Agenda

Planning Commission Worksession

Wednesday, February 04, 2026 at 5:30 PM
City Hall Cowles Council Chambers In-Person & Via Zoom Webinar

Homer City Hall	**Zoom Webinar ID: 936 2815 3389 Password: 865591**
491 E. Pioneer Avenue	https://cityofhomer.zoom.us
Homer, Alaska 99603	Dial: 346-248-7799 or 669-900-6833;
www.cityofhomer-ak.gov	(Toll Free) 888-788-0099 or 877-853-5247

CALL TO ORDER, 4:00 P.M.

AGENDA APPROVAL

DISCUSSION TOPIC(S)/PRESENTATION(S)

A. Discussion with Agnew Beck and Stantec on Title 21 Zoning Code

CONSENT AGENDA ITEM(S)

REGULAR AGENDA ITEM(S)

COMMENTS OF THE AUDIENCE (3 minute time limit)

ADJOURNMENT

Next Regular Meeting is **Wednesday, February 18th at 6:30 p.m.** All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Preparation for February 4th Work Session

To ensure we have a successful work session on the Title 21 Update effort, please find the following outline of topics for discussion and how you can prepare.

How You Can Prepare – In addition to these guiding slides, please review the following provided excerpts (i.e., sections/pages) of the *10-08-25 Working Drafts – Mark-Up & Clean Versions of the Code*. We will have a detailed discussion on these topics. Your preparation, including any initial comments or questions, will help facilitate a productive dialogue among commissioners and with the project team. Thank you!

The following sections/pages excerpted for you in the packet:

Mark-up code page 63

1. Mark-up code page 84
2. Clean code pages 32-33
3. Chapter 21.34 Slopes and Coastal Development, pages 118-120

Also review the handouts in the packet:

- Dimensional standards table
- Short-term rental regulations example: Valdez
- An excerpt from the Homer 2045 Comprehensive Plan: Appendix H, Land Use and Environmental Chapter Background
- A memo on Conditional Use Permits for Planned Unit Developments, shared with the City Council on Jan. 26, 2026



Phase 2: Title 21 Update

Planning Commission Work Session: Outstanding Issues Direction & Process Discussion

February 4, 2026

Facilitated by Project Team Members: Shelly Wade, Agnew::Beck Consulting & Lauren Walburg, Stantec

Timeline and Process

Title 21 Inputs to Date

January – March 2025

- Compile background and gather initial feedback.
- Review existing code and identify updates.

Other Homer Plans (e.g., Transportation Plan, Local Hazard Mitigation Plan, Community Design Manual)

Analysis of City of Homer Land Use Applications and Trends

Technical Code Audit

Small Group Discussions with Homer Groups that work with the Code (Builders, Developers, Guiding Growth/ Mobilizing for Action through Planning and Partnerships, Business Owners, Realtors)

*Monthly Meetings with **Planning Commission** on Code Topics and Potential Changes*

April – November 2025

- Staff, legal team, PC review of draft code.
- Gather stakeholder and public input on potential changes.

2045 Homer Comprehensive Plan

Community Input from Open House (in person & virtual)

Planning & Zoning Best Practices

Input from City Staff (ongoing)

*One-on-one interviews with **Planning Commission** and **City Council***

November 2025 – Spring 2026

- Conduct Planning Commission work sessions on key topics.
- Refine draft code for public review.

*Input from **Planning Commission** via Work Sessions: Housing and District Changes, Development Process, and Environmental Features*

Public Comments

*One-on-one interviews with **City Council***

Planning Commission

City Council

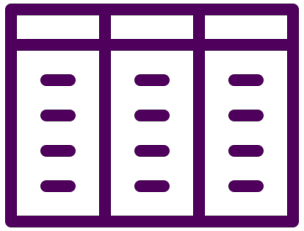
Next Steps

Late February 2026:

Public Review Draft released	Comment period opens

Spring 2026:

Comment period closes	Project team analyzes and responds to public comments



Early Summer 2026:

Create Public Hearing Draft	Adoption process

Objectives for This Work Session

- Provide final direction on:
  - Conditional Use Permits (CUPs)
  - Administrative Adjustments
  - Townhouses
  - Multi-Unit Housing
  - Tiny Homes
  - Wetlands and Watercourses
  - Steep Slopes
- Confirm next steps, including timeline public review draft release of the draft code.

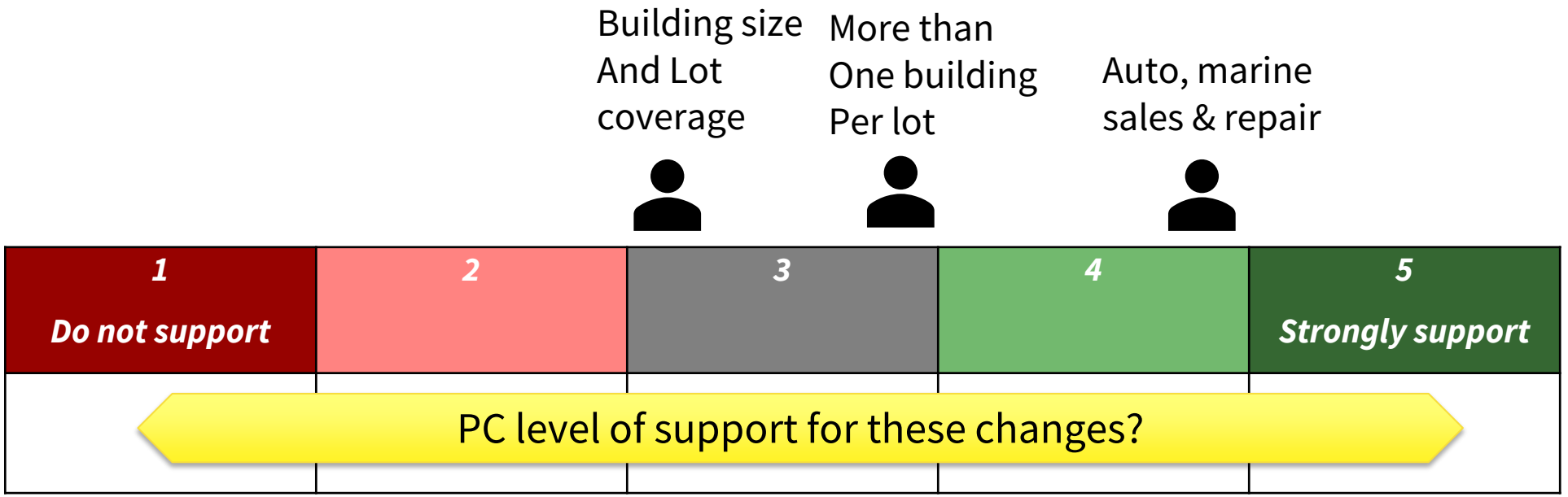
CUPs

The Topic - CUPs

Reference:
Mark-up code page 63 (example)
Mark-up code page 84 (example)

Currently requires a CUP	Proposed Change	Rationale
More than one principal building on a lot ***Discuss today**	Remove requirement for CUP.	Accounts for majority of past CUP requests; all but one were approved.
Buildings more than 8000 sf or more than 30% lot coverage ***Discuss today**	Remove the 8,000 sf building size max, but any project that exceeds district lot coverage requirements will still have to get a variance, requiring a public hearing.	Any request to deviate from the dimensional requirements of the code should require a variance or administrative adjustment (both of which have higher standards for approval than a CUP) and not a CUP.
Auto, marine, and RV sales, rental, repair and storage (in some districts)	CUP not required in Commercial Mixed Use or Light Industrial Mixed Use.	Limited potential for negative impacts on surrounding properties in these areas.

Feedback



= general sentiment from PC members in attendance related to each CUP proposed change

Questions

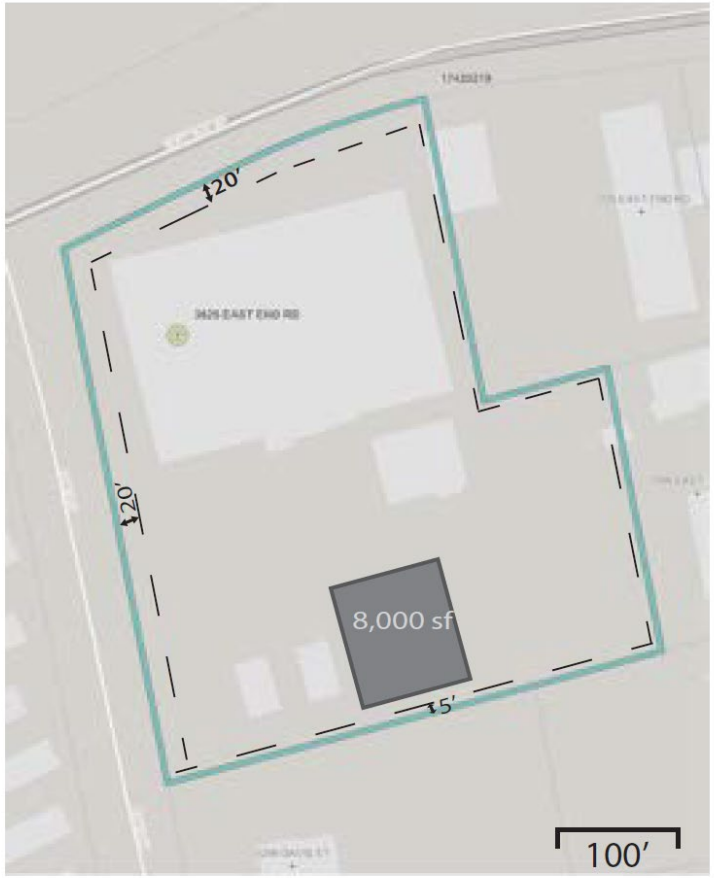
Reference: dimensional standards table

Currently requires a CUP	Section	Proposed Change	Feedback
More than one principal building on a lot	All zoning districts; CUP text removed	Remove requirement for CUP.	Concerns about what other safeguards there are; one idea of providing a cap on the number of residential buildings.
Buildings more than 8000 sf or more than 30% lot coverage	All current commercial, mixed use, and industrial districts; CUP text removed from dimensional requirements	Remove the 8,000 sf building size max, but any project that exceeds district lot coverage requirements will still have to get a variance, requiring a public hearing.	Concerns over what other safeguards there are to prevent over-development. Desire to review other dimensional standards.

Case Study: Commercial Parcel

3625 East End Road - 157,687

Current General Commercial I Dimensional Standards

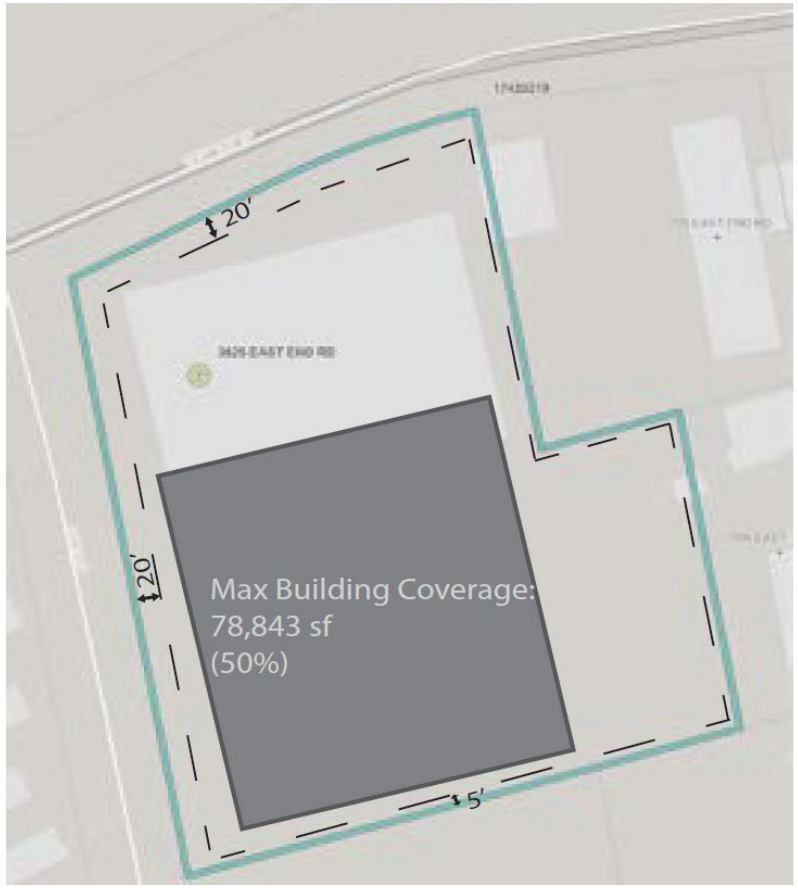


		GC1	LIMU
		Current Dimensional Standards	Proposed Dimensional Standards
Setback	*Front Yard*	20 ft	20 ft
	Side Yard	5 ft	5 ft
	Rear Yard	5 ft	5 ft
	Maximum Building Coverage (Lesser of)	30% (47,306.1) or 8,000 sf	50%
	Maximum Impervious Coverage	--	--

Case Study: Commercial Parcel

3625 East End Road - 157,687

Proposed Light Industrial Mixed Use Dimensional Standards



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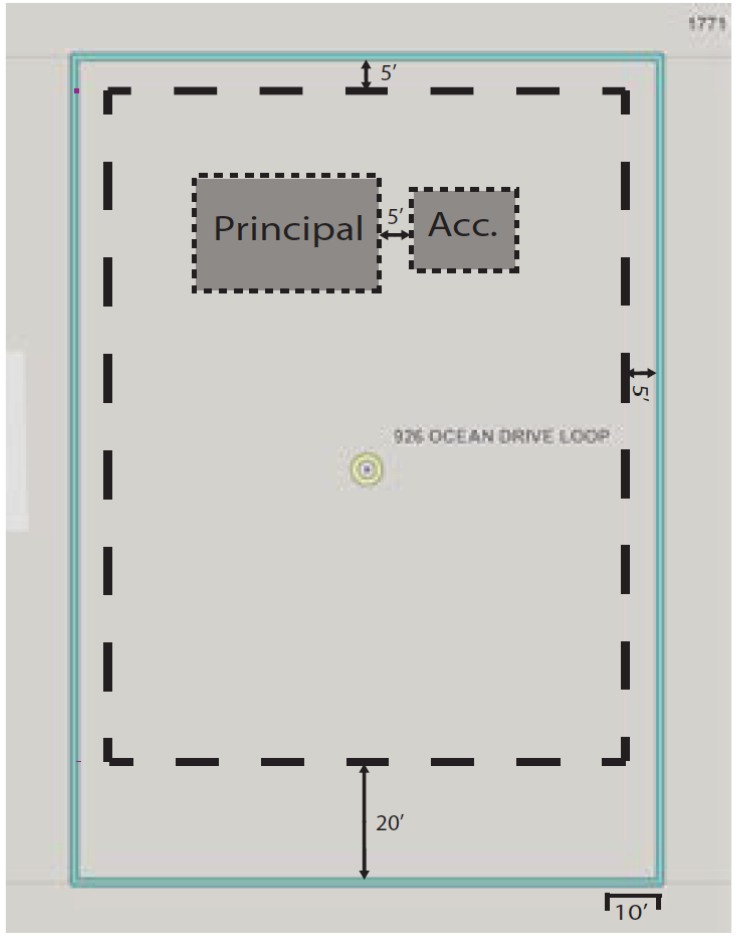
	Maximum Impervious Coverage	--	--

