



## **Homer City Hall**

491 E. Pioneer Avenue

Homer, Alaska 99603

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

# **City of Homer Agenda**

**Planning Commission Regular Meeting  
Wednesday, December 04, 2019 at 6:30 PM  
City Hall Cowles Council Chambers**

## **CALL TO ORDER, 6:30 P.M.**

## **AGENDA APPROVAL**

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

## **RECONSIDERATION**

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

- A. Minutes of the November 6, 2019 Planning Commission Meeting **p. 3**
- B. Decisions & Findings Document for CUP 19-08, two duplexes at 4155 Pennock St. **p. 21**
- C. Staff Report 19-102, Utility Easement Vacation at 4097 Mattox Road, also known as lot 6A-1, and affecting lot 20A-1, of Virginia Lynn 2006 Replat, HM 2006020 **p. 27**

## **PRESENTATIONS / VISITORS**

## **REPORTS**

- A. Staff Report 19-95, City Planner's Report **p. 35**

## **PUBLIC HEARINGS**

- A. Staff Report 19-96, A request to vacate a 33 foot wide section line easement across 4097 Mattox Road, also known as Lot 6A-1 Virginia Lynn 2006 Replat, HM 2006020 **p. 37**
- B. Staff Report 19-98, An Ordinance amending the Homer City Zoning Map; to rezone a portion of the Residential Office Zoning District to Central Business Zoning District **p. 55**
- C. Staff Report 19-99, An Ordinance amending Homer City Code 21.70.040, Permit Terms; to require an as-built survey be submitted to the City Planner after completion of any building or structure **p. 75**

## **PLAT CONSIDERATION**

- A. Staff Report 19-97, Fairview Subdivision 2019 Replat Preliminary Plat **p. 81**
- B. Staff Report 19-101, Section-line Easement Vacation Plat Preliminary Plat associated with Virginia Lynn 2006 Replat **p. 95**
- C. Staff Report 19-100, Nomar 2019 Replat Preliminary Plat **p. 109**

## **PENDING BUSINESS**

- A. Memorandum Re: Deliberations and Vote for Staff Report 19-93 Conditional Use Permit 19-07 to allow a parking lot expansion adjacent to the Seafarer's Memorial Park on Homer Spit Road **p. 123**
- B. Staff Report 19-98, Medical Zoning District **p. 125**

## **NEW BUSINESS**

### **INFORMATIONAL MATERIALS**

- A. City Manager Report for November 25, 2019 City Council Meeting **p. 147**
- B. Letter from Paul Sayer, M.D. **p. 189**
- C. Letter from Jonathon Young **p. 191**

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

### **COMMENTS OF THE STAFF**

### **COMMENTS OF THE COMMISSION**

## **ADJOURNMENT**

Next Regular Meeting is **Thursday, January 2, 2020 at 6:30 p.m.** A work session will be held at 5:30p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission

Session 19-19, a Regular Meeting of the Planning Commission was called to order by Chair Venuti at 6:34 p.m. on November 6, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS DAVIS, VENUTI, BENTZ, PETSKA-RUBALCAVA AND  
HIGHLAND

ABSENT: COMMISSIONERS SMITH, BOS (EXCUSED)

STAFF: CITY PLANNER ABBOD  
DEPUTY CITY PLANNER ENGBRETSSEN  
DEPUTY CITY CLERK KRAUSE  
HARBORMASTER HAWKINS  
PUBLIC WORKS DIRECTOR MEYER

The Commission met for a joint worksession at 5:30 p.m. On the agenda was a presentation and discussion on the Alaska Clean Water Action Grant awarded to the City by the State of Alaska DEC with Public Works Director Meyer and regular agenda item, Sign Code.

#### **APPROVAL OF THE AGENDA**

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BENTZ – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### **PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA**

Larry Slone, city resident, complimented the Commission on the appeal related to Conditional Use Permit 18-02 and the vast improvement to the appearance of the building that the awning has given to the building in question even though it does encroach into the right of way and that the majority of the public would agree. Mr. Slone congratulated the Commission for being successful, performing their due diligence and doing a fine job and that the City has been well served by the City Planner and his past experience.

#### **RECONSIDERATION**

#### **ADOPTION OF CONSENT AGENDA**

A. Approval of minutes of October 16, 2019 Planning Commission meeting.

Chair Venuti requested a motion to approve the Consent Agenda.

HIGHLAND/BENTZ – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **VISITORS/PRESENTATIONS**

A. Carey Meyer, Public Works Director and City Engineer to discuss the Alaska Clean Water Action Grant awarded to the City by the State of Alaska DEC

This was discussed during the worksession and there was no further discussion or presentation during the regular meeting.

### **REPORTS**

A. Staff Report 19-90, City Planner's Report

City Planner Abboud provided a summary of Staff report 19-90 and commented further on the following:

- City Council approved a resolution supporting the Inclusion of the Climate Adaptation and Mitigation Measures in the Borough's 2019 Comprehensive Plan.
- Introduced Ordinance to amend permitted uses in the Marine Industrial Zoning District
- Scheduled presentations for Natural Hazards for January 15, 2020 worksession
- Prevailed on all counts for the Appeals on CUP 18-02 Cyclogical and CUP on the remand

Commissioner Highland noted that the Comprehensive Plan passed with the Climate Adaptation portion included at the Borough on Tuesday, November 5, 2019.

### **PUBLIC HEARING(S)**

A. Staff Report 19-91, Conditional Use Permit 19-08 for two duplexes at 4155 Pennock St.

Chair Venuti introduced the item into the record by reading of the title into the record.

City Planner Abboud provided a summary of Staff Report 19-91 for the Commission.

Jeff Murphy, applicant came forward and stated he was available for questions.



Chair Venuti opened the Public Hearing.

Scott Adams, city resident, stated that the lot was too small to construct two residences and provided example of another project that came before the Commission on West Hill that was similar and that the proposed structures represent more of a camp and does not fit the area.

Louise Walker, city resident, neighbor of the proposed development with an existing duplex stated that she received a “napkin sketch” and that the parking was not going to be adequate, that it would lower her rent and did not fit the neighborhood. She expressed concerns for multiple vehicles and that those vehicles would end up on her property.

Lindsey Wolter, city resident and business owner across from the proposed development, she often has more than one vehicle on her property and expressed concerns with parking on her property and on Pennock and the aesthetics in that the proposed buildings look like long barns.

Larry Slone, city resident, parking is important and should be managed properly but the importance of affordable housing should be considered also and this project should be approved by the Commission.

Chair Venuti closed the public hearing.

City Planner Abboud had no rebuttal.

Mr. Murphy, applicant, rebutted the comments stated that he worked closely with the Planning Department, pointed out that there is no criteria other than 2 buildings on one lot that requires the Conditional Use Permit. He further explained that he did not have professional drawings done to keep the costs down, the buildings will be on helical, skirted, fencing and visual barriers. He further explained that there will be ample space available for parking and two spaces per unit. Each unit is a one bedroom unit.

The following questions and responses were provided:

- Are Homer’s parking requirements behind the times when most families have two vehicles?

Mr. Abboud responded: The question of code would be good for conversation for another day but the Commission should consider if this project would negatively affect the neighbors. If there are visitors they would park behind the resident. They will be at the most egressing onto Pennock. Parking is allowed in the setbacks.

Mr. Murphy responded: There was a requirement for one space and that is what he showed was one parking space but there is room to park more than one vehicle and then noted the space available.

- The size of 14 feet by 72 feet is more of a trailer.

Mr. Murphy responded that the occupied space is 472 square feet, so a small home.

- The style of roof being a gambrel roof what does this lend to the units instead of the more standard roof design?

The gambrel design offers a more spacious feeling inside the units and offers loft areas for storage.

- Could this project be done in one structure and be more cost effective?

Mr. Murphy responded that it turns out to be more cost effective building in two separate structures, after going through all the costs and to make it affordable housing. He also provided comment on the lack of labor and the need for affordable housing and the ability for lower income and or young people to get to and from work by constructing two buildings.

- Please provide additional information on how constructing this as one structure make it more affordable?

Mr. Murphy explained how constructing two quality, affordable homes provides no shared walls, noting the preference to the standard duplex. Additional sound barriers as well as soundproofing, interior layout and the planned courtyard.

- The courtyard will provide some yard for the residents also?

Mr. Murphy stated that the area will be landscaped and fenced and noted that it will remove the opportunity for parking from the duplex next door.

- Due to the size of the lot, that the open space/courtyard will remain pervious?

Mr. Murphy responded that it will have decking and gravel not be paved.

Commissioner Petska-Rubalcava recommended consideration of different trusses to allow for vaulted ceilings instead of the gambrel roof design in order to fit more into the neighborhood.

BENTZ/HIGHLAND MOVE TO ADOPT STAFF REPORT 19-91 AND APPROVE CUP 19-08 WITH FINDINGS 1-10 AND CONDITIONS 1 & 2.

There was further comment from the Commission on the importance of affordable housing for the community, clarification on making a request for the applicant to change the roof design that the Commission would need to make a motion and include a valid reason to support to make that change.

VOTE. YES. BENTZ, VENUTI, PETSKA - RUBLACAVA, HIGHLAND.  
VOTE. NO. DAVIS.

Motion carried.

B. Staff Report 19-92, Draft Ordinance 19-49 to place a six-month moratorium on professional offices and medical clinics in the Residential Office District

Chair Venuti introduced the item by reading of the title into the record.

City Planner Abboud provided a summary of Staff Report 19-92 for the Commission stating that Council member Smith was present and could provide clarification. He noted his misunderstanding of the ordinance being brought forward.

Councilmember Smith provided information that this ordinance was brought forth to allow the Commission time to deliberate on how a medical district would be shaped without interruption. He stated that it is not meant to stop development only to allow the Commission time to complete the process without the possibility of applications or appeals. He further stated that it was to protect the process.

Chair Venuti opened the Public Hearing.

Scott Adams, city resident, stated that if the Commission approves the overlay of a medical district that they change the setback requirements noting the perceived diminishment of value to neighboring residences.

Chair Venuti closed the Public Hearing.

Commissioner Highland requested clarification on the six month moratorium stops applications for building from property owners in the district. She had concerns with stopping a property owner from going forward with a project acknowledging the delay caused by the appeals.

Councilmember Smith appreciated the Commissioners concerns but he wanted to assure the Commission unfettered discussion and proceed to conclusion noting that Mr. Abboud has stated that this is expected to be a fairly quick process and if that happens then the moratorium can be removed prior to the six month.

Councilmember Smith responding to Commissioner Highland's comment on "being unusual" noted that a moratorium was used when the issue of box stores came up in order to define how that building or improvements could be constructed. This is about allowing the Commission the opportunity to discuss the medical district before it is stopped.

Commissioner Bentz requested City Planner Abboud to outline the steps if the Commission does start this process of the medical district and someone submitted an application for a Conditional Use Permit, what basis or reason would the Commission stop their work on a Medical District.

City Planner Abboud provided the timeline for the application, and if an appeal was filed and if it was called into question on the very concept that the Commission was debating in creating a district may be determined by a judge as not proper.

Commissioner Bentz recounted work done on the Borough Planning Commission level recently.

City Planner Abboud was not sure an application would prevent the Commission from completing their work, he does not have a legal memorandum on this as yet.

Chair Venuti inquired if the moratorium would affect Conditional Use Permits issued.

City Planner Abboud stated that it would not and the ordinance can be cleaned up by Council to make that clearer.

Councilmember Smith assured Chari Venuti that it would not affect CUP's that have been issued but would stop any new CUP's.

Chair Venuti expressed concern regarding placing the moratorium.

Councilmember Smith responded that by being proactive and with the assurance of City Planner Abboud that this will be a fairly quick process, comments he has received by parties that said they will appeal it if it happens he believes that this will allow the Commission a window of time. He is erring to the side of caution and clear table to get this done.

Commissioner Highland stated that they could recommend a change to the ordinance that language to reflect imposing a moratorium up to six months.

City Planner Abboud agreed with that amendment would provide clarification.

Commissioner Bentz commented that dependent on how time sensitive this is, if they were considering working on the Medical District in December, her inclination was to postpone voting on the ordinance until the amendments could be written into the ordinance, such as the one just recommended by Commissioner Highland, but also clarification on if the CUP process and Medical District planning process is decoupled and doesn't affect each other that is one reason not to have a moratorium but if there is a reason that having a CUP or appeal process while they are planning the Medical District she would like to have legal justification.

Councilmember Smith responded that planning the Medical District was postponed due to the appeals that were filed at the recommendation of the City Attorney, City Planner Abboud can attest to this, due to the ramifications that may counter the work done by the Commission. He is trying to avoid that for the Commission.

Commissioner Bentz requested follow-up asking about the current appeal.

City Planner Abboud recommended that due to the tight time constraints he suggested forwarding recommendations to the Council and let them make the changes there.

Commissioner Highland believed that the Medical District will create some controversy and does not know the length of time that will take but does a resident have the ability to go to an attorney and stop the Commission from working on this.

City Planner Abboud responded that if someone had the means and wherewithal they could seek an attorney's opinion, he could not comment on what action would result from that.

Chair Venuti requested a motion seeing no further comments or questions.

BENTZ/DAVIS MOVED TO FORWARD A RECOMMENDATION OF SUPPORT FOR ORDINANCE19-XX ESTABLISHING A SIX MONTH MORATORIUM ON APPLICATIONS FOR PROFESSIONAL OFFICES AND MEDICAL CLINICS IN THE RESIDENTIAL OFFICE DISTRICT WITH THE FOLLOWING AMENDMENTS:

1. TO CLARIFY THE SPECIFIC TYPE OF PERMIT THAT IS SUBECT TO THE MORATORIUM
2. TO STOP ALL PERMITTING IN THE RESIDENTIAL OFFICE DISTRICT
3. DOES NOT APPLY ALREADY APPROVED PERMITS THAT HAVE NOT RECEIVED A ZONING PERMIT
4. AMEND THE TIME UP TO SIX MONTHS AS THE PLANNING COMMISSION REQUIRES

Commissioner Highland questioned stopping all permitting in the residential office district.

City Planner Abboud noted that the language should reflect "conditional use." It specifically excludes zoning permits.

Commissioner Davis requested clarification on applications would still be allowed.

City Planner Abboud responded that they would be subject to the moratorium there would be no action on them.

BENTZ/HIGHLAND – MOVED TO AMEND THE LANGUAGE IN THE SECOND RECOMMENDATION TO STOP ALL CONDITIONAL USE PERMITTING APPLICATIONS NOT ALREADY UNDERWAY IN THE RESIDENTIAL OFFICE DISTRICT.

There was discussion on zoning permits would still be allowed, up to six months would allow them to start processing applications after six months would require legal input, clarification on not including professional offices in the motion.

VOTE. (Amendment). NO. HIGHLAND, PETSKA-RUBALCAVA, BENTZ, DAVIS, VENUTI

Motion failed.

Commissioner Bentz recounted the Commission action since her motion and asked Commissioner Rubalcava if she would like to make the next motion.

PETSKA-RUBALCAVA/BENTZ MOVED TO AMEND THE MOTION TO REMOVE FROM LANGUAGE THE WORDS PROFESSIONAL OFFICES.

There was no discussion.

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

Motion carried.

Commissioner Highland then requested clarification on the need to amend the motion to change all permitting.

HIGHLAND/BENTZ - MOVED TO AMEND THE LANGUAGE TO STOP ALL CONDITIONAL USE PERMITTING APPLICATIONS NOT ALREADY UNDERWAY IN THE RESIDENTIAL OFFICE DISTRICT

Commissioner Bentz stated for the record that this was the motion that was voted down previously and called for unanimous consent.

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

Motion carried.

Commissioner Bentz recommended forwarding this ordinance to Council with recommendation to consult with the City Attorney.

VOTE. (Main Motion as Amended). YES. DAVIS, HIGHLAND, BENTZ, PETSKA-RUBALCAVA.  
VOTE. NO. VENUTI.

Motion carried.

Chair Venuti called for a recess at 7:52 p.m. The meeting was called back to order at 7:58 p.m.

C. Staff Report 19-93, Conditional Use Permit 19-07 to allow a parking lot expansion adjacent to the Seafarer's Memorial Park on Homer Spit Road.

Chair Venuti introduced the item into the record by reading of the title.

Deputy City Planner Engebretsen noted for the record that a Public Hearing was conducted at the October 2, 2019 regular meeting and Staff Report 19-85 which is included in the packet. The Commission requested additional information related to the project site which has been provided. She noted for the record that this action was advertised again as a Public Hearing and notice was included in the laydown packet as well as submitted comments prior to the supplemental packet deadline and one comment was provided as a laydown.

Bryan Hawkins, Harbormaster, presented the project noting the Port and Harbor Advisory Commission along with Harbor personnel have been working on this project since 2013. He wanted to address the very use for the area of the Spit. Funding was allocated and this project addresses a few priorities as follows:

1. Safety - this project will address some of those safety issues such as moving the parking from the street into a lot which will remove the need for vehicles to back out into 25 mph traffic.
2. Vessel Owners - are there because of the harbor. There are approximately 240 vessel owners that use that area on a daily basis.
3. Uplands Lands Lessees – these are merchants who conduct business in that area.

Additionally he provided the following answers to questions from the Commission on:

- Clarified that the speed limit was 15 mph in Pedestrian Crosswalk Zones
- State refused to lower the speed limit through the area
- Limited vehicle size to 20 feet
- Pedestrians cross the road at any point and time
- The multiple criss-crossing pathways through the grassy areas were evidence of the high traffic area but the project would limit the foot traffic impact to the grassy area with designated walkway to the beach.
- The Harbor is a large, non-profit business and they are addressing the additional parking that is needed in a high use congested area
- The first phase would address and organize existing parking area, including ADA parking, egresses and pedestrian access
- Second phase would provide additional organized parking
- Submitted recommendations or suggestions have not been reviewed at this time
- No official parking study has been completed since 2009
- The comment of 30% wasted space was not accurate as shown in the provided aerial photos and acknowledged that there is always room for improvements

Harbormaster Hawkins provided a PowerPoint presentation showing the available parking and location of those parking areas. He noted that in total there are 336 parking spaces around the Harbor and they have 240 plus vessel owners plus businesses so not enough parking.

Commissioner Bentz commented referencing the 2011 Spit Comprehensive Plan implementation and that the Harbor Commission and Planning Commission should be involved.

Chair Venuti opened the Public Hearing.

Jim Herbert, not a city resident but a city property owner and harbor user, stated that the Spit is a rather fragile place, he concurred with the statement submitted by Mr. Faulkner and agreed with the Harbormaster that those that go out to the Spit are rather lazy and wanted to park as close as they could. He encouraged mitigation and protections for the natural resources that are out on the Spit similar to what was done at the mouth of the Kasilof to mitigate the damage caused by dipnetters. He referenced the parking in Seward is all paid parking and recommended that they need to consider how they are going to pay for the improvements.

Nancy Hillstrand, city resident, commented on the laydowns provided and read into the record a statement provided by Steve Baird with KBRR, noting pictures provided on the level of erosion encouraging the city to look at creating a steering committee to make the public aware of what is going on out on the Spit but because they do not. Ms. Hillstrand then read passages from the Spit Comprehensive Plan emphasizing that the Spit is the City's greatest treasure and that it is the locals land and belongs to the residents of Homer and that is who the applicant is; the area is the only grassy area that people can look out on. She believes that they can do better than putting a parking lot or there.

Megan O'Neill, city resident, opposed to expanding the parking lot especially phase two. It is a seasonal problem only two months out of the year and they should consider what they can do those two months of the year. The damage to the natural grass barriers, the birds and animals use, will be devastating. Climate change is here and eroding the Spit and for the one area that isn't eroding we are going to change it. I noticed that the Harbormaster never mentions all the parking on the other side of the Spit near the Harbor Office. There is other parking available and maybe they can park there. People could use the Ice Rink is available for parking since it isn't used in the summer. She noted the issues that destroyed the area in Kenai because of the dipnetters and that they charge for parking. This is a short term solution to a long term problem.

Dave Brann, city resident, noted that he has commented on this issue before to Council and the Port & Harbor Commission noting the dates. He appreciated the presentation from the Harbormaster tonight but his most recent information is from Homer News that the cost would be \$635,000 he noted the diagonal parking would be removed and phase one would gain 20 spots. In reality he believed that the City is paying that amount for a total of 40 additional parking spots compared to what they currently have. Mr. Brann provided some recommendations to make the existing parking more efficiently, advocating for paving and



striping parking, marking the Seafarers parking with exit and entrances. He then noted additional areas that could be paved and used as a parking lots in that area.

Lani Raymond, non-resident, stated she opposed the expansion of the parking, she read from a prepared statement regarding that parking on the Spit in the summer is a problem but that the parking lot was not an acceptable solution, it is important for the birds, plants and animals, only a short term solution, original intent of the zoning was open space recreational not parking for the commercial customers, this project would destroy the natural habitat of the beach, jeopardize the geological structure of the spit, sit empty for most of the year, solutions that should be addressed as a group and looked at more globally, use of the other areas such as the ferry terminal parking when not in use, coal point parking, hockey rink with the use of a shuttle, or using a shuttle from town on a regular schedule. Visitors that come here are use to using public transportation. The businesses could encourage carpooling and use vans to provide transportation. The city could implement paid parking increase the amount charged for paid parking or lessen the time to be able to park.

Lauri Daniel, non-resident, requested the Commission to decline the request for a Conditional Use Permit. Ms. Daniel stated that expanding into one of the last natural coastlines amid dense business development on the Spit is wrong economically and ecologically. She believed that granting a permit would be moving in the wrong direction economically in this day in age. She recommended restricting motor vehicles from the Spit altogether and start incorporating this idea into the Spit Plan itself. Homer sells itself on the natural beauty and outdoor activities and then quoted from the Non-motorized transportation plan on being able to access everything without a car while on the spit. She also commented on the open space recreation area and how it provides a natural barrier, ecological benefits, natural habitats for plants, animals and insects and how many areas are doing everything that they can to repair their coastlines. She advocated for not doing any more damage and not to preserve it specifically for commercial purposes.

Rika Mouw, city resident, commented that her testimony repeats a lot of what was already said, nothing speaks of Homer as the Homer Spit. She wondered if the consideration has been given to overlapping parking on areas that are already in use. She recognized the erosion that has occurred recently on the spit and that they need to consider the long term effects of short term solutions. They need a comprehensive parking plan. Ms. Mouw encouraged more efficient use of developed land and questioned the amount of cars, people and congestion is safe on a narrow strip of land? Is this safe during a possible tsunami, earthquake, or fire? She hopes that Homer is not so rich that they can let these wilderness' pass by or so poor that they cannot keep them.

George Mast, non-resident, questioned that the parking lot is compliant for the zoning and if it serves a purpose for the open space recreation, the parking is really hap hazard and if done right they would not need expansion. He referenced Coal Point parking was organized they could fit more cars there.

Scott Adams, city resident, commented on the changes that have occurred such as the RV Park on the west side of the spit, the use of dredge spoils and the state's concern for the protection of the road and believes that they need to think before they act and his concern is for what will remain for his kids and grandkids. Parking is an issue but there is plenty of other lots that could be utilized for parking noting the lot across from the ferry. He encouraged to use caution.

Miranda Weiss, city resident, recreational boat owner and seasonal harbor user, she spends a lot of time on the spit and she reported not ever not finding a spot to park. Maybe she is willing to walk farther or she has been here long enough that she knows where to park. People in the USA are used to walking to where they want to go. If you visited any Mall you need to walk a distance to where you want to go. She urge the commission to slow the process down and enter into a broader discussion on the issue of parking.

Mark Zeiset, business owner on the Spit and city resident, he reported the issues that he has personally seen and dealt with concerning the issues with parking, pedestrian vehicle accidents and fender benders. He does not advocate paving paradise but he believes in proper beach management and that the parking will benefit all user groups.

Heath Smith, city resident, noted that Mr. Zeiset is on the Port & Harbor Commission and supports this project. The City and Commission are very cognizant of the ecological and economic impacts of parking on the spit. Mr. Smith also reported at the last meeting the parking on the grass over the last summer he personally witness during his working day. He referenced the crisscross of trails through the grassy areas to get to the beach noting that the "open recreational space" is the beach. There is no open and recreational space on the spit. There are some larger issues there. A parking lot is not going to upset the balance of the spit. He also stated that during the winter time there is no one out there on the beach either.

Larry Slone, city resident, approved and supported the project, he believed it followed the plan and that this is the time for the discussion on parking, and reminded everyone the effects of the 1964 earthquake to the spit and it essentially has been rebuilt since that time, that the spit is a major economic driver for Homer and it enhances the quality of life, offers more opportunities for individuals and the cost is parking. There is a frightening aspect to the current parking experience with regard to safety. He encouraged incorporating the efficiency aspect to the parking discussion.

Steve Gibson, city resident, former harbor user, he did not think when he was renting a boat slip that he had a priority. Currently he goes out to the Spit about once a week and likes the area near the Memorial. He encouraged consideration of the intangibles as well as dollars and cents. Many suggestions tonight seem pretty good. He could do with paid parking.

Bob Hartley, city resident and boat owner and a Commissioner, spends a lot of time at the harbor. The Commission has spent quite a bit of time on parking and did not approach it willy-

nilly. Parking has been a problem from June through August and has been getting steadily worse each year. There are no designated parking in the larger parking areas, the way they establish paid parking harbor wide, the space presents solutions to the immediate area that are needed. Something to consider is where you would put 500-600 cars in Homer if they are not allowed on the spit. They will continue to work on this issue into the foreseeable future.

Steve Zimmerman, city resident and Harbor Commissioner stated that the biggest concern is parking safety, there will be some good ADA parking with this project also allowing more accessibility. While people don't support paid parking it is something that they have been working towards to pay for these improvements and is necessary. He continued by stating that the Commission has been talking about parking concerns on the spit for years, people are acting like it is a new thing and it's not. He does not believe that particular spot will destabilize the spit and actually believes that the boardwalk there is helping to bring more stabilization to the end of the spit. He did not advocate for paving but believed that putting in the car stops will assist in the efficiency efforts. We cannot park at the ice rink as it is private property, not allowing cars on the spit not sure how you would even do that and he appreciates the commission pondering this project but they need to get it going.

Josh Byrnes, non-resident, business owner and slip renter urged the Commission to move forward with the parking project. His business takes him to the spit on a daily basis and this past summer was the worse yet. They need to do something, it will only going to get worse as each year goes by and commented that the spit is not a wild place and allowing more tourists to be able to park would be a good thing. There are other wild areas around the bay that people can view. He believes that the plot of ground in question would be an island if the city never maintained it since the '64 quake.

Delane Blackstock, non-resident, commented on calling the Chamber when she first arrived to find out where there was public parking. She noted the draw for people to the spit but she advocated for creating a more walkable shopping experience plus viable economic draw for downtown Homer if public parking was offered. She commented on the information provided in the Comprehensive Plan.

Russ Olin, part time seasonal worker, ship wright and keeps a boat here year round, the dialog provided here is bravo sierra. The parking issue starts in April and continues through September the fact that people don't want to cover a little bit of grass they have a bike path that they did not seem to have a problem with. The Harbormaster has won awards and people should listen to the man because he wants to do what is best for the Spit. There are many times he cannot find a space and he has to spend time going back and forth for tools to perform his job. He commented on the Boardwalk owners did not get grief for building those boardwalks. We need to keep progressing and stop giving the staff grief and let them do their jobs.

Chair Venuti closed the public hearing.

Deputy City Planner Engebretsen had no rebuttal.

Harbormaster Hawkins had no rebuttal.

Following topics were questioned and information provided by Deputy City Planner Engebretsen and Harbormaster Hawkins:

- Delineation of parking and storm berm in relation to the beach, materials and time involved
- Responsibility for design change in regards to materials
- Testing of dredge materials for contaminants
- Replanting and removal of beach grasses and who oversees that process and ensures reproductive growth and inherent challenges
- Surfacing of pavement areas and ADA compliance with accesses to the beach

Due to time constraints of the Commission Chair Venuti requested a motion to extend the meeting.

HIGHLAND/BENTZ MOVED TO AMEND THE MEETING TIME ADJOURNMENT TO 10:00 P.M.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Question and Answer period continued as follows:

- Clarification on transplanting grasses in dredge materials and the processes thereof
- Referencing page 181 excerpt from City Manager's report on sediment analysis that the approval of the permit will allow this project to go forward.
- Considering the testimony and the differing values and phase one being more palatable would phase two be necessary to include in the CUP.
- Permitting Phase One would be a good step forward would lend to the consent to continue with Phase two
- The Land Use Allocation Plan designates the use a fishing gear storage and the equipment is not road legal and that would require a permit just to bring to the other side of the harbor. There is revenue generated for the storage for a period of June-August.
- Recommended steering committee in the Spit Comprehensive Plan and the Port & Harbor Commission has been working on this since 2013 and it appears that discussions have been missed on the potential issues.
- Grassy area offers a respite from the parking lots and that there will be minimal disturbance to that area.

- Changes have been in the works on the modifications to the agreement with the Corps of Engineers and dredging is done on an annual basis and now the materials will be moved to the beach so the lot can be used for additional parking. This change came about this fall.
- This can be postponed and moved back to the Harbor Commission but the issue has been on agendas and discussed since 2006
- Coal Point area is available for parking but people do not use it due to the location within the industrial area.
- Ferry Terminal parking lot is a bit tricky as the City has an agreement and presents logistical issues that signage may not be helpful.
- If the Permit is approved they will be able to move forward with design and funding and the effects if they did build out the project. Without the CUP it is not worth expending the necessary funding to contract with the engineer to determine what effects may be incurred by neighboring property owners
- The priority of the parking is for the vessel owners and to have a boat owner park at ramp 1 and the boat is on Float C and they have to park at Pier One that seems a bit unfair
- Parking Garage for vertical evacuation
- The project is not believed to cause any issues with erosion

BENTZ/DAVIS MOVED TO EXTEND THE MEETING TO 10:30 P.M.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The Commission entertained discussion with the City Planner Abboud on postponing the meeting or concluding and going into deliberation. It was noted that there has been a variety of discussion on many recommendations that fall outside the validity of the criteria that they are required to review to base their decision.

Harbormaster Hawkins responded to Commissioner Davis that he was not sure how you could reduce parking in reference to Spit Comprehensive Plan Land Use Goal 1.5. He noted that the activities to date have been to increase paid parking areas and place signage but at a minimal to no expense and to do more they will need to step up the expenditures by developing the spaces lot by lot.

Commissioner Bentz opined that Harbormaster Hawkins has been addressed by the applicant and staff and add some new findings or maybe just amend the findings in the Staff Report. She requested clarification on procedure if they can make the motion to deliberate.

City Planner Abboud responded that there is no time limit on the deliberation, the Commission can work out a date and time with the Clerk, it could be done at a worksession, now in the other room or as determined.

Commissioner Bentz stated that there could be interest in more focus on phase one and the benefits that could be realized from this phase one of this proposal rather than approving the entire project. From the testimony she recommended creating findings that the proposal is not an acceptable use for this land, specifically altering Findings 6, 7 and 9 that are in this Staff Report.

Discussion ensued on if the Commission needed a motion to discuss to go into deliberations or to postpone deliberations to the December 4, 2019 meeting.

HIGHLAND/BENTZ MOVED TO DELIBERATIONS AND VOTE ON DECEMBER 4, 2019

Commissioner Bentz stated for the record that she believes from the discussion tonight that the reason for amending the findings tonight will create good findings of fact to support the Commission decision and that –

***Finding 6:*** *The Commission finds the proposal will not cause undue harmful effect upon desirable neighborhood character as described in the purpose statement of the district.*

The Finding is recommended, from the testimony and current policy in place, be amended to read “The Commission finds the proposal will cause undue harm upon the desirable neighborhood character as described in the purpose statement of the district.

**Finding 7:** The project is not expected to be detrimental to the health, safety or welfare of the surrounding area or the City as a whole.

The Finding is recommended to be changed that the project is expected to be detrimental to the health, safety or welfare of the surrounding area or City as a whole.

**Finding 9:** The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan. The proposal aligns Goal 1.4 and no evidence has been found that it is not contrary to the applicable land use goals and objects of the Comprehensive Plan.

The Finding is recommended to be amended to find that it is contrary and believes that there were several reasons that contraindicated these findings from Staff Report 19-85 during the meeting and cannot at this time craft the findings until review of the various plans that the City has regarding each of these.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **PLAT CONSIDERATION**

## **PENDING BUSINESS**

A. Staff Report 19-94, Sign Code

Chair Venuti introduced the item by reading of the title into the record.

Deputy City Planner Engebretsen reviewed Staff Report 19-94 and provided clarification on if one motion or individual motions were required and also what the process would be to follow-up.

BENTZ/RUBALCAVA MOVED TO ADOPT STAFF REPORT 19-94 AND AMEND THE SIGN CODE TO CREATE CODE PROVISION FOR AN OPTIONAL MASTER SIGN PERMIT PLAN AND INCLUDE OPTIONS ONE, THREE AND FOUR.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **NEW BUSINESS**

## **INFORMATIONAL MATERIALS**

A. City Manager Report for October 28, 2019 City Council Meeting

## **COMMENTS OF THE AUDIENCE**

## **COMMENTS OF THE STAFF**

City Planner Abboud had no additional comments.

Deputy City Clerk Krause stated that the issue of parking on the Spit has been before the Parks Commission and that since 2007 parking issues have been on the Port and Harbor Commission agendas.

Deputy City Planner Engebretsen stated that 99.9% of the written and public testimony were problem solving and looking at the big picture and not attacking the individual project and in

the past the community has been very divisive when speaking about difficult things. She was pleased to see people offering suggestions and talking about paid parking, some really big changes for the community. This bodes well for future decisions on the Spit.

### **COMMENTS OF THE COMMISSION**

Commissioner Highland no comments.

Commissioner Rubalcava echoed Ms. Engebretsen statement and that there was no opposition to parking or looking into parking and is hoping that the conversation continues going in a different direction.

Commissioner Bentz agreed and further noted that the Community is holding the planning decision to the documents but it is really hard to have the City as the Applicant, Commissioners from another City Commission and then City Staff and that Consensus Building would be beneficial before coming before the Commission. Ms. Bentz commented on looking at a short term solution to address high parking activity on the Spit. Is it the fires that pushed more tourism to the area and should they be reviewing the drivers of what they are trying to accomplish and believes that they should be considering what will not compromise the communities long term resiliency.

Commissioner Davis commented on the need of a committee or task force or working group but it needs to be a more expansive and global look at parking on the Spit and is glad that they will have that opportunity now.

Commissioner Bentz commented on the Census coming up and the update to the Transportation Plan.

Commissioner Rubalcava questioned the processes on the Design criteria for districts.

City Planner Abboud provided clarification on the design criteria in relation to the zoning districts.

### **ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 10:30 p.m. The next regular meeting is scheduled for Wednesday, December 4, 2019 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession scheduled at 5:30 p.m. prior to the meeting.

---

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_





**City of Homer**

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

**Planning**

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

## **HOMER ADVISORY PLANNING COMMISSION**

### **Approved CUP 19-08 at the Meeting of November 6, 2019**

**RE:** Conditional Use Permit (CUP) 19-08  
**Address:** 4155 Pennock Street

**Legal Description:** T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2007078 A A MATTOX SUB  
2007 ADDN LOT 16-A2

## **DECISION**

### **Introduction**

Jeff Murphy (the “Applicant”) applied to the Homer Advisory Planning Commission (the “Commission”) for a conditional use permit under Homer City Code HCC 21.16.030(h) which allows more than one building containing a permitted principle use on a lot in the Residential Office District.

The applicant proposed building two duplexes that contain single-bedroom units.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on November 6, 2019. Notice of the public hearing was published in the local newspaper and sent to 19 property owners of 20 parcels.

At the November 6, 2019 meeting of the Commission, the Commission voted to approve the request with five Commissioners present. The Commission approved CUP 19-03 with a 4-1 vote.

### **Evidence Presented**

City Planner Abboud reviewed the staff report. The applicant was present and available for questions from the Commission.

One letter was received expressing the concerns that four units is high density and how parking may be inadequate. The applicant presented and answered Commissioner’s questions. Three public comments were made at the meeting, two expressed concerns about perceived lack of parking and an unattractive design and one person testified in support of the project.

It was noted that the applicant had met all requirements of code and was not asking for any relief other than the CUP option for 'more than one structure' on a lot in the residential office district.

### **Findings of Fact**

After careful review of the record, the Commission approves Condition Use Permit 19-08 to build two duplexes with one-bedroom units.

**The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030 and 21.71.040.**

**a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district.**

**Finding 1:** Two duplexes may be authorized with an approved conditional use permit in the Residential Office District.

**b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.**

**Finding 2:** The proposal is compatible with the purpose of the district by meeting density requirements while providing residential development.

**c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.**

**Finding 3:** The value of adjoining property will not be negatively affected greater than multi-family dwellings or a conditionally permitted hospital or school.

**d. The proposal is compatible with existing uses of surrounding land.**

**Finding 4:** The proposal is compatible with the existing uses of surrounding land.

**e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.**

**Finding 5:** Existing public, water, sewer, and fire services are adequate to serve the proposed development.

**f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.**

**Finding 6:** Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

**g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.**

**Finding 7:** The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole when all applicable standards are met as required by city code.

**h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.**

**Finding 8:** The proposal will comply with applicable regulations.

**i. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.**

**Finding 9:** The proposal does not appear to contradict any applicable land use goals and objectives of the Comprehensive Plan. The proposal aligns Goal 1 and no evidence has been found that it is contrary to the applicable land use goals and objects of the Comprehensive Plan.

**j. The proposal will comply with all applicable provisions of the Community Design Manual.**

**Condition 1:** Outdoor lighting must be downward directional and must not produce light trespass per the CDM.

**Finding 10:** Condition 1 will assure that the proposal complies with level one lighting standards and the Community Design Manual.

**In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:**

- 1. Special yards and spaces:** No specific conditions deemed necessary
- 2. Fences and walls: Condition 2:** Dumpster to be screened on 3 sides.
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.

**4. Street and road dedications and improvements:** No specific conditions deemed necessary.

**5. Control of points of vehicular ingress and egress:** No specific conditions deemed necessary.

**6. Special provisions on signs:** No specific conditions deemed necessary.

**7. Landscaping:** No specific conditions deemed necessary.

**8. Maintenance of the grounds, building, or structures:** No specific conditions deemed necessary.

**9. Control of noise, vibration, odors or other similar nuisances:** No specific conditions deemed necessary.

**10. Limitation of time for certain activities:** No specific conditions deemed necessary.

**11. A time period within which the proposed use shall be developed:** No specific conditions deemed necessary.

**12. A limit on total duration of use:** No specific conditions deemed necessary.

**13. More stringent dimensional requirements,** such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.

**14. Other conditions necessary** to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.

**Conclusion:** Based on the foregoing findings of fact and law, Conditional Use Permit 2019-08 is hereby approved, with Findings 1-10 and Conditions 1-2.

**Condition 1:** Outdoor lighting must be downward directional and must not produce light trespass per the CDM.

**Condition 2:** Dumpster must be screened on 3 sides.

---

Date

---

Chair, Franco Venuti

---

Date

---

City Planner, Rick Abboud AICP

#### NOTICE OF APPEAL RIGHTS

Pursuant to Homer City Code, Chapter 21.93.060, any person with standing that is affected by this decision may appeal this decision to the Homer Board of Adjustment within thirty (30) days of the date of distribution indicated below. Any decision not appealed within that time shall be final. A notice of appeal shall be in writing, shall contain all the information required by Homer City Code, Section 21.93.080, and shall be filed with the Homer City Clerk, 491 East Pioneer Avenue, Homer, Alaska 99603-7645.

#### CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on \_\_\_\_\_, 2019. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

---

Date

---

Travis Brown, Planning Technician

Jeff Murphy  
3675 Main Street  
Homer, AK 99603

Michael Gatti  
Jermain, Dunnagan & Owens  
3000 A Street, Suite 300  
Anchorage, AK 99503

Katie Koester, City Manager  
491 E Pioneer Avenue  
Homer, AK 99603





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report PL 19-102

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: December 4, 2019  
SUBJECT: Vacation of a utility easement on Lot 6A-1 Virginia Lynn 2006 Replat

---

**Requested action:** Recommend approval of the utility easement vacation.

#### Introduction

The applicant is requesting the vacation of two portions of utility easement.

1. Vacation of a portion of the utility easement service the sewer line along the northern part of the lot. The single family home on the property encroaches by 2.9 feet. The neighboring land owner, Kenai Peninsula Housing Initiatives, (KHPI) has a sewer line that runs within the easement. KPHI commented that they have no objection to the vacation.
2. Vacate the part of the 20 foot utility easement along Mattox Road, where the deck and house encroach. The current encroachment is between 1 and 3.8 feet. Staff notes utility easements along rights of way are typically only 15 feet, and this easement is 20 feet. The easement can be reduced while still allowing for provision of public services.

**Planning Staff Comments:** No objection to the vacations.

**Public Works Comments:** No objections to the vacations of the utility easement. Recommend shifting the easement 5 feet north.

#### Staff Recommendation

Recommend vacation of a portion of the northern utility easement service the sewer line so the home is not encroaching, and vacate a portion of the utility easement along Mattox Road so that portion of the home is not encroaching.

#### Attachments

Petition

Public Works Comments and Depiction of recommendation







Kenai Peninsula Borough Planning Department  
144 North Binkley  
Soldotna, Alaska 99669-7599  
Toll free within the Borough 1-800-478-4441, extension 2200  
(907) 714-2200

## Petition to Vacate Utility Easement

### No Public Hearing Required

Submit completed form to the Kenai Peninsula Borough Planning Department, 144 North Binkley St., Soldotna, AK 99669

Upon receipt of complete application with all required attachments the vacation will be scheduled for Planning Commission action. The petitioner must secure and submit written comments from utility companies. If the easement is within city limits; secure and submit city's written comments. The completed petition, with all required attachments, accompanied by a \$75.00 non-refundable fee, must be submitted to the Planning Department a minimum of thirty (30) days prior to the meeting at which the Planning Commission will take action.

Fees - \$75.00 non-refundable fee attached.

To accomplish an approved vacation; a Planning Commission Resolution must be filed with the State Recorder to enter the vacation into the public records unless the vacation is accomplished by plat. Petitioner must pay filing fees (usually \$22-\$27).

Utility easement requested to be vacated was granted by plat of Subdivision, filed as Plat No. 2006-20 in Homer Recording District.

Utility easement proposed to be vacated was granted by (specify type of document) as recorded in Book \_\_\_\_\_ Page \_\_\_\_\_ of the \_\_\_\_\_ Recording District. (Copy of recorded document must be submitted with petition)

Comments from Homer Electric Association attached.

