COMMISSION
THRU: ROB DUMOUCHEL, CITY MANAGER
DATE: SEPTEMBER 26, 2022
SUBJECT: RECOMMENDATIONS ON ORDINANCE 22-42

Background:

City Council referred Ordinance 22-42 to the Planning Commission for input at their regular meeting of July 25, 2022.

Ordinance 22-42 came before the Commission at the regular meeting on August 17, 2022. Councilmembers Erickson and Davis attended the worksession and provided comment on the Ordinance prior to the regular meeting.

At the September 7, 2022 meeting date the Commission devoted an entire worksession to discuss the ordinance and the intent of Council and addressed the item at their regular meeting under Pending Business.

Recommendations:

1. Vote Ordinance 22-42 down as written to allow:
 - a. The Planning Commission to expend the proper time to develop responsible and reasonable development standards to avoid possible future litigation and not dissuade desirable development; and
 - b. Update and refine the definitions regarding road descriptors; and
 - c. Provide the Commission further direction on the deliverables that City Council expects.
2. Currently the Master Transportation Plan is in development which will include updates to all adopted transportation related plans.
3. The Planning Department requires resources with expertise in Transportation Planning.
4. The Planning Commission is very supportive of implementing Non-Motorized Transportation.

Attachment:

Excerpt of the September 7, 2022 Approved Meeting Minutes

PENDING BUSINESS

B. Staff Report 22-57, Review of Ordinance 22-42, Sidewalks

Chair Smith introduced the topic and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-57 for the Commission. He noted the points from the worksession; reviewed the discussion and recommendation from the Parks, Art, Recreation & Culture Advisory Commission; and that a future worksession will be had with Julie Engebretsen and Brad Parsons who will be making a presentation to the Commission in relationship with the current transportation planning when fully developed.

Chair Smith reiterated the recommendations of the City Planner and then noted the ordinance in the packet with proposed amendments.

City Planner Abboud facilitated discussion and responded to questions and comments on the following:

- Commission putting forth an ordinance that applies to the general requirements that developers must construct sidewalks/non-motorized transportation when proposing a development.
 - o Using generic terms within the ordinance since there is an unknown on where the development will be constructed, how large it will be, etc. This action may appease the citizenry that Council has taken steps to address their concerns.
 - o City Attorney input would be required
- The City has or maintains the road once they are constructed to the required standards. If a road exists does the City has the authority to require pedestrian amenities in current developments such as Quiet Creek or Lillian Walli.
 - o If it is platted with the dedication it does come under the authority of the City
- Commission express that their concerns are shared and would like to receive more direction or setting the stage to move forward.
- Concern expressed if the Commission issued some vague regulations or requirements that may lead to litigation. It would not be difficult to bring in experts to provide minimum standards required to develop those criteria for roads and developments to have pedestrian friendly travel options.
- The Commission will gain more information when they hear the presentation from Mr. Parsons.
- Commission should submit a memo to Council requesting an additional six weeks to submit their recommendations, stating the Commission is working on this.
- The list of documents shown in the packet on page 72 are dated – Design Criteria Manual April 1985 Revised February 1987; Master Roads & Streets Plan 1986; and The Non-Motorized Transportation & Trail Plan 2004
- The Ordinance 22-42 was submitted by Council those amendments are made by Councilmembers Davis and Erickson.
 - o This does not legally accomplish the intent of the Councilmembers as defined in Staff Reports 22-22-57, 22-54 and Memorandum dated August 8, 2022 re: Trails & Sidewalks in Code and Plans

City Planner Abboud reiterated the Council request to the Commission is to review this.

Deputy City Clerk Krause responded that Ordinance 22-42 is scheduled for Public Hearing and Second Reading and the Council referred it to the Planning Commission and Parks Commission for their recommendations. Council can adopt the Commission recommendations and postpone action, vote down or vote to approve this ordinance at their September 26th meeting. It is the decision of the Council.

City Planner Abboud stated that the recommendations need to come from the Commission and the Clerk is very competent and will draft the memorandum to Council from the list given. She is very good at that.

Discussion ensued on the content of the recommendations to Council by the Commission. Further discussion included points of why the Commission is requesting Council delay action on this subject due to the actions being taken by various personnel and recommending a moratorium on new developments like the moratorium on new medical office development when they were working on the creation of a medical district.

City Planner Abboud stated that he could not support a moratorium on development as there is no definitive time frame.

Commissioner Highland advocated for the Commission to include some time frame for action and regulations to be in place as Councilmembers Erickson and Davis requested.

City Planner Abboud facilitated further discussion on:

- Existing requirements for including easements in developments
- Requirements outlined in the Comprehensive Plan provide the Commission or City the authority for the requirement to have sidewalks
- The existing road standards, who then pays for the sidewalk to be installed
- Where would a future development be constructed within central location, the one possible location would only have a small cul de sac
 - o This leaves development in the outlying areas of the city
- Could a utility easement be used for pedestrian paths or sidewalks
 - o In theory a sidewalk could be built in a utility easement
 - o No requirements for a pedestrian access to be concrete or asphalt
 - o This would provide a dedication but City Code would require amendments

Deputy City Clerk Krause responded to Chair Smith that the minutes of the meeting are a permanent record and can be included or attached to the memorandum so Council is fully aware of the Commission's concern. The memorandum is submitted to Council in response to their referral of Ordinance 22-42 and it will then be their decision to take action or not on the Commission's recommendation.

City Planner Abboud noted that the information in his Staff Reports are available, he then stated that the funding would probably come to Planning, but currently they are working on the Public input portion.

Deputy City Clerk Krause noted that she did not get some of what would be consider valid points down, such as possible litigation, which can be included as well when the recording is listened to later.

HIGHLAND/BARNWELL MOVED THE PLANNING COMMISSION, SUBMITS A MEMORANDUM TO CITY COUNCIL REGARDING ORDINANCE 22-42 WITH THE FOLLOWING CONTENT AS READ BY DEPUTY CITY CLERK KRAUSE:

AFTER TWO MEETINGS AND TWO WORKSESSIONS OF ROBUST DISCUSSION REGARDING ORDINANCE 22-42 THE PLANNING COMMISSION RECOMMENDS TO CITY COUNCIL THE FOLLOWING ACTION:

1. VOTE ORDINANCE 22-42 DOWN AS WRITTEN TO ALLOW:
 - a. THE PLANNING COMMISSION TO BE ABLE TO EXPEND THE PROPER TIME TO DEVELOP RESPONSIBLE AND REASONABLE DEVELOPMENT STANDARDS TO AVOID FUTURE LITIGATION AND NOT DISUADE DESIRABLE DEVELOPMENT; AND

- b. CURRENTLY THE HOMER NON-MOTORIZED TRANSPORTATION & TRAILS PLAN IS IN THE BEGINNING PROCESS OF BEING UPDATED; AND
- c. DEFINITIONS REQUIRE REFINEMENT REGARDING ROAD DESCRIPTORS; AND
- d. THE PLANNING DEPARTMENT REQUIRES RESOURCES WITH EXPERTISE IN TRANSPORTATION; AND
- e. THE PLANNING COMMISSION IS REQUESTING FURTHER DIRECTION ON THE DELIVERABLES THAT CITY COUNCIL DESIRES; AND
- f. THE PLANNING COMMISSION IS VERY SUPPORTIVE OF IMPLEMENTING NON-MOTORIZED TRANSPORTATION.

BARNWELL/VENUTI MOVED TO AMEND THE MOTION TO CORRECT NON-MOTORIZED TRANSPORTATION & TRAILS PLAN TO TRANSPORTATION PLAN.

Chair Smith asked if there was any additional comments.

STARK/BARNWELL MOVED TO AMEND THE AMENDMENT TO INCLUDE AVOIDING FUTURE LITIGATION AND NOT DISSUADE DESIRABLE DEVELOPMENT AT THE END OF FIRST BULLET POINT.

There was a brief discussion on proposing another amendment.

VOTE. (Secondary Amendment) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Deputy City Clerk Krause restated the primary amendment as amended to the main motion at the request of Chair Smith:

“Moved to amend the motion to correct “Non-Motorized Trails and Transportation Plan” to “Transportation Plan” and amend the first line after “development standards” by adding, “to avoid future litigation and not dissuade desirable development.”

Commissioner Highland requested clarification on the Transportation Plan versus Homer Non-motorized Trails and Transportation Plan.

City Planner Abboud stated that all the documents will be wrapped into one updated Transportation Plan and the consultant is working on all aspects that are elements of that plan.

There was a brief comment regarding the funding part is the scope of what they are working on includes sidewalks and specifying parameters and requirements are for the new developments.

VOTE. (Primary Amendment). NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith inquired if there was further discussion on the main motion as amended, noting the secondary and primary amendments to the motion that were just passed.

VOTE. (Main as amended) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City of Homer
TRAIL MANUAL
Design Criteria



City of Homer Design Criteria Manual
Article 5.13
Non-Motorized Trails and Public Access Easements
Adopted: February 9, 2009

Prepared By: Casey Planning & Design and Wm. J. Nelson & Associates, Kenai, Alaska

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A. INTRODUCTION

I. GENERAL

This is an article of the Homer Design Criteria Manual. It is supplemental to and based upon the Homer Non-Motorized Transportation & Trails Plan (HNMTTP). Criteria in this section provides specific direction for planning and designing trails in public access easements.

The HNMTTP articulates the goals of the community regarding trails, and provides city officials and developers specific direction for creating a comprehensive network of non-motorized transportation and recreation routes in the City of Homer. It states that “by establishing a truly superb trails network that enables visitors and residents alike to travel safely and comfortably through Homer without the need for an automobile, the community will capitalize on its outdoor culture and unmatched natural setting.”

a. Objectives

The intent of this article is to provide guidelines and design criteria for establishing public access easements and for designing trails within such easements. City of Homer officials will use the criteria provided in this chapter to review subdivision applications, easement proposals, and development plans for trails with public access easements. The criteria will help protect the health, safety and welfare of the public while minimizing maintenance, environmental impact, and liability concerns for the City of Homer.

Based on meeting the criteria set forth in this article, the City of Homer accepts public access easements and approved trails that are constructed within those easements. The City of Homer is responsible for maintenance of all accepted trails. The purpose of this article is to provide a uniform set of design criteria that results in trails that are planned and constructed appropriately for their location and purpose. It is also a resource for owners and designers in navigating the planning and construction process.

This article provides criteria for both the planning and design phases of a trail project. Planning criteria focuses on identifying the appropriate trail type, trail uses, location, alignment, connectivity, and access. Design criteria and guidelines address the specific design parameters and details needed to construct each trail in a manner that suits the location and use, for maximum access and minimal impacts and maintenance.

b. Applicability

Those who need to comply include:

- Subdivision projects that include a public access easement, whether it is required by Homer City Code, required or recommended in an adopted plan, or a voluntary effort by the owner;
- Projects proposing to dedicate a public access easement and construct a trail, either required or voluntary;
- Trail construction projects within already platted public access easements or within public recreation areas.

INTRODUCTION

c. How to Use This Document

Consult the Homer City Code and review the Homer Non-Motorized Transportation & Trails Plan (HNMTTP) to identify any trail requirements that apply to the property. After determining that a trail is required or desired on a piece of property, the owner, sub divider, designer, or project manager, herein referred to as the “**Responsible Party**”, reviews the Trail & Easement Planning section of this article to understand the review process and begin to identify which trail level best fits the project. By reviewing the Trail Level Design Parameters Matrix on page 16, the Trail Level Summaries, and the Trail Selection & Planning Criteria to analyze the site, the Responsible Party should be able to select a trail level that best suits the project. Use the Trail Design Criteria to assist with fine-tuning the alignment of the easement and the design of the trail.

Developers and project designers shall adhere to the criteria in this article and the referenced documents unless compliance with such criteria is found to be unsafe or in conflict with the goals of the Design Criteria Manual or the HNMTTP, or where physical conditions restrict the ability to meet design criteria. This article gives the City of Homer Public Works Director the ability to approve alternative design solutions where required by extenuating circumstances. The Responsible Party is responsible for ensuring all trail projects meet safety standards.

d. Abbreviations and Acronyms

AASHTO	American Association of State Highway and Transportation Officials
ADA	Americans with Disabilities Act
ADAAG	Americans with Disabilities Act Accessibility Guidelines
ATBCB	U.S. Architectural and Transportation Barriers Compliance Board
ADOT&PF	Alaska Department of Transportation and Public Facilities
FHWA	Federal Highway Administration
IMBA	International Mountain Bike Association
MUTCD	Manual on Uniform Traffic Control Devices
HNMTTP	Homer Non-Motorized Transportation and Trail Plan
OHM	Ordinary High Water Mark
UFAS	Uniform Federal Accessibility Standards
USDA	United States Department of Agriculture

2. CODES AND REGULATIONS

a. Homer City Code

Homer City Code 11.04.058 Design Criteria Manual--Adopted. The City of Homer adopts by reference the "Design Criteria Manual for Streets and Storm Drainage," dated April, 1985 and revised February 1987. The "Design Criteria Manual" shall augment the standards of this chapter and shall govern site reconnaissance, survey and soils and design for streets and storm drains. (Ord. 87-6(S) 1(part), 1987).

b. ADA Accessibility Requirements and Resources

The Americans with Disabilities Act (ADA), passed by Congress in 1990, prohibits discrimination on the basis of disability. **ADA Standards for Accessible Design** (Department of Justice title III regulation 28CFR Part 36, Appendix A) are the adopted regulations, and they apply to “Places of Public Accommodation and Commercial Facilities” (private sector), “State and Local Government Facilities”, and “Transportation Facilities”. www.access-board.gov

Additionally, there are design *guidelines* for accessibility that are written and produced by the U.S. Architectural and Transportation Barriers Compliance Board (aka ATBCB or Access Board) that may apply to pedestrian facilities, including trails. Whether or not these are adopted by the federal government, compliance is recommended, as they represent the current thinking and may likely become the adopted standards. The City of Homer expects all trail projects to adhere to applicable standards and to most recently developed guidelines.

Accessible Trail Design. It is the responsibility of the owner (Responsible Party) to determine which standards or guidelines apply to their project. The following information may be of assistance:

ADAAG (ADA Accessibility Guidelines) 2002 These are the Access Board’s accessibility guidelines, which include a combination of adopted standards and recommended guidelines. Recent (2004) supplements to ADAAG cover play areas, state and local government facilities, and some recreation facilities, such as amusement rides, fishing and boating facilities, golf courses, and sports facilities.

(DRAFT) Guidelines for Outdoor Developed Areas Additional supplements to ADAAG have been drafted by the ATBCB and (as of January 2009) but not yet approved, including guidelines for outdoor developed areas and public rights-of-way. These guidelines may apply to trail projects within the City of Homer. The federal government recognizes that not all trails can or should be constructed to be accessible, such as when it will result in irresponsible damage to the environment. Therefore, the ATBCB Guidelines for Outdoor Developed Areas include allowances and exemptions to providing accessible trails.

The design criteria for achieving “accessibility” on a **trail** is different than that for the pedestrian access routes for facilities currently required by ADA. A **trail**, as defined by the Access Board is **“a route that is designed, designated, or constructed for recreational pedestrian use or provided as a pedestrian alternative to vehicular routes within a transportation system.”**

Accessible trails are required when connecting to accessible trail heads or to other accessible trails, elements, or spaces. Where an accessible trail is provided, the amenities along that trail must also be accessible.

The U.S. Department of Transportation Federal Highway Administration (FHWA), which oversees implementation of accessibility standards within public rights-of-way, has produced **Designing Sidewalks and Trails for Access; A Best Practices Design Guide, 2001**.

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c. Environmental Permitting

The following list is provided as a resource for project planning and may not include all information necessary for all projects. The Responsible Party shall identify and obtain all necessary permits prior to easement dedication and/or trail construction.

For multi-agency information regarding environmental permitting on the Kenai Peninsula, contact the [Kenai River Center](#), 514 Funny River Road, Soldotna. 907-714-2478, or online at www.kenairivercenter.org Agencies located in this office indicated with *.

U.S. Army Corps of Engineers - Administers Section 404 of the Clean Water Act; oversees permitting for projects in waters of the U.S., including wetlands. Kenai Field Office, 805 Frontage Road, Kenai 907-283-3519. Online at www.poa.usace.army.mil/reg

State of Alaska at www.state.ak.us

Department of Environmental Conservation, Division of Water. For projects requiring a National Pollutant Discharge Elimination System (NPDES) permit, such as when construction activity disturbs more than 1 acre of land. www.dec.state.ak.us/

Department of Fish and Game, Division of Wildlife Conservation. A Special Area Permit is required for many land and water use activities, including any construction activity in a designated state refuge, critical habitat area, or sanctuary. www.adfg.state.ak.us/

* Department of Fish and Game, Division of Habitat. Authorization from this agency is needed for work in designated anadromous fish streams or other fish-bearing waters.

State of Alaska Department of Natural Resources, Division of Coastal & Ocean Management. For projects within the Kenai Peninsula Coastal District.

State of Alaska Department of Natural Resources, Division of Parks and Outdoor Rec., Office of History & Archaeology. Section 106 of the National Historic Preservation Act requires review of any project funded, licensed, permitted, or assisted by the federal government for impact on significant historic properties. www.dnr.alaska.gov

* **Kenai Peninsula Borough. Coastal Management Program, Floodplain Administration, Habitat Protection.** Issues permits and/or guidance for other agency permits for projects in coastal zones, and those within 50 feet of salmon streams. For more information contact the [Kenai River Center](#) or visit www.kenairivercenter.org

City of Homer - Contact the Planning & Zoning Department to determine whether the project requires any City of Homer development permits. Construction activities, such as clearing, grading or paving, can trigger the need for such permits. www.ci.homer.ak.us/

3. RESOURCE INFORMATION

a. References and Design Resources

The following resources were used in the development of design criteria for this article, and may provide additional useful information for project designers.

United States Access Board Resources www.access-board.gov

ADA Standards for Accessible Design

ADAAG 2002 - ADA Accessibility Guidelines for Buildings and Facilities provides design standards and design guidelines for numerous facilities.

ATBCB Guidelines for Outdoor Developed Areas, 2007 (DRAFT). Includes guidelines for accessibility on trails designed for pedestrian use.

ATBCB Guidelines for Public Rights-of-Way, 2005. Includes accessibility guidelines for sidewalks and pedestrian amenities within public rights-of-way.

American Association of State Highway and Transportation Officials (AASHTO) www.transportation.org

A Policy on Geometric Design of Highways and Streets.

Guide for Planning, Design, and Operation of Pedestrian Facilities, 2004

Guide for the Development of Bicycle Facilities, 1999.

USDA Forest Service www.fs.fed.us

U.S. Department of Transportation Federal Highway Administration www.fhwa.dot.gov www.fhwa.dot.gov/environment

Designing Sidewalks and Trails for Access. Best Practices Design Guide

MUTCD (Manual of Uniform Traffic Control Devices)

Wetland Trail Design and Construction

Equestrian Design Guidebook for Trails, Trailheads, and Campgrounds

Trail Construction and Maintenance Handbook

Rails-to-Trails Conservancy www.railstotrails.org

Trails for the Twenty-First Century

International Mountain Bike Association IMBA www.imba.com

Alaska Trails www.alaska-trails.org

INTRODUCTION

b. Definitions

ACCESSIBLE TRAIL - A trail designed for use by pedestrians which is constructed to meet the accessibility criteria established by ATBCB for trails in outdoor developed areas with respect to grades, cross-slope, amenities, and surfacing.

BICYCLE - A vehicle propelled solely by human power upon which a person may ride, having two, three or four wheels.

CROSS SLOPE - The slope measured perpendicular to the direction of travel. For the purposes of this article, cross-slope refers to the trail itself, versus the general side slope of the natural terrain upon which the trail is constructed.

FILL - Material placed above the original or natural ground lines.

FULL BENCH TRAIL - A trail constructed on a cut slope. No part of the trail is built over fill material.

GEOTEXTILE - See current edition of Homer Standard Construction Specifications.

GRADE - The slope parallel to the direction of travel, measured in percent. For example, a 1 foot change in vertical elevation on a 50 foot long section of trail has a 2% grade.

GRADE REVERSAL - A change in the direction of the running grade along a trail, from uphill, to downhill, and vice versa. Used to control erosion.

HALF RULE - A general rule used when determining the grade of a trail on a hillside. The trail grade should be no more than half the side slope grade.

INTERSECTION - Area where two or more trails or roadways meet or cross.

MEAN (ORDINARY) HIGH WATER MARK - A line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

MULTI-USE TRAIL - A trail designed for more than one type of user, or use, such as bicycles and pedestrians, or for transportation and recreation.

NFS (Non Frost Susceptible) - A classification for soil that is not as likely to be affected by seasonal freezing and thawing. Nonorganic soil containing less than three percent (3%) by weight, of grains smaller than .02mm obtained from minus three inch (3 in.) material.

NON-MOTORIZED - Trail recreation by modes such as bicycle, pedestrian, equestrian, skate, or ski. May include electric wheelchairs.

OBSTACLE - A physical object that limits the horizontal or vertical passage space, by protruding into the circulation route and reducing the clearance width of a trail.

INTRODUCTION

PAVEMENT - Surfacing constructed with asphaltic concrete (AC), Portland cement concrete (PCC) or dry laid concrete pavers.

PASSING SPACE - A widened section along a trail to allow for two users to more comfortably or safely pass one another.

PEDESTRIAN - A person on foot or who is using an assistive device, such as a wheelchair, for mobility. Pedestrians, for the purpose of this document, may include those using electrically powered mobility devices.

PPP (POROUS PAVEMENT PANELS such as GeoBlock or EcoGrid) - Porous pavement panels are three-dimensional, structural hi-density polyethylene panels designed to provide a durable wear surface and load distribution system.

PUNCHEON - Short-span footbridges or a series of short-span footbridges supported by sleepers.

RAMP - A sloped transition between two elevation levels. In reference to ADA accessibility, a portion of an accessible pedestrian walkway with a running grade $>5\% \leq 8.33\%$, for a maximum rise of 30 inches.

RESPONSIBLE PARTY - The property owner, either private or public.

SIDE SLOPE - Existing cross-slope of the natural terrain.

SIGHT DISTANCE - the length of a roadway visible to a trail user; the distance a person can see along an unobstructed line of sight.

SHOULDER - The area directly adjacent to either side of the trail surface.

TRAIL - As used in this article, a trail is a path or route identified and/or constructed for the purpose of non-motorized recreation and/or transportation. It may be located within an public access easement or right-of-way, or on public property.

TRAIL PROFILE - An elevation or cross-section through a trail easement, showing the proposed design of the trail and adjacent

TRAIL SEGMENT - That portion of a trail that lies between two intersections or destinations and is consistent in its design and use for it's entire length. Most trails are composed of multiple trail segments.

TRAIL SPUR - A short segment of trail that leads off a trail and connects the user to a nearby point of interest, such as an overlook, restroom, or picnic area.

TRIP GENERATOR - Any origin or destination that a trail user may be traveling to or from, including public facilities, residential or commercial areas, or another trail.

UNDERDRAIN - Drainage technique for allowing water to flow under the tread of low use, rustic trails, such as Level 1 or 2 trails.

VERTICAL CLEARANCE - Minimum unobstructed vertical passage space required along a sidewalk or trail.

B. TRAIL & EASEMENT PLANNING

I. GENERAL

This section provides guidelines for the planning of public access easements and non-motorized trails within and near the City of Homer. The criteria established in this section also provides the basis for review and approval by the City of Homer, prior to accepting public access easements or constructed trails. Proposed easements or trails that are in conflict with this article, the HNMTTP, the Homer Comprehensive Plan, or any other adopted plans, will not be approved.

The purpose is to ensure that access easements and trails are planned and designed to result in a cohesive network of safe, enjoyable, low maintenance trails that blend with the varied landscapes of Homer and offer year round transportation and recreation opportunities for the citizens and visitors of Homer.

2. PLANNING & APPROVAL PROCESS

The following is an outline of steps that the Responsible Party may need to follow to dedicate public access easements or to construct trails on public property or within public access easements or rights-of-way. This process may vary depending on the individual circumstances of each development project.

Table B-I Outline of the Planning & Approval Process

PLANNING PHASE I Preliminary Plat or Easement Dedication
<ul style="list-style-type: none">- Research and Analysis - The Responsible Party reviews adopted plans and ordinances for any trail requirements or recommendations, conducts site analysis, and uses Trail Planning Criteria to begin to identify an appropriate trail level, location, alignment and use.- Discuss the trail project with the City of Homer Planning & Public Works Departments, and environmental permitting agencies to identify issues and adjust the trail proposal.- Conduct preliminary engineering as necessary to fine-tune the trail level, location and alignment. Develop a trail plan & profile, typical sections, and cross-sections at 50 foot intervals, or as required by Public Works.- Submit a preliminary plat application or a proposal for easement dedication, based on the planning criteria of this chapter, to the City of Homer Planning Department. See following page for submittal requirements.
PLANNING PHASE II Final Plat, Easement Dedication, or Subdivision Agreement
<ul style="list-style-type: none">- Field locate and survey the final trail alignment as necessary to ensure it meets planning and design criteria.- Obtain environmental permits.- Submit final plat or easement dedication to City of Homer Planning Department.
CONSTRUCTION PHASE Subdivision Agreement or Construction Permit
<ul style="list-style-type: none">- Submit trail construction documents to the City of Homer Department of Public Works for review and approval.- Trail construction.- City of Homer inspection of the constructed trail.

B. TRAIL & EASEMENT PLANNING

3. SUBMITTAL REQUIREMENTS

Refer to Table B-2 for a list of the information that is required during the planning and approval process for trail easement and trail construction projects.

Table B-2 Submittal Requirements

PLANNING PHASE Preliminary Plat or Easement Dedication
<p>Project Narrative. A written description of the proposed project including:</p> <ul style="list-style-type: none"> - How the proposed trail is consistent with adopted plans; - Proposed Trail Level, easement width, trail width, running grades, amenities or structures; - The intended and expected transportation and recreational uses for the trail or for each segment of the proposed trail, and any foreseen challenges or opportunities; - Existing and future land use of the project area, including trails, structures, features, as well as any designated areas of preservation; - Character of surrounding areas, including land use type and density; - How and where the trail will connect to public areas or adjacent destinations; - Natural features and how the project will incorporate or work around them, such as topography, vegetation, rocks, beach, wetland, and creeks, as well as views into or beyond the project area; - Explanation as needed to justify a proposed trail that does not conform to adopted plans and ordinances, does not meet design criteria standards, or involves any special user conflicts or construction challenges. <p>Project Maps, Drawings, Information. Submit scaled plan drawings and/or maps with the following information. All sheets are required to illustrate the location of the proposed trail or easement.</p> <ul style="list-style-type: none"> - Context: Large scale map of the project area as it relates to surrounding areas. Identify all existing trails, easements, roads, public facilities, water bodies, natural features, land uses, and any other relevant features in and around the project area; - Topographic contours at 2 foot intervals; - Trail Route - identify the width, location and general alignment of the proposed easement on all plan views provided. Include locations of any existing trails or trails identified in any adopted plans, as well as proposed trail heads, amenities, points of interest; - Trail profile along the length of the trail, illustrating preliminary grades along the trail route; - Typical section of the trail, and cross-sections at intervals of 50 feet, or as required by the Department of Public Works. Identify existing and proposed slope across easement, proposed cut and fill requirements; - Wetlands, rivers, or other water bodies and all setbacks or areas with developmental restrictions; - Soils Information, mapped. For Level 1,2 & 3 trails: Conduct a field assessment, consult wetland maps to determine potential for saturated soils, post hole to 12 in. deep. For Level 4 & 5 trails: Soil boring to 4 ft .minimum and provide soils report as per Article 5.1.c. or as required by Public Works; - Vegetation - general vegetation areas; uplands, wetlands, pasture, etc.; - Site Analysis- show views into, beyond, or within the site, and land use conflicts or opportunities.
PLANNING PHASE II Final Plat or Easement Dedication
<ul style="list-style-type: none"> - Revised plat and updated project narrative, maps and drawings; - Environmental permits; - Any other information required by City of Homer Planning or Public Works Departments.
CONSTRUCTION PHASE Subdivision Agreement or Construction Permit
<p>Submit the following to the Department of Public Works for a Subdivision Agreement or Construction Agreement:</p> <ul style="list-style-type: none"> - Final plat or easement dedication and environmental permits; - Construction drawings.

B. TRAIL & EASEMENT PLANNING

4. REVIEW CHECKLIST

a. Planning Phase.

The following is a review checklist for the City of Homer to assess a proposed trail route or access easement:

- Conforms to all required and/or recommended trail routes for the project area, as found in Homer City Code and adopted plans. If not, there are justified reasons for deviation, such as: safety, excessive impact to surrounding area, land use conflict.
- All necessary environmental permits have been obtained. If not, demonstrates the permitting process is sufficiently underway with respect to the timeline of the trail project.
- Addresses any need for upgrading, re-locating or preserving of existing trail routes that do not meet the intent or design criteria of this article.
- The proposed trail level is appropriate for the existing land use and anticipated user groups and user volumes.
- Easement width meets minimum design criteria and is adequate to accommodate turns, structures, amenities and trail maintenance for the proposed trail.
- Proposed trail or easement route meets all planning and/or design criteria for the proposed trail level and uses, including:
 - Connectivity - compliments existing trails or walkways, provides logical and safe alignments, connections, and intersections;
 - Horizontal Alignment - safe and comfortable curves and sight distances, addresses views and slopes;
 - Design Fits Existing Conditions - Running grade, cut-fill, stairs, retaining structures, drainage, soils;
 - Minimizing Water Crossings - streams and wetlands;
- Maintenance Considerations - Proposed trail meets planning and design criteria while minimizing the use of structures.

b. Construction Phase.

The following is a review checklist for trail design / construction approval.

- Plans provide for appropriate level of trail hardening or surfacing, signage, amenities, structures, or other features as appropriate or necessary for the location and use.
- The trail design is consistent in its accessibility level, design and use throughout the entire length of the trail. If not, individual segments are consistent.
- Trail design is consistent with what was approved in the planning process.
- The trail design meets the minimum design criteria for the designated trail level and for the anticipated user groups.

TRAIL LEVEL DESIGN PARAMETERS

	LEVEL 1 Backcountry	LEVEL 2 Recreation Corridor	LEVEL 3 Semi-improved Trail	LEVEL 4 Fully Improved Trail	LEVEL 5 High Use Trail
Description and Application	A simple, narrow, potentially rugged natural surface trail primarily for recreation. Moderate skill needed, with steeper slopes, tight curves, and obstructions common. Uses may include hiking, snow-shoeing, skiing, equestrian, mountain biking. User volumes are very light.	An unimproved, informal, wide, flat or gently sloping natural surfaced trail corridor for single or multi-use recreation in rural or semi-rural areas or within public parks or recreation areas. Uses may include hiking, snow-shoeing, skiing, mountain biking, equestrian. User volumes are very light to moderate, depending on the use.	An informal trail through semi-urban to rural areas, used for access between neighborhoods and destinations, or for recreation. Accessibility may be limited. Use is primarily pedestrian, but may include bicycling, equestrian, snow-shoeing, skiing. User volumes light to moderate.	A wide multi-use trail with a firm surface meeting ADA accessibility standards for recreation trails. A transportation and recreational route through the developed areas of Homer and within residential neighborhoods. May accommodate occasional equestrians. User volumes moderate to heavy.	A wide, accessible paved trail that accommodates a wide variety of non-motorized users. These multi-use trails provide access between public spaces, sidewalks, civic & cultural buildings and other major destinations within the core civic and commercial areas of Homer. Two-way multi-use trail for pedestrians, in-line skates, bicycles. May be designed for equestrians. Heavy use.
Widths					
Easement	8 feet	20 feet	12 feet	15 feet	20 feet
Trail	6 - 24 inches	6 - 16 feet, depending on terrain and managed use	3 - 5 feet, depending on bicycle use	5 - 8 feet	8 - 12 feet, depending on user volumes.
Shoulders	None	None	None	12 in. for paved routes	24 in.
Surface					
Material/Type	Native materials. Planks, rocks, PPP or other turf reinforcement materials. Limited grading.	Native earth, ground cover and/or seeding. Boardwalk or turf reinforcement materials. Limited grading.	4 in. NFS gravel over geotextile. Boardwalk, PPP or other turf reinforcement materials.	Firm and stable, NFS gravel over geotextile. Paving optional. Boardwalk.	Uniform, firm and stable. Paved trail or boardwalk.
Obstacles	Roots, rocks, and log protrusions to 6 in., steps to 14 inches	Generally clear. Protrusions <6 in. No steps.	Generally clear. Protrusions < 4 in. Steps discouraged.	Few or no obstacles, protrusions 2-3 in., Steps discouraged	Smooth, no obstacles. Protrusions < 2 in. Steps discouraged.
Structures	Minimal, rustic structures	Typically unimproved with no structures	Medium duty boardwalks and retaining structures	Bridges, railings, retaining walls.	Bridges, railings, retaining wall.
Clearance					
Vertical	6 ft. hiking; 8 ft. bicycle & equestrian, 10 ft. snowshoeing	12 feet	8 feet ; 12 feet for winter and equestrian use	9 feet; 12 feet for equestrian use	9 feet; 12 feet for equestrian use
Horizontal	36 in. with minimal encroachment	8 - 20 feet wide, depending on managed use	12 in. beyond tread, 24 in. for trees, signs, structures	12 in. beyond tread , 24 in. for trees, signs, structures	24 in. beyond tread , 36 in. for signs, trees, structures
Grade					
Target	< 12%	< 10%	< 8%	< 8%	< 5%
Maximum	30%, for <30 feet	15% for < 50 feet	For Level 5 and other accessible trails: 5% for any length, 8.33% for up to 30 feet, 12.5% for up to 10 feet. Otherwise: Level 3 = Max 15% for up to 50 feet, Level 4 = Max 10% for up to 50 feet.		
Cross Slope					
Target	3 - 10%	5%	3%	2%	2%
Max	Up to natural side-slope; 10% for bicycle use	10%	10%	3%	3%, at driveway crossings

B. TRAIL & EASEMENT PLANNING

5. TRAIL SELECTION & PLANNING CRITERIA

This section provides guidance and planning criteria for selecting the appropriate trail location, level, use and alignment for the project location. The criteria will help ensure that all trails are constructed to provide safe and convenient routes between destinations, improve the continuity and connectivity of the whole trail network, meet the needs of all users, minimize impacts to surrounding areas, and utilize construction methods that are economical and will result in long lasting, low maintenance trail facilities.

The Responsible Party should be prepared to discuss how the proposed easement and/or trail will meet the intent and requirements of this article, and how it will mitigate any specific challenges encountered with the project. Refer to Design Criteria section (pages 33-49) for additional trail design criteria.

a. Codes, Regulations and Plans

All proposed development projects are required to provide trails and easements where they are required by Homer City Code, the HNMTTP, the Homer Comprehensive Plan, the Town Center Plan, and other adopted plans. All proposed trails within the City of Homer shall be in accordance with the standards of this manual and meet the intent of the HNMTTP, and any other plans adopted by the City of Homer. If a proposed trail is not in accordance with plans and ordinances, submit sufficient explanation and support data to justify an alternative design solution.

The HNMTTP identifies locations of existing, proposed, and recommended trail corridors, and provides direction to community leaders and developers for the development of a functional network of trails. It represents the latest cooperative effort by the community to identify the future direction of Homer's trail system. Use this document for direction when planning for new trails or when reconstructing or relocating existing trails.

b. User Volumes and Types

The design of a trail must accommodate the use of the trail. It is easier to build a trail to suit the anticipated users than to control the users to match the design of the trail. For this reason, it is important to carefully research and analyze the project area to determine the anticipated volume and types of users. Generally, high volumes and wide ranges of user groups warrant wider, more developed trails with shorter segments between destinations and more signage and amenities. Some recreational uses require specialized design solutions. For further assistance, refer to [D. Trail Design Criteria](#).

i) User Volumes. Consider the following when establishing the anticipated volumes:

- How many destinations or trip generators within 1/4 mile of the trail corridor, including other trails.
- If the trail connects to any large volume trip generators, such as a school, a visitor's center, a library, a popular recreation area, or a busy commercial area, such as the Spit, or Pioneer Avenue;
- If the trail provides multiple connections to nearby trails or destinations.

B. TRAIL & EASEMENT PLANNING

ii) Use Types. Land use, existing and future (planned), establishes the basis for the type of trail users. Understanding the range and types of users that will use the trail is a critical component guiding the design of the trail.

Recreational Use. Trail conditions that attract recreational users:

- Connects to recreation destinations;
- Offers a scenic, or otherwise interesting route;
- Specially located and designed for a particular recreational use or event;
- Long routes, with few intersections or interruptions, especially loop trails;
- Wide, paved trails are attractive to in-line skaters and young families.

Transportation use. Trail conditions that serve transportation needs:

- Direct routes between destinations and trip generators;
- Few user conflicts;
- Frequent and convenient connections between trails, streets, sidewalks, parking areas and destinations;
- Safe and accessible trail routes and conditions.

Mixed Use. Trail conditions that attract a wide mix of user groups, including pedestrians, bicycles, in-line skates, strollers, wheelchairs, and children tend to require more width, structure, signage, and amenities:

- Paved trails;
- Trails that connect to a variety of generators, such as the Senior Center, a grocery store, a park, the library, a trailhead, and a neighborhood;
- Trails that provide access to a variety of destinations as well as an interesting and enjoyable route.

c. History, Access, & Connectivity

Each new trail segment improves the continuity and connectivity of Homer's trail network. Proposed trail easements are required to meet the following criteria:

- It is as accessible as possible, within reason;
- It connects to other nearby trails, where safe, reasonable and appropriate;
- Existing trails are not removed or disrupted. They are upgraded, relocated or realigned to ensure they meet the planning and design criteria of this article;
- The trail is continuous and provides for the same design, use and level of accessibility for each segment;
- The trail provides a logical connection between publicly accessible destinations for all trail users. Dead end trail segments are not allowed unless it is shown that there are plans for continuation of the trail in the near future;
- Provide trail heads and/or parking, as needed;
- Trails with higher use volumes and a wide variety of user groups are high level trails, such as Level 4 or 5;
- Lower level trails and those of lesser accessibility and limited uses are in locations with physical constraints, low user volumes, or where the trail segment is not providing a transportation link between generators and destinations;
- A trail segment that connects two other trails is designed to the same level as the other trails;
- Intersections are located and aligned to provide for adequate site stopping distances, maximum safety, and logical connections between destinations;

B. TRAIL & EASEMENT PLANNING

- Trails provide options and alternatives and avoid conflict or confusion;
- Where trails begin or end at another trail, those of lesser accessibility or more restrictive uses shall branch from those of higher level of accessibility, so as not to trap or inconvenience a trail user.

d. Topography & Natural Features

A well designed trail feels natural, tends to flow with the natural landscape, avoids steep climbs and unnecessary exposure to water, and endures over time with little maintenance. Existing conditions, such as slopes, water, soils, vegetation, roads and structures, all affect the planning and design of trails.

i) Objectives. The three primary objectives relating to trail alignment and terrain:

- Access - Providing a trail that is as safe and as accessible as possible.
- Environmental Impacts and Maintenance - Minimizing contact with hydric soils and surface water, either flowing across or along the trail.
- Experience - Creating an interesting and enjoyable trail experience.

ii) Criteria

1. Select a trail level that suits the landscape and align it to fit the terrain meet the design criteria for the trail's use;
2. Trail alignment should provide the most accessibility with the least impact to surroundings;
3. Avoid long segments where the trail travels only up or downhill. Provide grade reversals as needed to meet trail design criteria for water and erosion management;
4. Avoid excessive costs and engineering, (cut, fill, or structures) to make a particular trail design fit into the landscape. Balance costs and benefits to suit the trail location and use;
5. Locate trail or easement to avoid or minimize water crossings (creeks, seeps, wetlands). Re-route existing trails where practical;
6. Avoid intersections on curves or with maximum running grades.
7. Avoid stairs where possible, especially on multi-use trails;
8. Refer to Homer City Code Title 21 for steep slope requirements;
9. Align trail to minimize switchbacks, avoid problem soils, and protect existing natural features;
10. Align trail to take advantage of natural features and views, and to provide a variety of experiences.

e. Costs—Budget Planning

Construction costs should align with the trail level and the volume and type of use. Higher Trail Levels are inherently more expensive to construct and maintain. Balance trail priority, use, cost and benefit for the location and purpose of the trail.

Proper trail selection and design should minimize maintenance. Specialized use trails, such as groomed ski trails and equestrian trails may require more maintenance, as do those that interface with water, such as bridges or boardwalks.

C. HOMER TRAIL TIERS

I. GENERAL

The City of Homer's goals are to have non-motorized recreation trails and transportation corridors that provide a range of accessibility and experience for many types of users throughout the year.

This trail tier system is intended to provide for a logical hierarchy of public trails for access and recreation throughout the diverse developments and landscapes of Homer. Planning and design criteria are provided for each of the five standard trail types addressed in this chapter.

The objective is to have planning and design criteria that will result in trails that are planned and constructed appropriately for their purpose and their location. All trails will provide for maximum access for their users with minimum impacts and maintenance.

This section is intended to provide a brief overview of the planning and design criteria for each of the five (5) TRAIL LEVELS. These summaries are a starting point for the planning of an easement, and the design of a trail. The Responsible Party should refer to all applicable criteria in this Chapter and to the referenced resources, as needed, to plan and develop a trail that meets the City of Homer's objectives for a non-motorized transportation and trail system.

These trail levels should be applicable to most trail projects. If an alternative trail design is necessary, it should be as consistent as possible with the Forest Service trail design parameters and the criteria of this article. The City of Homer Public Works Director has the authority to accept alternate trail design solutions.

2. DESCRIPTION OF TRAIL TIERS

The trail matrix is a set of five (5) trail levels, with varying accessibility, widths, applicability, character and use. This section provides a two-page summary of planning criteria, design parameters, and a typical cross section for each trail level. The summaries are not intended to stand alone as the design criteria for any trail. The Responsible Party should consult all applicable criteria sections of this article when designing a specific trail.

- a. **Level 1 - Backcountry Trail.** For rural areas, rugged terrain and very low recreational use situations.
- b. **Level 2 - Recreation Corridor.** A basically unimproved natural terrain corridor primarily for groomed ski trails or low use, casual recreation routes, with little or no visible tread area.
- c. **Level 3 - Semi-Improved Trail.** A medium sized, constructed gravel trail, with limited accessibility, intended for a mix of recreational and transportation uses.
- d. **Level 4 - Fully Improved Trail.** A wide, accessible gravel or paved trail for medium to high use areas.
- e. **Level 5 - High Use Trail.** A wide paved, accessible trail, with amenities and structures for a mix of transportation and recreational uses.

City of Homer
Non-Motorized Trail Planning & Design Criteria Summary
Level 1 - Backcountry

NOTE: This is a summary. Refer to Article 5.13 Non-Motorized Trails and Public Access Easements for full description of criteria.

PLANNING CRITERIA

Location

- Rural, remote or lightly traveled recreational trails, typically in residential or undeveloped areas where a higher level trail is not feasible or appropriate.
- Branching off a higher level trail, with loops or connections to public access areas.
- Historic hiking routes through more remote areas, steep or rugged terrain. Alignment may change, as needed to meet design criteria.
- Connects to recreation destinations such as overlooks, trail heads, camping areas, and parks.

Use Recreational trail for very light volumes of traffic. May be designed and maintained for hiking, mountain biking, snow-shoeing, or equestrians.

Easement Width 8 feet minimum. More as needed to accommodate switchbacks, slopes, and trail maintenance operations.

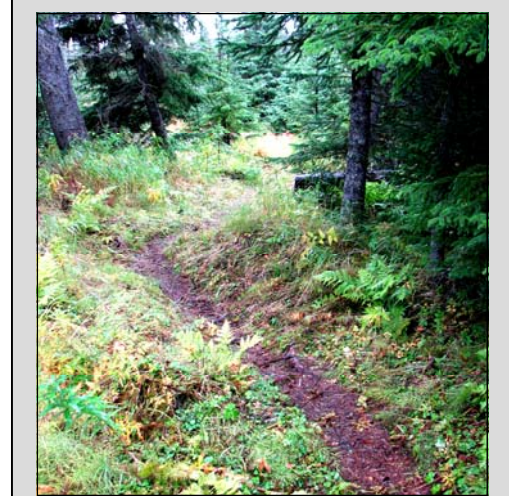
Trail Maintenance. Cut vegetation within clearance zones, and provide repairs or upgrades to trail surface, water crossings, signage and other amenities or structures, as needed, and as funding allows.

Topography Terrain can be quite varied, including flats or steep slopes, rocky, wet, wooded, or open. Topography must allow for a trail alignment that meets design criteria with little or no structures, cut or fill.

Alignment Level I trails are primarily recreation routes through semi-rural to remote areas. They connect neighborhoods, parks, trailheads, and other recreation destinations.

- The alignment of the easement must be finalized in the field, to ensure a feasible route that meets the objectives and the trail design criteria, and which utilizes existing features that will enhance the user's experience;
- Re-align any problematic portions of an existing trail as needed to provide a safe and sustainable trail route;
- Refer to IMBA "Trail Solutions" and USDA Forest Service Trails Management Handbook and "Trail Construction and Maintenance Notebook" - resources for planning and building Level I trails;
- Take advantage of natural features by meandering trail to align views, wrap around rocks or other features, and generally follow the natural flow of the terrain;
- Provide switchbacks as needed to meet design criteria;
- Erosion Control Criteria:
 - Follow the **half rule** as developed by IMBA; trail grade should be no more than 1/2 the side slope grade.
 - Align trail to follow natural dips in the terrain, or to create dips (grade reversals) along the trail, every 20-50 feet. These prevent water from flowing along, and eroding, the trail. They also enhance the trail experience.

Soils, Water & Hydrology Saturated soils are highly susceptible to erosion. Avoid seeps and other areas with saturated soils. Minimize the crossing of creeks, rivers and wetlands, which is more expensive to build and more difficult to maintain.



Level I Trail Description

A simple, narrow, potentially rugged natural trail primarily for recreation. Moderate skill needed, with steeper slopes, tight curves, and obstacles common.

City of Homer
Non-Motorized Trail Planning & Design Criteria Summary
Level 1 - Backcountry

NOTE: This is a summary. Refer to Article 5.13 Non-Motorized Trails and Public Access Easements for full description of criteria.

TRAIL DESIGN CRITERIA

Trail Width & Shoulders. 6 - 24 inch wide tread on native soil, or boardwalk. No shoulder necessary.

Surface. Native, with limited grading. Rock, soil, or wood where needed to cross wet areas. Roots, rocks and log protrusions to 6 inch, steps to 14 inches.

Clearance.

- Vertical clearance - 6 feet for hiking, 8 feet for bicycle, 10 feet for equestrian and snowshoeing.
- Horizontal clearance - Minimum 36 in. width.

Grade

- Target grade <12%, with grade reversals every 20-50 feet.
- Maximum 20% for trails where underlying soils are sand, silt, or clay. 20%- 30% for gravel or rock base.
- For grades over 30%, natural trail base and surface should be composed of angular rock, large rock or solid rock. Use steps to minimize erosion and steep grades.

Cross Slope of Trail

- Target cross slope - 3-10%. Flowing toward the down hill side of the tread.
- Maximum - up to natural side slope, 10% for bicycles.

Signage

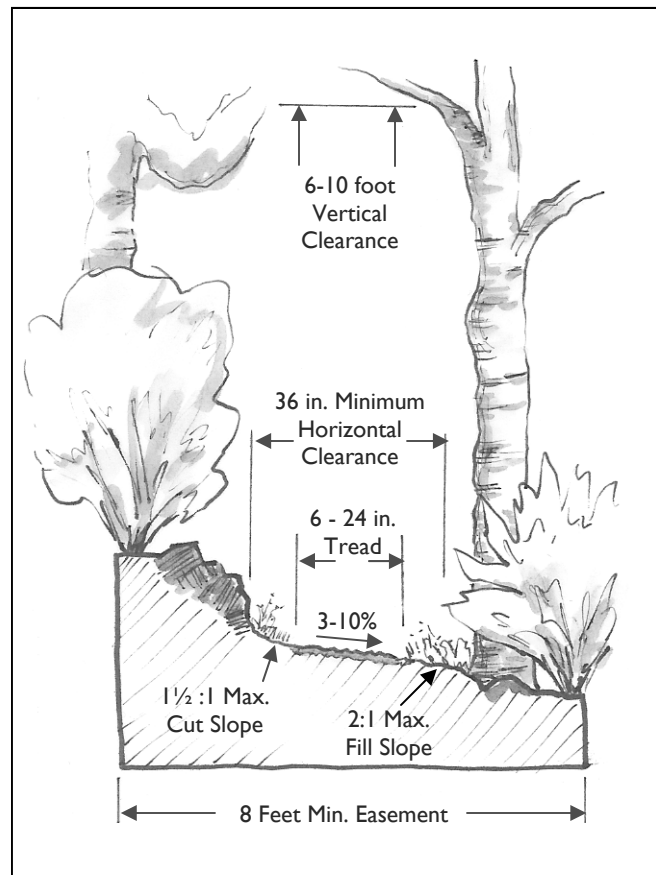
- Trail markers, as needed, to navigate trail year round.
- Resource protection information and trail identification signs including trail name, length, and any use restrictions or accessibility warnings posted at each end of the trail.
- Directional signage with trail name and length, at all trail intersections.

Amenities

- Trail head, with parking and trail signage.

Structures

- Minimal use of structures. Rustic plank with sleeper logs typical for low volume water crossings. Porous pavement panels or underdrains for short wet crossings.
- Steps constructed with on-site material such as rocks and logs.



CROSS SECTION - LEVEL I BACKCOUNTRY

City of Homer
Non-Motorized Trail Planning & Design Criteria Summary
Level 2 - Recreation Corridor

NOTE: This is a summary. Refer to Article 5.13 Non-Motorized Trails and Public Access Easements for full description of criteria.

PLANNING CRITERIA

Locations

- Groomed X-country ski trail corridors, or light use trails in public parks and recreation areas.
- Within utility easements, where the corridor has historic use as a recreational route and there are no existing or anticipated use conflicts or concerns with utilities or adjacent land use.
- Light use trail connections between residential areas and recreation destinations, where topography allows for gentle grades with little or no cut / fill.
- Wetland Routes - unimproved ski or snowshoe routes across wetlands, for winter use only.

Use Primarily a recreation route for light to heavy volumes of traffic, depending on the use. Heavy use for winter only. May be designed for one-way or two-way bicycle trails, classic and/or skate skiing, hiking and snow-shoeing, or equestrian use.

Easement Width 20 feet minimum. Wider, as needed, for safe turns, intersections, or where use requires a wider clear zone.

Trail Maintenance Mowing optional. Cut vegetation within clearance zones, and provide repairs or upgrades to trail surface, water crossings, signage and other amenities or structures, as needed, and as funding allows. Winter grooming optional. Seasonal installation of trail signs or markings on winter use trails, as needed.

Topography Generally located in flat to gently sloping areas. Must be able meet design criteria for the intended use with minimal disruption to natural terrain. Side slope: Max. approx. 20% (~2.5 feet difference) across a 12 foot wide easement, 10% is recommended for bicycle routes.

Alignment

- The route may align with an existing utility easement corridor, if topography meets Level 2 running grade and cross-slope criteria. Occasional areas of moderate cut / fill allowed to level cross-slopes or soften grade changes.
- Wide curves. Meander as necessary to construct the trail with minimum disturbance to natural surroundings.
- Never align trail to run directly up or down slope. Provide turns and grade reversals to prevent erosion.
- Connects to similar trails, trail heads or recreation areas.
- Access trail to a Level 1 trailhead.
- Avoid alignments that result in maximum grades within 20 feet of intersections.
- Water Crossings: Minimize or avoid crossing ground seeps, creeks, wetlands, or other water bodies, other than for winter use only routes.