Case Study: Residential Parcel

926 Ocean Drive Loop - 13,939.2 sf

Current Rural Residential Dimensional Standards

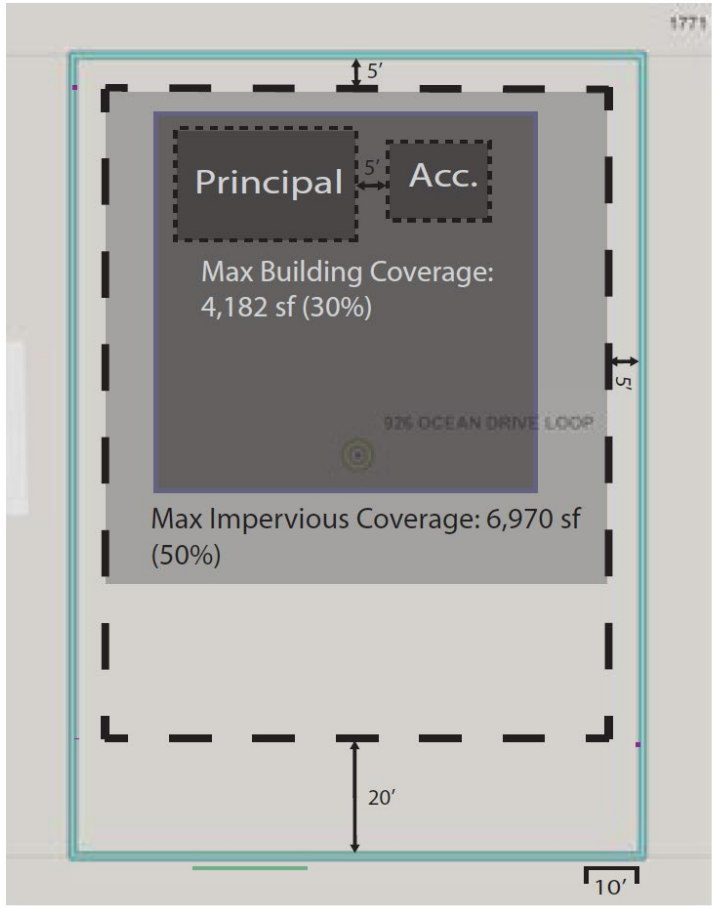


		Rural Residential	
		Current Dimensional Standards	Proposed Dimensional Standards
Setback	*Front yard*	20 ft	20 ft
	Side yard	5 ft	5 ft
	Rear yard	5 ft	5 ft
	Maximum Building Coverage	N/A	30%
	Maximum Impervious Coverage	N/A	50%
Detached Acccessory Buildings	*% of Rear/side/front yards*	25% of a required rear/side yard (no front yard)	--
	Distance between principal/accessory buildings	5 ft	5 ft

Case Study: Residential Parcel

926 Ocean Drive Loop - 13,939.2 sf

Proposed Rural Residential Dimensional Standards



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	Maximum Building Coverage	N/A	30%
	Maximum Impervious Coverage	N/A	50%
Detached Acccessory Buildings	*% of Rear/side/front yards*	25% of a required rear/side yard (no front yard)	--
	Distance between principal/accessory buildings	5 ft	5 ft

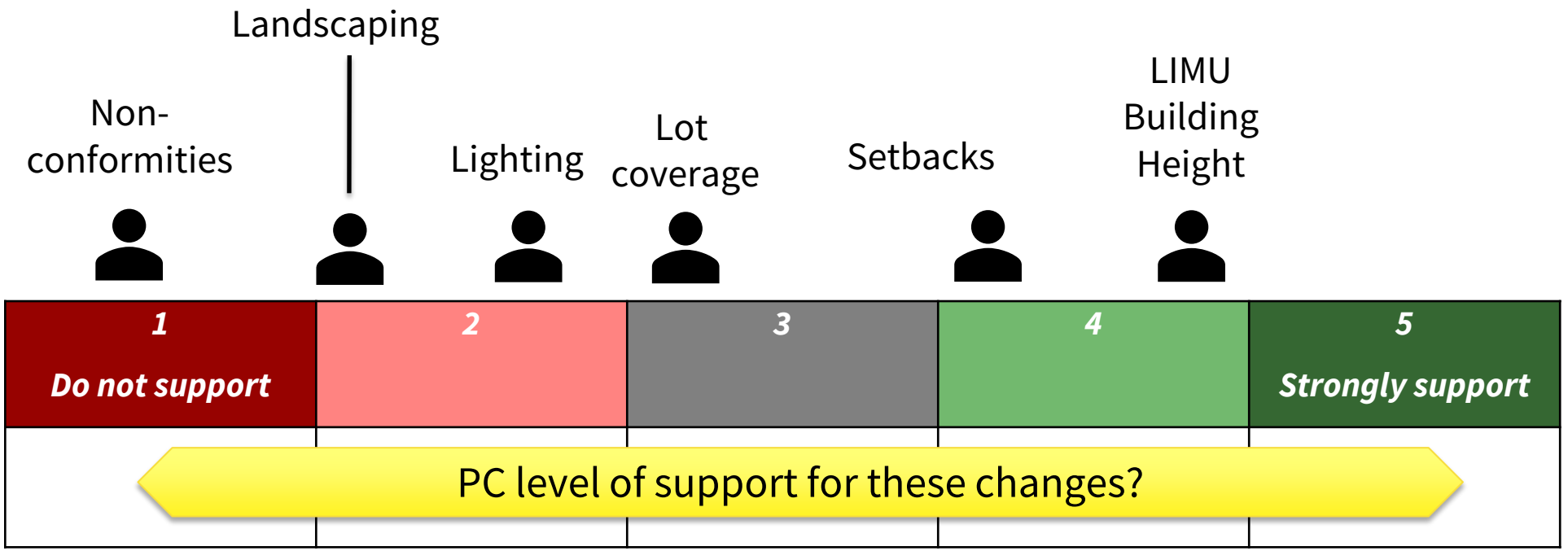
Administrative Adjustments

The Topic – Administrative Adjustments

- Up to 2 ft. reduction in setbacks ***Discuss today**
- Up to 10% more lot or building coverage ***Discuss today**
- Up to 10% of required landscaping
- Up to 10% of accessory structure size ***Discuss today**
- Expansions of legal nonconforming uses
- Building height in LIMU (for boat building)
- Lighting standards
- Off-street parking ***Discuss today**

Clean code reference: pages 34-35

Feedback



= general sentiment from PC members in attendance related to each administrative adjustment

Questions

Proposed Adjustment	Section	Question
Up to 2 ft. reduction in setbacks	All zoning districts - dimensional standards	Confirm support? Need a limit on how much along a lot line can be reduced? Should encroachment permits be considered?
Up to 10% lot coverage	All zoning districts – dimensional standards	Some opposition need more information
Up to 10% of max. accessory structure size	All zoning districts – dimensional standards	Confirm direction?
Off-street parking	Section 21.53.100	Confirm direction?

NEW QUESTION: Should CUPs for Planned Unit Developments continue in their current form? If not, what should change?

Housing Types

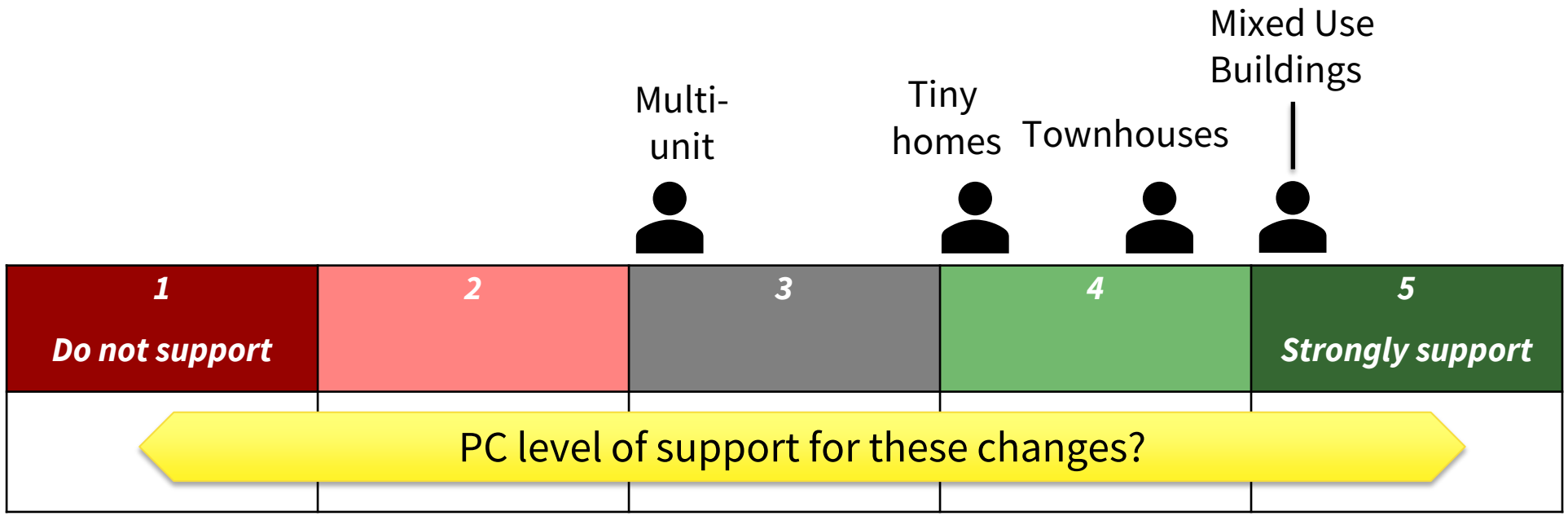
The Topic - Housing

Housing Type	Current Status (*Italics* = district is proposed for consolidation; ~~strikethrough~~ = district is proposed for elimination; Visit station #2 for details)	Proposed Additions	Why?
*Discuss today Townhouses	Permitted in: UR Urban Residential; M Medical; *CBD Central Business District*; *TC Town Center*; *GB Gateway Business*; ~~RO~~ Residential Office Conditional in: GC-1 General Commercial 1	NF Neighbor-hood Flex; DMU Downtown Mixed Use; CMU Commercial Mixed Use; LIMU Light Industrial Mixed Use	Expand areas where townhouses are allowed.
Multi-Unit Dwelling	Permitted in: UR Urban Residential; RR Rural Residential; *CBD Central Business District*; *TC Town Center*; *GB Gateway Business* Conditional in: n/a	All Commercial Districts; All Mixed Use Districts; All Industrial Districts *Discuss today	Allow multi-family projects in commercial and industrial districts.
Mixed Use Buildings	Permitted in: n/a Conditional in: *GC-2 General Commercial 2*; *EEMU East End Mixed Use*	CMU Commercial Mixed Use; LIMU Light Industrial Mixed Use	Allow apartments/condos above commercial or office uses.
	Permitted in:	UR; NF	

This table shows which districts currently allow specific housing types, and additional districts that would also allow those housing types.

This table was presented at the community open house.

Feedback



= general sentiment from PC members in attendance related to each housing type

Questions

Reference: Valdez Short-Term Rental Regulations

Housing Type	Proposed Change	Question
Townhouses	Remove requirement for CUP.	Do we need a trigger for a CUP for “large” projects?
Multi-unit housing	Allow as permitted in Commercial and Industrial districts.	Should we limit multi-unit housing in these districts to preserve space for commercial and industrial uses? Limit multi-unit housing to an accessory use?

NEW QUESTION: Should we create permit requirements, registrations, or standards for short-term rentals?

Wetlands and Watercourses

Topic – Wetlands and Watercourses

Chapter 21.34, Slopes and Coastal Development

This is an **overlay district** that regulates development activity and structures in areas affected by *slopes, bluffs, ravines, and the coastal edge*.