Comments from Enstar Gas Company attached.

Comments from Enstar Telephone Company attached.

Comment from GCI Cable Company attached.

Please note comments or no comments on the sketch or plat that is to be submitted with the petition.

Comments from the KPB Roads Department attached if applicable.

Comments from City of Homer attached.

One copy of plat or map (sketch) showing area proposed to be vacated. If easement was granted by document; one copy of recorded document must be submitted.

If an existing structure is encroaching into easement; As-Built showing encroachment must be attached.

Is easement being used by utility company?

If yes, which utility Homer Public Works by Private Sewer line.

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

A small portion of my home lies on top of the sewer-utility line easement. There is ample room to access the utility line despite the encroachment.

The petition must be signed (written signature) by owners of the land subject to the easement proposed to be vacated. Each must include mail address and legal description of his / her property.

Submitted by: Signature Virginia Tornes As Petitioner Representative

Name: Virginia F. Tornes

Address: PO Box 2497

Phone: Homer AK 99603

907 290-6184

Petitioners:

Signature \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

29

RECEIVED

OCT 21 2019

CITY OF HOMER  
PLANNING/ZONING

Utility Easement Vacation Application Comments:

To clarify the requested utility easement vacations;

1. To vacate the portion of the 20' Utility Easement (along Mattox St.) of house encroachment shown as 1 foot (Detail 1) on the accompanying As-Built Survey by Ability Surveys dated 8/15/2018.
2. To vacate the portion of the 20' Utility Easement (along Mattox St.) of deck encroachment shown as 3.8 feet (Detail 1) on the accompanying As-Built Survey by Ability Surveys dated 8/15/2018.
3. To vacate the portion of the 37 feet wide Sewer Utility Easement that is encroached upon by deck encroachment shown as 1.5 feet (Detail 1), and encroached upon by one story house shown as 2.9 feet (Detail 1) on the accompanying As-Built Survey by Ability Surveys dated 8/15/2018.

Simultaneously but by separate action I am applying for a vacation of the 33 feet wide section line easement that is no longer needed, or feasible, due to the creek adjacent to the west boundary of this Lot 6A-1, and due to constructed apartment buildings mostly blocking the 33 feet wide section line easement on the westerly adjacent Lot 20A-1, including alternate access that has been constructed as paved driveway on said adjacent Lot 20A-1 which is owned and operated as a public assistance housing venture. I am doing this in an attempt to bring my property into a more financeable condition.

RECEIVED

OCT 21 2019

CITY OF HOMER  
PLANNING/ZONING



# AS-BUILT SURVEY

## NOTES

LINE	BEARING	DISTANCE
L1	S89°56'30"E	7.84'
L2	S89°56'30"W	6.88'

1. THIS PLAT SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN FINANCING REQUIREMENTS.

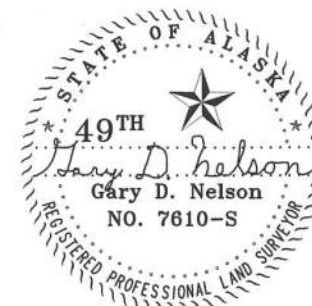
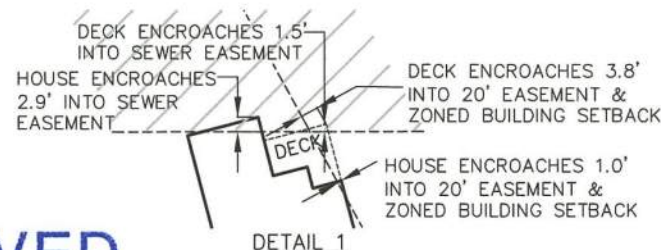
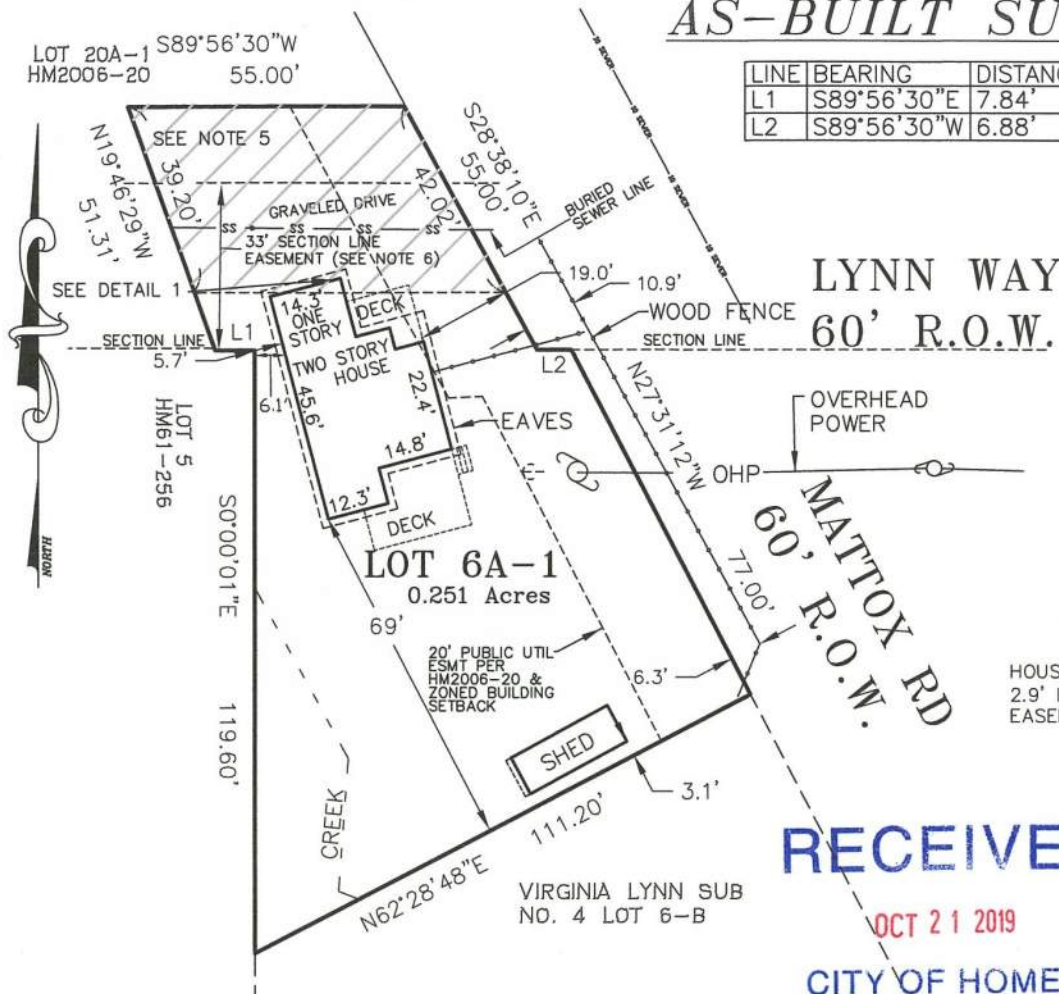
2. DIMENSIONS TO PROPERTY LINES ARE FROM THE EXTERIOR FACE OF BUILDING WALL UNLESS OTHERWISE SHOWN. ROOF EAVES EXTEND 1.5'.

3. IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS OR RESTRICTIONS THAT DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT. HM2006-20 CITES RESTRICTIVE COVENANTS RECORDED SERIAL NUMBERS 2005-000128 & 2005-000136 IN HOMER RECORDING DISTRICT.

4. I HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY: LOT 6A-1 VIRGINIA LYNN 2006 REPLAT, FILED AS PLAT NUMBER 2006-20 IN THE HOMER RECORDING DISTRICT. THE IMPROVEMENTS SITUATED THEREON ARE LOCATED AS SHOWN ON THIS PLAT AND THERE ARE NO OTHER VISIBLE ABOVE GROUND IMPROVEMENTS OR ENCROACHMENTS ON SAID PROPERTY EXCEPT AS INDICATED HEREON.

5. DIAGONAL HATCH PATTERN DEPICTS A UTILITY EASEMENT TO SERVICE EXISTING SEWER LINE PER HM2006-20.

6. A 33 FEET WIDE SECTION LINE EASEMENT EXISTS ACROSS LOT 6A-1 ADJACENT TO THE SECTION LINE (NOT SHOWN CROSSING LOT 6A-1),



RECEIVED

OCT 21 2019

CITY OF HOMER  
PLANNING/ZONING

DATE	8/15/2018
JOB No.	5060
DWG	5060FRM5008.DWG
SCALE	1" = 30'
TAX PARCEL	17906106
PLAT No.	HM 2006-20
SECTION	21
TOWNSHIP	T6S
RANGE	R13W (SM)

<b>LOT 6A-1</b>
<b>VIRGINIA LYNN 2006 REPLAT</b>
LOCATED IN THE NW 1/4 OF SEC. 21, T6S, R13W, S.M.
WITHIN THE CITY OF HOMER HOMER RECORDING DISTRICT
<b>ABILITY SURVEYS</b>
REGISTERED LAND SURVEYORS (907) 235-8440 152 DEHEL AVE., HOMER, ALASKA 99603



**From:** Jean Hughes  
**Sent:** Friday, November 22, 2019 1:10 PM  
**To:** Travis Brown  
**Cc:** gary@abilitysurveys.com  
**Subject:** Virgina Lynn 2006 Lot 6A-1  
**Attachments:** Scanned from a Xerox Multifunction Printer.pdf

Travis,

PW has no comment on the vacation of the SLE.

I spoke with Gary Nelson and we agree that shifting the utility easement (sewer easement) to the north 5' would suffice for the necessary maintenance and repair of the sewer line. See attached depiction.

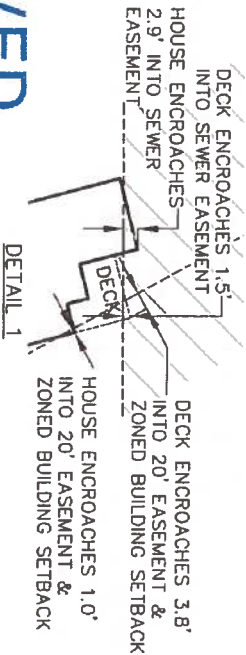
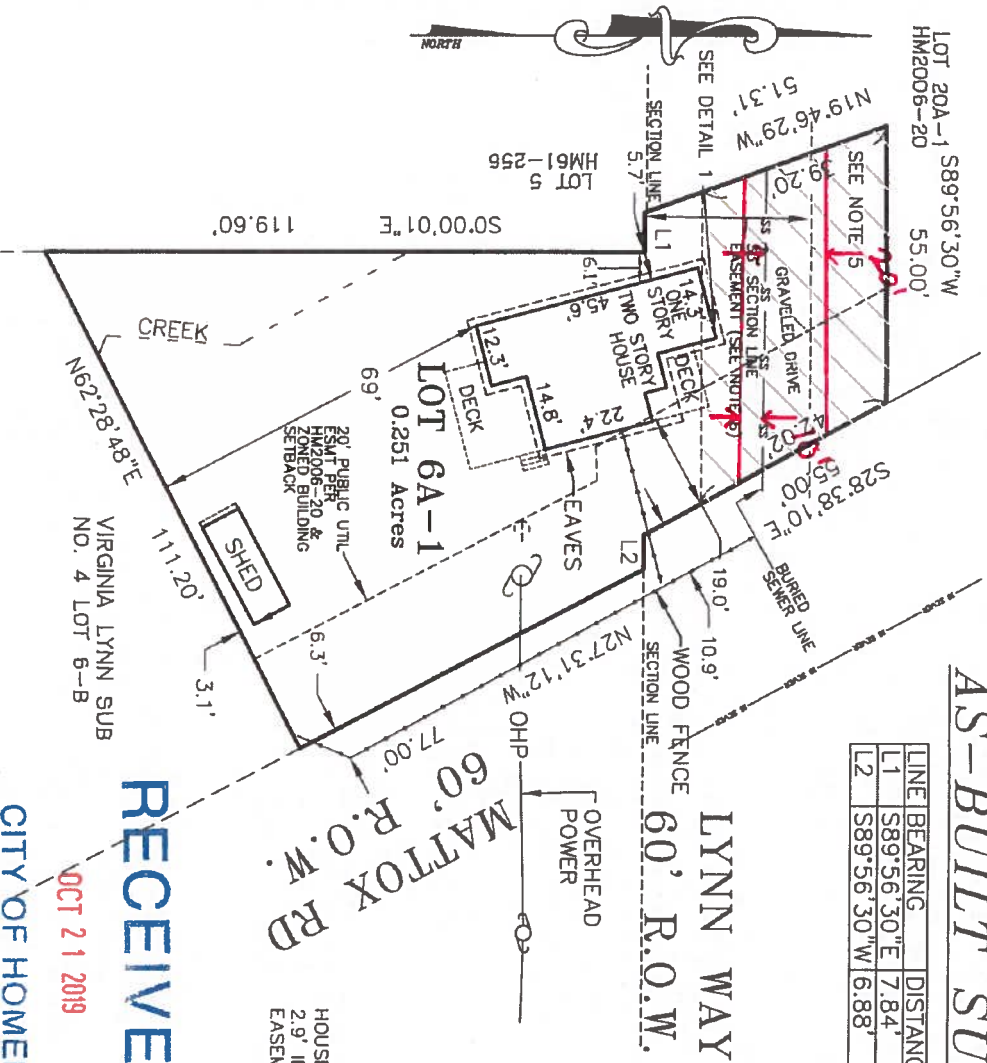
Thanks

# AS-BUILT SURVEY

## NOTES

1. THIS PLAT SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN FINANCING REQUIREMENTS.
2. DIMENSIONS TO PROPERTY LINES ARE FROM THE EXTERIOR FACE OF BUILDING WALL UNLESS OTHERWISE SHOWN. ROOF EAVES EXTEND 1.5'.
3. IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS OR RESTRICTIONS THAT DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT. HM2006-20 CITES RESTRICTIVE COVENANTS RECORDED SERIAL NUMBERS 2005-000128 & 2005-000136 IN HOMER RECORDING DISTRICT.
4. I HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY: LOT 6A-1 VIRGINIA LYNN 2006 REPLAT, FILED AS PLAT NUMBER 2006-20 IN THE HOMER RECORDING DISTRICT. THE IMPROVEMENTS SITUATED THEREON ARE LOCATED AS SHOWN ON THIS PLAT AND THERE ARE NO OTHER VISIBLE ABOVE GROUND IMPROVEMENTS OR ENCROACHMENTS ON SAID PROPERTY EXCEPT AS INDICATED HEREON.
5. DIAGONAL HATCH PATTERN DEPICTS A UTILITY EASEMENT TO SERVICE EXISTING SEWER LINE PER HM2006-20.
6. A 33 FEET WIDE SECTION LINE EASEMENT EXISTS ACROSS LOT 6A-1 ADJACENT TO THE SECTION LINE (NOT SHOWN CROSSING LOT 6A-1).

LINE	BEARING	DISTANCE
L1	S89°56'30"E	7.84'
L2	S89°56'30"W	6.88'



**RECEIVED**  
**OCT 21 2019**  
**CITY OF HOMER**  
**PLANNING/ZONING**

DATE	8/15/2018	<b>LOT 6A-1</b> VIRGINIA LYNN 2006 REPLAT LOCATED IN THE NW 1/4 OF SEC. 21, T6S, R13W, S34. WITHIN THE CITY OF HOMER HOMER RECORDING DISTRICT <b>ABILITY SURVEYS</b> REGISTERED LAND SURVEYORS (907) 235-8440 152 DEWEY AVE., HOMER, ALASKA 99603
JOB No.	5060	
DWG	5060RHS008.DWG	
SCALE	1" = 30'	
TAX PARCEL	17906106	
PLAT No.	HM 2006-20	
SECTION	21	
TOWNSHIP	T6S	
RANGE	R13W (SM)	



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud AICP, City Planner  
DATE: December 4, 2019  
SUBJECT: Staff Report 19-95 City Planner's Report

---

### City Council 11/25/19

The worksession held at 4pm will discuss the HAWSP analysis report.

### Regular meeting

Ordinance 19-50, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.30 Marine Industrial Zoning District Section 21.30.020 Permitted Uses and Structures, to add Boat Sales, Rentals, Service, Repair and Storage, and Boat Manufacturing as Permitted Uses and Section 21.30.050 Conditional Uses and Structures to Remove Boat Sales, Rentals, Service, Repair and Storage, and Boat Manufacturing as Conditional Uses. Planning Commission. Introduction October 28, 2019 Public Hearing and Second Reading November 25

Ordinance 19-49, An Ordinance of the City Council of Homer, Alaska Imposing a Temporary Six-Month Moratorium on Applications for Professional Offices and Medical Clinics in the Residential Office District and Directing the Planning Commission to Make a Recommendation to the City Council for the Creation of a Medical District in the Vicinity of the South Peninsula Hospital During this Time Frame. Smith. October 14, 2019 Public Hearing and Second Reading November 25, 2019

Ordinance 19-xx, An Ordinance of the City Council of Homer, Alaska Funding a 50% Match of a Planning Assistance to States Grant with the Army Corps for Erosion Study on the Homer Spit. City Manager. Recommended dates Introduction November 25, 2019 Public Hearing and Second Reading December 9, 2019.

### Natural Hazards

I am planning for presentations from both of the landslide analysis and coastal erosion folks in January.

### Appeals

Thirty days have past since the decision of the remand hearing and I have not received any notice of an appeal. This clears us up to get started working on the proposed medical district.

### Commissioner training

Please let me know of your availability for Planning Commissioner Training on Sunday February 9<sup>th</sup> in Anchorage. The conference is sponsored by APA Alaska and the city will pay for the conference, travel, and lodging. This training is most important for the new commissioners.

### Work list

- Green Infrastructure – public works presentation last meeting
- Medical district – on agenda
- Transportation plan – Memo to council
- Permit requirements – Public Hearing
- Signs – formulating ordinance for attorney review

### City Council report sign up

11.25.19 Smith

12.09.19 Petska-Rubalcava

1.13.20

1.27.20





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report 19-96

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: December 4, 2019  
SUBJECT: Vacation of a Section Line Easement

**Requested Action:** Conduct a public hearing and make a recommendation on the vacation of a section line easement (SLE).

#### General Information:

Applicants:	Virginia Tornes 4097 Mattox Rd Homer AK 99603	Gary Nelson RLS 152 Dehel Ave Homer AK 99603
Location:	West side of Mattox Rd, across from Lynn Way, north of Aurora Court	
Parcel ID:	17906106	
Zoning Designation:	Urban Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Multifamily residential South: Residential East: Residential West: Vacant/Residential	
Comprehensive Plan:	Neither the 2005 Homer Area Transportation Plan, nor the Homer Non-Motorized Transportation and Trail Plan, adopted parts of the Comprehensive Plan, show any road or trail connections using the subject section line easement.	
Wetland Status:	There is a creek to the west of this section line easement.	
Flood Plain Status:	Zone D, flood hazards undetermined	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	
Public Notice:	Notice was sent to 15 property owners of 17 parcels as shown on the KPB tax assessor rolls.	

**Analysis:** This vacation is within the Urban Residential District. This action would vacate the northern 33 foot wide portion of a section line easement. The original easement was 66 feet wide, running between Mattox and Pennock. Most of the original easement has been vacated, and the subject of this vacation is the only remaining portion.

At the time this staff report was written, the adjacent property owner objected to the vacation. *“Kenai Peninsula Housing Initiatives, (KHPI) vehemently objects to vacation of the 33’ easement as we own a majority of the property on either side and depend on that easement for equipment access. Vacating the 33 wide easement would be harmful to KPHI.”* (Email excerpt from correspondence with staff)

Staff has continued to correspond with KHPI and may have additional comments at the meeting.

### **Select KPB Code guidance**

20.70.170. - Vehicular access.

The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

**Staff comment:** The easement is currently used as a driveway and parking area for the single family home on the lot. A portion of the single family home encroaches on the SLE.

20.70.180. - Other access.

Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

### **No staff comment**

20.70.190. - Utility provisions.

All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right-of-way.

**Staff comment:** A utility easement exists over the existing sewer line.

**Public Works Comments:** No comments on the proposed vacation.

### **Staff Recommendation:**

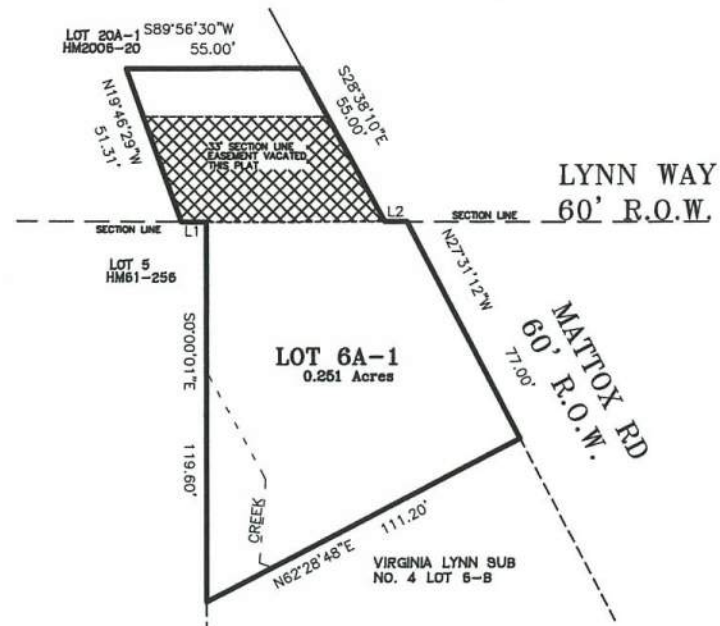
Planning Commission recommend approval of the vacation.

**Attachments:**

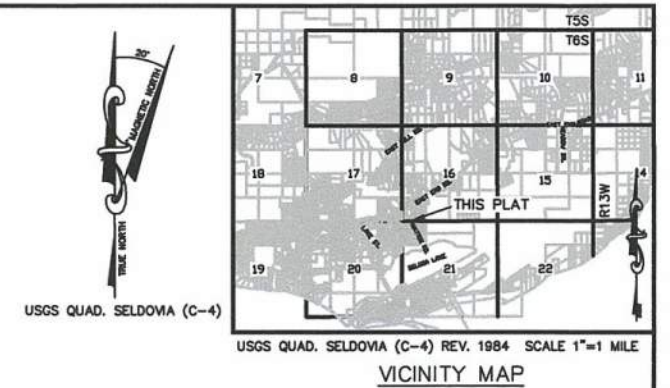
1. Vacation plat
2. Vacation petition
3. Surveyor Letter
4. Public Notice
5. Aerial Map
6. Plat 85-109 SLE vacation plat
7. Plat 2008-9 SLE vacation Plat



LEGEND:  
SECTION-LINE EASEMENT VACATED BY THIS PLAT.



LINE	BEARING	DISTANCE
L1	S89°56'30\"E	7.84'
L2	S89°56'30\"W	6.88'



CERTIFICATE OF OWNERSHIP:  
I THE UNDERSIGNED, CERTIFY THAT I AM  
THE OWNER OF THE DESCRIBED PROPERTY,  
AS SHOWN ON THIS PLAT. I APPROVE THIS SECTION-LINE  
EASEMENT VACATION PLAT.

DATE \_\_\_\_\_  
VIRGINIA F TORNES  
PO BOX 2497  
HOMER, AK 99603  
NOTARY'S ACKNOWLEDGMENT  
For VIRGINIA F TORNES  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
Notary public for Alaska My Commission Expires \_\_\_\_\_

RECEIVED  
OCT 21 2019  
CITY OF HOMER  
PLANNING/ZONING

SECTION-LINE EASEMENT VACATION CERTIFICATE APPROVAL  
RECOMMENDATION

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES  
THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE  
REGIONAL OFFICE AND IS HEREBY RECOMMENDED FOR APPROVAL  
BY THE COMMISSIONER.

RECOMMENDED BY \_\_\_\_\_ DATE \_\_\_\_\_  
TITLE: REGIONAL CHIEF RIGHTS-OF-WAY AGENT (SOUTHCENTRAL OFFICE)

STATE OF ALASKA DIVISION OF MINING, LAND & WATER  
THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE  
DIVISION OF MINING, LAND & WATER AND IS HEREBY RECOMMENDED FOR APPROVAL  
BY THE COMMISSIONER.

RECOMMENDED BY: \_\_\_\_\_ DATE \_\_\_\_\_  
TITLE: DIRECTOR, DIVISION OF MINING, LAND & WATER

THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF  
THE DEPARTMENT OF NATURAL RESOURCES AND THE COMMISSIONER OF THE  
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, DOES HEREBY  
STATE AND DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES  
ALL RIGHTS AND TITLE TO ANY AND ALL PORTIONS OF SECTION-LINE  
EASEMENTS FOR PUBLIC HIGHWAYS RESERVED TO IT UNDER A.S. 19.10.010  
(SPECIFIC AREA DELINEATED BY DIAGONAL HATCHING ON THIS PLAT)

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
COMMISSIONER  
DEPARTMENT OF TRANSPORTATION AND  
PUBLIC FACILITIES

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
COMMISSIONER  
DEPARTMENT OF NATURAL RESOURCES

NOTES

- DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE  
EASEMENTS BEING VACATED WITHIN SECTION 16 T.6 R.13W, S.M.  
IT IS NOT THE INTENT OF THIS PLAT TO  
VACATE ANY OTHER DEDICATED PUBLIC RIGHTS-OF-WAY OR EASEMENTS.
- NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION  
OF THIS SECTION-LINE EASEMENT VACATION PLAT. ALL DIMENSIONS AND  
OTHER DETAILS AS SHOWN HEREON ARE FROM PLATS OF RECORD AS  
LISTED.
- THIS VACATION IS IN COMPLIANCE WITH STATE PLATTING RESOLUTION NO. \_\_\_\_\_  
APPROVED \_\_\_\_\_, EV-2-\_\_\_\_\_, AND AS 29.40.120 --.140.  
(or)
- THIS SECTION-LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL  
FINDING AND DECISION APPROVED \_\_\_\_\_.
- BUILDINGS ARE DRAWN FROM AN AS-BUILT SURVEY BY GARY D. NELSON (LS#7610).  
DATED 8/15/2018. HOUSE ROOF EAVE ENCROACHES 16 FEET INTO SECTION LINE EASEMENT.

PLAT APPROVAL

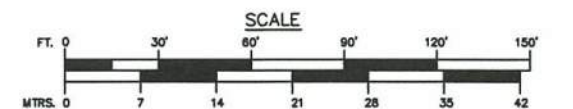
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION  
AT THE MEETING OF \_\_\_\_\_

AUTHORIZED BOROUGH OFFICIAL \_\_\_\_\_



SURVEYOR'S CERTIFICATE  
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND  
LICENSED TO PRACTICE LAND SURVEYING IN THE STATE  
OF ALASKA, AND THAT THIS PLAT WAS DRAFTED UNDER  
MY DIRECT SUPERVISION, AND THAT ALL DATA SHOWN  
HEREON IS TRUE AND CORRECT AS COMPILED FROM  
EXISTING RECORD INFORMATION.

DATE \_\_\_\_\_ 7610-S \_\_\_\_\_  
REGISTERED LAND SURVEYOR REGISTRATION NO.



1 METER = 3.2808333 U.S. SURVEY FEET, 1 U.S. ACRE = 0.4047 HECTARE

DATE OF SURVEY Beginning NO FIELD SURVEY Ending _____	NAME OF SURVEYOR GARY NELSON 152 DEHEL AVE. HOMER, ALASKA 99603
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND & WATER ANCHORAGE, ALASKA	
SECTION-LINE EASEMENT VACATION PLAT Associated with VIRGINIA LYNN 2006 REPLAT Located within Surveyed Section 16, T6S, R13W, S.M., AK HOMER RECORDING DISTRICT	
DRAWN BY: G.N.	APPROVAL RECOMMENDED
DATE: 01/10/2019	STATEWIDE PLATTING SUPERVISOR _____ DATE _____
SCALE: 1"= 30'	CHECKED: _____ DNR FILE NO. _____
SHEET 1 OF 1	G. N. EV-



LEGEND:



SECTION-LINE EASEMENT VACATED BY THIS PLAT.

RECEIVED

OCT 21 2019

CITY OF HOMER  
PLANNING/ZONING

LYNN WAY  
60' R.O.W.

MATTOX RD  
60' R.O.W.

LOT 20A-1  
HM2006-20

N19°46'29"W  
51.31'

S89°56'30"W  
55.00'

S28°38'10"E  
55.00'

33' SECTION LINE  
EASEMENT VACATED  
THIS PLAT

SECTION LINE

L1

L2

SECTION LINE

LOT 5  
HM61-256

S0°00'01"E  
119.60'

LOT 6A-1  
0.251 Acres

N27°31'12"W  
77.00'

CREEK

N62°28'48"E  
111.20'

VIRGINIA LYNN SUB  
NO. 4 LOT 6-B

LINE	BEARING	DISTANCE
L1	S89°56'30"E	7.84'
L2	S89°56'30"W	6.88'

Kenai Peninsula Borough Planning Department  
144 North Binkley Street  
Soldotna, Alaska 99669-7520  
Toll free within the Borough 1-800-478-4441, extension 2200 (907) 714-2200

Petition to Vacate Section Line Easement  
Public Hearing Required

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

The Kenai Peninsula Borough is advisory to the State of Alaska Department of Natural Resources regarding Section Line Easement Vacations. The State of Alaska has the final authority regarding vacation of Section Line Easements.

Initially, a sketch may be included with the vacation petition for review by the Planning Commission. After the Planning Commission takes action on the vacation, a Section Line Easement Vacation Plat must be prepared by a licensed land surveyor. The plat will be processed in accordance with KPB 20.10.080. Platting authority is vested in the Planning Director.

- ☐ \$500 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to the vacation fees.
- ☐ City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- ☒ Are there associated utility easements to be vacated? ☒ Yes ☐ No Somewhat
- ☒ Are easements in use by any utility company? If so, which company Homer Public Works, Separate Esmt.
- ☒ Width of easement proposed to be vacated must be shown on the sketch.
- ☐ Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has the section line easement been fully or partially constructed? ☐ Yes ☒ No
- Is the section line easement used by vehicles / pedestrians / other? ☐ Yes ☒ No
- Is alternative right-of-way being provided? ☐ Yes ☐ No See Below

↪ The petitioner must provide reasonable justification for the vacation. Reason for vacating:  
Quasi right of way is provided on adjacent Lot 20A-1 (adjacent West and North) via paved access to apartments that are public assistance housing operated by Kenai Peninsula Housing Initiatives, also Public Road Network.

The petition must be signed (written signature) by owners of a majority of the land affected by the section line easement proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By: Signature Gary Nelson As: ☒ No ☒ Yes  
Name Gary Nelson ☒ Petitioner ☒ Representative  
Address 152 Debel Ave  
Homer, AK 99603  
Phone \_\_\_\_\_

Petitioners:

Signature Virginia F. Tornes  
Name VIRGINIA F. TORNES  
Address PO Box 2497  
Homer AK  
99603

Owner of \_\_\_\_\_

Signature \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_

Owner of \_\_\_\_\_

Signature \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_

Owner of \_\_\_\_\_

Signature \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_

Owner of \_\_\_\_\_

RECEIVED

OCT 21 2019

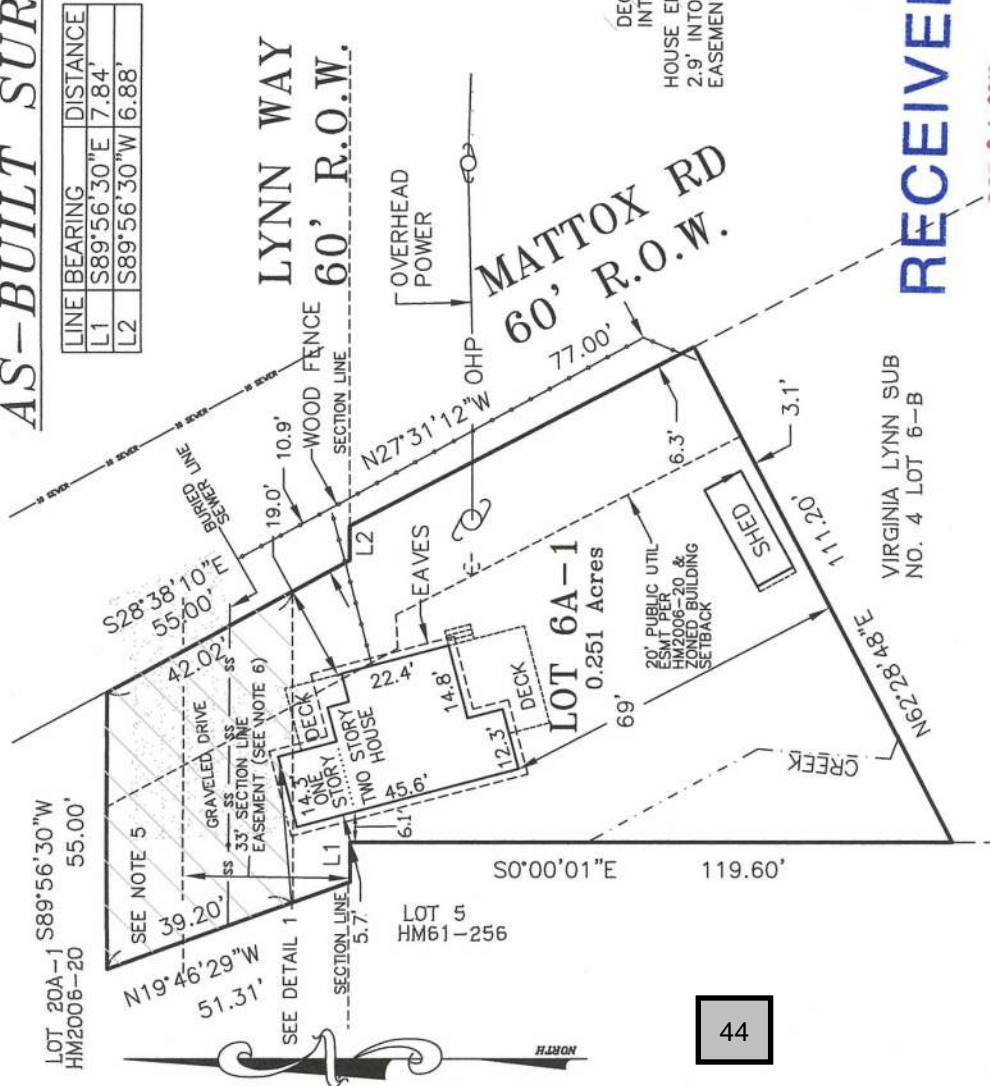
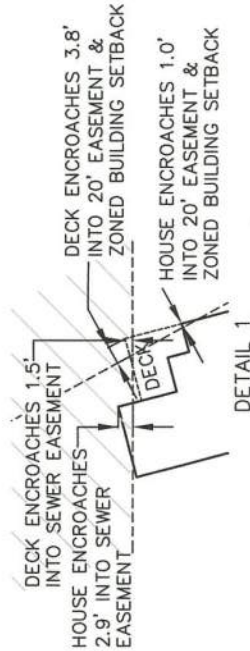
CITY OF HOMER  
PLANNING/ZONING



# AS-BUILT SURVEY

## NOTES

1. THIS PLAT SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN FINANCING REQUIREMENTS.
2. DIMENSIONS TO PROPERTY LINES ARE FROM THE EXTERIOR FACE OF BUILDING WALL UNLESS OTHERWISE SHOWN. ROOF EAVES EXTEND 1.5'.
3. IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS OR RESTRICTIONS THAT DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT. HM2006-20 CITES RESTRICTIVE COVENANTS RECORDED SERIAL NUMBERS 2005-000128 & 2005-000136 IN HOMER RECORDING DISTRICT.
4. I HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY: LOT 6A-1 VIRGINIA LYNN 2006 REPLAT, FILED AS PLAT NUMBER 2006-20 IN THE HOMER RECORDING DISTRICT. THE IMPROVEMENTS SITUATED THEREON ARE LOCATED AS SHOWN ON THIS PLAT AND THERE ARE NO OTHER VISIBLE ABOVE GROUND IMPROVEMENTS OR ENCROACHMENTS ON SAID PROPERTY EXCEPT AS INDICATED HEREON.
5. DIAGONAL HATCH PATTERN DEPICTS A UTILITY EASEMENT TO SERVICE EXISTING SEWER LINE PER HM2006-20.
6. A 33 FEET WIDE SECTION LINE EASEMENT EXISTS ACROSS LOT 6A-1 ADJACENT TO THE SECTION LINE (NOT SHOWN CROSSING LOT 6A-1).





# ABILITY SURVEYS

MEASURING MAPPING & REPORTING ON ALASKA'S INFRASTRUCTURE SINCE 1976

152 DEHEL AVE., HOMER, AK 99603 PH. 907-235-8440

email; [gary@abilitysurveys.com](mailto:gary@abilitysurveys.com)

October 18, 2019

Homer Planning Dept.  
491 E. Pioneer Ave.  
Homer, AK 99603

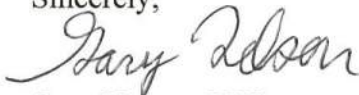
Re: Submittal of Section Line Easement Vacation and Utility Easement Vacation applications for Virginia Tornes.

Enclosed herewith please find the SLE Vacation and the Utility Easement Vacation applications. Julie requested two checks in the amount of \$300, one being for a "plat". I question this fee because the City and Borough will only be processing the Easement Vacations. The plat is required by and will only be processed by Alaska DNR. The SLEV plat is only a DNR function and is not processed by KPB or Homer as such. The borough as platting authority will not be processing the SLEV plat. I have included check for both of her requests but believe one may not be necessary.

Please ask any questions or deliver any comments via my cell phone (907-299-1184) because I will be out of state until Nov. 2, 2019.

I hope you find the applications adequate. Thank You for your assistance.

Sincerely,



Gary Nelson, PLS

RECEIVED

OCT 21 2019

CITY OF HOMER  
PLANNING/ZONING

To clarify the requested utility easement vacations;

1. To vacate the portion of the 20' Utility Easement (along Mattox St.) of house encroachment shown as 1 foot (Detail 1) on the accompanying As-Built Survey by Ability Surveys dated 8/15/2018.
2. To vacate the portion of the 20' Utility Easement (along Mattox St.) of deck encroachment shown as 3.8 feet (Detail 1) on the accompanying As-Built Survey by Ability Surveys dated 8/15/2018.
3. To vacate the portion of the 37 feet wide Sewer Utility Easement that is encroached upon by deck encroachment shown as 1.5 feet (Detail 1), and encroached upon by one story house shown as 2.9 feet (Detail 1) on the accompanying As-Built Survey by Ability Surveys dated 8/15/2018.

Simultaneously but by separate action I am applying for a vacation of the 33 feet wide section line easement that is no longer needed, or feasible, due to the creek adjacent to the west boundary of this Lot 6A-1, and due to constructed apartment buildings mostly blocking the 33 feet wide section line easement on the westerly adjacent Lot 20A-1, including alternate access that has been constructed as paved driveway on said adjacent Lot 20A-1 which is owned and operated as a public assistance housing venture. I am doing this in an attempt to bring my property into a more financeable condition.

RECEIVED

OCT 21 2019

CITY OF HOMER  
PLANNING/ZONING

**PUBLIC HEARING NOTICE**  
**&**  
**NOTICE OF SUBDIVISION**

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, December 04, 2019 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

**A REQUEST TO VACATE A 33 FOOT WIDE SECTION LINE EASEMENT ACROSS LOT 6A-1 VIRGINIA LYNN 2006 REPLAT, NW ¼, SEC. 21, T. 6 S., R. 13. W, S.M. HM 2006020, KNOWN AS 4097 MATTOX ROAD.**

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

The proposed subdivision under consideration is described as follows:

**Section-line Easement Vacation Plat associated with Virginia Lynn 2006 Replat Preliminary Plat**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, December 04, 2019 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

Anyone wishing to present testimony concerning these matters may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.**

.....

**VICINITY MAP ON REVERSE**

# Vicinity Map

East End Rd

PUFFIN PL.

MALLAR

Location of Section Line Easement to be vacated.  
All of the rest of the easement to the west  
was previously vacated. Only this portion remains.  
See plat for proposed vacation.

Pennock St

LYNN WAY

AURORA CT.

BELUGA CIR.

MATTOX RD.

BELUGA

D.G. CT.

COOK WAY



City of Homer  
Planning and Zoning Department

11/15/2019

## Request for a Section Line Easement Vacation

Marked lots are within 500 feet  
and property owners notified

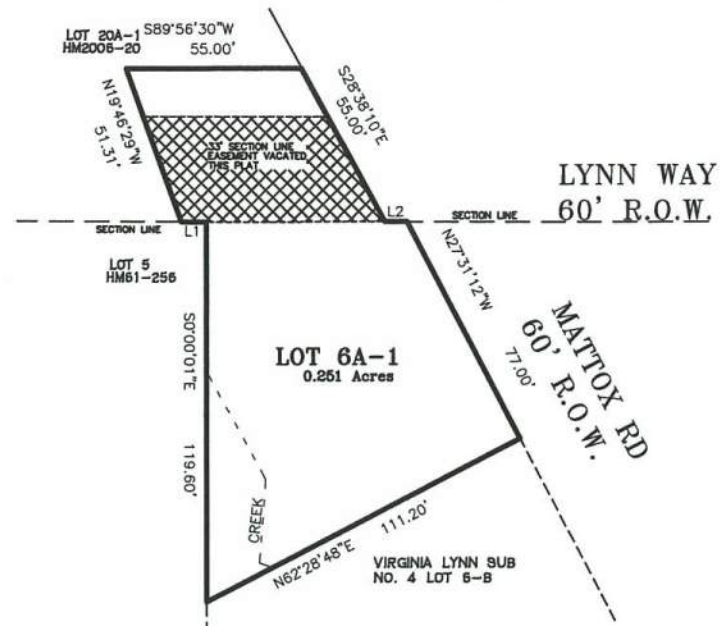
0 25 48 500 Feet



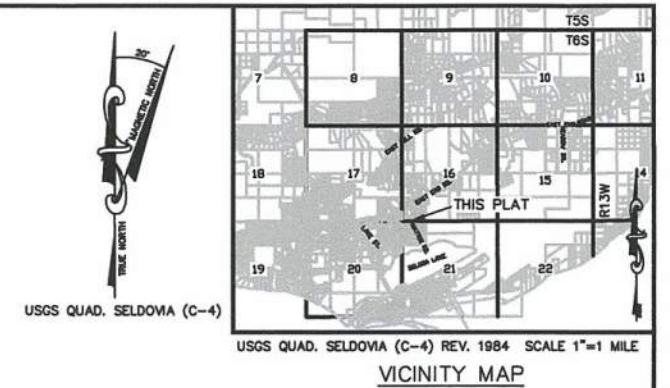
*Disclaimer:*  
It is expressly understood the City of  
Homer, its council, board,  
departments, employees and agents are  
not responsible for any errors or omissions  
contained herein, or deductions, interpretations  
or conclusions drawn therefrom.