Soils, Water & Hydrology Saturated soils are highly susceptible to erosion. Avoid seeps and other areas with seasonally saturated soils. Minimize the crossing of creeks, rivers and wetlands. These structures are more expensive to construct and maintain. Avoid constructing trails along side slopes of 20% or greater.



Level 2 Trail Description

A basically unimproved, informal, wide, flat or gently sloping natural surfaced trail corridor cleared and/or mowed for single or multi-use recreation in rural or semi-rural areas or within public parks or recreation areas.

City of Homer
Non-Motorized Trail Planning & Design Criteria Summary
Level 2 - Recreation Corridor

NOTE: This is a summary. Refer to Article 5.13 Non-Motorized Trails and Public Access Easements for full description of criteria.

TRAIL DESIGN CRITERIA

Trail Width & Shoulders 6 - 16 foot wide grass corridor for a variety of low volume year-round recreational use. A worn central tread area may occur naturally over time.

- 6 foot wide trail in areas with challenging terrain, more cross-slope, wet soils, or other restrictions.
- 8-12 foot wide corridors are the standard - a mix of hiking, snowshoeing, biking, informal skiing, low volume equestrian.
- 16 foot wide corridor for ski routes that are groomed for both classic and skate ski.

Surface Native earth or ground cover with limited grading, imported material and/or seeding. Porous pavement panels or turf reinforcement materials may be used in wet areas. Generally clear, with protrusions <6 inches. No steps or retaining structures.

Clearance

- Vertical clearance - 12 feet minimum above both trail and shoulders.
- Horizontal clearance - Vegetation clear zone 8-20 feet, depending on use. 2 feet beyond each side of trail.

Grade

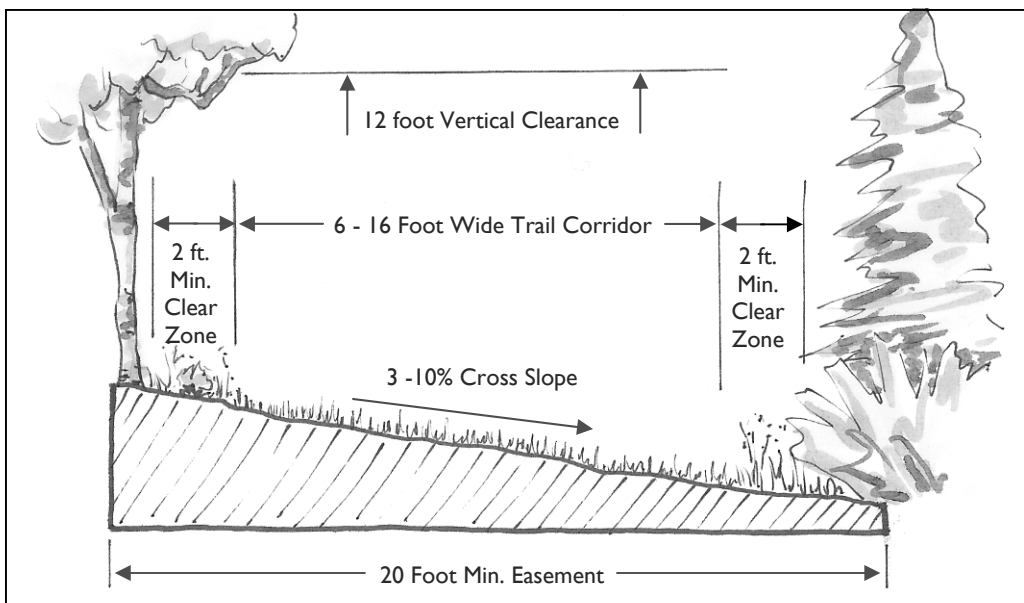
- Target grade: <10%. Maximum: 15% for distances up to 50 feet.

Cross Slope of Trail

- Target cross slope - 5% Maximum, where natural cross slope warrants: 10%

Signage & Amenities

- Trail markers as needed to navigate trails year-round.
- Trail information signage posted at each end of the trail: Trail system map (if appropriate), trail name, length, use restrictions or accessibility warnings, and resource protection information.
- Directional signage with trail name and length, at all trail intersections.



CROSS SECTION - LEVEL 2 RECREATION CORRIDOR

City of Homer
Non-Motorized Trail Planning & Design Criteria Summary
Level 3 Semi-Improved Trail

NOTE: This is a summary. Refer to Article 5.13 Non-Motorized Trails and Public Access Easements for full description of criteria.

PLANNING CRITERIA

Location

- Connections within and between residential areas where use volumes are not high, or where topography precludes meeting Level 4 Trail criteria.
- Light use, or specialized use trails within public parks and recreation areas.
- Rural trails with light to moderate traffic and year-round informal recreational use.

Use Primarily a recreational route for light volumes of traffic. May be designed for one-way or two-way bicycle trails or for equestrian use. Winter use may include snow-shoeing or classical skiing, depending on terrain.

Easement Width 12 feet minimum. Wider easements as needed for curves, side slopes, and maintenance.

Trail Maintenance Yearly maintenance of gravel surface, clearance zones, signage, and amenities. Cut vegetation within clearance zones, and provide repairs or upgrades to trail surface, water crossings, signage and other amenities or structures, as needed, and as funding allows. Winter grooming optional.

Topography Allows for construction to meet design criteria. Existing side slope within easement; Max. approx. 20% (~2.5 feet difference) across 12 foot wide easement.

Alignment Level 3 trails provide casual recreation and transportation routes through semi-rural to rural areas. They connect neighborhoods, parks, or other recreation destinations.

- The route can meander as necessary to construct the trail with minimum disturbance to natural surroundings.
- Route should not run directly up slope, but rather traverse a slope at <math><30^\circ</math> angle to the slope, with occasional grade reversals.
- Trail has public access at all ends, such as other trails of equal or greater Level, a parking lot, street ROW, park, school, etc.
- Connects to Level 5 or Level 4 trails. A Level 1 trail may branch from a Level 3 trail.
- Avoid alignments that require maximum grades within 20 feet of intersections with trails, rights-of-way or parking areas.
- Stairs are only allowed on Level 3 trails when an alternate alignment is not reasonable and when grades would otherwise exceed Level 3 maximums.
- Water Crossings: Minimize or avoid crossing ground seeps, creeks, wetlands, or other water bodies. Align crossings at 90° to water flow, choose narrow crossings, avoid crossing river bends or near naturally eroding banks.

Soils, Water & Hydrology Saturated soils are highly susceptible to erosion. Avoid seeps and other areas with saturated soils. Minimize the crossing of creeks, rivers and wetlands, which is more expensive to build and more difficult to maintain. Avoid constructing trails along side slopes of 20% or greater.

Level 3 Trail Description

An informal trail through semi-urban to rural areas, used for access between neighborhoods and destinations, or for recreation. Accessibility may be limited.



City of Homer
Non-Motorized Trail Planning & Design Criteria Summary
Level 3 Semi-Improved Trail

NOTE: This is a summary. Refer to Article 5.13 Non-Motorized Trails and Public Access Easements for full description of criteria.

TRAIL DESIGN CRITERIA

Trail Width & Shoulders 3 - 5 foot wide improved trail.

- 3 - 4 foot wide trail - for routes with lower volumes of traffic, and one-way or no bicycle use.
- 5 foot wide trail - for routes with moderate to high pedestrian volumes and/or two-way bicycle or equestrian uses.
- Trails should widen in areas of switchbacks, turns, steep side slopes, and as needed near structures or amenities.

Surface 4 inches NFS gravel over geotextile fabric, which may be placed over native vegetation. Alternate surfacing: porous pavement panels filled with native or imported material. Medium duty boardwalk or bridges where needed. Generally clear, with protrusions <4 inches and steps to 10 inches.

Clearance

- Vertical clearance - 8 feet minimum. Optimum 12 feet for winter and equestrian users.
- Horizontal clearance - 12 in. beyond trail edge. 24 in. from signs, trees or structures.

Grade

- Target grade < 8%, with grade reversals as needed to control erosion.
- 15% maximum for up to 50 feet.

Cross Slope of Trail

- Target cross slope - 3%, flowing to downside of tread, or to uphill side, if a drainage ditch is provided.
- Maximum - 10%

Signage

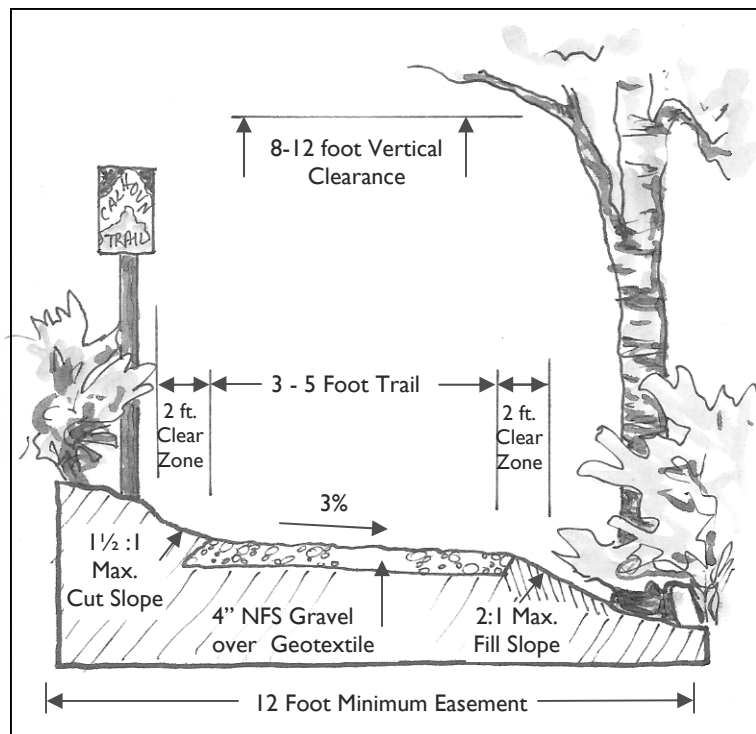
- Trail markers (as needed) to navigate winter use trails.
- Trail information signage posted at each end of the trail: Trail system map (if appropriate), trail name, length, use restrictions or accessibility warnings, and resource protection information.
- Directional signage with trail name and length, at all trail intersections.

Amenities

- Few amenities, as approved by City of Homer, such as bear proof trash receptacles, trail heads, benches for rest or viewing, interpretive signs, such as at interesting historic or natural features.

Structures

- Medium duty structures, as needed.
- Elevated plank crossing of wetlands, creeks.
- Few railings or boardwalks.
- Log, timber or rock retaining structures for cut / fill edges, as needed.



CROSS SECTION - LEVEL 3 SEMI-IMPROVED TRAIL

City of Homer
Non-Motorized Trail Planning & Design Criteria Summary
Level 4 - Fully Improved Trail

NOTE: This is a summary. Refer to Article 5.13 Non-Motorized Trails and Public Access Easements for full description of criteria.

PLANNING CRITERIA

Location

- For transportation and recreation routes through core civic or commercial areas and residential neighborhoods with moderate use levels.
- Where recreational use volumes are high and full accessibility is not critical.
- Moderate pedestrian activity, especially where accessibility is not critical.
- Where a Level 5 trail width is needed to accommodate volumes and user groups, but costs or topography preclude construction of a fully accessible route.

Use Two-way transportation routes with light to moderate volumes of primarily pedestrian & bicycle traffic. They may be designed for use by skiers and equestrians, where appropriate.

Easement Width 15 feet minimum.

Trail Maintenance Maintenance of clearance zones, trail surface, water crossings, signage and other amenities or structures, as needed, and as funding allows. Regular maintenance of approved trash receptacles. Winter maintenance, as use volumes dictate, and funding allows.

Topography Allows for construction with maximum running grades <8%, Existing side slope within easement: Max. approx. 12% (~2 feet difference) across width of easement, unless using retaining structures.

Alignment Level 4 trails provide comfortable, moderately accessible transportation and recreation routes with the following criteria:

- The route provides a fairly direct connection between major destinations, with spurs and exits where possible.
- Trail has public access at all ends.
- Avoid using stairs, where possible.
- Connects to Level 5 or Level 4 trails. Lower level trails may branch from a Level 4.
- Avoid alignments that require maximum grades within 20 feet of intersections with trails, rights-of-way or parking areas.
- Water Crossings: Minimize or avoid crossing ground seeps, creeks, wetlands, or other water bodies. Align necessary crossings at 90° to water flow, choose narrow crossings, avoid eroding banks.

Soils, Water & Hydrology Saturated soils are highly susceptible to erosion. Avoid seeps and other areas with saturated soils. Minimize the crossing of creeks, rivers and wetlands, which is more expensive to build and more difficult to maintain. Avoid constructing trails along side slopes of 20% or greater.

Level 4 Trail Description

A wide multi-use trail with a firm surface meeting ADA accessibility standards for recreation trails. A transportation and recreational route through the developed areas of Homer and within residential neighborhoods.



City of Homer
Non-Motorized Trail Planning & Design Criteria Summary
Level 4 - Fully Improved Trail

NOTE: This is a summary. Refer to Article 5.13 Non-Motorized Trails and Public Access Easements for full description of criteria.

DESIGN CRITERIA

Trail Width & Shoulders 5 - 8 foot wide paved or gravel trail.

- 5 - 6 foot wide trail - for routes with lower volumes of traffic, and fewer recreational users.
- 7 - 8 foot wide trail - for routes with bicycles and/or moderate to high user volumes.
- PAVED TRAILS - where a Level 5 trail is recommended, but topography or other physical conditions prevent construction to Level 5 standards, a paved Level 4 trail is acceptable. Any Level 4 trail can be paved. Provide a minimum 12 in. gravel shoulders on all paved trails.

Surface Firm and stable. Smooth, few or no obstacles. Protrusions <3 in. Steps to 8 in. Remove surface vegetation and organic soils. For gravel trails: 2 in. leveling course over 8 in. NFS gravel over geotextile. For paved trails: 2 in. AC pavement over 2 in. leveling course over 24 in. NFS gravel over geotextile. Alternate surfacing: PPP filled with native or imported material.

Clearance

- Vertical clearance - 9 feet above trail and shoulders, 12 feet for equestrian use.
- Horizontal clearance - Minimum 12 in. beyond trail edge. 24 in. from signs and trees.

Grade & Accessibility

- Accessible trails: Target grade ≤ 5%, 8.33% for up to 200 feet, 10% for up to 30 feet, 12.5% for up to 10 feet. No more than 30% of trail length shall exceed 8.33%.
- Maximum: 10% for up to 50 feet.
- Stairs used where absolutely necessary and pedestrians are the primary user group.

Cross Slope of Trail

- Gravel trails - 3%
- Paved trails - 2%
- Shoulders - 10% Max.

Signage

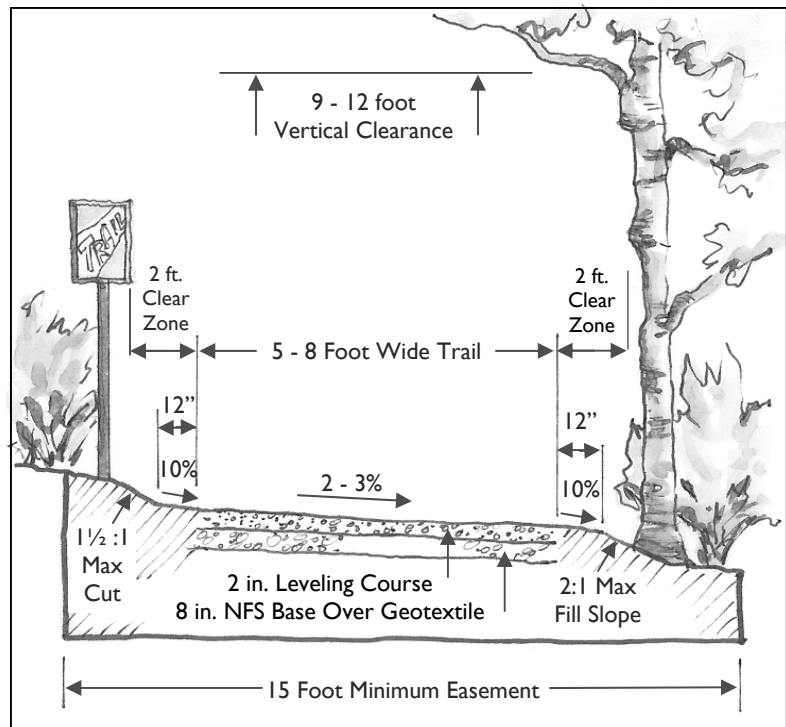
- Trail information signage posted at ends and intersections, as necessary, such as a trail system map, trail name, use restrictions, accessibility warnings, and resource protection information.
- Directional signs for nearby destinations, traffic control and warnings for intersections or other trail conditions.
- Directional signage with trail name and length, at all trail intersections.

Amenities

- Amenities common. Lighting, bear proof trash & recycling receptacles, maps, benches for rests or viewing, and interpretive signs, as approved.

Structures

- Heavy duty structures, as needed: bridges, boardwalks, retaining structures, railings.



CROSS SECTION - LEVEL 4 FULLY IMPROVED TRAIL

City of Homer
Non-Motorized Trail Planning & Design Criteria Summary
Level 5 - High Use Trail

NOTE: This is a summary. Refer to Article 5.13 Non-Motorized Trails and Public Access Easements for full description of criteria.

EASEMENT PLANNING CRITERIA

Locations

- Where required or recommended in Codes or Plans adopted by the City of Homer.
- Long, regional commuter routes.
- On-site pedestrian routes, as required by ADAGG, and any accessible connections between these and nearby pedestrian routes, such as sidewalks.
- Connections between Level 5 Trails and nearby streets, trails, public areas, or other destinations.
- Where high volumes and/or varied types of users are known or anticipated to use the existing route.

Use Accommodates two-way traffic of pedestrians, cyclists, in-line skaters, wheelchair users, and others. May be year-round for pedestrians, bicyclists, and wheelchairs.

Easement Width 20 feet wide minimum. Additional width may be needed to accommodate bridges, cut / fill needs, curves, trail amenities, or maintenance.

Trail Maintenance Maintain clearance zones, trail surface, water crossings, signage and other amenities or structures, as needed, and as funding allows. Regular maintenance of approved trash receptacles. Full winter maintenance as use dictates and funding allows.

Topography Must allow for an accessible trail without excessive cut / fill requirements; Structural slope management techniques, such as retaining walls, are encouraged as needed to meet design criteria with minimal impact to surrounding areas.

Alignment The primary objective is to provide accessible pedestrian transportation routes or high use recreation routes. Alignment should be based on the following criteria:

- Efficient and direct routes between origins and destinations;
- Avoid creating tunnels or blind corridors with restricted visibility;
- Avoid trail alignments that direct views into private residences;
- Align trail, where possible, to provide views of natural features and destinations;
- Water Crossings: Minimize or avoid crossing ground seeps, creeks, wetlands, or other water bodies. Align necessary crossings at 90° to water flow, choose narrow crossings, avoid eroding banks.

Soils, Water & Hydrology Saturated soils are highly susceptible to erosion. Avoid seeps and other areas with saturated soils. Minimize the crossing of creeks, rivers and wetlands, which is more expensive to build and more difficult to maintain. Avoid constructing trails along side slopes of 20% or greater.

Level 5 Trail Description

A wide, accessible paved trail that accommodates a wide variety of non-motorized users.



These multi-use trails provide access between public spaces, sidewalks, civic & cultural buildings and other major destinations within the core civic and commercial areas of Homer. Winter maintenance can allow for convenient year round use of these transportation and recreation routes.

City of Homer
Non-Motorized Trail Planning & Design Criteria Summary
Level 5 - High Use Trail

NOTE: This is a summary. Refer to Article 5.13 Non-Motorized Trails and Public Access Easements for full description of criteria.

TRAIL DESIGN CRITERIA

Trail Width & Shoulders. 8- 12 foot wide paved trail with 2 foot wide gravel shoulders.

- 8 foot Trail - for routes with lower volumes of traffic, few recreational users, or space limitations.
- 10 foot wide trail sections are the standard.
- 12 foot wide trails are recommended where traffic volumes are high, bicycles and in-line skates are common, near intersections with other trails or streets, as the trail approaches a bridge, where grades exceed 5% and handrails are provided, or near points of interest along the trail.
- ALTERNATE TRAIL DESIGN - Where trail is highly recreational, with bicycles, equestrians, joggers, an alternative design of 6 foot wide paved trail with 4 foot shoulders on each side or a trail with one 2 foot and one 6 foot wide shoulder is allowable. Or, provide a separated dual trail, one paved, one gravel, with a vegetated median in-between.

Surface. Uniform, firm and stable. Pavement or boardwalk. Smooth, no obstacles. Protrusions <2 inches. Construct using 2 in. AC pavement over 2 in. leveling course over 24 in. NFS gravel over geotextile fabric.

Clearance.

- Vertical clearance - 9 feet above trail and shoulders, 12 feet for equestrian use.
- Horizontal clearance - Minimum 24 inches beyond trail edge. 36 inches for posts and structures.

Grade

- Accessible Trails: Target grade $\leq 5\%$, 8.33% for up to 200 feet, 10% for up to 30 feet, 12.5% for up to 10 feet. No more than 30% of trail length shall exceed 8.33%.

Cross Slope of Trail

- Target cross slope - 2% Shoulders - 10% Max.
- Maximum, where needed for driveway crossings or other intersections - 3%

Signage

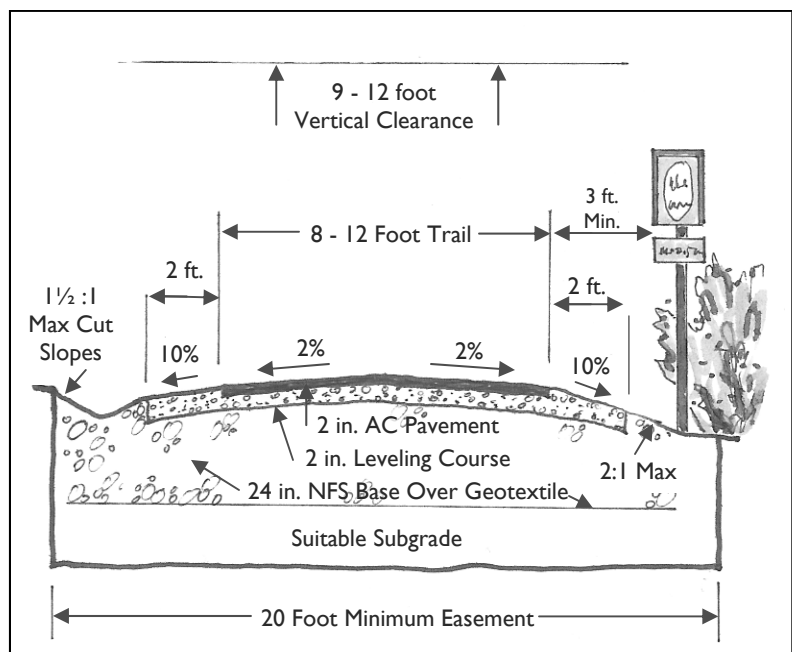
- Trail information signage posted at ends and intersections, as necessary: Trail system map (if appropriate), trail name, use restrictions or accessibility warnings, and resource protection information.
- Directional signs for nearby destinations, traffic control and warnings for intersections or other trail conditions.
- Directional signage with trail name and length, at all trail intersections.

Amenities

- Amenities common. Lighting, bear proof trash & recycling receptacles, maps, benches for rests or viewing, and interpretive signs, such as at historic or natural features.

Structures

- Heavy duty structures, as needed: bridges, boardwalks, retaining structures, railings.



CROSS SECTION - LEVEL 5 HIGH USE TRAIL

D. TRAIL DESIGN CRITERIA

I. GENERAL

The City of Homer's goals include having non-motorized trails that provide for a range of accessibility and experiences, through varying terrain and neighborhoods for a range of users. Such a system of trails will provide year round transportation and recreation routes throughout the City of Homer.

Accessible trails are expected within the central development area of Homer, connecting pedestrians to schools, parks, the hospital, the library, residential neighborhoods, businesses, and other public facilities.

a. Objectives

This section provides design criteria for trail alignment, width, grade, cross-slope, clearance, materials, steps, railings, signage, boardwalks, ramps, switchbacks, water crossings, structures, bridges, and specialized uses. It is for use by project engineers when designing a trail and by City of Homer staff when reviewing applications for subdivisions, easement dedications, or trail construction.

The objective is to provide design criteria for most typical trail situations; however, the design criteria in this article does not dismiss the responsibility of the trail engineer or designer from appropriately addressing all site conditions and applying design solutions that are safe, structurally sound, attractive, and functional. Refer to the list of resources in section A.3.a. of this article when more specific design research is necessary for unique circumstances or issues.

2. TRAIL ALIGNMENT

Trail alignment refers to the horizontal and vertical curvatures of the trail, and is responsible for ensuring the safety and comfort of trail users. Many factors are involved in determining a safe and effective alignment for a specific trail, including user volumes and types, and the condition, width and grade of the trail. For example, a wide, paved trail with an 8% grade will produce faster speeds and require broader curves and longer sight stopping distances.

a. Design Speed

Design all trails based on the preferred speed of the fastest users, which are typically bicyclists and cross-country skiers. According to AASHTO's Guide for the Development of Bicycle Facilities, 1999, a paved shared use trail (Level 4 or 5) should be designed for a minimum speed of 20 mph, which is the appropriate maximum speed for a bicyclist on a paved trail. The design speed should increase to 30 mph if the grade exceeds 4 percent or where strong winds are prevalent.

On unpaved trails, such as Levels 1, 2, 3 or 4, a design speed of 15 mph is adequate. For ski trails with 0-4 percent grade, use a design speed of 15 mph, for grades 4-10 percent, 20 mph, and for grades over 10 percent, 25 mph. Where ski racing events are expected, higher design speed may be necessary.

D. TRAIL DESIGN CRITERIA

b. Horizontal Alignment

Horizontal alignment addresses the curvature of a trail corridor, and must be calculated to accommodate the user group with the greatest needs in order to provide a safe and comfortable trail facility. AASHTO recommends using the bicycle to calculate horizontal alignment on multi-use trails that are used by bicycles. The bicycle has a tendency to lean into a curve as needed to round a corner while traveling at top speed, but without a high rate of superelevation, the lean may result in the pedals striking the trail surface. Increasing the superelevation beyond 3%, however, does not comply with ADA requirements for pedestrian facilities. Therefore, multi-use trails need to accommodate a wider curve radius in order to accommodate both the speed of cyclists and the comfort of all pedestrians.

For Level 2, 3, 4 & 5 trails, use the formulas on this page to calculate curvature requirements, based on bicycle speed.

Table D-1

Desirable Minimum Radii for Paved Multi-Use Trails Based on 15° Lean Angle (AASHTO, 1999)	
Design Speed (V)	Minimum Radius (R)
mph	Feet (ft)
12	36
20	100
25	156
30	225

Use the following simple equation to determine the minimum radius of curvature for any given lean angle:

$$R = \frac{0.067 V^2}{\tan \Theta}$$

- R = Minimum radius of curvature (m) or (ft)
- V = Design Speed (km/h) or (mph)
- Θ = Lean angle from vertical (degrees)

Table D-2

Desirable Minimum Radii for Paved Multi-Use Trails Based on 2% Superelevation Rates and 20° Lean Angle (AASHTO, 1999)		
Design Speed (V)	Friction Factor (f) (paved surface)	Minimum Radius (R)
mph		ft
12	0.31	30
20	0.28	90
25	0.25	155
30	0.21	260

For gravel trails and situations where the lean angle approaches 20°, the following formula can be used:

$$R = \frac{V^2}{15 (e / 100 + f)}$$

- Where:
- R = Minimum radius of curvature (ft)
 - V = Design Speed (mph)
 - e = Rate of bikeway superelevation (%)
 - f = Coefficient of friction

D. TRAIL DESIGN CRITERIA

c. Stopping Sight Distance

Trail users need adequate time to see and react to unexpected obstacles or situations along a trail. Appropriate stopping site distances help to prevent accidents and provide a safe and comfortable environment for trail users. Proper design is based on the trail's design speed and is accomplished by the vertical and horizontal curvature and clearing limits of the trail corridor. The following summarizes AASHTO recommendations for providing effective Stopping Sight Distances. Consult AASHTO for more detailed information, diagrams and tabulated charts.

Stopping distance is a function of the trail user's perception and reaction time, the initial speed they're traveling, the coefficient of friction between the trail user and the trail (tires, wheels, skis), and the stopping ability of the user (brakes, etc.). Since many users tend to 'hug' the middle of the trail, lateral clearance on horizontal curves should be calculated based on the sum of the stopping sight distances for trail users traveling in opposite directions. If this is not feasible, place warning signs (in accordance with MUTCD), widen the trail through curves, and/or install centerlines.

For Minimum Stopping Site Distance vs. Grades for Various Design Speeds:

$$S = \frac{V^2}{30(f \pm G)} + 3.67V$$

For Minimum Length of Crest Vertical Curve (L) Based on Stopping Sight Distance:

$$\begin{aligned} \text{When } S > L \quad L &= 2S - 900 / A \\ \text{When } S < L \quad L &= AS^2 / 900 \end{aligned}$$

Height of cyclist's eye = 4.5 feet Height of object = 0 feet
Minimum Length of Vertical Curve = 3 ft.

For Minimum Lateral Clearance on Horizontal Curves:

$$\begin{aligned} M &= R [1 - \cos (28.65S / R)] \\ S &= R / 28.65 [\cos^{-1} (R-M / R)] \end{aligned}$$

A = Algebraic grade difference (%)
S = Stopping sight distance (ft)
V = Velocity (mph)
f = Coefficient of friction (use 0.25)
G = Grade rise/run (ft/ft)
L = Minimum length of vertical curve (ft)
R = Radius of centerline of lane (ft)
M = Distance from centerline of lane to obstruction (ft)

SOURCE: AASHTO, Guide for the Development of Bicycle Facilities, 1999

D. TRAIL DESIGN CRITERIA

d. Intersections

Safety on a trail becomes most critical at intersections, especially those between a trail and a roadway. Placement and treatment of trail intersections can make all the difference when it comes to the safety and function of a trail system. Consult AASHTO and MUTCD for additional guidance when designing trail intersections. Trail intersections are subject to the following design criteria:

i) Criteria for All Intersections:

- Adequate stopping site distances and warning signs should be provided to ensure users will stop before the intersection;
- Provide clear sight lines to see on-coming traffic from all directions;
- All intersections and approaches should be as close to perpendicular as possible and on relatively flat grades. Exceptions include ski trails, or other recreational trails that utilize triangular intersections;
- Where an unpaved path crosses a paved path or road, a paved apron should be provided for the unpaved trail, extending a minimum 10 feet from the paved path or road (AASHTO 1999);
- Widen the intersection area if high volumes of traffic are present, or if the users tend to bunch up or move slowly, such as children, groups, or the elderly.
- Place warning signs 400 feet in advance of intersections.

ii) Trail with Trail Intersections:

- Stop signs are required on one of the two trails, typically the lower level, lower volume, or lower speed trail. See section 8 of this article for additional safety and signage information;
- All intersections on higher level trails should be signed to alert users as to the type of crossing and the expected type of traffic;
- Assign right of way to each intersection, giving one trail priority and requiring the other to stop or yield. Consider the comfort and convenience of the trail user, any unique behavioral characteristics of the user, and trail conditions (approach grades, curves, visibility issues).



Figure D-1. Visibility and signage at trail intersections.

iii) Trail with Road Intersections:

- If alternate locations for the intersection are available, the most favorable intersection condition should be selected;
- Establish right-of-way and provide traffic control in accordance with MUTCD;
- Sign type, size and location should be in accordance with MUTCD;
- Stop signs should be visible from 200 feet.

D. TRAIL DESIGN CRITERIA

3. GRADE & CROSS SLOPE

This section discusses design criteria for running grade, cross slope, cut / fill, and the use of retaining structures. Grade and cross slope affect the safety, comfort, and sustainability of a trail. Keeping water off a trail is critical to minimizing erosion and reducing puddles and ice build-up on the trail surface.

It is the City of Homer's intent that trails are designed for maximum access with minimum impact. Proposed running grades and accessibility levels are subject to approval by City of Homer Planning or Public Works Departments.

a. Running Grade

Accessibility, topography, soils, construction methods, project budget, and trail use all play a role in determining the appropriate running grade of a trail. In general, grades should be kept to a minimum, especially on long inclines. Comfort and accessibility are a priority on all trails.

i) General Criteria for all Trails.

- Construct all Level 3, 4 & 5 trails to be accessible, unless exemptions apply;
- Apply the "half rule" on all trails, which says that the trail grades should be no more than half the side slope grade;
- Provide grade reversals to manage the flow of water;
- Plan switchbacks to navigate side slopes greater than 15%, to add interest to the trail, and to avoid using maximum grades for long distances. Place switchbacks at relatively flat areas or natural benches. Fewer, longer switchbacks are preferable to frequent, short ones. Switchbacks are not recommended on trails used by bicycles or for skiing.
- Use climbing turns on side slopes <15%.

ii) **Required ADA Accessibility.** Full ADA accessibility (<5% grade) is preferred for higher level trails, but is only required by law on trails that provide primary pedestrian access to facilities that are ADA accessible. For these trails, Table D.3 applies.

iii) **Accessible Trails.** Although not required by law, the Access Board has developed criteria for accessible trails in outdoor developed areas. Level 3, 4 and 5 trails should meet the criteria in Table D.4, unless they meet the exemption criteria.

iv) **Accessible Trail Exemptions.** Portions of trails that meet the following may be exempt from accessibility criteria:

- Compliance would cause substantial harm to cultural, historic, religious, or significant natural features of characteristics.

Table D-3

<p align="center"><u>ADA Pedestrian Accessibility Standards</u> Grades ≤ 5% (1:20) Ramps ≤ 8.33% (1:12) for maximum vertical rise ≤ 30 in. Level landings, 60 x 60 in., are required at each end of a ramp. Hand rails are required for most ramps; Consult ADAAG for more details.</p>
--

Table D-4

<p align="center"><u>ATBCB Criteria for Accessible Trails</u> 1:20 (5%) any length 1:12 (8.33%) for up to 200 feet 1:10 (10%) for up to 30 feet 1:8 (12.5%) for up to 10 feet No more than 30% of the total trail length shall exceed 1:12</p> <p align="center"><u>Rest Area Criteria</u> Resting areas are required at intervals no greater than the above permitted lengths. 60 inch length, at least as wide as the widest trail segment adjacent to the rest area.</p>

D. TRAIL DESIGN CRITERIA

- Compliance would substantially alter the nature of the setting or the purpose of the facility, or portion of the facility.
- Compliance would require construction methods or materials that are prohibited by Federal, State, or Local Regulations or Statutes.
- Compliance would not be feasible due to terrain or the prevailing construction practices.

v) Running Grade Criteria by Trail Level.

LEVEL 1: Maximum grade is based primarily on the ability of the trail to resist erosion caused by trail use, surface water, or wet soils. Target grade <12%. Maximum 20% for trails where underlying soils are sand, silt, or clay. 20%- 30% for gravel or rock base. For grades over 30%, natural trail base and surface must be composed of angular rock, large rock or solid rock. Provide grade reversals every 20-50 feet. Construct steps to minimize erosion.

LEVEL 2: Target grade: <10%. Maximum: 20% for distances up to 50 feet. Use on-site cut and fill to soften dips or peaks in trail corridor.

LEVEL 3: Target grade: < 8%. Maximum: 15% for up to 50 feet.

LEVEL 4/5: Target grade: \leq 5%. Maximum: 8.33% for up to 200 feet, 10% for up to 30 feet, 12.5% for up to 10 feet. No more than 30% of trail length shall exceed 8.33%.

b. Grade Reversals

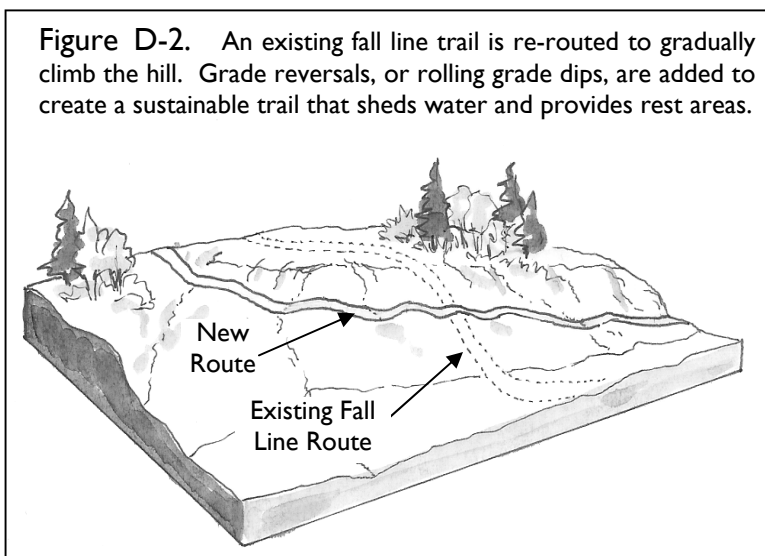
A grade reversal is a change in the direction of running grade, from an upslope grade to a down slope grade. They are used on unpaved trails to prevent erosion that is caused by water running *along* the surface of a trail versus *across* the trail. They should be provided every 20-50 feet along the trail corridor.

c. Cross-Slope & Cut / Fill

All trails require enough cross-slope to shed water off the trail surface, but not so much that it impacts the comfort or safety for the trail user. Managing surface water drainage along a trail corridor is critical to maintaining a safe and long lasting trail. Poorly managed drainage can erode soils and destroy vegetation. Keeping water moving across the surface of a trail will prevent ponding, erosion, and icing.

Steep side slopes (> 30%) are a common obstacle to the construction of trails on Homer's hillside terrain, and often trigger the need for extensive cut and fill to "fit" a trail into a hillside. Careful planning can minimize expense and environmental damage.

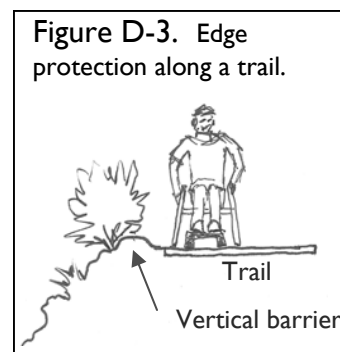
Figure D-2. An existing fall line trail is re-routed to gradually climb the hill. Grade reversals, or rolling grade dips, are added to create a sustainable trail that sheds water and provides rest areas.



D. TRAIL DESIGN CRITERIA

i) General Cross-Slope and Cut / Fill Criteria:

- All construction-related disturbance, including areas of cut or fill, shall occur within the limits of the easement;
- Limits of cut and fill should be in proportion to the construction level of the trail. For example: low level trails justify very little cut / fill, high level trails may utilize the entire easement for most of the length of the trail;
- Maximum 1½ :1 (75%) cut slopes, maximum 2:1 (50%) fill slopes. Where soils are unstable, sandy, or saturated, 3:1 (33%) max slopes are recommended.
- For trails along side slopes of 30% or greater, construct the trail on the cut bench portion only. Avoid locating the trail on fill portions of the side slope;
- Provide retaining structures, as needed to minimize disturbance and to improve accessibility on Level 3, 4 or 5 trails;
- Construct trails to ensure water flows across or under the trail surface, not along the trail. Where it is necessary to run the water along the trail, it should be contained in a ditch with provisions made to protect against erosion. Ditch length should be minimized by diverting runoff across the trail at the nearest point feasible.
- To accommodate vision-impaired or wheelchair users on Level 4 or 5 trails with an adjacent fill slope, provide a vertical barrier along the cut slope edge of the shoulder, such as vegetation, or a minimum 3 in. curb or barrier.



ii) Criteria by Trail Level

LEVEL 1: Target cross slope is 3-10%. Maximum is up to the natural side slope. If the trail is designed for mountain bikes, cross slope maximum is 10%. Very minimal cut and fill. Little or no use of (rustic) retaining methods.

LEVEL 2: Target cross slope: 5%. Maximum: 10%. For ski trails, if bicycles are not allowed, steeper side slopes may be allowed. Minimal cut and fill as necessary to meet criteria and soften dips, ruts, bumps or peaks.

LEVEL 3: Target cross slope is 3%. Maximum is 10%. Cut and fill as needed to meet design criteria. Rock or timber used for most retaining needs.

LEVEL 4: Gravel trails: Target cross slope: 3%, Max.: 4%. Paved trails: target cross slope: 2%, Max.: 3%. Cut and fill may be significant, as needed to meet design criteria. May likely extend to edges of easement for much of the trail length. Imported materials for retaining structures common.

LEVEL 5: Target cross-slope is 2%. Where necessary, such as when crossing driveways, a cross-slope of 3% is allowable. Paved surfaces must be uniform enough to prevent ponding and icing. Shoulders should slope away from the paved sections of the trail with a target slope of 3%, and a maximum of 10%. Cut and fill may extend to the outer edges of the easement. Retaining structures common.

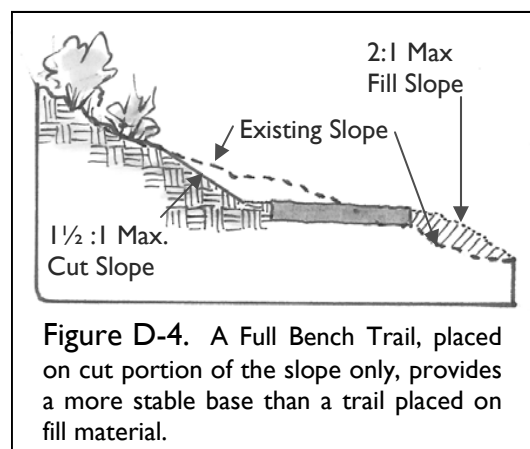


Figure D-4. A Full Bench Trail, placed on cut portion of the slope only, provides a more stable base than a trail placed on fill material.

iii) Re-vegetation. All cut / fill slopes should be vegetated with native species. Attempts should be made to salvage and stockpile existing vegetation for re-use on cut / fill slopes. Avoid reseeding with non-native species.

D. TRAIL DESIGN CRITERIA

4. WIDTHS

The complete trail cross-section is composed of the easement, the trail surface, the shoulders, and the clearance zone. The desired width is primarily related to the volume and mix of users. Secondary considerations include topography, curves, intersections, structures, and amenities.

Table D-5

REQUIRED EASEMENT WIDTHS	
LEVEL 1:	8 Feet
LEVEL 2:	20 Feet
LEVEL 3:	12 Feet
LEVEL 4:	15 Feet
LEVEL 5:	20 Feet

a. Easement Width

The following criteria apply to easement widths:

- A narrower portion of easement may be allowed when available space is limited by existing structures or property boundaries, for a short duration of the trail, and the narrow segment of the trail does not create a safety hazard or an uncomfortable trail segment of trail;
- Vary the easement width as needed to accommodate switchbacks or turns;
- Wider easement sections are allowed where existing side slopes require additional cut and fill, and retaining structures are not feasible, and the widened area is not extensive.

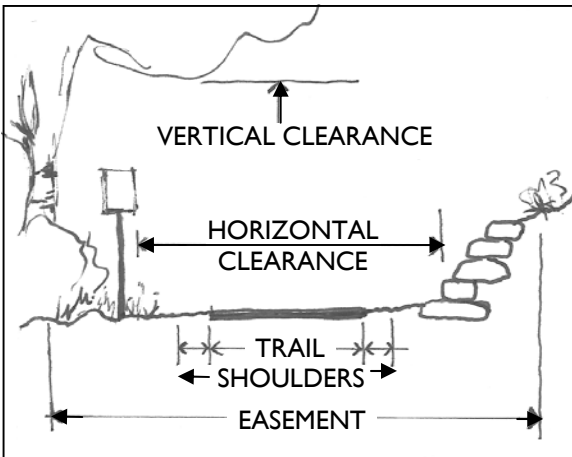
b. Trail Width

The width of the trail surface, or tread, is determined by the volume and type of users, as well as the nature of the terrain and the trail surface. Always provide for the user with the most demanding needs.

LEVEL 1: Trail tread width may range from 6 - 24 inches. Consistent width along the length is preferred, but not required on this level of trail. Natural obstacles and topography may both affect variability of the tread width. Provide 24 in. width when the trail is expected to attract mountain biking, equestrians, snow-shoeing, or skiing.

LEVEL 2: There is typically not a constructed trail tread for recreation corridors. They are a specified width of area that is cleared of woody vegetation and obstacles, mowed (optional), and identified with trail markers for use as a recreation corridor. Minimum width for an un-programmed low use corridor is 6 feet. Groomed ski trail routes require up to a 16 foot wide mowed corridor.

FIGURE D-5 Trail Profile



LEVEL 3: Widths may range from 3-5 feet. Safety may be a concern on narrow trails with a mix of pedestrians, bicycles and equestrians, even if the volumes are low. It cannot be expected that bicycles will use these routes as “one-way” trails, or stay off them altogether, so it is imperative that they be designed to mitigate potential hazards. For trails that will expect regular use by bicycles, overall use volumes are moderate, or hills are frequent, the width should be 5 feet. Narrower trails are allowed for lower use trails, but horizontal clearance and sight stopping distance should both be increased, curves widened, and passing areas provided at a minimum of every 1000 feet.

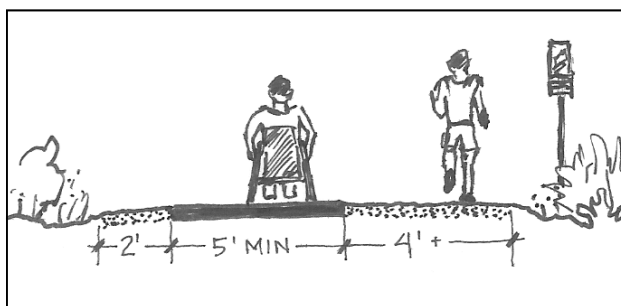
D. TRAIL DESIGN CRITERIA

LEVEL 4: Widths can range from 5 feet to 8 feet wide. Increase widths for trails with higher volumes of traffic, or a wide mix of uses, such as equestrians, joggers, bikes, children, etc. Additional width should be provided as needed for a curve, rest areas or amenities, a passing zone, a transition to a bridge, or at intersections.

LEVEL 5: Widths can range from 8 - 12 feet wide. AASHTO recommends a minimum width of 10 feet for two-directional paved multi-use trail. Where lower volumes of traffic are expected, grades are relatively flat, and views are open, the narrower width is allowable. Wider trails are recommended for areas of high use, with frequent amenities, interruptions or intersections, busy areas with mixed land use, or frequent use by all types of users, including equestrians.

ALTERNATE. Joggers and equestrians prefer gravel surfaces. An alternative trail section may be appropriate where a wide mix of users frequent the trail. Options include an 8 foot wide paved trail with 4 foot shoulders on each side, or with one 6 ft. and one 2 ft. shoulder. A dual trail solution is another alternative for accommodating equestrians more comfortably along side a busy paved trail.

FIGURE D-6 Alternate Trail Profile.



c. Shoulders

Shoulders along side a paved trail offer a transition zone along side the trail, as well as stability for the paved surface. Shoulders are typically needed along all trails, where they abut cut/fill slopes, bridges or other structures, for comfort and safety.

LEVEL 1: Typically none. On bridges, provide minimum 6 in. on each side.

LEVEL 2: Typically none. If a bridge or boardwalk is needed, an additional 2 feet of clearance on each side is recommended.

LEVEL 3: Provide 2 foot wide shoulders for crossing bridges or boardwalks, with or without railings. Provide a 12 in. shoulder between trail edge and cut / fill areas.

LEVEL 4: Provide a 2 foot wide buffer on each side on bridges or boardwalks, with or without railings. Provide 12 in. shoulders between trail edge and cut / fill areas. 2 ft. gravel shoulders required on paved trails.

LEVEL 5: Minimum 2 foot wide gravel shoulders required on all trails.

d. Passing Space

Where Level 3 trails are less than 5 feet wide, 60 x 60 in. passing spaces are required at least every 1000 feet. These areas are to be constructed adjacent to the trail, using the same construction method as the adjacent trail.

D. TRAIL DESIGN CRITERIA

e. Horizontal and Vertical Clearance

One of the most critical factors in developing safe and comfortable trail facilities is the provision of adequate clearance from obstacles that may be found along a trail. Sufficient clearances are needed for visibility and sight distance, trail maintenance, user comfort, passing room, snow storage, crowding, and emergency situations.

Much variability is found in trail clearances, and is based upon the trail design and setting, the various user groups, and the overall volume of users. Adjust clearance as needed for special user groups and maintenance vehicles.

Horizontal clearance refers to the width of clear space from the surface and sides of a trail corridor that is free of obstructions such as rocks, shrubs, amenities, sign posts, trees, railings.

Vertical criteria refers to the height of the clear zone. Trail users are higher when on bicycles, horses or skates, and snow conditions often raise the trail few feet, or more. Highly developed trail settings require a higher vertical clearance, due to our natural shy distance in these environments, compared to our tolerance for tree branches near our heads in wilderness settings.

- LEVEL 1: Horizontal: Maintain 36 inch wide clear zone.
Vertical: 6 ft. Hiking, 8 ft. bicycle & equestrian, 10 ft. snowshoe.
- LEVEL 2: Horizontal: 2 feet additional clearance beyond the edge of the designated trail corridor, or more as needed for ski run-out.
Vertical: 12 feet
- LEVEL 3: Horizontal: 2 feet beyond outer edge of trail to any trees, posts, railings, or signs. 12 in. beyond for other vegetation and cut / fill slopes.
Vertical: 8 ft. for most trails, 12 ft. for equestrian and winter uses.
- LEVEL 4: Horizontal: Minimum 2 feet beyond outer edge of trail to any trees, posts, railings, or signs. 12 in. beyond for other vegetation and cut / fill slopes.
Vertical: 9 ft. for most uses, 12 ft. for equestrians.
- LEVEL 5: Horizontal: Minimum 3 feet beyond trail edge (1 foot beyond shoulder) for any vertical obstructions, such as signs, railings, trees. 2 feet beyond outer edge of trail for vegetation and cut / fill slopes.
Vertical: 9 ft. for most uses, 12 ft. for equestrians.

D. TRAIL DESIGN CRITERIA

5. TRAIL CONSTRUCTION

Trails should be constructed to last a very long time. High quality construction results in a more safe, enjoyable and low maintenance trail. Design higher level trails to withstand snow removal or maintenance vehicles, such as trucks.

a. Trail Base

The base material, or structure, under the trail surface is responsible for the trail's ability to endure loads and repeated freeze-thaw cycles. A soils investigation is required prior to trail design and will have a bearing on the engineering of the trail. More highly constructed or rigid trail surfaces, such as pavement, bridges and boardwalks, require more highly engineered base structure, such as excavating native material and replacing with NFS material, or using piles that are driven to a depth of at least 5 feet. Light use trails require minimal engineering.

b. Trail Surface

Trail surfaces vary with user groups, seasons, volumes and trail locations.