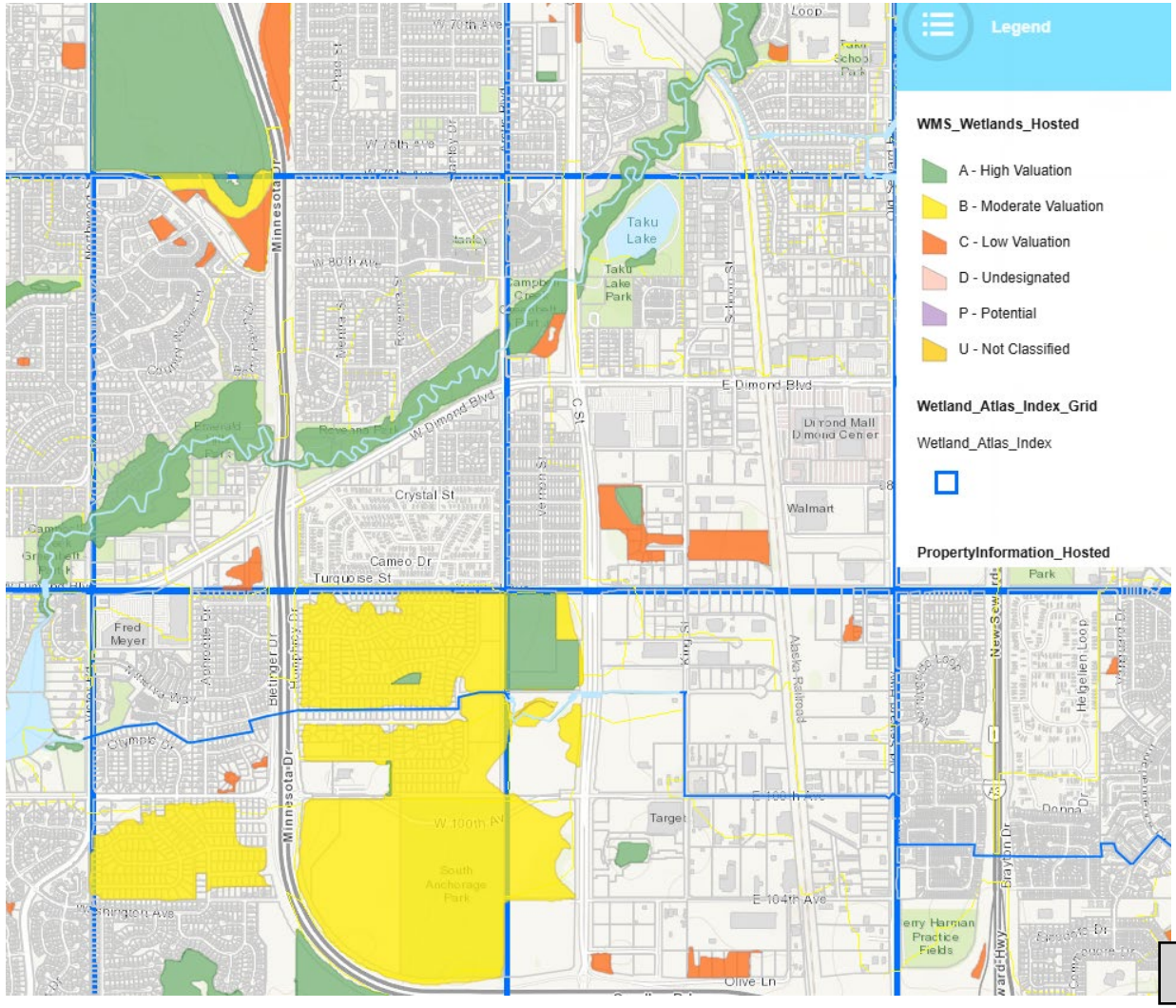
There are **currently no City requirements** for development setbacks/non-buildable area **on or around wetlands** except for Bridge Creek Watershed District.

Proposed wetland development/fill requests are evaluated by the Army Corps of Engineers.

Clean code reference: pages 118-120

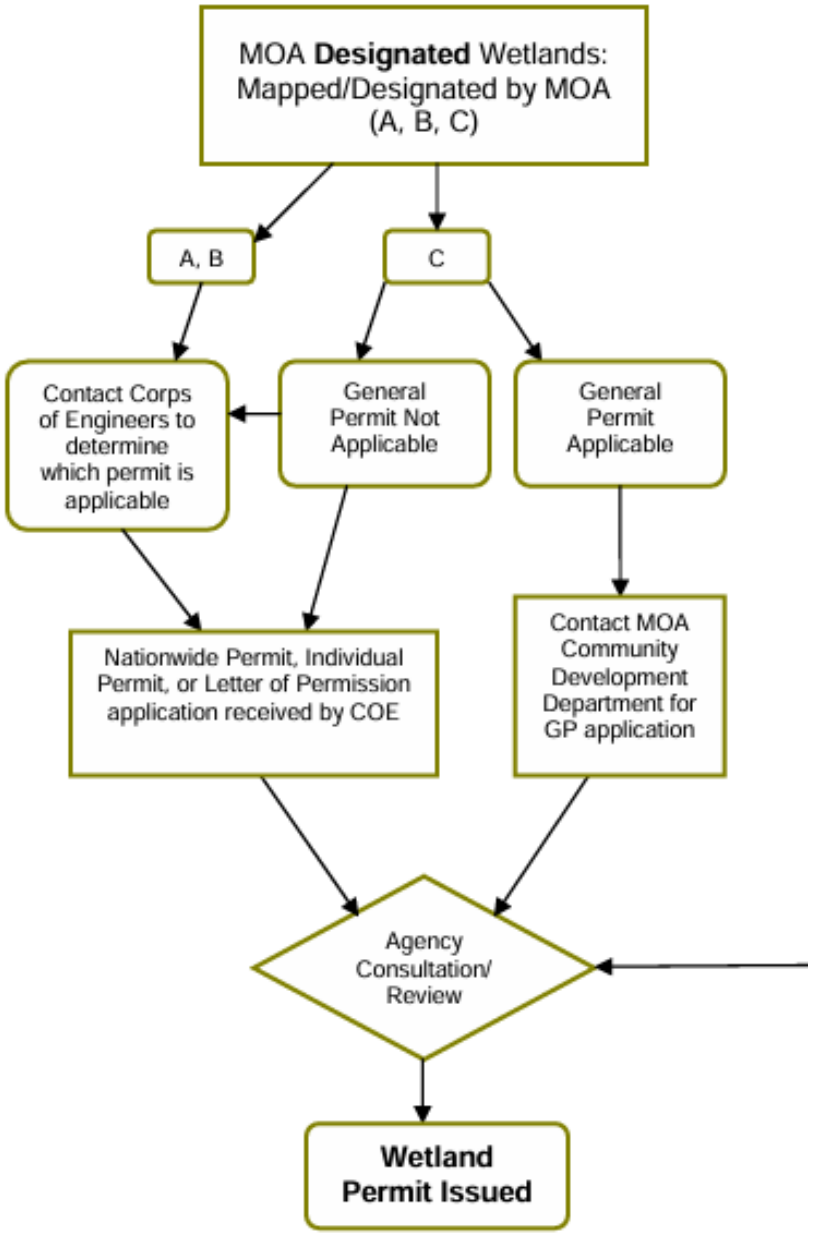
Municipality of Anchorage Wetland Regulations

- Wetland Management Plan adopted 2014 (original 1982)
- Data comes from:
  - Aerial photography
  - Hydric soil mapping
  - Ground truthing
- *Mapping is approximate.* Private property owners must still get a Jurisdictional Determination from ACOE or hire a wetland scientist to get a delineation.
- In no case does the plan identify private property where ALL potential development is prohibited
- If the property owner does not agree with MOA's Management Strategies, they may still petition the Corps of Engineers and apply for a Section 404 Individual Permit



Municipality of Anchorage Wetland Regulations

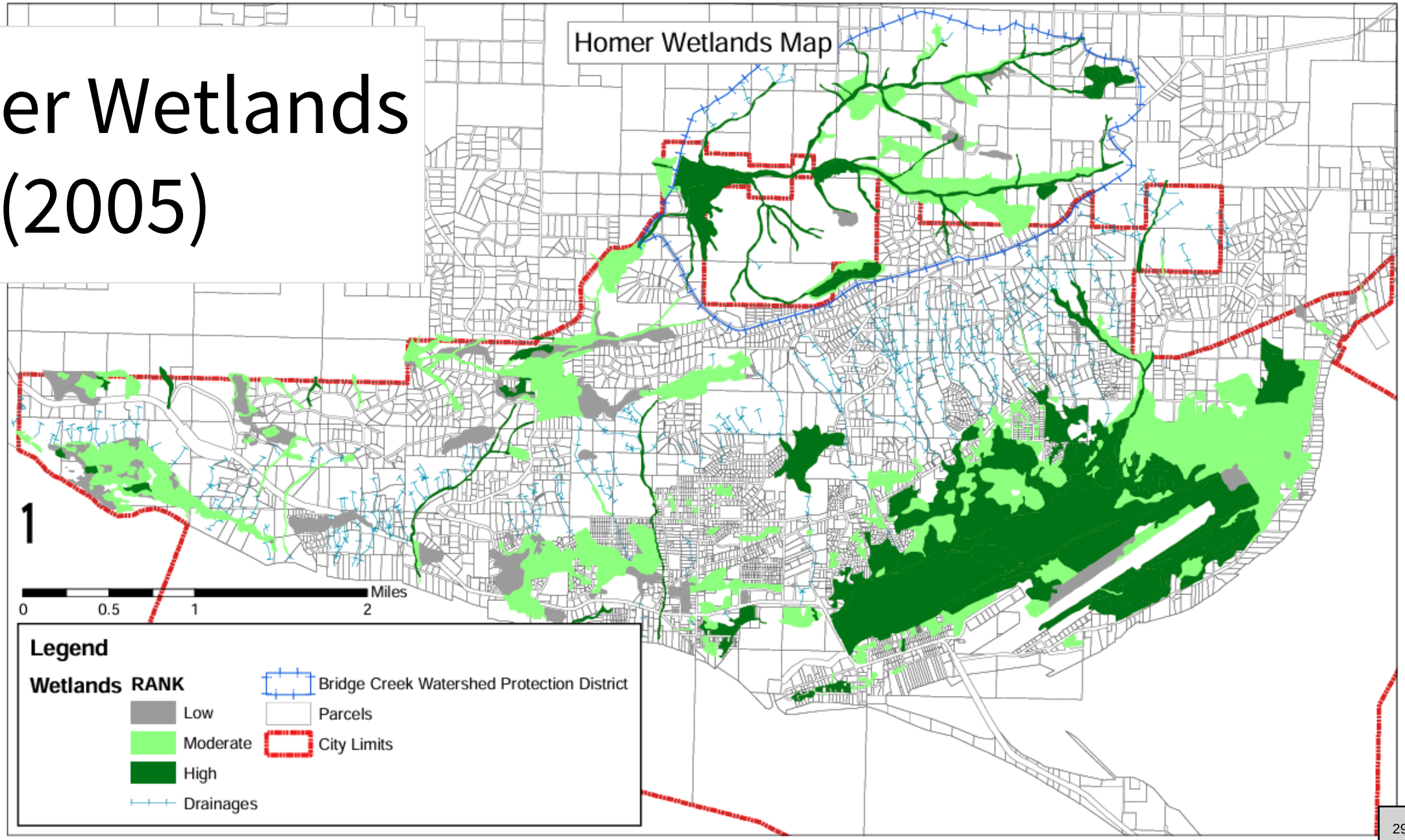
- Wetlands evaluated by 4 functions: hydrology, habitat, species occurrence, social function.
- Classified into 3 types: A, B & C
  - A or B require a Section 404 (Individual) Permit from the Army Corps of Engineers .
  - C are suitable for development with another (Regional or Nationwide) Army Corps permit
  - A = generally not to be developed/filled.
  - B = maintain wetland areas and functions “to the maximum extent”
  - C = minimize fill to extent necessary for principal structure, outbuilding, utilities and parking pad
- Setbacks required from water bodies, drainage ways, riparian edges, and wetlands



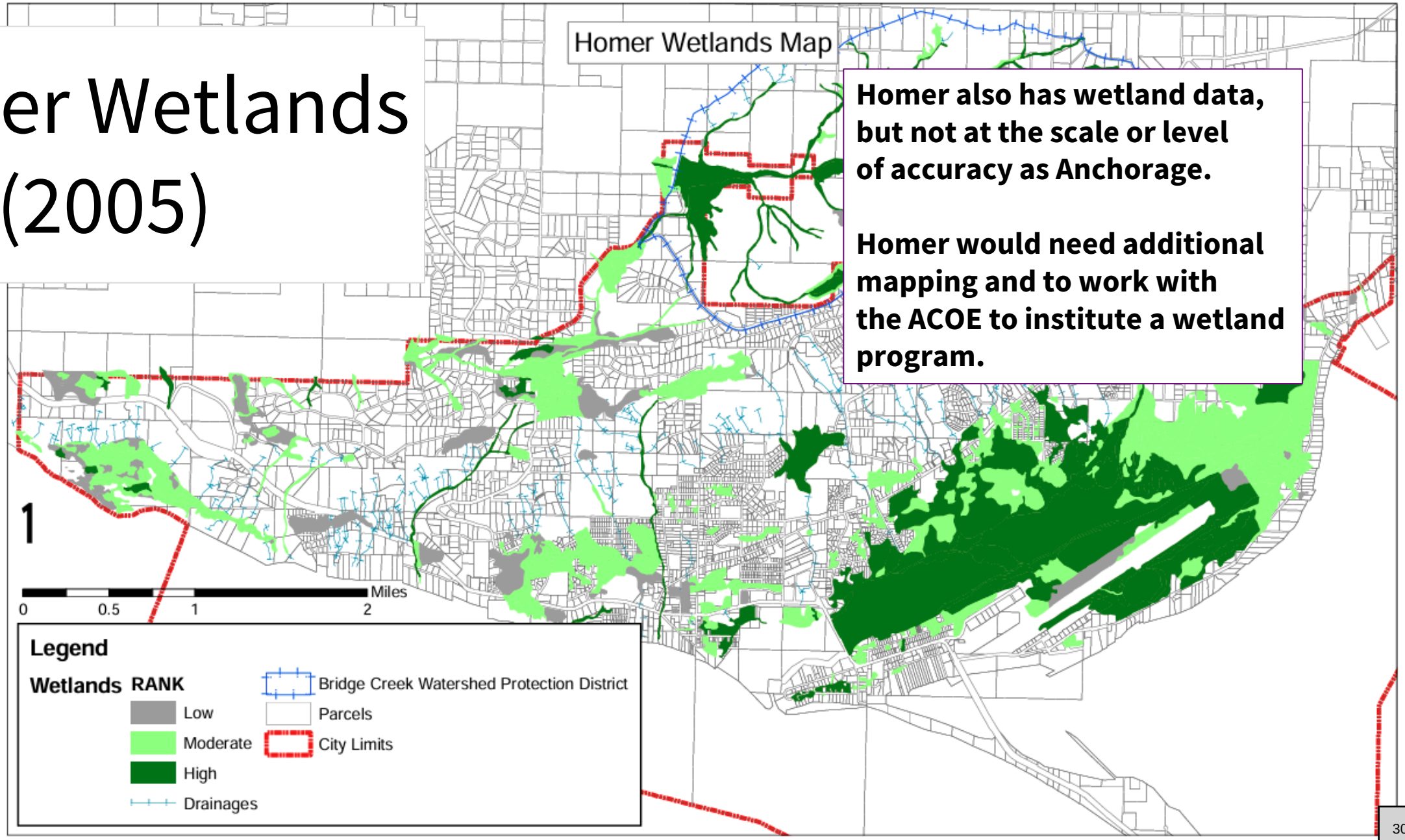
Municipality of Anchorage Wetland Regulations

- Setbacks required:
  - Measured from ordinary high water mark or lakes, ponds, streams
  - Watercourse setbacks: 65-100 ft.
- Buffers required:
  - Between fill authorized in C wetlands to A or B wetlands
  - 15-25 ft.