LEGEND:  
SECTION-LINE EASEMENT VACATED BY THIS PLAT.



LINE	BEARING	DISTANCE
L1	S89°56'30\"E	7.84'
L2	S89°56'30\"W	6.88'



CERTIFICATE OF OWNERSHIP:  
I THE UNDERSIGNED, CERTIFY THAT I AM  
THE OWNER OF THE DESCRIBED PROPERTY,  
AS SHOWN ON THIS PLAT. I APPROVE THIS SECTION-LINE  
EASEMENT VACATION PLAT.

DATE \_\_\_\_\_  
VIRGINIA F. TORNES  
PO BOX 2497  
HOMER, AK 99603  
NOTARY'S ACKNOWLEDGMENT  
For VIRGINIA F. TORNES  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
Notary public for Alaska \_\_\_\_\_ My Commission Expires \_\_\_\_\_

RECEIVED  
OCT 21 2019  
CITY OF HOMER  
PLANNING/ZONING

SECTION-LINE EASEMENT VACATION CERTIFICATE APPROVAL  
RECOMMENDATION

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES  
THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE  
REGIONAL OFFICE AND IS HEREBY RECOMMENDED FOR APPROVAL  
BY THE COMMISSIONER.

RECOMMENDED BY \_\_\_\_\_ DATE \_\_\_\_\_  
TITLE: REGIONAL CHIEF RIGHTS-OF-WAY AGENT (SOUTHCENTRAL OFFICE)

STATE OF ALASKA DIVISION OF MINING, LAND & WATER  
THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE  
DIVISION OF MINING, LAND & WATER AND IS HEREBY RECOMMENDED FOR APPROVAL  
BY THE COMMISSIONER.

RECOMMENDED BY: \_\_\_\_\_ DATE \_\_\_\_\_  
TITLE: DIRECTOR, DIVISION OF MINING, LAND & WATER

THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF  
THE DEPARTMENT OF NATURAL RESOURCES AND THE COMMISSIONER OF THE  
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, DOES HEREBY  
STATE AND DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES  
ALL RIGHTS AND TITLE TO ANY AND ALL PORTIONS OF SECTION-LINE  
EASEMENTS FOR PUBLIC HIGHWAYS RESERVED TO IT UNDER A.S. 19.10.010  
(SPECIFIC AREA DELINEATED BY DIAGONAL HATCHING ON THIS PLAT)

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
COMMISSIONER  
DEPARTMENT OF TRANSPORTATION AND  
PUBLIC FACILITIES

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
COMMISSIONER  
DEPARTMENT OF NATURAL RESOURCES

NOTES

- DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE  
EASEMENTS BEING VACATED WITHIN SECTION 16 T.6 R13W, S.M.  
IT IS NOT THE INTENT OF THIS PLAT TO  
VACATE ANY OTHER DEDICATED PUBLIC RIGHTS-OF-WAY OR EASEMENTS.
- NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION  
OF THIS SECTION-LINE EASEMENT VACATION PLAT. ALL DIMENSIONS AND  
OTHER DETAILS AS SHOWN HEREON ARE FROM PLATS OF RECORD AS  
LISTED.
- THIS VACATION IS IN COMPLIANCE WITH STATE PLATTING RESOLUTION NO. \_\_\_\_\_  
APPROVED \_\_\_\_\_, EV-2-\_\_\_\_\_, AND AS 29.40.120 --.140.  
(or)
- THIS SECTION-LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL  
FINDING AND DECISION APPROVED \_\_\_\_\_.
- BUILDINGS ARE DRAWN FROM AN AS-BUILT SURVEY BY GARY D. NELSON (LS#7610).  
DATED 8/15/2018. HOUSE ROOF EAVE ENCROACHES 16 FEET INTO SECTION LINE EASEMENT.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION  
AT THE MEETING OF \_\_\_\_\_

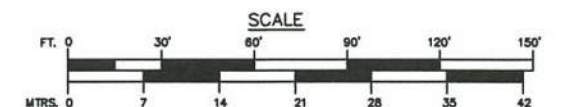
AUTHORIZED BOROUGH OFFICIAL \_\_\_\_\_



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND  
LICENSED TO PRACTICE LAND SURVEYING IN THE STATE  
OF ALASKA, AND THAT THIS PLAT WAS DRAFTED UNDER  
MY DIRECT SUPERVISION, AND THAT ALL DATA SHOWN  
HEREON IS TRUE AND CORRECT AS COMPILED FROM  
EXISTING RECORD INFORMATION.

DATE \_\_\_\_\_ 7610-S  
REGISTERED LAND SURVEYOR REGISTRATION NO.



1 METER = 3.2808333 U.S. SURVEY FEET, 1 U.S. ACRE = 0.4047 HECTARE

DATE OF SURVEY Beginning NO FIELD SURVEY Ending _____	NAME OF SURVEYOR GARY NELSON 152 DEHEL AVE. HOMER, ALASKA 99603
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND & WATER ANCHORAGE, ALASKA	
SECTION-LINE EASEMENT VACATION PLAT Associated with VIRGINIA LYNN 2006 REPLAT Located within Surveyed Section 16, T6S, R13W, S.M., AK HOMER RECORDING DISTRICT	
DRAWN BY: G.N.	APPROVAL RECOMMENDED
DATE: 01/10/2019	STATEWIDE PLATTING SUPERVISOR _____ DATE _____
SCALE: 1" = 30'	CHECKED: _____ DNR FILE NO. EV-
SHEET 1 OF 1	G. N.

SECTION-LINE EASEMENT VACATION CERTIFICATE APPROVAL  
RECOMMENDATION

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE CENTRAL REGIONAL OFFICE AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY Mike Hartman DATE 1/16/08

TITLE: REGIONAL CHIEF RIGHTS-OF-WAY AGENT

STATE OF ALASKA  
THE VACATION  
DIVISION OF  
BY THE COM

RECOMMEND

TITLE: DIRECTOR

THE STATE  
THE DEPART  
DEPARTMENT  
STATE AND  
ALL RIGHTS  
EASEMENTS  
(SPECIFIC A

DATE: 1/16

DATE: Jan 11, 2008

APPROVED: [Signature]  
COMMISSIONER  
DEPARTMENT OF NATURAL RESOURCES

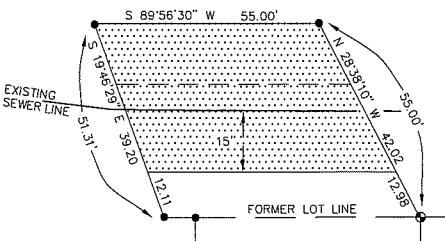
ACCEPTANCE OF DEDICATION

THE DIRECTOR OF THE DIVISION OF MINING, LAND, AND WATER, ON BEHALF OF THE STATE OF ALASKA, HEREBY ACCEPTS FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY DEDICATED TO THE PUBLIC BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND ROADWAYS SHOWN ON THIS PLAT. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

for [Signature] Jan 10, 2008  
DIRECTOR, DIVISION OF MINING, LAND AND WATER

DETAIL "A"  
SCALE 1"= 30'

UTILITY EASEMENT



NOTES

1. DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE EASEMENTS BEING VACATED WITHIN SECTION 16, T. 6 N., R. 13 W., S. 4 M. IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS-OF-WAY OR EASEMENTS.
2. NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS SECTION-LINE EASEMENT VACATION PLAT. ALL DIMENSIONS AND OTHER DETAILS AS SHOWN HEREON ARE FROM THE PLAT OF MATTOX SUBDIVISION BIRCH TERRACE REPLAT ON FILE AT THE HOMER RECORDING DISTRICT AS PLAT NO. 2DD5-55 H.R.D. AND VIRGINIA LYNN REPLAT (2DD6-2D).
3. THIS SECTION-LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL FINDING AND DECISION APPROVED JULY 14, 2DD6.
4. PURSUANT TO AS 19.3D.41D THE ALTERNATE ACCESS REPLACING THE SECTION-LINE EASEMENTS BEING VACATED BY THIS PLAT IS THE EAST END ROAD AND MATTOX ROAD RIGHTS-OF-WAY AND THE EXISTING 33-FOOT WIDE SECTION-LINE EASEMENT EXTENDING NORTH THROUGH LOTS 19-A AND 18 TO ITS INTERSECTION WITH EAST END ROAD.
5. THIS PLAT IS SUBJECT TO THE NOTES SHOWN ON THE PLAT OF MATTOX SUBD. BIRCH TERRACE REPLAT, PLAT NO. 2DD5-55 H.R.D. AND VIRGINIA LYNN REPLAT (2DD6-2D).

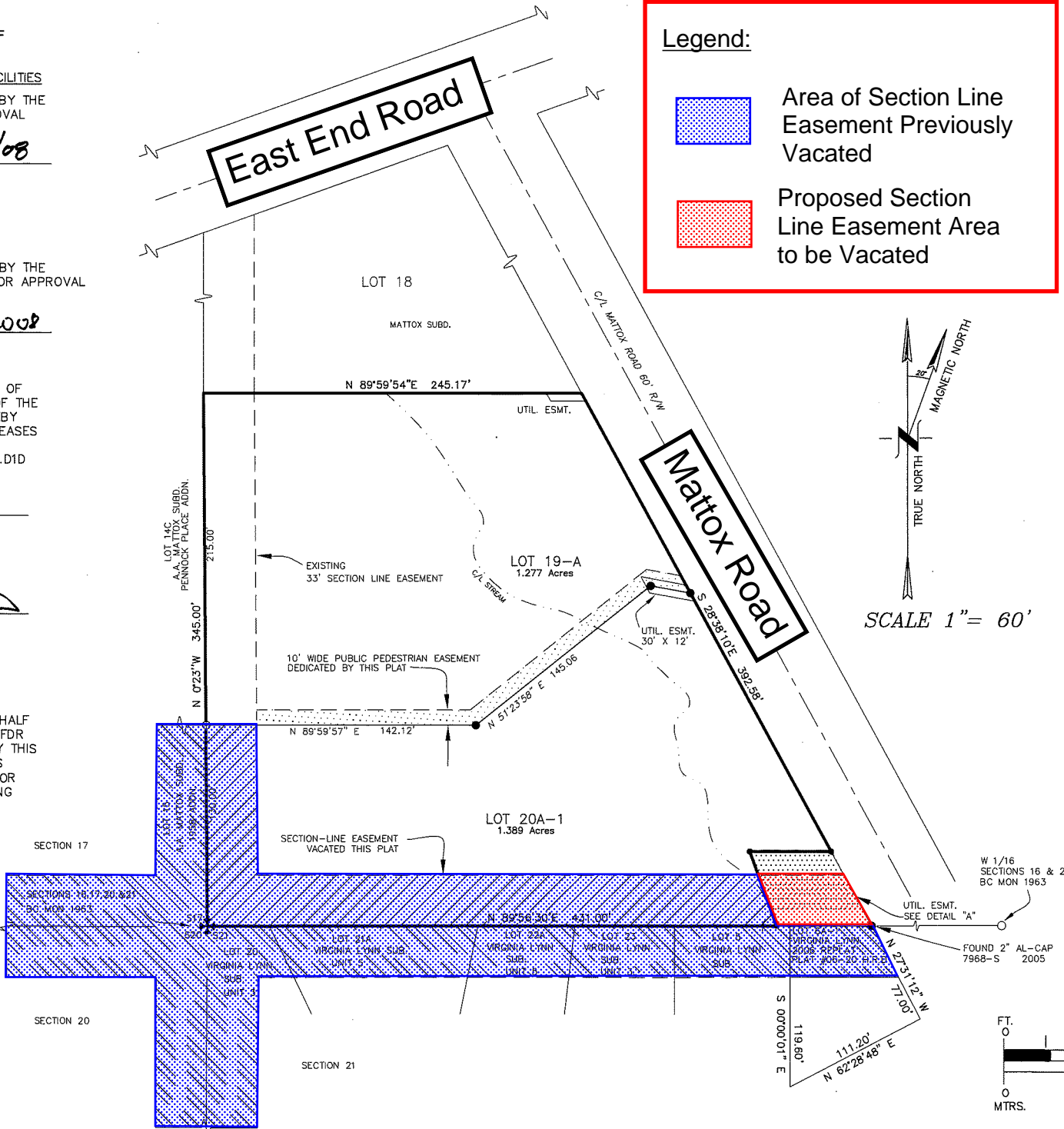
REVIEWED BY THE  
COMMENDED FOR APPROVAL

Jan 11, 2008

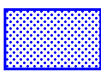
COMMISSIONER OF  
MISSIONER OF THE  
DOES HEREBY  
S AND RELEASES  
SECTION-LINE  
A.S. 19.1D.D1D  
THIS PLAT

[Signature]  
GCK

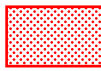
ATION AND



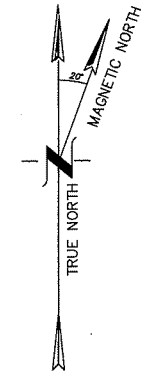
Legend:



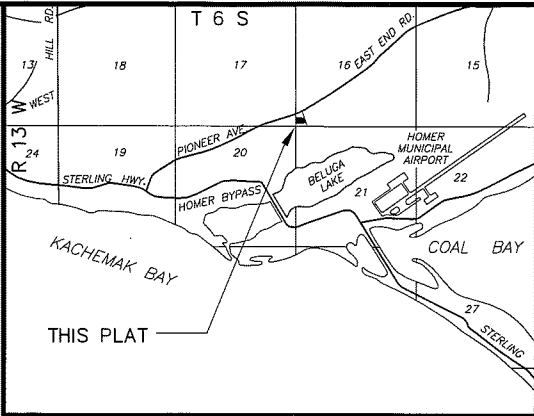
Area of Section Line  
Easement Previously  
Vacated



Proposed Section  
Line Easement Area  
to be Vacated



SCALE 1"= 60'



USGS QUAD. SELOOVIA (C-5) REV. 1952

SCALE 1"=1 MILE

VICINITY MAP

CERTIFICATE OF OWNERSHIP AND DEDICATION:

I, THE UNDERSIGNED, CERTIFY THAT I AM THE OWNER OF LOTS 19-A MATTOX SUBD. BIRCH TERRACE REPLAT AND 2DA-1 VIRGINIA LYNN 2DD6 REPLAT, AS SHOWN ON THIS PLAT. I APPROVE THIS SECTION-LINE EASEMENT VACATION PLAT AND DEDICATE DR RESERVE FOR PUBLIC OR PRIVATE USE, AS NOTED, ALL EASEMENTS, PUBLIC UTILITY AREAS, AND RIGHTS-OF-WAY AS SHOWN ON THIS PLAT.

Dec. 7, 2007 Steve L. Rouse  
DATE

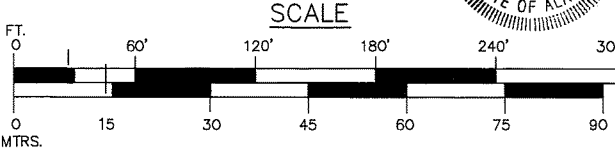
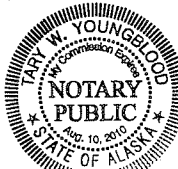
STEVE L. ROUSE, EXECUTIVE DIRECTOR  
KENAI PENINSULA HOUSING INITIATIVES, INC.  
332 E. PIONEER AVENUE, STE B  
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7 DAY

OF Dec 7, 2007  
BY: Steve L. Rouse

[Signature]  
NOTARY FOR THE STATE OF ALASKA  
MY COMMISSION EXPIRES 8/10/2010



DATE OF SURVEY Beginning <u>NO FIELD SURVEY</u> Ending	SEABRIGHT SURVEYING 1044 EAST ENO ROAD, STE A HOMER, ALASKA 99603
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND & WATER ANCHORAGE, ALASKA	
SECTION-LINE EASEMENT VACATION PLAT Associated with LOT 20A-1 VIRGINIA LYNN 2006 REPLAT (PLAT NO. 2006-20) AND PEDESTRIAN EASEMENT DEDICATION WITHIN LOT 19-A MATTOX SUBD. BIRCH TERRACE REPLAT (PLAT NO. 2005-55)	
Located within Surveyed Sec. 16, T.6 S., R.13 W., S. 4 M., STATE OF ALASKA. HOMER RECORDING DISTRICT	
DRAWN BY: JS	APPROVAL RECOMMENDED
DATE: 08/03/06	STATEWIDE PLATING SUPERVISOR DATE
SCALE: 1"= 60'	CHECKED: DNR FILE NO. K.B. EV-3-018

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MARCH 13, 2DD6 & Feb. 26, 2007

[Signature] KPB File 07-38 Feb. 14, 2008  
AUTHORIZED OFFICIAL, KENAI PENINSULA BOROUGH DATE

SURVEYOR'S CERTIFICATE

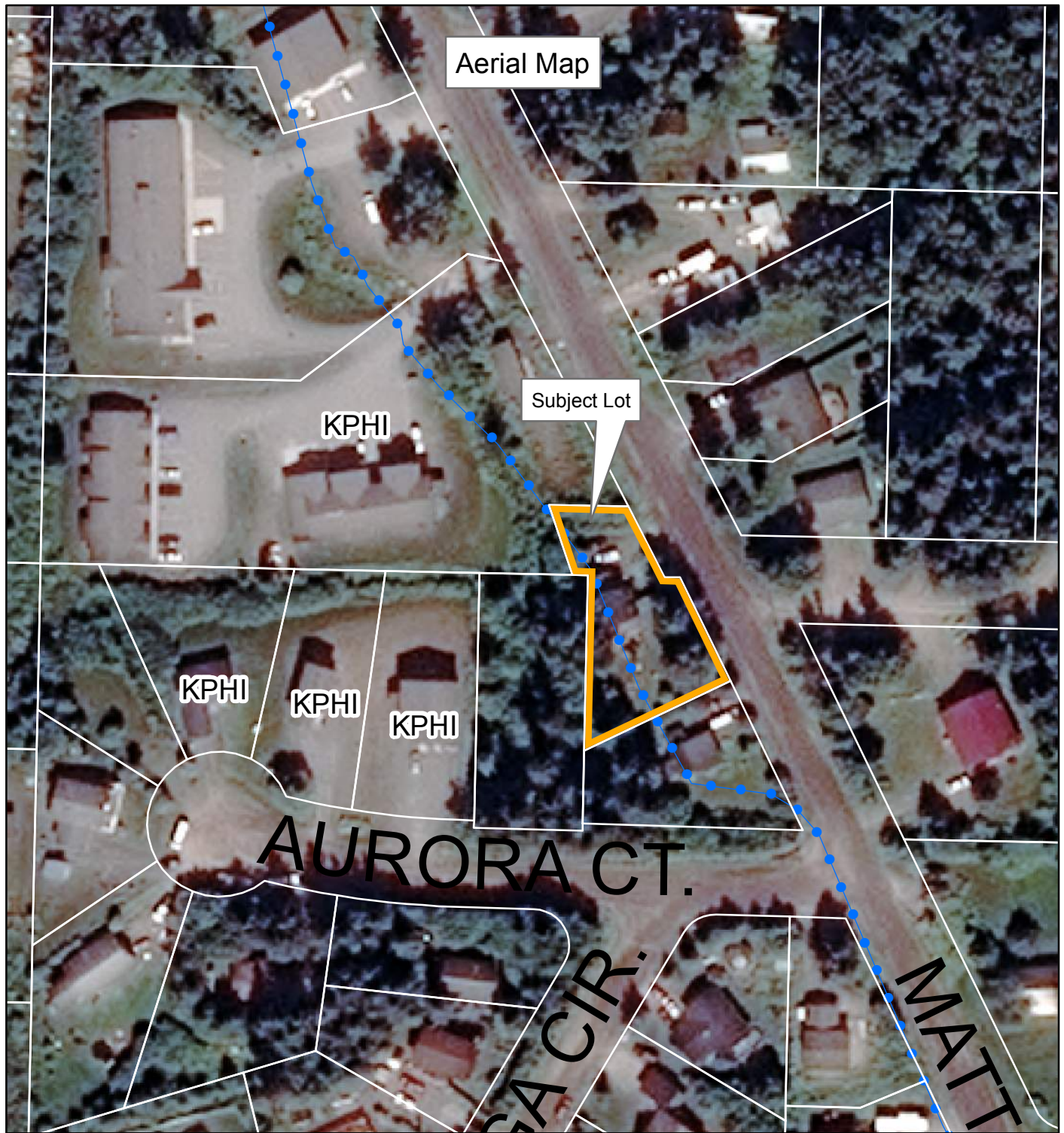
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS DRAFTED UNDER MY DIRECT SUPERVISION, AND THAT ALL DATA SHOWN HEREON IS TRUE AND CORRECT AS COMPILED FROM EXISTING RECORD INFORMATION.

12/10/07 Kenton T. Bloom LS 50  
DATE REGISTERED LAND SURVEYOR RE



2008-9  
Homer REC DIST  
Date 2/29/2008  
Time 3:08 P.M.  
Requested By Bloom  
Address





City of Homer  
Planning and Zoning Department

11/15/2019

## Request for a Section Line Easement Vacation

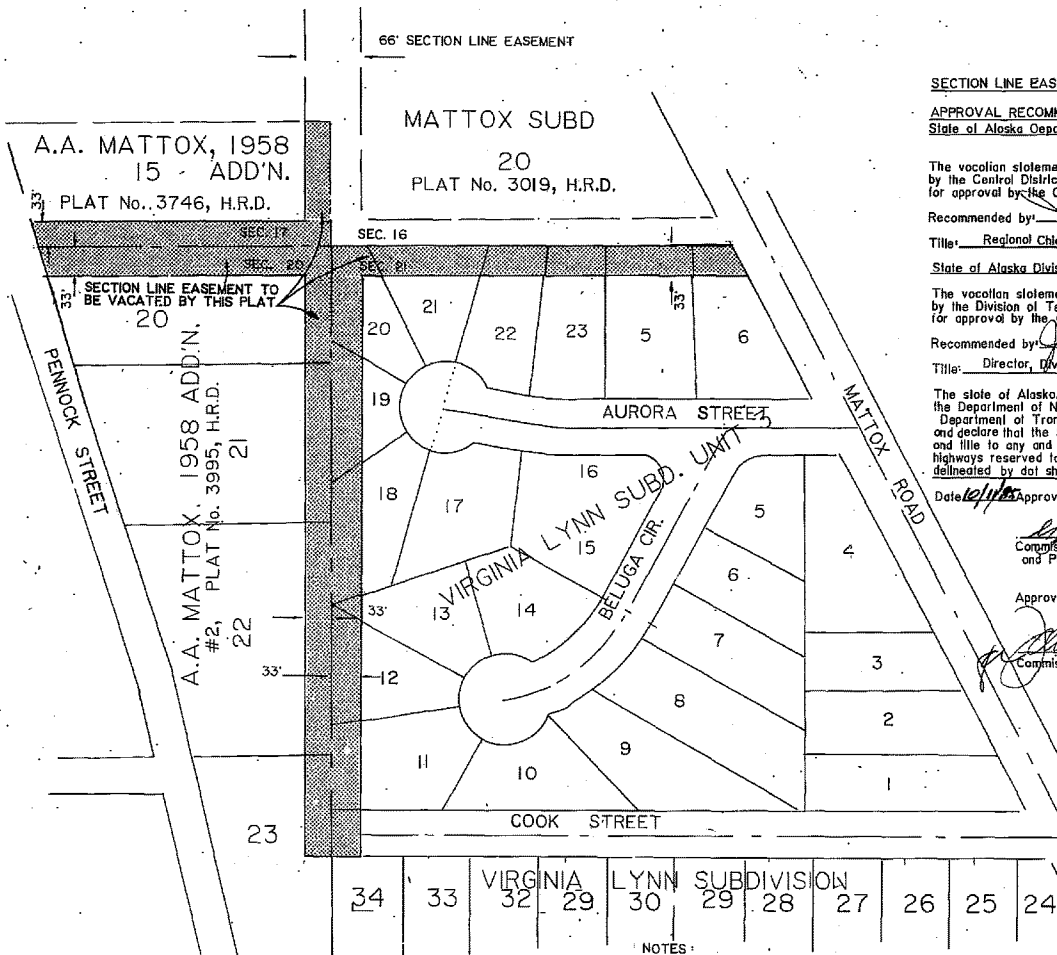
2017 Photo. Parcel lines not exact; use with care.



*Disclaimer:  
It is expressly understood the City of  
Homer, its council, board,  
departments, employees and agents are  
not responsible for any errors or omissions  
contained herein, or deductions, interpretations  
or conclusions drawn therefrom.*







#### NOTES:

1. DOT SHADED AREA INDICATES THE SECTION LINE EASEMENT BEING VACATED BY THIS PLAT.
2. NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS SECTION LINE VACATION PLAT. ALL DIMENSIONS AND OTHER DETAILS AS SHOWN HEREON ARE FROM THE PLATS OF VIRGINIA LYNN SUBD., A.A. MATTOX SUBD., AND A.A. MATTOX SUBD., 1958 ADD'N.
3. IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS-OF-WAY OR EASEMENTS.

#### OWNERSHIP TABLE

GARY & JANET HALL - LOT 20, A.A. MATTOX 1958 ADD'N.  
 JOHN COOPER - LOT 21, A.A. MATTOX 1958 ADD'N.  
 ELDEEN MEREDITH - LOT 22, A.A. MATTOX 1958 ADD'N.  
 ELOEEN JACKSON - LOT 23, A.A. MATTOX 1958 ADD'N.  
 HUGH GELLERT, d/ba BEAR FRITZ LAND CO. - LOTS 12, 13, 18, 19, 20, 21, & 22, VIRGINIA LYNN UNIT 3  
 MANUEL J. SOARES - LOT 5, VIRGINIA LYNN SUBDIVISION  
 VIRGINIA TORNES - LOT 6, VIRGINIA LYNN SUBDIVISION  
 SCOTT ADAMS - LOT 15, A.A. MATTOX SUBDIVISION, 1958 ADD'N.  
 ANDREW MCCLAIN LOT 11, VIRGINIA LYNN UNIT 3  
 JOHN F. & ROBIN L. ADAMS, LOT 23 VIRGINIA LYNN UNIT 3  
 DANIEL B. & CINDY S. WEATHERLY, ALSO LOT 23 VIRGINIA LYNN UNIT 3

#### SECTION LINE EASEMENT VACATION CERTIFICATE

#### APPROVAL RECOMMENDATION

State of Alaska Department of Transportation and Public Facilities

The vacation statement as shown hereon has been reviewed by the Control District Office and is hereby recommended for approval by the Commissioner.

Recommended by: *[Signature]* Date: 10-9-85

Title: Regional Chief, Right-of-Way Agent

State of Alaska Division of Technical Services

The vacation statement, as shown hereon, has been reviewed by the Division of Technical Services and is hereby recommended for approval by the Commissioner.

Recommended by: *[Signature]* Date: 10/8/85

Title: Director, Division of Technical Services

The State of Alaska, acting by and through the Commissioner of the Department of Natural Resources and the Commissioner of the Department of Transportation and Public Facilities, does hereby state and declare that the State of Alaska vacates and releases all rights and title to any and all portions of section line easements for public highways reserved to it under AS 19.10.010, (specific area delineated by dot shading on this plat).

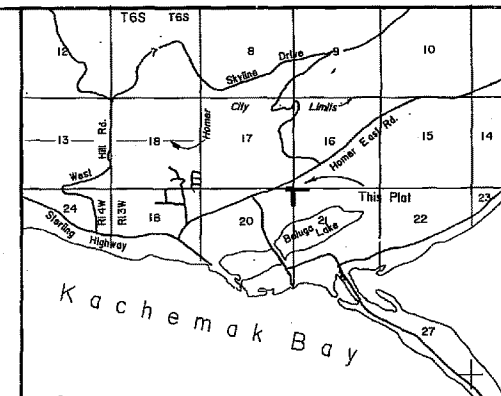
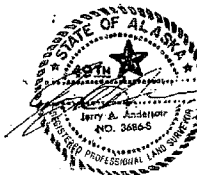
Date: 10/11/85 Approved:

*[Signature]*  
 Commissioner, Department of Transportation and Public Facilities

Approved:

Date: 10-11-85

*[Signature]*  
 Commissioner, Department of Natural Resources



USGS QUAD, SELDOVIA C-4, 1976  
 USGS QUAD, SELDOVIA C-5, 1967

SCALE: 1" = 1 MILE

#### VICINITY MAP

#### CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the properly shown and described hereon and that we hereby approve of the vacation of the section line easements as shown hereon.

*[Signature]*  
 JERRY ANDERSON, BOX 378 HOMER, ALASKA 99603  
 ATTORNEY IN FACT FOR: GARY & JANET HALL  
 AS RECORDED ON: JOHN COOPER  
 10-9-1985 IN THE ELDEEN MEREDITH  
 HOMER RECORDING DIST. ELOEEN JACKSON  
 BK. 0162 PG. 204-016, HUGH GELLERT, d/ba BEAR FRITZ LAND COMPANY  
 MANUEL J. SOARES  
 VIRGINIA TORNES  
 SCOTT ADAMS  
 ANDREW MCCLAIN  
 JOHN F. & ROBIN L. ADAMS  
 DANIEL B. & CINDY S. WEATHERLY

#### NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn to before me this 11th day of Oct, 1985.

*[Signature]*  
 Edna Anderson

NOTARY PUBLIC FOR ALASKA

2-15-87

My Commission Expires:

State of Alaska  
 NOTARY PUBLIC  
 EDNA ANDERSON  
 MY COMMISSION EXPIRES 2-15-87

#### SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, and that this plat was drafted under my direct supervision, and that all data shown hereon is true and correct as compiled from existing record information.

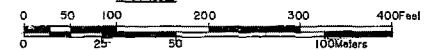
9-30-85 *[Signature]*  
 Date: JERRY ANDERSON RLS #3686-S

#### PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of Sept. 9, 1985.

By: *[Signature]*  
 Authorized Official

#### SCALE



DATE OF SURVEY Beginning: NO FIELD SURVEY Ending:	NAME OF SURVEYOR Ability Surveys Box 378 Homer, Alaska 99603
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF TECHNICAL SERVICES ANCHORAGE, ALASKA	
SECTION LINE EASEMENT VACATION PLAT ASSOCIATED WITH VIRGINIA LYNN SUBDIVISION, UNIT 3, A. A. MATTOX, 1958 ADD'N., & A. A. MATTOX SUBDIVISION, SITUATED WITHIN SECTIONS 17, 20 & 21 T6S, R3W, S.M., ALASKA AND WITHIN THE CITY OF HOMER.	
DRAWN BY: S. SCHOLLENBERG DATE: 7-23-85	APPROVAL RECOMMENDED: <i>[Signature]</i> 10/8/85 Chief, Cadastral Surveyor
SCALE: 1" = 100'	CHECKED: J.A.H. FILE NO: EV-2-298

KPB FILE 85-338

LS-79  
REGISTRATION NO.



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### STAFF REPORT PL 19-98

**TO:** Homer Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Deputy City Planner  
**MEETING:** December 4, 2019  
**SUBJECT:** Draft Ordinance amending the Zoning Map to move the boundaries of the Central Business Zoning District

**Requested Action:** Conduct a public hearing and make a recommendation on the City Council on the proposed zoning map change.

Applicant: Katherine Mitchell, property owner  
Location: 3916 Main Street, Homer AK  
Parcel ID: 17719120  
Size of Existing Lot: 0.49 acres  
Zoning Designation: Residential Office  
Existing Land Use: Vacant/parking  
Surrounding Land Use: North: Residential/storage  
South: Commercial/Retail, light manufacturing, office  
East: Vacant  
West: Residential/Vacant

Wetland Status: No mapped wetlands present  
Flood Plain Status: Zone D, flood hazards undetermined  
Utilities: Public utilities are available  
Public Notice: Notice was sent to 51 property owners of 60 parcels as shown on the KPB tax assessor rolls.

### GENERAL INFORMATION

This ordinance proposes a zoning map amendment to move the Central Business District Boundary north to encompass the subject lot. The applicant has expansion plans for the existing business to the south (Nomar) that will require the use of the subject lot as parking. The Residential Office District does not allow parking as a primary land use. (The expansion plans require a Conditional Use Permit and will be considered at a future Planning Commission meeting.)

### **HCC 21.95.060 Review by Planning Commission**

a. The Planning Commission shall review each proposal to amend this title or to amend the official zoning map before it is submitted to the City Council.

b. Within 30 days after determining that an amendment proposal is complete and complies with the requirements of this chapter, the Planning Department shall present the amendment to the Planning Commission with the Planning Department's comments and recommendations, accompanied by proposed findings consistent with those comments and recommendations.

c. The Planning Department shall schedule one or more public hearings before the Planning Commission on an amendment proposal, and provide public notice of each hearing in accordance with Chapter 21.94 HCC.

d. After receiving public testimony on an amendment proposal and completing its review, the Planning Commission shall submit to the City Council its written recommendations regarding the amendment proposal along with the Planning Department's report on the proposal, all written comments on the proposal, and an excerpt from its minutes showing its consideration of the proposal and all public testimony on the proposal.

### **STAFF COMMENTS/RECOMMENDATIONS:**

A completed application has been received and been reviewed per HCC 21.95.050 as attached. Planning Commission to conduct a public hearing, and make recommendation to the City Council.

### **Attachments**

1. Planning Department review of HCC 21.95.050
2. Rezoning application
3. Public Notice
4. Aerial Map
5. Draft ordinance and attachments

### **Planning Department Review**

HCC 21.95.050 Planning Department review of zoning map amendment. The Planning Department shall evaluate each amendment to the official zoning map that is initiated in accordance with HCC 21.95.020 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

**Analysis:** Comprehensive Plan:

- Chapter 4 Land Use Goal 4-A-5: Concentrate commercial uses in the downtown,
- Chapter 4 Goal 4-A-6: Support Pioneer Avenue beautification/revitalization efforts,
- Chapter 7 Economic Vitality Goal 2: Encourage the retention and creation of more year-round and higher wage employment
- Chapter 7 Goal 3: Identify and promote industries that show capacity for growth

**Staff Finding 1:** The proposed rezone is consistent with the comprehensive plan and will further the goals of chapters 4 and 7.

b. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.

**Analysis:** The subject lot has become a parking area to serve the office space on the adjoining lot. Parking lots are not a listed use in the Residential Office District, but are allowed as a primary use in the Central Business District. Expansion of the CBD to include the subject lot will allow for expanded business uses of the commercial property on Pioneer Avenue.

**Staff Finding 2:** Conditions are expected to change on the property directly south, necessitating additional parking to serve the mixed use commercial activities of the site.

c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

**Analysis:** The environment, transportation, public services, and land use patterns will not be more greatly affected by the development permitted in the CBD vs the Residential Office District.

- Commercial site development in both districts is regulated by the same section of city code: HCC 21.50.030.

- The subject location is located on the corner of W Pioneer Ave and Main Street, both of which are classified as collectors in the 2005 Homer Area Transportation Plan, part of the adopted comprehensive plan.
- Land use patterns in either district require a conditional use permit for uses over 8,000 square feet, or more than one building containing a permitted principle use on a lot. Direct impacts on adjacent lands are analyzed if a proposed development requires a conditional use permit.

**Staff Finding 3:** The rezoning of this 0.49 acre lot that is contiguous to the CBD is in the best interests of the public as it supports the concentration of commercial land uses within the core area of the community.

## SEABRIGHT SURVEY+DESIGN

1044 East Road Suite A  
Homer, Alaska 99603  
(907) 299-1091  
[seabrightz@yahoo.com](mailto:seabrightz@yahoo.com)

November 12, 2019

City of Homer  
Planning Dept.  
491 E. Pioneer Avenue  
Homer, Alaska 99603

RE: NOMAR Rezone Application Submittal

Dear City Planners,

Please find enclosed the submittal for the Nomar Rezone Application. We have attached the application, petition and map for your review. Also, we have included a check for \$500 to cover the fee. Please call me anytime with comments or questions.

Cordially,



Kenton Bloom, PLS  
Seabright Survey+Design

**RECEIVED**

NOV 14 2019

**CITY OF HOMER  
PLANNING/ZONING**





# 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

## Rezoning Application

For Staff Use Only

Fee Amount: <u>\$500</u>	Received by: <u>TPB 11/14/19</u>	Planning Commission Public Hearing Date:
Date application accepted as complete:		HAPC approval or denial date:

### APPLICANT INFORMATION

Name: Hooligan Holdings, LLC Kate Mitchell, Managing Member

Phone Number: 907-235-8363

Address: 104 East Pioneer Ave. Homer, AK 99603

Property Owner (if different than applicant)

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

### PROPERTY INFORMATION (if more than one lot, list on separate page)

Street Address: 104 East Pioneer Ave Lot size: 0.49 AC Tax parcel number: 17719120

Legal Description: Lot 9 Tract A Nils O.Svedlund Amended

Circle one: Is City water available? **YES/NO** City Sewer? **YES/NO** Electrical Service? **YES/NO**

What is the existing use of the property? Parking lot

What is the proposed use of the property? Retail/Manufacturing/Office and Residential (including parking)

What structures or land uses exist on the neighboring properties? (Examples: residential, commercial, vacant) List the zoning of these adjacent lots.

Structures/land use

Zoning

North: Residential/shop

Residential/ Office

South: Retail/Manufacturing/Office



East: Vacant

Residential/ Office

West: Vacant/Residential/Commercial

Residential/ Office

1. What is the public need and why is this rezone justified?

This rezone is needed as part of a property consolidation with the lot to the south. The rezone to Central Business District will put the entirety of the two lots into the same zoning.

---

2. Describe the benefits and detriments of this proposed rezoning to:

- (a) the community.
- (b) the neighboring landowners.
- (c) you, the property owner.

The benefits to the community are both the property being in conformance with City code and establishing the future uses of the property. The neighbors will benefit from the upgraded property development and improved parking. The owner benefits as being in conformance with City code will support the proposal to add a second floor to NOMAR and add a four-plex to the northerly portion of the property.

There are no detriments to this proposed rezone.

3. Can the proposed land use be developed in a manner that is compatible with development in adjacent zoning districts? If so, how? What effect will this change have on the surrounding properties?

The proposed land use is in harmony with development adjacent to the property. The biggest change will be the property improvement. Little change or impacts are expected to effect surrounding properties.

---

4. Can the existing public facilities, services, and utilities accommodate the proposed use without any detrimental affect on adjacent zoning districts? If so, how?

All utilities and public access are existing and available

---

5. Would rezoning to a district allowing the proposed use permit other uses, which would not be compatible with adjacent land use?

The CBD is adjacent to the south. The RO is to the north, east and west. There is no issue with compatibility that we know of. The proposed improvements are in alignment with permitted uses

6. How does this proposal relate to the Comprehensive Plan and purposes of the zoning regulations?

We feel that the zoning change is in harmony with the Comprehensive Plan

7. How would the proposed change affect the public health safety and welfare of the surrounding area?

We feel the overall impact will be to enhance public health and safety in the surrounding area by giving the property a facelift including a well lit area to park.

#### OTHER REQUIREMENTS

1. The applicant shall provide a map showing the area to be rezoned.
2. The applicant shall provide a petition, signed by a majority of the landowners within the proposed zoning area saying that they support the proposed change.

I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property:

Owner of record ☒ Lessee ☐ Contract purchase duly authorized to act for a person who has the following legal interest, \_\_\_\_\_ and that the owner of record is knowledgeable of this application if I am not the owner. I also understand that this item will be scheduled for the Planning Commission Agenda only if all application materials are submitted.

Applicant Signature:

*Late Mitchell*


Property Owner Signature:

*Beliger Holding LLC*



# Petition

Proposed amendment:	<b>The at 104 E. Pioneer Ave. consists of one parcel which is 0.49 acres. Currently the parcel is zoned Residential Office. This request is to change the zoning of the entire property, Lot 9 Nils O. Svdsedlund Amended to the Central Business District.</b>	
HCC 21.95.020 (e) (3) (a)	"Each person signing this petition represents that the signer is a record owner of the lot whose description accompanies the signature; that the signer is familiar with the proposed zoning map amendment and the current zoning district of the lot; and that the signer supports the City Council's approval of the amendment."	
Statement of Justification	Click here to enter text.As a natural part of the growth and development of the downtown area, Nomar is expanding with a second story addition. This parcel is being replatted with Lot 8 into a single unified parcel. This will enable additional parking and a residential four-plex to be constructed.	