- i) **Pavement.** Preferred for high use areas. Paved trails are best for accommodating commuter bicycles, in-line skates, wheelchairs and strollers. Edge reinforcement is recommended where the width of the trail is such that maintenance vehicle tires will likely be at the edge of the pavement.
- ii) **Gravel Surfacing.** Suitable for many uses, and is preferred for jogging and equestrian use, but is not as accessible or durable as pavement.
- iii) **Natural Surface.** Appropriate for very light summer use, and for winter use. Horses and bicycles can easily damage natural surface trails, especially in wet conditions.
- iv) **PPP - Porous Pavement Panels.** Synthetic trail hardening materials are useful in a variety of situations. They are most applicable for wet conditions on Level 1, 2 or 3 trails.
- v) **Other surfacing.** Rock, wood, recycled plastic, treated wood, metal.

c. Criteria for Trail Levels

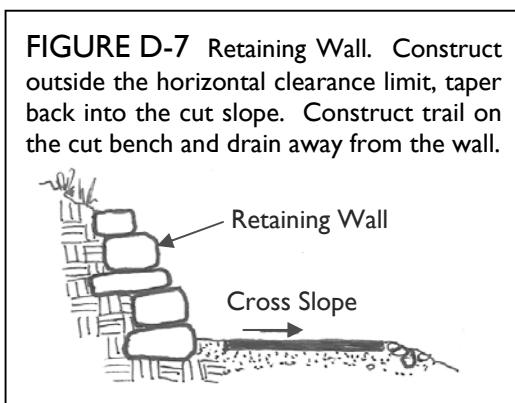
- LEVEL 1: Base - Native materials. Surface: native rock, gravel, or earth. For wet crossings use logs, PPP, or other turf reinforcement materials.
- LEVEL 2: Base - Native materials. Surface: existing vegetation mat. For wet crossings, use log, metal, synthetic, PPP or other turf reinforcement.
- LEVEL 3: Base - Native materials. Surface: 4 in. NFS gravel over geotextile fabric. Wet crossings: wood, metal, synthetic, PPP or other turf reinforcement.
- LEVEL 4: Gravel Trails. Base: Remove vegetation and organic soils. 8 in. NFS gravel over geotextile over suitable soil. Surface: 2 in. leveling course.
Paved (or future paved) trails. Base: 24 in. NFS gravel over geotextile. Surface: 2 in. AC pavement over 2 in. leveling course. For wet crossings, wood, metal, synthetic.

D. TRAIL DESIGN CRITERIA

LEVEL 5: Base: Remove vegetation and organic soils. 24 in. NFS gravel over geotextile over suitable soils. Surface: 2 in. AC pavement over 2 in. leveling course. For bridges and wet crossings: wood, synthetic, recycled plastic, treated wood, or metal.

6. STRUCTURES

Where trails cross creeks or traverse areas where existing grades or side slopes are too steep to construct the trail without excessive disruption to adjacent areas, structures may be necessary.



a. Retaining Walls

Construct all retaining walls outside the horizontal clearance limit of the trail. Retaining walls higher than 24 in. on the down slope side of a trail are discouraged. Where necessary, they should include a railing, for safety. Retaining wall materials vary depending on the level of the trail, with rock, concrete block, or timbers used on higher level trails and on-site materials, such as logs or rocks used on lower level trails. Where seeps occur behind retaining walls, provide method to ensure drainage through and under the wall.

b. Steps or Stairs

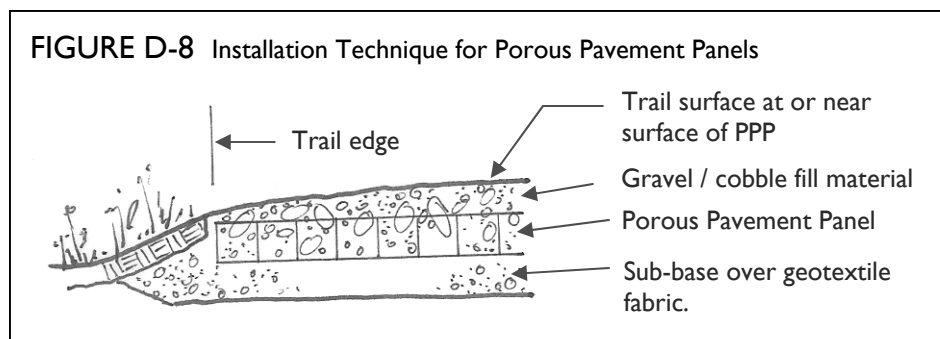
Steps and stairs are obstacles to many trail users, and are to be avoided, where possible. As needed, construct steps on Level 1 trails using on site materials, such as rocks. Only when all other options, including ramps, have been ruled out, are stairs allowed on Level 3, 4 or 5 trails. When stairs are necessary, consider providing long perron style steps, as strollers and wheelchairs can maneuver them easier.

c. Ramps

Along required ADA accessible pedestrian routes, sections of trail greater than 5% may be considered ramps, and are allowed for limited lengths (see section 3. GRADE & CROSS SLOPE).

d. PPP (Porous Pavement Panels)

These are three dimensional structural grids designed to provide a durable wear surface and load distribution system in wetland and other degradable soils



D. TRAIL DESIGN CRITERIA

e. Bridges

Bridges should be designed for pedestrian live loads and for maintenance or emergency vehicles if they may be expected to cross the bridge. Bridge decking should be designed with bicycle safe expansion joints or planks laid perpendicular to the trail direction unless bicycles are not allowed or not expected. Bridge widths should be the same as that of the approach trail plus 2 feet clear area on each side. Bridge decking should be flush with the approaching trail surface.

f. Railings

Railings are provided for safety on elevated trail segments, such as bridges. All railings should be engineered to withstand all loads that may be expected to occur on the bridge. The type of railing that is required is determined by the accessibility level of the trail, and fall into three basic types:

i) Urban Setting. Railings in highly pedestrian urban settings must meet International Building Code (IBC) requirements. Railings must be at least 42 inches high with vertical rails to prevent climbing, and be spaced to not allow a 4-inch sphere to pass through. Railings are required on ADA accessible ramps.

ii) Rural Bridges. Handrails on bridges or crossings, that are elevated at 30 inches or more, on accessible trails, such as Level 4 & 5 trails, need to meet AASHTO standards for pedestrian highway bridges. These standards require a 6-inch sphere must not pass through the railing in the bottom 27 inches, and an 8-inch sphere must not pass through the area higher than 27 inches. It also requires that the top railing is at least 42 inches for bicycles use, and 54 inches high for equestrian traffic. Rails should also be horizontal to prevent wheels and other objects from catching. All accessible trail bridges that do not have a rail system must have a minimum 3 inch high curb.

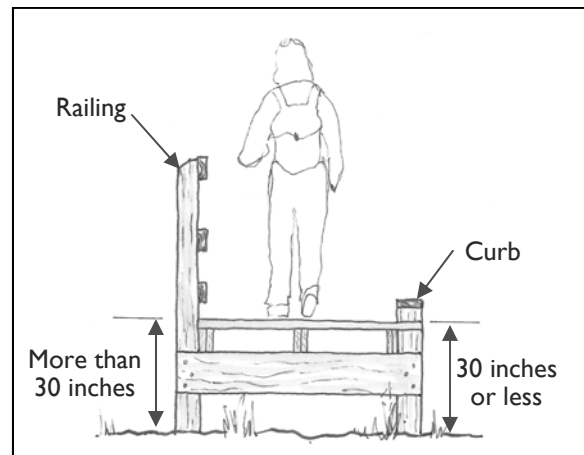
iii) Remote Bridges. For bridges in remote areas with a drop of 30 in. or more, railing requirements must meet OSHA standards. For typical crossings along Level 1, 2 & 3 trails, handrails are required to be at least 42 inches high for pedestrian traffic and 54 inches high for bicycle and equestrian traffic. They must include an intermediate rail so that vertical distances between rails do not exceed 15 inches between 2x4 wood rails or 19 inches between steel rails.

iv) Railing Exceptions. Not all trail bridges require railings. An analysis should be completed to identify and evaluate the bridge's potential users and the hazards of not having a rail system, including situations where a railing is provided on only one side. As a general rule, a remote trail or bridge with a drop of 8 feet or more, should have a pedestrian railing system.



FIGURE D-9 Bridge, railing and typical warning sign on a Level 5 Trail (Urban setting).

FIGURE D-10



D. TRAIL DESIGN CRITERIA

7. WETLANDS, WATER CROSSINGS & DRAINAGE

a. General Crossing Criteria for all Trails:

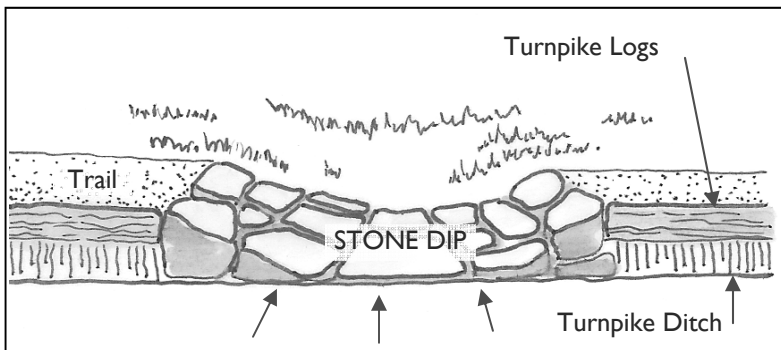
- Route the trail to minimize the number and length of crossings;
- Allow for water to pass freely under the trail, with minimal use of piping, culverts, or other constructed passage;
- Best alignment for crossing rivers, streams, and creeks: At a 90° angle on high ground, at a narrow point along the stream and away from curves or eroding soils;
- Best methods for seeps, saturated soils and wetlands: minimize crossing distance, avoid the need for fill, elevate and construct the structure to allow flow of water and growth of plant materials;
- All crossings shall be as wide as the approaching trail, with 1-2 feet additional clearance on each side, depending on the volume and type of users, and the level of the trail.

b. Crossing Techniques

Many techniques are available for use in crossing wet areas along trails. Choose the crossing technique that best suits the users, the volume of use, the trail level, and the specific location. For additional guidelines on wetland crossings, see USDA Forest Service manual titled Wetland Trail Design and Construction, 2007. An investigation of soils and water will help avoid surprises when constructing trails in

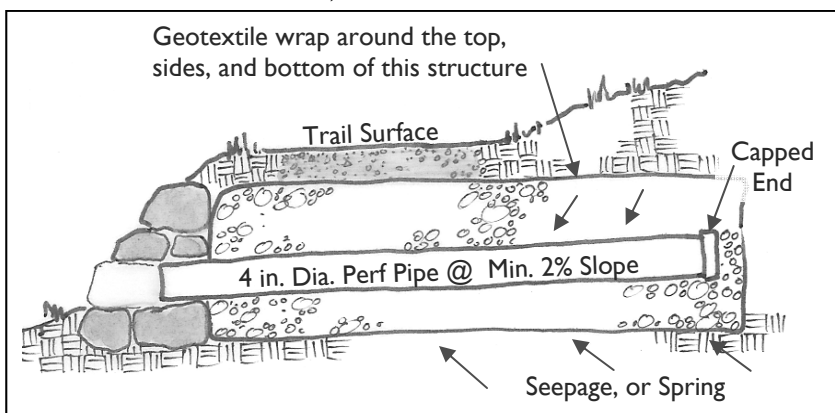
the hillside terrain. Problematic soil conditions may not be visible until a trail has experienced heavy use.

FIGURE D-10



i) Dips. Simple and effective ways to drain wet areas. The slope angle and depth vary with soil and water conditions. Stones help reinforce the dip. Geotextile may be installed underneath to prevent fines from washing out.

FIGURE D-11 Underdrain, or French Drain



ii) French Drains or Underdrains. For crossings over areas of low flow, on low level trails. Trail is constructed over a bed of round rock and perforated pipe, covered with fabric.

SOURCE OF DRAWINGS:
Wetland Trail Design and Construction, USDA Forest Service, 2007.

D. TRAIL DESIGN CRITERIA

iv) **Planks with Piles, Cribbing or Bents.** An elevated trail technique where one or more tread planks are laid parallel to the trail corridor, attached to piles, cribbing, or bents. Choice of support method depends on type of wetland, range of water depth, user volumes, size of trail. Piles are not recommended on low level trails, due to the depth needed to prevent frost heaving.

v) **Puncheons.** A crossing technique for low water areas that utilizes sleepers. Some have linear planks, others also have stringers to support perpendicular decking, which is necessary for bicycle travel.

vi) **Boardwalks.** These are the most substantially constructed form of elevated crossings. They use piles, diagonal bracing, stringers, and planking laid perpendicular to the direction of travel. They often include curbed edges or railings, and can be constructed to suit many user groups, including bicycles and wheelchairs.

vii) **Other Techniques.** Avoid using ditches, culverts or other channelization techniques to divert water, as they may create issues with landslides and super-saturation of soils. Corduroy, turnpikes and causeways are all variations of at-grade wetland crossings, each with their pros and cons. Use of these may be appropriate in some situations, but they are typically not the most environmentally friendly.

c. Materials

Choose materials that are long-lasting and environmentally safe. More investment is expected on higher level trails.

FIGURE D-12 Log Cribbing with Two Sleepers

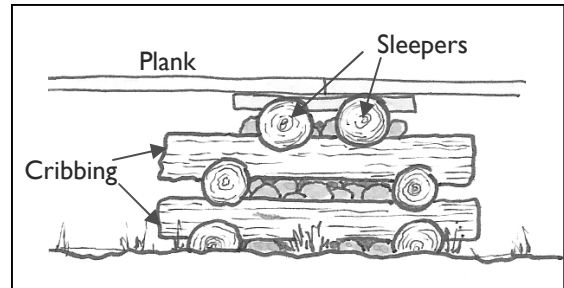


FIGURE D-13 Bog Bridge with Sleepers, or Single Plank Boardwalk

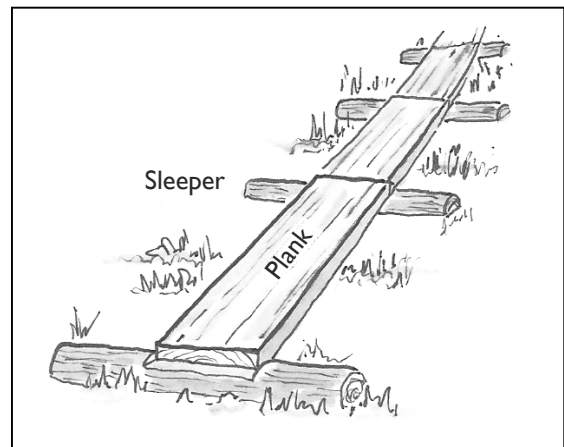


FIGURE D-15 Puncheon

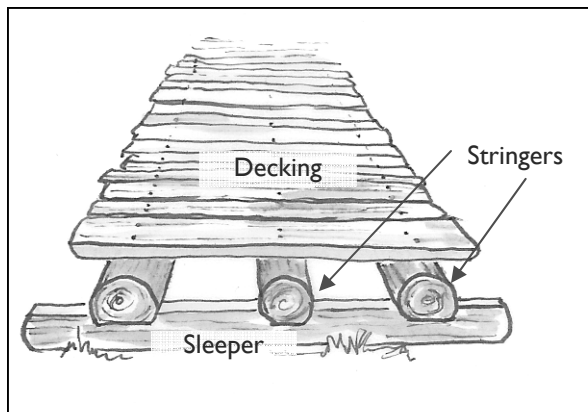
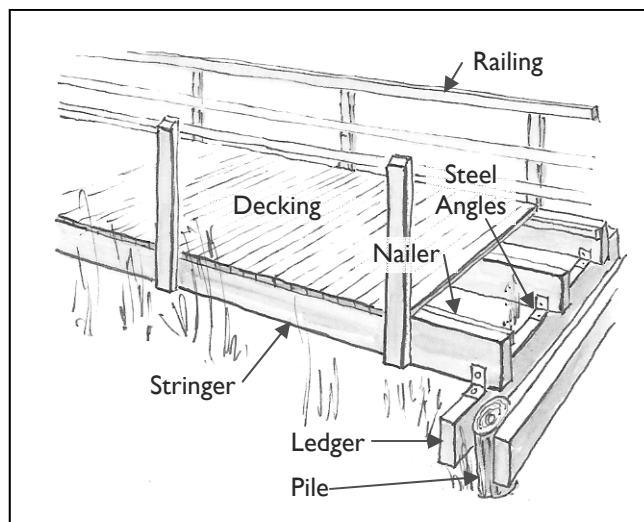


FIGURE D-14 Boardwalk



SOURCE OF DRAWINGS: Wetland Trail Design and Construction, USDA Forest Service, 2007.

D. TRAIL DESIGN CRITERIA

8. TRAFFIC CONTROL, ACCESS & SAFETY

a. Signage & Striping

Signing and marking are essential to ensure the safety, compatibility and enjoyment of multi-use trails. In general, uniform application of traffic control devices, as described in the MUTCD shall be used and will tend to encourage proper behavior. Additional criteria for signage located in D.2.d Intersections.

i) Trail Identification Signs. Locate at access points, trailheads, intersections, and at regular intervals along trail corridors. For consistency, use standard tan on brown recreation identification signs. Identification signage may include trail name, allowed and/or restricted uses, trail rules, accessibility level, directional information, and trail length information, as appropriate. Customized trail identification or character signs may be used in addition to standardized brown recreation signs.



FIGURE D-16 Trail signage.

ii) Traffic Control Signage. Provide as needed on trails or roadways, in compliance with MUTCD standards, including shapes and colors, where feasible.

iii) Directional Signs. are intended to be simple diagrams informing trail users as to trail direction and alignment, and are especially important in busy, high-use locations.

iv) Regulatory and Warning Signs. Use for hazards, cautions or for other traffic control information, in accordance with MUTCD. Place no less than 50 feet in advance of the hazard.

v) Sign Placement. Signs are intended to be post mounted 4-5 feet above trail grade to bottom of sign (MUTCD). Recommended distance from the edge of the trail or shoulder ranges from 1-7 feet, depending on the type of sign, volumes of users, mix of user groups, trail width, and potential for speed.

vi) Striping. Provide centerline striping on paved trails where bicycle traffic is heavy, on curves, and as needed to assist with trail safety. General guidance on marking is provided in the MUTCD.



FIGURE D-17 Boulder used for access restriction.

b. Other Safety Criteria

Provide Detectable Warnings, as required by ADAAG, on the surface of curb ramps, and at other areas where pedestrian ways blend with vehicular ways. Provide detectable edges (no less than 3 in.) along the edge of a trail that abuts a hazard, such as a steep drop, or obstacle.

c. Motorized Vehicle Access and Restriction

Motorized vehicles are prohibited from all trails, except as needed for maintenance or emergencies. In addition to signage, vertical barriers such as bollards, either removable or permanent, posts, vegetation, or boulders may be used to limit vehicular access. Set bollards 48-60 inches apart, and use removable bollards for maintenance access by authorized vehicles.

D. TRAIL DESIGN CRITERIA

d. Trail Heads & Parking

Provide adequate parking, signage and staging areas as needed to accommodate various recreational activities on trails. Amenities such as maps, educational information, trash receptacles, seating, and other trail information are all possible features found at trail heads. Place trail heads and parking areas at the most logical locations along the trail, typically at ends.

9. AMENITIES

Trails are expected to serve many purposes including transportation, recreation, education and social interaction. Amenities, such as benches, trash receptacles, lighting, interpretive panels, and structures are appropriate and necessary for a trail network that meets these objectives. Generally, the higher level trails require more amenities. All amenities should be located outside the trail's clear zone. All amenities provided on accessible trails must also be accessible.

a. Benches

Benches are integral to recreation facilities, and can be used to provide seating for resting, socializing, or viewing. They should be provided at crests of hills, at midpoints of long inclines, in conjunction with other trail amenities, near recreation areas such as playgrounds, and at overlooks or viewpoints along a trail. All benches should meet ATBCB Guidelines for Recreation Facilities.

b. Trash & Recycling Receptacles

Provide bear proof facilities for trash and recycling along higher level trails in locations such as trail heads, rest areas, & interpretive facilities. Locate these facilities for easy maintenance.

c. Lighting

Lighting provides safety and comfort on trails used for transportation, which is primarily Level 4 and Level 5 trails. Where ambient lighting from nearby areas is not adequate to light the trail, additional pedestrian scale lighting may be advisable on these trails, especially at intersections.

d. Information

Trail maps, interpretive information is useful and appropriate in many circumstances along trails, such as to provide information on nearby historic, cultural or natural features. Such amenities enhance the user experience and also protect those community assets. Provide a minimum 4 feet clearance between informational amenities, such as interpretive signs and kiosks, and the edge of the trail.

e. Bicycle Racks

Provide bicycle racks at trail heads, parking areas, and other destinations along the trail corridor. Provide a minimum 4 feet clearance between bicycle racks and the trail.



FIGURE D-18 Trail widens to accommodate interpretive signage.

D. TRAIL DESIGN CRITERIA

10. SPECIAL USES AND CONSIDERATIONS

Where a trail will accommodate a variety of uses, design it for the mode of travel requiring the most demanding design, construction, and maintenance specifications.

a. Winter Only Trails

Level 2 - Recreation Corridors may be located through wetlands, with the intent that these routes are not used during summer months, and that the entire trail segment, or loop, is managed and identified as winter use only. These routes require seasonally installed, removable, vertical identification markers to guide trail groomers and trail users.

b. Ski Trails

Ski trails typically refer to one or two-way groomed x-country tracks and/or skate ski lanes. Minimum widths for classical ski trails is 6 feet. Minimum for a groomed skate track is 12 feet. Grooming for skate skiing with a classical track along side requires 16 feet.

When calculating design speed, turning radii, and sight stopping distance for ski trails, the effects of icy conditions must be considered, as well as any increased speed expected for specific events or races. A skier's speed may be as much as 30 mph at the bottom of a long hill. And, their turning and stopping ability are both impaired. Additional widths and clearances, as well as 'run out' zones are recommended to avoid accidents. On one-way ski trails, doubling travel time is not necessary for calculating sight stopping distance, and hills can be managed for one way travel, providing clearances only where needed for one direction of downhill travel.

c. Mountain Biking

Assume that mountain bikes will find their way to every type of trail. If designing a trail specifically for mountain biking, refer to design guidelines developed by the IMBA when designing the trail. Always design for pedestrians to share the trail.

d. In-line Skates

For paved multi-use trails that may attract In-line skaters, a minimum 10 foot width is advisable to accommodate a wide mix of users.

e. Beach Access Routes

The U.S. Access Board provides design criteria for beach access in their draft guidelines for Recreational Facilities and Outdoor Developed Areas, 2007.

D. TRAIL DESIGN CRITERIA

f. Equestrian Use

Designing for equestrians involves many special considerations. Horses prefer not to travel on paved surfaces. Horse hooves are very destructive to natural surface trails, especially in wet or soft conditions. Gravel and stone surfaces are the most resilient to horse traffic. Porous pavement panel products can also be very durable and compatible surface hardening materials where equestrians are present.

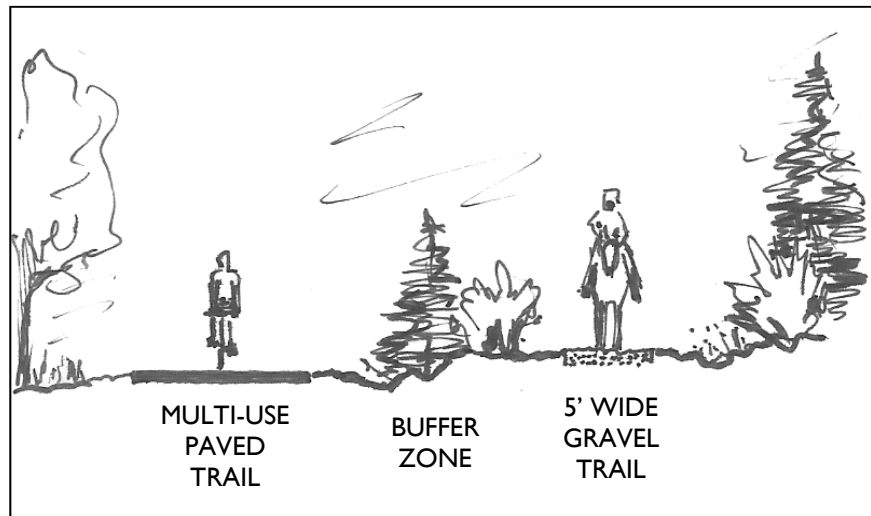
Compatibility with other user groups can also be an issue. Typically, horses are more comfortable in the presence of pedestrians or motorized vehicles than they are around bicycles. Separation, or at least a wide trail profile, is recommended when both bicycles and equestrians frequent the trail.

Increase horizontal clearance (2-3 feet each side of the trail) for equestrian use. Provide 10-12 feet vertical clearance depending on the character of the trail. Low development setting - 10 foot clearance. Highly developed settings - 12 feet.

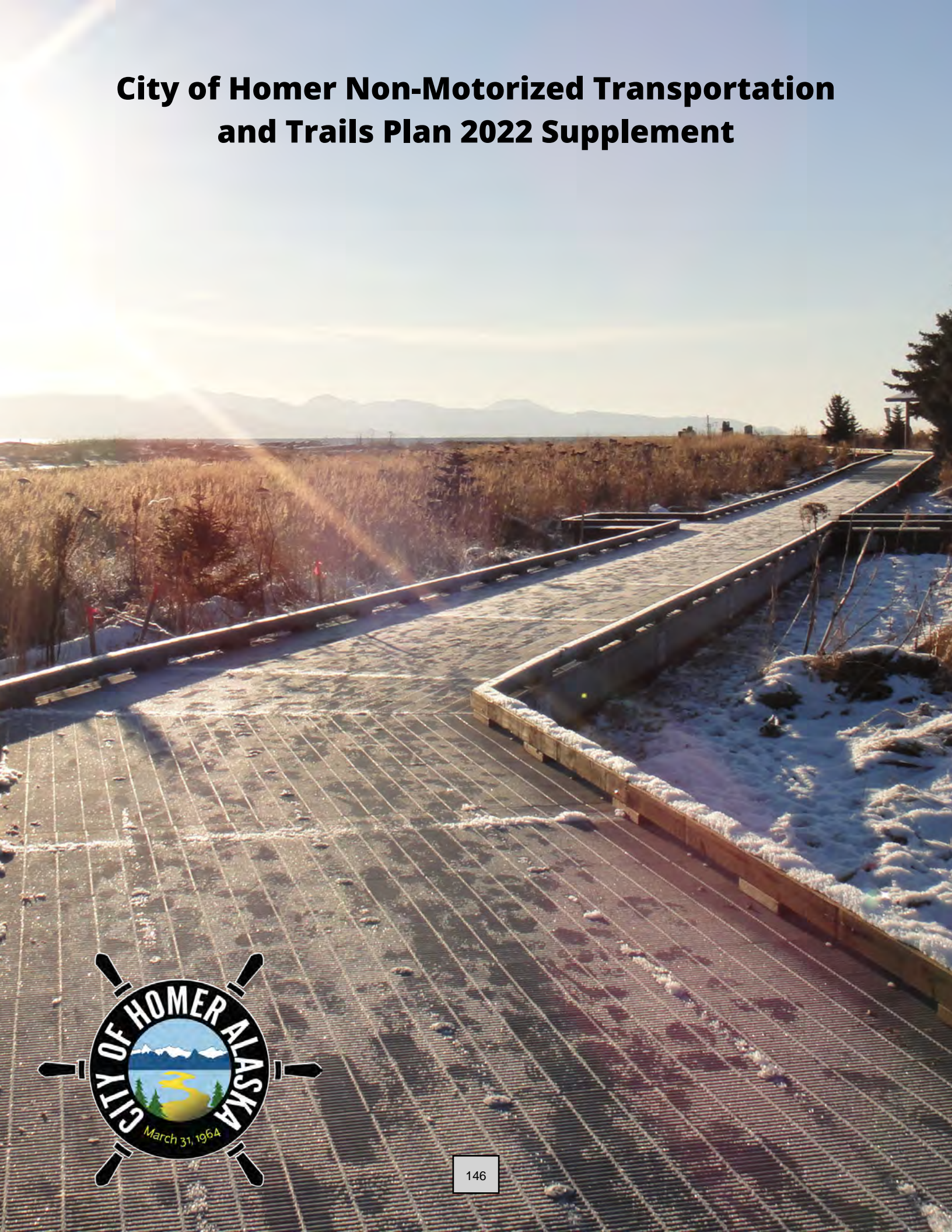
For trails that are design for equestrian use, at grade crossings are preferred to bridges, and should be used when practical.

For additional information and design criteria for equestrian facilities, refer to the [Equestrian Design Guidebook for Trails, Trailheads, and Campgrounds](#), produced by the USDA Forest Service, 2007.

FIGURE D-19 Example of a divided trail for equestrian routes where space is available.



City of Homer Non-Motorized Transportation and Trails Plan 2022 Supplement



City of Homer
Non-Motorized Transportation and Trails Plan
2022 Supplement

I. Overview

The City of Homer Non-Motorized Transportation and Trails Plan (“NMTTP”) was created by DOWL Engineers in 2004 as a planning document to guide the development of trails, paths, and sidewalks in the City of Homer. This 2022 Supplement does not necessarily replace the 2004 NMTTP. Rather, it addresses some immediate issues related to new/pending development, changing priorities, resources, and standards to facilitate sensible near-term planning and implementation of non-motorized transportation. A more comprehensive replacement NMTTP will be developed later.

This Supplement was developed by a team consisting of:

- Rob Dumouchel, City Manager
- Rick Aboud, Planning Director
- Julie Engebretsen, Deputy City Planner
- Matt Steffy, Parks Superintendent
- Aaron Yeaton, GIS Technician
- Janette Keiser, PE, Public Works Director



II. Approach

This Supplement considered possible non-motorized transportation routes from two perspectives:

- Perspective #1 – Which areas of the City, affected by recent or proposed development as well as important destinations, would benefit from new non-motorized transportation routes?
- Perspective #2 – Where were new routes needed to improve the function of existing non-motorized routes by providing connectivity or accessibility?

Perspective #1 – Which areas of the City, affected by recent or proposed development as well as important destinations, would benefit from non-motorized transportation routes?

The team identified four primary Areas of Interest, shown in Figure A. These areas were selected because of the extent to which recent development has affected, or the potential for future development could affect, the way people flow from the developments to important destinations. Further the four areas were identified as high priority due to their lack of non-motorized infrastructure as well as their proximity to schools, new residential construction, and recreational opportunities.

Area of Interest #1 – West Homer (See Figure B)

This area is currently undergoing rapid development. The City is attempting to address pedestrian access through this area by coordinating with developers involved with on-going design/construction as well as adjacent land owners. For example, West Fairview Avenue will be connected to Eric Lane, as part of a pending development. This connection should have a sidewalk/path at least on one side. Further,

discussions are underway with a landowner at the current terminus of West Fairview to develop trails across their property that would connect Fairview Avenue south to Soundview Avenue by accessing a City culvert easement.



Fairview Ave looking east

The Reber Trail currently connects to the terminus of West Fairview Avenue, providing a popular scenic hike and transportation route to Reber Road off of West Hill Road. Trails counters have measured up to 500 people per week using this trail. The northern-most 300 feet is steep, making it very difficult for most users to climb year round, and particularly dangerous in the winter. This section needs an additional switchback to improve the accessibility of this trail.

Fairview Avenue should allow non-motorized use from Bartlett Street to West Hill Road, through a combination of widened shoulders, sidewalks and trails. Connectivity to West Hill could be through Seascape Drive.

A non-motorized route on West Hill Road should be installed to direct pedestrians and bicyclists from the Sterling Highway to the Reber Trail. This would protect non-motorized traffic from the most dangerous switchback on West Hill Road. It would also connect with the City's non-motorized network, at Eric Lane and further north, at the Reber Trail.

The Karen Hornaday Park should be connected with a wilderness trail to a City-owned parcel on the ridge above the Park. This would provide access to, and use of, this parcel.

Area of Interest #2 – East Homer (See Figure C)

There has been, and continues to be, a lot of development in this area, which is home to multiple important destinations including the Quiet Creek residential subdivision, Homer High School and Glacier View Baptist Church. There are dedicated trail easements in the Quiet Creek subdivision that should connect to the existing trail system on the High School property.

There is a small connector that comes down South Slope Drive to (New) Nelson Avenue that should be developed and maintained.

There is also a dedicated easement that connects Old Nelson Avenue to the High School and the Glacier View Baptist Church and ultimately, to the existing sidewalk along East End Road. A path should be developed in this easement.



South Slope Connector Path

Area of Interest #3 – Town Center (See Figure D)



ADA ramp on Poopdeck Extension Trail

The Town Center consists of a mixture of land ownership, including Cook Inlet Regional Incorporated, Kachemak Heritage Land Trust, City of Homer, and various private parcels. Access is needed from east to west branching off of the existing Poopdeck Trail system. The Poopdeck Trail system is one of Homer’s most popular trails. Trail counters have measured up to 160 users/week.

Area of Interest #4 – Beluga Slough (See Figure E)

The Beluga Slough area, rich natural resources, is owned/maintained by the USFWS and the City of Homer. There is an existing boardwalk and trail that connects the Islands and Oceans Visitor Center with Bishop’s Beach Park. Numerous local natural resource agencies have expressed a high level of interest in extending the boardwalk to prevent pedestrians from straying into the slough, and its surrounding wetlands. This is because this straying adversely impacts the slough’s ecological function as well as breeding migratory birds. Also, the slough is listed as salmon habitat in Alaska’s anadromous inventory.

The goal is to ultimately connect the boardwalk from its existing location to the intersection of Lake Street and the Sterling Highway. There are two possible ways of accomplishing this. The first possible route crosses private land owned by the Aspen Hotel and sticks to the edge of the green, upland-ish areas of the slough. The second possible route is situated entirely on City property, coming off the end of East Bunnell Avenue. Multiple natural resource agencies would be interested in this route and possibly, willing and able to partner with the City in its development, including: Islands & Oceans, Kachemak Bay National Estuarine Research Reserve, and Center for AK Coastal Studies.



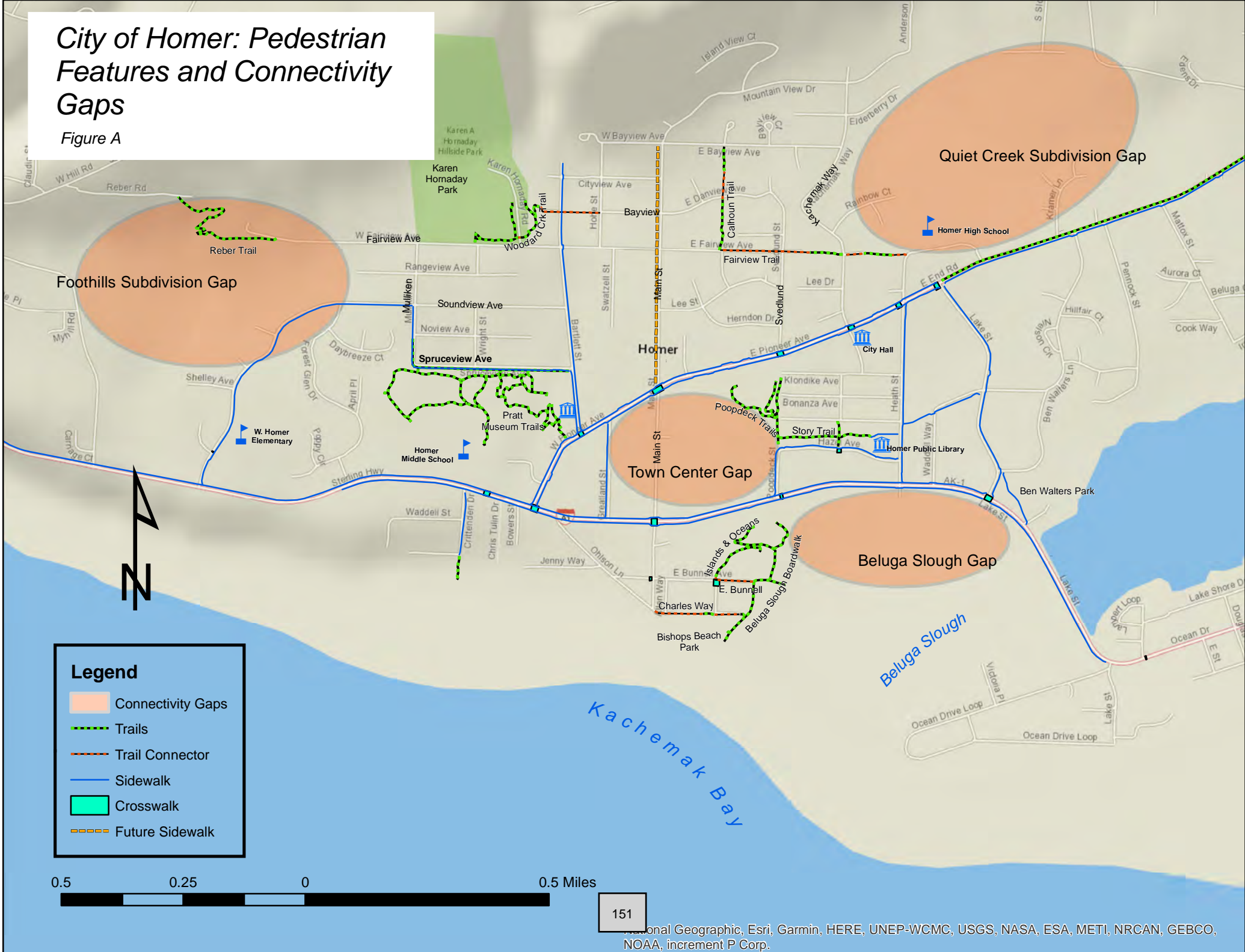
Perspective #2 – Where were routes needed to improve the function of existing non-motorized routes by providing connectivity or accessibility? This perspective addressed the function of trails, etc., as elements of transportation infrastructure to get to and from destinations, not just as recreational assets.

From this perspective, the following projects that would improve connectivity and/or accessibility, were identified. These projects are listed in order of priority and are shown on Figure B. Most of these routes fall within the Areas of Interest and are listed in the City of Homer Public Works Department 5-year Capital Improvement Program.

A. Sidewalks	Area of Interest
1. Main Street – North of Pioneer	General
2. West Fairview Avenue	West Homer
3. Ben Walters Way	General
4. Svedlund/Herndon to Senior Center	General
5. Main Street – South of Pioneer to Sterling Highway	Town Center
6. Main Street – Sterling Highway to Bishop’s Beach	General
B. Trails	
1. Karen Hornaday Park – ADA Pedestrian Access Trail	West Homer
2. Upper Reber Trail grade improvements	West Homer
3. Old Nelson Trail	East Homer
4. Bishop Beach Sculpture Trail	Beluga Slough
5. Bishop Beach Wetland Trail	Beluga Slough
6. Beluga Slough Boardwalk Extension	Beluga Slough
C. Paths	
1. East Fairview Avenue	East Homer

City of Homer: Pedestrian Features and Connectivity Gaps

Figure A



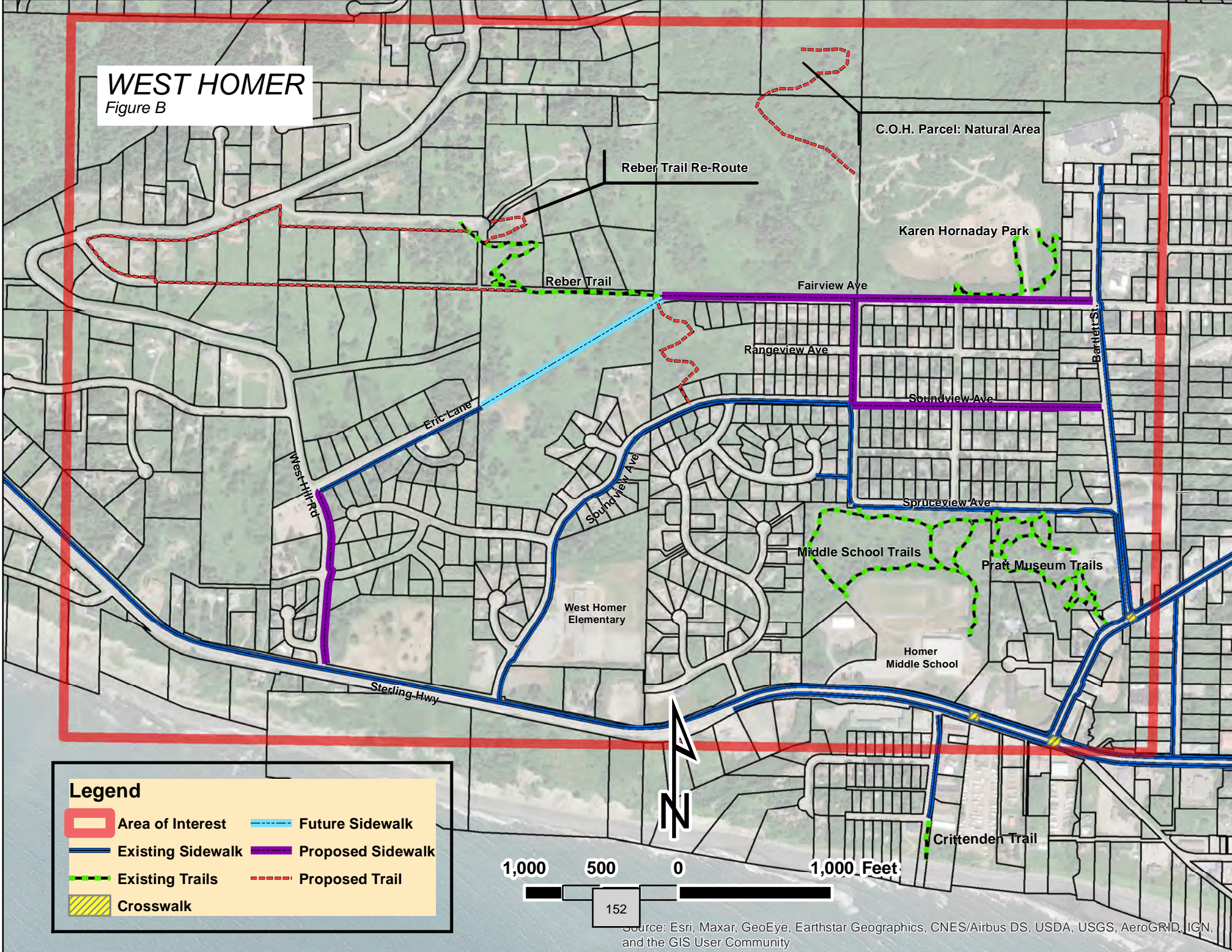
Legend

- Connectivity Gaps
- Trails
- Trail Connector
- Sidewalk
- Crosswalk
- Future Sidewalk



WEST HOMER

Figure B



Legend

- Area of Interest
- Existing Sidewalk
- Existing Trails
- Crosswalk
- Future Sidewalk
- Proposed Sidewalk
- Proposed Trail

1,000 500 0 1,000 Feet

152

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

EAST HOMER

Figure C



South Slope Connector

East Hill Rd.

Nelson Ave

Sanjay Court Route

Old Nelson Easement Route





Homer H.S. Complex

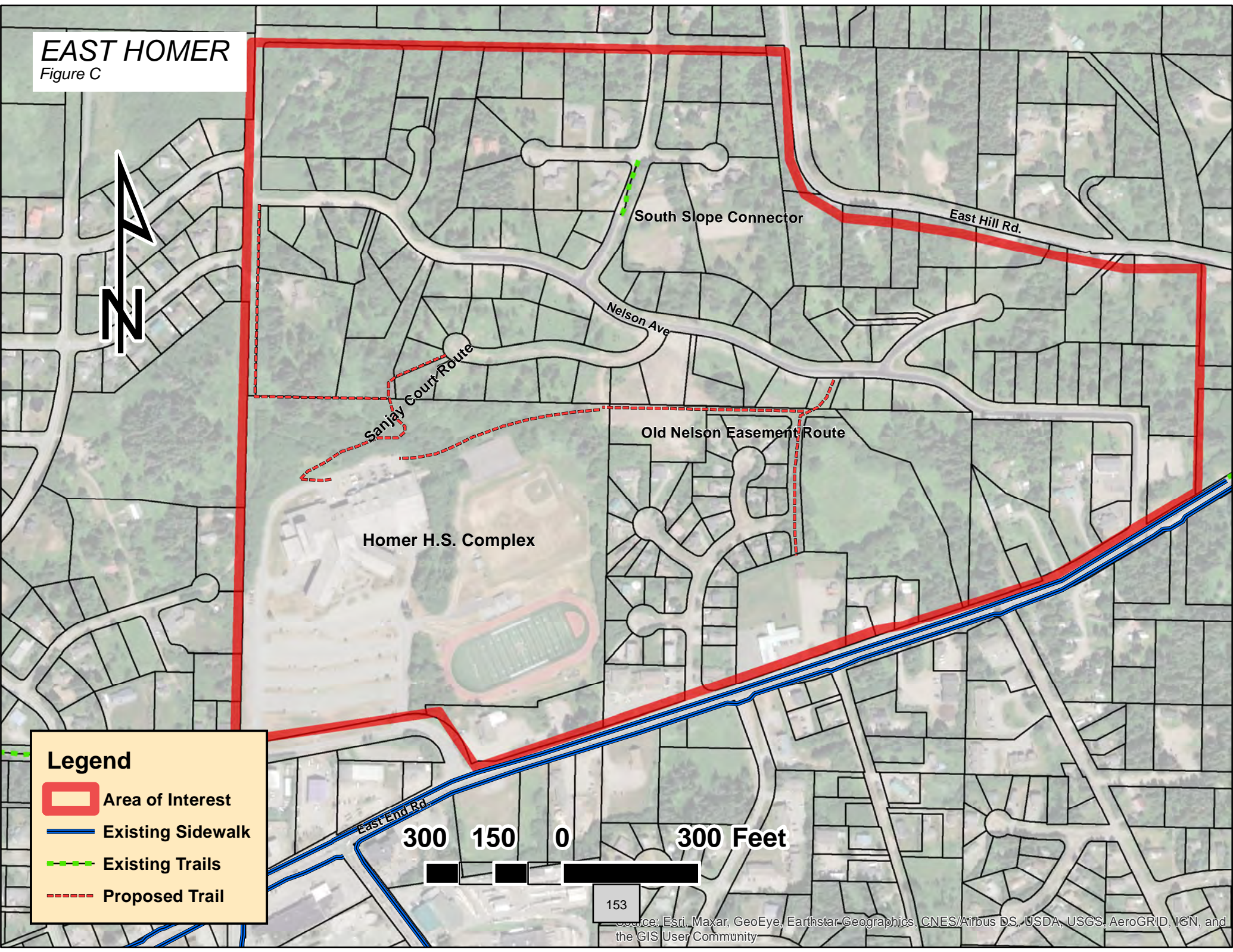
East End Rd.

300 150 0 300 Feet

153

Legend

-  Area of Interest
-  Existing Sidewalk
-  Existing Trails
-  Proposed Trail



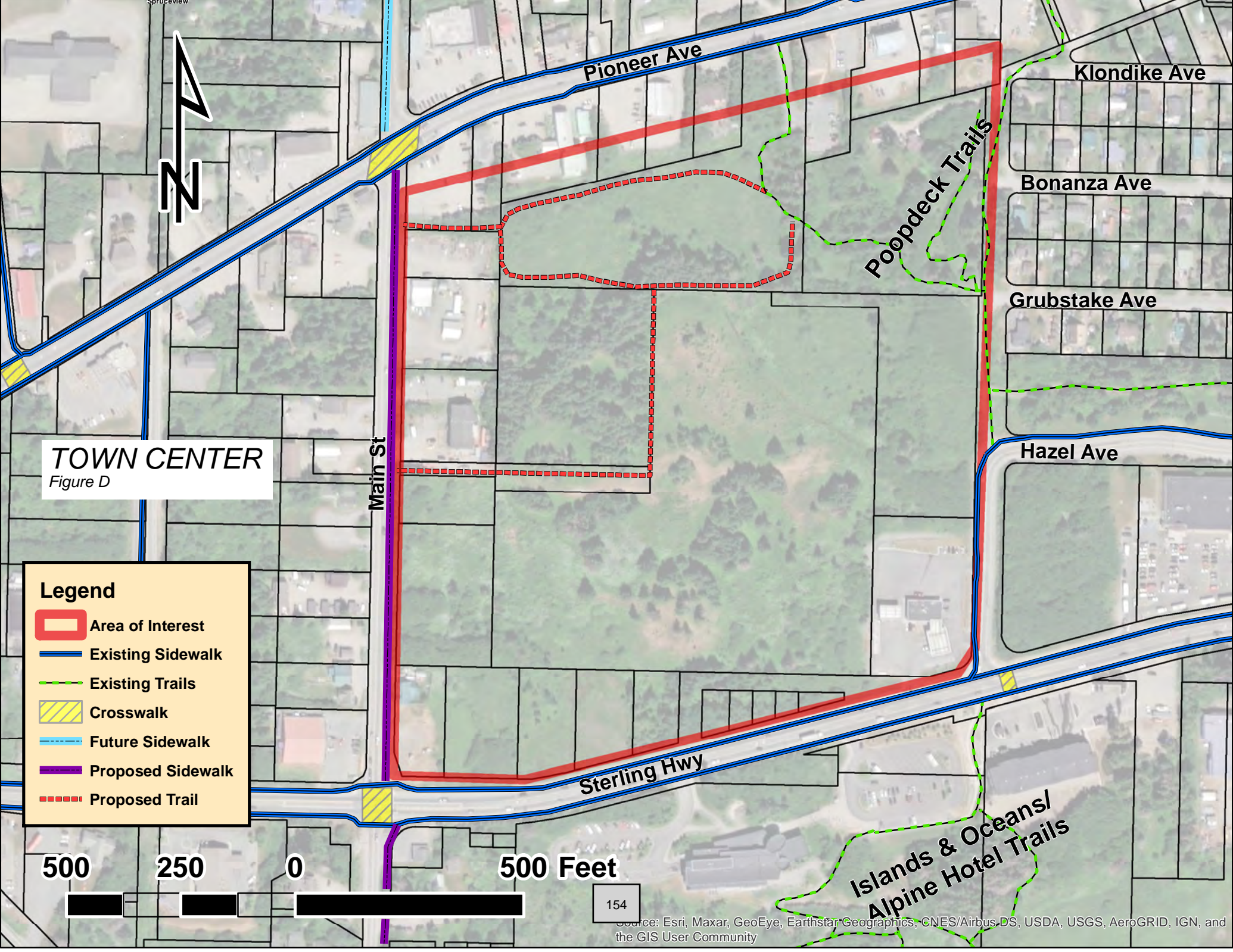


TOWN CENTER

Figure D

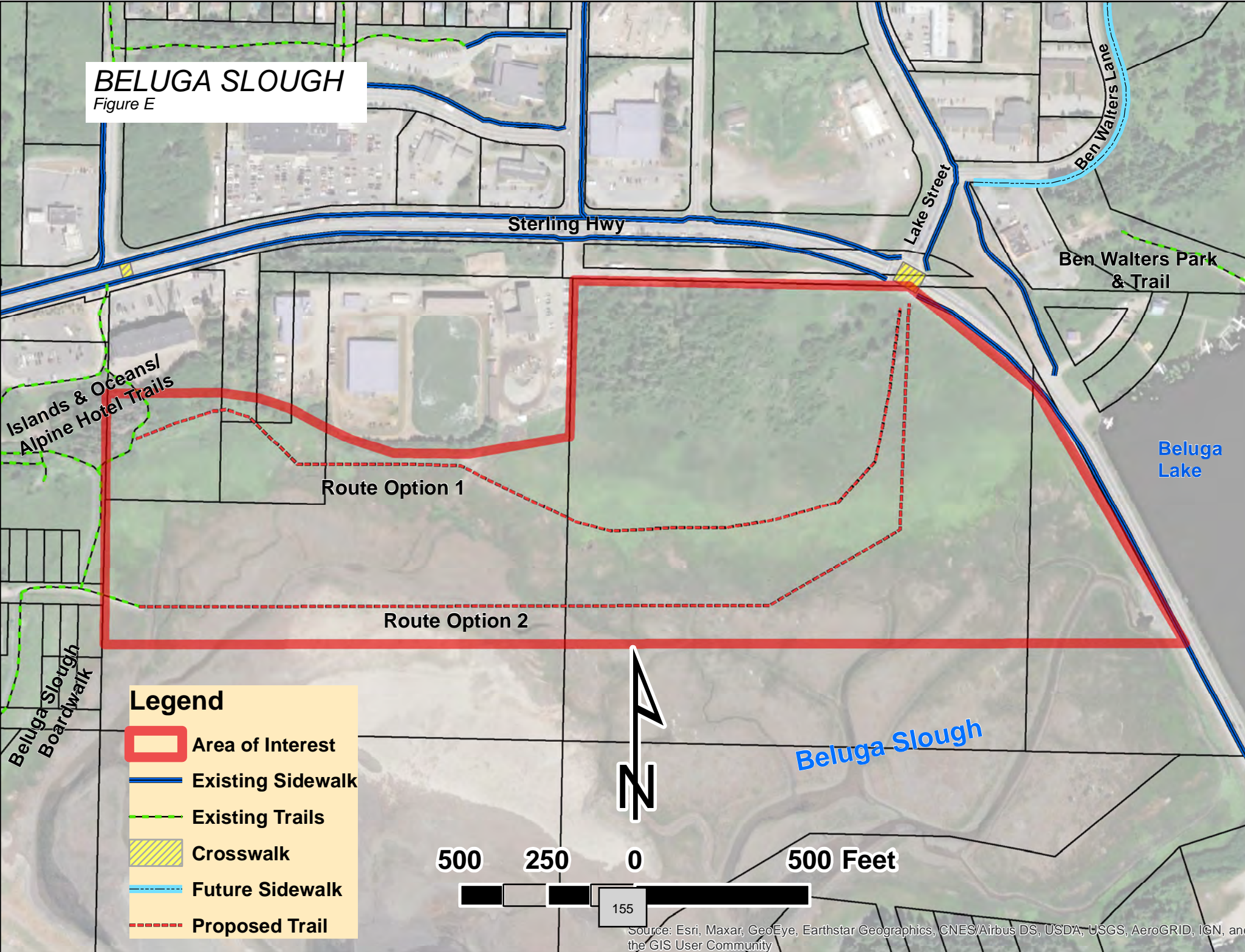
Legend

-  Area of Interest
-  Existing Sidewalk
-  Existing Trails
-  Crosswalk
-  Future Sidewalk
-  Proposed Sidewalk
-  Proposed Trail



BELUGA SLOUGH

Figure E



Islands & Oceans/
Alpine Hotel Trails

Beluga Slough
Boardwalk

Sterling Hwy

Lake Street

Ben Walters Lane

Ben Walters Park
& Trail

Beluga
Lake

Route Option 1

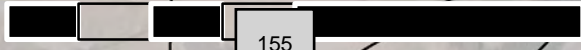
Route Option 2

Legend

- Area of Interest
- Existing Sidewalk
- Existing Trails
- Crosswalk
- Future Sidewalk
- Proposed Trail



500 250 0 500 Feet



155

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-62

An Ordinance of the City Council of Homer, Alaska Amending the FY23 Operating Budget by Appropriating \$10,000 from the General Fund Unassigned Fund Balance to Fund Part of the Homer Business Advisory Position for the Alaska Small Business Development Center, and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents.