Homer Wetlands Map (2005)



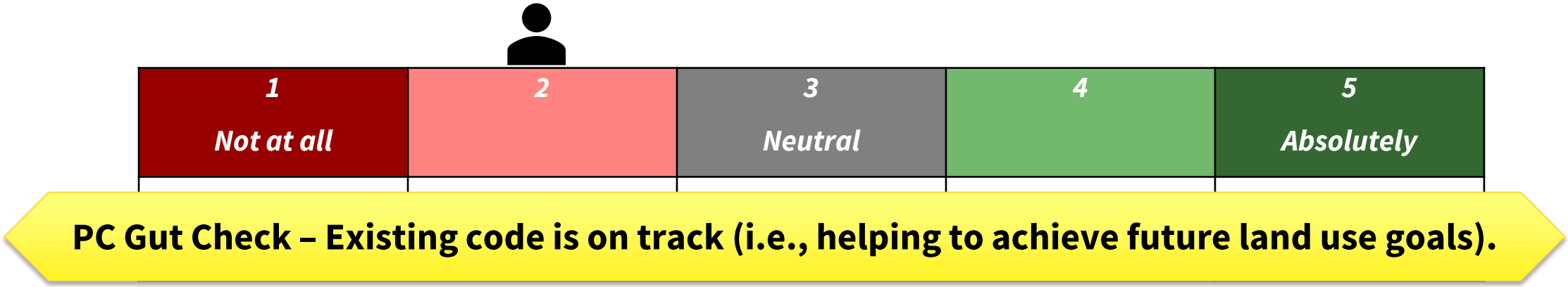
Homer Wetlands Map (2005)



Homer also has wetland data, but not at the scale or level of accuracy as Anchorage.

Homer would need additional mapping and to work with the ACOE to institute a wetland program.

Feedback



= general sentiment from PC members in attendance related to existing wetlands and watercourses-focused code being on track to help achieve future land use goals

Questions

➢ What downstream impacts need to be addressed?
➢ What modifications are needed to the current definitions?
➢ What would it require to put into place wetland regulations like Anchorage? Is this something we want to pursue? What data can we use and what data do we need?

Steep Slopes

What does the current code say?

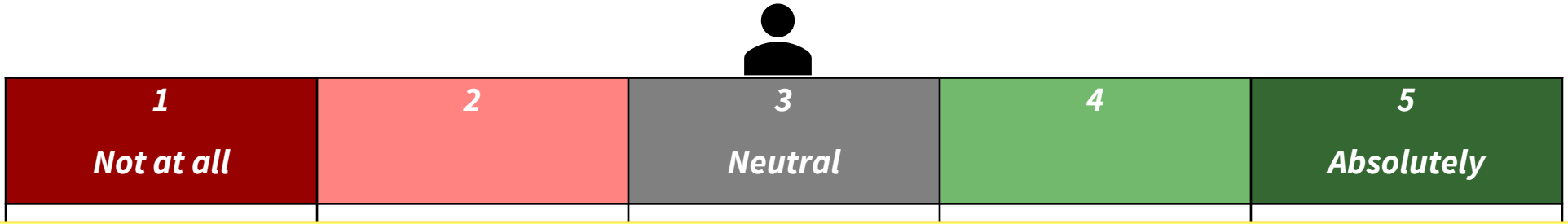
Includes Chapter 21.34, Slopes and Coastal Development

This is an **overlay district** that regulates development activity and structures in areas affected by slopes, bluffs, ravines, and the coastal edge. The chapter applies to:

- Lots with average slopes 15 percent or greater, bluffs, coastal edge and ravines;
- Located within 40 feet of the top or within 15 feet of the toe of a steep slope, bluff, coastal edge or ravine; and
- Any other location where the City Engineer determines that adverse conditions associated with slope stability, erosion or sedimentation are present.

Clean code reference: pages 118-120

Feedback



PC Gut Check – Existing code is on track (i.e., helping to achieve future land use goals).

Homer code needs to be customized for unique soil and geologic conditions
Look at Cordova (upland habitat) and Mt. Augustine (runoff) examples
Regulate each basin differently?

= = general sentiment from PC members in attendance related to existing steep slopes-focused code being on track to help achieve future land use goals

Remaining Questions:

- Is more study needed?
  - What information do we have?
  - If so, what information do we need?

- What changes you would like to make now?
  - For example: certain combinations of soil conditions, slopes could trigger increased engineering review (not implemented by planning staff).

Next Steps

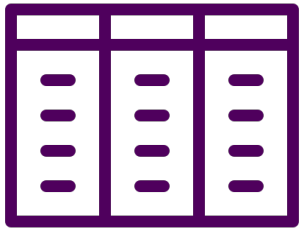
Next Steps

Late February 2026:

Public Review Draft released	Comment period opens

Spring 2026:

Comment period closes	Project team analyzes and responds to public comments



Early Summer 2026:

Create Public Hearing Draft	Adoption process

Next Steps – the Details

Late February 2026: Release Public Review Draft

- Release and promote the **Public Review Draft** of the code.
- Accept public comments on the draft code.
- Meet with the City's legal team to review the draft code.
- Hold one-on-one conversations with Planning Commissioners and City Council Members.

Spring 2026: Categorize, Analyze, and Respond to Public Comments

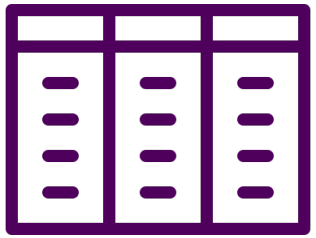
Early Summer 2026: Create Public Hearing Draft and Adoption Process

Next Steps – the Details

Late February 2026: Release Public Review Draft

Spring 2026: Categorize, Analyze, and Respond to Public Comments

- Compile all comments into a comment tracker.
- Prepare summary of comments and identify proposed revisions; share and discuss with Planning Commission.
- Share response to comments with the public.



Early Summer 2026: Create Public Hearing Draft and Adoption Process

Next Steps – the Details

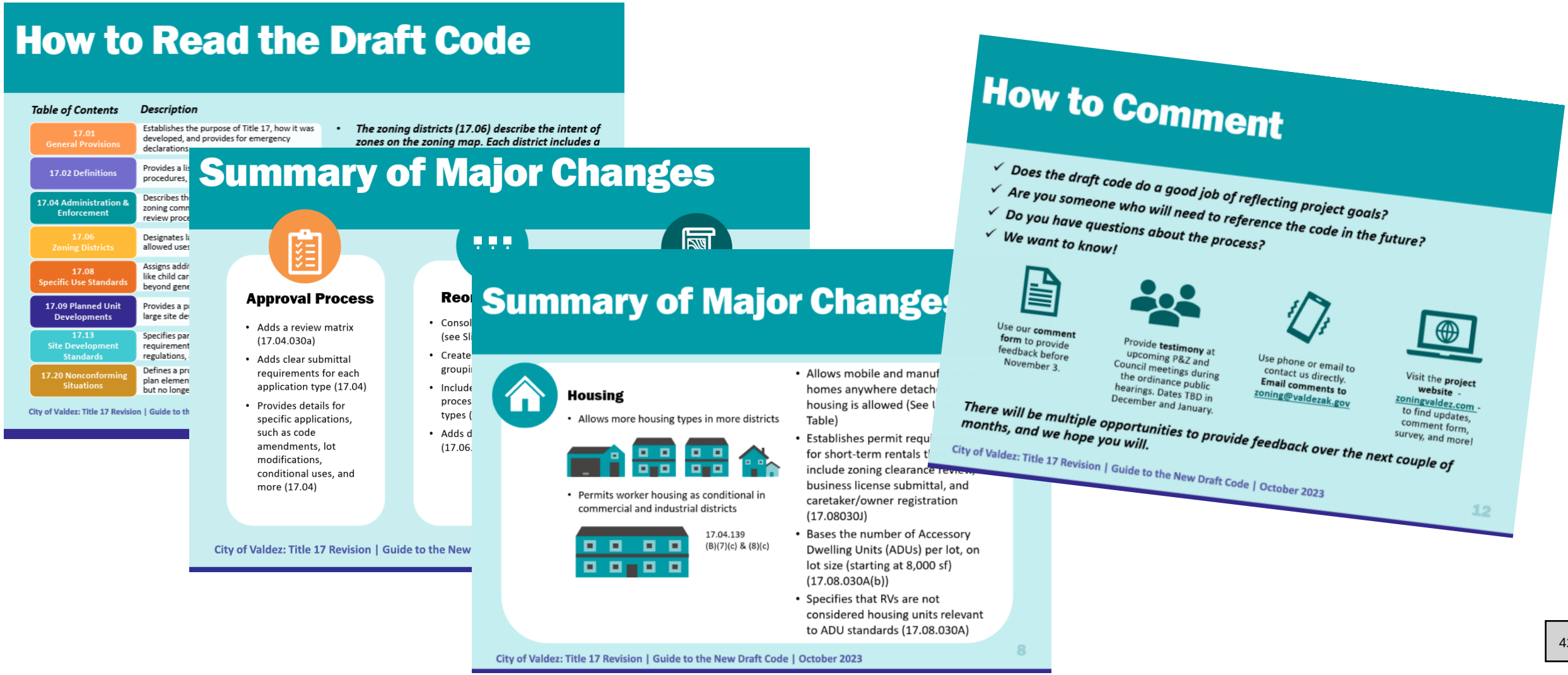
Late February 2026: Release Public Review Draft

Spring 2026: Categorize, Analyze, and Respond to Public Comments

Early Summer 2026: Create Public Hearing Draft and Adoption Process

- Conduct Joint Work Session (Planning Commission & City Council) for sharing and discussing proposed Public Hearing Draft of the updated code.
- Create Public Hearing Draft and begin adoption process with Planning Commission and City Council.
- Invite public comment and testimony.
- City Council amendments to City Code must be referred to and considered by the Planning Commission. [Ord. 16-57 § 2, 2017; Ord. 10-58, 2011].

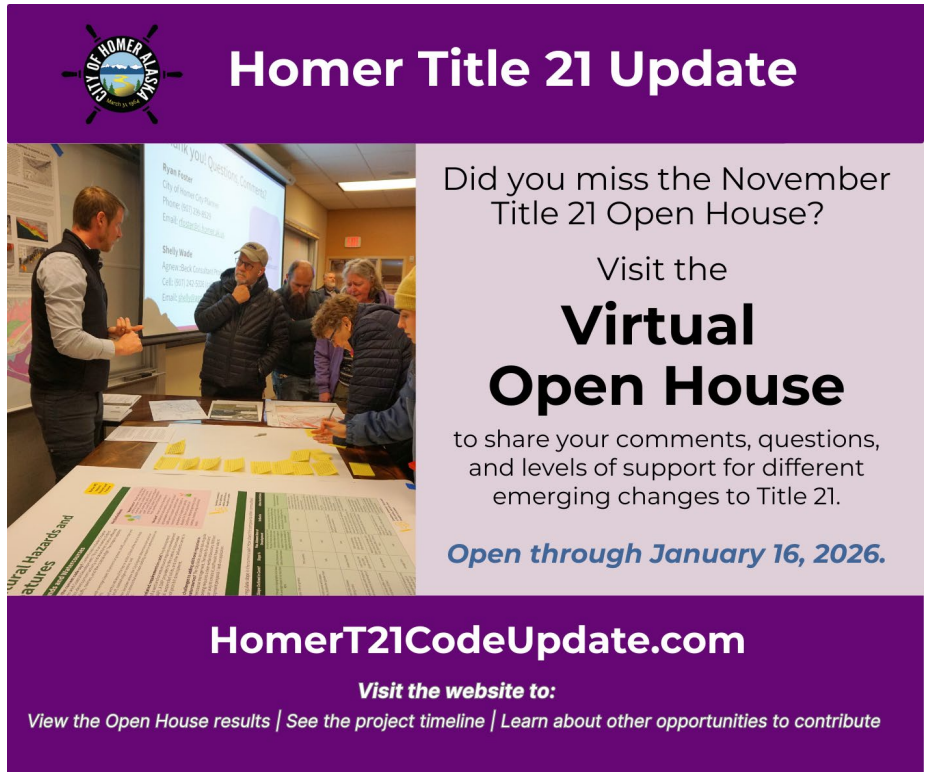
Companion to the Draft Code: "How to Navigate the Code." *Example from Valdez Zoning Revision Process*



Promoting the Draft Code

- Posted to project and City websites.
- Shared via City's Facebook page.
- Announced via e-blast to project distribution list (over 300 contacts).
- Announced in newspaper.
- Flyer in City Council, Commission, and Boards/Committee packets.

A comment form will be available to guide the public in providing input.



Example Facebook promotion image for the Virtual Open House

Thank you! Questions, Comments?