Printed Name	Signature of Property Owner or Designated Representative	Legal Description	Tax parcel number
Kate Mitchell		LOT 9 TRACT A NILS O. SVEDLUND AMENDED	17719120

MY SIGNATURE MEANS I AM IN FAVOR OF THIS AMENDMENT



☆ NILS O SVEDLUND SUB AMD

**17719120**

**Private  
Accessory Building**

**Owner:**  
HOOLIGAN HOLDINGS LLC  
104 E PIONEER AVE  
HOMER, AK 99603

[Add to Results](#) [View Additional Details](#)

64



**PUBLIC HEARING NOTICE**  
**&**  
**NOTICE OF SUBDIVISION**

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, December 04, 2019 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

**AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE OFFICIAL ZONING MAP BY EXPANDING THE CENTRAL BUSINESS DISTRICT TO INCLUDE THE HALF-ACRE LOT DIRECTLY NORTH OF 104 E. PIONEER AVENUE KNOWN AS LOT 9, TRACT A, AMENDED PLAT OF NILS O. SVEDLUND SUBDIVISION W ½, NW ¼, SEC. 20, T. 6 S., R. 13 W., S.M., HM 0540251. THE LOT IS CURRENTLY ZONED RESIDENTIAL OFFICE DISTRICT.**

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

The proposed subdivision under consideration is described as follows:

**NOMAR 2019 REPLAT PRELIMINARY PLAT**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, December 04, 2019 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

Anyone wishing to present testimony concerning these matters may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

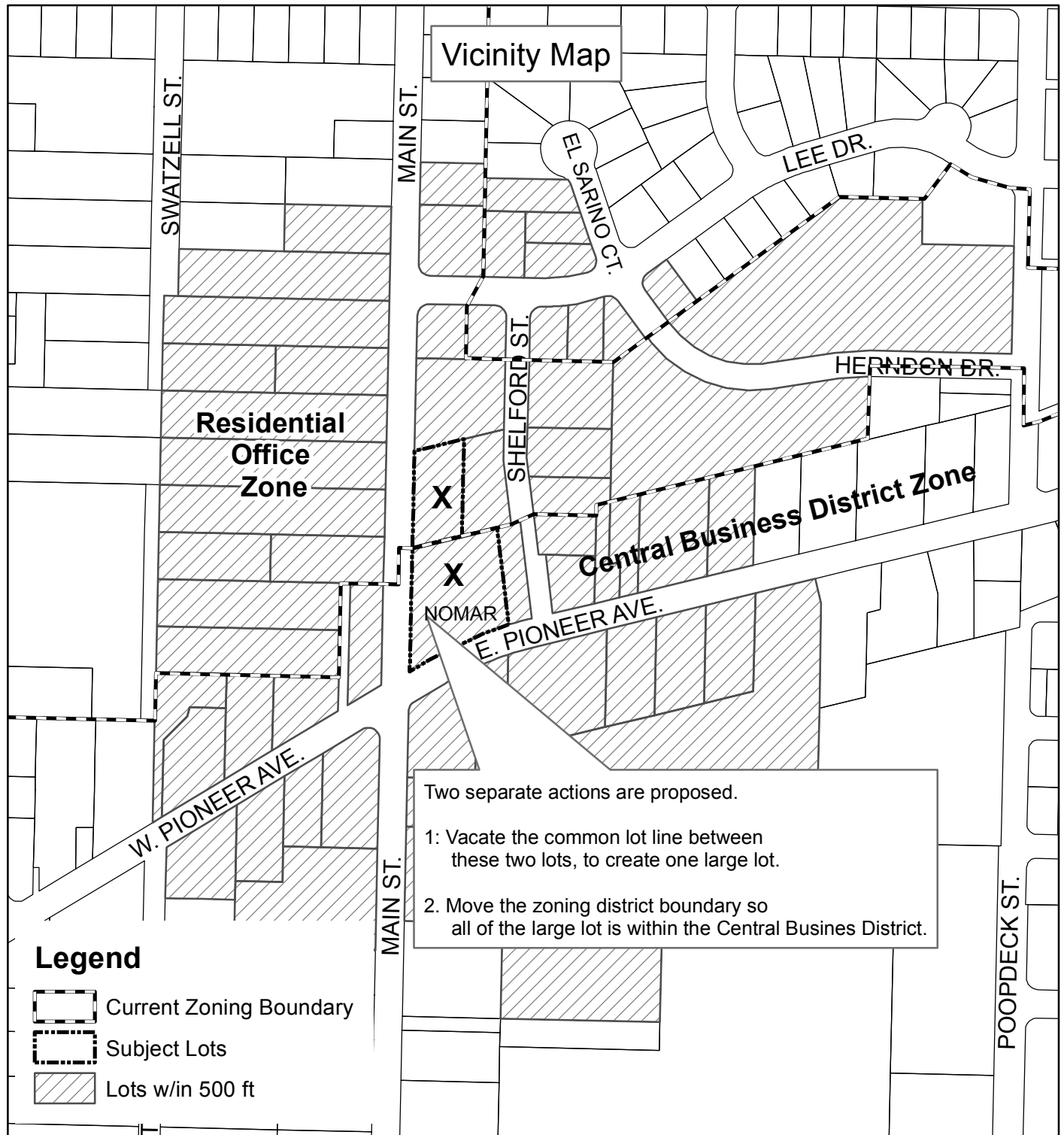
**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.**

.....

**VICINITY MAP ON REVERSE**



# Vicinity Map



Two separate actions are proposed.

- 1: Vacate the common lot line between these two lots, to create one large lot.
2. Move the zoning district boundary so all of the large lot is within the Central Business District.

## Legend

- Current Zoning Boundary
- Subject Lots
- Lots w/in 500 ft



City of Homer  
Planning and Zoning Department

November 19, 2019

## Request for a lot line change, and zoning change

Shaded lots are w/in 500 feet  
and property owners notified.

0 66 500 Feet



*Disclaimer:*  
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

## NOTES

1. THE FRONT 15 FEET ALONG THE RIGHTS-OF-WAY AND 20 FEET WITHIN 5 FEET OF SIDE LOT LINES (UNLESS NOTED OTHERWISE) IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

2. THIS LOT IS SERVED BY CITY OF HOMER WATER AND SEWER.

3. THIS LOT IS SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE PARENT PLATS AND THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.

## NOTARY'S ACKNOWLEDGMENT

FOR: \_\_\_\_\_

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 2019

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES \_\_\_\_\_

## LEGEND

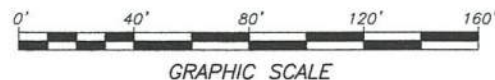
- ① FND 2" AC 1301S 1992
- ② FND 3/4" IRON PIPE
- ⊗ FND ETCHED "X" ON UTILITY BOX
- (C) COMPUTED FROM RECORD BEARINGS & DISTANCES
- (F) FIELD BEARINGS & DISTANCES
- (R) RECORD BEARINGS & DISTANCES
- ▨ SLOPES OF 20% OR GREATER (KPB GIS)
- OVERHEAD POWERLINE
- UTILITY POLE
- - - EDGE OF GRAVEL
- EDGE OF PAVEMENT

## PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_

BY: \_\_\_\_\_  
AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

DATE \_\_\_\_\_



LOT 46  
BUNNELL'S SUBD.  
HM 0000049

LOT 47  
BUNNELL'S SUBD.  
HM 0000049

LOT 48  
BUNNELL'S SUBD.  
HM 0000049

LOT 49  
BUNNELL'S SUBD.  
HM 0000049

LOT 55A BUNNELL'S  
RESUBD. LOT 55  
HM 0790026

LOT 7H  
THOMAS SHELFORD  
SUBD. 1968 ADDN.  
REVISED  
HM 0690741

(HM 0690741)  
N75°15'00"E 107.90' (R)  
N75°21'39"E 107.90' (F)

N:102885.8320  
E:90384.7080

S0°04'39"W 208.38' (F)  
BASIS OF BEARINGS  
S00°02'00"E 208.60' (R)  
(HM 0690741)

LOT 9A  
THOMAS SHELFORD SUBD.  
1968 ADDN. REVISED  
HM 0690741

(HM 0540251A)  
N75°15'00"E (R)  
N75°17'52"E 77.65' (F)

N:102697.1600  
E:90459.5360

(HM 0540251A)  
N00°00'00"E (R)  
N0°06'39"E 417.12' (C)

MAIN ST. 60' ROW

LOT 8-A  
1.518 AC

(HM 584147)  
N00°00'00"E (R)  
S0°06'39"W (C)

L=42.58', R=20.00'  
(C) Δ=121°59'00"

ROW CURB RETURN  
PURCHASED BY AK DOT  
RECORDING NO. XXX-XXX

(HM 584147)  
S58°07'39"W (C)  
S58°01'00"W (R)

(HM 584147)  
S58°01'00"W (R)

L=181.65', R=746.00' (C)  
Δ=13°57'04"  
R=746.00' (R)  
(HM 584147)

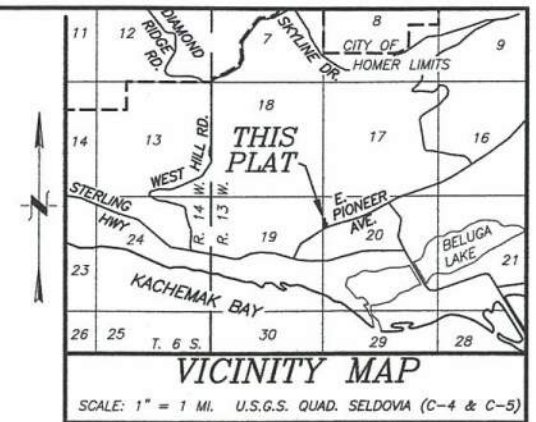
E. PIONEER AVE. 60' ROW

## WASTEWATER DISPOSAL

PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

KENTON T. BLOOM, P.L.S.

7968-S



## CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT HOOLIGAN HOLDINGS LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF HOOLIGAN HOLDINGS LLC I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

SIGNATORY  
HOOLIGAN HOLDINGS LLC  
104 E. PIONEER AVE.  
HOMER, AK 99603

## GPS CONTROL DATA

1. BASIS OF COORDINATES FOR THIS SURVEY IS FROM GPS STATIC OBSERVATIONS TAKEN ON THE MONUMENT POSITIONS AS SHOWN ON THIS PLAT. NAD83 ALASKA STATE PLANE GRID COORDINATES OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR USC&GS TRISTATION "HOMAIR".
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING USC&GS TRISTATION "HOMAIR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -1°17'13.4". TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.
3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON USC&GS TRISTATION "HOMAIR" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES ORIENTED TO TRUE NORTH.

HOMER RECORDING DISTRICT KPB FILE NO. 2019-XXX

## NOMAR 2019 REPLAT

A REPLAT OF NILS O. SVEDLUND SUBD. AMENDED LOTS 8 & 9 TRACT A (HM 0540251A) EXCLUDING ANY PORTION WITHIN LOT 8A THOMAS SHELFORD SUBD. (HM 584147) & LOT 9A THOMAS SHELFORD SUBD. 1968 ADDN. (HM 0690741), LOCATED WITHIN THE NW 1/4, SEC 20, T. 6 S., R. 13 W., CITY OF HOMER, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

CONTAINING 1.518 ACRES

## SEABRIGHT SURVEY + DESIGN KENTON T. BLOOM, P.L.S.

1044 EAST ROAD, SUITE A  
HOMER, ALASKA 99603  
(907) 299-1091

CLIENT: HOOLIGAN HOLDINGS LLC  
104 E PIONEER AVE. HOMER, AK 99603

DRAWN BY: KK

CHKD BY: KB

JOB #2019-43

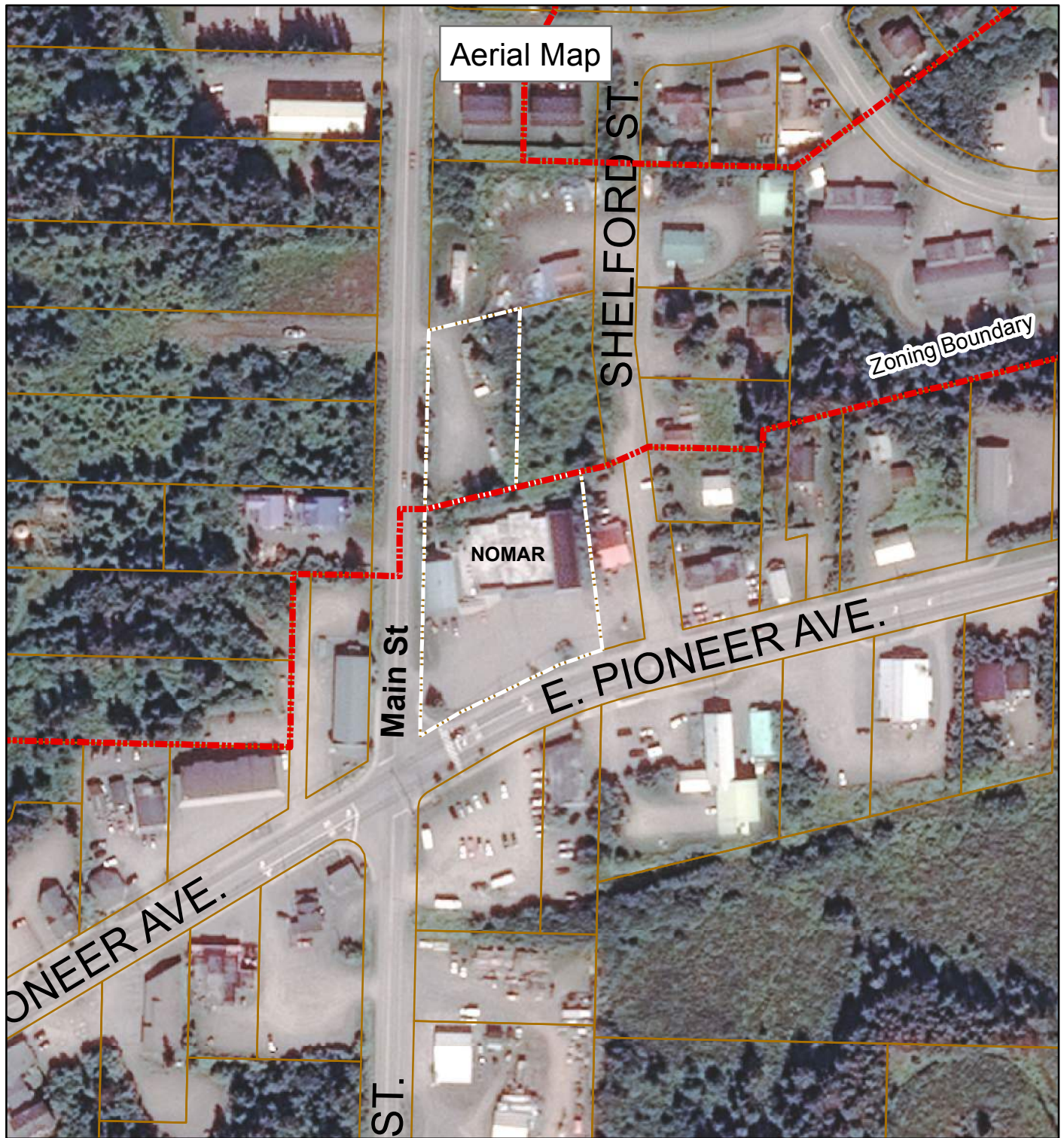
DATE: 11/2019

SCALE: 1"=40'

SHEET #1 OF 1







City of Homer  
Planning and Zoning Department  
November 19, 2019

0 150 300 Feet

69



*Disclaimer:*  
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.



**CITY OF HOMER  
HOMER, ALASKA**

Planning

**ORDINANCE 20-**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA,  
AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE  
RESIDENTIAL OFFICE (RO) ZONING DISTRICT TO CENTRAL BUSINESS (CB)  
ZONING DISTRICT

WHEREAS, Katherine Mitchell, land owner, filed a petition application seeking to amend the zoning map to rezone 3916 Main Street in Homer, Alaska, LEGAL T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0540251A NILS O SVEDLUND SUB AMD LOT 9 TRACT A EXCL ANY PTN WITHIN LOT 9A THOMAS SHELFORD SUB '68 ADDN 69-741 from partially RO to CBD; and

WHEREAS, the Homer Planning Department reviewed the petition, found that the petition application was complete and the criteria for amending the zoning map had been met; and

WHEREAS, the Homer Planning Commission held a public hearing on the amendment to the zoning map described herein on \_\_\_\_\_, 2019 as required by Homer City Code 21.95.060(c); and

WHEREAS, The Homer Planning Commission found that (i) the proposed amendment to the zoning map is consistent with the Homer Comprehensive Plan and will further specific goals and objectives of the Plan; (ii) the proposed amendment to the zoning map applies a zoning district that is better suited to the property that is the subject of the amendment than the districts that the amendment will replace; and (iii) the amendment to the zoning map is in the best interest of the public, considering the effect of development resulting from the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns; and

WHEREAS, the City Council adopts the findings by the Homer Planning Commission and has determined that these findings are sound;

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer Zoning Map is amended to transfer the parcel listed on the attached Exhibit A from RO zoning district to the CB zoning district as shown on the attached Exhibit B.

Section 2. The City Planner is authorized to note on the Homer Zoning Map the amendments enacted by this ordinance as required by Homer City Code 21.10.030(b).

Section 3. This is a non-Code ordinance of a permanent nature and shall be noted in the ordinance history of Homer City Code 21.10.030.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of \_\_\_\_\_  
2020.

CITY OF HOMER

\_\_\_\_\_  
Ken Castner, MAYOR

ATTEST:

\_\_\_\_\_  
Melissa Jacobsen, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

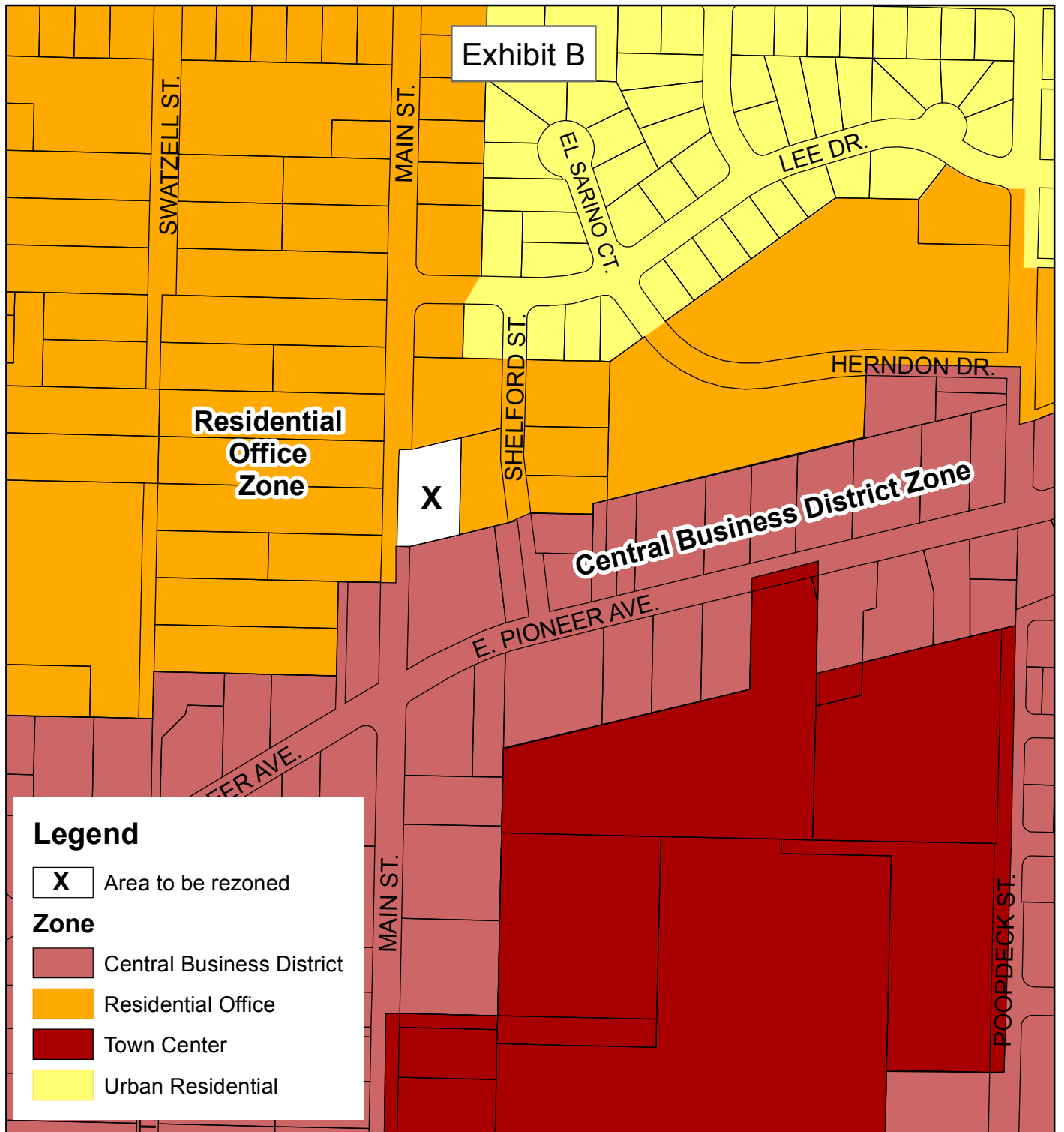
Effective Date:

## **Exhibit A**

Tax Parcel 17719120. Rezone from Residential Office District to Central Business District.

Legal Description: T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0540251A NILS O  
SVEDLUND SUB AMD LOT 9 TRACT A EXCL ANY PTN WITHIN LOT 9A THOMAS SHELFORD  
SUB '68 ADDN 69-741

# Exhibit B



## Legend

**X** Area to be rezoned

## Zone

Central Business District

Residential Office

Town Center

Urban Residential



City of Homer  
Planning and Zoning Department

November 26, 2019

0 74 500 Feet



*Disclaimer:*  
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Planning  
491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
(p) 907-235-3106  
(f) 907-235-3118

## Staff Report PL 19-99

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud AICP, City Planner  
DATE: December 4, 2019  
SUBJECT: Permitting public hearing

---

### Introduction

After incorporating the Planning Commissions recommendations, the ordinance has been reviewed by the Attorney and is ready for a public hearing.

### Analysis

The Planning Commission has reviewed the permitting process and is recommending a draft ordinance that encourages developers to accurately site improvements by requiring all projects submit an as-built survey at completion. The as-built will confirm if the site plan was followed.

Additional requirements have been found to be redundant or unnecessary. An as-built survey of the improvements found on the lot is adequate for the purposes of confirming that the site plan is a true representation of the proposal. The Commission also recognized that reporting of compliance with the codes of the State of Alaska is outside of ability of the City of Homer to enforce without a building department and is redundant to the duties of the State Fire Marshal.

### Staff Recommendation

Hold a public hearing and consider a recommendation for adoption to the City Council.

**The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:**

**a. Is consistent with the Comprehensive Plan and will further specific goals and objectives of the plan.**

*The draft ordinance furthers Goal 3 of the Land Use Chapter that encourages high-quality buildings and site development.*

**b. Will be reasonable to implement and enforce.**

*The proposal is written concisely and is clear as to expectations of requirements for zoning permits.*

**c. Will promote the present and future public health, safety and welfare.**

*The proposal furthers the health, safety, and welfare of the community by helping to hold applicants accountable to develop according to their approved site plan.*

**d. Is consistent with the intent and wording of the other provisions of this title.**

*The proposal has been reviewed by the City Attorney.*

**Att.**

Draft Ordinance



**CITY OF HOMER  
HOMER, ALASKA**

Planning

**ORDINANCE 19-xx**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING HOMER CITY CODE 21.70.040, PERMIT TERMS; TO  
REQUIRE AN AS-BUILT SURVEY BE SUBMITTED TO THE CITY  
PLANNER AFTER COMPLETION OF ANY BUILDING OR  
STRUCTURE.

WHEREAS, The 2018 Homer Comprehensive Plan Chapter 4, Goal 3, Objective A,  
Encourages establishment of a clear, coordinated regulatory framework that guides  
development, includes implementation strategies to review rules and regulation options with  
consideration of operational constraints and community acceptance; and

WHEREAS, The 2018 Homer Comprehensive Plan Chapter 4, Goal 3, Objective B includes  
encouraging high quality buildings and site design; and

WHEREAS, Creating a requirement for the submission of an as-built survey encourages  
diligence and adherence to site plans; and

WHEREAS, It is in the interests of the Planning Commission and Homer citizens to  
ensure that improvements are built as approved by the Planning Department; and

WHEREAS, An as-built survey provides a useful documentation of improvements and  
compliance with city code.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.70.040 is hereby adopted to read as follows:

**21.70.040 Permit terms.**

a. A zoning permit shall include a deadline that allows the applicant a reasonable amount of time in  
which to complete the work authorized by the permit. If the work is not completed within the time  
allowed, the City Planner may grant one reasonable extension for good cause shown. No additional  
extension will be granted, except upon the approval of the Commission for good cause shown.

b. A zoning permit ~~for a multiple-family dwelling or for a building or structure for commercial or~~  
~~industrial use~~ shall require the applicant to submit to the City Planner **an as-built survey, completed by**

a licensed surveyor, of the location, foundation, dimensions, and proximity to all lot lines of all buildings and structures covered by the permit, promptly after completion of the work.

~~1. An as-built survey, completed by a licensed surveyor, of the location, foundation, dimensions, and proximity to all lot lines of all buildings and structures covered by the permit;~~

~~2. An as-built schematic of the completed building(s) and structure(s) showing at least the perimeter, dimensions, entrances, driveways, parking areas, and loading areas; and~~

~~3. Proof of compliance with applicable building, plumbing, electrical, mechanical and other such codes adopted by the State of Alaska.~~

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

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS \_\_ DAY OF \_\_\_\_\_, 2019.

CITY OF HOMER

\_\_\_\_\_  
KEN CASTNER, MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

80  
81  
82  
83  
84  
85  
86

\_\_\_\_\_  
Katie Koester, City Manager

Date:\_\_\_\_\_

\_\_\_\_\_  
Michael Gatti, City Attorney

Date:\_\_\_\_\_





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report 19-97

TO: Homer Advisory Planning Commission **19-97**  
FROM: Rick Abboud, City Planner AICP  
DATE: 12/4/2019  
SUBJECT: Fairview Subdivision 2019 Replat Preliminary Plat

**Requested Action:** Approval of preliminary plat to erase a lot line to make one lot from two.

#### General Information:

Applicants:	Nora Raymond Raymond Property Management PO Box 2755 Homer, AK 99603	Johnson Surveying PO Box 27 Clam Gulch, AK 99568
Location:	Southwest corner of W. Danview Ave. & Bartlett St.	
Parcel ID:	17506101 & 17506102	
Size of Existing Lot(s):	.19 & .19 acres	
Size of Proposed Lots(s):	.38 acres or 16,640 Square Feet	
Zoning Designation:	Residential Office District	
Existing Land Use:	Vacant	
Surrounding Land Use:	North: medical office South: medical office East: Homer Medical West: medical office	
Comprehensive Plan:	Chapter 4, Goal 1 Guiding Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions. Additionally, the Future Land Use Map designates the area to be considered for the creation of a medical district.	
Wetland Status:	The 2005 wetland mapping shows no wetland areas.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	

Public Notice:	Notice was sent to 37 owners of 47 parcels as shown on the KPB tax assessor rolls.
----------------	--

**Analysis:** This subdivision is within the Residential Office District. This plat creates one lot from two.

**Homer City Code 22.10.051 Easements and rights-of-way**

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

**Staff Response:** The plat does not meet these requirements. A fifteen-foot utility easement shall be dedicated adjacent to W Danview Ave. and Barlett St. per HCC 22.10.051.

- 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.

**Staff Response:** The plat meets these requirements.

- 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.

**Staff Response:** The plat meets these requirements.

**Preliminary Approval, per KPB code 20.25.070 Form and contents required.** The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

- A. Within the Title Block:
1. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
  2. Legal description, location, date, and total area in acres of the proposed subdivision; and
  3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

**Staff Response:** The plat meets these requirements.

- B. North point;

**Staff Response:** The plat meets these requirements.

- C. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

**Staff Response:** The plat meets these requirements.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams;

**Staff Response:** The plat meets these requirements.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions or limitation of reservations that could affect the subdivision;

**Staff Response:** The plat meets these requirements.

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

**Staff Response:** The plat meets these requirements.

- G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff Response:** The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

**Staff Response:** The plat meets these requirements, none identified presently. Recommend removing plat note that states, "There are no wet areas on the property." "Wet areas" has no regulatory definition and it has not been current practice to label a null finding of wet lands that could be subject to a future interpretation.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

**Staff Response:** The plat meets these requirements.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

**Staff Response:** The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

**Staff Response:** The plat does not meet these requirements. A depiction of utilities or a statement shall be provided.

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

**Staff Response:** The plat meets these requirements.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

**Staff Response:** The plat meets these requirements.

- N. Apparent encroachments, with statement indicating how the encroachments will be resolved prior to final plat approval; and

**Staff Response:** The plat meets these requirements.

- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

**Staff Response:** The plat meets these requirements.

**Public Works Comments:** No recommendations

**Fire Department Comments:** No comments

**Staff Recommendation:**

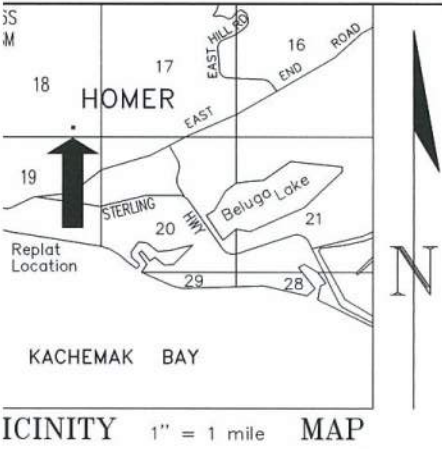
Planning Commission recommend approval of the preliminary plat with the following comments:

1. Depict a fifteen-foot utility easement along all adjacent rights-of-way.
2. Remove plat note stating, "There are no wet areas on the property."

**Attachments:**

1. Preliminary Plat
2. Applicant Letter
3. Public Notice
4. Aerial Map





# Fairview Subdivision 2019 Replat Preliminary Plat

A replat combining Lots 1 & 2 Block 10 Fairview Subd. (HRD 56-2936  
Located in the SE 1/4 Section 18, T6S R13W, SM, City of Homer, Alaska.  
Homer Recording District Kenai Peninsula Borough

Prepared for  
Raymond Property  
Management, Inc.  
PO Box 2755  
Homer, AK 99603

Prepared by  
Johnson Surveying  
P.O. Box 27  
Clam Gulch, Ak 99568

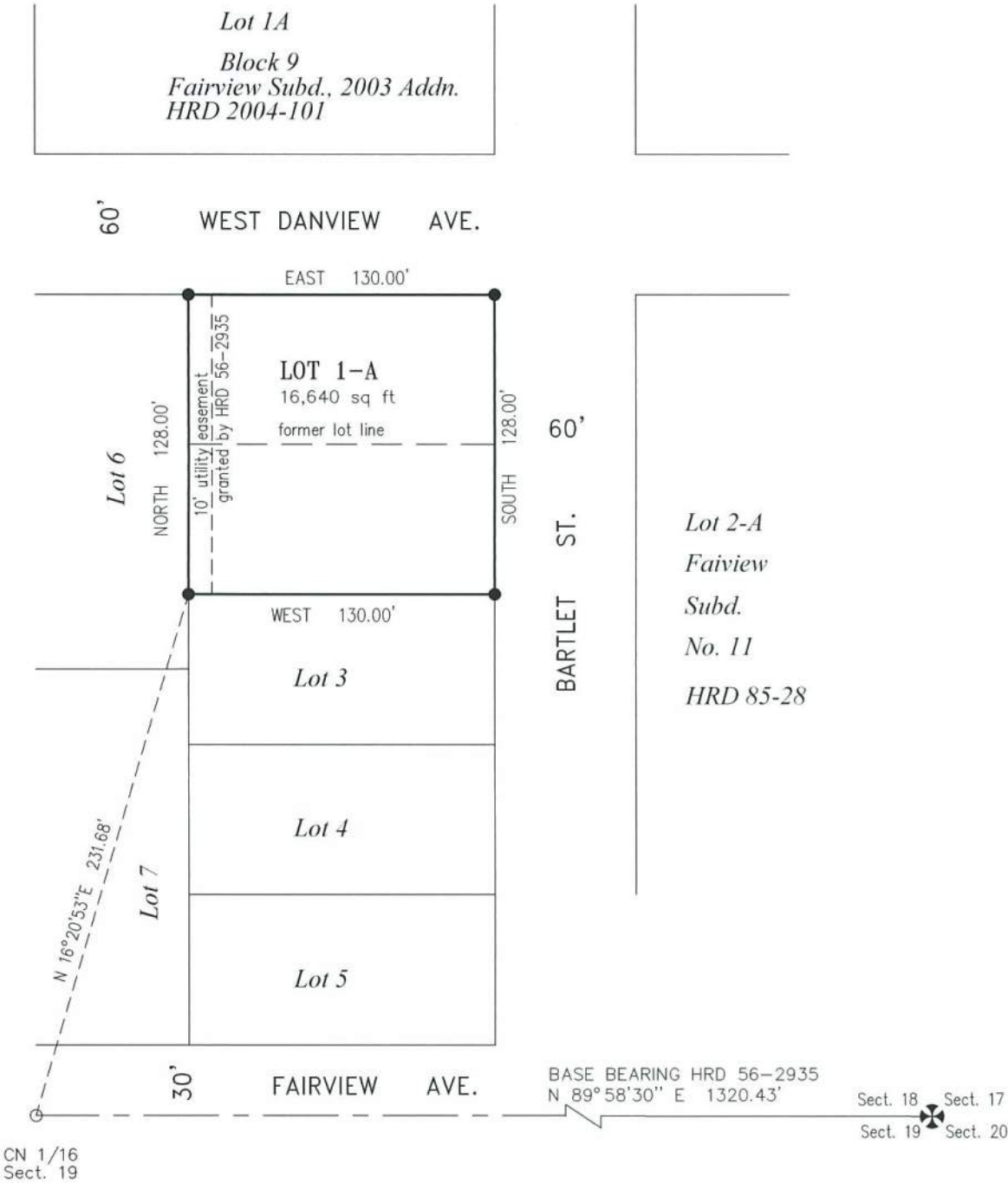
SCALE 1" = 50' Area = 16,640 sq.ft.  
7 October, 2019

## LEGEND

- USGLO brass cap monument, 1917, record plat HRD56-2936.
- 1" iron pipe, record, plar HRD 56-2936.
- Lot corner, record plat HRD 56-2936, not described.

## NOTES

- Development of this lot is subject to the City of Homer Zoning Code.
- No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- This is a paper plat replat based on information shown on plat HRD 56-2936. No field survey was conducted in conjunction with preparing this plat, no corners were found or set.
- No grades on this property exceed 15%. There are no wet areas on the property..



## WASTEWATER DISPOSAL

Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation



**From:** Rick Abboud  
**Sent:** Thursday, October 24, 2019 10:22 AM  
**To:** Travis Brown  
**Subject:** FW: Fairview Subdivision 2019 Replat  
**Attachments:** Fairview 2019 Replat.pdf; Raymond platsubmittalform.pdf

---

**From:** [raymondpropertymanagement.inc@gmail.com](mailto:raymondpropertymanagement.inc@gmail.com) <[raymondpropertymanagement.inc@gmail.com](mailto:raymondpropertymanagement.inc@gmail.com)>  
**Sent:** Thursday, October 24, 2019 10:20 AM  
**To:** Rick Abboud <[RAbboud@ci.homer.ak.us](mailto:RAbboud@ci.homer.ak.us)>  
**Cc:** [jlrkpr@hotmail.com](mailto:jlrkpr@hotmail.com); [johnsonsurveying@hotmail.com](mailto:johnsonsurveying@hotmail.com)  
**Subject:** Fairview Subdivision 2019 Replat

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

Rick,

I was in on October 21<sup>st</sup> and turned in the attached Fairview Subdivision 2019 Replat and the KPB submittal form to the front desk. My fee receipt number from your office is 015947, the receipt number from upstairs is 1.169309. Please accept this email as our request to be on the docket for the December 4<sup>th</sup> 2019 hearing agenda. If you have any questions or need any further information please call or email me.

Thank you,  
Nora Raymond  
907-399-0801



Kenai Peninsula Borough Planning Department  
144 North Binkley Street  
Soldotna, AK 99669

### Plat Submittal Form

Abbreviated Plat - Use the Abbreviated Plat Submittal Form.

Survey Firm Name & Address:

Johnson Surveying

Phone: 262-5772

P.O. Box 27

Clam Gulch, AK 99568

Email: johnsonsurveying@hotmail.com



Preliminary Plat



Revised Preliminary Plat



Minor Revisions



Major Revisions ]



Preliminary Design



Subdivision Plat Phase (If a phased development, note preliminary design name below.)

[ Preliminary Design Name: \_\_\_\_\_ ]



Submittal of 2 full size plats and 7- 11x17 size plats.



Plat Submittal Fee in the Amount of \_\_\_\_\_.



Final Plat – Preliminary Approval Granted \_\_\_\_\_ (date)



Plat Recording Fee in the Amount of \_\_\_\_\_

Plat Name: Fairview Subd., 2019 Replat

General Location: Bartlet St City of Homer

USE:



Residential



Recreational



Commercial



Agricultural



Other: \_\_\_\_\_



City minutes attached (Plat location is in city limits or Bridge Creek Watershed District.)

CURRENT ZONING WHERE APPLICABLE: \_\_\_\_\_

SEWER:



On site



City



Community

WATER:



On site



City



Community

EXCEPTIONS REQUIRED AND REQUESTED:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Comments: (Attach an additional sheet if needed.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Original Signature(s) of Owner(s) of a Majority of Land within the Subdivision**

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

## NOTICE OF SUBDIVISION

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

Proposed subdivision under consideration is described as follows:

### **Fairview Subdivision 2019 Replat Preliminary Plat**

The location of the proposed subdivision affecting you is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the City of Homer Planning and Zoning Office. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the Kenai Peninsula Borough Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, December 04, 2019 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Travis Brown in the Planning and Zoning Office, 235-3106.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.**

.....

**VICINITY MAP ON REVERSE**

# Vicinity Map

DEHEL AVE.

W. BAYVIEW AVE.

BARTLET ST.

HOHE ST.

W. DANVIEW AVE.

W. FAIRVIEW AVE.

SWATZELL ST.

BART

These two lots to become one large lot

Homer Medical Clinic

## Legend



Subject Lots



Lots w/in 500 feet



City of Homer  
Planning and Zoning Department

11/15/2019

## Fairview Subdivison 2019 Replat Preliminary Plat

Shaded lots are within 500 feet  
and property owners notified.

0 90 500 Feet



Disclaimer:  
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.



# *Fairview Subdivision* **2019 Replat**     *Preliminary Plat*

A replat combining Lots 1 & 2 Block 10 Fairview Subd. (HRD 56-2936  
 Located in the SE 1/4 Section 18, T6S R13W, SM, City of Homer, Alaska.  
 Homer Recording District     Kenai Peninsula Borough

## **Prepared for**

Raymond Property  
 Management, Inc.  
 PO Box 2755  
 Homer, AK 99603

## **Prepared by**

Johnson Surveying  
 P.O. Box 27  
 Clam Gulch, Ak 99568

SCALE 1" = 50'     Area = 16,640 sq.ft.  
 7 October, 2019

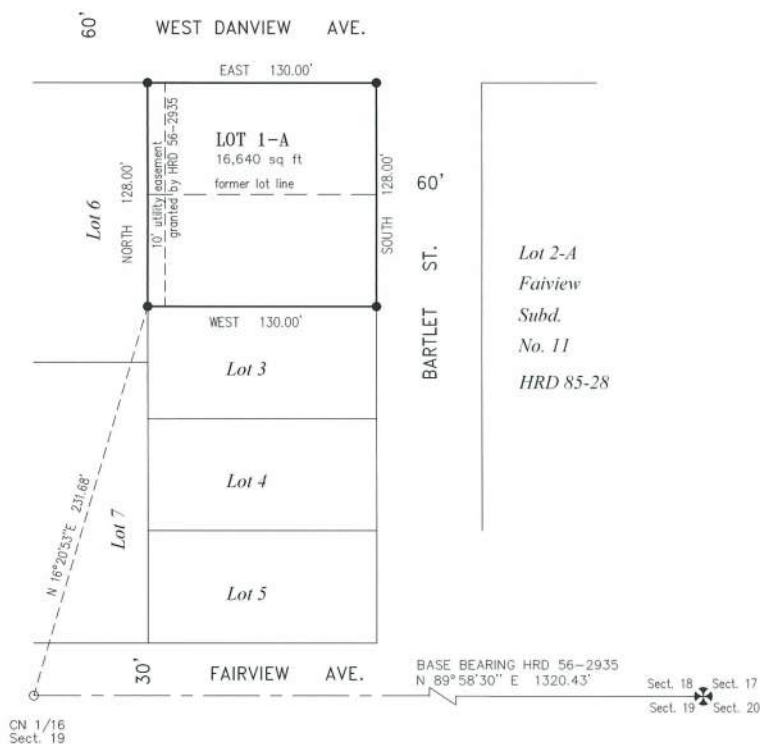
## **LEGEND**

- ✕ - USQLO brass cap monument, 1917, record plat HRD56-2936.
- ⊕ - 1" iron pipe, record, plar HRD 56-2936.
- - Lot corner, record plat HRD 56-2936, not described.

## **NOTES**

1. Development of this lot is subject to the City of Homer Zoning Code.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. This is a paper plat replat based on information shown on plat HRD 56-2936. No field survey was conducted in conjunction with preparing this plat, no corners were found or set.
4. No grades on this property exceed 15%. There are no wet areas on the property.

*Lot 1A*  
*Block 9*  
*Fairview Subd., 2003 Addn.*  
*HRD 2004-101*



*Lot 2-A*  
*Faiview*  
*Subd.*  
*No. 11*  
*HRD 85-28*

## **WASTEWATER DISPOSAL**

Plans for wastewater disposal, that meet regulatory requirements  
 are on file at the Department of Environmental Conservation







City of Homer  
Planning and Zoning Department

11/15/2019

## Fairview Subdivison 2019 Replat Preliminary Plat

2017 Photo; property lines not  
exact. Use with care.

0  260 Feet

93



*Disclaimer:  
It is expressly understood the City of  
Homer, its council, board,  
departments, employees and agents are  
not responsible for any errors or omissions  
contained herein, or deductions, interpretations  
or conclusions drawn therefrom.*





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report 19-101

TO: Homer Advisory Planning Commission **19-101**  
FROM: Julie Engebretsen, Deputy City Planner  
THROUGH: Rick Abboud, City Planner  
DATE: December 4, 2019  
SUBJECT: Virginia Lynn Section Line Easement Vacation Plat

**Requested Action:** Approval of a preliminary plat to vacate the section line easement. The easement vacation is considered under a separate action.

### General Information:

Applicants:	Virginia Tornes 4097 Mattox Rd Homer AK 99603	Gary Nelson RLS 152 Dehel Ave Homer AK 99603
Location:	West side of Mattox Rd, across from Lynn Way, north of Aurora Court	
Parcel ID:	17906106	
Size of Existing Lot(s):	0.25 acres	
Size of Proposed Lots(s):	Same. No lot line changes are proposed.	
Zoning Designation:	Urban Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Multifamily residential South: Residential East: Residential West: Vacant/Residential	
Comprehensive Plan:	Chapter 4 goal 1-C-1 Promote infill development in all housing districts.	
Wetland Status:	Wetlands and a creek may be present on the lot. See staff comments below on the purpose of this plat.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	

Public Notice:	Notice was sent to 15 property owners of 17 parcels as shown on the KPB tax assessor rolls.
----------------	---

**Analysis:** This subdivision is within the Urban Residential District. This plat depicts the section line easement vacation. Staff notes it is rare for Homer to have a vacation that does not involve a lot line change. Usually when the Homer Planning Commission reviews a plat, it also includes granting of utility easements or lot line changes. The plat under consideration here is regulated by state DNR requirements for section line easement vacations. This plat is not where one would see any other information about the land. Staff conferred with the Kenai Peninsula Borough that yes, a preliminary plat review is required. The question of whether to vacate the section line easement was addressed in a prior plat during a public hearing. This staff report only addresses the paper plat that depicts the vacation action.