Sponsor: Venuti/Erickson

1. City Council Regular Meeting September 26, 2022 Introduction
Memorandum 22-160 from Economic Development Manager as backup.
2. City Council Regular Meeting October 10, 2022 Public Hearing and Second Reading
Postponed to the next meeting due to technical issues causing non-publication of the Homer News Classifieds/Legal Notices in the October 6, 2022 edition of the paper.
3. City Council Regular Meeting October 24, 2022 Public Hearing and Second Reading
Memorandum 22-160 from Economic Development Manager as backup.

**CITY OF HOMER
HOMER, ALASKA**

Venuti/Erickson

ORDINANCE 22-62

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE FY23 OPERATING BUDGET BY APPROPRIATING \$10,000 FROM THE GENERAL FUND UNASSIGNED FUND BALANCE TO FUND PART OF THE HOMER BUSINESS ADVISOR POSITION FOR THE ALASKA SMALL BUSINESS DEVELOPMENT CENTER, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The 2018 Comprehensive Plan Chapter 7 Goal 2 States: Encourage the retention and creation of more year round, higher wage jobs; and

WHEREAS, The Alaska Small Business Development Center (AKSBDC) provides no-cost, confidential, individual business coaching to grow small businesses in Homer; and

WHEREAS, The AKSBDC is requesting the city provide funding in the amount of \$10,000 to partially fund the local half time Homer Business Advisor position, and

WHEREAS, The Homer position is conveniently located within the Homer Chamber of Commerce, which provides the office space and supports free of charge; and

WHEREAS, The EDC considers this investment to be of minimal cost and of great benefit to local businesses to have local advisor services; and

WHEREAS, The Homer City Council supports the work of the AKSBDC and requests an annual presentation on the activities of the Homer office.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The FY23 Operating Budget is hereby amended by appropriating \$10,000 from the General Fund Unassigned Fund Balance for the purpose of funding a portion of the Homer Business Advisor of the Alaska Small Business Development Center.

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
100	General Fund	\$10,000

41 Section 2. This is a budget amendment ordinance, is temporary in nature, and shall
42 not be codified.

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

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CITY OF HOMER

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KEN CASTNER, MAYOR

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53 ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

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60 YES:

61 NO:

62 ABSTAIN:

63 ABSENT:

64

65 Introduction:

66 Public Hearing:

67 Second Reading:

68 Effective Date:



City of Homer

www.cityofhomer-ak.gov

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121

(f) 907-235-3140

Memorandum 22-160

TO: Mayor Castner and Homer City Council
THROUGH: Julie Engebretsen, Economic Development Manager
FROM: Economic Development Advisory Commission
DATE: September 15, 2022
SUBJECT: Recommendation on funding for the Homer Business Advisor Position

The Alaska Small Business Development Center (AKSBDC) has approached the City of Homer with a request for \$10,000 to help fund the part time Homer Business Advisor position. Robert Green, Homer Business Advisor, will be giving Council a presentation on what services the SBDC provides, and the economic impact of those services on Homer businesses. (I won't duplicate that information here.)

Council may recall approving funding of \$25,000 for this position in FY 22. For FY23 and the future, the Kenai Peninsula Borough increased its funding to SBDC to support the Homer position. This additional funding reduced the local match needed from the City. With the rising costs of providing services, the AKSBDC found they still had a fiscal gap of \$10,000 to continue these services in Homer. Robert Green will be giving the Council a presentation on September 26th, and will be available to answer any questions.

The Economic Development Commission recommends the City Council approve the funding request.

Recommendation: Provide funding to the AK SBDC for one year in the amount of \$10,000.

Attachments

July 12, 2022 letter from Jon Bittner, Executive Director AK SBDC

EDC Minutes of 8/23/22



July 12, 2022

City of Homer
491 E. Pioneer Ave
Homer, AK 99603

Dear Mayor Castner, City Council, and City Staff,

This letter serves as our quarterly report for the period April 1 to June 30, 2022. The Homer Business Advisor, Robert Green, has been busy this quarter working with clients preparing for summer tourist season. In May, the Kenai Peninsula Borough increased SBDC funding, which reduced the requirement from the City of Homer from \$25,000 to \$10,000 for the next fiscal year. There is strong demand for SBDC services in Homer, with 29% of our active peninsula clients in the area, so local support to retain the Homer Business Advisor position is crucial for the local economy. We are doing our best to keep the financial burden low for the City of Homer, so we can continue to provide excellent local support to business owners and entrepreneurs in the area. Here is a summary of deliverables to the Homer community during the quarter (year):

Client Hours: 132.1 (328.5)	Jobs Supported: 152 (266)
Total Clients: 34 (77)	Capital Infusion: \$933,400 (\$1,116,900)
New Businesses Started or Bought: 3 (8)	Client Surveys: 80% positive (88% positive)

The contract rate for a business advisor is \$55 per hour, which includes salary, benefits, fixed, and administrative expenses. In addition to local expertise, the Alaska SBDC provides IBISWorld industry reports, retailing for \$925 each, and ProfitCents financial analyses, valued at \$2,750 each, to clients free of charge. Here is a summary of value provided to the Homer community during the quarter (year):

Business Advisor: \$13,860 (\$27,555)
IBISWorld Industry Reports: \$10,175 (\$19,425)
ProfitCents Financial Analyses: \$8,250 (\$24,750)
Total: \$32,285 (\$71,730)

We would like to thank the City of Homer for their support of the Homer Business Advisor position. Not only has Robert excelled in Homer, but he has become a valued part of the Alaska SBDC staff. We greatly appreciate the knowledge, experience, and consistency he brings to our team. Please do not hesitate to contact us if you have any questions.

Sincerely,

DocuSigned by:

Jon Bittner

F3E1FE8A6ADF4BD...

Jon Bittner

Executive Director
Alaska SBDC

Chair Marks inquired on the intentions of Aspen Hotels using the Beluga Trail, and whether the lack of having it would impact visitors. Ms. Engebretsen shared her professional opinion on the project from a planning perspective and has strong reservations against it. She agreed with Commissioner Person that there isn't really a community advocate for it.

Discussion ensued on the motion on the floor and if there were any negative impacts from removing the project.

VOTE: YES: GAMBLE, PERSON, MARKS, BROWN
NO: CHEROK, PEREZ, AREVALO

Motion carried.

- B. Funding Request for the Alaska Small Business Development Center (AK SBDC) Homer Office
 - i. July 12, 2022 Letter from Jon Bittner, Executive Director AK SBDC
 - ii. AK SBDC Presentation from Fall 2021

Chair Marks introduced the agenda item by reading the title. She spoke to the previous request approved by City Council that helped fund the part-time position for Robert Green to work as the Homer representative. This request is to cover additional costs for the position after the University of Alaska, where this position falls under per this arrangement, discovered the initial budget did not cover the full wages per the University's wage requirements. She noted a presentation by Mr. Green would be possible if more information is needed.

GAMBLE/PEREZ MOVED TO RECOMMEND TO CITY COUNCIL TO APPROVE THE FUNDING REQUEST FOR \$10,000 TO SUPPORT A PART-TIME EMPLOYEE IN HOMER FOR THE ALASKA SMALL BUSINESS DEVELOPMENT CENTER.

Commissioner Brown requested clarification on what City Council's thoughts were when this was before them earlier this year, and where the SBDC offices were located. Economic Development Manager Engebretsen summarized how those councilmembers who had a hand in economic development understood that supporting small business development was very important for our Homer economy, and that Council should support that development. She noted there was a kind of ideological split about what the government's role is in that. Ms. Engebretsen further explained how the main office is located in Kenai, which is largely paid by the Borough. The office in Seward is funded significantly by the City of Seward. Homer pays the least amount on the peninsula towards their office.

Chair Marks explained how these funds are applied to operating the SBDC in Homer. She clarified what she considered a misunderstanding during Council's discussion on the subject; there is in fact other assistance coming from other government bodies: the Borough was providing income. And the Chamber of Commerce was providing assistance through free office rent and essentially a receptionist, phone service, and internet. Chair Marks commented that when this goes before Council, she will be emphasizing these clarifying points, and how this funding is for salary.

Commissioner Person noted that at the Council meeting, some councilmembers did not want to support the funding request as they already offered nonprofit funding through the Homer Foundation. Chair Marks responded by noting that the SBDC is not a nonprofit and while some may think going up to the Central Peninsula office or reaching out virtually may not be difficult for some, there are others and some situations that greatly benefit from having a live person locally.

Commissioner Perez commented on the statistical information provided in the SBDC's letter and proposal. He voiced his hesitancy to support the additional funding but acknowledged we are a small community, the growth and dollar amounts are relatively small, but it would be nice to see what those numbers look like a year out before determining if we have to commit more.

Commissioner Arevalo clarified with Ms. Engebretsen on the previous monies allocated, and what portion of that was from COVID-related funds. Commissioner Arevalo commented on her reasons for supporting the initial funding request. It's not subsidizing a private business or normal nonprofits, it's subsidizing a service that the City can't provide based on its own infrastructure regarding economic development. That ties into their SWOT analysis and a good reason to invest in it.

VOTE: YES: PEREZ, AREVALO, CHEROK, GAMBLE, MARKS
NO: PERSON, BROWN

Motion carried.

C. June 14, 2022 Regular Meeting Minutes

Commissioner Brown requested Consent Agenda Item A be moved to New Business for discussion.

Chair Marks requested a motion.

AREVALO/PERSON MOVED TO APPROVE THE JUNE 14TH MEETING MINUTES.

Commissioner Brown requested clarification on the last sentence under the Housing Staff Report that read "Aspen was constructing employee housing units..." It was clarified by Economic Development Manager Engebretsen that it was in relation to the Aspen Hotel.

Commissioner Brown Engebretsen inquired if the commission had discussed plans to have much larger community input, in reference to a statement made under the agenda item Balance of Quality of Life, Change, and Community Growth Discussion. Ms. Engebretsen clarified that Commissioner Perez had asked if they could use a survey to get the SWOT analysis out to the larger public for more input, and she had responded saying it's a great idea but it's a Comprehensive Plan-level of effort and how that impacts staff's and the commission's time.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. EDC 2021-2022 Strategic Plan/Goals
- B. City Manager's Report for August 8, 2022
- C. EDC 2022 Calendar

Chair Marks spoke to the informational materials. She noted the update from Public Works Director Keiser has been moved to the EDC's September meeting.

Discussion ensued on selecting volunteers for giving Council reports. Feedback was provided to Deputy City Clerk Tussey to update the EDC's meeting calendar.

COMMENTS OF THE AUDIENCE

**CITY OF HOMER
FINANCIAL SUPPLEMENT**

PROJECT NAME	<u>Homer Business Advisor Position - Partial Funding</u>	DATE	<u>09/21/2022</u>
DEPARTMENT	<u>City Council</u>	SPONSOR	<u>Venuti/Erickson</u>
REQUESTED AMOUNT	<u>\$ 10,000</u>		

DESCRIPTION	<p>The 2018 Comprehensive Plan Chapter 7 Goal 2 States: Encourage the retention and creation of more year round, higher wage jobs.</p> <p>The Alaska Small Business Development Center (AKSBDC) provides no-cost, confidential, individual business coaching to grow small businesses in Homer. The AKSBDC is requesting the city provide funding in the amount of \$10,000 to partially fund the local half time Homer Business Advisor position. The Homer position is conveniently located within the Homer Chamber of Commerce, which provides the office space and supports free of charge. The EDC considers this investment to be of minimal cost and of great benefit to local businesses to have local advisor services.</p> <p>The Homer City Council supports the work of the AKSBDC and requests an annual presentation on the activities of the Homer office.</p>
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FUNDING SOURCE(S)	GF Unassigned FB	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	100%	0%	0%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	0%	0%	0%	0%

FUNDING SOURCE 1: <small>General Fund Unassigned Fund Balance</small>	FUNDING SOURCE 2:	FUNDING SOURCE 3:
Current Balance <u>\$ 7,510,994</u>	Current Balance _____	Current Balance _____
Encumbered <u>\$ 1,545,000</u>	Encumbered _____	Encumbered _____
Requested Amount <u>\$ 10,000</u>	Requested Amount _____	Requested Amount _____
Other Items on Current Agenda <u>\$ 0</u>	Other Items on Current Agenda _____	Other Items on Current Agenda _____
Remaining Balance <u>\$ 5,955,994</u>	Remaining Balance _____	Remaining Balance _____
FUNDING SOURCE 4:	FUNDING SOURCE 5:	FUNDING SOURCE 6:
Current Balance _____	Current Balance _____	Current Balance _____
Encumbered _____	Encumbered _____	Encumbered _____
Requested Amount _____	Requested Amount _____	Requested Amount _____
Remaining Balance _____	Remaining Balance _____	Remaining Balance _____

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-63

An Ordinance of the City Council of Homer, Alaska Amending Accepting and Appropriating a Grant with the Alaska Energy Authority in the Amount of \$79,500 for the Design of a Micro-Hydro Unit in Homer's Water System and Authorizing a Sole Source Contract to InPipe Energy for Design Services of the Micro-Hydro Unit(s) in the Amount of \$79,500.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting September 26, 2022 Introduction
Memorandum 22-161 from Public Works Director as backup.
2. City Council Regular Meeting October 10, 2022 Public Hearing and Second Reading
Postponed to the next meeting due to technical issues causing non-publication of the Homer News Classifieds/Legal Notices in the October 6, 2022 edition of the paper.
3. City Council Regular Meeting October 24, 2022 Public Hearing and Second Reading
Memorandum 22-161 from Public Works Director as backup.

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager/
4 Public Works Director

5 **ORDINANCE 22-63**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
8 ACCEPTING AND APPROPRIATING A GRANT WITH THE ALASKA
9 ENERGY AUTHORITY IN THE AMOUNT OF \$79,500 FOR THE
10 DESIGN OF A MICRO-HYDRO UNIT IN HOMER’S WATER SYSTEM
11 AND AUTHORIZING A SOLE SOURCE CONTRACT TO INPIPE
12 ENERGY FOR DESIGN SERVICES OF THE MICRO-HYDRO UNIT(S) IN
13 THE AMOUNT OF \$79,500.

14
15 WHEREAS, The City of Homer has in 2009 and 2014 explored the feasibility of utilizing
16 micro-hydro generators in the City’s water mains, without success; and

17
18 WHEREAS, in early 2022, Public Works was approached by InPipe Energy, which offered
19 to write an application for Alaska Energy Authority (AEA) grant funding for a micro-hydro
20 project, using new technology, which combined the functions of micro-hydroelectric
21 generation with pressure management, meaning we could replace the aging Pressure
22 Reducing Stations (PRVs) and generate small amounts of electricity at the same time; and

23
24 WHEREAS, The AEA notified the City the AEA had included the design portion of Homer’s
25 Energy Recovery Project on its list of “*Renewable Energy Fund Round 14 Recommended Projects*
26 *to the Legislature*” and the project was funded through the Legislature’s Capital Budget,
27 effective July 1, 2022 and further, the AEA is ready to offer the City a grant agreement in the
28 amount of \$79,500, which is represents the costs of engineering and permitting; and

29
30 WHEREAS, While earlier feasibility reports were not favorable, circumstances have
31 changed in that (1) the technology has progressed and (2) the federal government has
32 increased the incentives for renewable energy, which substantially decreases the capital costs;
33 and

34
35 WHEREAS, Accepting this grant gives the City the opportunity to take one last look at
36 the possibilities of micro-hydro power, at no cost to the City, except for in-kind staff time; and

37
38 WHEREAS, A sole source contract with InPipe Energy to perform design services is
39 appropriate, per HCC 3.16.060, because InPipe is (1) the only available source of their
40 proprietary technology, which could tip the scales in favor of financial feasibility and (2) in
41 performing design services, InPipe would be providing consultant and technical services,
42 which are designated exemptions to competitive bidding requirements.

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NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The City Council of Homer, Alaska hereby accepts and appropriates a grant agreement with the Alaska Energy Authority in the amount of \$79,500 for the design of a micro-hydro unit in homer’s water system as follows:

Revenue:		
<u>Fund</u>	<u>Description</u>	<u>Amount</u>
xxx-xxxx	Alaska Energy Authority Grant	\$79,500

Section 2. The City Manager is hereby authorized to enter into a sole source contract with InPipe Energy in the amount of \$79,500 for design services of the micro-hydro unit(s) as follows:

Expense:		
<u>Fund</u>	<u>Description</u>	<u>Amount</u>
xxx-xxxx	Design Services	\$79,500

Section 3. This is a budget amendment Ordinance, is not permanent in nature and shall not be codified.

ENACTED BY THE HOMER CITY COUNCIL this 10th day of October, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

- 85
- 86 First Reading:
- 87 Public Hearing:
- 88 Second Reading:
- 89 Effective Date:



Memorandum

TO: City Council
THROUGH: Rob Dumouchel, City Manager
FROM: Janette Keiser, PE, Director of Public Works
DATE: September 14, 2022
SUBJECT: Micro-hydro

I. **Issue:** The purpose of this Memorandum is to recommend acceptance of a grant to further explore using the pressure differentials in our water mains to generate electricity.

II. **Background:**

A. **History of micro-hydro research:** In 2009, Public Works commissioned a feasibility study of using its water mains for micro-hydro generators. The idea was to install hydroelectric turbines in three pressure reducing stations (PRVs). The conclusion was that the project was not feasible for a variety of reasons. One of the primary reasons was the variable flow; that is, the water flow during the daytime was much more than the water flow at night. What was needed to even out the flows, and make the cost/benefit ratio more attractive was a new water storage tank.

In 2014, Public Works commissioned a second feasibility study, this time, including, in the computations, a new .75 million gallon water storage tank, which the City had planned to built. Further, the PRVs were coming to the end of their useful lives and needed to be replaced. This meant that it might be possible for some of the capital costs for the micro-hydro equipment to be folded into the PRV replacement costs. Even with that, while the cost/benefit ratio was somewhat higher, the conclusion was that the systems were still too small to be not cost effective. Technology to take advantage of the low generation amounts was still not feasible.

Last year, Public Works was approached by a company, InPipe Energy, which wanted to explore the possibility of using Homer's water mains for micro-hydro. The company had been referred to the City of Homer by the Alaska Energy Authority as a community that was interested in micro-hydro power. InPipe offered to write an application for Alaska Energy Authority (AEA) grant funding for a micro-hydro project. I was skeptical because, while I understood and believed in the concept, earlier efforts to prove it in Homer had been unsuccessful. However, InPipe had a new technology, which combined the functions of micro-hydroelectric generation with pressure management, meaning we could

replace the aging PRVs and generate electricity at the same time. Since they were going to look into this and produce the grant application at no cost to the City, I took them up on their offer.

They looked at the same PRVs the previous consultants evaluated, studying the earlier reports and collecting updated data regarding water flow and pressures. InPipe concluded the cost/benefit ratio had improved to the point they were willing to invest their own time and energy in pursuing further concepts. They prepared a grant application, which we submitted to the AEA in January 2022. I didn't expect much to come of it. Months later, the AEA notified us they had included the design portion of Homer's Energy Recovery Project on its list of "Renewable Energy Fund Round 14 Recommended Projects to the Legislature" and the project was funded through the Legislature's Capital Budget, effective July 1, 2022. I was stunned!

- B. AEA Grant Agreement.** The AEA is ready to offer us a grant agreement in the amount of \$79,500, which is what we showed in the Grant Application for the costs of engineering and FERC permitting. If we want to move forward, the City Council needs to authorize the City Manager to accept the grant and execute the appropriate documents. We recommend doing this because we believe, that while results are not yet guaranteed, it is worthwhile to take another few steps forward.

While earlier feasibility reports were not favorable, several things have changed. First, the technology has progressed. It is now possible to retrofit the PRVs with new equipment that will manage the pressure and general small volumes of electricity, at the same time. Second, InPipe advises us that the federal government has increased the incentives for renewable energy, which substantially decreases the capital costs. Accepting this grant gives us the opportunity to take one last look at the possibilities, at almost no cost to the City. While there is an in-kind match requirement, this can be paid with staff labor, which we do anyway to service the PRVs. If the micro-hydro idea doesn't work out, we are not losing much. If it does work out, it could become a huge asset to the City and a model for this renewable technology.

- C. InPipe Energy.** We further recommend that the City Manager be authorized to enter into a sole source contract with InPipe Energy to perform the design services required to take the next steps. If it weren't for InPipe Energy, we wouldn't have taken this next look at the possibilities and InPipe is the only available source of their proprietary technology, which could tip the scales in favor of financial feasibility.
- D. Recommendations:** We recommend that the City Council authorize the City Manager to execute (1) a grant agreement with the AEA and (2) a sole source contract with InPipe Energy.

Appendix C Grantee Proposal/Scope of work

Submit Mechanical and Electrical Engineering Final Design including a Notice of FERC exemption (regulatory/permitting).

Milestones	Reimbursable Tasks	Grant Budget	Match Budget	Total Budget	Start Date	End Date	Deliverables
Final Design	Design review meeting, finalize design (Mechanical Engineering Design)	\$45,000		\$45,000			Mechanical design drawings
	Design review meeting, finalize design (Electrical Engineering Design)	\$30,000		\$30,000			Electrical design drawings
Regulatory	FERC Exemption	\$4,000		\$4,000			Notice of FERC exemption
Total		\$79,500		\$79,500			

Inflation Reduction Act HydroXS-related provisions

Enables HydroXS projects to qualify for incentives

- Definition of hydrokinetic energy extended to include systems in “pressurized water used in a pipeline (or similar man-made water conveyance which is operated for the distribution of water.”
- Reduced minimum project size changed to 25 kW from 150 kW.

Extends Investment Tax Credit (ITC)

- Renews the full 30% credit rate and creates a provides a 10-yr. extension
- Provides adders up to an additional 20% for projects that satisfy domestic content and energy community (brownfield site) requirements.
 - InPipe can meet criteria for an additional 10% (domestic content)
 - Potential +10% if at any time after 2009 had significant employment or tax revenues that are attributable to the extraction, processing, transport or storage of coal, oil or natural gas industries


Provides direct pay and transferability alternatives for tax credits

- Tax-exempt entities (including municipalities and other state and local governmental entities) can directly utilize incentives through a “direct pay” option

Hydroelectric production incentive (US DOE Section 242) program

- Provides a 2.3 cents/kWh incentive for the first 10 years of energy production for new hydro projects

Clean Energy
Smart Water
Better World



Floyd Bayiha
Sales Engineer
floyd@inpipeenergy.com
310-600-0075

INPIPE
ENERGY

City Sustainability Goals

- First City in Alaska to develop local Climate Action Plan
- Revolving energy fund for projects that reduce energy use in municipal facilities
- 2018 Comprehensive Plan objectives
 - "The City of Homer will be a community leader in implementing policies that promote energy efficiencies"
 - "The City of Homer will play an active role in influencing regional policies that promote the research, development, and use of sustainable energy alternatives"

**City of Homer
Climate Action Plan Implementation Project
Final Report**



Preliminary Assessment

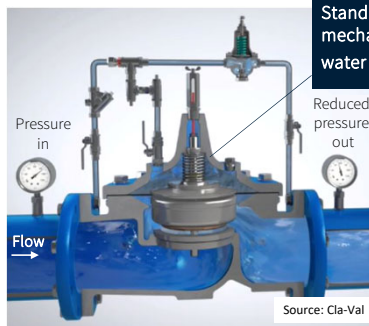
- **In-PRV Overview**
- **Summary**
 - Hydraulics analysis for City of Homer sites meets key minimum requirements
 - Pressure differential
 - Flow rate
 - Energy generation capacity and production
 - Economic drivers support project feasibility
 - Available utility programs
 - Incentives and funding options
- **Next Steps**
 - Collaboration to pursue funding
 - Virtual site visits
 - MOU
 - Additional data gathering

In-PRV Overview

InPipe Energy has developed a solution that precisely manages pressure and provides a new source of low cost, renewable energy, reduces carbon, saves water and extends the life of critical infrastructure







Wasted energy in pressure control



The mechanical mechanism used by traditional control valves wastes energy (up to 350 kW, 3.8M lbs. CO₂/Yr. per valve)

The In-PRV is a pressure recovery valve

The In-PRV™ produces renewable energy and accurately controls pressure




-  Turn-key, software and sensor-based, modular solution, installs efficiently onto water pipelines and electric grid
-  Offsets carbon emissions otherwise lost with wasted energy
-  Digitally-enabled, providing mission critical data and control
-  Lowest cost-of-energy for a distributed renewable energy source



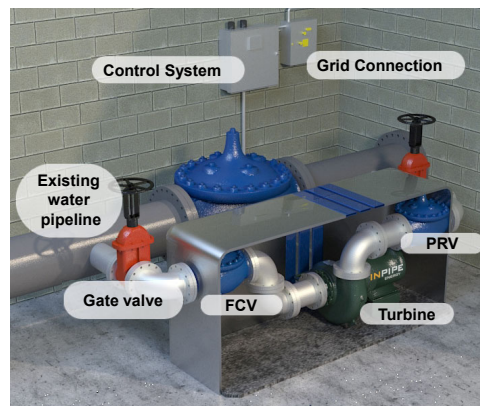
Patents pending

How it works

The In-PRV™ (Pressure Recovery Valve) accurately controls pressure while generating renewable energy

-  Installs easily with existing infrastructure
-  Connects to the grid the same way as solar systems
-  1/3 the cost of current approaches

INTERNATIONAL AND US PATENTS PENDING



Site Suitability and Energy Production

Site data and assumptions

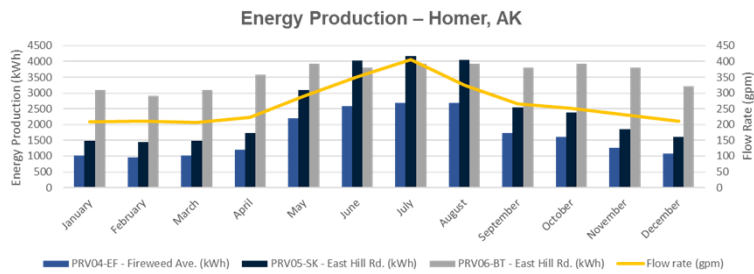
Site Name	Location	Inlet/outlet size	Inlet PSI	Outlet PSI	Differential PSI	Available Head (ft.)
PRV04-EF	Fireweed Ave	4"	86	32	54	124.74
PRV05-SK	East Hill Rd.	4"	103	29	74	170.94
PRV06-BT	East Hill Rd.	3"	149	50	99	228.69

In-PRV Energy Production

Site Name	Location	Differential PSI	Available Head (ft.)	Estimated Annual Energy Production
PRV04-EF	Fireweed Ave	54	124.74	20,000 kWh/yr.
PRV05-SK	East Hill Rd.	74	170.94	30,000 kWh/yr.
PRV06-BT	East Hill Rd.	99	228.69	43,000 kWh/yr.




- Size of Project Total (3) Locations: 19 kW
- Estimated Annual Total Production: 93,000 kWh/year

In-PRV Energy Production Profile



- Consistent production characteristics
- Size of Project Total (3) Locations: 19 kW
- Estimated Annual Total Production: 93,000 kWh/year

Potential Financing Options

Funding source	Description	Comments
 City of Homer	City owns project (revolving funds)	Project pays for loan servicing, City retains benefits, subsidized capital cost
 Alaska Energy Authority	Renewable Energy Fund (REF) provides grant funding to finance in-state clean energy projects	Reduces out-of-pocket project costs, accelerates payback Due date January 18, 2022
 Homer Electric	Energy efficiency grant options	Reduces out-of-pocket project costs, accelerates payback,

10 steps to a successful project

1. Hydraulic Analysis and Potential Energy Assessment ✓
2. Site Visit
3. Economic Assessment
4. Memorandum of Understanding
 - Align our interests with all the stakeholders
 - Procurement
5. Design Proposal
 - System layout
 - Schedule
6. Installation Contractor Quote
7. Contract
8. Regulatory/Permitting submittals
9. PPA/Interconnection
10. Installation

Next steps

- Collaborate to apply for funding
- Virtual site visits
- MOU
- Additional data gathering

What could be more sustainable?

Floyd Bayiha
Sales
floyd@inpipeenergy.com
310-600-0075

INPIPE
ENERGY



Skagit PUD HydroXS Project Summary

InPipe Energy and Skagit Public Utility District completed the East Division Street Energy Recovery Project at Skagit PUD’s East Division Street booster pump station in Mount Vernon, WA in July, 2021. Skagit PUD’s installation is the first pressure recovery project in Washington state that utilizes the HydroXS from InPipe Energy, a new smart water and micro-hydro system that generates electricity by harvesting excess pressure from municipal water pipelines. By recovering the energy embedded in excess water pressure and converting it into electricity, the system generates up to 100,000 kilowatt-hours (kWh) or more of electricity per year while providing pressure management that helps save water and extend the life of the pipeline. The electricity produced offsets the use of grid power at the pump station, saving Skagit PUD (and its ratepayers) money and replacing the equivalent of 3.5 million pounds of fossil-fuel-based carbon emissions. This system has operated without incident. The project was made possible with assistance from Puget Sound Energy (PSE), as part of their “Beyond Net Zero Carbon” initiative, and a Coal Transition Board Grant from TransAlta energy company.

“Converting excess water pressure into clean, renewable energy is a win for the environment and our ratepayers,” said George Sidhu, Skagit PUD General Manager. “Environmental stewardship is one of Skagit PUD’s core values; and in our actions, we want to preserve our region’s natural resources. As a public utility, we’re always looking to innovate and create greater efficiencies in the operation of our water system, and the East Division Street micro-hydro project checks all the boxes,” Sidhu added.

“The world’s water infrastructure is energy and carbon intensive,” said Gregg Semler, president, and CEO of InPipe Energy. “We see a large, global opportunity for water agencies to meet their mission while also battling the impact of climate change. The sustainability of our nation’s water systems is paramount, yet water agencies are being constantly challenged with rising energy costs and aging infrastructure. By providing a more precise way to manage pressure in pipelines – while also producing electricity – our In-PRV product helps water agencies offset their energy costs while saving water, reducing carbon and extending the life of their infrastructure.”

In January 2021, Puget Sound Energy set its aspirational “Beyond Net Zero Carbon” energy company goal. Through this initiative, PSE targets reduction of its own carbon emissions to net zero and goes beyond by helping other sectors to enable carbon reduction across the state of Washington.

“We value the opportunity to provide this energy efficiency program grant to Skagit PUD to help them be more efficient and build resilience,” said PSE President and CEO Mary Kipp. “This partnership reflects our commitment to combat climate change by reducing our own carbon emissions to net zero and helping other sectors to enable carbon reduction across the state of Washington.”

TransAlta, which is in the process of phasing out its last coal-fired power plant in Centralia, Wash., by 2025, has committed to supporting local communities and renewable energy development through its Coal Transition Board Grant process.

“We are committed to the development of innovative new forms of renewable energy, and this energy recovery project at Skagit PUD sets a great example for the role water utilities can play in making both water and energy more sustainable,” said John Kousinioris, CEO of TransAlta. “We are excited about the potential for the In-PRV to produce carbon-free electricity from water pipelines across North America.”

“Water is a critical resource in Skagit County as it relates to power generation, and this project demonstrates our regional leadership,” Sidhu said.

The HydroXS Pressure Recovery Valve

Skagit PUD’s pump station is the second installation of the In-PRV in a municipal water pipeline. The first, in the city of Hillsboro, Oregon, came online in September 2020 and is on track to produce 200,000 kWh or more of electricity each year.



Here’s how the system works:

Water agencies typically deliver water to customers by gravity feed and use control valves, called pressure-reducing valves (PRVs), to manage pressure in their water pipelines. PRVs help protect pipelines from leaks and deliver water to customers at safe pressure.

Normal PRVs use friction to burn off excess pressure, which is dissipated as heat. All of that energy is, essentially, wasted.

InPipe Energy’s In-PRV pressure recovery valve system performs like a highly precise control valve. But it takes the process one step further by converting the excess pressure into a new source of carbon-free electricity.

The In-PRV is the first system that combines software, micro-hydro and control technology as a turnkey product that can be installed quickly, easily and cost-effectively throughout water systems with smaller-diameter pipelines and wherever pressure must be reduced.

From profile published in Water World:

<https://www.waterworld.com/water-utility-management/energy-management/press-release/14206651/system-produces-renewable-energy-from-municipal-water-pipeline-in-wa>

Video link:

<https://www.youtube.com/watch?v=pKQF2bufqdo>

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-64

An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating an FY23 Designated Legislative Grant from the State of Alaska for the Purpose of New Large Vessel Harbor Matching Funds for an Army Corps of Engineers General Investigation and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents.

Sponsor: City Manager

1. City Council Regular Meeting September 26, 2022 Introduction
2. City Council Regular Meeting October 10, 2022 Public Hearing and Second Reading

Postponed to the next meeting due to technical issues causing non-publication of the Homer News Classifieds/Legal Notices in the October 6, 2022 edition of the paper.
3. City Council Regular Meeting October 24, 2022 Public Hearing and Second Reading

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 22-64

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA ACCEPTING AND APPROPRIATING AN FY2023 DESIGNATED LEGISLATIVE GRANT FROM THE STATE OF ALASKA FOR THE PURPOSE OF NEW LARGE VESSEL HARBOR MATCHING FUNDS FOR AN ARMY CORPS OF ENGINEERS GENERAL INVESTIGATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, Homer’s Port and Harbor facility is a regional transportation hub and significant economic driver; and

WHEREAS, Expanding the facility to include a purpose-built basin for large vessels has long been the top Legislative priority project in the City’s Capital Improvement Plan as it fills the unmet moorage needs of the local and regional large vessel fleet, increases the resilience of Alaska’s transportation system, supports the US Coast Guard and national security interests, promotes economic vitality across Alaskan industries and creates local living-wage jobs; and

WHEREAS; Planning for and developing the large vessel harbor involves cooperative efforts among the US Army Corps of Engineers, the State of Alaska and the City, and requires a Federal feasibility study (General Investigation) and project authorization; and

WHEREAS, The three-year General Investigation completes project planning including, but not limited to: design alternatives, economic impacts, public and stakeholder input, environmental review, permitting, construction methods and costs. The end result of the study is a Benefit Cost Ratio that may justify Federal authorization of and funding for construction; and

WHEREAS, The \$3,000,000 cost of the General Investigation is shared between the USACE (50%), the State of Alaska (25%) and the City of Homer (25%); and

WHEREAS, The City committed its share of matching funds in 2020 via City of Homer Ordinance 20-06 and Federal matching funds are anticipated through a FY23 Congressionally Designated Spending Request by Senator Lisa Murkowski which was approved by the Subcommittee on Energy and Water Development, and Related Agencies; and

WHEREAS, The City is pleased to have been awarded \$750,000 in State of Alaska matching funds through an FY2023 Designated Legislative Grant 23-DC-041.

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NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates an FY23 Designated Legislative Grant from the State of Alaska in the amount of \$750,000 as follows:

Revenue:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
415	Alaska Designated Legislative Grant 23-DC-041	\$750,000

Expenditure:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
415	Large Vessel Harbor Expansion General Investigation	\$750,000

Section 2. The City Manager is authorized to execute the appropriate documents.

Section 3. This is a budget amendment ordinance, is temporary in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 10th day of October, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

Introduction:

Public Hearing:

Second Reading:

Effective Date:



DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

Designated Legislative Grant Program
Grant Agreement

Grant Agreement Number 23-DC-041		Vendor Number CIH84724	Amount of State Funds \$750,000.00	
GAE	Appropriation Unit 087391004	Lapse Date 06/30/2027	Project Title: New Large Vessel Harbor: Matching Funds for Army Corps of Engineers General Investigation	
Grantee			Department Contact Person	
Name City of Homer			Name Lindsay Reese	
Street/PO Box 491 E. Pioneer Ave			Title Grants Administrator 2	
City/State/Zip Homer, Alaska 99603			Street/PO Box 550 W. 7th Avenue Ste 1650	
Contact Person Jenny Carroll, Special Projects and Communications Coordinator			City/State/Zip Anchorage, Alaska 99501	
Phone 907-235-8121	Fax 907-235-3148		Phone 907-269-7906	Fax 907-269-4563
Email jcarroll@ci.homer.ak.us			Email Lindsay.reese@alaska.gov	

AGREEMENT

The Alaska Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs (hereinafter 'Department') and **City of Homer** (hereinafter 'Grantee') agree as set forth herein.

Section I. The Department shall pay the Grantee for the performance of the project work under the terms outlined in this Agreement. The amount of the payment is based upon project expenses incurred, which are authorized under this Agreement. In no event shall the payment exceed **\$750,000.00**.

Section II. The Grantee shall perform all of the work required by this Agreement.

Section III. The work to be performed under this Agreement begins **April 15, 2022** and shall be completed no later than **June 30, 2027**.

Section IV. The Agreement consists of this page and the following:

ATTACHMENTS

- Attachment A: Scope of Work
1. Project Description
 2. Project Budget
 3. Project Management
 4. Reporting
- Attachment B: Payment Method
- Attachment C: Standard Provisions

AMENDMENTS

Any fully executed amendments to this Agreement

APPENDIX

Appendix A: State Laws and Regulations

Grantee		Department	
Signature		Signature	
Printed Name and Title Rob Dumouchel, City Manager		Printed Name and Title Pauletta Bourne, Grants Administrator 3	
Date		Date	

Attachment A Scope of Work

1. Project Description

The purpose of this FY 2022 Designated Legislative Grant in the amount of \$750,000.00 *pursuant to the provisions of AS 37.05.315, Grants to Municipalities, SLA 2022, HB281, Chapter 11, Section 14, Page 122, and Line 12* is to provide funding to the City of Homer for use towards the New Large Vessel Harbor: Matching Funds for Army Corps of Engineers General Investigation. The objective of this project is for the City of Homer to enter into a project feasibility cost share agreement (PFCSA) with the Corps of Engineers, Alaska District to conduct a 3-year General Investigation (GI) and a Chief's Report on a proposed navigation improvement to build a large vessel harbor to the north of Homer's existing small boat harbor. The GI will provide the economic, environmental, geophysical, and engineering analysis necessary to develop a final cost benefit ratio on a preferred design and launches the preconstruction design and engineering phase.

This project may include the following items:

- Contractual

Additional expenditures must be reasonable and relative to the project objective and may require preapproval by the department.

No more than five percent (5%) of the total grant award may be reimbursed for Administrative expenses for projects involving equipment purchase or repairs and no more than ten percent (10%) of the total grant award may be reimbursed for Administrative expenses for all other projects. To be reimbursed for eligible administrative costs, expenses must be reported on the Designated Legislative Grant Financial/Progress Report form.

2. Project Budget

Cost Category	Total Project Costs
Project Funds	\$750,000.00
Administration	\$0.00
Total Grant Funds	\$750,000.00

3. Project Management

This project will be managed by the Grantee.

Signatory authority for execution of the Grant Agreement and subsequent amendments is granted to the chief administrator. For grants appropriated to a municipality, the mayor is the chief administrator unless the municipality operates a managerial form of government; then the city manager/administrator acts as the chief administrator. For named recipients and unincorporated communities, the executive director or highest-ranking official will act as chief administrator.

The chief administrator may delegate authority for executing the Grant Agreement and amendments to others within the Grantee's organization via the Signatory Authority Form. The chief administrator also designates

financial and performance progress reporting authority via the Signatory Authority Form. Such delegation is limited to others within the Grantee's organization unless otherwise approved by the Department.

The Grantee must establish and maintain separate accounting for the use of this grant. The use of grant funds in any manner contrary to the terms and conditions of this Grant Agreement may result in the subsequent revocation of the grant and any balance of funds under the grant. It may also result in the Grantee being required to return such amounts to the State.

If applicable under state law, grantees must be registered and in good standing with the Department of Commerce, Community and Economic Development's Division of Corporations, Business and Professional Licensing.

4. Reporting

The Grantee shall submit a Designated Legislative Grant Financial/Progress Report Form provided by the Department each month, or quarterly, with the concurrence of the Department, during the life of the Grant Agreement. Grant Financial/Progress Report Forms are due thirty (30) days after the end of the month or quarter being reported. The report period is the first of the month through the last day of the month. If quarterly reporting is approved, the report period is the first day of the first month through the last day of the third month of the quarter. The final Financial/Progress Reports must be submitted within thirty (30) days following completion of the project.

Attachment B Payment Method

1. Reimbursement Payment

Upon receiving and approving a Grantee's Financial/Progress Report, the Department will reimburse the Grantee for expenditures paid during the reporting period, in accordance with this Grant Agreement. The Department will not reimburse without approved Financial/Progress Reports, prepared and submitted by the Grantee on the form provided by the Department. Before approving the financial/progress report for payment, the Department may require the Grantee to submit documentation of the costs reported (e.g., copies of vendor billings/invoices and proof of payment, general ledger expenditure report).

2. Advance Payment

In most instances, the Department will make payment to a Grantee on a cost reimbursable basis. If cost reimbursement significantly inhibits the Grantee's ability to implement the project, the Department may advance to the Grantee an amount not to exceed a projected thirty (30) day cash need, or twenty percent (20%) of the amount in Section I, whichever is less.

Before the Department will issue an advance, the Grantee must submit a "Request for Advance Payment" form along with documentation of costs associated with the advance. The "Request for Advance Payment" form can be obtained from the Department electronically or in hard copy.

All advances will be recovered with the Grantee's next Financial/Progress Report form. Should earned payments during the terms of this Grant Agreement be insufficient to recover the full amount of the advance, the Grantee will repay the unrecovered amount to the Department when requested to do so by the Department, or at termination of the Grant Agreement.

3. Withholding of Ten Percent (10%)

The Department may withhold ten percent (10%) of the amount in Section I until the Department determines that the Grantee has satisfactorily completed the terms of this Grant Agreement, including all required reporting of the project.

Attachment C

Standard Provisions

Article 1. Definition

“Department” refers to the Department of Commerce, Community, and Economic Development with the State of Alaska.

Article 2. Indemnification

It is understood and agreed that this Grant Agreement is solely for the benefit of the parties to the Grant Agreement and gives no right to any other party. No joint venture or partnership is formed as a result of the Grant Agreement.

The Grantee, its successors and assigns, will protect, save, and hold harmless the Department and the State of Alaska and their authorized agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the acts or omissions of the Grantee, its subcontractors, assigns, agents, contractors, licenses, invitees, employees, or any person whomever arising out of or in connection with any acts or activities authorized by this Grant Agreement. The Grantee further agrees to defend the Department and the State of Alaska and their authorized agents and employees in any litigation, including payment of any costs or attorney’s fees for any claims or actions commenced thereon arising out of or in connection with acts or activities authorized by this Grant Agreement. This obligation shall not include such claims, costs, damages, or expenses which may be caused by the sole negligence of the Department of the State of Alaska or their authorized agents or employees, provided, that if the claims or damages are caused by or result from the concurrent negligence of (a) the Department and the State of Alaska and their agents or employees, and (b) the Grantee, its agents or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Grantee, or Grantee’s agents or employees.

Article 3. Legal Authority

The Grantee certifies that it possesses legal authority to accept grant funds under the State of Alaska and to execute the project described in this Grant Agreement by signing the Grant Agreement document. The Grantee’s relation to the Department and the State of Alaska shall be at all times as an independent Grantee.

Article 4. Waivers

No conditions or provisions of this Grant Agreement can be waived unless approved by the Department in writing. The Department’s failure to insist upon strict performance of any provision of the Grant Agreement, or to exercise any right based upon a breach thereof, or the acceptance of any performance during such a breach, shall not constitute a waiver of any right under this Grant Agreement.

Article 5. Access to Records

The Department and duly authorized officials of the State of Alaska shall have full access and the right to examine, excerpt, or transcribe any pertinent documents, papers, records, and books of the Grantee, and of persons or organizations with which the Grantee may contract, involving transactions related to the project and this Grant Agreement.

Article 6. Reports

The Grantee, at such times and in such forms as the Department may require, shall furnish the Department with such periodic reports as it may request pertaining to the activities undertaken pursuant to this Grant Agreement, including the final close-out report, the costs and obligations incurred in connection therewith, and any other matters covered by this Grant Agreement.

Article 7. Retention of Records

The Grantee shall retain financial and other records relating to the performance of this Grant Agreement for a period of six years from the date when the final financial status report is submitted to the Department, or until final resolution of any audit findings, claims, or litigation related to the grant.

Article 8. Assignability

The Grantee shall not assign any interest in this Grant Agreement and shall not transfer any interest in the same (whether by assignment or novation).

Article 9. Financial Management and Accounting

The Grantee shall establish and maintain a financial management and accounting system that conforms to generally accepted accounting principles.

Article 10. Program Income

Program income earned during the award period shall be retained by the Grantee and added to the funds committed to the award and used for the purpose and under the conditions applicable to the use of award funds.

Article 11. Amendments and Modifications

The Grantee or the Department may request an amendment or modification of this Grant Agreement. However, such amendment or modification shall not take effect until approved, in writing, by the Department and the Grantee.

Article 12. Procurement

Grantees may utilize their own written procurement procedures, provided they reflect applicable state and local laws and regulations and conform to the standards identified in AS 36.30.

Article 13. State Excluded Parties List Report

The grantee is responsible for ensuring that all sub-grantees or sub-contractors are not listed on the 'Excluded Parties List Report', which identifies those parties excluded from receiving State contracts.

Article 14. Recordkeeping

The Grantee agrees to keep such records as the Department may require. Such records will include information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays and income. They will also include information pertaining to project performance and efforts to comply with the provisions of the Grant Agreement.

Article 15. Obligations Regarding Third-Party Relationships

None of the Work specified in this Grant Agreement shall be contracted by the Grantee without prior approval of the Department. No permission for subcontracting shall create, between the Department or the State of Alaska and the subcontractor, any contract or any relationship.

The Grantee shall remain fully obligated under the provisions of this Grant Agreement notwithstanding its designation of any third party or parties of the undertaking of all or any part of the project described herein. Any subcontractor that is not the Grantee shall be required by the Grantee to comply with all applicable provisions of this Grant Agreement.

The Grantee shall bind all subcontractors to each and every applicable Grant Agreement provision. Each subcontract for work to be performed with funds granted under this Grant Agreement shall specifically include a provision that the Department and the State of Alaska are not liable for damages or claims from damages arising from any subcontractor's performance or activities under the terms of the subcontracts.

Article 16. Conflict of Interest

No officer or employee of the Department; no member, officer, or employee of the Grantee or its designees or agents; no member of the governing body of the jurisdiction in which the project is undertaken or located; and no other official of such locality or localities who exercises any functions or responsibilities with respect to the project during his or her tenure, shall have any personal or pecuniary gain or interest, direct or indirect, in any contract, subcontract, or the proceeds thereof, for work to be performed in connection with the project assisted under this Grant Agreement.

The Grantee shall incorporate, or cause to incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this provision.

Article 17. Political Activity

No portion of the funds provided hereunder shall be used for any partisan political activity or to further the election or defeat of any candidate for public office or influence the approval or defeat of any ballot issue.

Article 18. Notices

The Grantee shall comply with all public notices or notices to individuals required by applicable state and federal laws and shall maintain a record of this compliance.

Article 19. Prohibition Against Payment of Bonus or Commission

The assistance provided under this Grant Agreement shall not be used in payment of any bonus or commission for the purpose of obtaining approval or concurrence under this contract provided, however, that reasonable fees of bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as project costs.

Article 20. Termination by Mutual Agreement

This Grant Agreement may be terminated, in whole or in part, prior to the completion of contract project activities when both parties agree that continuation is not feasible or would not produce beneficial results commensurate with the further expenditure of funds. The Department will determine whether an environmental review of the cancellation is required under State and/or Federal law. The parties must agree on the termination conditions, including effective date and the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall make funds available to the Grantee to pay for allowable expenses incurred before the effective date of termination.

Article 21. Termination for Cause

If the Grantee fails to comply with the terms of this Grant Agreement, or fails to use the grant for only those purposes set forth herein, the Department may take the following actions:

- A. Suspension – After notice in writing by certified mail to the Grantee, suspend the grant and withhold any further payment or prohibit the Grantee from incurring additional obligations of grant funds, pending corrective action by the Grantee or a decision to terminate. Response must be received within fifteen (15) days of receipt of the written notice.
- B. Termination – Terminate the grant in whole or in part, at any time before the final grant payment is made. The Department shall promptly notify the Grantee in writing of its determination to terminate, the reason for such termination, and the effective date of the termination. Payments made to the Grantee or recoveries by the Department shall be in accordance with the legal rights and liabilities of the parties.

Article 22. Withdrawal of Funds

In the event funding from the state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Grant Agreement and prior to normal completion, the Department may terminate the agreement, reduce funding, or re-negotiate subject to those new funding limitations and conditions. A termination under this article shall be implemented under the same conditions as a termination under Article 20 of this Attachment.