Ryan Foster

City of Homer City Planner

Phone: (907) 299-8529

Email: rfoster@ci.homer.ak.us

Shelly Wade

Agnew::Beck Consultant Project Manager

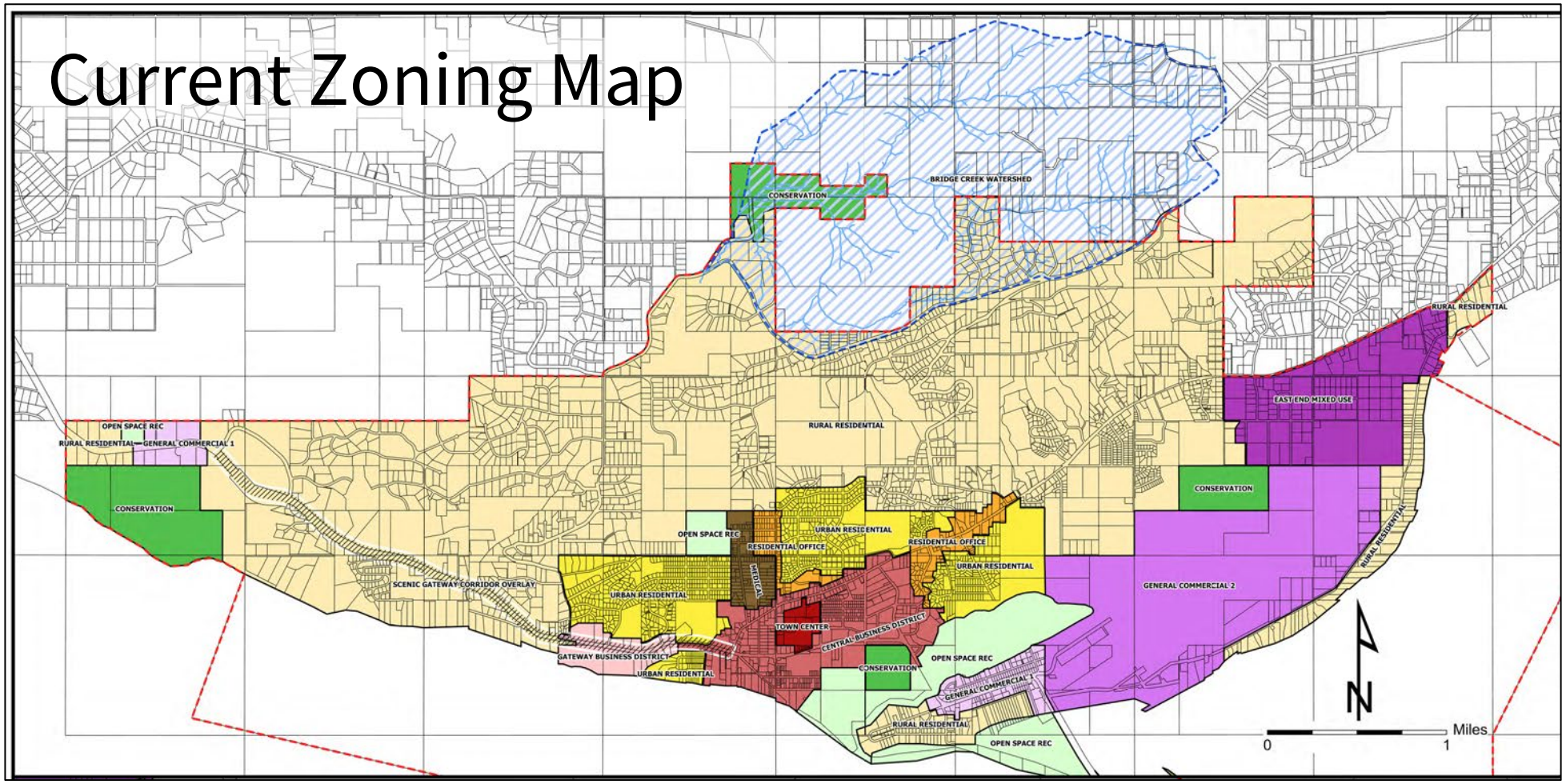
Cell: (907) 242-5326 (call or text)

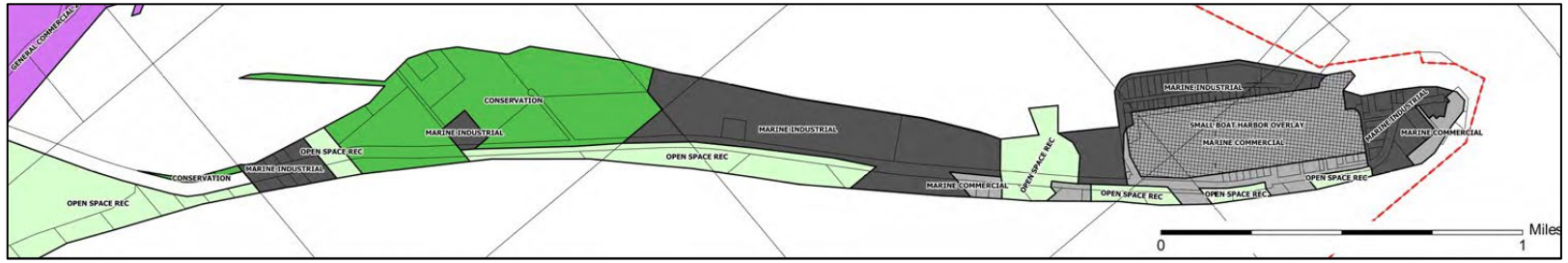
Email: shelly@agnewbeck.com

Project Website:
Homert21CodeUpdate.com

Reference Slides

Current Zoning Map





Key

- Homer City Limits
- Conservation CO
- Open Space Rec OSR
- Town Center
- Central Business District CBD
- Gateway Business District GBD
- General Commercial 1 GC1
- General Commercial 2 GC2
- East End Mixed Use EEMU
- Rural Residential RR
- Urban Residential UR
- Residential Office RO
- Medical M
- Marine Commercial MC
- Marine Industrial MI
- Small Boat Harbor Overlay
- Scenic Gateway Corridor Overlay
- Bridge Creek Watershed Protection District
- Unzoned

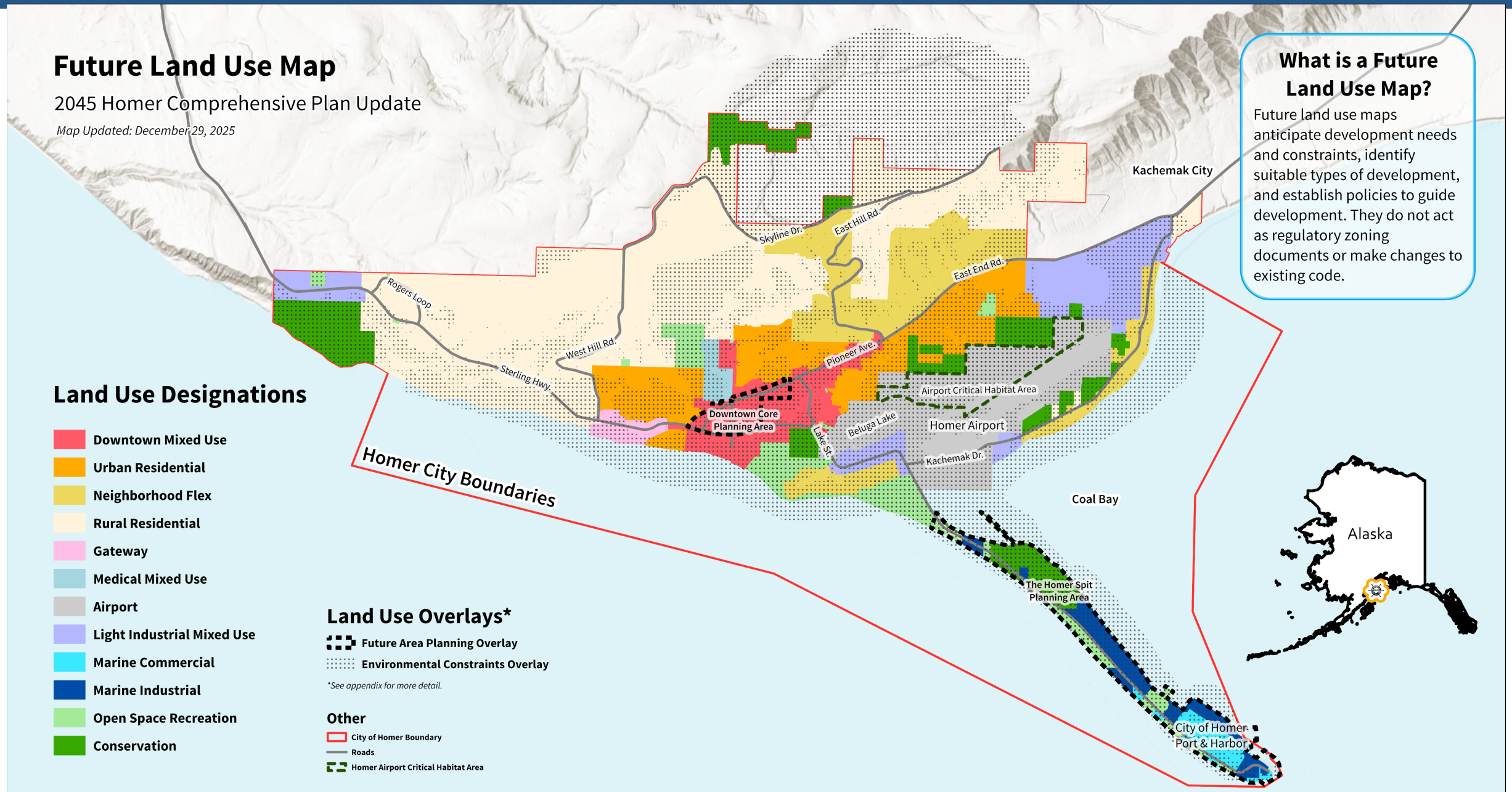
Future Land Use Map

2045 Homer Comprehensive Plan Update

Map Updated: December 29, 2025

What is a Future Land Use Map?

Future land use maps anticipate development needs and constraints, identify suitable types of development, and establish policies to guide development. They do not act as regulatory zoning documents or make changes to existing code.



Land Use Designations

- Downtown Mixed Use
- Urban Residential
- Neighborhood Flex
- Rural Residential
- Gateway
- Medical Mixed Use
- Airport
- Light Industrial Mixed Use
- Marine Commercial
- Marine Industrial
- Open Space Recreation
- Conservation

Land Use Overlays*

- Future Area Planning Overlay
- Environmental Constraints Overlay

**See appendix for more detail.*

Other

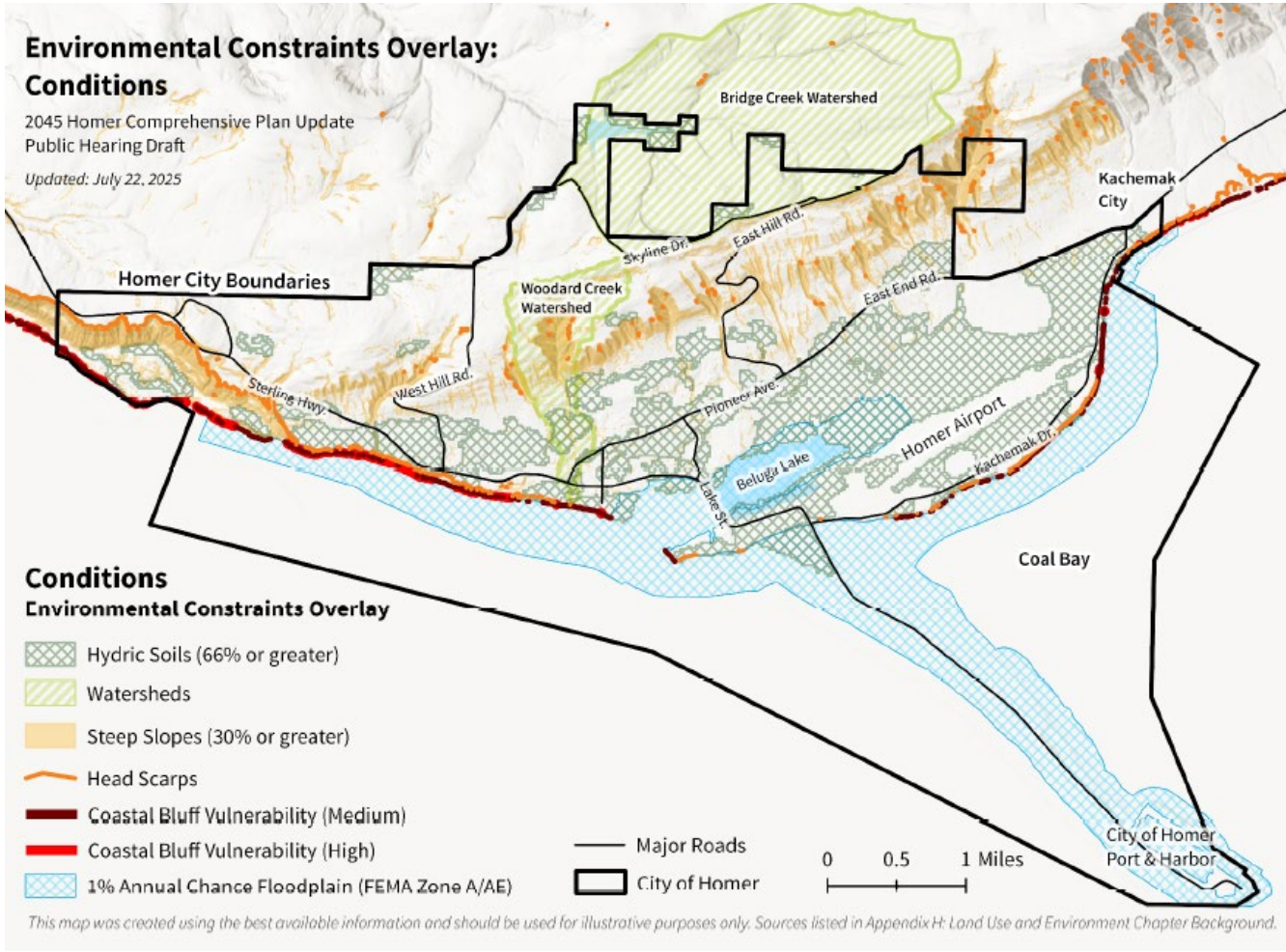
- City of Homer Boundary
- Roads
- Homer Airport Critical Habitat Area

This map was created using the best available information and should be used for illustrative purposes only.

Sources: Esri, NASA, NGA, USGS, FEMA, Kenai Peninsula Borough, and the State of Alaska

Other Comprehensive Plan References

See your packet for the Homer 2045 Comprehensive Plan Appendix H: Land Use and Environmental Chapter Background for other relevant maps, including the environmental constraints overlays.



City of Homer Title 21 Update

Homer City Code
Title 21 ZONING AND PLANNING

October 8, 2025 Working Draft

Mark-Up & Clean Versions of the Code

Excerpts for Reference at January 21, 2026 Planning Commission Work Session

~~a.~~b. Home occupations, provided they conform to the requirements of HCC 21.40.010;

~~b.~~c. Private floatplane tie-down ~~as an accessory use incidental to residential use~~;

d. Storage of personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line ~~as an accessory use incidental to residential use~~;

~~c.~~e. Storage of heavy equipment, vehicles or boats

~~d.~~f. ~~As an accessory use, o~~One small wind energy system per lot having a rated capacity not exceeding 10 kilowatts;

~~e.~~g. ~~One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single-family dwelling on a lot subject to the requirements of HCC 21.12.040~~Accessory dwelling unit;~~.~~ [Ord. 23-40 § 1, 2023; Ord. 22-68(A) § 1, 2022; Ord. 16-14 § 1, 2016; Ord. 14-09(A) § 1, 2014; Ord. 11-23(A) § 1, 2011; Ord. 09-34(A) § 4, 2009; Ord. 08-29, 2008].