**Preliminary Approval, per KPB code 20.25.070 Form and contents required.** The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

- A. Within the Title Block:
  - 1. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
  - 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
  - 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

**Staff Response:** The plat meets these requirements.

- B. North point;

**Staff Response:** The plat meets these requirements.

- C. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

**Staff Response:** The plat meets these requirements.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams;

**Staff Response:** The plat meets these requirements.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in

the proposed subdivision, together with the purposes, conditions or limitation of reservations that could affect the subdivision;

**Staff Response:** The plat meets these requirements.

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

**Staff Response:** The plat meets these requirements. Easement information is not applicable.

- G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff Response:** The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

**Staff Response:** The plat meets these requirements.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

**Staff Response:** The plat meets these requirements.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

**Staff Response:** The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

**Staff Response:** The plat meets these requirements. Not applicable to this vacation.

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

**Staff Response:** The plat meets these requirements.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

**Staff Response:** The plat meets these requirements.

- N. Apparent encroachments, with statement indicating how the encroachments will be resolved prior to final plat approval; and

**Staff Response:** Plat note 5 states that the single family home encroaches by 16 feet into the easement. Vacation of the easement will resolve this encroachment.

- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

**Staff Response:** The plat meets these requirements.

**Public Works Comments:** No comments.

**Staff Recommendation:**

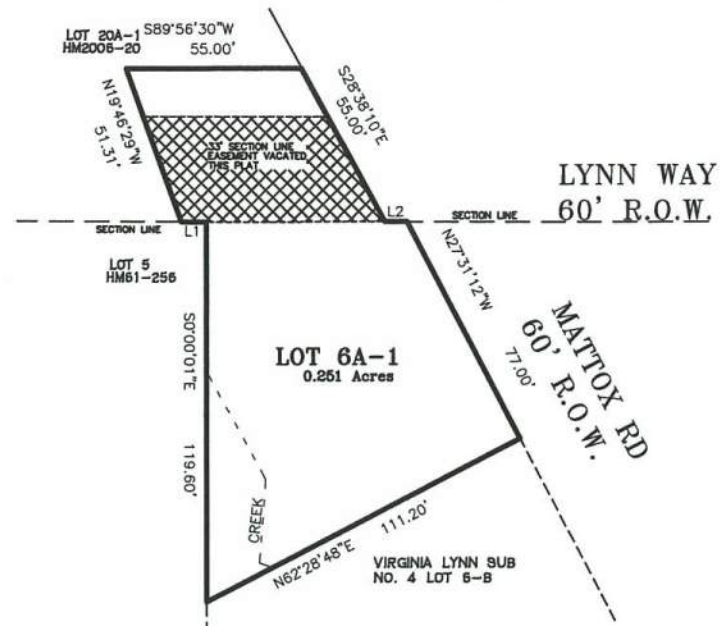
Planning Commission recommend approval of the preliminary plat prepared for the purpose of vacating the section line easement vacation.

**Attachments:**

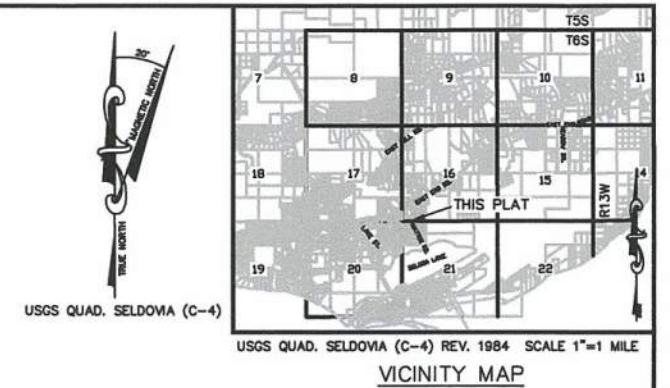
- 1. Preliminary Plat
- 2. Surveyor's Letter
- 3. Public Notice
- 4. Aerial Map



LEGEND:  
SECTION-LINE EASEMENT VACATED BY THIS PLAT.



LINE	BEARING	DISTANCE
L1	S89°56'30\"E	7.84'
L2	S89°56'30\"W	6.88'



CERTIFICATE OF OWNERSHIP:  
I THE UNDERSIGNED, CERTIFY THAT I AM  
THE OWNER OF THE DESCRIBED PROPERTY,  
AS SHOWN ON THIS PLAT. I APPROVE THIS SECTION-LINE  
EASEMENT VACATION PLAT.

DATE \_\_\_\_\_  
VIRGINIA F TORNES  
PO BOX 2497  
HOMER, AK 99603  
NOTARY'S ACKNOWLEDGMENT  
For VIRGINIA F TORNES  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
Notary public for Alaska \_\_\_\_\_ My Commission Expires \_\_\_\_\_

RECEIVED  
OCT 21 2019  
CITY OF HOMER  
PLANNING/ZONING

SECTION-LINE EASEMENT VACATION CERTIFICATE APPROVAL  
RECOMMENDATION

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES  
THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE  
REGIONAL OFFICE AND IS HEREBY RECOMMENDED FOR APPROVAL  
BY THE COMMISSIONER.

RECOMMENDED BY \_\_\_\_\_ DATE \_\_\_\_\_  
TITLE: REGIONAL CHIEF RIGHTS-OF-WAY AGENT (SOUTHCENTRAL OFFICE)

STATE OF ALASKA DIVISION OF MINING, LAND & WATER  
THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE  
DIVISION OF MINING, LAND & WATER AND IS HEREBY RECOMMENDED FOR APPROVAL  
BY THE COMMISSIONER.

RECOMMENDED BY: \_\_\_\_\_ DATE \_\_\_\_\_  
TITLE: DIRECTOR, DIVISION OF MINING, LAND & WATER

THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF  
THE DEPARTMENT OF NATURAL RESOURCES AND THE COMMISSIONER OF THE  
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, DOES HEREBY  
STATE AND DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES  
ALL RIGHTS AND TITLE TO ANY AND ALL PORTIONS OF SECTION-LINE  
EASEMENTS FOR PUBLIC HIGHWAYS RESERVED TO IT UNDER A.S. 19.10.010  
(SPECIFIC AREA DELINEATED BY DIAGONAL HATCHING ON THIS PLAT)

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
COMMISSIONER  
DEPARTMENT OF TRANSPORTATION AND  
PUBLIC FACILITIES

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
COMMISSIONER  
DEPARTMENT OF NATURAL RESOURCES

NOTES

- DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE  
EASEMENTS BEING VACATED WITHIN SECTION 16 T.6 R.13W, S.M.  
IT IS NOT THE INTENT OF THIS PLAT TO  
VACATE ANY OTHER DEDICATED PUBLIC RIGHTS-OF-WAY OR EASEMENTS.
- NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION  
OF THIS SECTION-LINE EASEMENT VACATION PLAT. ALL DIMENSIONS AND  
OTHER DETAILS AS SHOWN HEREON ARE FROM PLATS OF RECORD AS  
LISTED.
- THIS VACATION IS IN COMPLIANCE WITH STATE PLATTING RESOLUTION NO. \_\_\_\_\_  
APPROVED \_\_\_\_\_, EV-2-\_\_\_\_\_, AND AS 29.40.120 --.140.  
(or)
- THIS SECTION-LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL  
FINDING AND DECISION APPROVED \_\_\_\_\_.
- BUILDINGS ARE DRAWN FROM AN AS-BUILT SURVEY BY GARY D. NELSON (LS#7610).  
DATED 8/15/2018. HOUSE ROOF EAVE ENCROACHES 16 FEET INTO SECTION LINE EASEMENT.

PLAT APPROVAL

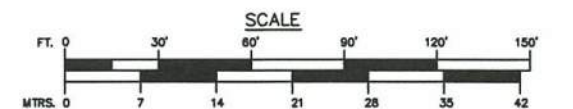
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION  
AT THE MEETING OF \_\_\_\_\_

AUTHORIZED BOROUGH OFFICIAL \_\_\_\_\_



SURVEYOR'S CERTIFICATE  
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND  
LICENSED TO PRACTICE LAND SURVEYING IN THE STATE  
OF ALASKA, AND THAT THIS PLAT WAS DRAFTED UNDER  
MY DIRECT SUPERVISION, AND THAT ALL DATA SHOWN  
HEREON IS TRUE AND CORRECT AS COMPILED FROM  
EXISTING RECORD INFORMATION.

DATE \_\_\_\_\_ 7610-S \_\_\_\_\_  
REGISTERED LAND SURVEYOR REGISTRATION NO.



1 METER = 3.2808333 U.S. SURVEY FEET, 1 U.S. ACRE = 0.4047 HECTARE

DATE OF SURVEY Beginning NO FIELD SURVEY Ending _____	NAME OF SURVEYOR GARY NELSON 152 DEHEL AVE. HOMER, ALASKA 99603
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND & WATER ANCHORAGE, ALASKA	
SECTION-LINE EASEMENT VACATION PLAT Associated with VIRGINIA LYNN 2006 REPLAT Located within Surveyed Section 16, T6S, R13W, S.M., AK HOMER RECORDING DISTRICT	
DRAWN BY: G.N.	APPROVAL RECOMMENDED
DATE: 01/10/2019	STATEWIDE PLATTING SUPERVISOR _____ DATE _____
SCALE: 1"= 30'	CHECKED: _____ DNR FILE NO. _____
SHEET 1 OF 1	G. N. EV-



# ABILITY SURVEYS

MEASURING MAPPING & REPORTING ON ALASKA'S INFRASTRUCTURE SINCE 1976

152 DEHEL AVE., HOMER, AK 99603 PH. 907-235-8440

email; [gary@abilitysurveys.com](mailto:gary@abilitysurveys.com)

October 18, 2019

Homer Planning Dept.  
491 E. Pioneer Ave.  
Homer, AK 99603

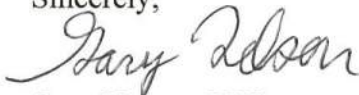
Re: Submittal of Section Line Easement Vacation and Utility Easement Vacation applications for Virginia Tornes.

Enclosed herewith please find the SLE Vacation and the Utility Easement Vacation applications. Julie requested two checks in the amount of \$300, one being for a "plat". I question this fee because the City and Borough will only be processing the Easement Vacations. The plat is required by and will only be processed by Alaska DNR. The SLEV plat is only a DNR function and is not processed by KPB or Homer as such. The borough as platting authority will not be processing the SLEV plat. I have included check for both of her requests but believe one may not be necessary.

Please ask any questions or deliver any comments via my cell phone (907-299-1184) because I will be out of state until Nov. 2, 2019.

I hope you find the applications adequate. Thank You for your assistance.

Sincerely,



Gary Nelson, PLS

RECEIVED

OCT 21 2019

CITY OF HOMER  
PLANNING/ZONING



**PUBLIC HEARING NOTICE**  
**&**  
**NOTICE OF SUBDIVISION**

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, December 04, 2019 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

**A REQUEST TO VACATE A 33 FOOT WIDE SECTION LINE EASEMENT ACROSS LOT 6A-1 VIRGINIA LYNN 2006 REPLAT, NW ¼, SEC. 21, T. 6 S., R. 13. W, S.M. HM 2006020, KNOWN AS 4097 MATTOX ROAD.**

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

The proposed subdivision under consideration is described as follows:

**Section-line Easement Vacation Plat associated with Virginia Lynn 2006 Replat Preliminary Plat**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, December 04, 2019 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

Anyone wishing to present testimony concerning these matters may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.**

.....

**VICINITY MAP ON REVERSE**

# Vicinity Map

East End Rd

PUFFIN PL.

MALLAR

Location of Section Line Easement to be vacated.  
All of the rest of the easement to the west  
was previously vacated. Only this portion remains.  
See plat for proposed vacation.

Pennock St

LYNN WAY

AURORA CT.

BELUGA CIR.

MATTOX RD.

BELUGA

D.G. CT.

COOK WAY



City of Homer  
Planning and Zoning Department

11/15/2019

## Request for a Section Line Easement Vacation

Marked lots are within 500 feet  
and property owners notified

0 2 104 500 Feet



*Disclaimer:*  
It is expressly understood the City of  
Homer, its council, board,  
departments, employees and agents are  
not responsible for any errors or omissions  
contained herein, or deductions, interpretations  
or conclusions drawn therefrom.



**LEGEND:**

SECTION-LINE EASEMENT VACATED BY THIS PLAT.



LINE	BEARING	DISTANCE
L1	S89°56'30"E	17.84'
L2	S89°56'30"W	16.58'

**SECTION-LINE EASEMENT VACATION CERTIFICATE APPROVAL  
RECOMMENDATION**

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES  
THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE  
REGIONAL OFFICE AND IS HEREBY RECOMMENDED FOR APPROVAL  
BY THE COMMISSIONER.

RECOMMENDED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE: REGIONAL CHIEF RIGHTS-OF-WAY AGENT (SOUTHCENTRAL OFFICE)

STATE OF ALASKA DIVISION OF MINING, LAND & WATER

THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE  
DIVISION OF MINING, LAND & WATER AND IS HEREBY RECOMMENDED FOR APPROVAL  
BY THE COMMISSIONER.

RECOMMENDED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE: DIRECTOR, DIVISION OF MINING, LAND & WATER

THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF THE  
DEPARTMENT OF NATURAL RESOURCES AND THE COMMISSIONER OF THE  
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, DOES HEREBY  
STATE AND DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES  
ALL RIGHTS AND TITLE TO ANY AND ALL PORTIONS OF SECTION-LINE  
EASEMENTS FOR PUBLIC HIGHWAYS RESERVED TO IT UNDER A.S. 18.10.010  
(SPECIFIC AREA DELINEATED BY DIAGONAL HATCHING ON THIS PLAT)

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_

COMMISSIONER  
DEPARTMENT OF TRANSPORTATION AND  
PUBLIC FACILITIES

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_

COMMISSIONER  
DEPARTMENT OF NATURAL RESOURCES

**NOTES**

- DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE EASEMENTS BEING VACATED WITHIN SECTION 16 T.6 R.13W. S.M. IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS-OF-WAY OR EASEMENTS.
- NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS SECTION-LINE EASEMENT VACATION PLAT. ALL DIMENSIONS AND OTHER DETAILS AS SHOWN HEREON ARE FROM PLATS OF RECORD AS LISTED.
- THIS VACATION IS IN COMPLIANCE WITH STATE PLATTING RESOLUTION NO. \_\_\_\_\_ APPROVED \_\_\_\_\_, EV-2- \_\_\_\_\_ AND AS 29.40.120 --140. (or)
- THIS SECTION-LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL FINDING AND DECISION APPROVED \_\_\_\_\_.
- BUILDINGS ARE DRAWN FROM AN AS-BUILT SURVEY BY GARY D. NELSON (LS#7810), DATED 8/15/2018. HOUSE ROOF EAVE ENDOACHES 16 FEET INTO SECTION LINE EASEMENT.

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION  
AT THE MEETING OF \_\_\_\_\_

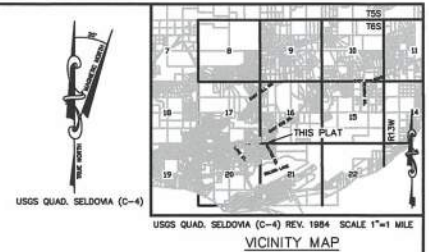
AUTHORIZED BOROUGH OFFICIAL \_\_\_\_\_



**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND  
LICENSED TO PRACTICE LAND SURVEYING IN THE STATE  
OF ALASKA, AND THAT THIS PLAT WAS DRAFTED UNDER  
MY DIRECT SUPERVISION, AND THAT ALL DATA SHOWN  
HEREON IS TRUE AND CORRECT AS COMPILED FROM  
EXISTING RECORD INFORMATION.

DATE: \_\_\_\_\_ REGISTERED LAND SURVEYOR: \_\_\_\_\_ REGISTRATION NO. 7810-5



**CERTIFICATE OF OWNERSHIP:**

I, THE UNDERSIGNED, CERTIFY THAT I AM  
THE OWNER OF THE DESCRIBED PROPERTY,  
AS SHOWN ON THIS PLAT. I APPROVE THIS SECTION-LINE  
EASEMENT VACATION PLAT.

DATE: \_\_\_\_\_

VIRGINIA F. TORRES  
PO BOX 2497  
HOMER, AK 99603

**NOTARY'S ACKNOWLEDGMENT**

For VIRGINIA F. TORRES

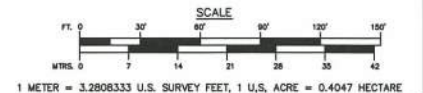
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

Notary public for Alaska \_\_\_\_\_ My Commission Expires \_\_\_\_\_

**RECEIVED**

OCT 21 2019

**CITY OF HOMER  
PLANNING/ZONING**



DATE OF SURVEY Beginning NO FIELD SURVEY Ending _____		NAME OF SURVEYOR GARY NELSON 152 DEHEL AVE. HOMER, ALASKA 99603	
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND & WATER ANCHORAGE, ALASKA			
SECTION-LINE EASEMENT VACATION PLAT Associated with VIRGINIA LYNN 2006 REPLAT Located within Surveyed Section 16, T.6S, R.13W, S.M., AK HOMER RECORDING DISTRICT			
DRAWN BY: G.N.		APPROVAL RECOMMENDED	
DATE: 01/10/2019		STATEWIDE PLATTING SUPERVISOR _____ DATE _____	
SCALE: 1" = 30'		CHECKED: DNR FILE NO. EV-	
SHEET 1 OF 1			



**SECTION-LINE EASEMENT VACATION CERTIFICATE APPROVAL  
RECOMMENDATION**

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES  
THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE  
CENTRAL REGIONAL OFFICE AND IS HEREBY RECOMMENDED FOR APPROVAL  
BY THE COMMISSIONER.

RECOMMENDED BY Mike Hachema DATE 1/16/08

TITLE: REGIONAL CHIEF RIGHTS-OF-WAY AGENT

STATE OF ALASKA  
THE VACATION  
DIVISION OF  
BY THE COM

RECOMMEND  
TITLE: DIRE

THE STATE  
THE DEPART  
MENT OF NAT  
URAL RESOUR  
CES

DATE: 1/16

DATE: Jan 11, 2008

**Note:**

This document is a  
previously recorded  
plat that has been  
modified by City of  
Homer Planning Staff  
for public notice  
purposes

Nov. 20, 2019

REVIEWED BY THE  
COMMISSIONER OF  
THE DEPARTMENT OF  
NATURAL RESOURCES

Jan 11, 2008

COMMISSIONER OF  
THE DEPARTMENT OF  
NATURAL RESOURCES

DATE: 1/16

DATE: Jan 11, 2008

**ACCEPTANCE OF DEDICATION**

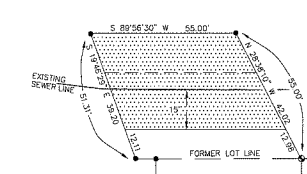
THE DIRECTOR OF THE DIVISION OF MINING, LAND, AND WATER, ON BEHALF  
OF THE STATE OF ALASKA, HEREBY ACCEPTS FOR PUBLIC USE AND FOR  
PUBLIC PURPOSES THE REAL PROPERTY DEDICATED TO THE PUBLIC BY THIS  
PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND ROADWAYS  
SHOWN ON THIS PLAT. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR  
PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING  
BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

to Shedd Jennings Jan 10, 2008  
DIRECTOR, DIVISION OF MINING, LAND AND WATER

**DETAIL "A"**

SCALE 1" = 30'

UTILITY EASEMENT



**NOTES**

- DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE EASEMENTS BEING VACATED WITHIN SECTION 16, T. 06 N., R. 13 W., S. 3 M. IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS-OF-WAY OR EASEMENTS.
- NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS SECTION-LINE EASEMENT VACATION PLAT. ALL DIMENSIONS AND OTHER DETAILS AS SHOWN HEREON ARE FROM THE PLAT OF MATTOX SUBDIVISION BIRCH TERRACE REPLAT ON FILE AT THE HOMER RECORDING DISTRICT AS PLAT NO. 2005-55 H.R.D. AND VIRGINIA LYNN REPLAT (2006-20).
- THIS SECTION-LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL FINDING AND DECISION APPROVED JULY 14, 2006.
- PURSUANT TO AS 19.30.410 THE ALTERNATE ACCESS REPLACING THE SECTION-LINE EASEMENTS BEING VACATED BY THIS PLAT IS THE EAST END ROAD AND MATTOX ROAD RIGHTS-OF-WAY AND THE EXISTING 33-FOOT WIDE SECTION-LINE EASEMENT EXTENDING NORTH THROUGH LOTS 19-A AND 18 TO ITS INTERSECTION WITH EAST END ROAD.
- THIS PLAT IS SUBJECT TO THE NOTES SHOWN ON THE PLAT OF MATTOX SUBD. BIRCH TERRACE REPLAT, PLAT NO. 2005-55 H.R.D. AND VIRGINIA LYNN REPLAT (2006-20).

**PLAT APPROVAL**

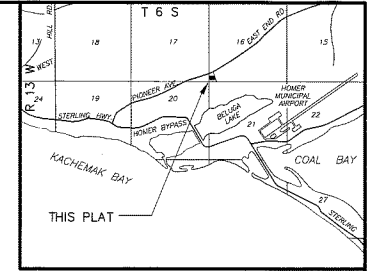
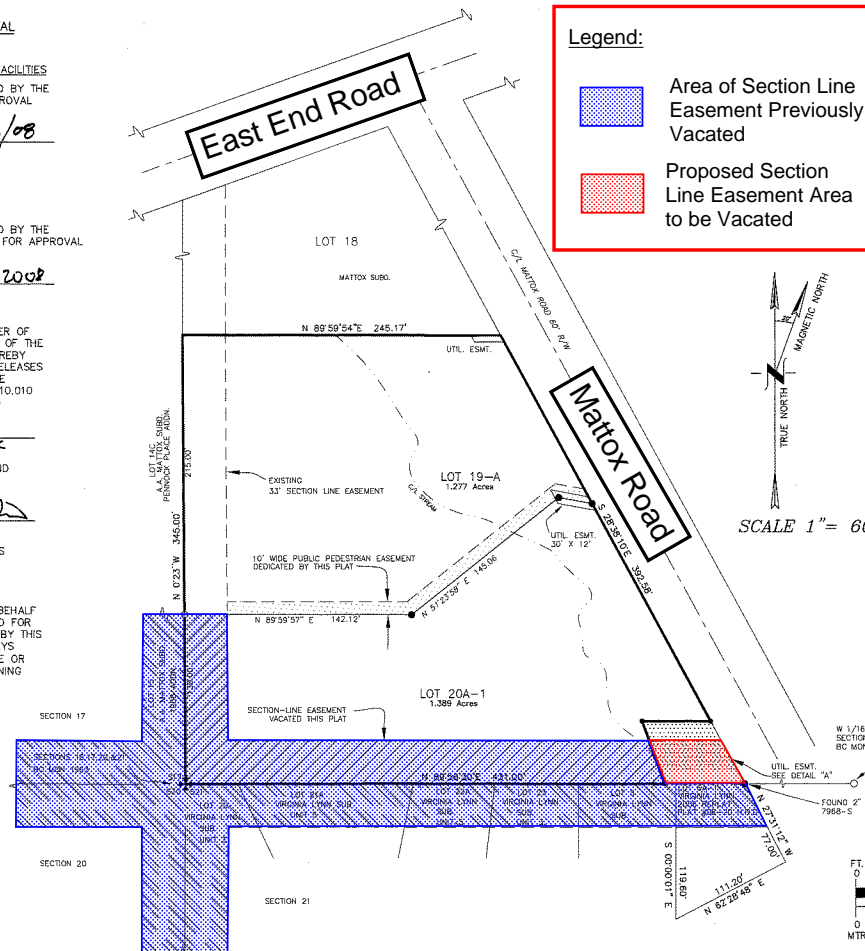
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH  
PLANNING COMMISSION AT THE MEETING OF MARCH 13, 2006 & Feb. 24, 2007  
Kenai Borough KPB File 07-38 Feb. 19, 2008  
AUTHORIZED OFFICIAL KENAI PENINSULA BOROUGH DATE

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND  
LICENSED TO PRACTICE LAND SURVEYING IN THE STATE  
OF ALASKA, AND THAT THIS PLAT WAS DRAFTED UNDER  
MY DIRECT SUPERVISION, AND THAT ALL DATA SHOWN  
HEREON IS TRUE AND CORRECT AS COMPILED FROM  
EXISTING RECORD INFORMATION  
12/10/07 Kenai T. Bloom LS-7968  
DATE REGISTERED LAND SURVEYOR REGISTRATION NO.

**Legend:**

- Area of Section Line Easement Previously Vacated
- Proposed Section Line Easement Area to be Vacated



USGS QUAD, SELDOWNA (C-5) REV. 1952 SCALE 1"=1 MILE  
VICINITY MAP

**CERTIFICATE OF OWNERSHIP AND DEDICATION:**

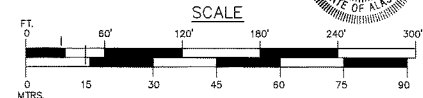
I, THE UNDERSIGNED, CERTIFY THAT I AM THE OWNER  
OF LOTS 19-A MATTOX SUBD. BIRCH TERRACE REPLAT  
AND 20A-1 VIRGINIA LYNN 2006 REPLAT, AS SHOWN  
ON THIS PLAT. I APPROVE THIS SECTION-LINE EASEMENT  
VACATION PLAT AND DEDICATE OR RESERVE FOR PUBLIC  
OR PRIVATE USE, AS NOTED, ALL EASEMENTS, PUBLIC  
UTILITY AREAS, AND RIGHTS-OF-WAY AS SHOWN ON  
THIS PLAT.

Dec. 7, 2007 Steve L. Rouse  
DATE STEVE L. ROUSE, EXECUTIVE DIRECTOR  
KENAI PENINSULA HOUSING INITIATIVES, INC.  
332 E. PIONEER AVENUE, STE. B  
HOMER, ALASKA 99603

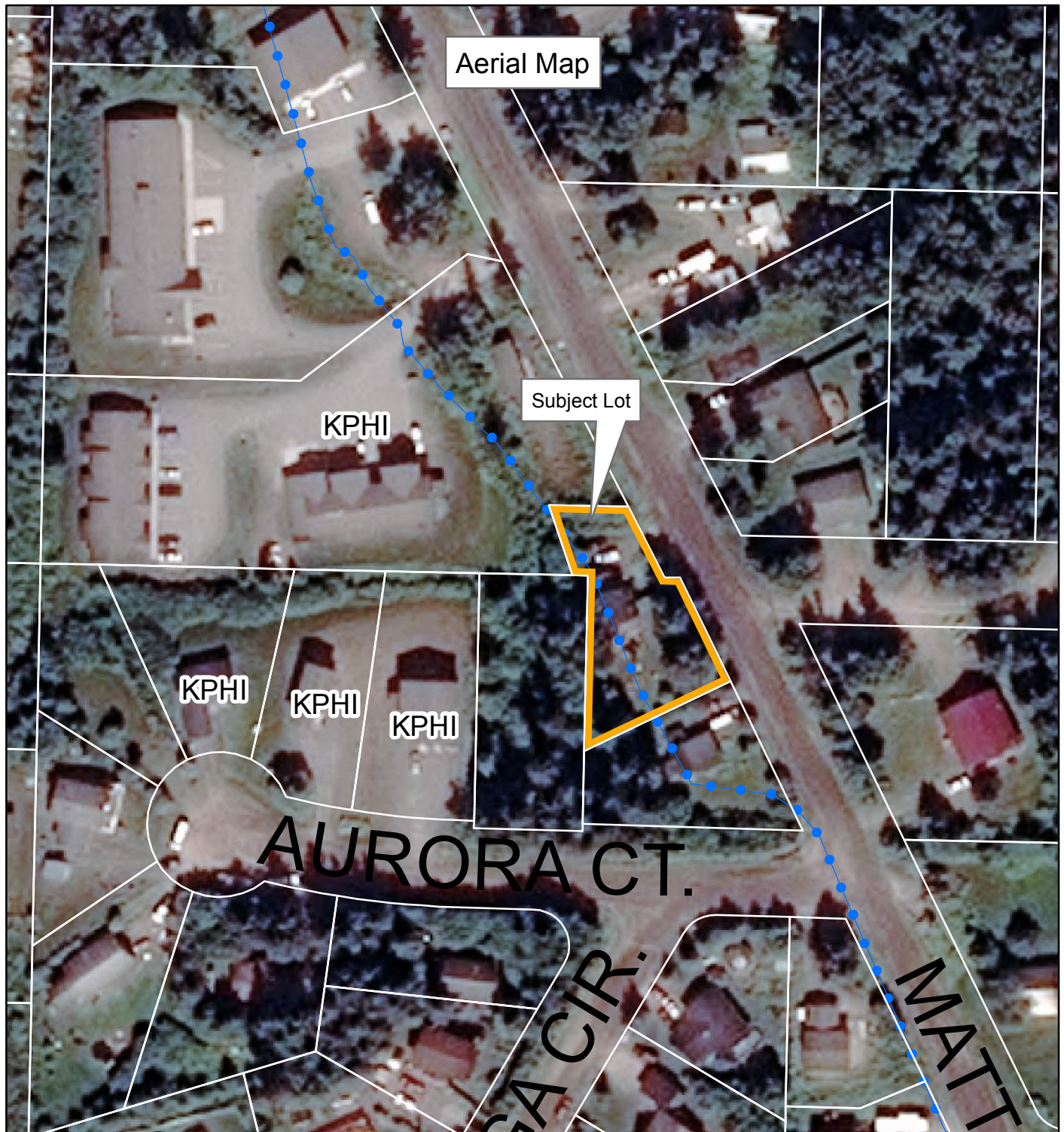
**NOTARY'S ACKNOWLEDGEMENT**

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7 DAY  
OF Dec. 2007  
BY: Steve L. Rouse

Steve L. Rouse  
NOTARY FOR THE STATE OF ALASKA  
MY COMMISSION EXPIRES 8/15/2010



DATE OF SURVEY Beginning NO FIELD SURVEY Ending	SEABRIGHT SURVEYING 1044 EAST END ROAD, SITE A HOMER, ALASKA 99603
STATE OF ALASKA DIVISION OF NATURAL RESOURCES DEPARTMENT OF MINING, LAND & WATER ANCHORAGE, ALASKA	
SECTION-LINE EASEMENT VACATION PLAT Associated with LOT 20A-1 VIRGINIA LYNN 2006 REPLAT (PLAT NO. 2006-20) AND PEDESTRIAN EASEMENT DEDICATION WITHIN LOT 19-A MATTOX SUBD. BIRCH TERRACE REPLAT (PLAT NO. 2005-55) Located within Surveyed Sec. 16, T. 6 S., R. 13 W., S. 3 M., STATE OF ALASKA. HOMER RECORDING DISTRICT	
DRAWN BY: JS	APPROVED: <u>Shedd Jennings</u> Jan 10, 2008
DATE: 08/03/06	STATEWIDE PLANNING SUPERVISOR DATE
SCALE: 1" = 60'	CHECKED: DNR FILE NO. K.B. EV-3-018



City of Homer  
Planning and Zoning Department

11/15/2019

## Request for a Section Line Easement Vacation

2017 Photo. Parcel lines not exact; use with care.

0 107 250 Feet



*Disclaimer:*  
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.







# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
(p) 907-235-3106  
(f) 907-235-3118

### Staff Report 19-100

TO: Homer Advisory Planning Commission **19-100**  
FROM: Julie Engebretsen, Deputy City Planner  
THROUGH: Rick Abboud, City Planner  
DATE: December 4, 2019  
SUBJECT: Nomar 2019 Replat Preliminary Plat

**Requested Action:** Recommend approval of a preliminary plat to remove a common lot line between two parcels, creating one larger lot.

#### General Information:

Applicants:	Hooligan Holdings 104 E Pioneer Ave Homer AK 99603	Kenton Bloom, PLS Seabright Survey + Design 1044 East End Rd Ste A Homer, AK 99603
Location:	Corner of Pioneer Ave and Main Street	
Parcel ID:	17719120, 17719102	
Size of Existing Lot(s):	0.49 and 0.91 acres	
Size of Proposed Lots(s):	1.518 acres	
Zoning Designation:	Central Business and Residential Office Districts	
Existing Land Use:	Northern lot is vacant/parking lot, southern lot is mixed use commercial	
Surrounding Land Use:	North: Residential/storage South: Commercial/restaurant/parking lot East: Vacant/Bar West: Vacant/residential/commercial/Movie Theater	
Comprehensive Plan:	Chapter 4 Land Use Goal 4-A-5: Concentrate commercial uses in the downtown, Chapter 4 Goal 4-A-6: Support Pioneer Avenue beautification/revitalization efforts	
Wetland Status:	The 2005 wetland mapping shows no wetland areas.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	

Public Notice:	Notice was sent to 51 property owners of 60 parcels as shown on the KPB tax assessor rolls.
----------------	---

**Analysis:** This subdivision is within the Residential Office and Central Business District zoning districts. This plat vacates a common lot line between two parcels, creating one larger parcel.

**Homer City Code 22.10.051 Easements and rights-of-way**

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

**Staff Response:** The plat does not meet this requirement. Staff recommends dedication of the 15 foot utility easement adjacent to both rights of way, but not to include any part of the historic structure on the west lot line.

- 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.

**Staff Response:** The plat meets these requirements. No additional easements are required.

- 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.

**Staff Response:** The plat meets these requirements. No additional easements are required at this time.

**Preliminary Approval, per KPB code 20.25.070 Form and contents required.** The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

- A. Within the Title Block:
1. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
  2. Legal description, location, date, and total area in acres of the proposed subdivision; and
  3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

**Staff Response:** The plat meets these requirements.

- B. North point;

**Staff Response:** The plat meets these requirements.

- C. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

**Staff Response:** The plat meets these requirements.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams;

**Staff Response:** The plat meets these requirements.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions or limitation of reservations that could affect the subdivision;

**Staff Response:** The plat meets these requirements.

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

**Staff Response:** The plat meets these requirements.

- G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff Response:** The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

**Staff Response:** The plat meets these requirements. No flooding or overflow areas are present.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

**Staff Response:** The plat meets these requirements.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

**Staff Response:** The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;



**Staff Response:** The plat does not meets this requirement. The information is on file with the Public Works Department.

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

**Staff Response:** The plat meets these requirements. There are no proposed road dedications.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

**Staff Response:** The plat meets these requirements. Areas of 20% or greater slope are shown.

- N. Apparent encroachments, with statement indicating how the encroachments will be resolved prior to final plat approval; and

**Staff Response:** The plat does not meet these requirements, however, the applicant has applied for nonconforming status of the building labeled USCG. The review of the nonconforming status will complete prior to final platting.

- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

**Staff Response:** The plat meets these requirements.

**Public Works Comments:** No comments

**Staff Recommendation:**

Planning Commission recommend approval of the preliminary plat with the following comments:

1. Dedicate a 15 foot utility easement along rights of way where buildings do not encroach.

**Attachments:**

1. Preliminary Plat
2. Surveyor's Letter
3. Public Notice
4. Aerial Map

## NOTES

1. THE FRONT 15 FEET ALONG THE RIGHTS-OF-WAY AND 20 FEET WITHIN 5 FEET OF SIDE LOT LINES (UNLESS NOTED OTHERWISE) IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

2. THIS LOT IS SERVED BY CITY OF HOMER WATER AND SEWER.

3. THIS LOT IS SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE PARENT PLATS AND THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.

## NOTARY'S ACKNOWLEDGMENT

FOR: \_\_\_\_\_

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 2019

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES \_\_\_\_\_

## LEGEND

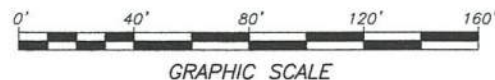
- ① FND 2" AC 1301S 1992
- ② FND 3/4" IRON PIPE
- ⊗ FND ETCHED "X" ON UTILITY BOX
- (C) COMPUTED FROM RECORD BEARINGS & DISTANCES
- (F) FIELD BEARINGS & DISTANCES
- (R) RECORD BEARINGS & DISTANCES
- ▨ SLOPES OF 20% OR GREATER (KPB GIS)
- OVERHEAD POWERLINE
- UTILITY POLE
- - - EDGE OF GRAVEL
- EDGE OF PAVEMENT

## PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_

BY: \_\_\_\_\_  
AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

DATE \_\_\_\_\_



LOT 46  
BUNNELL'S SUBD.  
HM 0000049

LOT 47  
BUNNELL'S SUBD.  
HM 0000049

LOT 48  
BUNNELL'S SUBD.  
HM 0000049

LOT 49  
BUNNELL'S SUBD.  
HM 0000049

LOT 55A BUNNELL'S  
RESUBD. LOT 55  
HM 0790026

LOT 7H  
THOMAS SHELFORD  
SUBD. 1968 ADDN.  
REVISED  
HM 0690741

(HM 0690741)  
N75°15'00"E 107.90' (R)  
N75°21'39"E 107.90' (F)

N:102885.8320  
E:90384.7080

S0°04'39"W 208.38' (F)  
BASIS OF BEARINGS  
S00°02'00"E 208.60' (R)  
(HM 0690741)

LOT 9A  
THOMAS SHELFORD SUBD.  
1968 ADDN. REVISED  
HM 0690741

(HM 0540251A)  
N75°15'00"E (R)  
N75°17'52"E 77.65' (F)

N:102697.1600  
E:90459.5360

(HM 0540251A)  
N00°00'00"E (R)  
N0°06'39"E 417.12' (C)

MAIN ST. 60' ROW

LOT 8-A  
1.518 AC

(HM 584147)  
N00°00'00"E (R)  
S0°06'39"W (C)

L=42.58', R=20.00'  
(C) Δ=121°59'00"

ROW CURB RETURN  
PURCHASED BY AK DOT  
RECORDING NO. XXX-XXX

(HM 584147)  
S58°07'39"W (C)  
S58°01'00"W (R)

RETAINING WALL  
L=181.65', R=746.00' (R)  
Δ=13°57'04"  
R=746.00' (R)  
(HM 584147)

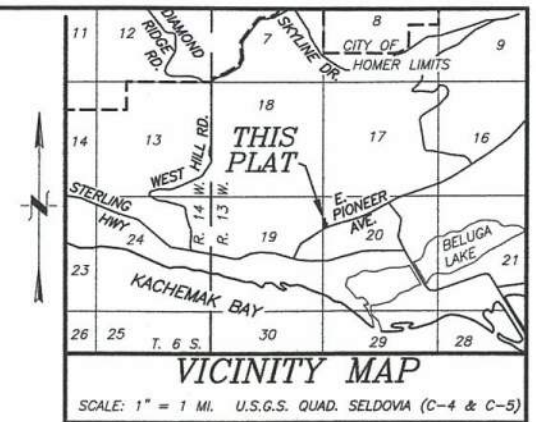
E. PIONEER AVE. 60' ROW

## WASTEWATER DISPOSAL

PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

KENTON T. BLOOM, P.L.S.

7968-S



## CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT HOOLIGAN HOLDINGS LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF HOOLIGAN HOLDINGS LLC I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

SIGNATORY  
HOOLIGAN HOLDINGS LLC  
104 E. PIONEER AVE.  
HOMER, AK 99603

## GPS CONTROL DATA

1. BASIS OF COORDINATES FOR THIS SURVEY IS FROM GPS STATIC OBSERVATIONS TAKEN ON THE MONUMENT POSITIONS AS SHOWN ON THIS PLAT. NAD83 ALASKA STATE PLANE GRID COORDINATES OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR USC&GS TRISTATION "HOMAIR".
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING USC&GS TRISTATION "HOMAIR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -1°17'13.4". TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.
3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON USC&GS TRISTATION "HOMAIR" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES ORIENTED TO TRUE NORTH.

HOMER RECORDING DISTRICT KPB FILE NO. 2019-XXX

## NOMAR 2019 REPLAT

A REPLAT OF NILS O. SVEDLUND SUBD. AMENDED LOTS 8 & 9 TRACT A (HM 0540251A) EXCLUDING ANY PORTION WITHIN LOT 8A THOMAS SHELFORD SUBD. (HM 584147) & LOT 9A THOMAS SHELFORD SUBD. 1968 ADDN. (HM 0690741), LOCATED WITHIN THE NW 1/4, SEC 20, T. 6 S., R. 13 W., CITY OF HOMER, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

CONTAINING 1.518 ACRES

## SEABRIGHT SURVEY + DESIGN KENTON T. BLOOM, P.L.S.

1044 EAST ROAD, SUITE A  
HOMER, ALASKA 99603  
(907) 299-1091

CLIENT: HOOLIGAN HOLDINGS LLC  
104 E PIONEER AVE. HOMER, AK 99603

DRAWN BY: KK

CHKD BY: KB

JOB #2019-43

DATE: 11/2019

SCALE: 1"=40'

SHEET #1 OF 1



## SEABRIGHT SURVEY+DESIGN

1044 East Road Suite A  
Homer, Alaska 99603  
(907) 299-1091  
[seabrightz@yahoo.com](mailto:seabrightz@yahoo.com)

November 12, 2019

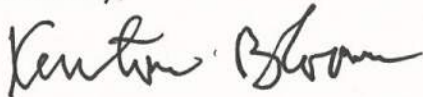
City of Homer  
Planning Dept.  
491 E. Pioneer Avenue  
Homer, Alaska 99603

RE: NOMAR 2020 Replat Submittal

Dear City Planners,

Please find enclosed the submittal for the Nomar 2020 Replat. We have attached the plat copies for your review. Also, we have included a check for \$300 to cover the fee. Please call me anytime with comments or questions.

Cordially,



Kenton Bloom, PLS  
Seabright Survey+Design

RECEIVED

NOV 14 2019

CITY OF HOMER  
PLANNING/ZONING





Kenai Peninsula Borough Planning Department  
144 North Binkley Street  
Soldotna, AK 99669

### Plat Submittal Form

Abbreviated Plat - Use the Abbreviated Plat Submittal Form.

Survey Firm Name & Address:

Seabright Survey & Design

Phone: 907-299-1091

1044 East Rd Suite A

Homer, AK 99603

Email: seabrightz@yahoo.com



Preliminary Plat



Revised Preliminary Plat



Minor Revisions



Major Revisions ]



Preliminary Design



Subdivision Plat Phase (If a phased development, note preliminary design name below.)

[ Preliminary Design Name: Nomar 2020 Replat ]



Submittal of 1 full size plat and 7 - 11x17 size plats.