Article 23. Recovery of Funds

In the event of a default or violation of the terms of the Grant Agreement by the Grantee, the Department may institute actions to recover all or part of the project funds paid to the Grantee. Repayment by the Grantee of grant funds under this recovery provision shall occur within thirty (30) days of demand.

All remedies conferred on the Department by this agreement or any other instrument or agreement are cumulative, not exclusive, and may be exercised concurrently or consecutively at the Department’s option.

Article 24. Disputes

Except as otherwise provided in this agreement, any dispute concerning a question of fact arising under this agreement that is not disposed of by mutual agreement shall be decided by the Department, which shall reduce its decision to writing and mail, or otherwise furnish a copy thereof, to the Grantee. The decision of the Department shall be final and conclusive.

This “Disputes” clause does not preclude the consideration of questions of law in connection with the decision provided for in the preceding paragraph provided that nothing in the Grant Agreement shall be construed as making final the decisions of any administrative official, representative, or board on a question of law.

Article 25. Jurisdiction

This Grant Agreement shall be governed by the laws and statutes of the State of Alaska. The venue of any suit hereunder may be in the Superior Court for the First Judicial District, Juneau, Alaska.

Article 26. Ownership of Project/Capital Facilities

The Department makes no claim to any capital facilities or real property improved or constructed with funds under this Grant Agreement and, by this grant of funds, does not and will not acquire any ownership interest or title to such property of the Grantee. The Grantee shall assume all liabilities arising from the ownership and operation of the project and agrees to hold the Department and the State of Alaska harmless from any and all causes of action arising from the ownership and operation of the project.

Article 27. Site Control

If the grant project involves the occupancy and use of real property, the Grantee assures that it has the legal right to occupy and use such real property for the purposes of the grant, and further that there is legal access to such property.

As a minimum requirement, the Grantee should obtain a “sufficient interest” that allows the Grantee the right to use and occupy the site for the expected useful life of the building, structure or other improvement. Generally, the interest obtained should be for at least 20 years. A sufficient interest depends upon the nature of the project and the land status of the site.

Article 28. Insurance

The Grantee is responsible for obtaining any necessary liability insurance and maintain in force at all times during the performance of this Grant Agreement the insurance policies identified below. All insurance policies shall comply with, and be issued by insurers licensed to transact the business of insurance under Alaska Statute AS 21. The Grantee shall require any contractor hired to work on the project be licensed, bonded and insured for at least the amount of the project and if appropriate provide and maintain Professional Liability Insurance.

- A. Workers' Compensation Insurance for all employees engaged in work under this Grant Agreement, coverage as required by AS 23.30.045, and; where applicable, any other statutory obligations including but not limited to Federal U.S.L. & H. and Jones Act requirements.
- B. Commercial General Liability Insurance covering all business premises and operations used by the Grantee in the performance of this project and Grant Agreement with coverage limits not less than \$300,000 combined single limit per occurrence and annual aggregates where applicable.
- C. Comprehensive Automobile Liability Insurance covering all vehicles used by the Grantee in the performance of this project and Grant Agreement with coverage limits not less than \$100,000 per person/\$300,000 per occurrence bodily injury and \$50,000.00 property damage.
- D. Professional Liability Insurance covering all errors, omissions or negligent acts of the contractor, subcontractor or anyone directly or indirectly employed by them, made in the performance of this contract which result in financial loss to the State. Limits required are per the following schedule:

Contract Amount Minimum Required Limits

Under \$100,000 \$100,000 per occurrence/annual aggregate

Article 29. Subcontracts for Engineering Services

In the event that the Grantee subcontracts for engineering services, the Grantee will require that the engineering firm certify that it is authorized to do business in the State of Alaska. In the event that the engineering firm is also the project administrator, the Grantee shall require that the bond or insurance shall be for not less than the amount of the entire project.

Article 30. Governing law

This Grant Agreement is governed by the laws of the State of Alaska. The Grantee shall perform all aspects of this project in compliance with the appropriate laws and regulations. It is the responsibility of the Grantee to ensure that all permits required for the construction and operation of this project by the Federal, State, or Local governments have been obtained.

Article 31. Budget Flexibility

Notwithstanding the provisions of Article 11, Attachment C, the Grantee may revise the project budget in Attachment A without a formal amendment to this agreement. Such revisions are limited within each line item to a maximum of ten percent (10%) of the line item or \$10,000, whichever is less, over the entire term of this agreement. Such budget revisions shall be limited to changes to existing budget line items. Budget revisions may not be used to increase any budget item for project administrative expenses. Changes to the budget beyond the limits authorized by this provision may only be made by a formal amendment to this agreement.

Article 32. Equal Employment Opportunity (EEO)

The Grantee may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood. The Grantee shall post in a conspicuous place, available to employees and applicants for employment, a notice setting out the provisions of this paragraph.

The Grantee shall state, in all solicitations or advertisements for employees to work on state funded projects, that it is an equal opportunity employer (EEO) and that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.

The Grantee shall include the provisions of this EEO article in every contract relating to this Grant Agreement and shall require the inclusion of these provisions in every agreement entered into by any of its contractors, so that those provisions will be binding upon each contractor or subcontractor.

Article 33. Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits discrimination against persons with disabilities. Title I of the ADA prohibits discrimination against persons with disabilities in employment and provides that a reasonable accommodation be provided for applicants and employees. Title II of the Act prohibits public agencies from discriminating against individuals with disabilities in the provision of services, programs, or activities. Reasonable accommodation must be made to ensure or allow access to all services, programs, or activities. This section of the Act includes physical access to public facilities and requires that public entities must, if necessary, make modifications to their facilities to remove physical barriers to ensure access by persons with disabilities. All new construction must also be accessible to persons with disabilities. A public entity's subgrantees or contractors must also comply with the ADA provisions. Grantees are responsible for assuring their compliance with the ADA.

Article 34. Public Purposes

The Grantee agrees that the project to which this Grant Agreement relates shall be dedicated to public purposes for its useful life. The benefits of the project shall be made available without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.

If the Grantee is a non-municipal entity and if monies appropriated under this grant constitute the sole or principal funding source for the acquisition of equipment or facilities, the Grantee agrees that in the event a municipal corporation is formed which possesses the power and jurisdiction to provide for such equipment or facilities, the Grantee shall offer, without compensation, to transfer ownership of such equipment or facilities to the municipal corporation.

If the Grantee is a non-profit corporation that dissolves, the assets and liabilities from the grant project are to be distributed according to statutory law, AS 10.20.290-10.20.452.

Article 35. Operation and Maintenance

Throughout the life of the project, the Grantee shall be responsible for the operation and maintenance of any facility, equipment, or other items acquired under this grant.

Article 36. Assurance

The Grantee shall spend monies awarded under this grant only for the purposes specified in this Grant Agreement.

Article 37. Current Prevailing Rates of Wage

Certain grant projects are constrained by the provisions of AS 36. PUBLIC CONTRACTS. To the extent that such provisions apply to the project which is the subject of this Grant Agreement, the Grantee shall pay the current prevailing rates of wage to employees as required by AS 36.05.010. The Grantee also shall require any contractor to pay the current prevailing rates of wage as required by AS 36.05.010.

Article 38. Severability

If any provision under this Grant Agreement or its application to any person or circumstance is held invalid by any court of rightful jurisdiction, this invalidity does not affect other provisions of the contract agreement which can be given effect without the invalid provision.

Article 39. Performance

The Department's failure to insist upon the strict performance of any provision of the Grant Agreement or to exercise any right based upon breach thereof or the acceptance of any performance during such breach shall not constitute a waiver of any rights under this Grant Agreement.

Article 40. Sovereign Immunity

If the Grantee is an entity which possesses sovereign immunity, it is a requirement of this grant that the Grantee irrevocably waive its sovereign immunity with respect to state enforcement of this Grant Agreement. The waiver of sovereign immunity, effected by resolution of the entity's governing body, is herein incorporated into this Grant Agreement.

Article 41. Audit Requirements

The Grantee must comply with the audit requirements of the Alaska Administrative Code set forth in **2AAC45.010. AUDIT REQUIREMENTS**. An entity that expends a cumulative or total, equal to the state single audit threshold during the fiscal year is required to have a state single audit. A copy of the most current **2AAC45.010** adopted regulations is available at the Alaska Department of Administration's State Single Audit website: <http://doa.alaska.gov/dof/ssa/index.html>.

Current audit compliance supplements and guides specific to programs under AS 37.05.315 Grants to Municipalities, AS 37.05.316 Grants to Named Recipients, and AS 37.05.317 Grants to Unincorporated Communities can be found at http://doa.alaska.gov/dof/ssa/audit_guide.html.

Article 42. Close-Out

The Department will advise the Grantee to initiate close-out procedures when the Department determines, in consultation with the Grantee, that there are no impediments to close-out and that the following criteria have been met or soon will be met:

- A. All costs to be paid with grant funds have been incurred with the exception of close-out costs and any unsettled third-party claims against the Grantee. Costs are incurred when goods and services are received or contract work is performed.
- B. The last required performance report has been submitted. The Grantee's failure to submit a report will not preclude the Department from effecting close-out if it is deemed to be in the State's interest. Any excess grant amount that may be in the Grantee's possession shall be returned by the Grantee in the event of the Grantee's failure to finish or update the report.
- C. Other responsibilities of the Grantee under this Grant Agreement and any close-out agreement and applicable laws and regulations appear to have been carried out satisfactorily or there is no further State interest in keeping the grant open for the purpose of securing performance.

Appendix A

State Laws and Regulations and Permits

Grantees are responsible for all applicable state laws, regulations and permits; including but not limited to the following list which most commonly affects Grantees.

Municipality Public Facility Operations and Maintenance—AS 37.05.315(c)

In accepting a grant under AS 37.05.315 for construction of a public facility, a municipality covenants with the State that it will operate and maintain the facility for the practical life of the facility and that the municipality will not look to the State to operate or maintain the facility or pay for its operation or maintenance. This requirement does not apply to a grant for repair or improvement of an existing facility operated or maintained by the State at the time the grant is accepted if the repair or improvement for which the grant is made will not substantially increase the operating or maintenance costs to the State.

Restriction on Use—AS 37.05.321

A grant or earnings from a grant under AS 37.05.315 - 37.05.317 may not be used for the purpose of influencing legislative action. In this section “influencing legislative action” means promoting, advocating, supporting, modifying, opposing, or delaying or seeking to do the same with respect to any legislative action but does not include the provision or use of information, statistics, studies, or analyses in written or oral form or format. A grant or earnings from a grant made under AS 37.05.315 - 37.05.317 may not be used for purposes of travel in connection with influencing legislative action unless pursuant to a specific request from a legislator or legislative committee.

Hiring Preferences—AS 36.10

This chapter of the Alaska Statutes applies to grants for public works projects and requires compliance with the hiring preferences under AS 36.10.150 – 36.10.175 for employment generated by the grant.

Historic Preservation Act—AS 41.35

This chapter of the Alaska Statutes applies to public construction of any nature undertaken by the State, or by a governmental agency of the State, or by a private person under contract with or licensed by the State or a governmental agency of the State. The Department of Natural Resources must be notified if the construction is planned for an archaeological site. The Department of Natural Resources may stop the construction to determine the extent of the historic, prehistoric, or archaeological values.

Fire Protection—AS 18.70

This chapter of the Alaska Statutes requires the Alaska Department of Public Safety (the State Fire Marshal) to adopt regulations (currently in the form of Uniform Fire Code, as amended) establishing minimum standards for:

1. Fire detection and suppression equipment;
2. Fire and life safety criteria in commercial, industrial, business, institutional, or other public buildings used for residential purposes containing four or more dwelling units;
3. Any activity in which combustible or explosive materials are stored or handled in commercial quantities;
4. Conditions or activities carried on outside a building described in (2) or (3) likely to cause injury to persons or property.

Procurement Preference for State Agricultural and Fisheries Products—AS 29.71.040

This chapter of the Alaska Statutes applies to municipalities that use state funds to purchase agricultural and fisheries products. The law requires:

1. When agricultural products are purchased, only such products harvested in the state shall be purchased whenever priced no more than seven percent above products harvested outside the state, and of like quality compared with agricultural products harvested outside the state.
2. When fisheries products are purchased, only fisheries products harvested or processed within the jurisdiction of the state shall be purchased whenever priced no more than seven percent above products harvested or processed outside the jurisdiction of the state, available, and of like quality compared with fisheries products harvested or processed outside the jurisdiction of the state.

Alaska Product Preferences—AS 36.15

This chapter of the Alaska Statutes applies to projects financed by state money in which the use of timber, lumber, and manufactured lumber products is required, only timber, lumber and manufactured lumber projects originating in this state from local forests shall be used wherever practicable. The law requires the insertion of this clause in calls for bids and in all contracts awarded.

Permits and Environmental Procedures

The Alaska Department of Environmental Conservation (ADEC) regulates all activities in Alaska that might pollute the air, water or soil. There are dozens of ADEC permits related to constructing and operating public buildings. The law requires the following permits, including others designated by the commissioner. The following list is not intended to be all-inclusive.

- Air Emissions Permit
- Anadromous Fish Protection Permit
- Authorization for Tidelands Transportation
- Brine or Other Salt Water Waste Disposal Permit
- Burning Permit during Fire Season
- Coal Development Permit
- Critical Habitat Area Permit
- Dam Construction Permit
- Driveway Permit
- Encroachment Permit
- Miscellaneous State Land Use Permit
- Mineral and Geothermal Prospecting Permits
- Occupied Tide and Submerged Land
- Open Burning Permit
- Permit for Use of Timber or Materials
- Permit to Appropriate Water
- Pesticides Permit
- Preferred Use Permit
- Right-of-Way and Easement Permits
- Solid Waste Disposal
- Special Land Use Permit
- State Game Refuge Land Permit
- State Park Incompatible Use Permit
- Surface Oiling Permit
- Surface Use Permit
- Tide and Submerged Lands Prospecting Permit
- Tidelands Permit
- Tidelands Right-of-Way or Easement Permit
- Utility Permit
- Waste Water Disposal Permit
- Water Well Permit

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-65

An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Accepting and Appropriating a 2022 Commercial Passenger Vessel Tax Program Grant from the State of Alaska for \$35,445 and a Commercial Passenger Vessel Tax Program 2022 Pass-Through Grant from the Kenai Peninsula Borough in the Amount of \$35,445 to Rebuild Crane #7 on Homer Fish Dock and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents.

Sponsor: City Manager/Port Director

1. City Council Regular Meeting September 25, 2022 Introduction

Memorandum 22-162 from Port Director as backup.

2. City Council Regular Meeting October 10, 2022 Public Hearing and Second Reading

Postponed to the next meeting due to technical issues causing non-publication of the Homer News Classifieds/Legal Notices in the October 6, 2022 edition of the paper.

3. City Council Regular Meeting October 24, 2022 Public Hearing and Second Reading

Memorandum 22-162 from Public Works Director as backup.

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager/
4 Port Director

5 **ORDINANCE 22-65**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE FY23 CAPITAL BUDGET BY ACCEPTING AND
9 APPROPRIATING A 2022 COMMERCIAL PASSENGER VESSEL TAX
10 PROGRAM GRANT FROM THE STATE OF ALASKA FOR \$35,445 AND
11 A COMMERCIAL PASSENGER VESSEL TAX PROGRAM 2022 PASS-
12 THROUGH GRANT FROM THE KENAI PENINSULA BOROUGH IN
13 THE AMOUNT OF \$35,445 TO REBUILD CRANE #7 ON HOMER FISH
14 DOCK AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE
15 AND EXECUTE THE APPROPRIATE DOCUMENTS.
16

17 WHEREAS, Over the years, the City of Homer has received revenues commensurate with
18 local cruise ship landings from the State of Alaska and the Kenai Peninsula Borough under the
19 Commercial Vessel Passenger Tax (CPVT) Program; and
20

21 WHEREAS, In the absence of cruise ship travel in 2022 due to the novel coronavirus
22 pandemic, the State of Alaska has made CPVT Program funds available to qualifying
23 jurisdictions using American Rescue Plan Act (ARPA) funds; and
24

25 WHEREAS, The State of Alaska has awarded the City of Homer \$35,445 in 2022 CPVT
26 revenues via a federal pass-through of ARPA funds; and
27

28 WHEREAS, The Kenai Peninsula Borough authorized the additional \$35,445 in 2022
29 CPVT revenues via a federal pass-through of ARPA funds; and
30

31 WHEREAS, Use of the 2022 CPVT Program funds must adhere to the ARPA guidance; and
32

33 WHEREAS, ARPA eligible use guidelines allows the City of Homer to accept the funds as
34 revenue replacement and to utilize them to support a pay-go project; and
35

36 WHEREAS, The City has identified the rebuild of Crane #7 on Homer's Fish Dock as an
37 eligible pay-go capital project for the funds.
38

39 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
40

41 Section 1. The Homer City Council hereby amends the FY23 Capital Budget by
42 accepting the State of Alaska Commercial Vessel Passenger Tax Program ARPA pass through

43 grant and the Kenai Peninsula Borough Commercial Vessel Passenger Tax Program ARPA pass
44 through grant for calendar year 2022 in the amount of \$35,445 each as follows:

45

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
46 460-0927	State of Alaska CPVT CY2021 Pass-Through Grant	\$35,445
47 460-0927	KPB CPVT CY2021 Pass-Through Grant	<u>\$35,445</u>
48	Total:	\$70,890

49

50

51 Section 2. The Homer City Council hereby amends the FY23 Capital Budget by
52 appropriating the State of Alaska Commercial Vessel Passenger Tax Program ARPA pass
53 through grant and the Kenai Peninsula Borough Commercial Vessel Passenger Tax Program
54 ARPA pass through grant for calendar year 2022 totaling \$70,890 to rebuild Crane #7 on Homer
55 Fish Dock as follows:

56

57 Transfer to:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
58 415-xxxx	Fish Dock Crane #7 Rebuild	\$70,890

59

60

61 Section 3. This is a budget amendment Ordinance, is not permanent in nature and shall
62 not be codified.

63

64 Section 4. The City Manager is authorized to negotiate and execute the appropriate
65 documents.

66

67 ENACTED BY THE HOMER CITY COUNCIL this 10th day of October, 2022.

68

69 CITY OF HOMER

70

71

72 _____

73 KEN CASTNER, MAYOR

74

75 ATTEST:

76

77

78 _____

79 MELISSA JACOBSEN, MMC, CITY CLERK

80

81 YES:

82 NO:

83 ABSTAIN:

84 ABSENT:

- 85
- 86 First Reading:
- 87 Public Hearing:
- 88 Second Reading:
- 89 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road
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Memorandum 22-162

TO: HOMER CITY COUNCIL

THRU: ROB DUMOUCHEL, CITY MANAGER

FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER

DATE: SEPTEMBER 15, 2022

SUBJECT: ACCEPTING 2022 COMMERCIAL PASSENGER VESSEL TAX (CPVT) THROUGH GRANTS FROM THE STATE OF ALASKA AND THE KENAI PENINSULA BOROUGH FOR THE RE-BUILD OF FISH DOCK CRANE #7

A May 3, 2022 Memo from Special Projects Coordinator Jenny Carroll informed City Council of staff's intent to apply to use 2022 CPVT funds to offset the cost of rebuilding Crane #7 and, once approved by the Kenai Peninsula Borough, to bring an Ordinance before Council to accept and appropriate the grant funds for the project.

On September 6, 2022, The Kenai Peninsula Borough Assembly enacted Ordinance 2022-19-12, which approved the pass through of CVTP grant funds in the amount of \$35,445 to the City of Homer. The City has also received the same amount of CVTP funds directly from the State, but those funds have not been appropriated yet. The Ordinances before you accepts and appropriates these 2022 CVTP grant funds for the crane project and amends the FY22-23 Capital Budget to allocate \$69,110 from the Port and Harbor Reserve Fund to supplement the grant funds and get the job done.

Sole Source Justification

The City issued an open RFP in 2013 for the rebuild of cranes 5, 6 and 8. The lowest bid was Oil & Gas Supply Company, owned and run by Sean Harwager, which has been renamed Great Northern Hydraulics. The contract was awarded to them in 2014 with a comprehensibly satisfying result. More recently, in January of 2022 when Crane #4 needed an emergency repair to be operable for the 2022 fishing season, staff called around to the known in-state businesses who perform crane rebuilds like this. Quotes were obtained from Great Northern Hydraulics, LLC and AP Mechanical & Crane Services. Desperate Marine LLC in Homer was also contacted but stated they didn't have the employee time or shop space to accommodate such a project at this time. The A P Mechanical & Crane Services quote came in as the higher of the two, and

included subcontracting out the winch, rams and hose work to Great Northern Hydraulics, further confirming that Great Northern Hydraulics was the only local option and led to the request for this sole source contract.

It's anticipated that the rebuild will take a minimum of two months, and it's necessary that this work is completed during the winter maintenance season as the fishing fleet heavily utilize these cranes during the fishing season, set to start in March. Last year these cranes created \$183,840.58 in harbor revenue, and 1,609 crane hours were logged as boats geared up and delivered their fresh fish for processing, sale, and consumption.

Great Northern Hydraulics, LLC has an excellent working history with the City, has extensive and detailed knowledge of Fish Dock cranes through the previous crane repairs they performed, has been a competitive bidder in previous RFP cycles, and it is the only local business that can complete the rebuild entirely within its shop in a timely manner to return the crane to public use for spring fisheries.

Great Northern Hydraulics LLC has provided a quote for Crane #7 Rebuild in the amount of \$140,000. Council approval of the pass-through CPVT funds will allow us to use a combination of \$70,890 in pass through funds and \$69,110 from the Port Reserves to complete this project.

RECOMMENDATION

Staff recommends accepting and appropriating the \$70,890.00 in Commercial Passenger Vessel Tax proceeds to rebuild Crane #7 and amending the FY 22-23 budget to allocate \$69,110 from the Port and Harbor Reserves to complete funding for the project. Staff additionally recommends Council approval of a sole source contract with Great Northern Hydraulics in the amount of \$140,000 to perform the work.

Attached:

- May 3, 2022 Memorandum to Mayor Castner and City Council from Jenny Carroll, Special Projects Coordinator
- Kenai Peninsula Borough Ordinance 2022-19-12
- Great Northern Hydraulics, LLC quote for the re-build of Crane #7



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: Mayor Castner and City Council
FROM: Jenny Carroll, Special Projects and Communications Coordinator
THROUGH: Rob Dumouchel, City Manager
DATE: May 3, 2022
SUBJECT: 2022 Commercial Vessel Passenger Tax Grant

The City of Homer annually receives revenues commensurate with local cruise ship landings from the State of Alaska and the Kenai Peninsula Borough under the Commercial Passenger Vessel Tax Program. In the absence of cruise ship visits in 2021 due to COVID-19, the State of Alaska is again making CVPT Program Funds available to qualifying jurisdictions using American Rescue Plan Act (ARPA) funds. Use of these funds must adhere to ARPA guidance.

The 2022 CVPT amount available to the City of Homer is \$70,910, with half coming directly from the State of Alaska and half coming as a pass-through from the Kenai Peninsula Borough. The Borough will soon be sponsoring an Ordinance authorizing the pass-through grant to the City of Homer, but requires that we first request the grant funds and identify how we plan to use them.

Staff has reviewed eligible projects and will be proposing to the Borough to accept the CVPT ARPA pass through funds as revenue replacement and to utilize them in a pay-as-you-go project: refurbishing Crane #7 on the City owned and managed Fish Dock in the Port & Harbor.

The Fish Dock has seven fixed pedestal cranes for harbor patron use through a special use contract. The cranes are 35 years old. City staff maintain the cranes, which are inspected annually by OSHA certified inspectors. To keep them operational and employ improvements in technology and safety, rebuilding the cranes incrementally over time has been a priority for the Enterprise and the Port Commission.

Because of Crane 7's age and that it is one of two of our ten-ton cranes and has extensive wear, we estimate the cost of the rebuild between \$95,000 and \$100,000, which is substantially less than the cost of replacement. If awarded, the CPVT ARPA grant will cover most of the cost, with the balance provided by the Homer Port and Harbor reserves. The process to refurbish a crane takes approximately 6 weeks to complete. If approved, we'll plan for work to commence during the 2023 winter shutdown.

Once approved by the Kenai Peninsula Borough, staff will bring an Ordinance before City Council to accept and appropriate the grant funds for the project.

Great Northern Hydraulics, LLC
 907-335-0045
 42720 Kenai Spur Hwy
 Kenai, AK 99611
 sales@gnhyd.com

ESTIMATE

Date	
5/13/2022	CRANE #7

Name / Address
City of Homer Port & Harbor 491 E Pioneer Avenue Homer, AK 99603

Requested By

Description	Qty	Rate	Total
<p>LABOR AND MATERIAL TO REMOVE CRANE #7, PERFORM COMPLETE TEARDOWN, SAND BLAST AND PAINT ALL PARTS, LINE BORE AND INSTALL NEW BUSHINGS AND PINS, REBUILD AND RESEAL ALL CYLINDERS, CLEAN AND MODIFY HYDRAULIC TANK, INSTALL NEW WINCH, WIRE ROPE, AND HEADACHE BALL, REPAIR ELECTRIC MOTOR AS NEEDED, INSTALL NEW HYDRAULIC VALVE WITH HYDRAULIC PILOT CONTROLS, ALL ADAPTORS TO BE STAINLESS STEEL, FAB ALL NEW HOSES, FAB NEW DIAMOND PLATE VALVE STAND AND TUBING COVER, INSTALL STAINLESS STEEL TUBING FROM PILOT CONTROLS TO VALVE, INSTALL NEW WEAR PADS, INSTALL NEW PRESSURE FILTERS, RETURN FILTERS AND SUCTION STRAINERS, APPLY ALL NEW WARNING DECALS AND SIGNAGE, FILL CRANE WITH NEW HYDRAULIC FLUID, ASSEMBLE WITH ALL NEW MOUNTING HARDWARE, FUNCTION TEST CRANE AFTER ASSEMBLY.</p> <p>THIS QUOTE REFLECTS THE CURRENT PRICING ON PARTS. DUE TO CURRENT ECONOMIC CONDITIONS AND TIME FRAME OF DOING THE CRANE THE PRICES COULD CHANGE.</p> <p>THIS QUOTE DOES NOT INCLUDE FREIGHT. LEAD TIME AND DELIVERY DATES BASED UPON CURRENT INFORMATION AND ARE SUBJECT TO CHANGE</p>	1	140,000.00	140,000.00
This quote is only good for 30 days		Total	\$140,000.00

Introduced by: Mayor
Date: 08/23/22
Hearing: 09/06/22
Action: Enacted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-19-12**

AN ORDINANCE ACCEPTING AND APPROPRIATING THE COMMERCIAL PASSENGER VESSEL TAX PROCEEDS RECEIVED FROM THE STATE OF ALASKA UNDER THE FEDERAL PASS-THROUGH PROGRAM, AMERICAN RESCUE PLAN ACT OF 2021 IN THE AMOUNT OF \$612,640 AND ALLOCATING \$577,195 TO THE CITY OF SEWARD AND \$35,445 TO THE CITY OF HOMER

WHEREAS, House Bill 69, which appropriated funding to the Commercial Passenger Vessel (“CPV”) Excise Tax shared tax program, was passed by the State Legislature and signed by the Governor on July 7, 2021; and

WHEREAS, House Bill 69 appropriated funds from the American Rescue Plan Act (“ARPA”) of 2021 to supplement the same amount that was shared to eligible ports of call for calendar year 2021, and the disbursements will be equal to the disbursements in calendar year 2020; and

WHEREAS, the total amount received by the Borough from the State of Alaska for the 2020 calendar year CPV is \$612,640.00; and

WHEREAS, the City of Seward and the City of Homer are eligible ports of call that can request their share of the funds to be received for improvement projects eligible under the U.S. Treasury ARPA Interim Guidance; and

WHEREAS, the funds used by the cities of Seward and Homer must comply with ARPA requirements using final treasury and federal guidance;


NOW, THEREFORE, BE IT ORDERED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. The amount of \$612,640.00 received from the State of Alaska for the commercial passenger vessel excise tax collection program be appropriated from the miscellaneous grant fund balance to account 271.94910.22CPV.43011, contract services, for payment to the City of Seward in the Amount of \$577,195 and to the City of Homer in the amount of \$35,445 to be used for projects eligible under the under the U.S. Treasury American Rescue Plan Act of 2021 Final Guidance.

SECTION 2. That the mayor is authorized to execute grant agreements and any other documents deemed necessary to expend the funds and to fulfill the intents and purposes of this ordinance.

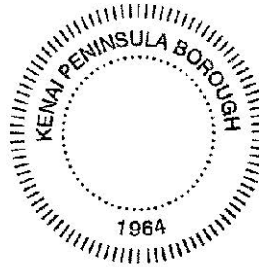
SECTION 3. That this ordinance is retroactively effective on July 1, 2022.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF SEPTEMBER, 2022.


Brent Johnson, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson
No: None
Absent: None

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-66

An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$69,110 from the Port Reserve Fund to Rebuild Crane #7 on Homer Fish Dock and Authorizing a Sole Source Contract with Great Northern Hydraulics, LLC.

Sponsor: City Manager/Port Director

1. City Council Regular Meeting September 25, 2022 Introduction
Memorandum 22-162 from Port Director as backup.
2. City Council Regular Meeting October 10, 2022 Public Hearing and Second Reading
Postponed to the next meeting due to technical issues causing non-publication of the Homer News Classifieds/Legal Notices in the October 6, 2022 edition of the paper.
3. City Council Regular Meeting October 24, 2022 Public Hearing and Second Reading
Memorandum from 22-162 from Port Director as backup.

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager/
4 Port Director

5 **ORDINANCE 22-66**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE FY23 CAPITAL BUDGET BY APPROPRIATING
9 \$69,110 FROM THE PORT RESERVE FUND TO REBUILD CRANE #7
10 ON HOMER FISH DOCK AND AUTHORIZING A SOLE SOURCE
11 CONTRACT GREAT NORTHERN HYDRAULICS, LLC.
12

13 WHEREAS, Cranes on Homer’s Fish Dock are used heavily during the commercial fishing
14 season, logging a total of 1,609 hours and generating \$183,840 in harbor revenue as boats gear
15 up and deliver catch for processing and sale; and
16

17 WHEREAS, Crane #7, given its age and hours logged, is overdue for a rebuild according
18 to the Port & Harbor Maintenance Schedule, which the Crane’s maintenance log confirms; and
19

20 WHEREAS, The estimated cost to rebuild Crane #7 is \$140,000; and
21

22 WHEREAS, The City has identified the rebuild of Crane #7 as a pay-go capital project
23 eligible for 2022 Commercial Passenger Vessel Tax (CPVT) revenue grants from the State of
24 Alaska and Kenai Peninsula Borough; and
25

26 WHEREAS, Utilizing \$70,890 in 2022 CPVT revenues significantly offsets the cost of this
27 needed maintenance; and
28

29 WHEREAS, Completing the project to return Crane #7 to service for the upcoming
30 commercial fishing season requires an appropriation from the Port Reserve Fund to complete
31 the project; and
32

33 WHEREAS, Since Great Northern Hydraulics, LLC has extensive and detailed knowledge
34 of Fish Dock cranes through previous crane repairs performed for the City, and it is the only
35 local business that can complete the rebuild entirely within its shop in a timely manner to
36 return the crane to public use for spring fisheries, a sole source contract is justified.
37

38 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
39

40 Section 1. The FY23 Capital Budget is hereby amended by appropriating \$69,110 to
41 complete repairs on Fish Dock Crane #7 as follows:
42
43

44	<u>Fund</u>	<u>Description</u>	<u>Amount</u>
45	456-0380	Fish Dock Crane #7 Rebuild	\$69,110

46

47 Section 2. The City Manager is authorized to enter into a sole source contract with
48 Great Northern Hydraulics, LLC in an amount not to exceed \$140,000 for the rebuild of Crane
49 #7.

50

51 Section 3. This Ordinance is a budget Ordinance only, is not permanent in nature, and
52 shall not be codified.

53

54 ENACTED BY THE HOMER CITY COUNCIL this 10th day of October, 2022.

55

56 CITY OF HOMER

57

58

59

60

KEN CASTNER, MAYOR

61

62 ATTEST:

63

64

65

66 MELISSA JACOBSEN, MMC, CITY CLERK

67

68 YES:

69 NO:

70 ABSTAIN:

71 ABSENT:

72

73 First Reading:

74 Public Hearing:

75 Second Reading:

76 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

Memorandum 22-162

TO: HOMER CITY COUNCIL

THRU: ROB DUMOUCHEL, CITY MANAGER

FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER

DATE: SEPTEMBER 15, 2022

SUBJECT: ACCEPTING 2022 COMMERCIAL PASSENGER VESSEL TAX (CPVT) THROUGH GRANTS FROM THE STATE OF ALASKA AND THE KENAI PENINSULA BOROUGH FOR THE RE-BUILD OF FISH DOCK CRANE #7

A May 3, 2022 Memo from Special Projects Coordinator Jenny Carroll informed City Council of staff's intent to apply to use 2022 CPVT funds to offset the cost of rebuilding Crane #7 and, once approved by the Kenai Peninsula Borough, to bring an Ordinance before Council to accept and appropriate the grant funds for the project.

On September 6, 2022, The Kenai Peninsula Borough Assembly enacted Ordinance 2022-19-12, which approved the pass through of CVTP grant funds in the amount of \$35,445 to the City of Homer. The City has also received the same amount of CVTP funds directly from the State, but those funds have not been appropriated yet. The Ordinances before you accepts and appropriates these 2022 CVTP grant funds for the crane project and amends the FY22-23 Capital Budget to allocate \$69,110 from the Port and Harbor Reserve Fund to supplement the grant funds and get the job done.

Sole Source Justification

The City issued an open RFP in 2013 for the rebuild of cranes 5, 6 and 8. The lowest bid was Oil & Gas Supply Company, owned and run by Sean Harwager, which has been renamed Great Northern Hydraulics. The contract was awarded to them in 2014 with a comprehensibly satisfying result. More recently, in January of 2022 when Crane #4 needed an emergency repair to be operable for the 2022 fishing season, staff called around to the known in-state businesses who perform crane rebuilds like this. Quotes were obtained from Great Northern Hydraulics, LLC and AP Mechanical & Crane Services. Desperate Marine LLC in Homer was also contacted but stated they didn't have the employee time or shop space to accommodate such a project at this time. The A P Mechanical & Crane Services quote came in as the higher of the two, and

included subcontracting out the winch, rams and hose work to Great Northern Hydraulics, further confirming that Great Northern Hydraulics was the only local option and led to the request for this sole source contract.

It's anticipated that the rebuild will take a minimum of two months, and it's necessary that this work is completed during the winter maintenance season as the fishing fleet heavily utilize these cranes during the fishing season, set to start in March. Last year these cranes created \$183,840.58 in harbor revenue, and 1,609 crane hours were logged as boats geared up and delivered their fresh fish for processing, sale, and consumption.

Great Northern Hydraulics, LLC has an excellent working history with the City, has extensive and detailed knowledge of Fish Dock cranes through the previous crane repairs they performed, has been a competitive bidder in previous RFP cycles, and it is the only local business that can complete the rebuild entirely within its shop in a timely manner to return the crane to public use for spring fisheries.

Great Northern Hydraulics LLC has provided a quote for Crane #7 Rebuild in the amount of \$140,000. Council approval of the pass-through CPVT funds will allow us to use a combination of \$70,890 in pass through funds and \$69,110 from the Port Reserves to complete this project.

RECOMMENDATION

Staff recommends accepting and appropriating the \$70,890.00 in Commercial Passenger Vessel Tax proceeds to rebuild Crane #7 and amending the FY 22-23 budget to allocate \$69,110 from the Port and Harbor Reserves to complete funding for the project. Staff additionally recommends Council approval of a sole source contract with Great Northern Hydraulics in the amount of \$140,000 to perform the work.

Attached:

- May 3, 2022 Memorandum to Mayor Castner and City Council from Jenny Carroll, Special Projects Coordinator
- Kenai Peninsula Borough Ordinance 2022-19-12
- Great Northern Hydraulics, LLC quote for the re-build of Crane #7

CITY OF HOMER
FINANCIAL SUPPLEMENT

PROJECT NAME	<u>Fish Dock Crane #7 Rebuild</u>	DATE	<u>09/21/2022</u>
DEPARTMENT	<u>Port and Harbor</u>	SPONSOR	<u>City Manager/Port Director</u>
REQUESTED AMOUNT	<u>\$ 69,110</u>		

DESCRIPTION	<p>The estimated cost to rebuild Crane #7 is \$140,000.</p> <p>The City has identified the rebuild of Crane #7 as a pay-go capital project eligible for 2022 Commercial Passenger Vessel Tax (CPVT) revenue grants from the State of Alaska and Kenai Peninsula Borough. Utilizing \$70,890 in 2022 CPVT revenues significantly offsets the cost of this needed maintenance; and</p> <p>Completing the project to return Crane #7 to service for the upcoming commercial fishing season requires an appropriation from the Port Reserve Fund to complete the project.</p>
-------------	---

FUNDING SOURCE(S)	OPERATING	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	0%	0%	0%	100%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	0%	0%	0%	0%

FUNDING SOURCE 1: Port Reserves	FUNDING SOURCE 2:	FUNDING SOURCE 3:
Current Balance <u>\$ 2,792,704</u>	Current Balance _____	Current Balance _____
Encumbered <u>\$ 580,698</u>	Encumbered _____	Encumbered _____
Requested Amount <u>\$ 69,110</u>	Requested Amount _____	Requested Amount _____
Other Items on Current Agenda <u>\$ 0</u>	Other Items on Current Agenda _____	Other Items on Current Agenda _____
Remaining Balance <u>\$ 2,142,896</u>	Remaining Balance _____	Remaining Balance _____
FUNDING SOURCE 4:	FUNDING SOURCE 5:	FUNDING SOURCE 6:
Current Balance _____	Current Balance _____	Current Balance _____
Encumbered _____	Encumbered _____	Encumbered _____
Requested Amount _____	Requested Amount _____	Requested Amount _____
Remaining Balance _____	Remaining Balance _____	Remaining Balance _____

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-67

An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Authorizing a Transfer of \$438,315 from the Utility Fund Fund Balance to include \$200,000 to the Water Capital Asset Repair and Maintenance Allowance (CARMA) Fund and \$238,315 to the Sewer CARMA Fund and by Appropriating those Amounts from the Water CARMA and Sewer CARMA Funds Accordingly to fund Projects identified in the Water and Sewer Financial Plan.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting October 10, 2022 Introduction

Memorandum 22-168 from Finance Director as backup.

Postponed to the next meeting due to technical issues causing non-publication of the Homer News Classifieds/Legal Notices in the October 6, 2022 edition of the paper.

2. City Council Regular Meeting October 24, 2022 Public Hearing and Second Reading

Memorandum 22-168 from Finance Director as backup.

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager/
4 Public Works Director

5 **ORDINANCE 22-67**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
8 AMENDING THE FY23 CAPITAL BUDGET BY AUTHORIZING A TOTAL
9 TRANSFER OF \$438,315 FROM UTILITY OPERATIONS FUND FUND
10 BALANCE TO INCLUDE \$200,000 TO THE WATER CAPITAL ASSET
11 REPAIR AND MAINTENANCE ALLOWANCE (CARMA) FUND AND
12 \$238,315 TO THE SEWER CARMA FUND AND BY APPROPRIATING
13 THOSE AMOUNTS FROM THE WATER CARMA AND SEWER CARMA
14 FUNDS ACCORDINGLY TO FUND PROJECTS IDENTIFIED IN THE
15 WATER AND SEWER FINANCIAL PLAN.
16

17 WHEREAS, Homer City Council approved Ordinance 22-61, which amended the City of
18 Homer Water and Sewer Rates; and
19

20 WHEREAS, The water rate model funded a total of \$450,000 in water related capital
21 projects. Of which, \$250,000 was funded using American Rescue Plan Act (ARPA) funds per
22 Ordinance 22-60. This leaves a remainder of \$200,000 to be funded through the utility rate
23 payers; and
24

25 WHEREAS, The sewer rate model funded a total of \$705,000 in sewer related capital
26 projects. Of which, \$466,685 was funded using American Rescue Plan Act (ARPA) funds per
27 Ordinance 22-60. This leaves a remainder of \$238,315 to be funded through utility rate payers;
28 and
29

30 WHEREAS, The utility rate model utilized \$417,432 in total draw on Utility Operations
31 Fund Fund Balance to provide for a rate buyback, thereby decreasing the financial impact on
32 utility rate payers.
33

34 NOW THEREFORE THE CITY OF HOMER ORDAINS

35
36 Section 1. The Homer City Council hereby amends the FY23 Capital Budget by
37 transferring \$438,315 from the Utility Operations Fund Fund Balance as follows:
38

39 Transfer from:

<u>Fund No.</u>	<u>Description</u>	<u>Amount</u>
200	Utility Operations Fund Fund Balance	\$438,315

40
41
42
43

	Transfer to:		
	<u>Fund No.</u>	<u>Description</u>	<u>Amount</u>
44			
45			
46	256-0378	Water CARMA	\$200,000
47	256-0379	Sewer CARMA	\$238,315
48			

49 Section 2. This is a budget amendment ordinance only, is not permanent in nature, and
50 shall not be codified.

51
52 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this __ day of _____, 2022.

53
54 CITY OF HOMER

55
56 _____
57 KEN CASTNER, MAYOR

58 ATTEST:

59
60 _____
61 MELISSA JACOBSEN, MMC, CITY CLERK

62
63 YES:

64 NO:

65 ABSTAIN:

66 ABSENT:

67

68 First Reading:

69 Public Hearing:

70 Second Reading:

71 Effective Date:



Memorandum 22-168

TO: Mayor Castner and Homer City Council
THROUGH: Rob Dumouchel, City Manager
FROM: Elizabeth Walton, Finance Director
DATE: October 5, 2022
SUBJECT: Utility Rate Model CARMA Capital Projects

Purpose of Ordinance:

Homer City Council amended the City of Homer Water and Sewer Rates by approving Ordinance 22-61. The utility rate model that was used to generate the updated rates included funding operational costs and selected capital projects identified in the City's Water and Sewer Financial Plan.

Identified FY23 Projects:

The City of Homer has established a Water and Sewer Financial Plan. The FY23 Utility Rate Model incorporated this plan and now rate payers are funding capital projects. Some of these projects were funded using ARPA funds (Ordinance 22-60) and are notated as such. Below is a list of the FY23 projects and the funding source.

Water Capital Improvement Projects:

- WTP Filter Media Train (1 each/year) \$100,000 – ARPA funded
- RWP-1 Balance Motor/Shaft \$50,000 – ARPA funded
- Hydrant Replacement (10/year) \$100,000 – Rate funded
- Fleet Replacement \$50,000 – Rate funded
- WTP Sludge Drying Bed \$100,000 – ARPA funded
- Replace Water Meters \$50,000 – Rate funded

Sewer Capital Improvement Projects:

- Replace UV System \$430,000 – ARPA funded
- WWTP MCC Spare Parts \$30,000 – Rate funded
- Replace Cracked Incinerator \$75,000 – Rate funded
- Beluga Lift Station \$20,000 – Rate funded
- Lagoon Liner \$25,000 – Rate funded
- Replace Lift Station Access Hatch \$50,000 – ARPA funded \$36,685.16 (remainder is rate funded)

- Sludge Drying Beds \$25,000 – Rate funded
- Fleet Replacement \$50,000 – Rate funded

Legislation Walkthrough:

Council approved Ordinance 22-61, which amended the Water and Sewer Rates. The explicit authorization and appropriation for the capital improvement projects was missing from that ordinance. Due to the fact that the rate model is funding these projects, the Utility Operations Fund Fund Balance has to transfer matching funds to respective Utility CARMA funds to fund the projects. The Utility Rate Model incorporated a draw on Utility Operations Fund Fund Balance to provide for a rate buyback. The proposed ordinance addresses the rate buyback and the absence of legislation authorizing the capital project spending.

In the future, the authorization and appropriation language for capital improvement projects will be included in the Ordinance amending Water and Sewer Rates.

Recommendation:

Pass Ordinance transferring \$438,515 from Utility Operations Fund Fund Balance to Utility Capital Asset Repair and Maintenance Allowance (CARMA) Fund and appropriating \$200,000 from the Water CARMA Fund and \$238,515 from the Sewer CARMA Fund to fund projects identified in the Water and Sewer Financial Plan as detailed below:

Water Capital Improvement Projects (\$200,000):

- Hydrant Replacement (10/year) \$100,000
- Fleet Replacement \$50,000
- Replace Water Meters \$50,000

Sewer Capital Improvement Projects (\$238,515):

- WWTP MCC Spare Parts \$30,000
- Replace Cracked Incinerator \$75,000
- Beluga Lift Station \$20,000
- Lagoon Liner \$25,000
- Replace Lift Station Access Hatch \$13,315 (remainder of \$50,000 project funded through ARPA funding)
- Sludge Drying Beds \$25,000
- Fleet Replacement \$50,000

CITY OF HOMER
FINANCIAL SUPPLEMENT

PROJECT NAME	<u>Transfer to Fund Utility Model Capital Projects</u>	DATE	<u>10/06/2022</u>
DEPARTMENT	<u>Finance</u>	SPONSOR	<u>City Manager/Finance Director</u>
REQUESTED AMOUNT	<u>\$ 438,515</u>		

DESCRIPTION	<p>Council approved Ordinance 22-61, which amended the Water and Sewer Rates. The explicit authorization and appropriation for the capital improvement projects was missing from that ordinance. Due to the fact that the rate model is funding these projects, the Utility Operations Fund Fund Balance has to transfer matching funds to respective Utility CARMA funds to fund the projects. The Utility Rate Model incorporated a draw on Utility Operations Fund Fund Balance to provide for a rate buyback. The proposed ordinance addresses the rate buyback and the absence of legislation authorizing the capital project spending.</p> <p>In the future, the authorization and appropriation language for capital improvement projects will be included in the Ordinance amending Water and Sewer Rates.</p>
-------------	--

FUNDING SOURCE(S)	Utility Operations	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	100%	0%	0%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	0%	0%	0%	0%

FUNDING SOURCE 1: Utility Operations FB	FUNDING SOURCE 2:	FUNDING SOURCE 3:
Current Balance <u>\$ 806,629</u>	Current Balance _____	Current Balance _____
Encumbered <u>\$ 208,716</u>	Encumbered _____	Encumbered _____
Requested Amount <u>\$ 438,515</u>	Requested Amount _____	Requested Amount _____
Other Items on Current Agenda <u>\$ 0</u>	Other Items on Current Agenda _____	Other Items on Current Agenda _____
Remaining Balance <u>\$ 159,398</u>	Remaining Balance _____	Remaining Balance _____
FUNDING SOURCE 4:	FUNDING SOURCE 5:	FUNDING SOURCE 6:
Current Balance _____	Current Balance _____	Current Balance _____
Encumbered _____	Encumbered _____	Encumbered _____
Requested Amount _____	Requested Amount _____	Requested Amount _____
Remaining Balance _____	Remaining Balance _____	Remaining Balance _____

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-68

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential District; Homer City Code 21.14, Urban Residential District; Homer City Code 21.12 Residential Office District; Homer City Code 21.18, Central Business District; Homer City Code 21.20 Town Center District; Homer City Code 21.22, Gateway Business District; Homer City Code 21.24, General Commercial 1 District; Homer City Code 21.26, General Commercial 2 District; And Homer City Code 21.27, East End Mixed Use District, Regarding Conditional Uses in each District..

Sponsor: City Manager/Port Director

1. City Council Regular Meeting October 10, 2022 Introduction

Memorandum 22-169 from City Planner as backup.

Postponed to the next meeting due to technical issues causing non-publication of the Homer News Classifieds/Legal Notices in the October 6, 2022 edition of the paper.

2. City Council Regular Meeting October 24, 2022 Public Hearing and Second Reading

Memorandum 22-169 from City Planner as backup.

Public Comment received

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3
4 Planning Commission

5
6 **ORDINANCE 22-68**

7
8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
9 AMENDING HOMER CITY CODE SECTIONS 21.12, RURAL
10 RESIDENTIAL DISTRICT; 21.14, URBAN RESIDENTIAL DISTRICT;
11 21.16 RESIDENTIAL OFFICE DISTRICT; 21.18, CENTRAL BUSINESS
12 DISTRICT; 21.20, TOWN CENTER DISTRICT; 21.22, GATEWAY
13 BUSINESS DISTRICT; 21.24, GENERAL COMMERCIAL 1 DISTRICT;
14 21.26, GENERAL COMMERCIAL 2 DISTRICT; AND HOMER CITY
15 CODE 21.27, EAST END MIXED USE DISTRICT REGARDING
16 CONDITIONAL USES IN EACH DISTRICT.
17

18 WHEREAS, It is in the interests of the City to make allowances for uses in districts
19 according to the guidance set forth in the 2018 Homer Comprehensive Plan and the Purpose
20 of the districts described in Homer City Code; and
21

22 WHEREAS, A Conditional Use Permit (CUP) should be a consideration for uses which,
23 due to form or function, may require special conditions in order to minimize possible negative
24 externalities; and
25

26 WHEREAS, Some uses may be inappropriate for a district in consideration of the
27 purpose of the district and the negative externalities that may be found in the use itself, or
28 those of the district itself; and
29

30 WHEREAS, The Homer Planning Commission has reviewed the subjects and actions of
31 past CUP permits that have been routinely granted with few, if any, special conditions; and
32

33 WHEREAS, The Homer Planning Commission, using the guidance of the 2018 Homer
34 Comprehensive Plan and the Purpose statements found in code for the zoning districts, has
35 identified conditional uses and structures that would be more appropriately listed as
36 permitted uses or eliminated.
37

38 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
39

40 Section 1. Homer City Code Chapter 21.12, Rural Residential District is amended to
41 read as follows:
42

43 21.12.020 Permitted uses and structures.
44

45 The following uses are permitted outright in the Rural Residential District:

46

47 ~~s. One detached~~ **Up to four** dwelling units, excluding mobile homes, ~~as an accessory building~~
48 ~~to a principal single family dwelling~~ on a lot subject to the requirements of HCC 21.12.040
49 **and located in an area depicted for Urban Residential zoning by the Future Land Use**
50 **Map in the 2018 Homer Comprehensive Plan.**

51

52 Section 2. Homer City Code Chapter 21.14, Urban Residential District is amended as
53 follows:

54

55 21.14.020 Permitted uses and structures.

56

57 The following uses are permitted outright in the Urban Residential District:

58

59 **r. Townhouse developments**

60

61 **s. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b)**
62 **excluding mobile homes.**

63

64 21.14.030 Conditional uses and structures.

65

66 The following uses may be permitted in the Urban Residential District when authorized by
67 conditional use permit issued in accordance with Chapter 21.71 HCC:

68

69 a. Planned unit development, excluding all industrial uses;

70

71 ~~b. Townhouse developments;~~

72

73 ~~b.~~ **Day care facilities; provided, however, that outdoor play areas must be fenced;**

74

75 ~~c.~~ **Religious, cultural and fraternal assembly;**

76

77 ~~e. Hospitals;~~

78

79 ~~f.~~ **Pipelines and railroads;**

80

81 Section 3. Homer City Code Chapter 21.16, Residential Office District is amended as
82 follows:

83

84 21.16.020 Permitted uses and structures.

85

86 The following uses are permitted outright in the Residential Office District:

87

88 **s. Townhouses**

89

90 **t. Mortuaries**

91

92 **u. Day care facilities; provided, however, that outdoor play areas must be fenced;**

93

94 **v. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b)**
95 **excluding mobile homes.**

96

97 **w. Group care homes.**

98

99 21.16.030 Conditional uses and structures.