~~f.~~h. Other customary accessory uses incidental to any of the permitted uses listed in the RR district; provided, that no separate permit shall be issued for the construction of any detached accessory building prior to that of the ~~main building~~principal structure;

21.18.040 Conditional uses and structures.

The following uses may be permitted in the Rural Residential District when authorized by conditional use permit issued in accordance with Chapter 21.09 HCC:

a. Planned unit development, limited to residential uses only;

b. Group care home;

c. Assisted living home;

d. Mobile home parks;

e. Day care facilities; provided, however, that outdoor play areas must be fenced;

f. ~~Religious, cultural and fraternal assembly~~Places of assembly;

g. Cemeteries;

~~h.~~ Kennels;

~~i.~~h. ~~Commercial greenhouses and tree nurseries offering sale of plants or trees grown on premises;~~

~~j. Public utility facilities and structures;~~

~~k.~~i. Pipelines and railroads;

~~l.~~j. Storage of heavy equipment, vehicles or boats over 36 feet in length as an accessory use incidental to a permitted or conditionally permitted principal use;

~~m. More than one building containing a permitted principal use on a lot~~

~~n.~~k. Indoor recreational facilities;

~~o.~~l. Outdoor recreational facilities;

~~p.~~a. ~~Schools;~~

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

4. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection. [Ord. 13-27 § 6, 2013; Ord. 08-29, 2008].

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

~~d. Other uses approved pursuant to HCC 21.03.020. [Ord. 23-40 § 5, 2023; Ord. 22-68(A) § 6, 2022; Ord. 09-34(A) § 15, 2009; Ord. 08-29, 2008].~~

21.23.050 Dimensional requirements.
~~The following dimensional requirements shall apply to all structures and uses in the Gateway Business District:~~

a. Lot Size.

1. The minimum lot area shall be 20,000 square feet. Lawfully existing smaller lot sizes may be newly developed and used subject to the provision of off-site parking as specified in the City parking code, Chapter 21.3~~5~~5 HCC;

2. Multi-unit structures with 5 units or more shall have a minimum lot size of 6,000 sf. plus 1,200 sf. per dwelling unit for the fifth dwelling unit and above.

~~b. Multiple-family dwellings shall meet the standards in HCC 21.20.050(a)(2);~~

~~a.~~b. ~~Townhouses shall meet the standards in HCC 21.53.010.~~Building Setbacks and Placement.

1. ~~Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed by subsection (b)(4) of this section~~Build-to Line: 5-15 feet.~~.~~

2. Side and rear setbacks: 5 feet~~Commercial buildings shall be set back five feet from all other lot boundary lines~~, except the minimum setback shall be two feet from all other boundary lines when firewalls are provided and access to the rear of the building is otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire Marshal.

~~3. Residential buildings shall be set back five feet from all other lot boundary lines.~~

~~4. If approved by a conditional use permit, the setback from a dedicated right-of-way may be reduced.~~

~~5. Alleys are not subject to a 20-foot setback requirement from dedicated rights-of-way. The setback requirements from any lot line abutting an alley will be determined by the dimensional requirements of subsections (b)(2) and (3) of this section.~~

~~6.~~3. Any attached or detached accessory building shall maintain the same yards and setbacks as the ~~main building~~principal structure.

~~b.~~c. Maximum Building Height~~:. The maximum building height shall be 50~~35 feet.

~~e.~~d. Maximum building coverage: 50%. ~~No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall any lot contain building area in excess of 30 percent of the lot area, without an approved conditional use permit.~~

21.23.060 Site and access plans.

a. A zoning permit for a building or structure within the Commercial Mixed Use District shall not be issued by the City without a Level One site plan approved under Chapter 21.11 HCC.

Chapter 21.10. Variances and Administrative Adjustments

21.10.010 Scope and Purpose.

The variance and administrative adjustments procedures are established to allow applicants to seek deviations and modifications from certain requirements of this title to overcome unique site conditions. Deviations or waivers from the Title 21 requirements may be necessary to accommodate infill projects, adaptive reuse activities, and redevelopment projects in established areas of the city. Variances are intended to allow applicants to seek regulatory relief through a public hearing process, whereas administrative adjustments are intended to allow applicants to seek minor regulatory relief through an administrative process. A variance may be granted by the Planning Commission to provide relief when a literal enforcement of the Homer Zoning Code would deprive a property owner of the reasonable use of a lot. [Ord. 08-29, 2008].

21.10.020 Application for a variance.

Application for a variance shall be filed with the City Planner. The application shall include, but is not limited to, all of the following:

a. All of the information required for a conditional use permit application, but referring to the requested variance instead of a conditional use.

b. A precise description of the variance requested, including each section, paragraph and sentence of the zoning code from which the applicant wishes to deviate.

c. A written narrative describing how the application satisfies each of the requirements specified in HCC 21.72.020. [Ord. 08-29, 2008].

21.10.030 Variance Procedures.

a. An application for a variance shall be reviewed by the Planning Commission following, to the extent practicable, the procedures for reviewing a conditional use permit application, except as provided in subsection (b) of this section.

b. If the Commission fails to act on a variance application within 45 days after the close of the public hearing, the application is deemed denied for failure to prove entitlement to the variance. The time to appeal such a denial begins to run on the forty-sixth day following the close of the public hearing. [Ord. 08-29, 2008].

21.10.040 Administrative Adjustments.

a. An administrative adjustment is a process where applicants may seek minor and limited reductions, deviations or modifications from certain dimensional or site design standards of this title. Administrative adjustments may be approved through application and approval from the City Planner pursuant to Table 21.06.a.

b. Applicants may seek administrative adjustments where specified in this title, and from the following code provisions:

    1. Up to ten percent of the maximum lot coverage.

    2. Up to ten percent of the required landscaping and/or screening standards.

    3. Up to two feet reduction of setback requirements.

    4. Up to ten percent of accessory structure size limitations.

    5. Expansions of legal nonconforming uses pursuant to Chapter 21.15.

c. Administrative adjustments are reviewed by the Planning Department and acted upon by the City Planner per Table 21.06.a.

21.10.050 Approval Criteria.

a. All of the following conditions shall exist before a variance or administrative adjustment may be granted:

   1. A literal interpretation of the provisions of the Homer Zoning Code would create a practical difficulty to the use of the property consistent with its zoning district.

   2. Special conditions and circumstances exist that are peculiar to the land or structures involved and are not applicable to other lands and structures in the same district.

   3. The special conditions and circumstances that require the variance have not been caused by the applicant.

   4. Granting the variance or administrative adjustment will not be detrimental to the public's health, safety, or welfare.

b. Financial hardship or inconvenience shall not be the sole reason for granting a variance.

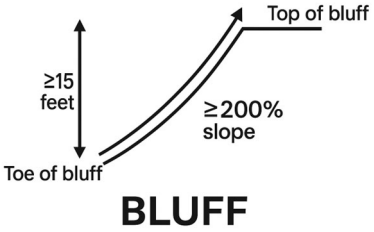
c. Other nonconforming land use or structures within the district shall not be considered grounds for granting a variance.

d. If approved, a variance or administrative adjustment shall be the minimum necessary to permit the reasonable use of the land or structure.

e. A variance or administrative adjustment shall not be granted that will permit a land use in a district in which that use is otherwise prohibited. [Ord. 08-29, 2008].

“Bed and breakfast” means a dwelling in which an individual or family resides and rents no more than five bedrooms in the dwelling to overnight guests, if the bed and breakfast use is accessory to the principal use of the dwelling as the primary residence of the operator.

“Bluff” means an abrupt elevation change in topography of at least 15 feet, with an average slope of not less than 200 percent (two feet difference in elevation per one foot of horizontal distance).



BLUFF

“Boat storage yard” means a lot used for the indoor or outdoor commercial dry storage of boats.

“Bridge Creek Watershed” means the watershed contributing to the City’s reservoir at Bridge Creek.

“Buffer” means an open space, landscaped area, fence, wall, berm, or any combination thereof used to physically separate or screen one use or property from another to shield or block visibility, noise, lights, or other undesirable effects.

“Buffer, runoff” means an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and that provides for infiltration of the runoff and filtering of silt and pollutants. The buffer is measured landward from the normal full water elevation of impounded structures and from the top of the bank of each side of a stream, river, ditch, or other channel.

“Buffer, stream” means a runoff buffer of a designated distance on each side of a channel measured perpendicularly from the top of the bank of each side of a stream, river, ditch, or other channel.

“Build-to Line” means an alignment establishing a certain distance from the front lot line to a line along which the principal structure or other specified structure shall be built.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Building construction” means the placing of construction materials in a permanent position and fastened in a permanent manner in the course of constructing or erecting a building.

“Building coverage” means the area of a lot covered by the footprints of principal and accessory structures divided by the total area of the lot.

“Building height” is the vertical distance from grade plane to the average height of the highest roof surface of a structure, as measured according to HCC 21.05.030.

“Business, open air” or “open air business” means the retail sale or display of merchandise or services, including but not limited to farmers’ markets and flea markets, conducted outdoors or under a canopy for protection from the elements and held on a regular or periodic basis. Open air business does not include (1) outdoor display or sales of goods or services by a retail or wholesale business that is principally located in a building, or (2) sales, services or rentals of any kind of boat or motorized vehicle.

“Business, retail” means a place of business principally engaged in selling goods, substances or commodities in small quantities to the ultimate consumer, and may include rendering services incidental to the sale of such goods, substances or commodities. The term “retail business” does not include, as either a principal or accessory use,

automobile-oriented uses, the sale, rental, storage, service, or repair of any motor vehicles, or any use separately defined or listed in any zoning district.

“Business, wholesale” or “wholesale” means a place of business principally engaged in selling or distributing goods, substances or commodities in quantity to retailers or to industrial, commercial or institutional users mainly for resale or business use.

“Campground” means a parcel of land where two or more campsites are located that provides facilities for temporary recreational living in any manner other than a permanent building.

“Cemetery” means land used or intended to be used for burial of the dead and dedicated for cemetery purposes, including columbaria and mausoleums when operated in conjunction with and within the boundary of such cemetery.

“Channel protection storage volume” means the volume used to design structural management practices to control stream channel erosion.

Church. See “Place of assembly.”

“City Engineer” means an engineer within the Homer Department of Public Works designated by the Director of Public Works.

“Clearing” means the removal of trees and brush from the land, but shall not include the ordinary pruning of trees or shrubs or mowing of grass.

“Clinic, Medical” means a professional office with facilities for providing outpatient medical, dental or psychiatric services, which may include as incidental to the principal use a dispensary to handle medication and other merchandise prescribed by occupants in the course of their professional practices.

“Coastal edge” means the seaward extent of a relatively flat land where a slope break or scarp occurs that is adjacent and within 300 feet of the mean high-water line of Kachemak Bay. The chosen coastal edge must represent the seaward extent of land that is neither part of a previous landslide nor a bench on a slope.

“Cold storage” means a building equipped with refrigeration or freezing facilities that provides cold or frozen storage or freezing services.

“Collocation” means the placement or installation of wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.

“Commercial vehicle” means any motor vehicle defined in AS 28.90.990 as a commercial motor vehicle or any motor vehicle with signs or logos exceeding nine square feet in combined area.

“Community Design Manual” means the Community Design Manual for the City of Homer, adopted by City Council Resolution 04-34, as may be amended from time to time.

“Comprehensive Plan” means a public declaration of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the City.

“Date of distribution” means the date on which a City official mails a written decision or order issued under the zoning code or, if the document is personally delivered, the date of such personal delivery.

“Day care facility” means any establishment for the care of children, whether or not for compensation, excluding day care homes and schools. Such day care facility must also be duly licensed by the State, if so required by State law or regulation.

“Day care home” means the principal dwelling unit of one or more persons who regularly provide(s) care, in the dwelling unit, whether or not for compensation, during any part of the 24-hour day, to eight or less children at any one time, not including adult members of the family residing in the dwelling. The term “day care home” is not

Nonconforming Use. See HCC 21.15.020.

“Nursing facility” means a facility that is primarily engaged in providing skilled nursing care or rehabilitative services and related services for those who, because of their mental or physical condition, require care and services above the level of room and board. “Nursing facility” does not include a facility that is primarily for the care and treatment of mental diseases or an assisted living home.

“Occupancy” means the purpose for which a building is used or intended to be used. The term may also include the building or room housing such use. Change of occupancy does not result from a mere change of tenants or proprietors.

“Office” means a physical location designed for, or used for conducting the affairs of a business, profession, personal service, service industry, veterinary, or government, but does not include direct retail or wholesale sale of goods except for those sales that are clearly incidental to the principal office use. Offices that are part of and are located with a business or industrial firm in another category are considered accessory to that firm’s primary activity.

“Off-road vehicle” means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, wetland, or other natural terrain, except that such terms exclude (1) registered motorboats, (2) military, fire, emergency, and law enforcement vehicles when used for such military, emergency, and law enforcement purposes, and (3) any vehicle whose use is expressly approved by the City of Homer.

“Oil water separators” means passive, physical separation systems, designed for removal of oils, fuels, hydraulic fluids, and similar products from water. They are generally large-capacity, underground cement vaults installed between a drain and the connecting storm drain pipe. These vaults are designed with baffles to trap sediments and retain floating oils. The large capacity of the vault slows down the wastewater, allowing oil to float to the surface and solid material to settle out.

“Open space” means an area reserved or developed for recreational uses or preserved for its natural amenities. Open space may include squares, parks, bicycle and pedestrian paths, refuges, campgrounds, picnic areas, playgrounds, and gardens. “Open space” does not include outdoor recreation facilities.

“Ordinary High Water Mark” means the line on a shore or bank of a body of water established by the normal fluctuations of water and indicated by a relatively abrupt change in observable physical, hydrologic, and biologic characteristics above and below the line. For a stream or lake the OHWM is approximately equivalent to the "bank." For a marine shoreline, the OHWM is approximately equivalent to the "mean high water line." In all cases, an appropriate mix of indicators used to establish the OHWM at a particular location are selected using means and methods that consider the type of water body and the characteristics of the surrounding area.

“Overbank flood protection volume” or “Qp” means the volume controlled by structural practices to prevent an increase in the frequency of out of bank flooding generated by development.

“Overlay district” means a defined area with supplementary regulations that is superimposed upon all or part of one or more underlying zoning districts. The boundaries of an overlay district are usually shown on the official map, but may be established by description.

“Overslope development” means an overslope platform and the structures located on the overslope platform.

“Overslope platform” means an elevated horizontal structure designed to support buildings that are located above the slope between an upland lot and the water of the Homer small boat harbor.

“Parking lot” means an off-street, ground level open area, usually improved, containing parking spaces for motor vehicles.