Plat Submittal Fee in the Amount of \$400.00



Final Plat - Preliminary Approval Granted \_\_\_\_\_ (date)



Plat Recording Fee in the Amount of \_\_\_\_\_

Plat Name: \_\_\_\_\_

General Location: Homer, Alaska

USE:



Residential



Recreational



Commercial



Agricultural



Other: \_\_\_\_\_



City minutes attached (Plat location is in city limits or Bridge Creek Watershed District.)

CURRENT ZONING WHERE APPLICABLE: Central Business/Residential Office

SEWER:



On site



City



Community

WATER:



On site



City



Community

EXCEPTIONS REQUIRED AND REQUESTED:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Comments: (Attach an additional sheet if needed.)

Simple replat joining two lots

**Original Signature(s) of Owner(s) of a Majority of Land within the Subdivision**

Kate Mitchell  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

Kate Mitchell  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

**PUBLIC HEARING NOTICE  
&  
NOTICE OF SUBDIVISION**

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, December 04, 2019 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

**AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE OFFICIAL ZONING MAP BY EXPANDING THE CENTRAL BUSINESS DISTRICT TO INCLUDE THE HALF-ACRE LOT DIRECTLY NORTH OF 104 E. PIONEER AVENUE KNOWN AS LOT 9, TRACT A, AMENDED PLAT OF NILS O. SVEDLUND SUBDIVISION W ½, NW ¼, SEC. 20, T. 6 S., R. 13 W., S.M., HM 0540251. THE LOT IS CURRENTLY ZONED RESIDENTIAL OFFICE DISTRICT.**

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

The proposed subdivision under consideration is described as follows:

**NOMAR 2019 REPLAT PRELIMINARY PLAT**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, December 04, 2019 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

Anyone wishing to present testimony concerning these matters may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

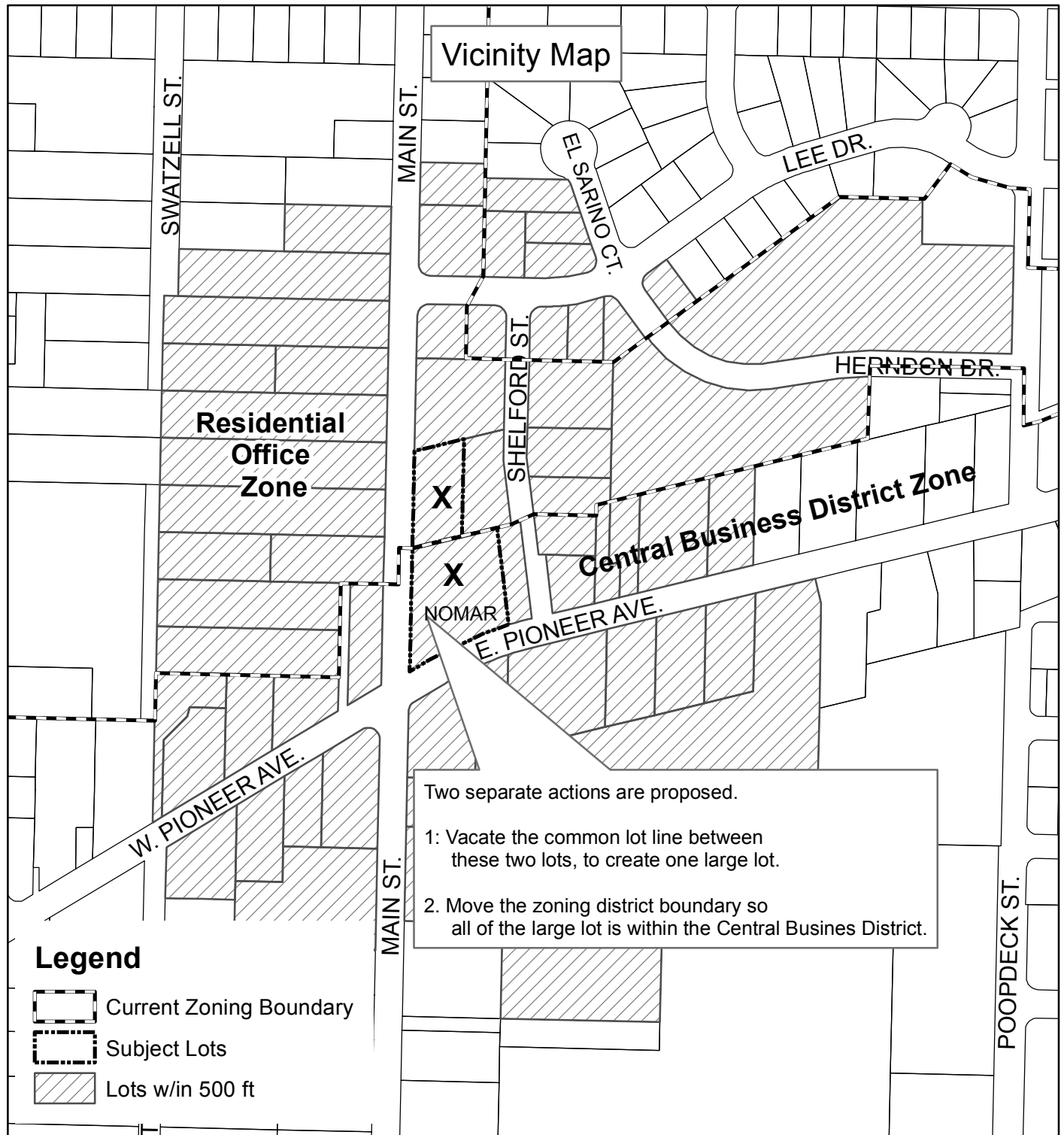
**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.**

.....

**VICINITY MAP ON REVERSE**



# Vicinity Map



Two separate actions are proposed.

- 1: Vacate the common lot line between these two lots, to create one large lot.
2. Move the zoning district boundary so all of the large lot is within the Central Business District.

## Legend

- Current Zoning Boundary
- Subject Lots
- Lots w/in 500 ft



City of Homer  
Planning and Zoning Department

November 19, 2019

## Request for a lot line change, and zoning change

Shaded lots are w/in 500 feet  
and property owners notified.

0 118 500 Feet



*Disclaimer:*  
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

# NOTES

1. THE FRONT 15 FEET ALONG THE RIGHTS-OF-WAY AND 20 FEET WITHIN 5 FEET OF SIDE LOT LINES (UNLESS NOTED OTHERWISE) IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

2. THIS LOT IS SERVED BY CITY OF HOMER WATER AND SEWER.

3. THIS LOT IS SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE PARENT PLATS AND THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.

## NOTARY'S ACKNOWLEDGMENT

FOR:

ACKNOWLEDGED BEFORE ME THIS

DAY OF \_\_\_\_\_, 2019

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES

## LEGEND

- ① FND 2" AC 13015 1992
- ② FND 3/4" IRON PIPE
- ③ FND ETCHED "X" ON UTILITY BOX
- (C) COMPUTED FROM RECORD BEARINGS & DISTANCES
- (F) FIELD BEARINGS & DISTANCES
- (R) RECORD BEARINGS & DISTANCES
- ▨ SLOPES OF 20% OR GREATER (KPB GIS)
- OVERHEAD POWERLINE
- UTILITY POLE
- EDGE OF GRAVEL
- EDGE OF PAVEMENT

## PLAT APPROVAL

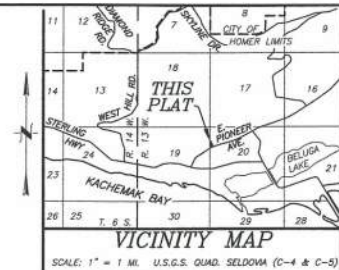
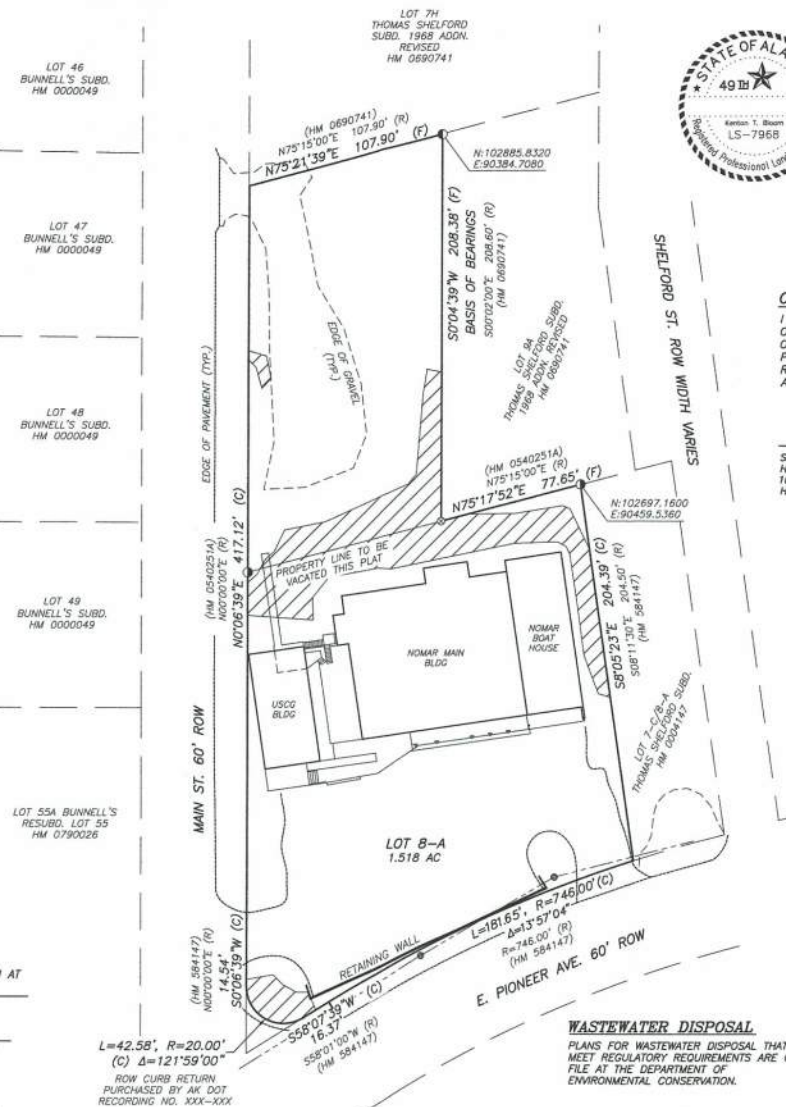
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_

BY: \_\_\_\_\_  
AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

DATE



GRAPHIC SCALE



## CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT HOOLIGAN HOLDINGS LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF HOOLIGAN HOLDINGS LLC I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

SIGNATORY  
HOOLIGAN HOLDINGS LLC  
104 E. PIONEER AVE.  
HOMER, AK 99603

## GPS CONTROL DATA

1. BASIS OF COORDINATES FOR THIS SURVEY IS FROM GPS STATIC OBSERVATIONS TAKEN ON THE MONUMENT POSITIONS AS SHOWN ON THIS PLAT. NAD83 ALASKA STATE PLANE GRID COORDINATES OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR USCG'S TRISTARION "HOMAR".
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING USCG'S TRISTARION "HOMAR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -1°17'13.4". TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.
3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON USCG'S TRISTARION "HOMAR" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES ORIENTED TO TRUE NORTH.

HOMER RECORDING DISTRICT KPB FILE NO. 2019-XXX

## NOMAR 2019 REPLAT

A REPLAT OF NILS O. SVEDLUND SUBD. AMENDED LOTS 8 & 9 TRACT A (HM 0540251A) EXCLUDING ANY PORTION WITHIN LOT 8A THOMAS SHELDFORD SUBD. (HM 584147) & LOT 9A THOMAS SHELDFORD SUBD. 1968 ADDN. (HM 0690741), LOCATED WITHIN THE NW 1/4, SEC 20, T. 6 S., R. 13 W., CITY OF HOMER, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

CONTAINING 1.518 ACRES

SEABRIGHT SURVEY + DESIGN  
KENTON T. BLOOM, P.L.S.

1044 EAST ROAD, SUITE A  
HOMER, ALASKA 99603  
(907) 299-1091

CLIENT: HOOLIGAN HOLDINGS LLC  
104 E PIONEER AVE. HOMER, AK 99603

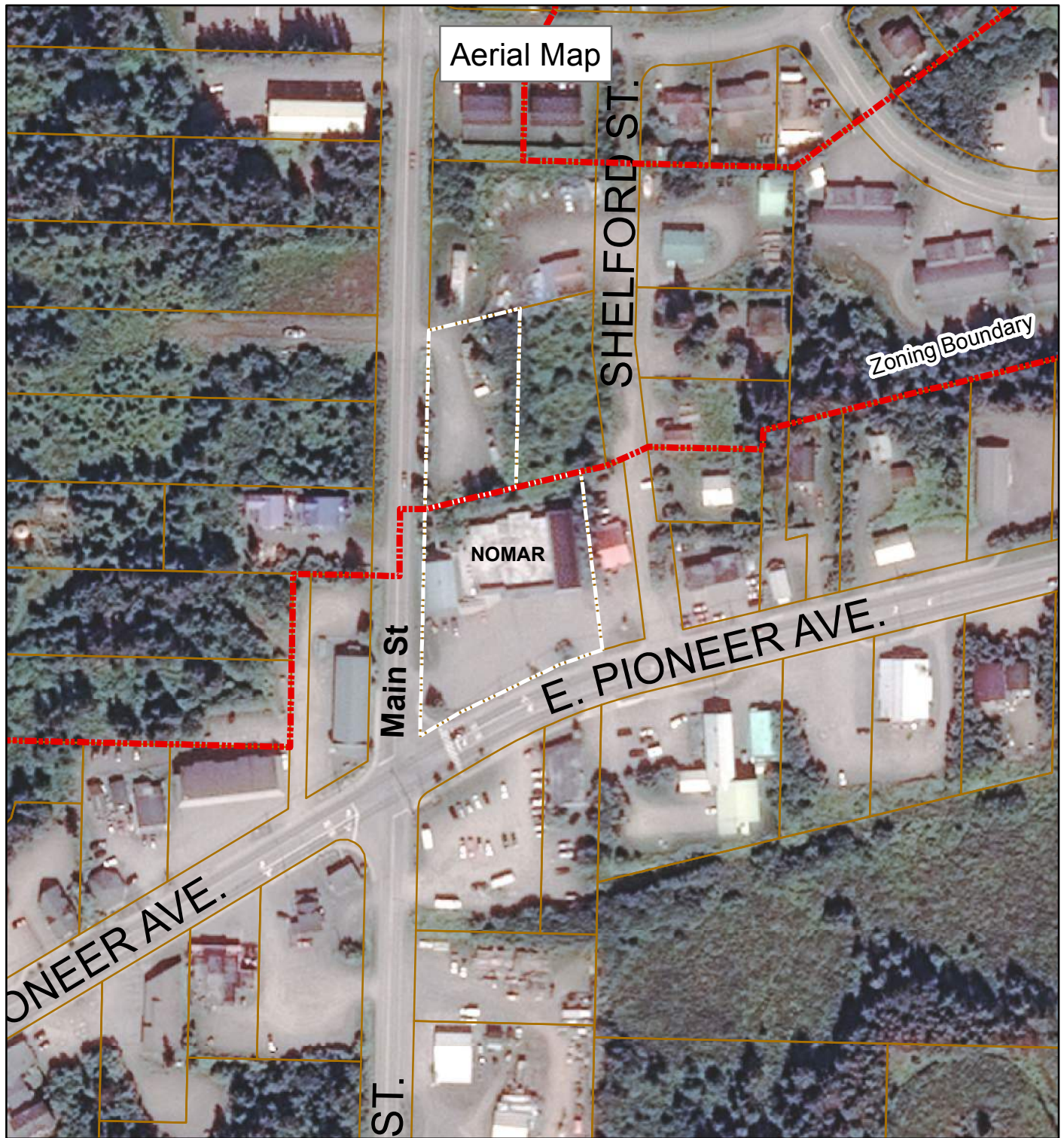
DRAWN BY: KK CHKD BY: KB JOB #2019-43

DATE: 11/2019 SCALE: 1"=40' SHEET #1 OF 1

KENTON T. BLOOM, P.L.S. 7968-S







City of Homer  
Planning and Zoning Department  
November 19, 2019

0 150 300 Feet

121



*Disclaimer:*  
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.





## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

### Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

## Memorandum

TO: Homer Planning Commission

FROM: Julie Engebretsen, Deputy City Planner

DATE: 11/27/19

SUBJECT: Staff Report 19-93 Conditional Use Permit 19-07 to allow a parking lot expansion adjacent to the Seafarer's Memorial Park on Homer Spit Road  
- Deliberations and Vote

---

The purpose of this memo is to provide information on the CUP process at this point. The process for CUP's is guided by the bylaws and policies and procedures of the Commission.

At the last meeting, the Commission closed the public hearing. This means that no new information, including public comment or evidence, can be admitted. When making a quasi-judicial decision, the Commission may choose to deliberate at an open meeting, or may choose to meet at a time, date and location set by the Commission. Such a meeting for deliberations only is not subject to the Open Meetings Act and is not required to be open to the public. For CUP 19-07, the Commission has chosen to set its own date and time for deliberation.

At the regular meeting on December 4th, the Commission will make a motion and vote on the CUP. Some findings should be provided at that time. Please remember that any vote of the Commission can be reconsidered for up to 48 hours after the vote, so it is prudent to continue to avoid conversations on the topic.

The full decision and findings document would be approved by motion at the January 2<sup>nd</sup> meeting. Once the decision is signed and distributed, the clock for the appeals time period begins. Again, it is prudent to avoid conversation on the topic until the appeal period has expired with no challenges.

Staff and the City Clerk are conferring with the attorney about the process for any public comment at the meeting. A memo will be provided on the meeting date.







# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report PL 19-98

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: December 4, 2019  
SUBJECT: Medical District

#### Introduction

During the 2018 Comprehensive Plan Update, it was recognized that the area around the South Peninsula Hospital is changing. In the past year or so, three new conditional use permits have been granted for varying sizes of medical clinic. One large clinic in particular garnered a lot of public comments and an appeal. In light of increasing development and citizen concerns expressed over the last year, now is a good time to consider future development of this area.

Note: At Monday's Council meeting (11/25/19), Council adopted a moratorium on certain development. Several amendments were made at the meeting, so staff didn't have a final version to include in this packet. It will be provided at the meeting.

#### Initial Project Outline and Timeframes

**Task 1:** Problem/Concern identification (December, early January)

**Task 2:** Scoping and task break down, identify rough geographic area (January)

**Task 3:** Probable solutions to identified problems (by Feb 5<sup>th</sup> meeting)

**Task 4:** Public participation in mid/late February, seeking input on the identified problems and possible solutions. (Area mail out, schedule a meeting, website information)

As always, these timeframes could shift based on work load, but the department goal is to make good progress. Ideally this project will be substantially complete in June, with recommendations forwarded to Council for possible action. The ordinance adopted by Council includes a similar timeframe for completion.

**Goal for December meeting:** Brainstorm or come up with a list of Commission concerns with development in the Fairview to South Peninsula Hospital, Bartlett to Hohe, and Main Street areas. Staff has provided a list of their thoughts below, as well as written comment from area resident Rob Lund. Some of our collective ideas may not be strict zoning code concerns. For December, the goal is to identify the concerns. In January we will work together to narrow the

scope of work to things zoning can accomplish, and identify public or private means that could address non-zoning concerns.

**Requested action for this meeting:**

1. Look at the map for the current boundary
2. Visit the area before the meeting. Staff encourages Commissioners to visit on several different days, and time of day (light/dark), walking/biking/driving...
3. Bring your observations to the meeting to share with fellow Commissioners and staff. What is working? What is not? What concerns do you have?

**Staff identified these topics when reviewing existing zoning code:**

- Landscaping requirements – do we need better rules?
- General screening requirements– dumpsters, parking lots
- Concerns of immediately adjacent residential uses – i.e. should commercial uses have fences/screening?
- Parking lot lighting standards – what are they and do we need more specific rules?
- Parking lots as a land use without a structure - should this be an allowed use?
- Bulk scale density guidelines... architecture? Open space requirements?
- Code discrimination of medical clinics vs any other type of professional office for a CUP.

**Paraphrasing of Mr. Lund's comments** (follows his comments on page 7 (appendix 1 of his submittal))

- Need a larger public notification area for CUP's, beyond the 300 feet currently required
- Preservation for green areas, wildlife habitat, and increased landscaping standards for preservation or restoration of natural vegetation at building sites
- Consider rezoning the RO district west of Hohe as a medical district
- Consider rezoning the remaining area east of Hohe to Urban Residential
- Consider traffic impacts and traffic calming on Main St and adjacent residential streets
- Preserve the viability of South Peninsula Hospital

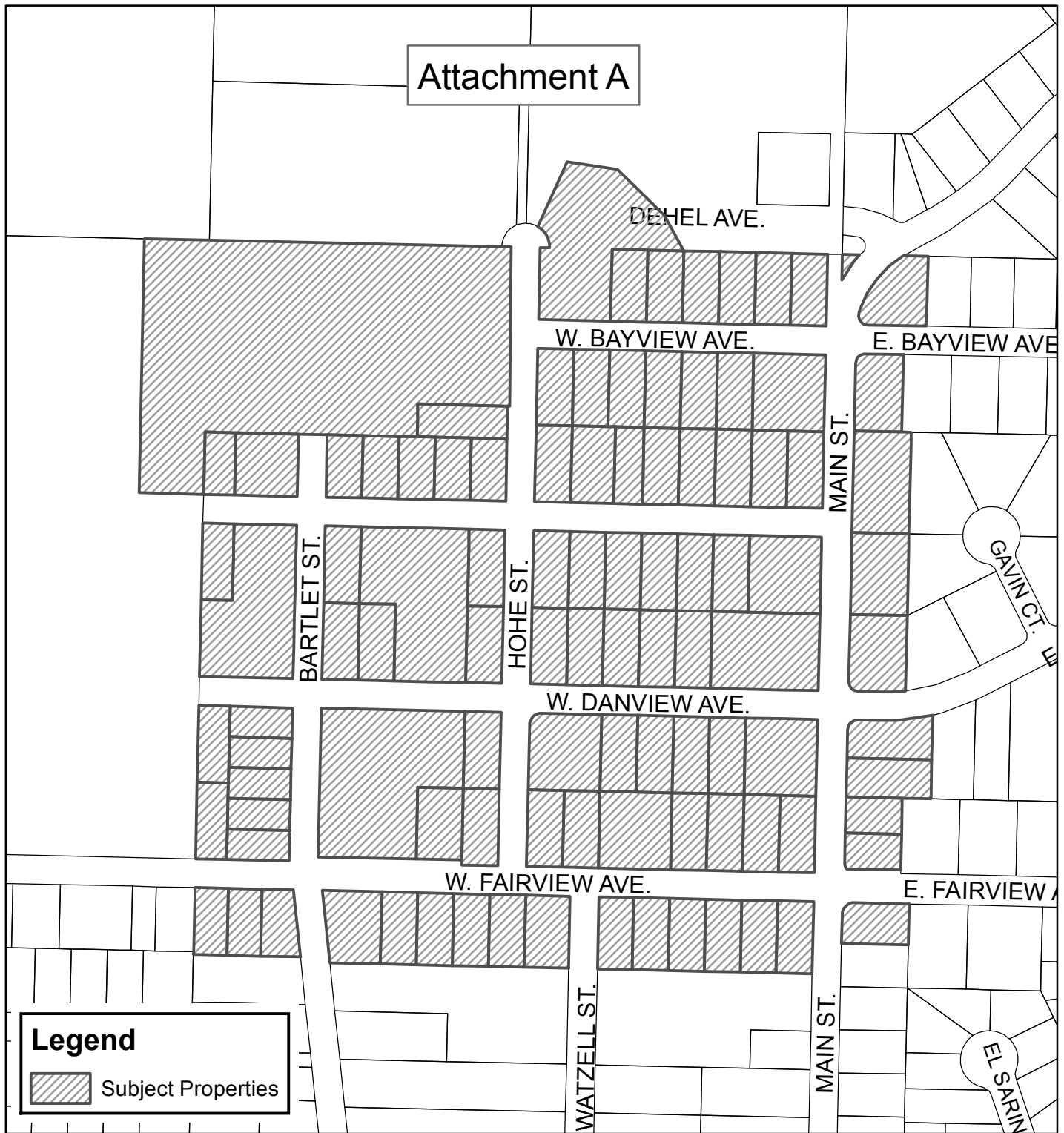
**Next steps:**

When we have a list of identified topics, staff and the Commission may need to narrow the scope of the conversation, or break it into tasks. When we have a handle on the scope, we will work on public outreach.

**Attachments**

1. Area Map – Attachment A from moratorium ordinance
2. Letter from Rob Lund, November 2019

# Attachment A



City of Homer  
Planning and Zoning Department

10/4/2019

## Subject Area of Residential Office District Moratorium

0 250 500 Feet

127



**Disclaimer:**  
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.



Rob Lund  
 4178 Hohe St.  
 Homer  
 235-3608  
 November, 2019

Homer City Council,  
 Homer Advisory Planning Commission

Dear Members of the City Council and the Planning Commission:

In the fall of 2018, I submitted a notice of appeal in response to the Homer Advisory Planning Commission's approval of CUP 18-09. CUP 18-09 was issued in September, 2018, for the construction of a 20,000 square foot medical center with parking space for 86 vehicles at 267 Cityview. The project required a conditional use permit for two reasons—the building exceeded the 8,000 square foot limit for buildings in areas zoned Residential Office, and it was for a purpose, a medical center, which also required a conditional use permit. Due to its size, its conflict with the residential character of the neighborhood and its potential for generating disruptive if not dangerous traffic on the residential streets adjacent to the project, I felt development of this sort was inappropriate in this primarily residential area where the development was proposed, so I appealed the granting of CUP 18-09.

The appeal process culminated in a hearing before Judge Christopher Kennedy of the Office of Administrative Hearings. Judge Kennedy ruled that the Planning Commission revisit their approval of CUP 18-09. In response to the hearing officer's remanding the application to the Planning Commission, a meeting of the Commission was scheduled for June 5, 2019, to reconsider this issue. The Planning Commission made some changes in their findings regarding CUP 18-09 and granted CUP 19-01, which allowed the project at 267 Cityview to proceed. I appealed CUP 19-01; the appeal was again assigned to the Office of Administrative Hearings for a hearing, and, ultimately, in October of 2019, the second appeal was denied. Currently the status of the project at 267 Cityview seems to be undecided.

A brief review of the recent history of development in the area around my home on Hohe Street is in order. Shortly before the hearing officer's decision on the appeal of CUP 19-01 was released, I noticed that contractors were clearing land on West Fairview Avenue. This project is for a clinic being built by Todd Boling after the Planning Commission had issued CUP 18-14. Also on May 6 of this year, I received a public hearing notice on CUP 19-05, which would allow the construction of 3200 square foot aquatic physical therapy building on the northeast corner of Hohe Street and West Fairview Avenue. These two projects, in addition to the one at 267 Cityview, are part of a pattern of development in the area surrounding South Peninsula Hospital that has substantial and far-reaching consequences not only for the immediate area, but also for the entire City of Homer.



In my oral arguments before the hearing officer, I brought up what I feel is a very significant issue concerning development in the residential office zone where I live and where the three developments I mentioned in the previous paragraph are located. That issue is a process of development characterized by a lack of formal definitions, guidance, explicit policies, public scrutiny and deliberation; it is a pervasive and continuing transformation of the neighborhood that I have identified as “rezoning by conditional use permit.” Instead of facing this process of change by crafting informed decisions concerning its nature, limits, appropriate usages, boundaries and other characteristics that are inherent in thoughtful, effective zoning and planning decisions, the planning department and the Planning commission have allowed development to proceed with no apparent guidance or overall strategy. The result has been a gradual erosion of the residential character of the neighborhood in which the landscape has changed and non-residential development has encroached on and, in some areas, nearly obliterated the residential usage that prevailed in years past.

Nearly thirty years ago when my wife and I bought our home at 4178 Hohe St., the area was very different from what it is today. There were fewer buildings of any sort, residential or commercial. The two major medical developments, South Peninsula Hospital and Homer Medical Center (then Homer Medical Clinic), were much smaller than they are now. Kachemak Bay Professional building (i.e. Kachemak Bay Medical Clinic) didn’t exist at the time; the project area at 267 Cityview was a healthy stand of spruce trees, habitat for birds and other wildlife and a calving area for moose. Large, mature spruce trees were common in the area, and many currently developed lots were covered by thriving forest. Over the years, lot by lot, change crept into the neighborhood: Trees were felled; lots were clear-cut; birds and wildlife became less common, and finally, they have nearly vanished. Much of the most dramatic change has been to the west of Hohe Street, where development has been focused on expanding existing medical facilities and building new ones, a process that has culminated in the proposed medical center at 267 Cityview. To the east of Hohe Street, most of the new construction has been residential, but in the spring of 2019, the two new projects for clinics, mentioned previously, have been approved in this primarily residential area, and a new clear-cut has taken a further toll on the area’s remaining forest.

In his decision, Judge Kennedy identified this issue as “potentially a serious concern.” “As one CUP after another is approved, the area gradually loses its mixed-use character and becomes a medical district, but the change occurs without the broader review and public process that would come with formal rezoning.”<sup>1</sup> Judge Kennedy stated that he was unable to address this issue in his decision because I had not included the matter in my brief, and therefore it was not part of the

---

<sup>1</sup> This quote is taken from Judge Kennedy’s Decision on Remand. The entire text of his remarks on this issue are:

“In his oral argument, Mr. Lund articulated a more global concept of his appeal than the item-by-item approach he had taken in briefing. He suggested that the Planning Commission is engaging in de-facto rezoning –by-CUP. As one CUP after another is approved, the area gradually loses its mixed use character and becomes a hospital district, but the change occurs without the broader review and public process that would come with formal re-zoning.

“This is a potentially serious concern. However Mr. Lund did not raise this as a formal point on appeal, and he did not brief it. This meant that other parties were not on notice that it would be argued. It therefore cannot be considered here.”

record on appeal. I was guilty of this oversight because, in the rush and urgency of writing a cogent brief in the timeframe required by the appeal process, I failed to see the full implications of the changes taking place in this neighborhood. Thus, one of my primary goals in writing this letter is to raise this issue for your consideration and hopefully guide your thinking and decisions with input from a resident of the area who has watched it change for almost three decades.

Judge Kennedy's refusal to address the problem of rezoning by CUP was rather disappointing, but I was somewhat encouraged by rumors that the planning department and the Planning Commission are in fact considering the zoning status of the area around South Peninsula Hospital, an issue that is now being considered by the City Council. This is an issue that is mentioned in the current Comprehensive Plan and one that contemplates a change in the area that is necessary for Homer's growth and for thoughtful management of the community's health care needs. I fully endorse efforts to deal with the currently informally regulated expansion of health care facilities in the area surrounding the hospital, and in the following paragraphs, I would like to offer some suggestions on how the City of Homer might proceed.

To begin, I would like to urge the City to be completely transparent in its deliberation and to keep the public fully informed and fully involved in the planning and decision making process. This represents a bold and dramatic step in a new direction, one that will affect not only the local residents, but the entire town and many of the people who live on the Kenai Peninsula. Numerous consequences of a new zoning category and district come to mind, some of them beneficial to our community, some potentially harmful. For example: What will the impact be on South Peninsula Hospital? It is an excellent, award winning health care facility in which the people in its service area have invested considerable time, treasure and energy. It is a major employer in Homer (around 450 people work at SPH) and we depend on it for quality health care both at a technological level and as an attractor of a small army of outstanding health care professionals and specialists that were unheard when my wife and I moved into the area and were unimaginable when I was growing up in Kodiak in territorial days. South Peninsula Hospital is a priceless asset to the community—it should be protected and nurtured: We cannot afford to take it for granted.

Another aspect of creating a medical district is the potential unintended consequences of this change. Homer and the service area of South Peninsula Hospital are vitally dependent on the health care provided by SPH—any developments that would diminish the hospital's ability to function at its current level could be disastrous to the welfare of the community. Could something of the sort happen? It is in fact possible. It has happened elsewhere. It seems unlikely that it is possible to craft zoning regulations that would directly protect South Peninsula Hospital; however, I think it would serve the City and the community well to be conscious of the vulnerability of a small market (like health care in Homer, Alaska) to powerful, well financed interests from outside the community. Please refer to appendix IV for further elaboration.

Another trend that is apparent in the area around the hospital is the loss of natural vegetation and wildlife habitat as new development scalps the area one lot at a time. Despite the fact that there is no apparent requirement in the City Code that provides for the preservation of natural areas in Residential Office districts, the unintended consequences of the failure to make such provision diminish the appeal of this district and are probably contrary to the interests of the residents.

Furthermore it seems that these changes have an uneasy relationship with the Homer Comprehensive Plan. The current edition of the Plan (specifically the map on page A-10) identifies the area around South Peninsula Hospital as being a “medical district,” without offering any specifics such as boundaries and defined zoning rules. Elsewhere the Plan also extolls the virtues and benefits of Homer’s natural environment as well as affirming the friendly relationship between the City and its citizens and the plant and animal communities that share the area. In considering these parts of the Plan, a couple of questions arise: If the area around the hospital is indeed a medical district, why is it that the district is not formally declared as such, and new zoning for medical development not adopted? Presumably this would include clearly defining the types of development allowable in the new district, building standards, acceptable traffic volumes, boundaries for the new district and other issues, all of which will impact not just the neighborhood, not just the City but the entire area that South Peninsula Hospital serves. If we are to share our city with native plants and animals, why is the effect of current development so hostile to the dwindling stands of forest and to the animals who rely on that habitat for food and shelter? And finally, does development of this type contribute to the traditional ambience of Homer and to the sort of environment that much of the public likely prefers?

Only a couple of years ago in the area around my home there were healthy stands of spruce and alder that provided homes for birds and other creatures, shelter from winter winds, calving areas for moose and healthy topsoil and plant communities that controlled surface water and snow melt. Now those places compose a noticeably smaller portion of the area, and the satisfaction that many of the residents experience from living in harmony with the plants and animals that share our environment is a poignant loss. It is evident that contractors are often over-zealous in their efforts to clear a lot for subsequent construction activities, and in the process of removing trees that interfere with the planned building, they also remove vegetation that would not obstruct the builder’s work. Frequently this style of site preparation involves removing trees that are protecting steep slopes, serving as windbreaks, visual screens and performing other useful functions. It seems likely that the criteria for granting building and conditional use permits should also include a review and acceptance or rejection of a plan for the preservation, removal and/or restoration of existing vegetation.

Indiscriminately clearcutting a new development simplifies the work and lowers the costs faced by developers and contractors, but that approach is not in the best interests of residents and the environment. The Comprehensive Plan stresses development that preserves the natural areas in Homer and supports the City’s status as a home for native plants and animals as well as humans and the commercial activities that they establish.<sup>2</sup> It behooves planners to keep developers and contractors on a short leash, which would include due respect for native vegetation, birds and other animals and require them to provide for ample green areas as well as encouraging the retention of as much of the original vegetation as is practical. What this means is that the preservation natural areas should be included in new zoning and provision to replace vegetation lost in existing zoning should be required.

After completing and submitting my brief, I finally understood the pattern of change that is taking place in our neighborhood: The area *is* being rezoned, but the process is not being

---

<sup>2</sup> Please refer to Appendix II for specific references to the Homer Comprehensive Plan.

conducted by formal action and declared intentions. It is not available for public review and discussion, and in fact it is hardly apparent to the public at large. The only members of the public who are officially notified of these gradual changes are those who live in close proximity (300 feet) to a new development, despite the fact that the process of development, i.e. the continuing impact of numerous developments, affects the entire neighborhood and, ultimately, the entire city. This process of rezoning by conditional use permit seems to violate the spirit, if not the letter, of the Homer Comprehensive Plan and of the residential-office zoning of the neighborhood, and it is fundamentally undemocratic and disingenuous. It needs to stop, and instead of the current informal policy of rezoning by CUP, the City, the Planning Commission and the people of Homer should confront the process with carefully reasoned zoning rules, boundaries and public input. If a new zoning district for a medical district be required and accepted by the majority, then it should be recognized in the City Code and the Plan, and both the current and the new zoning districts be respected by appropriate development.

Thus I would like to offer some suggestions for the future of the area. First, I urge the Commission and the Planning Department to declare a moratorium on conditional use permits for non-residential development in the area until the issue of new zoning for medical development be addressed formally and publicly.

Second, notification for new developments requiring conditional use permits should be sent to all the residents of the district, not just the ones owning property within 300 feet of the project.

Third, I urge the Commission and Planning Department to reconsider the preservation of green areas and wildlife habitat in the area—if the current process continues unchecked, the neighborhood will be denuded of virtually all natural vegetation and wildlife habitat, an outcome that most residents probably oppose.

Fourth, building permits should be issued or denied on whether or not they conform to high standards for the preservation and/or restoration of existing vegetation.

Fifth, if a new medical zoning district be defined, I urge the Commission and the Planning Department to establish the west side of Hohe Street as the eastern boundary of the new district.

Sixth, if a new medical district is defined, I urge the City to rezone the Residential Office area to the east of Hohe Street as Urban Residential, thus protecting this predominately residential area from further encroachment by medical centers and other commercial development.

Seventh, increased traffic from the new medical district has the potential to severely impact the neighboring residential areas. The streets to the east of Hohe Street are heavily used by pedestrians, joggers, children at play, loose pets, people walking their dogs, cyclists and others using residential streets as extensions of their homes and transportation corridors to other areas. West Danview Avenue is a salient example of the way some of the residential streets are used by children, pedestrians and others. Currently the speed limit on West Danview is 25 mph. Given the number of children that use this street for recreation, this is too fast—the speed limit on West Danview between Hohe Street and Main Street should be reduced to 15 mph. These residential streets are typically without sidewalks, painted crosswalks identified by standard signs, signage

warning motorists of children and pedestrians, and adequate street lighting. This is probably OK if traffic continues to be light, serving only the residential areas. If the traffic impacts increase due to developments like the one proposed at 267 Cityview, innocent people, especially children, and pets will be put in substantial jeopardy.

A particularly egregious example of a street that is apparently in violation of the City street design standards is Main Street north of Pioneer. Fifteen years ago, Main was identified in the STIP as needing substantial upgrade—since then, nothing has changed<sup>3</sup>. Main is a major collector, a primary transportation corridor linking the residential areas north of Pioneer to the business district along Pioneer and to the south. A primary collector is required to have shoulders on both sides of the street, which Main Street lacks. It has no sidewalks, and there are few street lights. However, substantial numbers of people walk along both sides of Main travelling to and from the main parts of town. Most people wear dark clothing, frequently they walk with their backs to the traffic, often while talking on cell phones. The narrow shoulders, lack of sidewalks and snow and ice berms force them to walk in the traffic lanes.... Main Street is almost certainly the scene of a serious accident waiting to happen. It is not hard to imagine that that accident would be accompanied by a lawsuit that the City would very much prefer to avoid.

Finally, several individuals have presented cogent arguments related to CUP 18-09 concerning the impact of some types of medical development on our existing health care facilities. Certain medical uses, surgical centers, for example, could jeopardize the financial health of South Peninsula Hospital. Requirements for certificates of need are supposed to protect crucial health care facilities from unhealthy competition, but according to knowledgeable parties, it is easy to circumvent these requirements and threaten the welfare of institutions upon which the community depends. Therefore, I urge the City to carefully consider the unintended consequences of its decisions and ensure that South Peninsula Hospital and other key health care facilities enjoy unimpeded revenue streams and can continue to provide the community with the excellent service that we currently rely on.

---

<sup>3</sup> Please refer to Appendix III for details about Main Street as noted in the *Homer Non Motorized Transportation and Trails Plan*, 2004.

## **Appendix I**

### **Summary of Recommendations**

- 1. **MORATORIUM:** Conditional use permits for non-residential development in the Residential Office zone around South Peninsula Hospital should not be granted until the issue of new zoning for medical development be addressed formally and publicly.
- 2. **NOTIFICATION OF PROPERTY OWNERS:** When a CUP is issued, all property owners in the district should be notified, not just those within 300 feet of the project.
- 3. **PRESERVATION OF GREEN AREAS AND WILDLIFE HABITAT:** Existing natural vegetation should be preserved wherever possible in future developments, and efforts should be made to restore vegetation that was lost in past developments.
- 4. **BUILDING PERMITS:** Building permits should be granted only if they include a plan that conforms to the highest standards for the preservation and/or restoration of natural vegetation at the building site.
- 5. **REZONING—MEDICAL DISTRICT BOUNDARY:** If the area around South Peninsula Hospital is rezoned as a medical district, the west side of Hohe Street should be established as the eastern boundary of the new district.
- 6. **REZONING—RO DISTRICT EAST OF HOHE STREET:** If a new medical district is defined, the City should rezone the Residential Office area to the east of Hohe Street as Urban Residential, thus protecting this predominately residential area from further encroachment by medical centers and other commercial development.
- 7. **POTENTIAL FUTURE TRAFFIC IMPACTS:** Main Street and adjacent residential streets need warning signage, sidewalks, speed limit changes and other features to protect non-motorized users of the streets from traffic hazards.
- 8. **PRESERVATION OF THE VIABILITY OF SOUTH PENINSULA HOSPITAL:** South Peninsula Hospital is a vital health care facility whose viability and standards of excellence should not be jeopardized by future developments in the area.



## Appendix II

### References to the Homer Comprehensive Plan

Development in Homer should conform to the Homer City Code and to the Homer Comprehensive Plan. Immediately following, in italics, are two passages from the Comprehensive Plan. The first is from Chapter 4, Land Use, p. 4-4 and p. 4-5; the second is from Chapter 5, Transportation, p. 5-7 and p. 5-8.