100

101 The following uses may be permitted in the Residential Office District when authorized by
102 conditional use permit issued in accordance with Chapter 21.71 HCC:

103

104 a. Planned unit developments, excluding all industrial uses;

105

106 ~~b. Townhouses;~~

107

108 ~~eb.~~ Public or private schools;

109

110 ~~ec.~~ Hospitals and medical clinics;

111

112 ~~ed.~~ Public utility facilities and structures;

113

114 ~~f. Mortuaries;~~

115

116 ~~g. Day care facilities; provided, however, that outdoor play areas must be fenced;~~

117

118 ~~he.~~ More than one building containing a permitted principal use on a lot;

119

120 ~~i. Group care homes;~~

121

122 ~~j. Helipads, but only as an accessory use incidental to a hospital conditional use;~~

123

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

126

127 ~~lg.~~ Other uses approved pursuant to HCC 21.04.020.

128

129 21.16.040 Dimensional requirements.

130

131 The following dimensional requirements shall apply to all structures and uses in the
132 Residential Office District:

133
134 e. No lot shall contain more than 8,000 square feet of building area (all buildings combined),
135 nor shall any lot contain building area in excess of ~~30~~**40** percent of the lot area, without an
136 approved conditional use permit.

137
138 Section 4. Homer City Code Chapter 21.18, Central Business District is amended to read
139 as follows:

140
141 21.18.020 Permitted uses and structures.

142
143 The following uses are permitted outright in the Central Business District, except when such
144 use requires a conditional use permit by reason of size, traffic volumes, or other reasons set
145 forth in this chapter:

146
147 **ll. Greenhouses and garden supplies.**

148
149 **mm. Up to 4 buildings on a lot excluding mobile homes, except as provided for in HCC**
150 **21.18.030.**

151
152 **nn. Group care homes and assisted living homes**

153
154 **mm. Indoor and outdoor recreational facilities.**

155
156 21.18.030 Conditional uses and structures

157
158 The following uses may be permitted in the Central Business District when authorized by
159 conditional use permit issued in accordance with Chapter 21.71 HCC:

160
161 a. Planned unit developments, excluding all industrial uses;

162
163 ~~b. Indoor recreational facilities and outdoor recreational facilities;~~

164
165 ~~**eb.**~~ Mobile home parks;

166
167 ~~**dc.**~~ Auto fueling stations;

168
169 ~~**ed.**~~ Public utility facilities and structures;

170
171 ~~**fe.**~~ Pipeline and railroads;

172
173 ~~**g.**~~ Greenhouses and garden supplies;

- 174 ~~hf.~~ Light or custom manufacturing, repair, fabricating, and assembly, provided such use,
175 including storage of materials, is wholly within an enclosed building;
176
177 ~~ig.~~ Shelter for the homeless, provided any lot used for such shelter does not abut a residential
178 zoning district;
179
180 ~~jh.~~ More than one building containing a permitted principal use on a lot;
181
182 ~~k. Group care homes and assisted living homes;~~
183
184 ~~li.~~ Drive-in car washes, but only on the Sterling Highway from Tract A-1 Webber Subdivision to
185 Heath Street;
186
187 ~~mj.~~ One small wind energy system having a rated capacity exceeding 10 kilowatts; provided,
188 that it is the only wind energy system of any capacity on the lot;
189
190 ~~nk.~~ Other uses approved pursuant to HCC 21.04.020.

191
192 21.18.040 Dimensional requirements.

193
194 The following dimensional requirements shall apply to all structures and uses in the Central
195 Business District:

- 196
197 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined),
198 nor shall any lot contain building area in excess of ~~30~~40 percent of the lot area, without an
199 approved conditional use permit.

200
201 Section 5. Homer City Code Chapter 21.20, Town Center District is amended as follows:

202
203 21.20.020 Permitted uses and structures

204
205 The following uses are permitted outright in the Town Center District, except when such use
206 requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth
207 in this chapter:

208
209 **aa. Greenhouse and garden supplies**

210
211 **bb. Indoor and outdoor recreational facilities**

212
213 **cc. Group care and assisted living facilities.**

214
215 **dd. Self-service laundries**

216

217 21.20.030 Conditional uses and structures.

218
219 The following uses may be permitted in the Town Center District when authorized by
220 conditional use permit issued in accordance with Chapter 21.71 HCC:

- 221
222 a. Planned unit developments, limited only to uses otherwise permitted in this district;
223
224 b. Indoor recreational facilities;
225
226 ~~c. Greenhouses and garden supplies;~~
227
228 ~~d.~~ **d.** Light or custom manufacturing, repair, fabricating, and assembly, provided such use,
229 including storage of materials, is wholly within an enclosed building;
230
231 ~~e. Group care homes and assisted living homes;~~
232
233 ~~f.~~ **f.** Other uses approved pursuant to HCC 21.04.020;
234
235 ~~g.~~ **g.** Outdoor recreational facilities;
236
237 ~~h.~~ **h.** Customary accessory uses to any of the permitted uses listed in the TCD district; provided,
238 that a separate permit shall not be issued for the construction of any type of accessory building
239 prior to that of the main building;
240
241 ~~i. Self-service laundries;~~
242
243 ~~j. Retail sales of hardware, appliances and furniture, building supplies and materials, but only~~
244 ~~if such use, including storage of goods and materials, is wholly contained within one or more~~
245 ~~enclosed buildings;~~
246
247 ~~k. Plumbing, heating and appliance repair shops, but only if such use, including storage of~~
248 ~~goods and materials, is wholly contained within one or more enclosed buildings;~~
249
250 ~~l.~~ **l.** One wind energy system having a rated capacity exceeding 10 kilowatts; provided, that it is
251 the only wind energy system on any capacity of the lot.
252

253 Section 6. Homer City Code Chapter 21.22, Gateway Business District is amended as
254 follows:

255
256 21.22.020 Permitted uses and structures.

257
258 The following uses are permitted outright in the Gateway Business District, except when such
259 use requires a conditional use permit by reason of size, traffic volumes, or other reasons set

260 forth in this chapter:

261
262 **r. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b)**
263 **excluding mobile homes.**

264
265 21.22.040 Dimensional requirements.

266
267 The following dimensional requirements shall apply to all structures and uses in the Gateway
268 Business District:

269
270 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined),
271 nor shall any lot contain building area in excess of ~~30~~**40** percent of the lot area, without an
272 approved conditional use permit.

273
274 Section 7. Homer City Code Chapter 21.24, General Commercial District 1 is amended
275 as follows:

276
277 21.24.020 Permitted uses and structures.

278
279 The following uses are permitted outright in the General Commercial 1 District, except when
280 such use requires a conditional use permit by reason of size, traffic volumes, or other reasons
281 set forth in this chapter:

282
283 **mm. Townhouses;**

284
285 **nn. Day care facilities; provided, however, that outdoor play areas must be fenced;**

286
287 **oo. Indoor and outdoor recreational facilities;**

288
289 **pp. More than one building containing a permitted principal use on a lot.**

290
291 21.24.030 Conditional uses and structures.

292
293 The following uses may be permitted in the General Commercial 1 District when authorized by
294 conditional use permit issued in accordance with Chapter 21.71 HCC:

295
296 a. Campgrounds;

297
298 b. Crematoriums;

299
300 c. Multiple-family dwelling;

301
302 d. Public utility facility or structure;

- 303 e. Mobile home parks;
304
305 f. Planned unit developments;
306
307 ~~g. Townhouses;~~
308
309 ~~hg. Pipelines and railroads;~~
310
311 ~~ih. Shelter for the homeless, provided any lot used for such shelter does not abut an RO, RR, or~~
312 ~~UR zoning district;~~
313
314 ~~j. More than one building containing a permitted principal use on a lot;~~
315
316 ~~k. Day care facilities; provided, however, that outdoor play areas must be fenced;~~
317
318 ~~li. Other uses approved pursuant to HCC 21.04.020;~~
319
320 ~~m. Indoor recreational facilities;~~
321
322 ~~n. Outdoor recreational facilities.~~

323
324 21.24.040 Dimensional requirements.
325

326 The following dimensional requirements shall apply to all structures and uses in the General
327 Commercial 1 District:
328

- 329 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined),
330 nor shall any lot contain building area in excess of ~~30~~40 percent of the lot area without an
331 approved conditional use permit.
332

333 Section 8. Homer City Code Chapter 21.26, General Commercial District 2 is amended
334 as follows:
335

336 21.26.020 Permitted uses and structures.
337

338 The following uses are permitted outright in the General Commercial 2 District, except when
339 such use requires a conditional use permit by reason of size, traffic volumes, or other reasons
340 set forth in this chapter:
341

342 **x. Impound yards;**
343

344 **y. More than one building containing a permitted principal use on a lot;**
345

346 **z. Indoor and outdoor recreational facilities.**

347

348 **21.26.030 Conditional uses and structures.**

349

350 The following uses may be permitted in the General Commercial 2 District when authorized by
351 conditional use permit issued in accordance with Chapter 21.71 HCC:

352

353 ~~a. Mobile home parks;~~

354

355 ~~ba.~~ Construction camps;

356

357 ~~eb.~~ Extractive enterprises, including the mining, quarrying and crushing of gravel, sand and
358 other earth products and batch plants for asphalt or concrete;

359

360 ~~ec.~~ Bulk petroleum product storage above ground;

361

362 ~~ed.~~ Planned unit developments, excluding residential uses;

363

364 ~~fe.~~ Campgrounds;

365

366 ~~gf.~~ Junk yard;

367

368 ~~hg.~~ Kennels;

369

370 ~~ih.~~ Public utility facilities and structures;

371

372 ~~ji.~~ Pipelines and railroads;

373

374 ~~k.~~ Impound yards;

375

376 ~~lj.~~ Shelter for the homeless, provided any lot used for such shelter does not abut an urban, rural
377 or office residential zoning district;

378

379 ~~m.~~ More than one building containing a permitted principal use on a lot;

380

381 ~~n.~~ Day care facilities; provided, however, that outdoor play areas must be fenced;

382

383 ~~o.~~ Group care homes and assisted living homes;

384

385 ~~pk.~~ Other uses approved pursuant to HCC 21.04.020;

386

387 ~~q.~~ Indoor recreational facilities;

388

389 ~~r. Outdoor recreational facilities.~~

390

391 21.26.040 Dimensional requirements.

392

393 The following dimensional requirements shall apply to all structures and uses in the General
394 Commercial 2 District:

395

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

399

400 Section 9. Homer City Code Chapter 21.27, East End Mixed Use District is amended as
401 follows:

402

403 21.27.020 Permitted uses and structures.

404

405 The following uses are permitted outright in the East End Mixed Use District, except when such
406 use requires a conditional use permit by reason of size, traffic volumes, or other reasons set
407 forth in this chapter:

408

409 **pp. Indoor and outdoor recreational facilities.**

410

411 21.27.030 Conditional uses and structures.

412

413 The following conditional uses may be permitted in the East End Mixed Use District when
414 authorized by conditional use permit issued in accordance with Chapter 21.71 HCC:

415

416 ~~j. Indoor recreational facilities;~~

417

418 ~~k. Outdoor recreational facilities;~~

419

420 21.27.040 Dimensional requirements.

421

422 The following dimensional requirements shall apply to all structures and uses in the East End
423 Mixed Use District:

424

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

428

429 Section 10. This ordinance shall take effect upon its adoption by the Homer City
430 Council.

431

432 Section 11. This ordinance is of a permanent and general character and shall be
433 included in the City code.

434
435 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
436 _____ 2022.

437
438 CITY OF HOMER

439
440 _____
441 KEN CASTNER, MAYOR

442
443 ATTEST:

444
445
446 _____
447 MELISSA JACOBSEN, MMC, CITY CLERK

448
449 YES:

450 NO:

451 ABSTAIN:

452 ABSENT:

453
454 First Reading:

455 Public Reading:

456 Second Reading:

457 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 22-169

TO: MAYOR CASTNER AND THE HOMER CITY COUNCIL
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: OCTOBER 4, 2022
SUBJECT: CONDITIONAL USES

In an effort to consider the appropriateness of Conditional Use Permits (CUP's), I have been working with the Planning Commission to review Conditional Use Permits (CUP) that have come before the Planning Commission in the last ten years. We have found that a majority of the permits have been approved with few, if any, conditions. Some of these have been repetitive and become routine approvals. We then examined the districts and considered the conditional use appropriateness with intent of the district found in the Comprehensive Plan and the purpose statement found in City Code.

After examination, we found that several conditional uses were acceptable to become permitted uses that could be permitted through the Planning Office without going through the time and expense of a public hearing with the Planning Commission. Additionally, over the course of examination, the Commission found some uses that were inappropriate for the district and should be eliminated. Staff report PL22-59 provides a summary of the changes found in the draft ordinance.

The Commission feels that CUP's should be reserved for uses or structures that are likely to be in need of conditions that may not be addressed code. The draft ordinance provides an allowance for uses and structures found appropriate for the district with current underlying regulations.

The Commission worked on the subject in a work session and during four regular meetings including a public hearing on September 21st and recommends that the Homer City Council adopt the draft ordinance.

Attachments:

Draft Ordinance

Staff Reports 22-59, 22-56, 22-48, 22-44 and corresponding meeting minutes



City of Homer

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Staff Report PL 22-59

TO: HOMER PLANNING COMMISSION
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: SEPTEMBER 7, 2022
SUBJECT: CONDITIONAL USE PERMIT (CUP) REDUCTION

Introduction

We are holding a public hearing on the proposed ordinance, as the Planning Commission has reevaluated the need for conditional uses that have been routinely approved with no or few conditions. Many of the conditional uses have been moved to permitted uses, which allows those uses and structures to be approved administratively according to the various regulations applicable to the district without going through a hearing and gaining the approval of the Planning Commission. Additionally, a few uses have been removed from code entirely because of their impact on the district (rail roads) or, more likely, because of the impact of the district on the use, such as day cares in a district supporting heavy industrial uses.

I have modified the ordinance according to the feedback of the Commissioners at the last meeting. Additionally, I have made some minor changes after consideration of intent and impact. A comprehensive review of the proposed amendments are found below.

Rural Residential

Added allowance for up to 4 dwellings according to density allowance and when located in an area for consideration of Urban Residential zoning as identified by the Land Use Recommendations map in the Comprehensive Plan, according to existing density allowances.

Urban Residential

Moved townhouses to permitted use and allowed up to 4 dwellings subject to dimensional requirements of multi-family floor area ratio standards. Eliminated hospitals and railroads.

Residential Office

Moved townhouse, mortuaries, daycare facilities, group homes and up to four dwellings subject to multi-family floor area ratios to permitted uses. Changed requirement for a CUP regarding building area coverage from 30% to 40%. Eliminated hospitals and helipads.

Central Business District

Moved greenhouses, group homes, assisted living homes, indoor and outdoor recreational facilities, and up to 4 buildings on a lot excluding mobile homes, excepted as provided for in HCC 21.18.030(b) to permitted uses. Amended building area coverage from 30% to 40% required for a CUP. Removed railroads.

Changes noted here include reducing the building area coverage from the suggested 50% to 40% to make a better allowance for 4 building on a lot so as to not to have to specify floor area ratios for dwellings verses other structures. Additionally, recognized the allowance for mobile home parks in the district to avoid unintended conflicts in code.

Town Center District

Added greenhouses, indoor and outdoor recreational facilities, group care and assisted living facilities, and self-service laundries to permitted uses. Also eliminated the retail sales of hardware etc. and plumbing and etc. as these 'laundry lists' of uses are unnecessary and would be allowed by the current permitted uses pertaining to retail businesses (HCC 21.20.020(a)) and plumbing etc. (HCC 21.20.020(s)).

Gateway Business District

Added up to 4 dwelling units subject to floor area ratios of multi-family and moved from 30% to 40% building coverage required for a CUP.

General Commercial 1

Moved townhouses daycare facilities, indoor and outdoor recreational facilities, and more than one building on a lot to permitted uses. Moved standard for CUP from 30% lot coverage to 40%. Eliminated railroads.

General Commercial 2

Added impound yards, more than on building containing a permitted principle use on a lot and indoor and our door recreation facilities to permitted uses. Eliminated mobile home parks, day care facilities, group and assisted living homes from the district as they are incompatible with the intent district. Removed requirement for over 8000 sf and 30% building coverage to trigger a CUP.

East End Mixed Used District

Moved indoor and outdoor recreational facilities to permitted uses. Removed requirement for over 8000 sf and 30% building coverage to trigger a CUP.

Staff Recommendation

Hold a public hearing and make a recommendation for adoption to City Council.

Attachment Draft Ordinance

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3
4 Planning Commission

5
6 **ORDINANCE 22-xx**

7
8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING
9 HOMER CITY CODE SECTIONS 21.12, RURAL RESIDENTIAL DISTRICT;
10 21.14, URBAN RESIDENTIAL DISTRICT; 21.16 RESIDENTIAL OFFICE
11 DISTRICT; 21.18, CENTRAL BUSINESS DISTRICT; 21.20, TOWN CENTER
12 DISTRICT; 21.22, GATEWAY BUSINESS DISTRICT; 21.24, GENERAL
13 COMMERCIAL 1 DISTRICT; 21.26, GENERAL COMMERCIAL 2 DISTRICT;
14 AND HOMER CITY CODE 21.27, EAST END MIXED USE DISTRICT
15 REGARDING CONDITIONAL USES IN EACH DISTRICT.
16

17 WHEREAS, It is in the interests of the City to make allowances for uses in
18 districts according to the guidance set for in the 2018 Homer Comprehensive Plan and
19 the Purpose of the districts described in Homer City Code; and
20

21 WHEREAS, A Conditional Use Permit (CUP) should be a consideration for uses
22 which, due to form or function, may require special conditions in order to minimize
23 possible negative externalities; and
24

25 WHEREAS, Some uses may be inappropriate for a district in consideration of
26 the purpose of the district and the negative externalities that may be found in the use
27 itself, or those of the district itself; and
28

29 WHEREAS, The Homer Planning Commission has reviewed the subjects and
30 actions of past CUP permits that have been routinely granted with few if any special
31 conditions; and
32

33 WHEREAS, The Homer Planning Commission has found several conditional
34 uses and structures that fit within the guidance of the 2018 Homer Comprehensive
35 Plan and the Purpose statements found in code for the corresponding districts that
36 would be more appropriately listed as permitted uses and structures or eliminated.
37

38 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
39

40 Section 1. Homer City Code Chapter 21.12, Rural Residential District is amended to
41 read as follows:
42

43 21.12.020 Permitted uses and structures.
44

45 The following uses are permitted outright in the Rural Residential District:

46

47 ~~s. One detached~~ **Up to four** dwelling units, excluding mobile homes, ~~as an accessory building~~
48 ~~to a principal single family dwelling~~ on a lot subject to the requirements of HCC 21.12.040
49 **and located in an area depicted for Urban Residential zoning by the Future Land Use**
50 **Map in the 2018 Homer Comprehensive Plan.**

51

52 Section 2. Homer City Code Chapter 21.14, Urban Residential District is amended as
53 follows:

54

55 21.14.020 Permitted uses and structures.

56

57 The following uses are permitted outright in the Urban Residential District:

58

59 **r. Townhouse developments**

60

61 **s. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b)**
62 **excluding mobile homes.**

63

64 21.14.030 Conditional uses and structures.

65

66 The following uses may be permitted in the Urban Residential District when authorized by
67 conditional use permit issued in accordance with Chapter 21.71 HCC:

68

69 a. Planned unit development, excluding all industrial uses;

70

71 ~~b. Townhouse developments;~~

72

73 ~~b.~~ Day care facilities; provided, however, that outdoor play areas must be fenced;

74

75 ~~c.~~ Religious, cultural and fraternal assembly;

76

77 ~~e. Hospitals;~~

78

79 ~~f.d.~~ Pipelines and railroads;

80

81 Section 3. Homer City Code Chapter 21.16, Residential Office District is amended as
82 follows:

83

84 21.16.020 Permitted uses and structures.

85

86 The following uses are permitted outright in the Residential Office District:

87

88 **s. Townhouses**

89

90 **t. Mortuaries**

91

92 **u. Day care facilities; provided, however, that outdoor play areas must be fenced;**

93

94 **v. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b)**
95 **excluding mobile homes.**

96

97 **w. Group care homes.**

98

99 21.16.030 Conditional uses and structures.

100

101 The following uses may be permitted in the Residential Office District when authorized by
102 conditional use permit issued in accordance with Chapter 21.71 HCC:

103

104 a. Planned unit developments, excluding all industrial uses;

105

106 ~~b. Townhouses;~~

107

108 ~~eb.~~ Public or private schools;

109

110 ~~ec.~~ Hospitals and medical clinics;

111

112 ~~ed.~~ Public utility facilities and structures;

113

114 ~~f. Mortuaries;~~

115

116 ~~g. Day care facilities; provided, however, that outdoor play areas must be fenced;~~

117

118 ~~he.~~ More than one building containing a permitted principal use on a lot;

119

120 ~~i. Group care homes;~~

121

122 ~~j. Helipads, but only as an accessory use incidental to a hospital conditional use;~~

123

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

126

127 ~~lg.~~ Other uses approved pursuant to HCC 21.04.020.

128

129 21.16.040 Dimensional requirements.

130

131 The following dimensional requirements shall apply to all structures and uses in the
132 Residential Office District:

133
134 e. No lot shall contain more than 8,000 square feet of building area (all buildings combined),
135 nor shall any lot contain building area in excess of ~~30~~**40** percent of the lot area, without an
136 approved conditional use permit.

137
138 Section 4. Homer City Code Chapter 21.18, Central Business District is amended to read
139 as follows:

140
141 21.18.020 Permitted uses and structures.

142
143 The following uses are permitted outright in the Central Business District, except when such
144 use requires a conditional use permit by reason of size, traffic volumes, or other reasons set
145 forth in this chapter:

146
147 **ll. Greenhouses and garden supplies.**

148
149 **mm. Up to 4 buildings on a lot excluding mobile homes, except as provided for in HCC**
150 **21.18.030.**

151
152 **nn. Group care homes and assisted living homes**

153
154 **mm. Indoor and outdoor recreational facilities.**

155
156 21.18.030 Conditional uses and structures

157
158 The following uses may be permitted in the Central Business District when authorized by
159 conditional use permit issued in accordance with Chapter 21.71 HCC:

160
161 a. Planned unit developments, excluding all industrial uses;

162
163 ~~b. Indoor recreational facilities and outdoor recreational facilities;~~

164
165 ~~eb.~~ Mobile home parks;

166
167 ~~dc.~~ Auto fueling stations;

168
169 ~~ed.~~ Public utility facilities and structures;

170
171 ~~fe.~~ Pipeline and railroads;

172
173 ~~g.~~ Greenhouses and garden supplies;

- 174 ~~hf.~~ Light or custom manufacturing, repair, fabricating, and assembly, provided such use,
175 including storage of materials, is wholly within an enclosed building;
176
177 ~~ig.~~ Shelter for the homeless, provided any lot used for such shelter does not abut a residential
178 zoning district;
179
180 ~~jh.~~ More than one building containing a permitted principal use on a lot;
181
182 ~~k. Group care homes and assisted living homes;~~
183
184 ~~li.~~ Drive-in car washes, but only on the Sterling Highway from Tract A-1 Webber Subdivision to
185 Heath Street;
186
187 ~~mj.~~ One small wind energy system having a rated capacity exceeding 10 kilowatts; provided,
188 that it is the only wind energy system of any capacity on the lot;
189
190 ~~nk.~~ Other uses approved pursuant to HCC 21.04.020.

191
192 21.18.040 Dimensional requirements.

193
194 The following dimensional requirements shall apply to all structures and uses in the Central
195 Business District:

- 196
197 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined),
198 nor shall any lot contain building area in excess of ~~30~~**40** percent of the lot area, without an
199 approved conditional use permit.

200
201 Section 5. Homer City Code Chapter 21.20, Town Center District is amended as follows:

202
203 21.20.020 Permitted uses and structures

204
205 The following uses are permitted outright in the Town Center District, except when such use
206 requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth
207 in this chapter:

208
209 **aa. Greenhouse and garden supplies**

210
211 **bb. Indoor and outdoor recreational facilities**

212
213 **cc. Group care and assisted living facilities.**

214
215 **dd. Self-service laundries**

216

217 21.20.030 Conditional uses and structures.

218
219 The following uses may be permitted in the Town Center District when authorized by
220 conditional use permit issued in accordance with Chapter 21.71 HCC:

- 221
222 a. Planned unit developments, limited only to uses otherwise permitted in this district;
223
224 b. Indoor recreational facilities;
225
226 ~~c. Greenhouses and garden supplies;~~
227
228 ~~d.~~ **d.** Light or custom manufacturing, repair, fabricating, and assembly, provided such use,
229 including storage of materials, is wholly within an enclosed building;
230
231 ~~e. Group care homes and assisted living homes;~~
232
233 ~~f.~~ **f.** Other uses approved pursuant to HCC 21.04.020;
234
235 ~~g.~~ **g.** Outdoor recreational facilities;
236
237 ~~h.~~ **h.** Customary accessory uses to any of the permitted uses listed in the TCD district; provided,
238 that a separate permit shall not be issued for the construction of any type of accessory building
239 prior to that of the main building;
240
241 ~~i. Self-service laundries;~~
242
243 ~~j. Retail sales of hardware, appliances and furniture, building supplies and materials, but only~~
244 ~~if such use, including storage of goods and materials, is wholly contained within one or more~~
245 ~~enclosed buildings;~~
246
247 ~~k. Plumbing, heating and appliance repair shops, but only if such use, including storage of~~
248 ~~goods and materials, is wholly contained within one or more enclosed buildings;~~
249
250 ~~l.~~ **l.** One wind energy system having a rated capacity exceeding 10 kilowatts; provided, that it is
251 the only wind energy system on any capacity of the lot.
252

253 Section 6. Homer City Code Chapter 21.22, Gateway Business District is amended as
254 follows:

255
256 21.22.020 Permitted uses and structures.

257
258 The following uses are permitted outright in the Gateway Business District, except when such
259 use requires a conditional use permit by reason of size, traffic volumes, or other reasons set

260 forth in this chapter:

261
262 **r. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b)**
263 **excluding mobile homes.**

264
265 21.22.040 Dimensional requirements.

266
267 The following dimensional requirements shall apply to all structures and uses in the Gateway
268 Business District:

269
270 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined),
271 nor shall any lot contain building area in excess of ~~30~~**40** percent of the lot area, without an
272 approved conditional use permit.

273
274 Section 7. Homer City Code Chapter 21.24, General Commercial District 1 is amended
275 as follows:

276
277 21.24.020 Permitted uses and structures.

278
279 The following uses are permitted outright in the General Commercial 1 District, except when
280 such use requires a conditional use permit by reason of size, traffic volumes, or other reasons
281 set forth in this chapter:

282
283 **mm. Townhouses;**

284
285 **nn. Day care facilities; provided, however, that outdoor play areas must be fenced;**

286
287 **oo. Indoor and outdoor recreational facilities;**

288
289 **pp. More than one building containing a permitted principal use on a lot.**

290
291 21.24.030 Conditional uses and structures.

292
293 The following uses may be permitted in the General Commercial 1 District when authorized by
294 conditional use permit issued in accordance with Chapter 21.71 HCC:

295
296 a. Campgrounds;

297
298 b. Crematoriums;

299
300 c. Multiple-family dwelling;

301
302 d. Public utility facility or structure;

- 303 e. Mobile home parks;
304
305 f. Planned unit developments;
306
307 ~~g. Townhouses;~~
308
309 ~~hg. Pipelines and railroads;~~
310
311 ~~ih. Shelter for the homeless, provided any lot used for such shelter does not abut an RO, RR, or~~
312 ~~UR zoning district;~~
313
314 ~~j. More than one building containing a permitted principal use on a lot;~~
315
316 ~~k. Day care facilities; provided, however, that outdoor play areas must be fenced;~~
317
318 ~~li. Other uses approved pursuant to HCC 21.04.020;~~
319
320 ~~m. Indoor recreational facilities;~~
321
322 ~~n. Outdoor recreational facilities.~~

323
324 21.24.040 Dimensional requirements.
325

326 The following dimensional requirements shall apply to all structures and uses in the General
327 Commercial 1 District:
328

- 329 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined),
330 nor shall any lot contain building area in excess of ~~30~~40 percent of the lot area without an
331 approved conditional use permit.
332

333 Section 8. Homer City Code Chapter 21.26, General Commercial District 2 is amended
334 as follows:
335

336 21.26.020 Permitted uses and structures.
337

338 The following uses are permitted outright in the General Commercial 2 District, except when
339 such use requires a conditional use permit by reason of size, traffic volumes, or other reasons
340 set forth in this chapter:
341

342 **x. Impound yards;**
343

344 **y. More than one building containing a permitted principal use on a lot;**
345

346 **z. Indoor and outdoor recreational facilities.**

347

348 **21.26.030 Conditional uses and structures.**

349

350 The following uses may be permitted in the General Commercial 2 District when authorized by
351 conditional use permit issued in accordance with Chapter 21.71 HCC:

352

353 ~~a. Mobile home parks;~~

354

355 ~~ba.~~ Construction camps;

356

357 ~~eb.~~ Extractive enterprises, including the mining, quarrying and crushing of gravel, sand and
358 other earth products and batch plants for asphalt or concrete;

359

360 ~~ec.~~ Bulk petroleum product storage above ground;

361

362 ~~ed.~~ Planned unit developments, excluding residential uses;

363

364 ~~fe.~~ Campgrounds;

365

366 ~~gf.~~ Junk yard;

367

368 ~~hg.~~ Kennels;

369

370 ~~ih.~~ Public utility facilities and structures;

371

372 ~~ji.~~ Pipelines and railroads;

373

374 ~~k.~~ Impound yards;

375

376 ~~lj.~~ Shelter for the homeless, provided any lot used for such shelter does not abut an urban, rural
377 or office residential zoning district;

378

379 ~~m.~~ More than one building containing a permitted principal use on a lot;

380

381 ~~n.~~ Day care facilities; provided, however, that outdoor play areas must be fenced;

382

383 ~~o.~~ Group care homes and assisted living homes;

384

385 ~~pk.~~ Other uses approved pursuant to HCC 21.04.020;

386

387 ~~q.~~ Indoor recreational facilities;

388

389 ~~r. Outdoor recreational facilities.~~

390

391 21.26.040 Dimensional requirements.

392

393 The following dimensional requirements shall apply to all structures and uses in the General
394 Commercial 2 District:

395

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

399

400 Section 9. Homer City Code Chapter 21.27, East End Mixed Use District is amended as
401 follows:

402

403 21.27.020 Permitted uses and structures.

404

405 The following uses are permitted outright in the East End Mixed Use District, except when such
406 use requires a conditional use permit by reason of size, traffic volumes, or other reasons set
407 forth in this chapter:

408

409 **pp. Indoor and outdoor recreational facilities.**

410

411 21.27.030 Conditional uses and structures.

412

413 The following conditional uses may be permitted in the East End Mixed Use District when
414 authorized by conditional use permit issued in accordance with Chapter 21.71 HCC:

415

416 ~~j. Indoor recreational facilities;~~

417

418 ~~k. Outdoor recreational facilities;~~

419

420 21.27.040 Dimensional requirements.

421

422 The following dimensional requirements shall apply to all structures and uses in the East End
423 Mixed Use District:

424

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

428

429 Section 10. This ordinance shall take effect upon its adoption by the Homer City
430 Council.

431

432 Section 11. This ordinance is of a permanent and general character and shall be
433 included in the City code.

434
435 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
436 _____ 2022.

437
438 CITY OF HOMER

439
440 _____
441 KEN CASTNER, MAYOR

442
443 ATTEST:

444
445
446 _____
447 MELISSA JACOBSON, MMC, CITY CLERK

448
449 YES:

450 NOES:

451 ABSTAIN:

452 ABSENT:

453
454 First Reading:

455 Public Reading:

456 Second Reading:

457 Effective Date:

458

Commission or they can take it to the Borough. If they submit something different to the Borough, the Borough will contact the City and ask if the Planning Commission wants to review this again which due to the response we have gotten he will tell them yes. It might be a small thing and you can reconfigure a lot but it would be worth reviewing it again at this body to get a positive recommendation up to the Borough.

Commissioner Stark commented on the application being within the legal rights but the negative response from the public and neighboring properties that the Applicants should work further with the City Planner to address the concerns expressed tonight. He then stressed they are voting on the preliminary plat.

Commissioner Highland expressed the main the concern is that if this Commission votes to recommend approval it goes to the Borough and they will approve it and this Commission will not see it again.

City Planner Abboud confirmed that the Applicant could bring this action to the Borough even though the Commission did not recommend approval.

STARK/HIGHLAND MOVED TO AMEND MOTION TO REDUCE THE NUMBER OF LOTS.

A brief discussion on just recommending the number of lots be reduced without being specific on the number of lots to reduce to; over regulations on development; provide the opportunity to the applicants to reduce the number of lots and bring it back to the Commission; amending the motion does exactly that as the Applicant has expressed a willingness to work with the city and neighbors.

VOTE. NO. SMITH, CHIAPPONE, CONLEY

VOTE. YES. HIGHLAND, STARK

Motion failed.

There was no further discussion on the main motion.

VOTE. YES. CHIAPPONE, STARK

VOTE. NO. HIGHLAND, CONLEY, SMITH.

Motion failed.

Chair Smith called for a recess at 8:50 p.m. He called the meeting back to order at 8:58 p.m.

PUBLIC HEARINGS

A. Staff Report 22-59, Conditional Uses and Structures - Draft Ordinance Amending Title 21 Sections 21.12. Rural Residential District; 21.14, Urban Residential District; 21.16 Residential Office District 21.18 Central Business District; 21.20 Town Center District; 21.22 Gateway Business District; 21.24 GC1 General Commercial District 1; 21.26 GC2 General Commercial District 2; 21.27 East End Mixed Use District Regarding Conditional Uses in Each District. Planning Commission.

Staff Report 22-59 Conditional Use Permit Reduction

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

City Planner Abboud reviewed Staff Report 22-59 and noted the actions taken by the Planning Commission in each of the zoning districts. He noted the ordinance provides the input from the Commissioners at the September 7, 2022 regular meeting. City Planner Abboud stated that he has made some minor changes on intent and impact and provided the comprehensive review on the proposed amendments.

Chair Smith open the Public Hearing.

Karen Marks, city resident, commented that she appreciated the Commissions work on this and believed it will move toward an easier business climate and provides the time to work on those things that exceptionally difficult.

Jon Faulkner, 35 year city resident, owner operator of Lands' End Resort urged the Commission to consider a broader outreach as this significant change warrants more than social media, newspaper, and radio as they don't quite capture getting the word out to the community. He believed that this was a community consensus-driven process, and should use direct mail to advise the community. He believed that would be worth the costs of a dollar per resident at 3200 residents. He lives here and very specifically engaged and he learned about this because of attending the meeting to comment on another matter, but he believes that there are a lot of people like himself who care a great deal about this town and they may not be aware of some of these significant changes that this Commission is putting a lot of time into and Mr. Faulkner applauded the Commission for that effort. He then stated that he is an expert in development as he has spent a lifetime doing it. Condominium, hotel, residential, etcetera, etcetera. He believed that if you are truly interested in affordable housing because it is becoming the same word and almost a justification for everything that is being done he would like the Commission to apply the brakes on it for a bit and think about the context of these changes. What developer like himself might actually think about building affordable housing? An 8000 square foot limitation is the biggest impediment in his view to multifamily inexpensive housing. You are not going to get it from detached houses and that is where you keep focusing your energy. He referenced the development by Alex Treweiler located in Old Town as being a successful model. Mr. Faulkner provided an example of developing an 8000 square foot lot and the difficulties that would present to a developer. He requested the Commission to think about direct mailing the residents so that they can gain consensus on these changes.

Ken Castner, stated that when he became Mayor it was his ambition to reduce the number of conditional use permits, because that's been the root of almost all city litigation in court, and he urged the Commission at that time to either allow it or not. When there is a condition that can be permitted under certain set of circumstances, you are going to tell them how they have to conform. So there is a conformity issue, as well as the application where what you have effectively done through this change, and I congratulate you on doing it, because he believes it brings certainty by definitively stating what is either allowed or not. A person can still go for a conditional use permit, but with the expectation that there is going to be conditions.

Chair Smith seeing no further persons coming forward to provide testimony closed the public hearing. He then deferred to questions from the Commission.

Commissioner Highland noted a typographical error on line 18 of the draft ordinance, the word should be "forth" not "for" as written. She then questioned the number of residents in Homer is more in the number of 5500 referring to the comment from Mr. Faulkner regarding mailing notice of action to all city residents.

City Planner Abboud provided clarification that there are a few more opportunities to comment on this action as it will be going before the City Council. He then provided additional clarification and purpose for the changes that the Commission is recommending.

Chair Smith requested a motion and second.

HIGHLAND/CONLEY MOVE TO ADOPT STAFF REPORT 22-59 AND FORWARD DRAFT ORDINANCE AMENDING HOMER CITY CODE SECTIONS 21.12 RURAL RESIDENTIAL DISTRICT; 21.14, URBAN RESIDENTIAL DISTRICT; 21.16 RESIDENTIAL OFFICE DISTRICT; 21.18, CENTRAL BUSINESS DISTRICT; 21.20, TOWN CENTER DISTRICT;

21.22, GATEWAY BUSINESS DISTRICT; 21.24, GENERAL COMMERCIAL 1 DISTRICT; 21.26, GENERAL COMMERCIAL 2 DISTRICT; AND HOMER CITY CODE 21.27, EAST END MIXED USE DISTRICT REGARDING CONDITIONAL USES IN EACH DISTRICT TO CITY COUNCIL.

Commissioners commented on the time spent and the efforts expending in putting the information together to make all the changes.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Memorandum from Deputy City Clerk re: Final Draft Recommendations for Ordinance 22-42

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

City Planner Abboud reviewed the Memorandum prepared by Deputy City Clerk Krause. Chair Smith requested any amendments from the Commission, noting that the Clerk has requested all amendments be made by a motion.

HIGHLAND/STARK MOVED TO AMEND THE MEMORANDUM, RECOMMENDATION NUMBER TWO, TO STRIKE LANGUAGE AFTER THE WORD "PLANS".

Chair Smith noted that this amended statement was more representative of the overall discussion by the Commission to be sent to Council.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith requested additional amendments to the memorandum and hearing none he then requested a motion and second to adopt the memorandum as amended.

HIGHLAND/STARK MOVED TO ADOPT THE MEMORANDUM REGARDING RECOMMENDATIONS ON ORDINANCE 22-42 AS AMENDED AND FORWARD TO CITY COUNCIL FOR THE SEPTEMBER 26, 2022 MEETING.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.



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Staff Report PL 22-56

TO: HOMER PLANNING COMMISSION
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: SEPTEMBER 7, 2022
SUBJECT: CUP REDUCTION

Introduction

I have made a draft ordinance for the Commission to review and make any changes necessary prior to holding a public hearing. It is quite a large ordinance with 10 sections and additional eyes on it will be valuable. The information about the districts are left in the staff report so that the recommendations may be reviewed for any concerns of the Commission.

A few minor changes have been made after looking at the revisions and considering all the ramifications. The major goal of the ordinance is to address the CUP's that have become routine and required the most minimal input from the Commission for approval. These items should be considered in context of the intent of the district in the Comprehensive Plan as well as the purpose of the district in code. While there is always a chance to improve the code, especially when we have exposed this amount, I don't want to stray too much from the concept of addressing CUP's as described above. This could quickly become a project of a much larger magnitude that would require a great amount of preparation and thought on additional recommendations. We also are embarking on a proposed revision of the Comprehensive Plan with a subsequent revision of code to ensure that we enact the plan. I don't want to get too far ahead of the time when we will be considering the internal workings of code.

I am noting what was changed according to the individual districts after the district summaries and have highlighted those items found to have been moved or been removed in code by the ordinance. I have landed on the permitting of up to 4 structures supporting residential units in districts supporting multifamily dwellings. Please provide feedback on the amount and consider if it should be something different. It is generally thought that the uses that have been moved to permitted uses have reasonable considerations in the district for their support.

Commissioners are requested to take a close look and move to make changes as they see fit. Pipelines and railroads are not removed yet, please vote on a motion if you wish. This will create a record on an item that was not address in the staff reports. Of course, make a motion and vote on anything else you feel needs to be changed and to accept the changes.

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: Added allowance for up to 4 dwellings according to density allowance and when located in an area for consideration of Urban Residential zoning as identified by the Land Use Recommendations map in the Comprehensive Plan.

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: Moved townhouses to permitted use and allowed up to 4 dwellings subject to dimensional requirements of multi-family floor area ratio standards.

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: Added townhouse, mortuaries, daycare, group homes and up to four dwellings subject to multi-family floor area ratios to permitted uses. Moved requirement for a CUP regarding building area coverage from 30% to 40%. Also eliminated the retail sales of hardware etc. and plumbing and etc. as these 'laundry lists' of uses are unnecessary and would be allowed by the current permitted uses pertaining to retail businesses (HCC 21.20.020(a)) and plumbing etc. (HCC 21.20.020(s)).

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: 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: Moved greenhouses, group homes, assisted living homes, indoor and outdoor recreational facilities, and up to 4 dwelling units subject to multi-family floor areas ratios to permitted uses. Moved building area coverage from 30% to 50% for a CUP.

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: Added greenhouses, indoor and outdoor recreational facilities, group care and assisted living facilities, and self-service laundries to permitted uses.

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: Added up to 4 dwelling units subject to floor area ratios of multi-family and moved from 30% to 40% building coverage required for a CUP.

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: Moved townhouses daycare facilities, indoor and outdoor recreational facilities, and more than one building on a lot to permitted uses. I left multi-family as a conditional use as the GC1 district is really meant to support commercial and multi-family should have some oversight to whether or not the conditions of a particular lot are better to support dwellings, which are not allowed otherwise. Moved standard for CUP from 30% lot coverage to 40%.

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: Added impound yards, more than on building containing a permitted principle use on a lot and indoor and our door recreation facilities to permitted uses. Eliminated mobile home parks, day care facilities, group and assisted living homes from the district as they are incompatible with the intent district. Removed requirement for over 8000 sf and 30% building coverage to trigger a CUP.

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: Moved indoor and outdoor recreational facilities to permitted uses. Removed requirement for over 8000 sf and 30% building coverage to trigger a CUP.

Staff Recommendation

Discuss changes and make motions to make any changes and recommend for public hearing.

**CITY OF HOMER
HOMER, ALASKA**

Planning Commission

ORDINANCE 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.12, RURAL RESIDENTIAL DISTRICT; HOMER CITY CODE 21.14, URBAN RESIDENTIAL DISTRICT; HOMER CITY CODE 21.12 RESIDENTIAL OFFICE DISTRICT; HOMER CITY CODE 21.18, CENTRAL BUSINESS DISTRICT; HOMER CITY CODE 21.20 TOWN CENTER DISTRICT; HOMER CITY CODE 21.22, GATEWAY BUSINESS DISTRICT; HOMER CITY CODE 21.24, GENERAL COMMERCIAL 1 DISTRICT; HOMER CITY CODE 21.26, GENERAL COMMERCIAL 2 DISTRICT; HOMER CITY CODE 21.27, EAST END MIXED USE DISTRICT

WHEREAS,

WHEREAS,

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.12, Rural Residential District is amended to read as follows:

21.12.020 Permitted uses and structures.

The following uses are permitted outright in the Rural Residential District:

- a. Single-family dwelling;
- b. Duplex dwelling;
- c. Multiple-family dwelling, only if the structure conforms to HCC 21.14.040(a)(2);
- d. Public parks and playgrounds;
- e. Rooming house, bed and breakfast and hostel;
- f. Home occupations, provided they conform to the requirements of HCC 21.51.010;
- g. Agricultural activities, including general farming, truck farming, livestock farming, nurseries, and greenhouses; provided, that:
 1. Other than normal household pets, no poultry or livestock may be housed and no fenced runs may be located within 100 feet of any residence other than the dwelling on the same lot;
 2. No retail or wholesale business sales office is maintained on the premises;

[Bold and underlined added. Deleted language stricken through.]

- 48
49 h. Private stables;
50
51 i. Private floatplane tie-down as an accessory use incidental to residential use;
52
53 j. Storage of personal commercial fishing gear in a safe and orderly manner and separated by at least
54 five feet from any property line as an accessory use incidental to residential use;
55
56 k. As an accessory use incidental to residential use, the private outdoor storage of noncommercial
57 equipment, including noncommercial trucks, boats, and not more than one recreational vehicle in a
58 safe and orderly manner and separated by at least five feet from any property line, provided no stored
59 equipment, boat or vehicle exceeds 36 feet in length;
60
61 l. Other customary accessory uses incidental to any of the permitted uses listed in the RR district;
62 provided, that no separate permit shall be issued for the construction of any detached accessory
63 building prior to that of the main building;
64
65 m. Temporary (seasonal) roadside stands for the sale of produce grown on the premises;
66
67 n. Mobile homes, subject to the requirements of HCC 21.54.100;
68
69 o. Day care homes; provided, however, that outdoor play areas must be fenced;
70
71 p. Recreational vehicles, subject to the requirements of HCC 21.54.320;
72
73 q. Open space, but not including outdoor recreational facilities described in HCC 21.12.030;
74
75 r. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10
76 kilowatts;
77
78 s. ~~One detached~~ **Up to four** dwelling units, excluding mobile homes, ~~as an accessory building to a~~
79 ~~principal single family dwelling~~ on a lot subject to the requirements of HCC 21.12.040 **and located in**
80 **an area designated for Urban Residential zoning by the Future Land Use Map in the 2018 Homer**
81 **Comprehensive Plan.**

82
83 Section 2. Homer City Code Chapter 21.14, Urban Residential District is amended as follows:

84
85 21.14.020 Permitted uses and structures.

86
87 The following uses are permitted outright in the Urban Residential District:

- 88
89 a. Single-family dwelling, excluding mobile home;
90
91 b. Duplex dwelling, excluding mobile home;
92
93 c. Multiple-family dwelling, only if the structure conforms to HCC 21.14.040(a)(2) and excluding mobile
94 home;

- 95
96 d. Public parks and playgrounds;
97
98 e. Home occupations, provided they conform to the requirements of HCC 21.51.010;
99
100 f. Rooming house, bed and breakfast and hostel;
101
102 g. Private floatplane tie-up facility as an accessory use incidental to residential use;
103
104 h. As an accessory use incidental to residential use, storage of personal commercial fishing gear in a
105 safe orderly manner and separated by at least five feet from any property line;
106
107 i. As an accessory use incidental to residential use, the private outdoor storage of noncommercial
108 equipment, including noncommercial trucks, boats, and not more than one recreational vehicle in a
109 safe and orderly manner and separated by at least five feet from any property line, provided no stored
110 equipment, boat or vehicle exceeds 36 feet in length;
111
112 j. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory to a residential use
113 in a manner consistent with the requirements of all other provisions of the Homer City Code and as long
114 as such animals are pets of the residents of the dwelling and their numbers are such as not to
115 unreasonably annoy or disturb occupants of neighboring property;
116
117 k. Customary accessory uses to any of the permitted uses listed in the UR district; provided, that no
118 separate permit shall be issued for the construction of any detached accessory building prior to that of
119 the main building;
120
121 l. Day care homes; provided, however, that outdoor play areas must be fenced;
122
123 m. Recreational vehicles, subject to the standards set out in HCC 21.54.320;
124
125 n. Open space, not including outdoor recreational facilities;
126
127 o. Public schools and private schools;
128
129 p. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10
130 kilowatts;
131
132 q. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single-
133 family dwelling on a lot.
134
135 **r. Townhouse developments**
136
137 **s. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b)**
138 **excluding mobile homes.**
139
140 21.14.030 Conditional uses and structures.
141

142 The following uses may be permitted in the Urban Residential District when authorized by conditional
143 use permit issued in accordance with Chapter 21.71 HCC:

144

145 a. Planned unit development, excluding all industrial uses;

146

147 ~~b. Townhouse developments;~~

148

149 ~~eb.~~ Day care facilities; provided, however, that outdoor play areas must be fenced;

150

151 ~~ec.~~ Religious, cultural and fraternal assembly;

152

153 ~~ed.~~ Hospitals;

154

155 ~~fe.~~ Pipelines and railroads;

156

157 ~~gf.~~ Storage of heavy equipment or boats over 36 feet in length as an accessory use incidental to a
158 permitted or conditionally permitted principal use;

159

160 ~~hf.~~ Private stables and the keeping of larger animals not usually considered pets, including paddocks
161 or similar structures or enclosures utilized for keeping of such animals as an accessory use incidental
162 to a primary residential use; such use shall be conditioned on not causing unreasonable disturbance or
163 annoyances to occupants of neighboring property, and on sufficient land to harbor such animals;

164

165 ~~ih.~~ Group care home;

166

167 ~~ji.~~ Assisted living home;

168

169 ~~kj.~~ More than one building containing a permitted principal use on a lot;

170

171 ~~lk.~~ Indoor recreational facilities;

172

173 ~~ml.~~ Outdoor recreational facilities;

174

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

177

178 Section 3. Homer City Code Chapter 21.16, Urban Residential Office District is amended as
179 follows:

180

181 21.16.020 Permitted uses and structures.

182

183 The following uses are permitted outright in the Residential Office District:

184

185 a. Single-family and duplex dwelling, excluding mobile homes;

186

187 b. Multiple-family dwelling, provided the structure conforms to HCC 21.14.040(a)(2) and excluding
188 mobile homes;

- 189
190 c. Public parks and playgrounds;
191
192 d. Rooming house, bed and breakfast and hostel;
193
194 e. Home occupations; provided they conform to the requirements of HCC 21.51.010;
195
196 f. Professional offices and general business offices;
197
198 g. Personal services;
199
200 h. Museums, libraries and similar institutions;
201
202 i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
203
204 j. Religious, cultural and fraternal assembly;
205
206 k. Storage of the occupant's personal commercial fishing gear in a safe and orderly manner and
207 separated by at least five feet from any property line as an accessory use incidental to a permitted or
208 conditionally permitted principal use;
209
210 l. Private exterior storage of the occupant's personal noncommercial equipment, including
211 noncommercial trucks, boats, campers and not more than one recreational vehicle in a safe and orderly
212 manner and separated by at least five feet from any property line as an accessory use incidental to a
213 permitted or conditionally permitted principal use;
214
215 m. Other customary accessory uses to any of the permitted uses listed in the Residential Office District;
216 provided, that no separate permit shall be issued for the construction of any detached accessory
217 building prior to that of the main building;
218
219 n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory use in a manner
220 consistent with the requirements of the Homer City Code and as long as such animals are kept as pets
221 and their numbers are such as not to unreasonably annoy or disturb occupants of neighboring
222 property;
223
224 o. Day care homes; provided, however, that outdoor play areas must be fenced;
225
226 p. Recreational vehicles, subject to the standards set out in HCC 21.54.320;
227
228 q. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10
229 kilowatts;
230
231 r. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single-
232 family dwelling on a lot.

233
234 **s. Townhouses**
235

236 **t. Mortuaries**

237

238 **u. Day care facilities; provided, however, that outdoor play areas must be fenced;**

239

240 **v. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b)**
241 **excluding mobile homes.**

242

243 **w. Group care homes.**

244

245 21.16.030 Conditional uses and structures.

246

247 The following uses may be permitted in the Residential Office District when authorized by conditional
248 use permit issued in accordance with Chapter 21.71 HCC:

249

250 a. Planned unit developments, excluding all industrial uses;

251

252 ~~b. Townhouses;~~

253

254 ~~eb.~~ Public or private schools;

255

256 ~~dc.~~ Hospitals and medical clinics;

257

258 ~~ed.~~ Public utility facilities and structures;

259

260 ~~f. Mortuaries;~~

261

262 ~~g. Day care facilities; provided, however, that outdoor play areas must be fenced;~~

263

264 ~~he.~~ More than one building containing a permitted principal use on a lot;

265

266 ~~i. Group care homes;~~

267

268 ~~jh.~~ Helipads, but only as an accessory use incidental to a hospital conditional use;

269

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

272

273 l. Other uses approved pursuant to HCC 21.04.020.