“Parking lot, double-loaded” means all or any portion of a parking lot in which there are parking spaces on both sides of the driving aisle.

“School” means any public or private property, or building or part thereof, which is designed, constructed or used for educational purposes or instruction in any branch of knowledge..

“Sediment” means soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

“Senior housing” means attached or detached independent living developments, including retirement communities, age-restricted housing and active adult communities.

“Setback” means the required minimum distance between the lot line and a building, measured according to Chapter 21.05 HCC. The setback area establishes a required yard in which structures are prohibited or limited as provided in the zoning code.

“Sewer, community” means that portion of a nonpublic sewerage serving:

1. One or more multifamily dwellings;

2. A mobile home park, a trailer park, or a recreational vehicle park;

3. Two or more:

    a. Single-family homes or duplexes;

    b. Commercial establishments;

    c. Industrial establishments; or

    d. Institutions; or

4. Any combination of two or more of the structures listed in subsections (3)(a) through (d) of this definition.

“Sewer, public” means a sewer system operated for the benefit of the public by the City of Homer or a public utility under a certificate of convenience and necessity issued by the Regulatory Commission of Alaska or by its predecessor or successor agency.

“Shelter for the homeless” means a building used primarily to provide on-site meals, shelter and secondary personal services such as showers and haircuts to the homeless and the needy on a nonpermanent basis for no or nominal compensation.

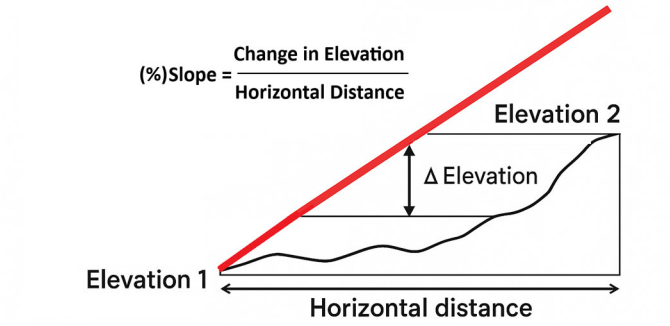
Sign. See HCC 21.60.040.

“Site” means any lot, tract, or parcel of land, or a portion thereof, or any combination thereof that is in one ownership or is contiguous and in diverse ownership, where development exists or will be created as one unit, subdivision, or project.

“Site plan” means a plan, to scale, showing the proposed use and development of a site. The plan generally includes lot lines, streets, points of vehicular access to the site, building sites and setbacks, reserved open space, existing buildings, major landscape features (both natural and manmade), and the locations of utility easements. Specific requirements for site plan submittal are described in applicable sections of the zoning code.

“Slash pile” means a row or pile of woody debris from timber harvesting, land clearing, or similar activity.

“Slope” means, with respect to two points on the surface of the ground, the ratio, expressed as a percentage, of the difference between their elevations divided by the horizontal distance between them. Slope is measured as provided in HCC 21.05.040.



“Stabilization, soil” means the prevention of soil movement by any of various vegetative or structural means.

“Stable, private” means an accessory building in which one or more horses are kept for private use and enjoyment and not for boarding, hire or sale; or in which not more than one horse is kept for boarding, hire or sale.

“Stable, public” means a building in which two or more horses are kept for boarding, hire or sale.

“State highway” or “Highway” means a street designated by the State as a part of the State highway system.

“Steep slope” means an elevation change in topography of at least 15 feet, with an average slope of not less than 45 percent (one foot difference in elevation per 2.22 feet of horizontal distance). A steep slope can occur naturally or can be created by excavation into or filling over natural ground.

“Stormwater management” means:

1. For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by manmade changes to the land; and

2. For qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

“Stormwater management, off-site” means the design and construction of a facility necessary to control stormwater from more than one development.

“Stormwater management, on-site” means the design and construction of systems necessary to control stormwater within an immediate development site.

“Stormwater management plan” or “SWP” means a set of drawings or other documents prepared according to the requirements of this title and submitted by a person as a prerequisite to obtaining a stormwater management approval. A SWP will contain all of the information and specifications pertaining to stormwater management.

“Stormwater runoff” means flow on the surface of the ground, resulting from precipitation or snow melt.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement or cellar shall be considered a story.

“Story, half” means a story under a gable, hip, gambrel or mansard roof, the wall plates of which on at least two of its opposite exterior walls are not more than two feet above the floor of such story.

“Stream” means a body of flowing water, including a river, creek, tributary, or other watercourse.

“Stream banks” are defined by the steep or sloping ground that borders a stream and confines the water in the natural channel when the water level or flow is normal.

“Stream, intermittent” means a stream that does not flow continuously but stops or dries up from time to time.

“Stream, perennial” means a stream that flows continuously throughout the year, in contrast to an intermittent stream.

“Street” means a public thoroughfare including a public street, road or highway of any description that affords a principal means of access to abutting property. Street does not include alley or driveway.

“Street line” means the line of demarcation between a street right-of-way and the abutting lot(s).

“Stripping” means any activity that removes the vegetative surface cover including tree removal, clearing, grubbing and storage or removal of topsoil.

“Structural alteration” means any change of the supporting members of a building or structure such as bearing walls, columns, beams or girders.

“Structure” means anything constructed or erected that requires location on the ground or that is attached to something having location on the ground.

“Structure, Principal” means a building in which is conducted the primary or main use of the lot on which the building is situated.

“Studio” means a room, rooms or building where an artist or photographer does work, a place where dancing lessons, music lessons, or similar artistic lessons are given, or where radio or television programs are produced or where recordings are made.

“Timber growing, harvesting and forest crops” means the growing, harvesting, or both, for commercial purposes, of (1) trees including, without limitation, live trees, Christmas trees and tree products in the form of logs, chunks, bark chips or similar items; or (2) minor forest crops such as cones, ferns, greenery, berries and moss.

“Tiny House” means a dwelling that is 400 square feet or less in floor area excluding lofts.

“Total suspended solids” means the sum of the organic and inorganic particles (e.g., sediment) suspended in and carried by a fluid (e.g., water).

“Tower, amateur radio” means a fixed vertical structure used exclusively to support an antenna used by an amateur radio operator licensed by the Federal Communications Commission, plus its accompanying base plates, anchors, guy cables and hardware.

“Tower, communications” means a fixed vertical structure built for the primary purpose of supporting wireless communications equipment, plus its accompanying base plates, anchors, guy cables and hardware.

“Townhouse” means a building on its own separate lot containing one dwelling unit that occupies space from the ground to the roof and is attached to one or more other townhouse dwelling units by at least one common wall.

“Trip” in reference to traffic means a single one-way motor vehicle movement either to or from a subject property or study area.

“Turbidity” means an expression of the optical property that causes light to be scattered and absorbed rather than transmitted in straight lines through a water sample; turbidity in water is caused by the presence of suspended matter such as clay, silt, finely divided organic and inorganic matter, plankton, and other microscopic organisms.

“Use” means the purpose for which land or a structure is occupied, arranged, designed or intended, or for which either land or a structure is or may be occupied or maintained.

“Use, Accessory” means a use or activity that is customary to the principal use on the same lot, and which is subordinate and clearly incidental to the principal use.

“Use, Principal” means the use of a lot or structure that is of chief importance or function on the lot.

“Variance” means any deviation from the requirements of the zoning code authorized by the Planning Commission pursuant to Chapter 21.72 HCC.

“Vehicle fleet” means a group of vehicles operated under unified control.

Vehicle Maintenance or Repair. See “auto repair.”

“Visibility clearance” means the assurance of adequate and safe vision clearance particularly for vehicle operators and pedestrians; a specified area of clearance at corners of intersections where no plantings, walls, structures or temporary or permanent obstructions exceeding a specified height above the curb level are allowed.

“Warehouse” means a building used primarily for the storage of goods and materials. Also referred to as “commercial storage”.

“Water-dependent” means a use or activity that can be carried out only on, in or adjacent to water areas because the use requires access to the water body.

“Water quality volume” or “WQv” means the volume needed to capture and treat 90 percent of the average annual runoff volume at a development site.

“Water-related” means a use or activity that is not directly dependent upon access to a water body, but which provides goods and services that are directly associated with water-dependent uses or activities.

“Watercourse” means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that is subject to inundation from overflow or floodwater.

“Watershed” means any area of land that water flows or drains under or across ground on its way to a lake, pond, river, stream, or wetland. A watershed can be delineated on a topographical map by connecting the high points of the contour lines surrounding any water body.

“Wetland” means an area of land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

“Wind energy system” means a wind turbine and its supporting wind energy system tower.

“Wind energy system, Small” means a wind energy system having a rated capacity of less than 25 kilowatts and a total height less than 170 feet, whose primary function is to provide electric power for on-site consumption.

“Wind energy system tower” means a fixed vertical structure that supports a wind turbine, including a monopole or lattice tower, plus its accompanying base plates, anchors, guy cables and hardware.

“Wind turbine” means a bladed or other type of rotating mechanism that converts wind energy into electric energy.

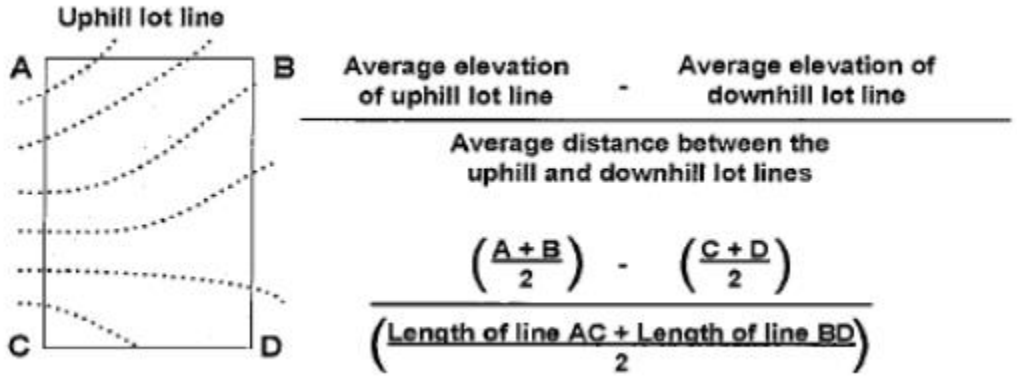
“Wireless communications equipment” means the set of equipment and network components used in the provision of wireless communications services, including without limitation antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding any wireless communications support structure.

excavation made for the purpose of locating or supporting the structure. In cases in which the normal grade cannot reasonably be determined, structure height shall be calculated on the assumption that the elevation of the normal grade at the base of the structure is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the primary entrance to the principal structure on the lot, whichever is lower. [Ord. 20-53 § 1, 2020; Ord. 19-22 § 1, 2019; Ord. 14-18(A)(S-2) §§ 2, 3, 2016; Ord. 09-34(A) § 3, 2009; Ord. 08-29, 2008].

21.04.040 Measuring slopes.

When calculating the slope of a lot, an average slope is used based on the elevations at the corners of the lot. The average slope of a lot, expressed as a percentage, is calculated by subtracting the average elevation of the uphill lot line and the average elevation of the downhill lot line and dividing the difference by the average distance between the two lot lines. The average elevation of the uphill or downhill lot line is calculated by adding the elevations at the ends of the lot line and dividing by two. See Figure 1.

Figure 1



[Ord. 08-29, 2008].

21.04.050 Measuring lot width.

a. The width of a lot is calculated as horizontal distance between the side property lines of a lot, measured at right angles to the lot depth at the rear of the required front yard setback. See Figure 2.

Chapter 21.34 Slopes and Coastal Development

21.34.010 Purpose.

a. The steep slopes overlay district regulates development activity and structures in areas affected by slopes, bluffs, ravines, and the coastal edge, and provides the means for additional review and protection to encourage safe and orderly growth to promote the health, welfare and safety of Homer residents.

21.34.020 Applicability.

This chapter applies to all development activity that disturbs the existing land surface, including without limitation clearing, grading, excavating and filling in areas that are subject to any of the following conditions:

a. Lots with average slopes 15 percent or greater, bluffs, coastal edge and ravines;

b. Located within 40 feet of the top or within 15 feet of the toe of a steep slope, bluff, coastal edge or ravine; and

c. Any other location where the City Engineer determines that adverse conditions associated with slope stability, erosion or sedimentation are present.

21.34.030 Permit Required.

No development activity, including clearing and grading, may occur before the issuance of a zoning permit under Chapter 21.12 HCC

21.34.040 Drainage and erosion control.

All development on a site affected by a slope of 15 percent or more, bluff, coastal edge or ravine, as described in HCC 21.34.020, shall be subject to level two drainage and erosion control standards in HCC 21.51.030 in addition to the requirements of this section.

21.34.050 Stormwater management.

All development on a site affected by a slope of 15 percent or more, bluff, coastal edge or ravine, as described in HCC 21.34.020, shall be subject to a stormwater management plan in addition to the requirements of this section.

21.34.060 Slope development standards.

a. Area of Development.

   1. Except where the City Engineer approves a site plan under HCC 21.34.060(b)(4) that provides for a larger area of development, the area of development on a lot with an average slope:

      i. Of 15 to 30 percent shall not exceed 25 percent of the total lot area.
      ii. Greater than 30 percent but less than 45 percent shall not exceed 10 percent of the total lot area.

   2. The area of development on a lot with an average slope of 45 percent or greater shall not exceed the area of development described in a site plan approved by the City Engineer under HCC 21.34.070.

b. Setbacks. Subject to the exceptions to setback requirements in HCC 21.34.060(b)(4), all development activity is subject to the following setback requirements:

   1. No structure may be closer to the top of a ravine, steep slope or bluff than the lesser of:

      i. Forty feet; or
      ii. One-third of the height of the bluff or steep slope, but not less than 15 feet.

   2. No structure may be closer than 15 feet to the toe of a bluff.

   3. Structures shall be set back 40 feet from the coastal edge starting at the eastern extent of the City of Homer, adjacent to Kachemak Bay extending to the north-south section line dividing Sections 19 and 24 Township 6 South Range 14 West Seward Meridian, and excluding all property South of Mile Post 175 of the Sterling

Highway. All structures west of the section line shall be set back 60 feet from the coastal edge. No structure may be placed closer than 15 feet from the toe of a coastal edge.