Chapter 4, Land Use:

Goals & Objectives for Land Use

*Goal 1: Guide Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts including limiting greenhouse gas emissions.*

*Objective B: Develop clear and well-defined land use regulations and update the zoning map in support of the desired pattern of growth. The Comprehensive Plan Land Use Recommendations Map establishes the location and intent of proposed land use districts, but does not address the standards needed to guide development. Implementation Strategies*

- Revise zoning map
- Encourage preservation of natural system infrastructures
- Review density objectives
- Review appropriate design standards

*Objective C: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options.*

*Diverse, high-quality residential neighborhoods are crucial to the stability and economic health of Homer. Growth puts pressure on housing prices as land prices increase. Neighborhoods established decades ago with large lots face pressure as some landowners create subdivisions with smaller lots, while others would like to preserve the established neighborhood character. Housing choice is crucial to accommodate future growth as the dominant single family large lot developments clearly won't be able to meet future demand in quantity or price. Implementation Strategies*

- Review code for opportunities for appropriate infill
- Support options for affordable housing

Chapter 5, Transportation:

## Goals and Objectives for Transportation

### GOAL 3:

*Homer's transportation system and services should be developed in a manner that supports community land use, design and social goals. Homer has expressed a consistent opinion as to how the city should grow and the "look and feel" that residents want for the community. Key desires include a more focused and walkable downtown, a more walkable and bike-able community, and the development of an attractive community that mirrors the natural beauty of Homer's setting. The community roadway system is an important component of Homer's development and plays an important role in whether the community's goals will be realized. In general, all of the pedestrian improvements noted in other adopted plans and included in this plan will benefit children, the elderly, and citizens with disabilities. Homer remains a desirable location for retirement living. As the population over 65 years of age continues to grow, consideration of the transportation needs of the aging population continues to be important. Without linked sidewalks, trails, crosswalks, and pedestrian ways, it is often difficult for seniors to navigate on foot and often impossible for those with disabilities that require a wheel chair. Additionally, there is a need for community transit type services to serve less mobile populations, such as seniors and residents with disabilities.*

### Objective A:

*The trail and sidewalk network should provide an alternative to driving, enhanced recreational opportunities, and support auto-free transportation throughout the community. The 2004 Homer Non-Motorized Transportation and Trail Plan provides a comprehensive examination of walkability and bike-ability in Homer. The plan reveals a limited number of comfortable pedestrian routes and public concern over the lack of safe places to walk. A combination of increasing traffic on through-routes, limited sidewalks, and unconnected, low-traffic-volume streets has contributed to the shortage of comfortable pedestrian routes. In a small community, it is reasonable to expect substantial non-motorized travel if the trails and sidewalks are in place to support walkers and bikers. The plan suggests a number of improvements to make Homer more walkable and bike friendly.*

### Implementation Strategies

- Encourage alternate transportation

### Objective B:

*City street design standards and cross sections should be bicycle and pedestrian friendly, and include provisions for the elderly, citizens with disabilities, and safe walking routes for children.*

As quoted above on page 2 “...it is necessary examine the direction and nature of these changes, specifically how do they conform (or fail to conform) to the principles outlined in the Homer Comprehensive Plan?” With reference to the passages from the Homer Comprehensive Plan, quoted above, Goal 1:

*“Guide Homer’s growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill....”*

It is plain that the continuing process of rezoning by conditional use permit is decreasing the supply and diversity of housing as it buys and re-purposes existing residential buildings or uses undeveloped land for clinical uses rather than residential. Examples of the former are found in several formerly residential buildings on Bartlett that are now used for clinical purposes. Examples of the latter are the project at 267 Cityview and a medical clinic on West Fairview that is currently in the process of construction. Explaining how this creeping transformation of the neighborhood is failing to protect community character is hardly necessary—that is no less than its very nature. The development at 267 Cityview—this substantial portion of a city block—is the proposed home for a single medical center and a huge, 86 vehicle parking area. Absent is any of the original forest and animal habitat. If it had been developed for residential use, the same area could have contained at least five residential lots with perhaps as many as fifteen or twenty family units while retaining at least some of the original vegetation.

Objective B under Goal 1 begins with the following sentence:

*“Develop clear and well-defined land use regulations and update the zoning map in support of the desired pattern of growth.”*

This seems to be an unambiguous statement in opposition to the rezoning by CUP that currently prevails there. Development in the neighborhood of South Peninsula Hospital hardly seems to be in keeping with the principles expressed in Objective B.

It is appropriate to refer to two of the implementation strategies listed under Objective B, namely:

- “•Revise zoning map*
- Encourage preservation of natural system infrastructures”*

Revision of the zoning map, versus what has occurred here, is an often repeated theme in the Comprehensive Plan. Also, the encouragement of natural system infrastructures was certainly not in evidence when the work at 267 Cityview removed all of the natural vegetation and topsoil, which had previously served as a buffer for rainfall and snow melt, and replaced it with several feet of compacted gravel, which is a pattern followed in most similar developments.

Objective C under Goal 1 states:

*“Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options.”*

Again, the process of development in the area being discussed is characterized by the disappearance of a high quality residential neighborhood in favor of medical uses and diminishing housing choices and a more limited variety of dwelling options. None of this follows the implementation strategy that calls for supporting options for affordable housing.

Chapter 5 of the Comprehensive Plan addresses transportation issues; it has quite a bit to say about pedestrians, children, cyclists and other non motorized uses of the streets and sidewalks. Goal 3, Chapter 5, expresses this very well:

*“Homer has expressed a consistent opinion... that residents [desire] ... a more walkable and bike-able community, and the development of an attractive community that mirrors the natural beauty of Homer’s setting.”*

The residential areas east of Hohe certainly represent the attainment of this goal; however, if one shifts one’s attention to the recent development that has taken place on Bartlett north of West Fairview, one sees that the land use is telling a different story. That story is one of former residential areas and patches of natural vegetation that have been replaced by clinics and supporting businesses, parking lots, expanses of asphalt and compacted gravel. This is the land use that is already migrating across Hohe, the land use that is endorsed by the City’s granting of conditional use permits.

Goal 3, Chapter 5, goes on to remark:

*“In general, all of the pedestrian improvements noted in other adopted plans and included in this plan will benefit children, the elderly, and citizens with disabilities.”*

This is exactly the situation that currently prevails on West Danview and many other residential streets in the neighborhood, and it is exactly the situation that this appeal and this brief are attempting to protect.

The following passage from Objective A under Goal 3, Chapter 5, indicates an ongoing problem, one that has been recognized for fifteen years and is being exacerbated by current development trends:

*“The 2004 Homer Non-Motorized Transportation and Trail Plan provides a comprehensive examination of walkability and bike-ability in Homer. The plan reveals a limited number of comfortable pedestrian routes and public concern over the lack of safe places to walk. A combination of increasing traffic on through-routes, limited sidewalks, and unconnected, low-traffic-volume streets has contributed to the shortage of comfortable pedestrian routes.”*

Finally Objective B points toward the desired direction for development. It is particularly germane in the context of Main Street, but it speaks to all areas of Homer, not the least of which is that part of the city in the vicinity of South Peninsula Hospital.

*“City street design standards and cross sections should be bicycle and pedestrian friendly, and include provisions for the elderly, citizens with disabilities, and safe walking routes for children.”*

The text of the Comprehensive Plan documents Homer’s aspiration to greatness. The reality of development and the neglect of streets like Main street demonstrate how difficult it is to attain. Fortunately greatness is within reach, but it requires effort, courage and commitment to achieve it. Catering to expediency or unwillingness to do the hard work are unworthy of the City and its residents. The residents are entitled to expect that the goals of Homer Comprehensive Plan will be respected, and the important issues of streets and pedestrian friendly areas will not be ignored.

### **Appendix III**

#### **Recommendations for Main Street, *Homer Non Motorized Transportation and Trails Plan, 2004***

Main Street north of Pioneer is a problem area. Being a collector of traffic from the residential areas, particularly to the north and east, Main Street already has a fairly large volume of traffic. Furthermore, Main is not well equipped to handle even the existing traffic—it is very poorly served with street lights; pedestrian/bicycle paths are very narrow, and ice and snow berms in the winter restrict the meager walkways and increase pedestrian hazards while simultaneously forcing pedestrians and bikes out into the traffic lanes. In short, Main Street is also an accident waiting to happen, and this situation can only get worse if commercial traffic from a medical district the west is directed to Main.

Main Street is identified as a major collector as is Pioneer. In the Alaska Department of Transportation’s document, State of Alaska Road and Trail STIP Needs for Homer, Main was identified as having annual average daily traffic of 2,770 vehicles; Pioneer was identified as having daily traffic of 7,300 vehicles. Bartlett, a minor collector, had 1,270 vehicles (from table 1-8, State of Alaska Road and Trail STIP Needs for Homer). Predicted increases for the summer of 2021 are given in table 1-9 (*ibid.*) only for Pioneer and Bartlett; they are, respectively, 13,428 and 3,683. This indicates a 184% increase for the major collector, and a 290% increase for the minor collector. Extrapolating to Main Street, it can be expected to see the traffic to increase by a large amount; this increase could range between 5,097 and 8,033 vehicles.

Main Street is singled out in the *Homer Non Motorized Transportation and Trails Plan*. On page 15, Main Street is included in a list of streets identified by the following title: “Sidewalks should be added to the following streets.” Accompanying the list is a photograph of Main Street between Pioneer Avenue and the Sterling Highway (the view is looking south). Until this summer when construction began on the intersection of Main and the Highway, nothing had changed. The plan was written in 2004, fifteen years before the date of this writing.



## Appendix IV

When the Homer Advisory Planning Commission met to consider CUP 18-09 on September 5, 2018, several individuals submitted letters and comments on the potential for negative financial impacts on South Peninsula Hospital and questioned the need for additional, large scale medical developments in the area. In this appendix I would like to further consider the significance of these concerns.

A zoning change could greatly improve the fortunes of SPH, increasing its income and prestige, expanding its facilities and attracting even more accomplished health care professionals to serve the community's needs. On the other hand, these changes could jeopardize the hospital's patient base and income and result in reduced employment, fewer and less advanced services and diminished access to quality health care. This is an important and somewhat obscure issue that deserves further elaboration. Part of the requirements spelled out in SPH's charter are that it accept indigent, medicaid and medicare patients. Since the hospital receives relatively modest reimbursement for these patients, this means that a substantial portion of the hospital's income derives from patients with good, private health insurance who can compensate for losses incurred by accepting financially insecure individuals. This puts SPH at a competitive disadvantage: If another health care facility that is not obligated to accept the financially insecure patient population were to enter the local market, it could charge lower rates and thereby siphon off many of the well insured patients upon whom SPH depends for solvency. The consequences for health care in the community could be severe. In a small market area like Homer, competition among evenly matched businesses can keep goods and services efficient and affordable; however, if the competitors are unevenly matched, the consequences can be devastating, and the result can be diminished services and higher costs.

Thus related issues ask for consideration before any final decision is made. For example: If new zoning facilitates were to enhance the development of additional medical facilities, will that attract large investments by non-local financial resources that would result in unhealthy competition and jeopardize the high level of health care that exists in Homer today? One approach to limiting unhealthy competition is by requiring certificates of need for new facilities. Unfortunately, certificates of need can be circumvented, and they do not reliably perform the way they are supposed to. So, can a new zoning district come with stricter requirements for certificates of need and other measures that can protect the community from damaging competition? These are issues that need to be approached carefully and thoughtfully—routinely granting conditional use permits is a policy that is likely to cause problems in the future.

Ultimately the question is: Is this all speculation, or does it have a real world meaning for Homer and the future of health care in the community? No one can foresee future events, but it is easy to examine the recent past and learn about the related problems that Central Peninsula Hospital in Soldotna had to deal with. The story is best told in an article published in the Peninsula Clarion, June 11, 2017.

## Surgery Center of Kenai plans new operating room | Peninsula Clarion

Ben Boettger  
8-10 minutes

---

*Editor's note: This story has been changed to correct a reference to the 91 percent drop in Central Peninsula Hospital's net income, originally referred to incorrectly as a drop in revenue.*

The Surgery Center of Kenai plans to add a second operating room to its facility in Kenai, potentially increasing the competition for outpatient surgery procedures between the independently-owned surgery center and Central Peninsula Hospital.

State regulators will allow the surgery center — which specializes in outpatient surgeries, also known as ambulatory surgeries, that don't require an overnight hospital stay — to add its second operating room and two observation rooms after making [a May 30 decision](#) that the clinic will not need to get a Certificate of Need before building its expansion.

President Joseph Hurley of Alaska Medical Group Management, which manages the Surgery Center and other Alaskan medical facilities, said that having a single operating room “caused a big clog in our scheduling.”

“This unclogs it, to have two ORs,” Hurley said. “It helps round out some of the things we're already doing a little bit, and it helps us expand a little bit as far as some of the things we can do with the surgeons who are there and the operations they can do with their patients.”

Central Peninsula Hospital in Soldotna — operated by the nonprofit Central Peninsula General Hospital, Inc. under lease from the Kenai Peninsula Borough, which owns the physical building and assets — has four operating rooms, the most recent added in 2012, which do both outpatient surgeries and inpatient surgeries which require longer hospital stays. In the past, [CPH officials have said independent surgery providers take patients from CPH's outpatient surgery](#), lessening its ability to remain financially self-supporting.

CPH External and Government Affairs Manager Bruce Richards wrote in an email that the surgery center's new planned operating room and observation rooms “will cause major financial damage to CPH” by creating competition for surgeries.

“All outpatient surgeries completed in the surgery center since its inception are surgeries that would have been performed here at Central Peninsula Hospital,” Richards wrote. “This has had a significant impact on the financial health of our community-owned hospital.”

In 2014, CPH opposed the then-nascent Surgery Center of Kenai by declining a transfer agreement — an agreement required by the national Centers for [Medicare](#) and Medicaid Services for one medical facility to send patients to another in case of an emergency — with the surgery center, limiting the surgery center's potential customer base by making them unable to take Medicaid or [Medicare payments](#). The denial led to the surgery center “being blocked from half of our patients by Central Peninsula's unwillingness to give us a transfer agreement,” said the surgery center's vice president of outpatient surgery Harold Gear in a [July 2014 Clarion story](#).

Hurley said his business budgets for 120 surgical procedures a month in its single present operating room. For outpatient surgeries such as hernia repair, hysterectomy, ear, nose and throat procedures, Hurley said that more limited surgery centers such as his offer a better deal than hospitals.

“The hospitals are huge organizations that are very expensive, and they’re expensive because all these different pieces of it are running parts that cost money,” Hurley said. “Our Surgery Center of Kenai is not a ginormous beast. It’s a lot smaller, a lot scaled-back. That’s what helps save costs.”

Directly comparing surgery prices, Richards wrote, is difficult because of the many variables in surgical practice and billing. The surgery center’s precise impact on CPH’s finances is likewise difficult to quantify, Richards wrote.

“Health care is changing so rapidly on so many levels that it would be difficult to attribute revenue changes to one thing with any sort of accuracy due to the compression that is occurring from payers,” Richards wrote.

CPH has [experienced a 91 percent drop in net income](#) between the first three quarters of fiscal 2016 and fiscal 2017, due to factors including higher deductibles and co-pays in commercial [insurance plans](#), flat Medicaid reimbursement rates for the past two years, a decrease in commercially-insured patients caused by job losses and a lower number of elective inpatient surgeries which have been a large revenue source for the hospital in the past. Outpatient surgeries lost to the surgery center may also contribute to the drop, Richards wrote.

Hurley said he is also seeing a rise in Medicaid patients, both from increased unemployment and the state’s 2015 decision to expand Medicaid eligibility, and that the change “has dropped our volume considerably.” Though the surgery center can’t accept Medicaid payments without the CPH transfer agreement, Hurley said they are nonetheless getting a sufficient volume of patients to need a new room.

### **Certificate of Need**

Alaska’s Department of Health and Social Services attempts to control medical costs by limiting medical groups from spending more than \$1.45 million on expanding their facilities unless DHSS judges the investment is necessary. The agency’s Office of Rate Review permits medical expansions by granting a [certificate](#) of necessity.

When the Surgery Center of Kenai began construction in January 2014, it spent roughly \$1.13 million to [install](#) one operating room and one procedure room — for smaller surgeries that can be done with local, rather than general, anaesthesia — in the medical complex at 100 Trading Bay Road in Kenai. Because this cost was below the \$1.45 million threshold, the Surgery Center was allowed to progress without a certificate of necessity, the Office of Rate review [announced in July 2013](#).

In its expansion, the surgery center is planning to add a second procedure room and two observation rooms as well as the new operating room. With the addition — expected to cost \$678,376 — the surgery center’s total construction cost since opening will be \$1.81 million. Though the total is more the threshold for the Certificate of Need, attorney Peter Deimer argued in a letter to DHSS on behalf of the surgery center that the two constructions are separate rather than two phases of one project. [DHSS concurred in a May 30 response](#).

Failure to get a Certificate of Need has ended other local independent medical initiatives, including [a previous attempt to open an independent surgery center in Kenai](#) by Kahatnu Ventures, LLC, a group of eight local surgeons who in 2011 planned to make Kenai the location of a \$9 million surgery center expected to perform 1,800 outpatient surgeries per year — more than the 1,700 annual outpatient procedures CPH performed at the time, according to previous Clarion reporting. The group [failed to get a Certificate of Need in April 2012](#) and unsuccessfully appealed the denial the following month. A DHSS

analysis made during Kahatnu’s Certificate of Need process estimated that, using different projections of population and surgery demand, the Kenai Peninsula Borough would need between 3-4 operating rooms through 2019.

With six operating rooms in the central peninsula, Richards wrote that DHSS — which considers all facilities within a service area in [its methodology for issuing Certificates of Need](#) — is unlikely to give certificates to any further operating rooms. More stringent hospital building requirements would not allow new operating rooms at CPH to be built below the expense threshold, Richards wrote.

### **23-hour observation rooms**

The observation rooms the surgery center plans to build are described in its correspondence with DHSS as “23-hour observation rooms.” Many commercial insurers define 24 hours under medical care as the dividing line between inpatient and outpatient procedures, which are billed and paid for differently. Richards wrote that with the observation rooms, the surgery center will “be able to do surgeries that would otherwise be considered inpatient surgeries, causing further harm to the hospital.”

Hurley said the surgery center’s focus on outpatient surgery complements CPH rather than competes with it. With additional facilities offering outpatient procedures, he said, the hospital would be able to devote more resources to speciality services, such as [the catheterization lab CPH is planning to build](#).

“Everyone can be succeeding together, and nobody will have to be worried about, ‘Is one going to succeed at the cost of another?’” Hurley said.

*Reach Ben Boettger at [ben.boettger@peninsulaclarion.com](mailto:ben.boettger@peninsulaclarion.com).*





## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)

(p) 907-235-8121 x2222

(f) 907-235-3148

### Memorandum

TO: Mayor Castner and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: November 21, 2019  
SUBJECT: City Manager's Report

---

#### Cyber Security

A few weeks ago, an employee clicked on a link in a phishing email and activated our virus detection software. Luckily our systems worked like they should and we were able to isolate the intrusion and keep it from doing any damage. This has prompted Councilmembers to ask questions about our cyber security.

*From IT Manager Poolos:* The City of Homer has implemented antivirus product that in the most current third party testing period (July/August 2019) blocked 100% of all malware samples in the test. This test include 368 emerging malware samples attacking known security flaws and an additional 13,521 samples that were widespread and prevalent in the prior 4 weeks. City IT has implemented all features of antivirus product in accordance with the vendor's recommended best practices. Recently a City user was tricked into clicking on a link within a phishing email. The City antivirus software isolated and contained the infection to that user's PC. City IT was able to remove the PC from the network with no further damage.

The antivirus product includes machine learning features that detect a ransomware attack encrypting files and can immediately restore the encrypted files with an unencrypted copy. City IT has these features tuned in such a manner that they have to use a manual process to update an application since the built-in update system tries to overwrite a large enough number of network files to trip this advanced detection.

The City of Homer has subscribed to an external email security service (a "cloud service"). Email from outside users pass through this service which inspects the message and attachments for malware. Additionally, the service inserts a warning that the email came from an external sender and to exercise caution. All City employees have completed a basic phishing and cybersecurity training so they have basic skills to inspect correspondence. City employees are scheduled to refresh this training yearly along with the other yearly safety training. City IT is augmenting this training with an ongoing targeted phishing test provided by a third party. IT will share the results of this testing with Council once results become available.

If the anti-malware software fails and an infection occurs, the City has implemented multiple layers of data protection and access controls. Recovery time will depend on how widespread and how long the attack may have laid dormant in the City's systems.



The City keeps an offsite back up of all files that is never more than a week old. While it could take some time to reboot this system to an operational status, records will not be lost. The City is hoping to apply for a grant for disaster recovery planning and will incorporate a recovery plan for a cyber-attack into that analysis, if the grant is successful. If we are not successful with the grant, it may be something Council wants to consider funding independently.

### **City of Homer State wide Professional Representation**

I am proud to share with Council how engaged our employees are with their professional organizations on a statewide basis. Not only does this contribute to furthering the profession, it is an excellent opportunity for City of Homer employees to network and have resources available to them to help solve the complex problems their jobs send their way.

Bryan Hawkins, President, Alaska Port and Harbor Association  
Melissa Jacobsen, President, Alaska Municipal Clerks Association  
Katie Koester, President, Alaska Municipal Manager's Association  
Mike Illg, President-Elect, Alaska Parks and Recreation Association  
Chief Kirko, Secretary/ Treasurer of Alaska State Fire Chiefs Associations  
Chief Robl, Member, Police Standards Council



### **Auction Block Update**

Alaska Growth Capital (AGC), the bank that assumed the Auction Block property\* after the previous owner declared bankruptcy, has been marketing the improvements with Spire Commercial in Anchorage. You can view the listing here:

[www.spirecommercial.com](http://www.spirecommercial.com).

The improvements were initially listed for \$750,000 but AGC recently reduced the asking price to \$650,000. AGC has expressed difficulty in

securing a tenant for the improvements. The building has been unoccupied for over a year, and although AGC has assumed the lease payments, it is in the best interest of the City to have the building functioning and contributing to the local economy.

### **Continuing Discussion Regarding the Seawall**

In my October 14<sup>th</sup> Manager's Report, I shared information with Council on increasing the Ocean Drive Loop Service Area (ODLSA) mil rate, expanding the ODLSA to include more properties, and a map showing the rate of erosion in the areas based on 2016 data. Input from Council on the body's appetite to explore taking on debt (or forward fund somehow) improvements to the Seawall, and under what terms and conditions, would help me respond to the ODLSA constituents. I welcome feedback from Council on potential next

steps and am happy to spend some time going over Seawall 101 for a member that wants take on this nuanced project.

### **Returning Olga Hallock's Rock to Kachemak Bay**

My office received a request from Vermont residents Lionel and Ardys Fisher in regards to their dear friend Olga Hallock. Olga was a municipal employee for the Town of Huntington, Vermont who served as Town Clerk from 1969-2000 (please see the attached dedication). She first visited Alaska in the late 1990's and always knew she wanted to return, so in May of 2001 she and her two friends Lionel and Ardys ventured up to Homer. Lionel and Ardys shared that the Homer Spit seems to be a very special place for Olga and that she wanted to come back to Homer but was unable to do so and has since passed away. As such, these two friends asked if the City could assist them in returning a rock engraved with Olga's name to Kachemak Bay so that she may enjoy Homer in perpetuity. Last week, Harbormaster Hawkins did just that. May we take this moment to recognize just how lucky we are to call this beautiful place Home – it is a refuge for more than just our residents.



### **ISO Ratings for City of Homer**

The City of Homer received our fire protection class rating back from the International Standards Organization (ISO) this week and I am pleased to report that we are remaining a 4/4Y rating, which means we should not see an increase to our insurance premiums. Next week, the Fire and Water Departments will be getting together to review the findings in detail and compare them to the previous rating conducted in 2014 to see where we need to focus our attention in order to prepare for the next visit. Administration's goal will be to continue to focus on lowering the rating to provide as much cost savings to the community as possible. After staff conducts an in-depth review of the report, Chief Kirko will develop a plan to determine next steps in preparation for the next ISO visit in 2024. I would like to acknowledge all the hard work that was put into the preparation of this review process by the City staff at the Fire Department, Water Division, and HPD Dispatch. 2024 will be here before we know it!

### **Spit Erosion**

Staff has been working with ADOT and the Army Corps on solutions to mitigate erosion on the west side of the Homer Spit. One result of those conversations has been taking dredged materials from the Harbor and reintroducing them to the system near Mariner Park to help build the beaches back up over the long term ("beach re-nourishment"). The next step is to engage Army Corps in a Planning Assistance to States (PAS) study to explore long term solutions. A letter of engagement was included in my last report and an ordinance will be introduced at the next meeting to fund the City match for that effort. ADOT is actively involved as they are concerned about the threat to 149 Erling Highway and sent a coastal engineer

this summer to assess coastal erosion on the Spit and also explore long term solutions. This report is attached. I will be traveling to Anchorage in December with Harbormaster Hawkins to meet with ADOT on this topic. We are hopeful the State will be able to participate in the PAS grant with the Corps.

**Alaska Municipal League**

I am finishing up an action packed week in Anchorage with Alaska Municipal Manager’s Association and Alaska Municipal League. I will provide a full travel report on the breakout sessions and take-aways in the next manager’s report.

**Project Updates for HERC Demolition Study and Airport Roof Replacement**

*HERC Demolition Cost Estimate*

City staff are convinced that a hazardous materials survey is necessary to understand the cost of properly disposing of hazardous materials under the different demolition scenarios being considered. To this end, this month staff will be preparing an RFP to hire a firm to complete the survey. These services would include sampling, testing, and estimation of the cost to deal with hazardous waste during demolition. The City will consult with a project manager to manage the work of the selected firm and coordinate cost estimation of general demolition work.

Schedule:	December 1	Advertise RFP
	January 1	Select Firm
	January 10	Award Survey Contract
	March 15	Results of Haz. Material Survey Complete
	April 1	Complete Demolition Cost Estimate

(Note: The additional project management funds provided for in the 2019 mid-year adjustment expires at the end of the year. The project manager’s efforts will extend into 2020. Additional authorization will be needed.)

*Airport Roof Replacement*

Nelson Engineering, under our term contract, is under contract to complete the preparation of the drawings needed to bid the roof replacement project. The City will consult with a project manager to manage the project and provide direction to Nelson Engineering regarding technical input/scope.

Schedule:	NTP	November 13, 2019
	Base Map Drawings Complete	November 26, 2019
	City Marks Up Base Map	December 4, 2019
	Incorporate City Markups (65% design)	December 13, 2019
	City Review of 65% design Complete	December 31, 2019
	100% Bid Ready Plans	January 15, 2020

(Note: The project manager’s efforts will be complete before the end of the year. No additional budget authorization will be required.)

Enc:

Letter from ISO

Olga Hallock Dedication

Memo RE: Coastal Erosion Assessment on Homer Spit

Letter to Governor Dunleavy's Office regarding the Large Vessel Harbor Expansion Project

RCA Notice of Complete Application

Homer Trunk Line Surcharge Update for Quarter Ending September 30, 2019

Homer Foundation Quarterly Report

November Employee Anniversaries

2020 City of Homer Facility Tours Flyer



RECEIVED  
NOV 01 2019

1000 Bishops Gate Blvd. Ste 300  
Mt. Laurel, NJ 08054-5404

t1.800.444.4554 Opt.2  
f1.800.777.3929

October 23, 2019

Mrs. Katie Koester, City Manager  
Homer & Kachemak  
491 E. Pioneer Ave  
Homer, Alaska, 99603

RE: Homer & Kachemak, Kenai Peninsula County, Alaska  
Public Protection Classification: 04/10, 4  
Effective Date: February 01, 2020

Dear Mrs. Katie Koester,

We wish to thank you Chief Robert Ciciarella and Mr. Mark Kirko for your cooperation during our recent Public Protection Classification (PPC) survey. ISO has completed its analysis of the structural fire suppression delivery system provided in your community. The resulting classification is indicated above.

If you would like to know more about your community's PPC classification, or if you would like to learn about the potential effect of proposed changes to your fire suppression delivery system, please call us at the phone number listed below.

Please note that as part of our analysis it was determined that the following fire station(s) did not meet the minimum requirements for recognition: Homer FS 2 Fire Station is not recognized.

ISO's Public Protection Classification Program (PPC) plays an important role in the underwriting process at insurance companies. In fact, most U.S. insurers – including the largest ones – use PPC information as part of their decision- making when deciding what business to write, coverage's to offer or prices to charge for personal or commercial property insurance.

Each insurance company independently determines the premiums it charges its policyholders. The way an insurer uses ISO's information on public fire protection may depend on several things – the company's fire-loss experience, ratemaking methodology, underwriting guidelines, and its marketing strategy.

Through ongoing research and loss experience analysis, we identified additional differentiation in fire loss experience within our PPC program, which resulted in the revised classifications. We based the differing fire loss experience on the fire suppression capabilities of each community. The new classifications will improve the predictive value for insurers while benefiting both commercial and residential property owners. We've published the new classifications as "X" and "Y" – formerly the "9" and "8B" portion of the split classification, respectively. For example:

- A community currently graded as a split 6/9 classification will now be a split 6/6X classification; with the "6X" denoting what was formerly classified as "9."

- Similarly, a community currently graded as a split 6/8B classification will now be a split 6/6Y classification, the "6Y" denoting what was formerly classified as "8B."
- Communities graded with single "9" or "8B" classifications will remain intact.
- Properties over 5 road miles from a recognized fire station would receive a class 10.

PPC is important to communities and fire departments as well. Communities whose PPC improves may get lower insurance prices. PPC also provides fire departments with a valuable benchmark, and is used by many departments as a valuable tool when planning, budgeting and justifying fire protection improvements.

ISO appreciates the high level of cooperation extended by local officials during the entire PPC survey process. The community protection baseline information gathered by ISO is an essential foundation upon which determination of the relative level of fire protection is made using the Fire Suppression Rating Schedule.

The classification is a direct result of the information gathered, and is dependent on the resource levels devoted to fire protection in existence at the time of survey. Material changes in those resources that occur after the survey is completed may affect the classification. Although ISO maintains a pro-active process to keep baseline information as current as possible, in the event of changes please call us at 1-800-444-4554, option 2 to expedite the update activity.

ISO is the leading supplier of data and analytics for the property/casualty insurance industry. Most insurers use PPC classifications for underwriting and calculating premiums for residential, commercial and industrial properties. The PPC program is not intended to analyze all aspects of a comprehensive structural fire suppression delivery system program. It is not for purposes of determining compliance with any state or local law, nor is it for making loss prevention or life safety recommendations.

If you have any questions about your classification, please let us know.

Sincerely,

*Alex Shubert*

Alex Shubert

Manager -National Processing Center

cc: Mrs. Jona Lee Focht, Communications Supervisor, Homer Dispatch Center  
Mr. Todd Cook, Water Superintendent, Homer Public Works  
Chief Robert Ciccirella, Chief, Kachemak Emergency Services  
Mr. Mark Kirko, Chief, Homer Fire Department

October 27, 2019

Katie Koester, City Manager  
Homer City Hall  
491 East Pioneer Ave.  
Homer, AK 99603

Dear Ms. Koester,

We'd like to introduce you to a very special friend of ours, Olga Hallock.  
(Please see the write up from the 1998 Huntington Town Report)

The following is a quote from the 1999 Huntington Town Report: "Olga Hallock is the only person in Vermont who has been named both Clerk of the Year (1999) and Treasurer of the Year (1995)."

Prior to her going to Holland for the International Clerks, Treasurers and Municipal Employees Convention in 2000, sometime in the late 1990's, Olga went to the same Conference held in Anchorage, AK. After the meetings she got a chance to tour the state with fellow clerks and completely fell in love with Alaska.

After her 2000 retirement she talked my husband and I into traveling there with her. So in May of 2001, we spent an incredible 3 weeks doing that — one week aboard a cruise ship from Vancouver to Anchorage and two weeks with a rental car on the George Parks, Richardson, Glen and Sterling Highways, ending up on the Homer spit just before returning to Vermont. She especially wanted to return to Homer and the spit. It seemed to a very special place for her. We have a picture of her standing on the beach by the Land's End Resort Hotel (on her birthday!) not seeming to get enough of the bay and the snow capped mountains in the distance.

The reason we're writing to you is to ask if you could do a special favor for us.

We have an oval, 7lb. granite rock from Scoodic Point, ME that we had engraved with the letters OLGA. We gave it to her as she also had a strong affinity for the ocean off Maine. It was returned to us after her passing in Nov. of 2004. My husband and I are 84 and 79 and aren't able to come to Alaska again. Is it at all possible that you could have one of your fishermen who go out on the bay on a regular basis toss "the rock" into the bay far enough out so it won't wash up? The symbolism of this act would mean so much to us.

An aside — Olga knew John Teal (associated with the Palmer Musk Ox Farm). She and my husband attended John's memorial service and burial in Huntington, VT where he had housed a pair of musk ox for several years on his farm.

Sincerely,

*Lionel & Ardis Fisher*  
*Lafisher@gmaut.net*



# Olga Hallock



When she retires in 2000, Olga Hallock will hold the record for the 20th century for time for served as Huntington Town Clerk. She has held this office longer than any clerk in Huntington's recorded history except George W. Sayles (1874-1906), who served a year longer. In her time in this office, she has seen many changes.

Olga Hallock was the first woman to be elected Huntington Town Clerk. When she received the position in 1969, the clerk provided all her own materials (including pencils) and equipment. Olga bought two safes from her predecessor in which she stored town records going back 40 years. (She sold these to the Town in the 1980s.) The rest were stored in the vault located in the back third of the unheated building on the green in the lower village that later also housed the Town Library.

Photo courtesy of Roderick Ross

When the farm was converted into the Town Office, the Clerk dealt with the business of the town in her home. Olga lived on the Roy Cleveland farm in Huntington Center until 1974 and the dining room was converted into an office for her. The Town Clerk had office hours, but Olga can't remember what hers were when she first started. She said, "When you have it in your home, it's different...they were there before breakfast and they were there when I was in my pajamas."

When the farm was sold, she and her employer moved into a mobile home next to the farmhouse; she put on an addition to house the town's business. She later initiated the move into the now Town Office.

Olga was really the first full-time clerk/treasurer Huntington had and her expertise evolved with the times. Said Roderick Ross, Huntington Selectman for 18 years, "Olga is one of the brightest people. She got there through self-education."

When the town business had to modernize, Olga attacked learning the computer with great determination. Ross points out that "when Olga learned this, computers were a different world. There weren't the programs that there are today." He went on, "it wasn't that long ago when even books were kept in a shoebox." The newest member of the selectboard also served as its clerk when Ross was first elected in 1975. She received everything in a box from her predecessor. All town ledgers for payments and other accounts were handwritten. Compare this to today's computer-generated receipts and fast-paced records retrieval.

The office has gotten much busier.

Huntington land records are now into Volume 59. When Olga began as clerk, she started in Volume 25.

Olga Hallock was born "on the hill" in the Starksboro part of Hanksville. She attended the one-room school house in Hanksville, now the home of Penny Albright on Carse Road. Olga grew up with two brothers, Wayne and John. Her sister died in infancy before Olga was born. She walked to school with her brother, John, sometimes catching a ride down to the Parker Beane farm on the milk wagon. High school was not an option for her as Huntington



Olga and John Hallock on Grandfather Hallock's place (now owned by the MacIsaacs) around 1942. Photo courtesy of Lorraine Hallock

students usually attended either high school in Richmond or Bristol, which meant boarding in the town. She went to work on the Cleveland farm in Huntington Center after eighth grade. She helped Hazel Cleveland with the tasks associated with running the household for a large dairy farm, complete with live-in farmhands. She lived and worked there for 24 years. Later, she took and passed her General Equivalency Diploma exam in 1980 when she was 43.

As you can imagine, Olga has a great many stories of life on the farm. She tended to the poultry, which included dressing the birds as well as feeding them. There were incubators in the basement of the house. She remembers well the year (1957) that Roy Cleveland broke his leg on the hill and she incubated, hatched and cared for 97 goslings until they were prepared and delivered for Christmas dinner sales at Colodny's Market (now Burlington College) and Verrett's Market on Shelburne Road.

She decided to run for Town Treasurer in 1979, succeeding Nellie Jaques. When the Selectboard decided it needed an assistant to field calls for town-related business, Olga was their choice. She knows more intimate details of Huntington and its residents than anyone can imagine. Her institutional memory for the town's history makes her an invaluable resource when putting together newspaper articles or documents like the Town Report.

Details are her specialty. She runs a tight ship at the polls. Huntington has never had a vote recount where the number was any different than it was the first time.

Olga is active professionally and has served on the State Board of the Vermont Town Clerks and Treasurers Association. She is one of the few certified Town Clerks/Treasurers in the State of Vermont, an honor of which she is extremely proud (the license plate on her car reads CVC/CVT). She regularly attends conferences for town clerks and already has her hotel reservation for the conference in Amsterdam (yes, Holland) in 2000.

Olga's contribution to Huntington goes far beyond her elected offices. She was the moving force behind the Huntington holiday food boxes for many years. Every spring, she places the flags out on the veterans gravestones in all the town's cemeteries. For many years, she was a primary force in the Huntington Volunteer Fire Department Ladies Auxiliary. Olga, together with Edith Baughman, started the Friends on Richmond Rescue in 1979. She helped start *The Huntingtonian*, which later merged with *The Richmond Times*, spending many evenings for 11 years with a few neighbors collating, stapling and labelling the newsletters for mailing. The list is impossible to complete here.

Mention her name and people just can't say enough about her generosity and personal kindnesses.

Says Roderick Ross, "Olga weaves the fabric of the community together. She makes everybody feel like a friend."

When asked recently what her favorite part of being Huntington's Town Clerk for over 30 years has been, she answers without hesitation, "meeting with people."



Thanks to Roderick Ross and Lorraine Hallock for their help with this "surprise" dedication.

—H Racht



Olga, with brothers Wayne (left) and John (right) prepare to go hunting

### Huntington Town Clerks\*

1969-2000	Olga Hallock
1964-1969	Sheridan A. Coveau
1935-1964	P.C. Jaques
1916-1935	H.A. Alger
1906-1916	Bert Morrill
1874-1906	George W. Sayles
1871-1874	R.C. Bromley
1868-1871	George E. Johnson
1853-1868	J.M. Johnson
1848-1853	Royal Firman
1846-1848	Alexander Ferguson
1815-1846	James Ambler
1796-1815	William Hills
1793-1796	Ebenezer Ambler
1792-1793	Jehiel Johns
1791-1792	Ebenezer Ambler

\*List derived from signatures on land records back through Volume I

# Memo

Date: Monday, September 30, 2019

Project: Coastal Erosion Assessment of Sterling Highway Termini on Homer Spit

To: Joselyn Biloon, Kenai Area Planner (DOT&PF)

From: Ruth Carter, PE, Coastal Engineer (HDR)

Subject: Analysis and Concept Alternative

The purpose of this technical memorandum is to provide a Coastal Erosion Assessment of Sterling Highway Termini on Homer Spit (herein referred to as the “Spit”) as well as provide concepts for long-term solution to help reduce maintenance costs and extend the functional life of the highway.

## Metocean Conditions and Sediment Transport

The following provides a brief description of the meteorological and oceanographic (metocean) conditions as well as sediment transport trends along the Spit.

### Tide

Tide datums for the area were gathered from the NOAA tide station located at Seldovia, AK and are provided in Table 1. Although this station is located across Kachemak Bay, the tide datums provide a good representation of conditions along the Spit.

Table 1. Tidal Datums at Seldovia NOAA Tide Gauge (NOAA 2019)

	Elevation, FT (MLLW)	Elevation, FT (NAVD88)
Mean Higher High Water	18.1	12.7
Mean High Water	17.2	11.9
Mean Sea Level	9.6	4.3
Mean Low Water	1.7	-3.6
Mean Lower Low Water (MLLW)	0.0	-5.3
North American Datum of 1988 (NAVD88)*	5.3	0.0
<i>*NAVD88 conversion calculated using Alaska Department of Natural Resources – Alaska Tidal Datum Portal (DGGs 2019).</i>		

### Wind

Figure 1 provides a wind rose from data gathered at the Homer airport. The wind rose graphically shows the wind direction, magnitude, and frequency of occurrence. A silhouette of the Homer spit is also included in the figure in the background. This provides a graphical orientation of the Spit shoreline in relation to the wind trends. From the figure, it can be seen that annually wind predominantly blows in two primary directions: northeast and west southwest.

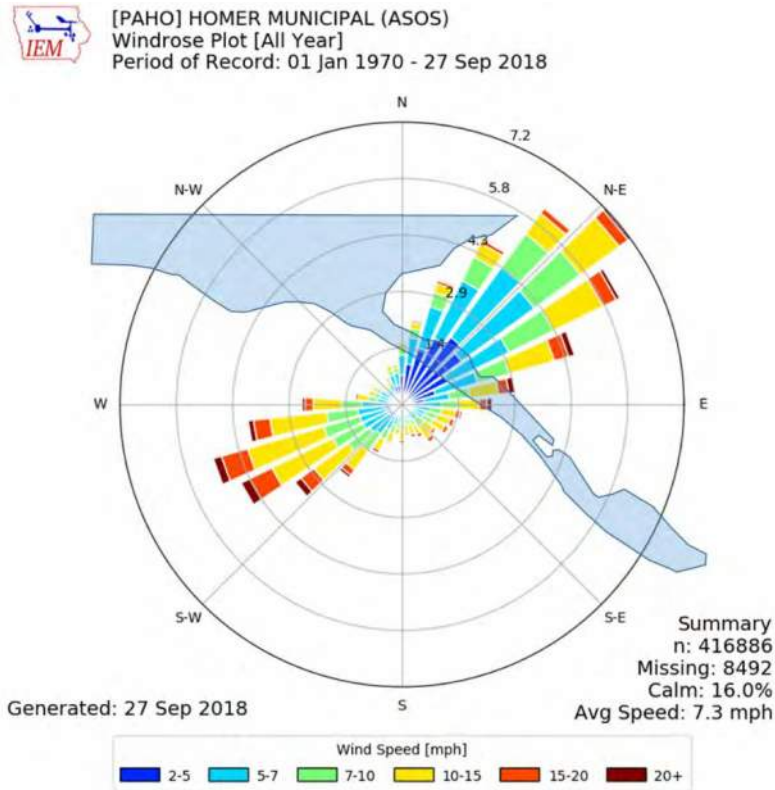


Figure 1. Wind rose showing predominant wind direction, frequency, and magnitude at Homer, AK (ISU 2019).

## Waves

Kachekmak Bay is relatively shielded from open ocean swell coming from the Gulf of Alaska. Waves generated that impact the Spit are primarily wind-generated waves that have developed within the Kachekmak Bay/Cook Inlet water bodies. Because of this, wave directional trends will closely align with directional trends of the winds shown in Figure 1.

Homer Spit and the highway are partially protected by the Archimandritof Shoals, which forms off the terminus of the spit. The largest waves break offshore on the shoal. Nearshore, breaking waves form “offshore bars” that are visible at low tides; channels form on the beach from the strong return currents of these breaking waves.

## Sediment Transport

For discussion purposes, sediment transport can be simplified as cross-shore transport and long shore transport.

Cross-shore transport is the movement of sediment up and down the beach profile. In typical open-ocean beaches, wave action from winter storms will cause cross-shore sediment transport to the lower part of the beach profile creating a skinner beach or lower beach elevations. During calmer summer periods, cross-shore transport will move this sediment back up into the higher portions of the beach profile creating a seasonally wider beach. This trend or some variation is likely occurring as seasonal variations of the Homer beach elevations are typical.