274

275 21.16.040 Dimensional requirements.

276

277 The following dimensional requirements shall apply to all structures and uses in the Residential
278 Office District:

279

280 a. The minimum lot size is 7,500 square feet.

281

282 b. Building Setbacks.

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1. Buildings shall be set back 20 feet from all dedicated rights-of-way.

2. Residential buildings shall be set back from all other lot boundary lines according to the number of stories as follows:

Number of Stories	Setback (in feet)
1 story	5 feet
1 1/2 stories	6 feet
2 stories	7 feet
2 1/2 stories	8 feet

3. Nonresidential buildings shall be set back 15 feet from all other lot boundary lines, except that this setback may be reduced to not less than the setback that would apply under subsection (b)(2) of this section if the reduction is approved by the State Fire Marshal.

c. The maximum building height shall be 35 feet.

d. Detached accessory buildings may not occupy more than 25 percent of a required rear or side yard and no portion of a required front yard, and shall be located at least five feet from the nearest part of a main building and five feet from all property lines.

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~~**40** percent of the lot area, without an approved conditional use permit.

Section 4. Homer City Code Chapter 21.18, Central Business District is amended to read as follows:

21.18.020 Permitted uses and structures.

The following uses are permitted outright in the Central Business District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter:

- a. Retail business where the principal activity is the sale of merchandise and incidental services in an enclosed building;
- b. Personal service establishments;
- c. Professional offices and general business offices;
- d. Restaurants, clubs and drinking establishments that provide food or drink for consumption on the

- 330 premises;
- 331
- 332 e. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;
- 333
- 334 f. Hotels and motels;
- 335
- 336 g. Mortuaries;
- 337
- 338 h. Single-family, duplex, and multiple-family dwellings, including townhouses, but not including mobile
- 339 homes;
- 340
- 341 i. Floatplane tie-up facilities and air charter services;
- 342
- 343 j. Parks;
- 344
- 345 k. Retail and wholesale sales of building supplies and materials, only if such use, including storage of
- 346 materials, is wholly contained within one or more enclosed buildings;
- 347
- 348 l. Customary accessory uses to any of the permitted uses listed in the CBD district; provided, that a
- 349 separate permit shall not be issued for the construction of any detached accessory building prior to
- 350 that of the main building;
- 351
- 352 m. Mobile homes, provided they conform to the requirements set forth in HCC 21.54.100;
- 353
- 354 n. Home occupations, provided they conform to the requirements of HCC 21.51.010;
- 355
- 356 o. Ministorage;
- 357
- 358 p. Apartment units located in buildings primarily devoted to business or commercial uses;
- 359
- 360 q. Religious, cultural, and fraternal assembly;
- 361
- 362 r. Entertainment establishments;
- 363
- 364 s. Public, private and commercial schools;
- 365
- 366 t. Museums and libraries;
- 367
- 368 u. Studios;
- 369
- 370 v. Plumbing, heating and appliance service shops, only if such use, including the storage of materials,
- 371 is wholly within an enclosed building;
- 372
- 373 w. Publishing, printing and bookbinding;
- 374
- 375 x. Recreational vehicle parks only if located south of the Sterling Highway (Homer Bypass) from Lake
- 376 Street west to the boundary of the Central Business District abutting Webber Subdivision, and from

377 Heath Street to the west side of Lakeside Village Subdivision, provided they shall conform to the
378 standards in HCC 21.54.200 and following sections;

379
380 y. Taxi operation limited to a dispatch office and fleet parking of no more than five vehicles;
381 maintenance of taxis must be conducted within an enclosed structure, and requires prior approval by
382 the City Planner of a site, access and parking plan;

383
384 z. Mobile food services;

385
386 aa. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this
387 zoning district;

388
389 bb. Day care homes and facilities; provided, however, that outdoor play areas must be fenced;

390
391 cc. Rooming house, bed and breakfast and hostel;

392
393 dd. Auto repair and auto and trailer sales or rental areas, but only on Main Street from Pioneer Avenue
394 to the Sterling Highway, excluding lots with frontage on Pioneer Avenue or the Sterling Highway,
395 subject to the following additional requirements: Vehicles awaiting repair or service, inoperable
396 vehicles, vehicles for parts, and vehicles awaiting customer pickup shall be parked indoors or inside a
397 fenced enclosure so as to be concealed from view, on all sides. The fence shall be a minimum height of
398 eight feet and constructed to prohibit visibility of anything inside of the enclosure. The portion of any
399 vehicle exceeding eight feet in height may be visible outside of the fence. Vehicle parts (usable or
400 unusable), vehicle service supplies, and any other debris created in the repair or servicing of vehicles
401 shall also be stored indoors or inside the fenced enclosure out of view of the public;

402
403 ee. Farmers' market;

404
405 ff. Dormitory;

406
407 gg. Financial institutions;

408
409 hh. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10
410 kilowatts;

411
412 ii. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single-
413 family dwelling on a lot;

414
415 jj. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as
416 defined by State law;

417
418 kk. Medical clinics.

419
420 **ll. Greenhouses and garden supplies.**

421
422 **mm. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b)**
423 **excluding mobile homes or for commercial use.**

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nn. Group care homes and assisted living homes

mm. Indoor and outdoor recreational facilities.

21.18.030 Conditional uses and structures

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;~~
- ~~eb.~~ Mobile home parks;
- ~~dc.~~ Auto fueling stations;
- ~~ed.~~ Public utility facilities and structures;
- ~~fe.~~ Pipeline and railroads;
- ~~g. Greenhouses and garden supplies;~~
- ~~hf.~~ Light or custom manufacturing, repair, fabricating, and assembly, provided such use, including storage of materials, is wholly within an enclosed building;
- ~~ig.~~ Shelter for the homeless, provided any lot used for such shelter does not abut a residential zoning district;
- ~~jh.~~ More than one building containing a permitted principal use on a lot;
- ~~k. Group care homes and assisted living homes;~~
- ~~ij.~~ Drive-in car washes, but only on the Sterling Highway from Tract A-1 Webber Subdivision to Heath Street;
- ~~mj.~~ 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;
- ~~nk.~~ Other uses approved pursuant to HCC 21.04.020.

21.18.040 Dimensional requirements.

The following dimensional requirements shall apply to all structures and uses in the Central Business District:

471 a. Lot Size.

472

473 1. The minimum lot area shall be 6,000 square feet. Lawful nonconforming lots of smaller size
474 may be newly developed and used if off-site parking is provided in accordance with the City
475 parking code, Chapter 21.55 HCC;

476

477 2. Multiple-family dwelling containing three or more units shall meet the standards in HCC
478 21.14.040(a)(2);

479

480 3. Townhouses shall meet the standards in HCC 21.53.010.

481

482 b. Building Setbacks.

483

484 1. Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed by
485 subsection (b)(4) of this section.

486

487 2. Nonresidential buildings shall be set back five feet from all other lot boundary lines except
488 the minimum setback shall be two feet from all other boundary lines when firewalls are
489 provided and access to the rear of the building is otherwise provided (e.g., alleyways) as defined
490 by the State Fire Code and enforced by the State Fire Marshal.

491

492 3. Residential buildings shall be set back five feet from all other lot boundary lines.

493

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

496

497 5. Alleys are not subject to a 20-foot setback requirement. The setback requirements from any
498 lot line abutting an alley will be determined by the dimensional requirements of subsections
499 (b)(1) and (2) of this section.

500

501 6. Any attached or detached accessory building shall maintain the same yards and setbacks as
502 the main building.

503

504 c. Building Height. The maximum building height shall be 35 feet.

505

506 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall
507 any lot contain building area in excess of ~~30~~**50** percent of the lot area, without an approved conditional
508 use permit.

509

510 e. Building Area and Dimensions – Retail and Wholesale.

511

512 1. The total floor area of retail and wholesale business uses within a single building shall not
513 exceed 75,000 square feet.

514

515 2. No conditional use permit, planned unit development, or variance may be granted that
516 would allow a building to exceed the limits of subsection (e)(1) of this section and no
517 nonconforming use or structure may be expanded in any manner that would increase its

518 nonconformance with the limits of subsection (e)(1) of this section.

519

520 Section 5. Homer City Code Chapter 21.20, Town Center District is amended as follows:

521

522 21.20.020 Permitted uses and structures

523

524 The following uses are permitted outright in the Town Center District, except when such use requires
525 a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter:

526

527 a. Retail business where the principal activity is the sale of merchandise and incidental services in an
528 enclosed building;

529

530 b. Personal service establishments;

531

532 c. Offices;

533

534 d. Restaurants, clubs and drinking establishments which provide food or drink for consumption on
535 the premises;

536

537 e. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;

538

539 f. Hotels and motels;

540

541 g. Single-family, duplex, and multiple-family dwellings, but not including mobile homes or
542 townhouses;

543

544 h. Townhouses subject to the standards of HCC 21.53.010(c), (f), (h), (i), and (o) only;

545

546 i. Parks;

547

548 j. Financial institutions;

549

550 k. Retail sale of building supplies and materials, only if such use, including storage of materials, is
551 wholly contained within an enclosed building;

552

553 l. Home occupations, provided they conform to the standards in HCC 21.51.010;

554

555 m. Dwelling units and nonresidential uses in the same building, if each use is otherwise allowed
556 by this chapter;

557

558 n. Religious, cultural and fraternal assemblies;

559

560 o. Entertainment establishments;

561

562 p. Private, public, and commercial schools;

563

564 q. Museums and libraries;

- 565
566 r. Studios;
567
568 s. Plumbing, heating and appliance service shops, only if such use, including the storage of materials,
569 is wholly within an enclosed building;
570
571 t. Publishing, printing and bookbinding;
572
573 u. Mobile food services on City-owned land only;
574
575 v. Transient or itinerant merchants, provided all activities shall be limited to uses permitted outright
576 under this zoning district, and only on City-owned land;
577
578 w. Day care homes and facilities; provided, however, that play areas must be fenced;
579
580 x. Rooming house, bed and breakfast and hostel;
581
582 y. Farmers' market;
583
584 z. More than one building containing a principal permitted use on a lot.

585
586 **aa. Greenhouse and garden supplies**

587
588 **bb. Indoor and outdoor recreational facilities**

589
590 **cc. Group care and assisted living facilities.**

591
592 **dd. Self-service laundries**

593
594 21.20.030 Conditional uses and structures.

595
596 The following uses may be permitted in the Town Center District when authorized by conditional use
597 permit issued in accordance with Chapter 21.71 HCC:

- 598
599 a. Planned unit developments, limited only to uses otherwise permitted in this district;
600
601 b. Indoor recreational facilities;
602
603 ~~c. Greenhouses and garden supplies;~~
604
605 ~~d.~~ Light or custom manufacturing, repair, fabricating, and assembly, provided such use, including
606 storage of materials, is wholly within an enclosed building;
607
608 ~~e. Group care homes and assisted living homes;~~
609
610 ~~f~~d. Other uses approved pursuant to HCC 21.04.020;
611

- 612 ~~ge.~~ Outdoor recreational facilities;
613
614 ~~hf.~~ Customary accessory uses to any of the permitted uses listed in the TCD district; provided, that a
615 separate permit shall not be issued for the construction of any type of accessory building prior to that
616 of the main building;
617
618 ~~i.~~ Self-service laundries;
619
620 ~~j.~~ Retail sales of hardware, appliances and furniture, building supplies and materials, but only if such
621 use, including storage of goods and materials, is wholly contained within one or more enclosed
622 buildings;
623
624 ~~k.~~ Plumbing, heating and appliance repair shops, but only if such use, including storage of goods and
625 materials, is wholly contained within one or more enclosed buildings;
626
627 ~~le.~~ One wind energy system having a rated capacity exceeding 10 kilowatts; provided, that it is the only
628 wind energy system on any capacity of the lot.
629

630 Section 6. Homer City Code Chapter 21.22, Gateway Business District is amended as follows:

631
632 21.22.020 Permitted uses and structures.
633

634 The following uses are permitted outright in the Gateway Business District, except when such use
635 requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this
636 chapter:

- 637
638 a. Retail business;
639
640 b. General business offices and professional offices;
641
642 c. Restaurants and clubs;
643
644 d. Hotels and motels;
645
646 e. Single-family, duplex, and multiple-family dwellings, including townhouses, but not including mobile
647 homes;
648
649 f. Open space;
650
651 g. Financial institutions;
652
653 h. Home occupations, provided they conform to the standards in HCC 21.51.010;
654
655 i. Dwelling units and nonresidential uses (if otherwise allowed by this chapter) in the same building;
656
657 j. Religious, cultural, and fraternal assembly;
658

- 659 k. Entertainment establishments;
660
661 l. Museums and libraries;
662
663 m. Public and private schools;
664
665 n. Studios;
666
667 o. Rooming house, bed and breakfast and hostel;
668
669 p. Personal service establishments;
670
671 q. Customary accessory uses to any of the permitted uses listed in the GBD district; provided, that
672 separate permit shall not be issued for the construction of any type of accessory building prior to that
673 of the main building.

674
675 **r. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b)**
676 **excluding mobile homes.**

677
678 21.22.030 Conditional uses and structures.

679
680 The following conditional uses may be permitted in the Gateway Business District when authorized in
681 accordance with Chapter 21.71 HCC:

- 682
683 a. More than one building containing a permitted principal use on a lot.
684
685 b. One wind energy system having a rated capacity exceeding 10 kilowatts; provided, that it is the only
686 wind energy system of any capacity on the lot.
687
688 c. Other uses approved pursuant to HCC 21.04.020.

689
690 21.22.040 Dimensional requirements.

691
692 The following dimensional requirements shall apply to all structures and uses in the Gateway Business
693 District:

- 694
695 a. Lot Size.
696
697 1. The minimum lot area shall be 20,000 square feet. Lawfully existing smaller lot sizes may be
698 newly developed and used subject to the provision of off-site parking as specified in the City
699 parking code, Chapter 21.55 HCC;
700
701 2. Multiple-family dwellings shall meet the standards in HCC 21.14.040(a)(2);
702
703 3. Townhouses shall meet the standards in HCC 21.53.010.

704
705 b. Building Setbacks.

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1. Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed by subsection (b)(4) of this section.
2. Commercial buildings shall be set back five feet from all other lot boundary lines, except the minimum setback shall be two feet from all other boundary lines when firewalls are provided and access to the rear of the building is otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire Marshal.
3. Residential buildings shall be set back five feet from all other lot boundary lines.
4. If approved by a conditional use permit, the setback from a dedicated right-of-way may be reduced.
5. Alleys are not subject to a 20-foot setback requirement from dedicated rights-of-way. The setback requirements from any lot line abutting an alley will be determined by the dimensional requirements of subsections (b)(2) and (3) of this section.
6. Any attached or detached accessory building shall maintain the same yards and setbacks as the main building.

c. Building Height. The maximum building height shall be 35 feet.

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~~40 percent of the lot area, without an approved conditional use permit.

e. Building Area and Dimensions – Retail.

1. The total floor area of retail business uses within a single building shall not exceed 8,000 square feet.
2. In buildings with more than 8,000 square feet of building area retail business use (not including the area for stocking and warehousing) is limited to no more than 8,000 square feet of floor area.

Section 7. Homer City Code Chapter 21.24, General Commercial District 1 is amended as follows:

21.24.020 Permitted uses and structures.

The following uses are permitted outright in the General Commercial 1 District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter:

- a. Air charter operations and floatplane tie-up facilities;
- b. General business offices and professional offices;

- 753
754 c. Dwelling units located in buildings primarily devoted to business uses;
755
756 d. Auto repair;
757
758 e. Auto and trailer sales or rental areas;
759
760 f. Auto fueling stations and drive-in car washes;
761
762 g. Building supply and equipment sales and rentals;
763
764 h. Restaurants, including drive-in restaurants, clubs and drinking establishments;
765
766 i. Garden supplies and greenhouses;
767
768 j. Heavy equipment and truck sales, rentals, service and repair;
769
770 k. Hotels and motels;
771
772 l. Lumberyards;
773
774 m. Boat and marine equipment sales, rentals, service and repair;
775
776 n. Mortuaries;
777
778 o. Open air businesses;
779
780 p. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;
781
782 q. Manufacturing, fabrication and assembly;
783
784 r. Publishing, printing and bookbinding;
785
786 s. Recreation vehicle sales, rental, service and repair;
787
788 t. Retail businesses;
789
790 u. Trade, skilled or industrial schools;
791
792 v. Wholesale businesses, including storage and distribution services incidental to the products to be
793 sold;
794
795 w. Welding and mechanical repair;
796
797 x. Parks and open space;
798
799 y. Appliance sales and service;

- 800
801 z. Warehousing, commercial storage and mini-storage;
802
803 aa. Banks, savings and loans, credit unions and other financial institutions;
804
805 bb. Customary accessory uses to any of the permitted uses listed in the GC1 district; provided, that no
806 separate permit shall be issued for the construction of any type of accessory building prior to that of
807 the main building;
808
809 cc. Dry cleaning, laundry, and self-service laundries;
810
811 dd. Taxi operation;
812
813 ee. Mobile food services;
814
815 ff. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this
816 zoning district;
817
818 gg. Recreational vehicle parks, provided they shall conform to the standards in Article II of Chapter
819 21.54 HCC;
820
821 hh. Day care homes; provided, that a conditional use permit was obtained for the dwelling, if required
822 by HCC 21.24.030; all outdoor play areas must be fenced;
823
824 ii. Rooming house and bed and breakfast;
825
826 jj. Dormitory;
827
828 kk. As an accessory use, one small wind energy system per lot;
829
830 ll. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as
831 defined by State law;
832
833 **mm. Townhouses;**
834
835 **nn. Day care facilities; provided, however, that outdoor play areas must be fenced;**
836
837 **oo. Indoor and outdoor recreational facilities;**
838
839 **pp. More than one building containing a permitted principal use on a lot.**
840
841 21.24.030 Conditional uses and structures.
842
843 The following uses may be permitted in the General Commercial 1 District when authorized by
844 conditional use permit issued in accordance with Chapter 21.71 HCC:
845
846 a. Campgrounds;

- 847
848 b. Crematoriums;
849
850 c. Multiple-family dwelling;
851
852 d. Public utility facility or structure;
853
854 e. Mobile home parks;
855
856 f. Planned unit developments;
857
858 ~~g. Townhouses;~~
859
860 ~~hg. Pipelines and railroads;~~
861
862 ~~ih. Shelter for the homeless, provided any lot used for such shelter does not abut an RO, RR, or UR~~
863 ~~zoning district;~~
864
865 ~~ji. More than one building containing a permitted principal use on a lot;~~
866
867 ~~k. Day care facilities; provided, however, that outdoor play areas must be fenced;~~
868
869 ~~lj. Other uses approved pursuant to HCC 21.04.020;~~
870
871 ~~m. Indoor recreational facilities;~~
872
873 ~~n. Outdoor recreational facilities.~~
874
875 21.24.040 Dimensional requirements.
876
877 The following dimensional requirements shall apply to all structures and uses in the General
878 Commercial 1 District:
879
880 a. Lot Size. The minimum lot size is 10,000 square feet.
881
882 b. Building Setbacks.
883
884 1. All buildings shall be set back 20 feet from all dedicated rights-of-way. Alleys are not subject to a 20-
885 foot setback requirement. The setback requirements from any lot line abutting an alley will be
886 determined by the dimensional requirements of subsections (b)(2) and (3) of this section;
887
888 2. Buildings shall be set back five feet from all other lot boundary lines unless adequate firewalls are
889 provided and adequate access to the rear of the building is otherwise provided (e.g., alleyways) as
890 defined by the State Fire Code and enforced by the State Fire Marshal;
891
892 3. Any attached or detached accessory building shall maintain the same yards and setbacks as the main
893 building.

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- c. Building Height. The maximum building height shall be 35 feet.
- 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~~40 percent of the lot area without an approved conditional use permit.
- e. Building Area and Dimensions – Retail and Wholesale.
 - 1. In that area south of Beluga Lake, identified as the Ocean Drive GC1: the total square feet of floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet.
 - 2. In that area east of Alder Lane, identified as the East End Road GC1: the total square feet of floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet.
 - 3. In that area west of Baycrest Park, identified as Scenic Gateway GC1: the total square feet of floor area of retail and wholesale business uses within a single building shall not exceed 35,000 square feet.
 - 4. No conditional use permit, planned unit development, or variance may be granted that would allow a building to exceed the limits of subsections (e)(1), (2) and (3) of this section and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subsections (e)(1), (2) and (3) of this section.
- f. Screening. When one or more side or rear lot lines abut land within an RO, RR, or UR district or when a side or rear yard area is to be used for parking, loading, unloading or servicing, then those side and rear yard areas shall be effectively screened by a wall, fence, or other sight-obscuring screening. Such screening shall be of a height adequate to screen activity on the lot from outside view by a person of average height standing at street level.

Section 8. Homer City Code Chapter 21.26, General Commercial District 2 is amended as follows:

21.26.020 Permitted uses and structures.

The following uses are permitted outright in the General Commercial 2 District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter:

- a. Production, processing, assembly and packaging of fish, shellfish and seafood products;
- b. Construction, assembly and storage of boats and boat equipment;
- c. Manufacturing, fabrication and assembly;
- d. Research and development laboratories;
- e. Trade, skills or industrial schools;

- 941 f. Publishing, printing and bookbinding facilities;
942
943 g. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and repair,
944 excluding storage of vehicles or equipment that is inoperable or in need of repair;
945
946 h. Storage and distribution services and facilities, including truck terminals, warehouses and storage
947 buildings and yards, contractors' establishments, lumberyards and sales, or similar uses;
948
949 i. Airports and air charter operations;
950
951 j. Underground bulk petroleum storage;
952
953 k. Cold storage facilities;
954
955 l. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;
956
957 m. Mobile commercial structures;
958
959 n. Accessory uses to the uses permitted in the GC2 district that are clearly subordinate to the main use
960 of the lot or building, such as wharves, docks, restaurant or cafeteria facilities for employees; or
961 caretaker or dormitory residence if situated on a portion of the principal lot; provided, that separate
962 permits shall not be issued for the construction of any type of accessory building prior to that of the
963 main building;
964
965 o. Taxi operation;
966
967 p. Mobile food services;
968
969 q. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this
970 zoning district;
971
972 r. Recreational vehicle parks, provided they shall conform to the standards in Chapter 21.54 HCC;
973
974 s. Hotels and motels;
975
976 t. Dormitory;
977
978 u. As an accessory use, one small wind energy system per lot;
979
980 v. Open air business;
981
982 w. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as
983 defined by State law;
984
985 **x. Impound yards;**
986
987 **y. More than one building containing a permitted principal use on a lot;**

988

989 **z. Indoor and outdoor recreational facilities.**

990

991 21.26.030 Conditional uses and structures.

992

993 The following uses may be permitted in the General Commercial 2 District when authorized by
994 conditional use permit issued in accordance with Chapter 21.71 HCC:

995

996 ~~a. Mobile home parks;~~

997

998 b. Construction camps;

999

1000 c. Extractive enterprises, including the mining, quarrying and crushing of gravel, sand and other earth
1001 products and batch plants for asphalt or concrete;

1002

1003 d. Bulk petroleum product storage above ground;

1004

1005 e. Planned unit developments, excluding residential uses;

1006

1007 f. Campgrounds;

1008

1009 g. Junk yard;

1010

1011 h. Kennels;

1012

1013 i. Public utility facilities and structures;

1014

1015 j. Pipelines and railroads;

1016

1017 ~~k. Impound yards;~~

1018

1019 l. Shelter for the homeless, provided any lot used for such shelter does not abut an urban, rural or office
1020 residential zoning district;

1021

1022 ~~m. More than one building containing a permitted principal use on a lot;~~

1023

1024 ~~n. Day care facilities; provided, however, that outdoor play areas must be fenced;~~

1025

1026 ~~o. Group care homes and assisted living homes;~~

1027

1028 p. Other uses approved pursuant to HCC 21.04.020;

1029

1030 ~~q. Indoor recreational facilities;~~

1031

1032 ~~r. Outdoor recreational facilities.~~

1033

1034 21.26.040 Dimensional requirements.

1035
1036 The following dimensional requirements shall apply to all structures and uses in the General
1037 Commercial 2 District:

1038
1039 a. Lot Size. The minimum lot size is 10,000 square feet.

1040
1041 b. Building Setbacks.

1042
1043 1. Buildings shall be set back 20 feet from all dedicated rights-of-way. Alleys are not subject to a 20-foot
1044 setback requirement. The setback requirements from any lot line abutting an alley will be determined
1045 by the dimensional requirements of subsection (b)(2) of this section.

1046
1047 2. Buildings shall be set back 10 feet from all other lot boundary lines.

1048
1049 3. Any accessory building shall maintain the same yards and setbacks as the main building.

1050
1051 c. Building Height.

1052
1053 1. The maximum building height is 35 feet, except as provided in subsection (c)(2) of this section.

1054
1055 2. If approved by conditional use permit, buildings up to 55 feet in height may be allowed.

1056
1057 ~~d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall~~
1058 ~~any lot contain building area in excess of 30 percent of the lot area without an approved conditional~~
1059 ~~use permit.~~

1060
1061 e. Building Area and Dimensions – Retail and Wholesale.

1062
1063 1. The total floor area of retail and wholesale business uses within a single building shall not exceed
1064 75,000 square feet.

1065
1066 2. No conditional use permit, planned unit development or variance may be granted that would allow
1067 a building to exceed the limits of subsection (e)(1) of this section and no nonconforming use or structure
1068 may be expanded in any manner that would increase its nonconformance with the limits of subsection
1069 (e)(1) of this section.

1070
1071 Section 9. Homer City Code Chapter 21.27, East End Mixed Use District is amended as follows:

1072
1073 21.27.020 Permitted uses and structures.

1074
1075 The following uses are permitted outright in the East End Mixed Use District, except when such use
1076 requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this
1077 chapter:

1078
1079 a. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and repair;

1080
1081 b. Drive-in car washes;

- 1082
1083 c. Building supply and equipment sales and rentals;
1084
1085 d. Garden supplies and greenhouses;
1086
1087 e. Boat and marine equipment sales, rentals, manufacturing, storage yard, service and repair;
1088
1089 f. Welding and mechanical repair;
1090
1091 g. Restaurants, including drive-in restaurants, clubs and drinking establishments;
1092
1093 h. Religious, cultural, and fraternal assembly;
1094
1095 i. Studios;
1096
1097 j. Personal services;
1098
1099 k. Agricultural activities, including general farming, truck farming, nurseries, tree farms and
1100 greenhouses;
1101
1102 l. Private stables;
1103
1104 m. Storage of heavy equipment, vehicles or boats;
1105
1106 n. Plumbing, heating and appliance service shops;
1107
1108 o. Home occupations on a lot whose principal permitted use is residential, provided they conform to
1109 the requirements of HCC 21.51.010;
1110
1111 p. Mortuaries and crematoriums;
1112
1113 q. Open air businesses;
1114
1115 r. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;
1116
1117 s. Manufacturing, fabrication and assembly;
1118
1119 t. Retail businesses;
1120
1121 u. Trade, skilled or industrial schools;
1122
1123 v. Wholesale businesses, including storage and distribution services incidental to the products to be
1124 sold;
1125
1126 w. Parks and open space;
1127
1128 x. Warehousing, commercial storage and mini-storage;

- 1129
1130 y. Recreational vehicles, subject to the standards in HCC 21.54.320(a), (b) and (c);
1131
1132 z. Dry cleaning, laundry, and self-service laundries;
1133
1134 aa. Mobile food services;
1135
1136 bb. As an accessory use, one small wind energy system per lot;
1137
1138 cc. Production, processing, assembly and packaging of fish, shellfish and seafood products;
1139
1140 dd. Research and development laboratories;
1141
1142 ee. Storage and distribution services and facilities, including truck terminals, warehouses and storage
1143 buildings and yards, contractors' establishments, lumberyards and sales, or similar uses;
1144
1145 ff. Cold storage facilities;
1146
1147 gg. Mobile commercial structures;
1148
1149 hh. Single-family and duplex dwellings, only as an accessory use incidental to a permitted principal use;
1150 provided, that no permit shall be issued for the construction of an accessory dwelling prior to the
1151 establishment of the principal use;
1152
1153 ii. The repair, replacement, reconstruction or expansion of a single-family or duplex dwelling, including
1154 a mobile home, that existed lawfully before its inclusion in the GC1, GC2 or EEMU zoning districts,
1155 notwithstanding any provision of Chapter 21.61 HCC to the contrary; provided, that a mobile home may
1156 not be used to replace or expand such a dwelling;
1157
1158 jj. Customary accessory uses to any of the uses permitted in the EEMU district that are clearly
1159 subordinate to the main use of the lot or building, including without limitation wharves, docks, storage
1160 facilities, restaurant or cafeteria facilities for employees; or caretaker or employee dormitory residence
1161 if situated on a portion of the same lot as the principal use; provided, that no permit shall be issued for
1162 the construction of any type of accessory building prior to the establishment of the principal use;
1163
1164 kk. Taxi operation;
1165
1166 ll. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this
1167 zoning district;
1168
1169 mm. More than one building containing a permitted principal use on a lot;
1170
1171 nn. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory use to a
1172 residential use in a manner consistent with the requirements of all other provisions of the Homer City
1173 Code and as long as such animals are pets of the residents of the dwelling and their numbers are such
1174 as not to unreasonably annoy or disturb occupants of neighboring property;
1175

1176 oo. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as
1177 defined by State law;

1178
1179 **pp. Indoor and outdoor recreational facilities.**

1180
1181 21.27.030 Conditional uses and structures.

1182
1183 The following conditional uses may be permitted in the East End Mixed Use District when authorized by
1184 conditional use permit issued in accordance with Chapter 21.71 HCC:

1185
1186 a. Construction camps;

1187
1188 b. Extractive enterprises, including crushing of gravel, sand and other earth products and batch plants
1189 for asphalt or concrete;

1190
1191 c. Auto fueling stations;

1192
1193 d. Bulk petroleum product storage;

1194
1195 e. Planned unit developments;

1196
1197 f. Junk yard;

1198
1199 g. Kennels;

1200
1201 h. Public utility facilities and structures;

1202
1203 i. Impound yards;

1204
1205 ~~j. Indoor recreational facilities;~~

1206
1207 ~~k. Outdoor recreational facilities;~~

1208
1209 l. Other uses approved pursuant to HCC 21.04.020.

1210
1211 21.27.040 Dimensional requirements.

1212
1213 The following dimensional requirements shall apply to all structures and uses in the East End Mixed Use
1214 District:

1215
1216 a. Lot Size.

1217
1218 1. The minimum area of a lot that is not served by public sewer or water shall be 40,000 square
1219 feet.

1220
1221 2. The minimum area of a lot that is served by either a public water supply approved by the
1222 State Department of Environmental Conservation or a public or community sewer approved by

1223 the State Department of Environmental Conservation shall be 20,000 square feet.

1224

1225 3. The minimum area of a lot that is served by both a public water supply approved by the State
1226 Department of Environmental Conservation and a public or community sewer approved by the
1227 State Department of Environmental Conservation shall be 10,000 square feet.

1228

1229 b. Building Setbacks.

1230

1231 1. All buildings shall be set back 20 feet from all dedicated rights-of-way other than alleys,
1232 except that adjacent to rights-of-way that lead to Kachemak Bay and have been determined to
1233 be unsuitable for road construction by resolution of the City Council, all buildings shall be set
1234 back from the boundary of the right-of-way according to the number of stories as follows:

1235

1236	Number of Stories	Setback (in feet)
1237	1	5
1238	1 ½	6
1239	2	7
1240	2 ½	8

1241

1242 2. The setback requirements from any lot line abutting an alley will be determined by the
1243 dimensional requirements of subsections (b)(3) and (4) of this section;

1244

1245 3. Buildings shall be set back five feet from all other lot boundary lines unless adequate firewalls
1246 are provided and adequate access to the rear of the building is otherwise provided (e.g.,
1247 alleyways) as defined by the State Fire Code and enforced by the State Fire Marshal;

1248

1249 4. Any attached or detached accessory building shall maintain the same yards and setbacks as
1250 the main building.

1251

1252 c. Building Height.

1253

1254 1. The maximum building height shall be 35 feet, except as provided in subsection (c)(2) of this
1255 section.

1256

1257 2. When authorized by a conditional use permit, the maximum building height for a building
1258 used solely for commercial purposes shall be 75 feet. A building for which a conditional use
1259 permit has been issued under this subsection shall not contain dwelling units.

1260

1261 ~~d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall~~
1262 ~~any lot contain building area in excess of 30 percent of the lot area without an approved conditional~~
1263 ~~use permit.~~

1264

1265 e. Building Area and Dimensions – Retail and Wholesale. The total floor area of retail and wholesale
1266 business uses within a single building shall not exceed 75,000 square feet. No conditional use permit,
1267 planned unit development, or variance may be granted that would allow a building to exceed the limits
1268 of this subsection, and no nonconforming use or structure may be expanded in any manner that would
1269 increase its nonconformity with the limits of this subsection.

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f. Screening.

1. When one or more side or rear lot lines abut land within an RO, RR, or UR district or when a side or rear yard area is to be used for parking, loading, unloading or servicing, then those side and rear yard areas shall be effectively screened by a wall, fence, or other sight-obscuring screening. Such screening shall be of a height adequate to screen activity on the lot from outside view by a person of average height standing at street level.

2. Outside storage of materials, equipment and trash/dumpsters adjacent to East End Road and Kachemak Drive shall be screened. Screening may consist of walls, fences, landscaped berms, evergreen plantings, or any combination thereof.

Section 10. This ordinance shall take effect upon its adoption by the Homer City Council.

Section 11. This ordinance is of a permanent and general character and shall be included in the City code.

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

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSON, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:

- This will be funded if granted by the Federal Government
- Progress being made slowly on the Permitting Software which is needed to reduce current workload
- Met with the contractors regarding the Homer Transportation Plan and they are focusing on the humanelement
- Participating with Nine Star, KPEDD, SPH Foundation and Representative Vance attended regarding public transportation options for the Homer Community outside of taxi vouchers, accessible transportation, bus service that is available.
- Grading Permitting is in progress and defining requirements
- Short Term Rental regulations are being drafted and will be presented to the Planning Commission this coming winter.

Deputy City Clerk Krause confirmed that attendance at Council meeting can be done by Zoom. There were no volunteers and Chair Smith noted that he can submit a written report.

Commissioner Stark commented on the needs of the community for accessible transportation and questioned if the Commission or City has ever offered incentives for a Homer based bus business. He then mentioned the seasonal services offered. Commissioner Stark stated that the City could utilize existing services and believes that there is a number of residents, including college students, which would benefit from such a service.

City Planner Abboud responded by providing information on the CARTS service that is offered in Kenai/Soldotna area but stated that Homer does not have the same makeup and there is a voucher system employed by organizations which, it was realized later, requires the local cab companies to take deep discounts on the rates. He stated that they could look into the idea of having a service that goes up and down the peninsula and maybe the City offering vouchers at the front desk.

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 22-56, Review of Conditional Uses and Structures

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

City Planner Abboud commented on the draft ordinance requesting the Commission input on the content to make sure he did not overlook anything or was not what was agreed upon. He then reviewed his Staff Report 22-56 for the Commission and facilitated discussion on the draft ordinance. He covered the following points:

- Purpose of the ordinance is to reduce the number of conditional use permits for typical uses considered routine in the district
- Commission can remove Item h under Rural Residential by motion
- Clarified that amendments can be made even after this is forwarded to Council
- Permitting up to four structures, supporting residential units in districts, supporting multi-family dwellings these are actions considered routine in the districts

- He did not remove pipelines or railroads at this time but requested a motion so that there was basis for the removal
 - o He responded that a motion at this time would be okay if that was the desire of the commission.
 - Question was posed if the Commission wanted to remove pipeline as the definition of that may not be oil pipeline
 - City Planner Abboud read the definition into the record
 - The Commission was requested to separate the issue of railroads and pipelines

HIGHLAND/BARNWELL MOVED TO REMOVE RAILROADS THROUGHOUT HOMER CITY CODE TITLE 21 IN RELATION TO ALLOWED OR PERMITTED USES.

There was a brief discussion on the motion as stated, where a railroad would be constructed in Homer and comments that it would be great to have a railroad from Homer to Anchorage.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Barnwell questioned if tiny homes would be included in mobile homes, referring to item f. page 19 of the packet under Rural Residential.

City Planner Abboud responded that it would depend if the tiny home was on a chassis with wheels then they would be considered an RV. He then commented on the removal of railroads would be moved to unpermitted uses throughout city code as applicable.

A discussion ensued regarding the construction standards between RV and tiny homes; if the tiny home did not have wheels then it would not be considered an RV; when the City building code is developed the requirement will require tiny homes connected to water and sewer on a permanent foundation, not movable per se. Currently it is hard to separate them since the definitions are similar. Additional points discussed were removing uses such as mobile home parks in Rural Residential and Commissioners were requested to focus on Conditional Uses at this time.

City Planner Abboud explained what he would like to do is to bring those issues to a separate meeting since he would like to discuss where they are allowed, impacts, non-conformities and implications of having a mobile home park as well as the newest existing park was put in the 1970's or 1980's. It was noted that that mobile home parks are allowed in the CBD.

Further comment on the standards of construction for tiny homes versus the construction of mobile homes within the context of affordable housing and that the Commission could spend an hour or more on the subject of tiny homes but that is a topic as there is more in the topic that needs to be addressed.

Chair Smith noted that this topic is not before the Commission and they can address the items as requested by City Planner and come back later in this meeting or at a future meeting.

City Planner Abboud continued discussion regarding the following:

- Clarification on the statement on page 19, under “Other Uses, Allowances and Specifications, fifth bullet point – “...allows some larger non-retail business activities subject to administrative review”, this was in the Comprehensive Plan and subject to the Commission review and or determination.
- Page 19, item m. “More than one building...” Allowing up to two without conditional use permit was already allowed, if there is the space, even without water and sewer.
 - o The change would allow up to four dwellings but if the applicant was requesting six then it would require a CUP, refer to the draft ordinance line 78.
- Line 33, ordinance which relates to Rural Residential appears to be the same as Urban Residential, was always allowed and it is relation to the dimensional requirements.
- The definition of Bed and Breakfast still applies, regarding line 37 on page 36 of the ordinance.
- There was no reference to CUP in rural residential similar to line 140 because no changes were made in this section of code.
 - o The Clerk noted that when the ordinance is presented to Council the sections that are not amended will be included
 - o Further discussion and clarification provided that the following statement was overlooked “The following uses may be permitted in the Rural Residential District when authorized by conditional use permit issued in accordance with Chapter 21.71 HCC”
- The Commission agreed that “hospitals” were to be removed and should only be in the Medical District

Chair Smith requested a motion and second.

HIGHLAND/BARNWELL MOVED TO REMOVE HOSPITALS, LINE 153, FROM THE URBAN RESIDENTIAL DISTRICT CONDITIONAL USES AND STRUCTURES.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Highland stated that on Line 268 of the ordinance, Urban Residential Office District, “Helipads” should be removed.

Chair Smith requested a motion and second.

HIGHLAND/BARNWELL MOVED TO REMOVE HELIPADS, LINE 268, FROM THE URBAN RESIDENTIAL OFFICE DISTRICT CONDITIONAL USES AND STRUCTURES.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud proceeded with his review of the proposed amendments in the following districts:

- Central Business District
 - o Under Permitted Uses and Structures added:
 - Greenhouse and garden supplies
 - Allow up to 4 buildings on a lot for use as a dwelling
 - Group care homes and assisted living homes
 - Indoor and outdoor recreational facilities
 - o Under Conditional Uses and Structures removed:
 - Indoor and outdoor recreational facilities
 - Greenhouse and garden supplies
 - Group care homes and assisted living homes
 - o Under Dimensional Requirements increased the building area of a lot from 30% to 50%
- Town Center District
 - o Under Permitted Uses and Structures added:
 - Greenhouses and garden supplies
 - Indoor and outdoor recreational facilities
 - Group care and assisted living facilities
 - Self-service laundries
 - o Under Conditional Uses and Structures removed:
 - Green houses and garden supplies
 - Indoor and outdoor recreational facilities
 - Group care and assisted living facilities
 - Self-service laundries
 - Retail sales of hardware, appliance and furniture, building supplies and materials, but only if such use is wholly contained within one or more enclosed buildings
 - Plumbing, heating and appliance repair shops but only if such use including storage of goods and materials in wholly contained within one or more enclosed buildings
- Gateway Business District
 - o Under Permitted Uses and Structures added:
 - Up to 4 buildings on a lot for use as a dwelling subject to HCC21.14.040 (a)(2)(a-b) excluding mobile homes
 - o Under Dimensional Requirements amended building area of lot from 30% to 40%
- General Commercial District 1
 - o Need more GC1 for the City
 - o Under Permitted Uses and Structures added:
 - Townhouses
 - Day care facilities provided that outdoor play areas must be fenced
 - Indoor and outdoor recreational facilities
 - More than one building containing a permitted principal use on a lot
 - o Under Conditional Uses and Structures removed:
 - Townhouses
 - Day care facilities provided that outdoor play areas must be fenced
 - Indoor and outdoor recreational facilities
 - More than one building containing a permitted principal use on a lot
 - o Under Dimensional Requirements amended building area from 30% to 40%
- General Commercial District 2

- Under Permitted Uses and Structures added:
 - impound yards
 - More than one building containing a permitted principal use on a lot
 - Indoor and outdoor recreational facilities
- Under Conditional Uses and Structures removed:
 - Mobile home parks
 - Impound yards
 - More than one building containing a permitted principal use on a lot
 - Day Care facilities
 - Group care homes and assisted living homes
 - Indoor and outdoor recreational facilities
- Under dimensional requirements removed:
 - No lot shall contain more than 8000 square feet of building area nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit.
- East End Mixed Use District
 - Under Permitted Uses and Structures added:
 - Indoor and outdoor recreational facilities
 - Under Conditional Uses and Structures removed:
 - Indoor and outdoor recreational facilities
 - Under Dimensional Requirements removed:
 - No lot shall contain more than 8000 square feet of building area nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit.

Chair Smith requested further discussion on the proposed amendments, hearing none he requested a motion and second.

HIGHLAND/BARNWELL MOVED TO ADOPT STAFF REPORT 22-56 AND FORWARD THE DRAFT ORDINANCE FOR PUBLIC HEARING.

Chair Smith requested procedural requirements on bringing forth discussion on mobile home parks and tiny homes at this point in the meeting or if that should be addressed as a separate issue under New Business at a future meeting before voting on the motion.

City Planner Abboud provided input expressing a preference that he would prefer to schedule a worksession for the Commission to discuss those topics and share their opinions before putting it on a regular meeting agenda.

There was no further discussion on the motion before the Commission.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.



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Staff Report PL 22-48

TO: HOMER PLANNING COMMISSION
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: AUGUST 3, 2022
SUBJECT: CUP REDUCTION

Introduction

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 accomplished 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

<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/screen 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 Kachemak 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
2013-13	3850 Heath St	CBD	more than one building	approved*	many	project discontinued after remanded approve and further litigation
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	

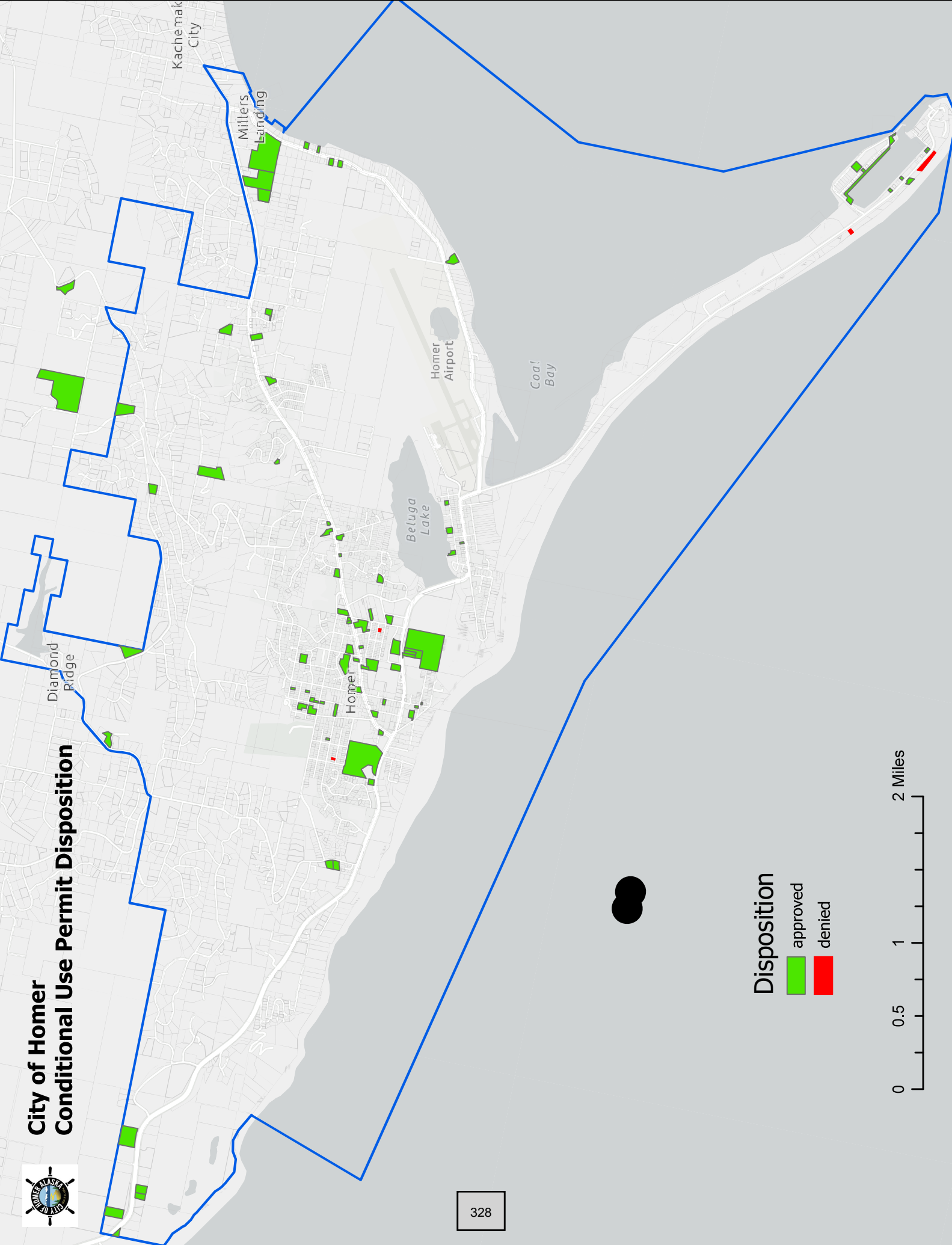
<u>CUP</u>	<u>address</u>	<u>zone</u>	<u>reason</u>	<u>disposition</u>	<u>special conditions* beyond required codes</u>	<u>notes</u>
2014-04	188 Skyline Dr	BCWPD	more than one building/other similar uses	approved	none	
2014-05	320 W Pioneer Ave	CBD	setback reduction	approved	lighting/landscaping	appealed - 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 utility 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	

<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>
2017-08	91 Sterling 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	decrease 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	
2019-04	397 E Pioneer Ave	CBD	group care home/more than 30% building area	approved	FM certificate/fencing/landscaping/time limit/screen dumpster/color palate	withdrew after intent to appeal
2019-05	210 W Fairview	RO	medical clinic	approved	lighting/screen dumpster	
2019-06	3301 East End Rd	EEMU	more than 8000sf	approved	none	
2019-07	Lot 31 Spit Rd Sub Amened	OSR	parking lot	denied	n/a	
2019-08	4155 Pennock St	RO	more than one building	approved	lighting/screen dumpster	
2020-01	104 E Pioneer Ave	CBD	more than one building/manufacturing/more than 8000sf	approved	parking/lighting/screen dumpster	
2020-02	680 Sterlig Hwy	GBD	amend - more than one building	approved	time limit/outdoor lighting/screen dumpster	
2020-03	436 Soundview Ave	UR	townhouse	approved	lighting	
2020-04	3385 East End Rd	EEMU	more than 8000sf	approved	landscaped screening	
2020-05	1081A Freight Dock Rd	MC	overslope/lodging	approved	screen trash container and electrical boxes	
2020-06	3935 Svedlund St	RO	more than 8000sf	approved	lighting	
2020-07	62890 Skyline	BCWSPD	stream buffer	approved	sediment and erosion control plan	
2020-08	151 W Bayview Ave	RO	more than one building	approved	lighting/screen dumpster	

<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>
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	moblie 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 Conditional Use Permit Disposition



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 ACTIVITY 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.



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Staff Report PL 22-44

TO: HOMER PLANNING COMMISSION
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: JULY 20, 2022
SUBJECT: CUP REDUCTION

Introduction

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.

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.

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.

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.

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.

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).

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.

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.

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.

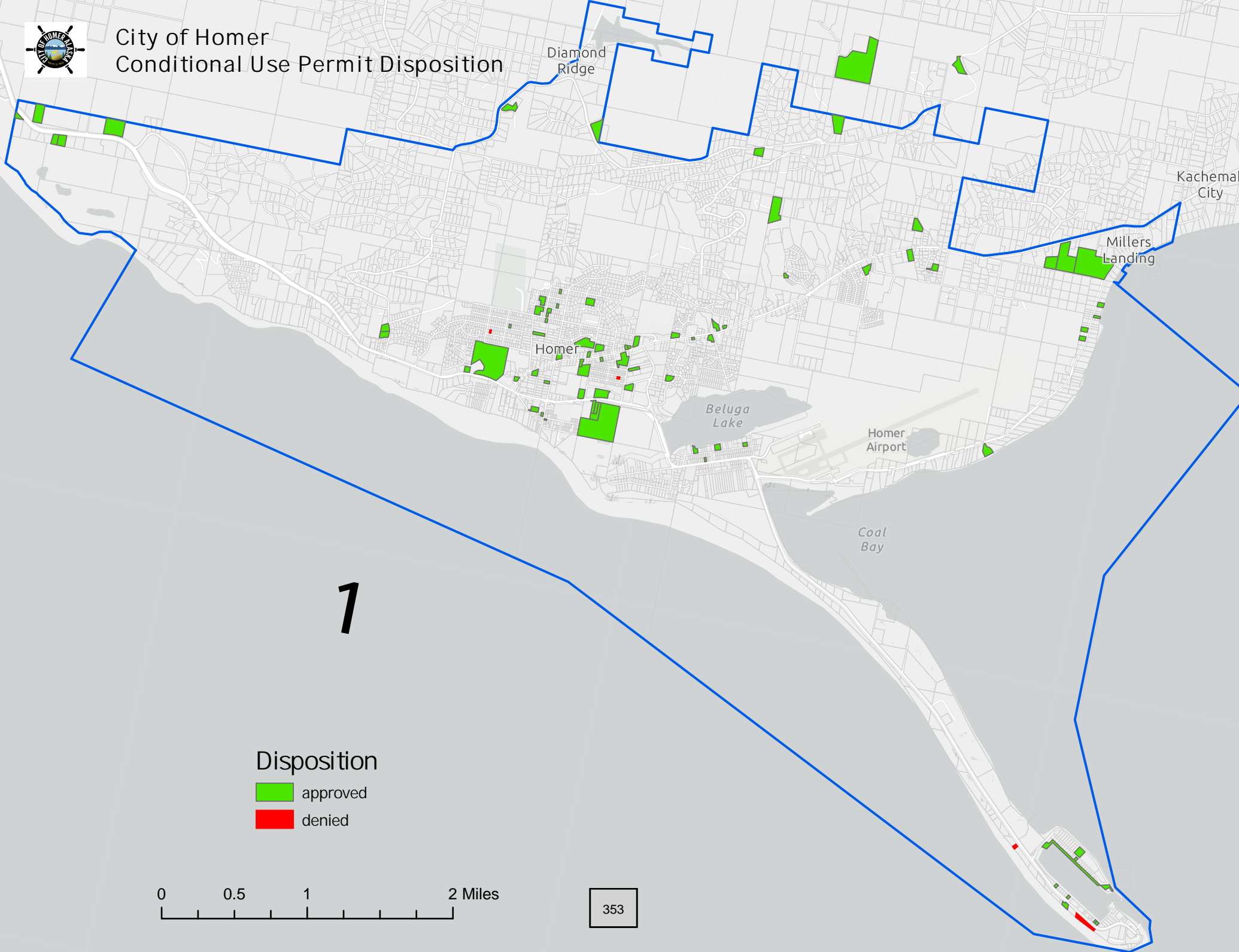
Staff: We have had 6 CUP's in the MI District, the Harbor Building (overslope), bulk petro/8000sf/30%, 2 other similar uses (later rezoned to MC), and a PUD for a restroom/guard shack. Again, I would like to run the concept by the Port and Harbor Commission for their recommendations.

Staff Recommendation

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



City of Homer Conditional Use Permit Disposition



Disposition

- approved
- denied



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	A	B	C	D	E	F	G
1	CUP	address	zone	reason	disposition	special conditions* beyond required codes	notes
2	2011-01	n/a	BCWPD/Conservation	buffers for timber harvesting	approved	time limit/tree survey	
3	2011-02	4755 Homer Spit Rd	MI	bulk petroleum storage/more than 8000sf/more than 30% lot coverage	approved	none	
4	2011-03	4136 Hohe St	RO	day care facility	approved	none	
5	2011-04	880 East End Rd	RO	more than one building/medical clinic/more than 8000sf	approved	pave/screen dumpster	
6	2011-06	4241 Homer Spit Rd	MC	restaurant/hotel/more than one building/more than 8000sf	approved	architectural features/design	
7	2011-07	1295 Mission Rd	RR	more than one building	approved	population cap w/I DEC regulation	
8	2011-08	533 E Pioneer Ave	CBD	amend CUP - landscaping	approved	landscaping/screen dumpster	
9	2011-09	3406 Main St	CBD	more than one building/setback reduction	approved	none	
10	2011-10	5155 Kachemak Dr	GC1	more than one building/more than 8000sf	approved	install water	
11	2011-11	3300 Sterling Hwy	GC1	more than one building/more than 8000sf/Public Utility or Structure	approved	none	
12	2011-13	1033 Skyline Dr	RR	amend CUP/public utility or structure	approved	none	
13	2012-01	4744 Homer Spit Rd	MI	other similar uses found in MC	approved	fence/planters/dumpster screening	
14	2012-02	3800 Sterling Hwy	RR	commercial greenhouse	approved	time limit/lighting	
15	2012-03	4770 Homer Spit Rd	MI	other similar uses found in MC	approved	resolve setbacks/fence/boardwalk	
16	2013-01	1401 Candlelight Ct	RR	more than one building	approved	none	
17	2013-02	4667 Freight Dock Rd	MI	PUD - restroom/guard shelter	approved	none	
18	2013-03	580 E Pioneer Rd	CBD	setback reduction	approved	none	
19	2013-04	4661 Kachemak Dr	RR	more than one building	approved	none	
20	2013-05	1496 Lakeshore Dr	GC1	multi-family dwelling	approved	wetland buffer/screen dumpster/landscaping	
21	2013-06	265 E Pioneer Ave	CBD	setback reduction	approved	parking plan/screen dumpster/stormwater deadline	
22	2013-07	3851 Homer Spit Rd	MC	heliport	denied	n/a	
23	2013-08	4834 Kachemak Dr	RR	more than one building	approved	none	
24	2013-09	3651 Sterling Hwy	RR	more than one building	approved	proof of DEC compliance - water supply	
25	2013-10	4914 Kachemak Dr	RR	more than one building	approved	none	
26	2013-11	203 W pioneer Ave	CBD	setback reduction	approved	landscaping/screen dumpster/landscaping time limit	
27	2013-12	5700 Easy St	RR	public utility facility and structures (communication tower)	approved*	off site impacts/lighting	project discontinued after remand order
28	2013-13	3850 Heath St	CBD	more than one building	approved*	many	project discontinued after remanded approve and further litigation
29	2014-01	4165 Mattox Rd	UR	more than one building	approved	lighting/ screen dumpster	
30	2014-02	560 Noview Ave	UR	day care facility	denied	n/a	
31	2014-03	4725 Kachemak Dr	RR	more than one building	approved	lighting	
32	2014-04	188 Skyline Dr	BCWPD	more than one building/other similar uses	approved	none	
33	2014-05	320 W Pioneer Ave	CBD	setback reduction	approved	lighting/landscaping	appealed - prevailed in court
34	2014-06	4311 Freight Dock Rd	MC, MI, SBHOD	overslope/setback reduction	approved	screen dumpster/lighting	
35	2014-07	564 E Pioneer Ave	CBD	reduced setback	approved	gain non-conforming status	
36	2014-10	1164 East End Rd	RO	daycare facility	approved	limit hrs/lighting/move nonconforming accessory	
37	2015-01	2315 East End Rd	RR	more than one building	approved	lighting/ depict easements/screen dumpster	
38	2015-02	3575 Heath St	CBD	more than one building/more than 8000sf/public facilities and structures	approved	landscaping	
39	2015-03	4166 Homer Spit Rd	MC	setback reduction/more than one building	approved	parking design	
40	2015-04	5185 Slavin Dr	RR	more than one building	approved	lighting	

	A	B	C	D	E	F	G
1	CUP	address	zone	reason	disposition	special conditions* beyond required codes	notes
41	2015-05	315 Klondike Ave	TCD	increase setback	approved	parking design	
42	2015-06	4242 Calhoun St	UR	more than one building	approved	screen dumpster/driveway design/fence	
43	2015-07	1242 Ocean Dr	GC1	more than one building	approved	FM approval/W&S connect/screen dumpster/time limit	
44	2016-01	3902 Shelford St	RO	medical clinic/more than one	approved	FM approval/landscaping/lighting	
45	2016-02	3936 Svedlund St	RO	more than on building/more than 8000sf	approved	vacate lot line/lighting/screen dumpster/drainage plan	
46	2016-03	500 Sterling Hwy	UR	indoor rec/more than one building	approved	DEC approval/lighting/access road FM approved	
47	2016-04	4060 Heath St	CBD	more than one building/public utility facilities and structures	approved	none	
48	2016-05	5185 Slavin Dr	RR	more than one building	approved	none	
49	2016-06	4136 Bartlett St	RO	medical clinic/more than 8000sf	approved	pave parking/pedestrian path,/landscaping/screen dumpster	
50	2017-01	2080 Shannon Ln	RR	more than one building	approved	lighting/screen dumpster/move development 50'	
51	2017-02	210 Olsen Ln	CBD	more than one building,decrease setback,more than 8000sf	approved	pedestrian trail/screen dumpster/lighting	
52	2017-03	61447 Florence Martin Ct	BCWSPD	more than 6000sf grading	approved	erosion control/bmp for road	
53	2017-04	3101 Kachmek Dr	RR	more than one building	approved	lighting	
54	2017-05	3301 East End Rd	EEMU	more than 8000sf	approved	stormwater plan	
55	2017-06	3965 Sterling Hwy	RR	bluff setback	approved	time limit/inspection/landscaping/limit disturbance	
56	2017-07	4300 Freight Dock Rd	MI	tower	approved	seal feed lines/no alteration w/o approval/lighting	
57	2017-08	91 Stering Hwy	CBD	more than 8000sf	approved	approve lighting plan/landscaping	
58	2018-01	94 Sterling Hwy	CBD	auto fueling station	approved	fence/lighting plan	
59	2018-02	302 E Pioneer Ave	CBD	decrease setback	approved	lighting	appealed - sustained in Supreme Court
60	2018-03	152 W Danview	RO	more than one building	approved	lighting/ screen dumpster	
61	2018-04	680 Sterling Hwy	GBD	more than one building	approved	lighting/screen dumpster/time limit	
62	2018-05	4201 Rhonda St	RO	more than one building	approved	lighting/dumpster	
63	2018-06	1170 Lakeshore Dr	GC1	more than on building/multi-family dwelling	approved	lighting	
64	2018-08	1344 Lakeshore Dr	GC1	more than one building	approved	lighting	
65	2018-09	267 Cityview St	RO	medical clinic/more than 8000sf	approved	lighting/screen dumpster/sunset	appealed - remand points addressed - approved
66	2018-10	3301 East End Rd	EEMU	more than 8000sf	approved	none	
67	2018-11	3779 Bartlett St	CBD	more than 800sf/more than one building	approved	lighting	
68	2018-12	3725 West Hill Rd	RR	more than one building	approved	lighting/screen dumpster/adjust parking	
69	2018-13	3771 West Hill Rd	RR	more than one building	approved	lighting/screen dumpster	
70	2018-14	205 W Fairview Ave	RO	medical clinic	approved	lighting/screen dumpster	
71	2019-01	267 Cityview St	RO	remand CUP 2018-02	approved	lighting	
72	2019-02	625 Grubstake Ave	CBD	more than 8000sf/unlisted uses	approved	lighting/screen dumpster/landscaping	
73	2019-03	3641 Sterling Hwy	RR	more than one building	approved	lighting/signage/placement of leachfield	
74	2019-04	397 E Pioneer Ave	CBD	group care home/more than 30% building area	approved	FM certificate/fencing/landscaping/time limit/screen dumpster/color palate	withdrew after intent to appeal
75	2019-05	210 W Fairview	RO	medical clinic	approved	lighting/screen dumpster	
76	2019-06	3301 East End Rd	EEMU	more than 8000sf	approved	none	
77	2019-07	Lot 31 Spit Rd Sub Amened	OSR	parking lot	denied	n/a	
78	2019-08	4155 Pennock St	RO	more than one building	approved	lighting/screen dumpster	
79	2020-01	104 E Pioneer Ave	CBD	more than one building/manufacturing/more than 8000sf	approved	parking/lighting/screen dumpster	
80	2020-02	680 Sterlig Hwy	GBD	amend - more than one building	approved	time limit/outdoor lighting/screen dumpster	

	A	B	C	D	E	F	G
1	CUP	address	zone	reason	disposition	special conditions* beyond required codes	notes
81	2020-03	436 Soundview Ave	UR	townhouse	approved	lighting	
82	2020-04	3385 East End Rd	EEMU	more than 8000sf	approved	landscaped screening	
83	2020-05	1081A Freight Dock Rd	MC	overslope/lodging	approved	screen trash container and electrical boxes	
84	2020-06	3935 Svedlund St	RO	morer than 8000sf	approved	lighting	
85	2020-07	62890 Skyline	BCWSPD	stream buffer	approved	sediment and erosion control plan	
86	2020-08	151 W Bayview Ave	RO	more than one building	approved	lighting/screen dumpster	
87	2020-09	3657 Main St	CBD	manufacturing/more than one building	approved	lighting	
88	2020-10	750 Nedosik Rd	RR	more than one building	approved	lighting	
89	2020-11	4936 Clover Ln	RR	more than one building	approved	lighting	
90	2020-12	3972 Bartlett St	RO	more than one building	approved	lighting	
91	2020-14	541 Bonanza Ave	CBD	moblle home park	denied	n/a	
92	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
93	2021-01	1308 Lakshore Dr	GC1	more than one building	approved	no RV occupancy/lightning	
94	2021-02	89 Sterling Hwy	CBD	more than one building	approved	parking spaces/parking landscaped buffer/lighting	
95	2021-03	870 Smokey Bay Way	CBD	manufacturing	approved	none	
96	2021-04	90 Sterling Hwy	CBD	more than 8000sf	approved	none - design manual application	
97	2021-05	4262 Homer Spit Rd	MC	setback reduction	approved	none	
98	2021-06	1308 Lakshore Dr	GC1	amended - more than one building	approved	lighting	
99	2021-07	1554 Homer Spit Road	GC1	more than one	approved	lighting	
100	2021-08	3860 Kachemek Way	CBD	greenhouse	approved	lighting	

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.

From: [Frank Griswold](#)
To: [Renee Krause](#)
Cc: [Rachel Tussey](#)
Subject: Proposed Ordinance 22-68
Date: Monday, October 17, 2022 9:40:51 AM

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

Dear Homer City Council and Mayor,

The whereas clauses of proposed Ordinance 22-68 are deliberately designed to obfuscate its actual purposes. Ordinance 22-68 is arbitrary and capricious (i.e., illegal) because, contrary to its deceptive whereas clauses, it does *not* comport with the overall goals and objectives of Homer's Comprehensive Plan. The introduction to the 2018 Homer Comprehensive Plan states that Homer seeks to further develop as a city which respects the environment, is wonderful to live in, and inspiring to visit. Its goals and objectives include the following; maintain the quality of Homer's natural environment and scenic beauty, protect community character and the quality of the environment, require development practices that protect environmental functions, use green infrastructure concepts in the review and approval of development projects, encourage high-quality buildings and site development that complement Homer's beautiful natural setting, *raise* the bar for future development standards, provide a clear and predictable approval process for every development including organizing project review and permitting and providing appropriate staff review, develop specific policies regarding site development including standards for landscaping, grading, lighting, view protection, encourage a concentrated, pedestrian oriented, attractive business/commerce district in the Central Business District (CBD) following the guidelines found in the Town Center Development Plan.

HCC 21.01.030 identifies the purposes of Homer's zoning code and states that its purpose is to enhance the public health, safety and welfare through land use regulations to, among other things, restrict the location and use of buildings, structures and land; limit the density of population; conserve and stabilize the value of property; provide adequate open spaces for light and air; prevent fires; prevent undue concentration of population; lessen congestion on streets and highways; and preserve and enhance the aesthetic environment of the community.

Ordinance 22-68 proposes to convert the following conditional uses to permitted uses within the CBD and several other zoning districts: greenhouses and garden supplies, group care homes, assisted living homes, and indoor and outdoor recreational facilities. Nowhere in the 2018 Comprehensive Plan does it state that

any of these conditional uses should be changed to permitted uses. HCC 21.18.010 states: "The purpose of the Central Business District is primarily to provide a centrally located area within the City for general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and other business uses listed in this chapter. The district is meant to accommodate a mixture of residential and nonresidential uses with conflicts being resolved in favor of nonresidential uses. Pedestrian-friendly designs and amenities are encouraged." HCC 21.18.010 does not state that the purpose of the CBD is to provide areas for greenhouses, garden supply stores, group care homes, assisted living homes, indoor and outdoor recreational facilities or make them permitted uses instead of conditional uses. The existing designations of these uses as conditional uses have a presumption of validity because they were so designated by a duly elected legislative body in conformance with a comprehensive plan.

Ordinance 22-68 proposes to arbitrarily add a radical new provision under HCC 21.18.020 (mm) which would allow as a permitted use in the CBD the following: "Up to 4 buildings on a lot excluding mobile homes, except as provided for in HCC 21.18.030." This use was never listed in HCC 21.18.030 as a conditional use and is clearly more objectionable than the uses currently permitted outright in the CBD. In order to accommodate this proposed provision, HCC 21.18.040(d) is also being amended to increase the maximum lot coverage requirement from 30% to 40% which alone would have a devastating impact district-wide. Neither of these zoning code amendments is supported by the 2018 Homer Comprehensive Plan or HCC. Since mobile homes constitute buildings and listed as permitted uses within the CBD per HCC 21.18.020(m), one mobile home cannot be excluded from the "up to 4 buildings" authorized by HCC 21.18.020(mm). In any event, "4 buildings on a lot" is excessively ambiguous. During the September 7, 2022 Commission meeting, City Planner Rick Abboud suggested allowing up to 4 buildings on a (CBD) lot **for use as a dwelling** but the proposed provision currently under consideration does not stipulate for what purpose(s) the four buildings could be used. Do the "up to 4 buildings" include dog houses and chicken coops? Would HCC 21.18.020(mm) authorize multiple permitted principal uses on a single CBD lot? Would it authorize one single family mobile home, one single family conex dwelling, one single family Yurt, and one single family dwelling made out of matchsticks and beer cans? Would it authorize multiple detached accessory dwellings? Would it authorize up to

4 business uses and/or a combination of residential and nonresidential uses with conflicts somehow being resolved in favor of nonresidential uses per HCC 21.18.010? A typical 6000-square-foot lot within the CBD clearly cannot provide adequate parking for four average size dwellings or commercial buildings. Any application for more than one building containing a permitted principal use on a CBD lot should require a conditional use permit so that mitigating conditions for its approval can be imposed and a public hearing can be held. Four dwellings on a lot is also manifestly excessive for many lots in the Rural Residential District, Urban Residential District, Residential Office District, and Gateway Business District. Allowing up to 4 buildings on one lot could have extremely deleterious effects on surrounding properties and should therefore not be allowed in the CBD or in any other zoning district as a permitted use.

Similar provisions proposed for the Residential Office District and the Urban Residential District would allow as a permitted use “[u]p to 4 buildings **for use as dwelling units** subject to HCC 21.14.040(a)(2)(a)&(b) excluding mobile homes. The Urban Residential District would allow **up to 4 dwellings** subject to dimensional requirements of multi-family floor area ratio standards. A dimensional requirement under HCC 21.14 (Urban Residential) is being applied to this proposed use under HCC 21.16 (Residential Office) despite the fact that HCC 21.16 includes no such dimensional requirement. Currently in the Rural Residential District under permitted use HCC 21.12.020(s), only one detached dwelling unit, excluding mobile homes, is allowed as an accessory building to a principal single family dwelling on a lot subject to the requirements of HCC 21.12.040. This is being dramatically increased to allow up to four dwelling units with no stipulation that any dwelling unit be an accessory building to a principal single family dwelling.

Allowing as a permitted use more than one building on a lot in the General Commercial 1 District and in the General Commercial 2 District may initially sound fairly innocuous but it means that where currently no more than one building containing a permitted principal use is allowed on a lot without the approval of a conditional use permit per HCC 21.24.030(j) and HCC 21.26.030(m) respectively, the enactment of Ordinance 22-68 could conceivably allow the construction of 50 or more buildings on a single lot in either commercial district without that development being subject to CUP review criteria, conditions, public comment, or appeal.

Whereas clause #4 states: “WHEREAS, The Homer Planning Commission has reviewed the subjects and actions of past CUP permits that have been routinely granted with few, if any, special conditions.” The Commission routinely approves virtually **all** CUP applications without applying any special conditions but just because it doesn’t apply special conditions doesn’t mean that no special conditions are warranted. The premise that unconditionally approved conditional uses should be changed to permitted uses is diabolically specious. By this reasoning, all unenforced use violations should be re-codified as legal uses. If the uses currently listed as conditional uses hadn’t been seen as potentially deleterious they would have been listed as permitted uses in the first place. HCC 21.71.010(c) states: “Nothing in the zoning code shall be construed to require the granting of a conditional use permit.” Nonetheless, planning staff recommends approval of virtually every conditional use permit application it receives and rarely recommends applying any significant conditions and there is no reason to expect the untrained, volunteer Commission to unilaterally impose significant conditions. If Ordinance 22-68 is enacted it will set a precedent for changing the remaining conditional uses into permitted uses.

During the September 21, 2022 Planning Commission meeting, Mayor Castner told the Commissioners that after the changes are adopted, future applicants for the remaining conditional uses will expect that conditions will be imposed. However, HCC 21.71.040(a) allows the Commission to approve conditional use applications without the imposition of any conditions and there is no pending proposal to amend this longstanding provision. The Mayor expressed his concerns about the city’s high litigation costs which, although deliberately not listed in the whereas clauses because fiscal zoning per se is not a legitimate zoning objective, appears to be the driving force behind Ordinance 22-68. The fact that conditional use permits sometimes trigger litigation is not legitimate grounds to deprive citizens of their due process rights to challenge them; the failure to impose conditions where conditions are necessary to mitigate deleterious effects *should* be challenged. If conditions had been imposed to mitigate the deleterious effects of past CUPs the city might not have incurred litigation costs. The Mayor told the Commission that these proposed changes will bring certainty by definitively stating what is either allowed or not. The existing zoning code definitively states what is allowed and what is not allowed. Proposed Ordinance 22-68 is so convoluted and poorly crafted that, if enacted,

nobody will know with any certainty what is allowed or not allowed.

The problem at hand lies not with erroneous classification of conditional uses but with the failure of Planning Department staff to objectively review CUP applications and recommend either denial or appropriate conditions for their approval. The proverbial fox is guarding the henhouse and the hens are rapidly disappearing along with building setbacks and other green spaces. Lightening the work-load of the Planning Department comes at great expense to the general public. Nefarious legislation like Ordinance 22-68 coupled with the dearth of zoning enforcement is why the City of Homer is rampantly developing as if no zoning code had ever been enacted. If that is the desire of the City Council, it should put an end to this expensive and time-consuming charade by voting to abandon the concept of planned zoning altogether.

The existing conditional use classifications are reasonable in all respects, have the presumption of validity, and there is no legitimate **public** need to amend them. Proposed Ordinance 22-68 does not preserve and enhance the aesthetic environment of the community or comport with the purposes of the nine zoning districts involved, the purposes of zoning in general, or the overall goals and objectives of the 2018 Homer Comprehensive Plan. Accordingly, it should be voted down in its entirety.

Frank Griswold

 SHARE

From: [Rachel Tussey](#)
To: [Renee Krause](#)
Subject: FW: Proposed Ordinance 22-68
Date: Wednesday, October 19, 2022 10:55:29 AM

From: Frank Griswold <fsgriz@alaska.net>
Sent: Wednesday, October 19, 2022 9:35 AM
To: Renee Krause <RKrause@ci.homer.ak.us>
Cc: Rachel Tussey <rtussey@ci.homer.ak.us>
Subject: Proposed Ordinance 22-68

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

Mayor Castner,

At the September 21, 2022 Planning Commission meeting, you told the Commissioners that ever since you became Mayor it has been your ambition to reduce the number of conditional use permits because they have been the root of almost all city litigation. You, who are no stranger to litigating against the City of Homer, apparently want conditional uses changed into permitted uses so that nobody can come to a public hearing and voice their concerns to the Commission or ultimately exercise their due process rights to appeal the permit. You congratulated the Commissioners, most of whom you hand-picked, for changing various conditional uses into fully permitted uses via proposed Ordinance 22-68. Not a single whereas clause of Ordinance 22-68 mentions litigation or avoiding it. Why not? Is this a secret agenda? Conditional uses that routinely trigger litigation are clearly more objectionable than listed permitted uses. Did you consider that eliminating contentious conditional uses (instead of making them permitted uses) might reduce litigation?

HCC 21.03.040 defines "Building" as "any structure used or intended for supporting or sheltering any use or occupancy." In the "up to four buildings" to be allowed in the CBD, which could apply to virtually any conceivable structure, mobile homes are excluded despite the fact that mobile homes are a listed permitted use per HCC21.18.020(m). Matchstick dwellings, conex dwellings, yurts, and similar "buildings" are not expressly listed as permitted uses but up to four of them/lot would presumably be allowed. "Up to" 4 buildings clearly includes 1 building/lot and one mobile home/lot is presently allowed in the CBD but Ordinance 22-68 would arguably make all mobile homes illegal in the CBD thereby creating a conflict in code. By enacting ordinance 22-68 the city would be inviting

litigation, not avoiding it. Plus, stifling public input and taking away their due process appeal rights in order for the city to avoid litigation costs are not yet goals of the Homer Comprehensive Plan.

One self-serving whereas clause allegedly justifying the proposed changes states: "Whereas, The Homer Planning Commission has reviewed the subjects and actions of past CUP permits that have been routinely granted with few, if any, special conditions." The fact that no conditions were imposed does not necessarily mean that no conditions were necessary, it simply means that you stocked the Commission with pro-development Santa Clauses like yourself. HCC 21.71.040(a) states that the Planning Commission will review and may approve, approve with conditions, or deny an application for conditional use permit. So it is under no obligation whatsoever to impose any conditions to any application for CUP and there is no reason to believe that the Commissioners will apply significant conditions to the remaining conditional use permits in the future. Is it your intention to ultimately have every conditional use changed into a permitted use?

One of the conditional uses being switched to an incontestable permitted use for most zoning districts is "group care homes." This would presumably include drug and alcohol treatment centers. Such a facility could obviously have a detrimental effect on surrounding property values and neighborhood character. Would you want such a facility adjacent to your home? Wouldn't you want to see some conditions applied to mitigate its harmful effects? One new use being added to the listed permitted uses is "up to four buildings on a lot." Would you like to see four dwellings made out of matchsticks and/or beer cans constructed adjacent to your home? Wouldn't you like to have the opportunity to voice your concerns about group care homes and (multiple) matchstick homes and/or connex dwellings at public hearings?" If so, then why did you congratulate the Commission on making the changes proposed by Ordinance 22-68? Are you representing the short-term financial interests of private parties or the long-term interests of the general public?

Frank Griswold

Kenai Peninsula Borough Legal Department

MEMORANDUM

TO: Members, Kenai Peninsula Borough Assembly

THRU: Brent Johnson, Assembly President *BJ*
Brandi Harbaugh, Finance Director *BH*

FROM: Sean Kelley, Borough Attorney *SK*

DATE: October 11, 2022

RE: Ordinance 2022-19-20, Appropriating \$100,000 to the Legal Department to Cover Costs of Hiring Hearing Officers for Planning Commission Appeals (Johnson)

In FY2021, the Kenai Peninsula Borough (Borough) transitioned from hiring outside counsel on a case-by-case basis to utilizing the State of Alaska, Office of Administrative Hearings to serve as the hearing officer to adjudicate planning commission appeals. Currently, there are three pending appeals from planning commission decisions.

Ordinance 2021-19-15 appropriated \$150,000 for the payment of services of hearing officers in appeals from planning commission decisions and for the hiring of outside counsel in conflict cases. Of the \$150,000 appropriated in FY22, \$44,215 is encumbered for payment of two of the current pending appeals which were filed in FY22, and approximately \$19,600 lapsed back to the General Fund on July 1, 2022. With the final costs of the two ongoing appeals unknown, approximately 88 percent of the funds appropriated for hearing officers in FY22 were utilized.

While it is difficult to predict in any one given year how many appeals or conflict cases will require the services of a hearing officer or outside counsel, recent history suggests that the majority of the Planning Commission's conditional land use permit decisions will result in an appeal to the hearing officer.

It is currently estimated that an additional \$100,000 will be required to pay for hearing officers to adjudicate planning commission appeals.

Your consideration of the ordinance is appreciated.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>100.27910</u>
Am	<u>100,000</u>
By: <i>SK</i>	Date: <u>9/26/2022</u>

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-73

An Ordinance of the City Council of Homer, Alaska, Amending the FY22 Capital Budget to Authorize the Expenditure of \$97,860.73 from the Sewer CARMA Fund to Fully Fund Repairs of the Broken Clarifier Belt at the Waste Water Treatment Plant.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting October 24, 2022 Introduction

Memorandum 22-183 from Public Works Director as backup

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

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ORDINANCE 22-73

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING THE FY22 CAPITAL BUDGET TO AUTHORIZE THE
EXPENDITURE OF \$97,860.73 FROM THE SEWER CARMA FUND TO
FULLY FUND REPAIRS OF THE BROKEN CLARIFIER BELT AT THE
WASTE WATER TREATMENT PLANT.

WHEREAS, Ordinance 22-34(S) appropriated \$497,900 to repair the belt-drive clarifier
skimmers in the Waste Water Treatment Plant (WWTP); and

WHEREAS, After more detailed investigation, the cost was determined to be \$867,743
and Ordinance 22-55 appropriated another \$370,263 to fully fund the work; and

WHEREAS, In the course of developing the Purchase Order for the work, it became
apparent the vendor had not included the cost of prevailing wages in its installation costs; and

WHEREAS, This increased the cost of installation by \$167,990; and

WHEREAS, Value engineering was conducted and we were able to achieve a savings in
material costs of \$69,709.40; and

WHEREAS, The revised costs are:

• Materials	\$486,188.73
• Installation	<u>\$479,835.00</u>
Total	\$966,023.73

leaving an unfunded balance of \$98,280.73; and

WHEREAS, Monies are available in the Sewer CARMA Fund Balance to fill this shortfall.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The FY 22 Capital Improvement Plan is amended to authorize \$98,280.73
from the Sewer CARMA Fund Balance to fully fund the repair of the clarifier belts at the WWTP.

Section 2. This is a budget amendment ordinance only, is not permanent in nature, and
shall not be codified.

43 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of November,
44 2022.

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CITY OF HOMER

KEN CASTNER, MAYOR

52 ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

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57
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59 AYES:

60 NOES:

61 ABSTAIN:

62 ABSENT:

63

64 First Reading:

65 Public Reading:

66 Second Reading:

67 Effective Date:



Memorandum 22-183

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
THROUGH: ROB DUMOUCHEL, CITY MANAGER
FROM: JANETTE KEISER, PE, PUBLIC WORKS DIRECTOR
DATE: OCTOBER 24, 2022
SUBJECT: WWTP CLARIFIER BELT REPAIRS – ADDITIONAL FUNDING REQUIRED

I. **Issue:** The purpose of this Memorandum is to request additional funding to pay prevailing wages to repair the chain driven clarifier skimming systems at the Waste Water Treatment Plant (“WWTP”).

II. **Background:**

Ordinance 22-34(S) appropriated \$497,900 to repair the belt-drive clarifier skimmers in the WWTP. After more detailed investigation, the cost was determined to be \$867,743. Ordinance 22-55 appropriated another \$370,263 to fully fund the work.

In the course of developing the Purchase Order for the work, it became apparent the vendor had not included the cost of prevailing wages in its installation costs. (Public works construction contracts in excess of \$25,000 require the payment of prevailing wages.) We asked the vendor to requote the installation costs to include prevailing wages, which increased the installation costs by \$167,990. We conducted some value engineering and were able to achieve a savings in material costs of \$69,709.40.

The revised costs are:

• Materials	\$486,188.73
• Installation	<u>\$479,835.00</u>
Total	\$966,023.73

This leaves an unfunded balance of \$97,860.73.

Recommendation:

That the City Council appropriate funds from the Sewer CARMA Fund in the amount of \$97,860.73 to fully fund the repair of the two broken clarifier belts in the WWTP.

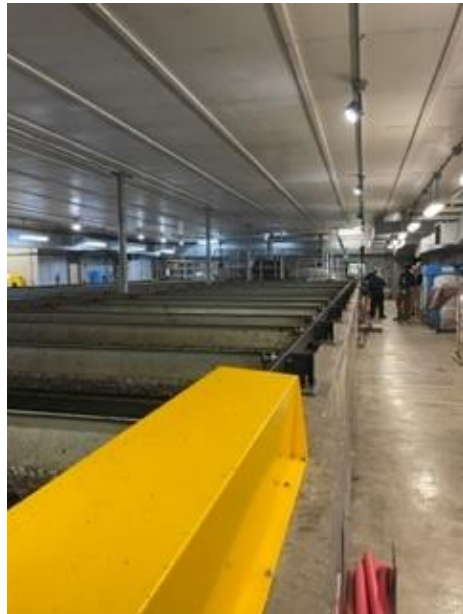
**Homer, AK
Flotation Clarifier No. 1 & 2 Rehab**

**INSTALLATION OF CHAIN AND SCRAPER
EQUIPMENT**

Quotation #**2022-539176** - Installation

Questions relative to this Quotation should be directed to
Evoqua's local area sales representative:

Bill Reilly | Wm. H. Reilly & Co.
503-223-6197 Office | 503-223-0845
Fax | 503-314-8386 Cell
Bill@whreilly.com



FIELD ERECTION:

- Evoqua proposes to furnish labor, equipment and expendable materials to install the equipment for clarifier No. 1 & 2. Two purchase option are given.

Option 1 will be to Replace the upper steel Flights, Chain, Wear Strips & sprockets. Includes installing new drive and gear boxes. Field Wiring will be by others. Shafts and chain track angles shall be reused.

Option 2 will be to Replace the upper steel Flights, Chain, Wear Strips & sprockets. Lower Fiberglass Flights, Sprockets, Chain & Wear Strips. Includes installing new drive and gear boxes. Field Wiring will be by others. Upper and Lower Shafts and chain track angles shall be reused.

- Customer is responsible for having tank drained and cleaned before Evoqua arrives onsite to begin work. One Clarifier at a time, leaving one in operation until demo and install of the first clarifier is complete.
- All materials/equipment removed during demolition to be disposed of on site.
- Evoqua is responsible for installing purchased equipment into the existing DAF basins by normal installation procedures.
- Evoqua is responsible for providing the necessary construction equipment for erection (fork truck, welding machines, cutting equipment, etc.).
- Work hours by Evoqua Water Technologies LLC at the site shall be as determined by Evoqua Water Technologies LLC. The purchaser shall not define working hours, number of work days per week or prohibit Evoqua Water Technologies LLC from working evenings, weekends, holidays, etc., when deemed to be advisable.

PRICING: Prevailing wages are included in the price below per the Division of Labor Standards and Safety as outlined in the link below.

Kenai Peninsula Borough

<https://labor.alaska.gov/lss/pamp600.htm>

**Installation of Clarifier equipment Option 1
Upper mechanisms on Clarifier # 1&2**

**\$479,835
(Taxes not included)**

**Installation of Clarifier equipment Option 2
Upper & Lower mechanisms on Clarifier # 1&2**

**\$753,835
(Taxes not included)**

NOTE:

1. There may be other items in need of repair that are not known at this time. Evoqua will give customer a quote for any additional repairs before work is to be done.

QUOTATION VALID: This quotation is valid for a period of Sixty (60) days unless extended in writing by Evoqua.

All of the information set forth in this quotation (including drawings, designs and specifications) is confidential and/or proprietary and has been prepared for your use solely in considering the purchase of the services described herein. Transmission of all or any part of this information to others, or use by you, for other purposes is expressly prohibited without our prior written consent.

PAYMENT AND PRICE TERMS: The terms of payment are Net 45 after completed installation.

Price does not include:

- Concrete modifications to existing basin.
- Field Electrical work of any kind
- Disposal of existing materials of site
- Taxes, Permits

SCHEDULE: Construction is an estimated 2 to 3 weeks on site per Clarifier Basin.

WARRENTY: Evoqua shall warrant all materials and labor for one year after successful installation

BONDS: Evoqua shall provide both a payment and performance bond per statute AS 36.05.010

Quotation Submitted by Evoqua Water Technologies LLC: Bryan Davis

Signature below indicates acceptance of this quotation, including the Standard Terms of Sale attached hereto.

Accepted by Buyer:

Company Name

Acknowledged by Seller:

Evoqua Water Technologies LLC

By: _____

Date: _____

by: _____

Date: _____

.....

Evoqua Water Technologies LLC GENERAL TERMS AND CONDITIONS FOR ERECTION WORK

1. Equipment location and staking, including plant orientation, influent and effluent location, is the responsibility of the Purchaser and/or his engineer.

2. The elevation of equipment above or below grade must be determined by the Purchaser and/or his engineer and entered upon the approved drawings. Purchaser is responsible for establishing benchmark at site for Evoqua Waste Technologies erection crew.

3. Purchaser agrees to provide a clear level work area at least 35 feet wide around the periphery of the erection site. Prior to starting erection, any obstructions in the work area, such as excavations, overhead lines, fences, trees, shrubbery, etc., shall be removed by and at the expense of the Purchaser. The Purchaser shall keep the site properly drained and free from surface water during erection, and until the work has been completed and accepted. The site and site access shall be capable of supporting a crane up to and including 50-ton capacity and other erection equipment. Any fill or dewatering necessary to accomplish the above, or additional costs of oversized or special equipment required due to poor site conditions, will be the responsibility of the Purchaser. Site leveling, grading, etc., after erections, shall be the responsibility of the Purchaser. Evoqua Water Technologies shall be responsible for the clean-up and removal of trash, scrap materials, etc., left from Evoqua Water Technologies erection work.

4. Purchaser agrees to provide site access and site working area capable of supporting the delivery trucks (70-75,000 pounds gross weight). Purchaser agrees to maintain site access and working area, daily if required, to allow Evoqua Water Technologies erection crew to perform work during all weather conditions. Should Evoqua Water Technologies have to stop work and return to the site when access and/or work area permits or experience delays due to the site and site access being unsuitable for work due to Purchaser's failure to prepare and/or maintain the above, the Purchaser agrees to compensate Evoqua Water Technologies for cost incurred and agrees Evoqua Water Technologies shall be indemnified and held harmless from all loss or damages resulting from delays of job progress, that are directly or indirectly a result of the Purchaser's responsibility.

5. Evoqua Water Technologies' erection personnel are non-union and all work will be by non-union personnel. In case of interference in erection work due to labor problems by persons not employed by Evoqua Water Technologies, or the imposition of requirements concerning labor, working conditions, wage rates, etc., which were not clearly defined prior to Evoqua Water Technologies acceptance of the erection job, Evoqua Water Technologies shall have the right to stop work without prejudice until such interference or condition is satisfactorily removed or resolved. If additional costs are incurred by Evoqua Water Technologies due to such conflict the Purchaser hereby agrees to reimburse Evoqua Water Technologies for the additional costs incurred.

Evoqua Water Technologies is an Equal Opportunity Employer and shall comply with government regulations pertaining to fair and equal employment.

Work hours by Evoqua Water Technologies at the site shall be as determined by Evoqua Water Technologies. The purchaser shall not define working hours, number of work days per week or prohibit Evoqua Water Technologies from working evenings, weekends, holidays, etc., when deemed to be advisable by Evoqua Water Technologies.

6. INSURANCE

During the period of erection of the equipment contemplated herein, Evoqua Water Technologies will maintain the following insurance: Per Englewood Water District Insurance requirement, (copy attached).

- (a) Workmen's Compensation and Employer's Liability.
- (b) Occupational Disease.
- (c) Contractual Liability.
- (d) Public Liability Insurance, Personal Injury and Property Damage.
- (e) Automobile Liability, Personal Injury and Property Damage.

Any insurance required by Purchaser in addition to the above mentioned coverage shall not be considered to be included in the purchase price as set forth herein and shall be charged to the Purchaser.

7. UNLOADING OF EQUIPMENT: Evoqua Water Technologies is responsible for unloading of equipment which is to be erected by Evoqua Water Technologies. Purchaser is responsible for unloading any equipment or accessories shipped to Purchaser for his installation. (Such as base channels to be embedded in concrete foundation by Purchaser, blowers or other accessories to be installed by Purchaser).

8. PURCHASER ACCEPTANCE OF ERECTED EQUIPMENT: When erection of the equipment nears completion Evoqua Water Technologies shall give Purchaser seventy-two hours verbal notice that the equipment shall be ready for inspection and acceptance. Purchaser agrees to provide, on seventy-two hours notice, an authorized agent to meet at the site with Evoqua Water Technologies erection personnel, to inspect the erected equipment, and accept same for/on behalf of the Purchaser. Any backordered items not installed at that time shall be listed on the acceptance agreement with written understanding that Evoqua Water Technologies is responsible for installing the subject equipment. Backordered items shall be received by the Purchaser at the "Backordered Address" previously provided and stored until Evoqua Water Technologies installation is scheduled.

9. PREPARATION FOR START-UP OF ERECTED EQUIPMENT: Upon completion of erection Evoqua Water Technologies shall inform the Purchaser that the erected equipment is ready to be placed in service. The Purchaser shall make all preparations for which he is responsible, such as: Influent and effluent connections, installation of the required electrical power supply and circuitry, filling tanks with clean water for testing and start-up, etc. If any deficiencies in materials or workmanship by Evoqua Water Technologies are discovered by the Purchaser while performing this work, the Purchaser shall immediately notify Evoqua Water Technologies so that corrective action can be taken. Evoqua Water Technologies is responsible for providing start-up supervision as defined in the equipment proposal. For scheduling purposes, ten days notice of desired start-up date is required.

10. SECURITY AND PROTECTION OF EQUIPMENT: Purchaser is responsible for security of equipment stored on his site after delivery prior to arrival of Evoqua Water Technologies crews to begin erection; and for any backordered material delivered to Purchaser after departure of Evoqua Water Technologies erection crews. Evoqua Water Technologies shall not be responsible for deterioration, theft, vandalism or damage to equipment which is stored on site or left inoperative after installation due to delays in start-up. Purchaser agrees to be responsible for security and protection of such equipment.

11. BACKCHARGES: Evoqua Water Technologies will accept no back charges for any reason which has not been approved prior to any work being performed in writing by an authorized manager of the company. Purchaser agrees to contact Evoqua Water Technologies and receive written authorization prior to incurring any costs related to back charges.

12. LICENSES AND PERMITS: Unless specifically stated in Evoqua Water Technologies erection proposal, Evoqua Water Technologies is not responsible for licenses, permits or fees required to perform the work defined in this proposal.

13. (a) Evoqua Water Technologies shall not be liable for delays due to: (1) causes beyond its reasonable control or (2) acts of God, acts of customer, prerequisite work by others, acts of civil or military authority, government priorities, fires, strikes or other labor disturbances, floods, epidemics, war riot, delays in transportation or (3) Inability to obtain or delay in obtaining, due to causes beyond its reasonable control, suitable labor, materials, or facilities. In the event of any such delay; the time of performance shall be extended for a period equal to the time lost by reason of the delay.

(b) In the event Evoqua Water Technologies is delayed by acts of the customer or by prerequisite work by other contractors or suppliers of the customer, Evoqua Water Technologies shall be entitled to an equitable price adjustment in addition to extension of the time of performance.

14. Evoqua Water Technologies reserves the right to subcontract any of the work to one or more subcontractors.

15. Purchaser shall protect all gauges, controls and factory finishes from the painting operation. Purchaser shall be responsible for the removal and reinstallation of any assembly that affects the painting operation.



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: October 20, 2022
SUBJECT: City Manager's Report for October 24, 2022 Council Meeting

Main Street Sidewalk Construction

We have pavement! The sidewalk and disturbed portions of Main Street were paved on October 20th. Staff will be working on an idea for a sidewalk ribbon cutting in the near future. I'll provide more information when it's available.

Computer Aided Dispatch

The Computer-Assisted Dispatch (CAD) system went partially live on October 18th. CAD allows the dispatch center in the police department to relay more detailed information to police and firefighters in the field and makes it easier for dispatchers to handle multiple streams of data at once. CAD is up and running inside the station and officers have been testing it out on their laptops. Hardware has been installed in vehicles. As of right now, there are still two hurdles to clear: connecting internet service in vehicles and connecting the fire department's iPads to the Borough system. We anticipate both issues will be solved within the next few weeks.

Fire Department Open House

The Homer Volunteer Fire Department is hosting an open house on Friday, October 28th with programs running from 6-7:30PM and 7:30-9PM. There will be a chat with the Chief, home fire safety demonstrations, snacks, and drawings for home safety gift baskets.

Alaska Parks & Recreation Association Conference

I was able to attend one day of the Alaska Parks & Recreation Association's (APRA) annual conference hosted in Soldotna. It was a great opportunity to learn more about the parks and recreation scene here in Alaska and meet folks from across the state who run departments, programs, and facilities of various sizes. I was able to participate in sessions about biases, creating intergenerational park destinations, invasive species management, and non-motorized transportation. The invasive species and non-motorized transportation sessions featured Homer based speakers like Parks Superintendent Matt Steffy and a representative from Homer Drawdown.

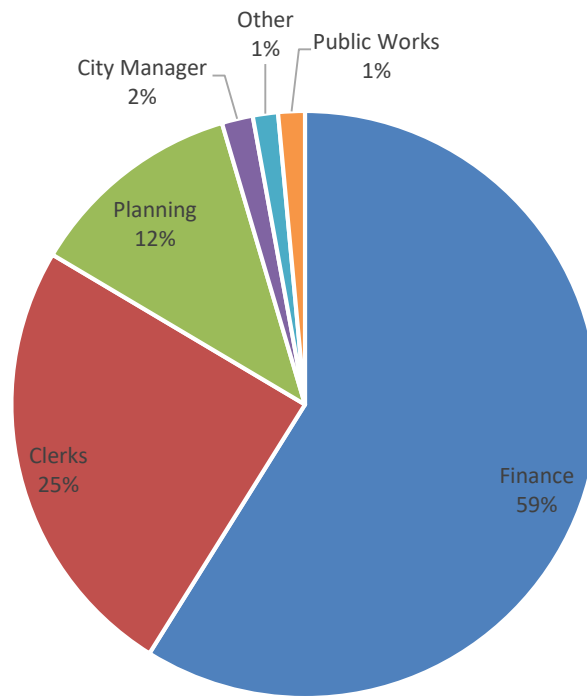
KBBI Coffee Table

The Mayor and I joined together for a Coffee Table discussion on KBBI. We had a wide-ranging discussion about the budget, housing, water and sewer rates, transportation, public participation, current legislation, and other topics.

City Hall Access

At our previous meeting, a public commenter discussed the fact that City Hall has physical barriers in place that stop members of the public from accessing interior portions of the building without permission. In case there were any lingering questions or concerns from Council about that line of commentary, I wanted to address it directly. Changing that flow of public traffic was a very intentional decision made largely for operational safety purposes. I strongly believe that there is no practical reason for the general public to walk freely through staff work spaces. While Homer is a very safe community, we have had instances in the past involving interactions with aggressive individuals at City Hall that required police intervention. In the past two years, we have hosted de-escalation training and active shooter training for staff. Both are very real concerns in public buildings.

The current configuration of City Hall access allows the public to do the vast majority of their City business on a walk-in basis. We've been tracking walk-in visitor data at both City Hall entrances since April and have developed a good idea of how many people visit, when they visit, and what department or division they are intending to visit. Visits related to Finance and the Clerk's Office account for 84% of all visits to City Hall. Finance and the Clerks both have public facing counters that are available Monday to Friday 8am to 5pm. The other 16% of visitors are there to see Planning, the City Manager, or another City-related function. Many of those visitors either show up to City Hall with an appointment, or end up making appointments for return visits. My observation is that individuals who have specific business with the City are easily able to get most common tasks accomplished at one of our public counters. The rest are able to make appointments with specific professionals to handle their business.



City Hall Visits by Department (April through August 2022)

Enclosures:

1. Homer Volunteer Fire Open House Flyer

2. Quarterly Report from SBDC

WELCOME TO
OUR

OPEN HOUSE

HOMER VOLUNTEER FIRE
DEPARTMENT

FRIDAY, OCTOBER 28TH 6-9 PM



FREE DRAWING
FOR
HOME SAFETY
GIFT BASKETS
VALUED OVER \$200.00



Please join us for 1 of 2
Fire Safety Demo's & Tour:

1st Demo @ 6-7:30 PM

2nd Demo @ 7:30-9 PM

Followed by:

Hot Chocolate & Cookies

& Drawing **Must be present to Win**



Presentation from
Fire Chief Kirko



Kitchen Safety Demo



Disaster Preparedness Info.



Fire Extinguisher Demo



NATIONAL
FIRE PREVENTION
-WEEK-



604 E. Pioneer Ave
Homer, AK. 99603
907-435-3161

Fire@ci.homer.ak.us





October 14, 2022

City of Homer
491 E. Pioneer Ave
Homer, AK 99603

Dear Mayor Castner, City Council, and City Staff,

This letter serves as our quarterly report for the period July 1 to September 30, 2022. The Homer Business Advisor, Robert Green, had a busy quarter, not only advising business owners and entrepreneurs, but also providing presentations to the Homer EDAC and City Council for local funding support. At the start of the COVID pandemic, there was such high demand for SBDC services in Homer, the Alaska SBDC invested part of its temporary CARES Act funding to set up a business advisor in the community. With Robert excelling as the Homer Business Advisor, demand has remained strong, as shown by the figures below. We appreciate the time and energy the EDAC, City Council, and city staff have put into this project, to keep the Homer Business Advisor position funded. Here is a summary of deliverables to the Homer community during the quarter (year):

Client Hours: 158.6 (485.2)	Jobs Supported: 172 (331)
Total Clients: 34 (96)	Capital Infusion: \$15,750 (\$1,132,650)
New Businesses Started or Bought: 3 (13)	Client Surveys: 100% positive (89% positive)

The contract rate for a business advisor is \$55 per hour, which includes salary, benefits, fixed, and administrative expenses. In addition to local expertise, the Alaska SBDC provides IBISWorld industry reports, retailing for \$925 each, and ProfitCents financial analyses, valued at \$2,750 each, to clients free of charge. Here is a summary of value provided to the Homer community during the quarter (year):

Business Advisor: \$13,860 (\$41,415)
IBISWorld Industry Reports: \$12,950 (\$32,375)
ProfitCents Financial Analyses: \$5,500 (\$30,250)
Total: \$32,310 (\$104,040)

We would like to thank the City of Homer for their support of the Homer Business Advisor position. Not only has Robert excelled in Homer, but he has become a valued part of the Alaska SBDC staff. We greatly appreciate the knowledge, experience, and consistency he brings to our team. Please do not hesitate to contact us if you have any questions.

Sincerely,

DocuSigned by:

Jon Bittner
F3E1FE8A6ADF4BD...

Jon Bittner
Executive Director
Alaska SBDC

**CITY OF HOMER
HOMER, ALASKA**

Lord/Mayor

RESOLUTION 22-080

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA REQUESTING THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (AKDOT/PF) CONDUCT A SPEED LIMIT REVIEW ON EAST END ROAD TO EVALUATE DECREASING THE CURRENT 45 MILE PER HOUR (MPH) SPEED LIMIT TO 35 MPH WITHIN THE CITY LIMITS OF HOMER.

WHEREAS, The State of Alaska Department of Transportation and Public Facilities (AKDOT/PF) is responsible for the entirety of East End Road; and

WHEREAS, Speed limits are set by AKDOT/PF based on traffic analyses and speed limit reviews; and

WHEREAS, East End Road through the City of Homer and Kachemak City has substantial residential and business activity, including parks, playgrounds, an equestrian center, and many pedestrians and cyclists; and

WHEREAS, The section of East End Road, located between the boundaries of Kachemak City and the City of Homer, has a single broken line center stripe that allows passing in both directions; Speeds much higher than 45 are used in passing adding to the danger of inattention to other activities along the roadway; and

WHEREAS, There have been multiple vehicle accidents along East End Road in this busy area in recent years; and

WHEREAS, Numerous community members have expressed concerns about the 45 mph speed limit on East End Road through the City of Homer and would like to see it reduced; and

WHEREAS, Kachemak City has also expressed concerns about the speed limit and would like to see it reduced; and

WHEREAS, AKDOT/PF has a backlog of requests for speed limit reviews around the state, with requests taking a year or more to be processed; and

WHEREAS, According to AKDOT/PF, “a speed limit review/change should have the support of the local government to help prioritize resources and evaluations that reflect the desires of the larger community”; and

43 WHEREAS, The City of Homer would not be required to conduct any traffic analysis or
44 engineering from the City budget.

45
46 NOW THEREFORE BE IT RESOLVED, the City of Homer requests the State of Alaska
47 Department of Transportation and Public Facilities (AKDOT/PF) conduct a speed limit review
48 on East End Road to evaluate decreasing the current 45 mile per hour (mph) speed limit to 35
49 mph within the City limits of Homer.

50
51 PASSED AND ADOPTED by the Homer City Council on this 24th day of October, 2022.

52
53 CITY OF HOMER

54
55 _____
56 KEN CASTNER, MAYOR

57
58 ATTEST:
59
60 _____
61 MELISSA JACOBSEN, MMC, CITY CLERK

62
63 Fiscal Note: N/A