Long shore sediment transport is the movement of sediment parallel to the shoreline. Sediment will move along the shoreline as waves approach a shoreline from an oblique angle. The more oblique the angle and more wave energy, the more sediment is transported. Based on the wave directional trends and orientation along the Homer Spit, the beach experiences waves impacting the shoreline from a consistent oblique angle, thus a net sediment transport is southeastwardly as it moves around the tip of the Spit on incoming tides; outgoing tides send material westward off the end of the spit contributing to the Archimandritof Shoals. A 200 meter deep submarine trough at the end acts as a sediment trap limiting further spit extension.

## Existing Observations

A site visit was conducted on September 17, 2019 with the Homer Port Administrator/ Harbormaster to observe the condition of the highway along the Spit. The state's Maintenance Superintendent also attended briefly while in the area. Photographs included represent the conditions present at the time of the site visit.

Background: The Homer Spit is a 4.5 mile long glacial spit composed of sands and gravel that offers recreational, commercial, industrial, and residential use. It is a valuable asset to the City of Homer and the State due to its economic and recreational opportunities. It is also a unique, coastal feature and a valuable environmental resource with its extensive bird and marine habitat.

While typically in equilibrium, it is apparent that the spit is undergoing a long period of erosion. This is evidenced by observing the piling structures located on the Spit, which are exposed an estimated ten feet more than three years ago, according to observations by the Harbormaster. Near Land's End, buried piling were exposed up to about 10-feet about three years ago, however only about one foot of piling was visible at the time of this site visit. Beach areas once used for camping and other recreation are now gone. Changes in storm patterns the past few years with milder summers and fewer strong southeasterly events may be affecting the sediment movement along the spit allowing greater erosion and less seasonal accretion (pers. comm. Bryan Hawkins, Homer Harbormaster).

The U.S. Army Corps of Engineers (USACE) rock revetment (Figure 2) appears exposed almost in its entirety (Figure 3), where in the past a greater portion of rock was buried. Originally, the Corps constructed 1000 feet of revetment in 1992, and extended it an additional 3700 feet in 1998. It is suspected that placement of the rock sections by the USACE affected the supply of

sediment, which impacted the overall littoral drift on the Spit. This caused beach lowering adjacent to the rock revetment and further south along the spit (i.e., down drift erosion).



Figure 2. USACE rock revetment location maps (USACE 2019).



Figure 3. Condition of USACE revetment along the Spit.



Further to the south the Alaska Department of Transportation and Public Facilities (ADOT&PF) has armored the highway in two emergency projects. These areas are known to be subject to periodic overtopping; visible damage to the asphalt on the roadway shoulders was observed. The transition from USACE to the DOT&PF revetment projects is shown in Figure 4.



**Figure 4. Transition of USACE and DOT&PF revetment projects.**

A large lens of sand/gravel was noted near the DOT&PF revetment; it appears to be migrating southeast on the upper beach. The sand lens is shown in Figure 5.





**Figure 5. Sand lens observed along DOT&PF revetment.**

Dredged materials have been placed on the beach in various locations. This material was observed to be naturally sorted. Larger cobbles remain on the upper beach, while fines are washed out, migrate and are transported offshore or alongshore. This often leaves an escarpment that can be perceived as erosion, however it is a natural sorting effect that occurs when type of material is placed and exposed to wave/currents. Photograph of typical escarpment associated with eroding dredged material is shown in Figure 6.



**Figure 6. Escarpment along Spit demonstrating natural sorting of placed dredged material.**

Area between the boardwalk businesses near the end of the spit was damaged in a March 2019 storm, according to Bryan Hawkins. The City of Homer plans to place an estimated 40,000 cubic yards of dredged material from a privately-owned barge basin into this area to try to partially reclaim their city camping sites. Currently there is no camping area. It is expected that placement of this material will also provide a buffer for the highway embankment in this area. Figure 7 shows a former camping area; utility pole now exposed about 10-feet more than one year ago.



**Figure 7. Former camping area along the Spit.**



Near Land's End, a perched beach was created by placing large boulders on the upper beach and back-filling with dredged material (Figure 8). Only the cobbles remain and provide a more stable beach profile. The large rocks also act as a small groin and have helped rebuild the upper beach in this area. It is estimated that 10 to 30 percent of the material in dredged spoils is cobbles; the remainder is fines that get moved offshore or alongshore. Photo perched beach concept.



**Figure 8. Boulders placed along Land's End.**

Figure 9 provides an overall view of Homer Spit from the air with cruise ship at City of Homer dock.



Figure 9. Oblique aerial of the Homer Spit during the time of the site visit.

## Coordination

State, federal and local agencies were contacted for this study. This included the DOT&PF Planning and Maintenance Sections, the U.S. Army Corps of Engineers Operations Branch, and the City of Homer Harbor Department. While this list is not extensive, sufficient information was gathered to address the needs herein.

In May of this year, there was a meeting held in Homer to address long term erosion concerns on Homer Spit; a copy of the meeting notes is attached. Overwhelmingly, the conclusion was

that a Long Term Management Plan is needed for material on the Spit and that there needs to be a Working Group involving state, federal and local agencies along with other interested parties.

Meeting on the Spit with the Homer Harbormaster and DOT&PF Maintenance Superintendent provided a view of city and state concerns. Additionally, efforts of both parties to address erosion were discussed onsite.

## **Highway Embankment Protection Concept**

A number of concepts for improving the longevity of the existing roadway embankment were considered. Including a perched beach, a groin field, offshore breakwater, sediment management (beach nourishment), a traditional rock revetment and a combination of a revetment with sediment management.

Due to the importance of access on Homer Spit, a traditional revetment is recommended; however it is strongly encouraged to couple any rock project with a sediment management plan for long term viability of the spit. If the cost is similar, concrete armor units may be considered in lieu of rock to further reduce run-up and overtopping.

### **Armor Stone Revetment and Sediment Management**

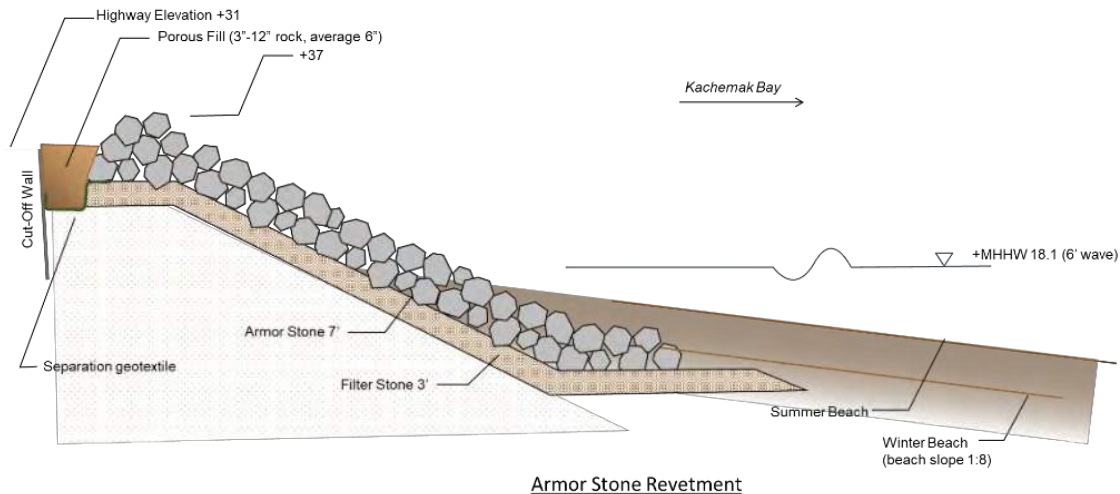
This concept is essentially a 'belt and suspenders' approach to protecting the department infrastructure and maintaining the recreational beach. This concept proposes to extend the existing armor stone revetment along the roadway and building the beach seaward of the larger rock.

The revetment would use at least two stone material classes: a filter stone and a primary armor stone. Filter stone would be placed between the primary armor stone and the road embankment. The larger primary armor stone would protect the roadway from large storm events; the beach nourishment would provide a buffer protecting the roadway from smaller events. A vertical cutoff wall would prevent undercutting of the asphalt on the shoulder of the road.

Figure 10 provides a schematic of this concept.

This concept include the following assumptions: Design High Water +18 feet, Design Low Water -3 feet, Design Wave Height 6 feet, Beach Slope 8H:1V, Highway Elevation +31 feet. 2H:1V revetment slope. Average weight armor stone 3,000 lb.; filter stone 300 lb.





**Figure 10. Armor stone revetment concept schematic.**

### Advantages

- Armor stone structures can be designed to have a long service life.
- Makes use of dredged materials; keeping them on the Spit.
- Reduce damage to edge pavement.

### Disadvantages

- Armor stone can have a high construction cost.
- May require guardrail.
- Beach elevation will continue to lower in front of the rock revetments due to effect sediment cross-shore transport, so would need to be maintained.
- Down drift erosion will continue to occur due long-shore sediment transport.

### Maintenance

- Conduct periodic surveys (every three to five years) to identify potential settlement of the structure and displaced stones.

### Permits

Anticipated permits that would be required for this concept include: USACE 404/10, USACE 408, City of Homer, ADEC, U.S. Fish & Game Habitat, Endangered Species Act, Nation Marine Fisheries Service (NMFS)/Marine Mammal Compliance.

## Rough Order Magnitude Costs

A rough order of magnitude (ROM) cost for this concept was developed. Quantities were determined through conceptual design and assumed rough unit rates were applied to develop the ROM costs. Note, no design has been performed to determine quantities, and comparable project costs were not reviewed. ROM costs should be used as a general “order of magnitude”

and not used for financial planning purposes. Costs associated with design and permitting of the concepts is include in the ROM cost values.

While in Homer there was a discussion with Bryan Hawkins, Homer Harbormaster, and Carl High, ADOT&PF Kenai Maintenance Superintendent, of rock availability and pricing briefly. Ouzinkie rock was used for a recently constructed Seward breakwater, according to Bryan Hawkins. Bryan also mentioned that there's a new quarry being tested in Kodiak. Carl stated that Dibble Creek out of Jakalof is producing crushed rock which is used to produce D-1 for highway projects. In addition, it was noted by both Bryan and Carl that there is the new Diamond Cape Quarry across the Inlet from Homer that may be able to provide armor rock.

The cost of this revetment would be roughly \$1.1M to \$1.5M per 100-foot station. Maintenance would be about 5% of cost of the revetment every three years.

## Recommendations

The following provides some recommendations for advancing improvements to the Sterling Highway Terminus on Homer Spit.

- Due to the current state of erosion along the Spit, the roadway embankment should be protected with a hard structure. To develop an armor stone or concrete armor unit revetment, recommend advancing the project through a traditional design/bid/build or construction manager/general contractor (CM/GC) delivery project.
- The hard structure should be coupled with a Long Term Sediment Management Plan to improve the overall stability of the spit by keeping dredged materials in the system.
- Research and document historical and current studies to develop lessons learned prior to design.
- Work with City of Homer to establish a local observer network to install staffs to visibly measure the relative seasonal and annual changes in beach elevations. This could be as simple as a graduated staff attached to existing piling and was discussed with the Homer Harbormaster.
- Establish Working Group: City of Homer, DOT&PF, USACE, others, to meet annually and address immediate and long term needs.
- Develop a Long-Term Sediment Management Plan
  - Sediment Transport – determine where beach nourishment material is ending up and how long it takes to move from where it's placed.
  - Perform a Sediment Budget – determine how much material is needed to maintain the spit. Understand its origination. Determine the optimum placement and quantity for beach nourishment.
  - The Long-Term Sediment Management Plan should include extensive modeling and performance analyses to inform potential for erosion impacts. In addition, the plan should also include potential impacts/benefits of the Homer Harbor Expansion Project.



- Explore benefits of extending USACE revetment through a General Investigation as a Cooperative Project with state (ADOT&PF) and City of Homer as partners.

#### Attachments

- 2019-9-29 SUMMARY Homer Spit Erosion Tech Memo
- HOMER - May 21 Meeting Notes - USACE et al.
- 9-4-2019 Telephone Record-RCarter to JBiloon
- 9-16-2019 Telephone Record-RCarter to CHigh
- 9-16-2019 Teleconference Record-RCarter BHawkins JAnderson MTencza
- 9-17-2019 RAC Meeting Minutes - Field Observations-updated

## References

- DGGS, 2019. Alaska Department of Natural Resources, Division of Geological & Geophysical Surveys, Alaska Tidal Datum Port. Webpage, <http://dggs.alaska.gov/sections/engineering/ak-tidal-datum-portal/calculator.php>
- ISU, 2019. Iowa State University, Iowa Environmental Mesonet. Webpage, <http://mesonet.agron.iastate.edu/sites/locate.php>
- NOAA, 2019. Center for Operational Oceanographic Products and Services (CO-OPS), webpage, <http://tidesandcurrents.noaa.gov/>
- USACE, 2019. United States Army Corps of Engineers, Alaska District. Webpage, <https://www.poa.usace.army.mil/>.



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Manager

491 East Pioneer Avenue

Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)

(p) 907-235-8121 x2222

(f) 907-235-3148

November 8<sup>th</sup>, 2019

Mr. Brett Huber, Sr.  
Senior Policy Analyst  
Executive Office of Governor Dunleavy  
550 W 7<sup>th</sup> Ave.  
Anchorage, AK 99501  
*Submitted electronically: [Brett.Huber@alaska.gov](mailto:Brett.Huber@alaska.gov)*

Mr. Huber,

Honorable Governor Dunleavy recently visited Homer to attend the Alaska State Home Builders Association conference but he also was able to share some of his time with Homer Mayor Ken Castner, Port and Harbor Advisory Commission Chair Steve Zimmerman, and myself to discuss the City of Homer's Large Vessel Harbor Expansion Project. During our meeting, the Governor recommended we continue our conversation with you as our next point of contact.

Brief background information: the Large Vessel Harbor Expansion Project is a regional economic development initiative that will allow vessels up to 250 feet in length safe moorage in Alaskan waters. The outcome will be hundreds of thousands of dollars in savings for large vessel owners that currently have to moor their boats elsewhere while letting Alaska keep more dollars in-state. Industries that have so far expressed interest in having central gulf region operations include oil and gas, commercial fishing, commercial transportation, research, enforcement, and adventure cruise ships. Homer's large vessel harbor will also provide safe moorage for the US Coast Guard, and result in high paying jobs for Alaska marine tradesmen since vessels could now be worked on and in Alaska instead of Washington.

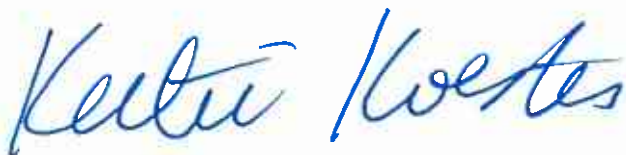
The State of Alaska has long been a partner with the City of Homer in the Large Vessel Harbor Expansion Project. In 2007, a General Investigation Study for the new harbor was initiated with funding shared 25% City, 25% State through the Alaska Department of Transportation (ADOT), and 50% Army Corps (see attached agreement). In 2009, this study was shelved due to project cost and demand however there is good news to share. The US Army Corps Planning Assistance to States (PAS) grant completed this year has determined variables like cost and demand have significantly improved, making this a feasible project. During their upcoming budget cycle, the Corps will be recommending funding to reinstate the General Investigation Study. The Study will be a three year commitment with a total cost of \$3 million dollars.

The City of Homer is asking for the State of Alaska to continue our longstanding partnership in this transportation project by contributing a 25% match over 3 years, totaling \$750,000. ADOT staff in the Central Region Planning office have recommended cruise ship passenger vessel tax dollars as the State's funding source for this match.

Given the positive momentum behind this project, I would appreciate any opportunity to further discuss the Large Vessel Harbor Expansion Project with you and the Governor as soon as possible. It would be a significant accomplishment to line out potential next steps to initiate the General Investigation Study with ADOT and reaffirm the City's important partnership with the State regarding this endeavor.

Thank you for your time and attention.

Best regards,

A handwritten signature in blue ink that reads "Katie Koester". The signature is fluid and cursive, with the first name "Katie" and last name "Koester" clearly distinguishable.

Katie Koester  
Homer City Manager

*Enc:*

2007 MOA between ADOT and City of Homer for Payment of Matching Funds for Homer Harbor Feasibility Study

2020-2025 Capital Improvement Plan, New Large Vessel Moorage Facility

Memorandum of Agreement  
between the  
Alaska Department of Transportation and Public Facilities  
and the  
City Of Homer  
for  
Payment of Matching Funds  
For Homer Harbor Feasibility Study

This Memorandum of Agreement is by and between the Alaska Department of Transportation and Public Facilities, hereafter referred to as the Department, and the City of Homer, hereafter referred to as the City.

The City, as local sponsor, has requested State assistance in the funding of the feasibility study for a harbor expansion project in Homer.

The Alaska legislature in Chapter 82, SLA 2006, has appropriated funds that may be used as matching funds for the Army Corps of Engineers Harbor projects.

The Department has agreed to provide these funds in the amount of \$150,000 for the City's matching fund requirement.

The City requests the Department make payments directly to the Corps of Engineers.

Therefore, the Department agrees to issue payment directly to the Army Corps of Engineers, not to exceed \$150,000.

The City agrees that the Department has no obligation on the Homer Harbor Expansion Project beyond that specifically agreed to in this Memorandum of Agreement.

City Of Homer

Date

Steve Dean, Acting City Manager  
11/28/07

Alaska Department of Transportation  
& Public Facilities

Date

Patricia M. Hether  
11.27.07

**State-Municipality Cooperation Agreement**  
**Between the**  
**State of Alaska Department of Transportation and Public Facilities**  
**and**

The City of **Homer**

Project Name: **Homer** Navigation Improvements

Project No. #####

---

The Municipality and the State are entering a long term working relationship with the Corps of Engineers (hereinafter called the Corps) on the above reference project. The Municipality as project sponsor has requested State assistance.

This cooperation agreement is effective upon execution by the State of Alaska, Department of Transportation and Public Facilities, (hereinafter called the State) and City of **Homer**, Alaska (hereinafter called the Municipality). The State and Municipality are entering this Agreement pursuant to AS 35.15.080 et. seq. and any regulations promulgated thereunder.

The Municipality's coordinator for this Agreement is **Steve Dean, Harbormaster**. The State's coordinator for this Agreement is **Harvey Smith**, State Harbors Engineer. Each party agrees to notify the other party of any change in the coordinator.

1. This agreement defines and formalizes the State's role during the Corps' Feasibility Study process. It is our intent that the State's engineer will be a Technical Consultant to the Municipality and liaison between the State and the Corps. This function is reserved for a department representative on any project anticipating state funding for either design or construction, or for any project that may affect an existing state harbor facility.
2. The Municipality recognizes that:
  - a) It will be required to provide access, uplands, and tidelands sufficient to support construction, operation, and maintenance of the proposed facility and that the State will not participate in land acquisition and right of way purchases.
  - b) If not already in place, the Municipality shall adopt harbor ordinances that provide for the administration, management, operation, and maintenance of the completed facility for public purposes as a condition of receiving State construction funds for the proposed project.
  - c) The Corps process seeks to satisfy National Economic Development (NED) criteria to determine the national interest, which may not include local or state interest.
  - d) The State has unique professional coastal and harbor engineering expertise and considerable experience as sponsor that can provide substantial technical and administrative strength to the project.
3. The Municipality and the State agree to appoint members as appropriate to the project study team and one member each to the project executive committee.
4. The Municipality agrees to a joint review with the State of the draft Project Feasibility Cost Share Agreement (FCSA) before signature by the Municipality.



5. The Municipality agrees to a joint review of intermediate work products, study recommendations and final draft report.
6. The Municipality agrees to promote the project, support the team effort, and actively participate as a team member.
7. The State agrees to:
  - a) Provide review and consultation during FCSA development.
  - b) Act as technical advisor and consultant to the Municipality. This includes taking information presented by the study team and, working cooperatively with the Corps and Municipality, compile it into an optimum design representing the interests of the Municipality while conforming with State Policy and Corps' National Economic Development (NED) requirements.
  - c) Look at the whole harbor concept by integrating the necessary uplands, mooring basin, and protective structures into a fully functional harbor. This effort will strive to create harmony with the Corps' NED plan. The NED plan normally focuses on the General Navigation Features (GNF), consisting of only breakwaters and primary navigation channels. The harbor area recommended for upland development is approximately equal to that required for moorage and may have similar, or greater, potential for economic benefits.
  - d) Work in cooperation with state planning personnel providing technical guidelines for planning decisions. The planning objectives are to identify local and State benefits in addition to national benefits and to help the Municipality develop facilities that maximize the economic opportunities for the Municipality and the State.
  - e) Work with the study team to develop measurable criteria from which to evaluate harbor alternatives.
  - f) Work with environmental and other groups to resolve issues that may cause delay in the design development.
8. Subject to appropriation by the Legislature, the State will provide in-kind services. Financial obligations are understood to be obligations of the Municipality. Where State financial assistance is approved, payment (less in-kind services) will be made directly to the Corps of Engineers. Prepayment, when required by the federal program, will be made upon receipt of requests for payment accompanied by documentation submitted by the District Engineer, Alaska District Corps of Engineers, or his authorized representative. The required documents are the signed FCSA between the Corps of Engineers and the Municipality, and a letter from the District Engineer requesting payment.
9. In the event the final total amount of the local Municipality's financial obligation is less than the total amount estimated at the time of signing this agreement, then the State shall receive its proportionate share of any unused portion of the local Municipality funding returned by the Corps of Engineers at the completion of the project.

10. The State and Municipality will make no commitment for subsequent project development costs unless this agreement is amended in writing and signed by both parties.
11. If, due to changed circumstances, the State or the Municipality wishes to terminate this Agreement prior to its completion, the initiating party shall notify the other party in writing of its reasons for requesting the early termination. To terminate, both parties must agree in writing that it is in their mutual best interests to terminate. If the State and Municipality agree to terminate, the State assumes no further liability to the Municipality, the Corps of Engineers or any other party.
12. Before any party to this agreement may bring suit in any court concerning an issue relating to this agreement, such party must first seek in good faith to resolve the issue through negotiation or other forms of non-binding alternative dispute resolution mutually acceptable to the parties.
13. Unless changed by prior written notice, any correspondence required by this Agreement must be sent to the following addresses:

**STATE:**

Office of the State Harbors Engineer  
Department of Transportation and Public Facilities  
3132 Channel Drive  
Juneau, AK 99801

**MUNICIPALITY:**

City of Homer  
491 East Pioneer Avenue  
Homer, Alaska 99827

**APPROVALS:**

---

Authorized Signature for Municipality, Title

---

Date

---

(Director of Design and Engineering Services

---

Date

## **APPENDIX A**

### **Scope of Project:**

1. **Description of Project:** The Municipality plans to enter into a project feasibility cost share agreement (PFCSA) with the Corps of Engineers, Alaska District to investigate and report on the proposed project feasibility.
2. The Municipality has requested State assistance by letter dated August 27, 1998

## **APPENDIX B**

### **Payment Schedule:**

#### **For Corps of Engineers Matching Funds**

There is no appropriation for the Homer Navigation Improvements project at this time, however, the State agrees to transfer funds, if appropriated by the Legislature and approved by the Commissioner, for the project to a special account in the State Treasury. The funds transferred to this special account for the Municipality shall not exceed a total of \$ ##### or the amount actually appropriated by the Legislature for this project, whichever is less. In no case shall the amount expended on this project be more than 50% of the total non-federal cost including in-kind services. State will charge directly to this account for in-kind services provided under this agreement and the PFCSA.

Payment, less State incurred in-kind costs, will be made directly to the Corps of Engineer at FINANCE AND ACCOUNTING OFFICE, ALASKA DISTRICT, US ARMY CORPS OF ENGINEERS, PO BOX 898, ANCHORAGE AK 99506-0898. The check will be pay to the order "FAO, USAED, ALASKA"; memo "Homer Navigation Improvements"; Or, in the case where the Municipality has advance funded the project, the State may make payment directly to the Municipality.



## 2. Homer Port & Harbor: New Large Vessel Moorage Facility

**Project Description & Benefit:** This project will construct a new large vessel moorage facility to the north of Homer's existing Port and Harbor. It will enhance port capabilities by:

- Accommodating large commercial vessels (fishing vessels, work boats, landing craft, tugs, etc.) outside the small boat harbor. Currently, large vessels are moored at System 4 and System 5 transient floats. Due to shortage of moorage space, large vessels are rafted two and three abreast constricting passage lanes, creating traffic congestion and overstressing the floats. The new facility will address overcrowding and associated navigational safety concerns and high maintenance costs in Homer's small boat harbor,
- Enabling Homer to moor an additional 40 to 60 large commercial vessels that potentially would use Homer Port & Harbor as a home port, but have been turned away due to their overall size, draft, or that the systems are working beyond capacity and we simply lack the space;
- Positioning Homer's Port and Harbor to meet the demands of emerging regional and national economic opportunities such as the Cook Inlet Oil & Gas industry, a possible LNG export plant in Nikiski, the opening of the Arctic for research, transportation and resource development and the US Coast Guard's long-term mooring needs. Currently, the USCGC *Hickory* moors at the Pioneer Dock which provides inadequate protection from northeasterly storm surges. The large vessel harbor will be built to provide protected and secure moorage suitable to accommodate USCG assets.

Centrally located in the Gulf of Alaska, Homer's Port & Harbor is the region's only ice-free gateway to Cook Inlet, the port of refuge for large vessels transiting the Gulf of Alaska, Cook Inlet, and Kennedy Entrance, and is the marine industrial and transportation system hub for central and Western Alaska. The new moorage facility will fill the unmet needs of large commercial vessels operating in the maritime industrial, marine transportation and commercial fishing industries.

**Plans & Progress:** The City, State of Alaska ADOT, and Army Corps of Engineers (ACOE) partnered on a port expansion feasibility study in 2004. At that time, preliminary results indicated the project's Benefit to Cost ratio would be non-competitive for Federal funding so the study was put on hold. High demand and favorable changes in cost drivers since then prompted the City and the ACOE to reexamine feasibility utilizing a Section 22 Planning Assistance to States Program Study grant in 2018. The study's positive results led to a recommendation by the ACOE to resume work on the Navigational Improvement Feasibility Study to dredge and build the new moorage facility. The City has formally expressed its intent to work with the ACOE on the Study and renew our partnership with the State of Alaska for technical expertise and funding, with the understanding that costs are shared 50% Federal, 25% City, 25% State.

**Total Project Cost:** \$124,233,000

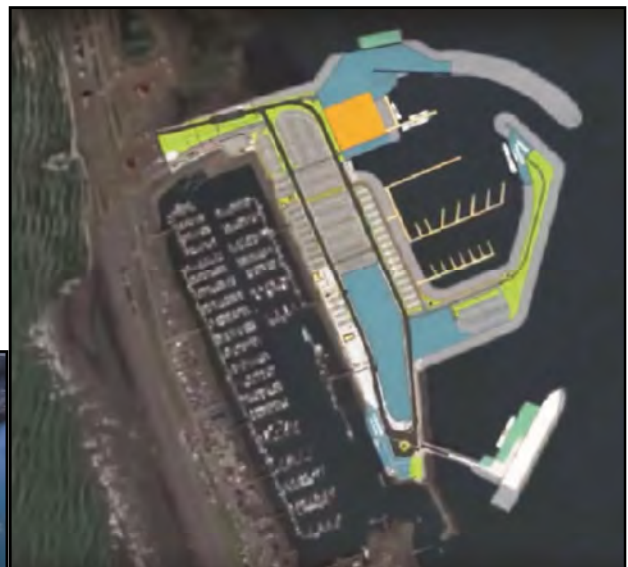
**Design and Permitting:** \$10,258,000

Breakwater Construction and Dredging: \$90,275,000

Inner Harbor Improvements: \$23,700,000

**FY2021 State Request: \$10,258,000**

(City of Homer 10% Match: \$1,025,800)



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

1 STATE OF ALASKA

2 THE REGULATORY COMMISSION OF ALASKA

3  
4 Before Commissioners:

Robert M. Pickett, Chairman  
Stephen McAlpine  
Antony G. Scott  
Daniel A. Sullivan  
Janis W. Wilson

5  
6  
7 In the Matter of the Application Filed by the CITY }  
8 OF HOMER to Amend Certificate of Public }  
Convenience and Necessity No. 140 }

U-19-092

9 ORDER NO. 1

10 ORDER ADDRESSING TIMEINE FOR DECISION, DESIGNATING COMMISSION  
11 PANEL, AND APPOINTING ADMINISTRATIVE LAW JUDGE

12 BY THE CHAIRMAN:

13 The City of Homer (Homer) filed an application to amend its Certificate of  
14 Public Convenience and Necessity (Certificate) No. 140 by expanding its authorized  
15 water public utility service area to provide water to a single lot upon which a low income  
16 housing development will be built.<sup>1</sup> We issued public notice of the Application with  
17 comments due by November 15, 2019.

18 Decision Timeline

19 The commission is required by AS 42.05.175(a)(2) to issue a final decision  
20 regarding an application to amend a certificate not later than 180 days after the date a  
21 complete application is filed. The Application was reviewed under 3 AAC 48.648. The  
22 Application was complete as filed. Therefore, the commission will issue a final order in  
23 this proceeding no later than April 14, 2020.

24  
25  
26 <sup>1</sup>Application for New or Amended Certificate of Public Convenience and Necessity  
filed October 17, 2019 (Application).



1 Commission Panel

2 I designate Commissioners Stephen McAlpine and Daniel A. Sullivan and  
3 myself as the commission panel<sup>2</sup> and further designate Commissioner Sullivan as the  
4 commission docket manager.

5 Administrative Law Judge

6 Under AS 42.04.070(b), the chairman appoints Administrative Law Judge  
7 Jeffrey F. Davis to facilitate conduct in this docket. The administrative law judge will issue  
8 procedural orders in this docket, unless the commission docket manager determines that  
9 a particular procedural order should be issued by the commission panel.<sup>3</sup> Orders issued  
10 by the administrative law judge will be considered orders of the commission for purposes  
11 of petitions for reconsideration under AS 42.05.171.

12 ORDER

13 THE CHAIRMAN FURTHER ORDERS:

14 1. Commissioners Stephen McAlpine, Robert M. Pickett, and Daniel A.  
15 Sullivan are designated as the commission panel.

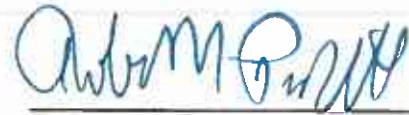
16 2. Commissioner Daniel A. Sullivan is designated as the commission  
17 docket manager.

24 <sup>2</sup>Under AS 42.04.080(a), the chairman designates a commission panel to hear, or,  
25 if a hearing is not required, to otherwise consider and decide docketed matters.

26 <sup>3</sup>The commission docket manager, after consultation with other members of the  
panel, may delegate to the administrative law judge whatever authority to issue  
procedural orders he or she considers necessary or advisable in this docket.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

3. Jeffrey F. Davis is appointed to serve as administrative law judge.  
DATED AND EFFECTIVE at Anchorage, Alaska, this 12th day of November, 2019.



Robert M. Pickett, Chairman





3000 Spenard Road  
PO Box 190288  
Anchorage, AK 99519-0288  
[www.enstarnaturalgas.com](http://www.enstarnaturalgas.com)

October 31, 2019

Regulatory Commission of Alaska  
701 West Eighth Avenue, Suite 300  
Anchorage, Alaska 99501

Re: 2019 Third Quarter Homer Surcharge Reconciliation

Dear Commissioners:

In compliance with Order No. U-19-014(9), ENSTAR Natural Gas Company, a division of SEMCO Energy, Inc. submits its Homer Surcharge Reconciliation to the Commission for the quarter ending September 30, 2019

Please contact me at 334-7620 if you have any questions concerning this filing.

Sincerely,

A handwritten signature in dark ink that reads "Chelsea Guintu". The signature is fluid and cursive, with the first name and last name clearly legible.

Chelsea Guintu  
Senior Financial Analyst  
Phone: 907-334-7620  
Fax: 907-334-7657  
[Chelsea.Guintu@enstarnaturalgas.com](mailto:Chelsea.Guintu@enstarnaturalgas.com)

Enclosures:  
Homer Surcharge Reconciliation ending September, 2019

## CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2019, a true and correct copy of the foregoing document was served by electronic mail on the following:

Janet Fairchild-Hamilton  
[Janet.fairchild-hamilton@alaska.gov](mailto:Janet.fairchild-hamilton@alaska.gov)

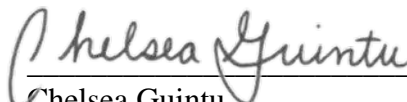
Lew Craig  
[Lew.craig@alaska.gov](mailto:Lew.craig@alaska.gov)

Jeff Waller  
[Jeff.waller@alaska.gov](mailto:Jeff.waller@alaska.gov)

City of Homer Clerks  
[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

Kachemak City Clerks  
[kachemak@xyz.net](mailto:kachemak@xyz.net)

Kenai Peninsula Borough Clerks  
[assemblyclerks@kpb.us](mailto:assemblyclerks@kpb.us)

  
\_\_\_\_\_  
Chelsea Guintu  
Senior Financial Analyst

**ENSTAR Natural Gas Company**  
**Homer Line Extension Surcharge**  
**Calculation Example Schedule**

Updated Homer Extension Surcharge Example			Funded by	Funded by	Amount over
Line #		Total Cost	State Grant	Surcharge	TA 226-4 Est
1	Cost of Pipeline as of 10/31/2013	\$ 11,710,421.39	\$ 8,150,000.00	\$ 3,560,421.39	
2	Final Cost of Pipeline	\$ 11,780,072.22	\$ 8,150,000.00	\$ 3,630,072.22	\$ 2,550,000.00
					\$ (1,080,072.22)
			Rate of Return	Income Tax Recovery Rate	
3	Prior to Oct 2017 (From Docket U-99-69)		9.25%	4.50%	
4	Effective Oct 2017 (Order U-16-066(19) issued on 9-22-2017)		8.59%	4.29%	
5	Federal Tax Rate Change Effective Jan 2018 (2017 TCJA)		8.59%	2.44%	
6	Proposed methodology change Effective January 1, 2019		5.06%	1.04%	
7	Line Extension Surcharge =	\$ 1.00			
8	Balance at 12/31/18	\$ 5,862,076			
9	Final Cost Funded by Surcharge	\$ 3,630,072			
10	Unrecovered Carrying Costs at 12/31/18	\$ 2,232,004	\$ 467,177	\$ 336,098.50	
11	Excess ADIT-Grossed Up	\$ 1,074,827			
	Unrecovered Net of Excess ADIT	\$ 1,157,177			
	Adjustment	\$ (400,000)			
12	Adjusted Unrecovered Net of Excess ADIT	\$ 757,177	Est. Amort. Period (Years)	13.5	Monthly Amort. = \$ 4,673.93

										Amortization of
										Unrecovered
										Carrying Cost
										Net of Excess ADIT
										Ending
										Balance
		Beginning	Additional	Rate of	Income Tax	Total	Mcf Sales	Surcharge		
		Balance	Costs	Return	Recovery	Carrying Cost		Receipts		
		A	B	C	D	E	F	G	H	I
16	1/31/2019	\$ 2,550,000.00	\$ -	\$ 10,658.65	\$ 2,193.19	\$ 12,851.84	\$ 44,511.64	\$ (44,511.64)	\$ 4,673.93	\$ 2,523,014.14
17	2/28/2019	\$ 2,523,014.14	\$ -	\$ 10,572.61	\$ 2,175.49	\$ 12,748.10	\$ 31,352.03	\$ (31,352.03)	\$ 4,673.93	\$ 2,509,084.14
18	3/31/2019	\$ 2,509,084.14	\$ -	\$ 10,519.19	\$ 2,164.49	\$ 12,683.68	\$ 28,829.62	\$ (28,829.62)	\$ 4,673.93	\$ 2,497,612.13
19	4/30/2019	\$ 2,497,612.13	\$ -	\$ 10,483.29	\$ 2,157.11	\$ 12,640.40	\$ 22,914.11	\$ (22,914.11)	\$ 4,673.93	\$ 2,492,012.35
20	5/31/2019	\$ 2,492,012.35	\$ -	\$ 10,453.82	\$ 2,151.04	\$ 12,604.86	\$ 25,692.60	\$ (25,692.60)	\$ 4,673.93	\$ 2,483,598.53
21	6/30/2019	\$ 2,483,598.53	\$ -	\$ 10,441.20	\$ 2,148.45	\$ 12,589.65	\$ 14,848.88	\$ (14,848.88)	\$ 4,673.93	\$ 2,486,013.24
22	7/31/2019	\$ 2,486,013.24	\$ -	\$ 10,461.47	\$ 2,152.62	\$ 12,614.09	\$ 10,062.26	\$ (10,062.26)	\$ 4,673.93	\$ 2,493,239.00
23	8/31/2019	\$ 2,493,239.00	\$ -	\$ 10,490.13	\$ 2,158.51	\$ 12,648.64	\$ 10,922.31	\$ (10,922.31)	\$ 4,673.93	\$ 2,499,639.26
24	9/30/2019	\$ 2,499,639.26	\$ -	\$ 10,520.47	\$ 2,164.76	\$ 12,685.23	\$ 9,333.98	\$ (9,333.98)	\$ 4,673.93	\$ 2,507,664.44

**HOMER FOUNDATION**  
Quarterly Report to Fund Holders  
*Homer Foundation Fund Details - July through September 2019*

Fund Holder    City of Homer  
Fund            **City of Homer Fund**

Fund Type:    FIELD OF INTEREST  
Fund Code:    1305

---

**PORTFOLIO SHARE (Corpus)**

Beginning Balance	205,704.77
FY20 ATS	(6,570.47)
Contributions	-
Withdrawals	-
Quarterly Portfolio Change	1,610.19
<b>Ending Balance</b>	<b>200,744.49</b>

---

**AMOUNT AVAILABLE TO SPEND (ATS)**

Beginning Balance	7,012.80
FY19 ATS	6,570.47
(posted annually in September quarter)	
Grants Total	-
Transfer to restricted fund	-
<b>Ending Balance</b>	<b>13,583.27</b>





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum

TO: Mayor Castner and Council  
FROM: Katie Koester  
DATE: November 25, 2019  
SUBJECT: November Employee Anniversaries

---

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

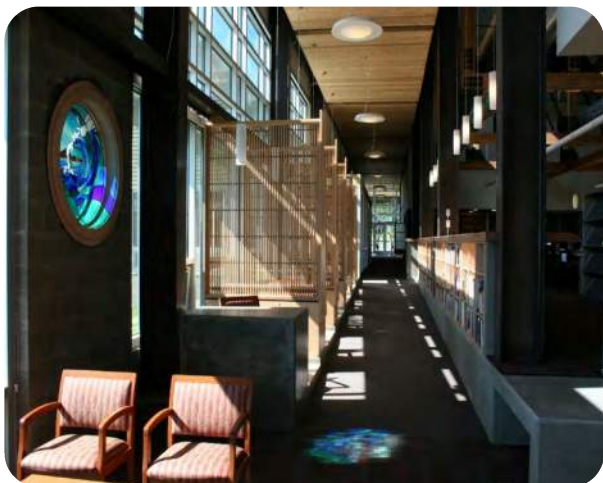
<b>Dave Shealy,</b>	<b>Police</b>	<b>22</b>	<b>Years</b>
<b>Lisa Ellington,</b>	<b>Port</b>	<b>13</b>	<b>Years</b>
<b>Jenna deLumeau,</b>	<b>Finance</b>	<b>10</b>	<b>Years</b>
<b>Ian Overson,</b>	<b>Police</b>	<b>8</b>	<b>Years</b>
<b>Rachel Friedlander,</b>	<b>Admin</b>	<b>1</b>	<b>Year</b>
<b>Bill Noomah,</b>	<b>Library</b>	<b>1</b>	<b>Year</b>



Old Police Station



Water Treatment Plant



Public Library

## 2020 CITY OF HOMER FACILITY TOURS

### JANUARY

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

### FEBRUARY

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

### MARCH

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

City Clerk's Office  
11-25-19  
Homer City Hall  
491 East Pioneer Ave  
Homer AK 99603


Dear Planning and Zoning Commission:

It has come to my attention that South Peninsula Hospital Has leased 4201 Bartlett Suite 202 to begin a new surgical clinic in which Dr. Boling is to begin practicing out of. I further heard that the Kenai Peninsula Borough has combined this lease with other leases for their other clinics. As I own property near the proposed new clinic, I would like to know why I was not notified by the city of this development.

It is my understanding that the city of Homer requires a conditional use permit in order to establish a clinic in this mixed residential office district as it is currently not zoned for medical clinics. I have been told that they are completely reconstructing this facility in order to meet the needs of the new clinic. I am concerned on how this new development is going to affect the community. There has already been concerns expressed about the effects on traffic on the area. In fact, it is my understanding that the hospital itself recently opposed another conditional use permit in the area for similar concerns. Although there was previously a clinic in this space, this does not forego the process that a new clinic requires a conditional use permit as the effects on the community may be considerably different.

It is my belief that the City of Homer needs to remain consistent in how they handle these issues. I would expect that the city would immediately issue a cease and desist order until the proper channels have been followed and the appropriate public hearings have taken place.

Sincerely,

  
Paul Sayer, M.D.

RECEIVED

NOV 25 2019

CITY OF HOMER  
PLANNING/ZONING



City Clerk's Office  
Homer City Hall  
491 East Pioneer Ave  
Homer AK 99603

To Whom It May Concern,

The purpose of this letter is to inform the City Clerk's office is aware but South Peninsula Hospital has leased 4201 Bartlett Suite 202. From what I know those offices will be going through some major renovations and expansion for that building. I live at 347 W Danview Ave which is across the street from this location. I would like to know why I was not notified by the city of this development.

I am very familiar with the requirements which the city of Homer requires a conditional use permit in order to establish a business in this mixed residential office district as it is currently not zoned that way. I have been told that they are completely reconstructing this facility in order to meet the needs of the new clinic. I am concerned on how this new development is going to affect the community and more specifically the neighborhood I live in. There has already been concerns expressed about the effects on traffic and lighting in the area. In fact, it is my understanding that the members in the community recently opposed Dr. Raymond's build permit in the area for similar concerns. I understand that there is an existing structure but this shouldn't negate the process that a business should be going through due to the effects on the community and neighborhood may be considerably different.

It is my belief that the City of Homer needs to remain consistent in how they handle these issues. I would expect that the city would immediately issue a cease and desist order until the proper channels have been followed and the appropriate public hearings have taken place.

Jonathon Young

RECEIVED

NOV 25 2019

CITY OF HOMER  
PLANNING/ZONING