4. Exceptions to setback requirements.

   i. Any of the following may be located within a setback required by HCC 21.44.030(c):
      a) A deck extending no more than five feet into the required setback.
      b) An unoccupied accessory structure having a building area not greater than 200 square feet that is no closer than 15 feet to the top of any bluff or ravine.
      c) A boardwalk, sidewalk, foot path or stairway that provides access to a beach, bluff or accessory structure, and that is located at or within three feet above ground level.
      d) Development activity that the City Engineer determines is reasonably intended to stabilize an eroding coastal edge.

   ii. No structure other than a structure described in subsections i. of this section may be located in a required setback without a variance issued in accordance with Chapter 21.10 HCC and a site plan approved by the City Engineer under HCC 21.11. [Ord. 22-32 § 2, 2022; Ord. 08-29, 2008].

c. Natural Drainage. The site design and development activity shall not restrict natural drainage patterns, except as provided in this subsection.

1. To the maximum extent feasible, the natural surface drainage patterns unique to the topography and vegetation of the site shall be preserved. Natural surface drainage patterns may be modified only pursuant to a site plan approved by the City Engineer under HCC 21.44.050, and upon a showing that there will be no significant adverse environmental impacts on the site or on adjacent properties. If natural drainage patterns are modified, appropriate soil stabilization techniques shall be employed.

2. The site shall be graded as necessary to ensure that drainage flows away from all structures for a distance of at least 10 feet, especially where building pads are cut into hillsides.

3. The development activity shall not cause an adverse effect on adjacent land and surrounding drainage patterns.

d. Erosion Control During Construction.

1. Erosion control methods approved by the City Engineer, including without limitation sediment traps, small dams and barriers, shall be used during construction and site development to protect water quality, control soil erosion and control the velocity of runoff.
2. Winter Erosion Control Blankets. If development on a slope is not stabilized by October 15th, erosion control blankets (or a product with equivalent performance characteristics) must be installed upon completion of the seasonal work, but no later than October 15th. The erosion control blankets shall remain in place until at least the following May.

3. Vegetation shall remain undisturbed except as necessary to construct improvements and to eliminate hazardous conditions, in which case it must be replanted with approved materials including ground cover, shrubs and trees. Native vegetation is preferred for replanting operations, and will be used where practicable.
4. Grading shall not alter the natural contours of the terrain except as necessary for building sites or to correct unsafe conditions. The locations of buildings and roads shall be planned to follow and conform to existing contours as nearly as possible. [Ord. 22-32 § 2, 2022; Ord. 08-29, 2008].

21.34.070 Site plan requirements.

a. No permit for development activity for which HCC 21.34.060 requires a site plan may be approved unless the City Engineer approves a site plan for the development activity that conforms to the requirements of this section. The City Engineer shall accept or reject the plan as submitted or may require that specific conditions be complied with in order for the plan to meet approval.

b. The site plan shall be prepared by a qualified civil engineer licensed to practice in the State of Alaska and shall include the following information:

1. The location of all watercourses, water bodies, and wetlands within 100 feet of the location of the proposed development activity.

2. The location of all existing and proposed drainage structures and patterns.

3. Site topography shown by existing and proposed contours with a maximum vertical interval of five feet.

4. The location of all proposed and existing buildings, utilities (including on-site well and septic facilities), driveways and streets.

5. The location of all existing vegetation types including meadow, forest and scrub lands, identifying all areas of vegetation that will be removed as well as vegetation to be preserved or replaced. Specifications for revegetation shall also be included.

6. Temporary construction erosion controls and permanent erosion controls.

7. A description of the stability of the existing soils on site and a narrative and other detail sufficient to demonstrate the appropriateness of the development and construction methods proposed.

8. A grading plan for all areas that will be disturbed by the development activity with major point elevations labeled.

9. A slope stability analysis including the following:

i. Summary of all subsurface exploration data, including subsurface soil profile, exploration logs, laboratory or in situ test results, and groundwater information;
ii. Interpretation and analysis of the subsurface data;
iii. Summary of seismic concerns and recommended mitigation;
iv. Specific engineering recommendations for design;
v. Recommended geotechnical special provisions;
vi. An opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes. [Ord. 22-32 § 2, 2022; Ord. 10-56 § 2, 2011].

Table 21.29.a Dimensional and Intensity Standards

			RR	NF	UR	M	DMU	CMU	LIMU	MC	MI	OSR	CO
Structure Height (maximum)			35-ft	35-ft.	35-ft	40-ft	20-ft min. to 50-ft max.	50-ft	55-ft[8]	35-ft	35-ft	--	--
Building Orientation			--		--	--	Primary entrances shall face the street; parking located to the side or rear	--	--	--	--	--	--
Building Coverage (maximum)			30%	50%	50%	30%	70%	50%	50%	--	--	--	--
Impervious Coverage (maximum)			50%	70%	80%	--					70%		
Lot Size (minimum)					7,500-sf	7,500-sf	6,000-sf [3]	20,000-sf[3]	--	10,000-sf[6]	6,000-sf	--	--
Served by both water and sewer			10,000-sf. [1]	7,500-sf.[1]	--	--	--	--	10,000-sf	--	--	--	--
Served by either water or sewer			20,000-sf. [1]	15,000-sf.[1]	--	--	--	--	--	--	--	--	--
Not served by water or sewer			40,000-sf. [1]	30,000-sf.[1]	--	--	--	--	40,000-sf	--	--	--	--
Lot area per additional dwelling	Dwelling – up to 4 units per		same as above	same as above	no additional area	--	no additional area	no additional area	--	--	--	--	--
	Dwelling -- Multi-Unit --		--	1,200-sf.	1,200-sf	--	1,200-sf	1,200-sf	--	--	--	--	--
Lot Width (minimum)			--	--	--	--	--	--	--	80-ft[6]	--	--	--
Setback (minimum)	Front		20-ft [2]	20-ft[2]	20-ft[2]	20-ft	Build-to Line: 0 to10-ft	Build-to Line: 5-15-ft	20-ft	0-ft	20-ft[7]	--	--
	Side / rear		5-ft	5-ft.	5-ft	5-ft	5-ft.[4]	5-ft[4]	5-ft[5]	5-ft	5-ft	--	--
Accessory - Detached	Size (maximum)		25 percent of a rear or side yard and no portion of a required front yard	Lesser of 1,200-sf and 25-percent of the rear/side yard	Lesser of 1,200-sf and 25-percent of the rear/side yard	--	Lesser of 1,200-sf and 25-percent of the rear/side yard	--	--	--	--	--	--
	Setback[3,4,5] (minimum)	Front	Same as principal structure	Same as principal structure	Same as principal structure	--	--	Same as principal structure	Same as principal structure	--	--	--	--
		Side				--	5-ft			--	--	--	--
		Rear				--	10-ft			--	--	--	--
	Location		Side or rear yard; minimum 5 feet from principal structure	Side or rear yard; minimum 5 feet from principal structure	Side or rear yard; minimum 5 feet from principal structure	--	Side or rear yard; minimum 5-ft from principal structure	Side or rear yard; minimum 5-ft from principal structure	Side or rear yard; minimum 5-ft from principal structure	--	--	--	--
Frontage			--		--	--	At least 60% of the lot frontage within the build-to line shall be occupied by a building facade.	--	--	--	--	--	--
Drainage and Erosion Control Standards			Level 1	Level 1	Level 1	Level 1 - Residential less than 5 units Level 2 - nonresidential development and multi-family 5 units or more	Level 1 - Residential less than 5 units Level 2 - nonresidential, mixed-use development and multi-family 5 units or more	Level 2	Level 2	Level 3	Level 3	Level 1	Level 1
Site Plan			--	--		Level 1	Level 1	Level 1	Level 2	Level 1	Level 2	Level 1	--
ROW Access Plan			--	--	--	Level 2 - non-residential development	Level 2	Level 3	Level 2	Level 1	Level 2	--	--

Footnotes

1. Plus same minimum lot size per dwelling unit in excess of one unit.
2. Adjacent to those rights-of-way that lead to Kachemak Bay and have been determined to be unsuitable for road construction as set forth by resolution of the City Council, all buildings shall be set back from the boundary of the right-of-way 5 feet.
3. Lawful nonconforming lots of smaller size may be newly developed and used if off-site parking is provided in accordance with the City parking code
4. No side setback required for attached buildings on separate lots. A two-foot setback may be approved when firewalls are provided and access to the rear of the building is otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire Marshall
5. Unless adequate firewalls are provided and adequate access to the rear of the building is otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire Marshall.
6. Except for lots lawfully platted before December 12, 2006.
7. Setbacks from any lot line abutting an alley shall be 5 feet.
8. Administrative flexibility for buildings up to 75 feet in height may be granted for boat storage or construction purposes.

City of Valdez, AK
Thursday, January 15, 2026

Title 17. Zoning

Chapter 17.80. SPECIFIC USE STANDARDS

Article II. Residential and Housing Uses

§ 17.80.090. Short-term rentals.

A. Purpose. The purpose of this section is to establish rules, regulations, and limitations on housing arrangements which are typically an alternative to traditional lodging/accommodation establishments such as hotels and motels. Short-term rentals provide lodging or housing for terms less than thirty days.

B. Applicability. The standards herein apply to all short-term rentals as allowed pursuant to Table 17.16.040-1. The provisions of this section shall be applicable to all short-term rentals that provide accommodations for terms less than thirty days. Motels, hotels, lodges, and inns, rental cabins, and long-term residential rentals (thirty days or more) are not subject to the provisions of this section.

C. Specific Use Standards.

1. Review. Short-term rentals shall be established through a short-term rental application and permit, provided by the community development department. The city may establish or modify a limit on the number of short-term rental permits it allows within the municipal limits, as established by resolution of the city council.

2. Issuance. Permits will be issued and require renewal on an annual basis. During annual permit renewal period, the applicant must demonstrate that the short-term rental has been active (in both advertising and use) during the prior permit period.

3. Types of Rental Situations. Short-term rentals may be permitted as one of the following:

    a. Dwelling Units. In these situations, a temporary tenant/guest may rent and occupy an entire dwelling unit which may include a house or apartment. These units typically possess a kitchen, bathroom, and any number of sleeping rooms. Dwelling units may have the capacity to support multiple temporary tenants.

    b. Rooms Within Dwelling Units. In these situations, individual sleeping rooms within a dwelling unit are rented/leased to temporary tenants/guests and the larger dwelling unit may be shared with the permanent resident. Rooms have limited tenant/guest capacity due to their size.

4. Business Registration. Permitted short-term rentals shall maintain an active business registration pursuant to Title 5.

5. Owner/Caretaker Registration. The owner shall register the name and contact information of the responsible caretakers/property manager with the city so that public safety officials can effectively respond to neighborhood complaints or safety-related events. The owner shall also post the caretaker/property manager contact information within each rental.

6. Inspection Required. Prior to issuance of a short-term rental permit, the unit will be subject to an inspection to determine that the rental unit is safe for human occupancy and in compliance with the Valdez building code. Each rental unit shall have adequate egress, functional smoke detectors, carbon monoxide monitors, fire extinguishers and other safety features as determined by the community development director. Approved units may be subject to inspection during subsequent renewals.

7. Transferability. Short-term rental permits are for specific properties and are not transferable to any other properties. Short-term rental permits are transferable to a new owner, if the property on which the short-term rental is located changes ownership.

(Ord. 24-01 § 1; Ord. 24-13 § 1)

Appendix H: Land Use and Environment Chapter Background

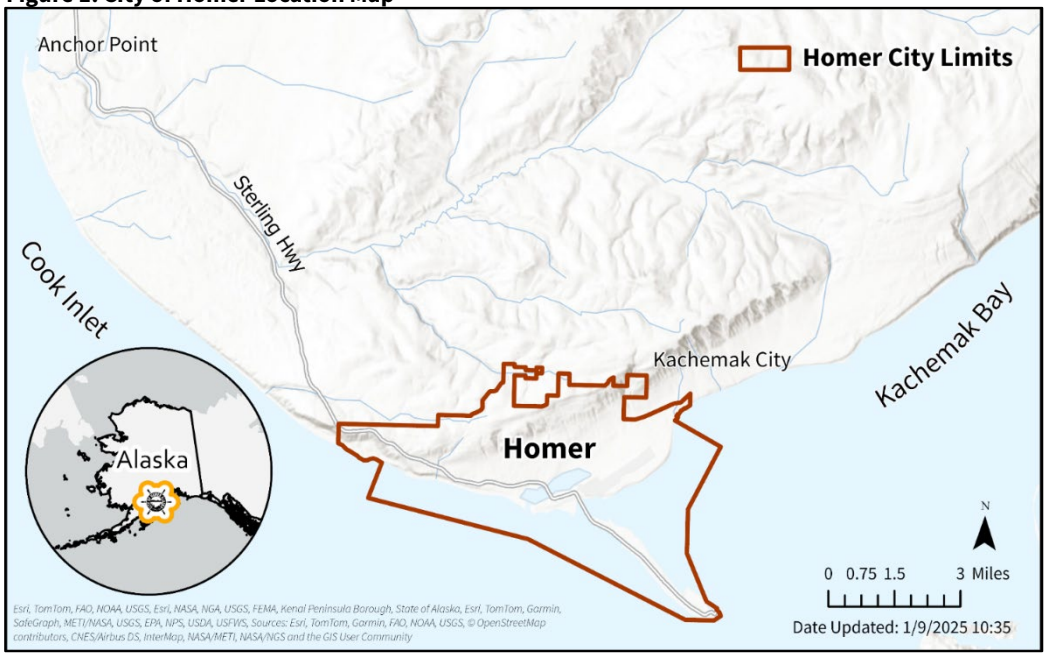
Supplemental Maps

This appendix provides a series of supplemental maps that informed development of the Future Land Use Map and corresponding policies in the Land Use and Environment chapter of the Core Plan. These figures present key background data on land ownership, existing land use patterns, current zoning, and environmental conditions within the City of Homer. Together, they offer geographic context and spatial analysis that supported the planning process.

Figures included in this appendix:

- **Figure 1:** City of Homer Location Map
- **Figure 2:** City of Homer Ownership Map
- **Figure 3:** City of Homer Current Land Uses Map
- **Figure 4:** City of Homer Zoning Map
- **Figure 5:** Environmental Constraints Overlay
- **Figure 6:** Environmental Constraints Overlay: Conditions
- **Figure 7:** Table of Descriptions in Environmental Constraints Overlay: Conditions
- **Figure 8:** Table of Description and map for Moose Habitat
- **Figure 9:** Environmental Constraints Overlay: Designations

Figure 1: City of Homer Location Map



These maps represent the best available data at the time of plan drafting and were used to identify development opportunities and environmental limitations across the community.

Figure 2: City of Homer Ownership Map

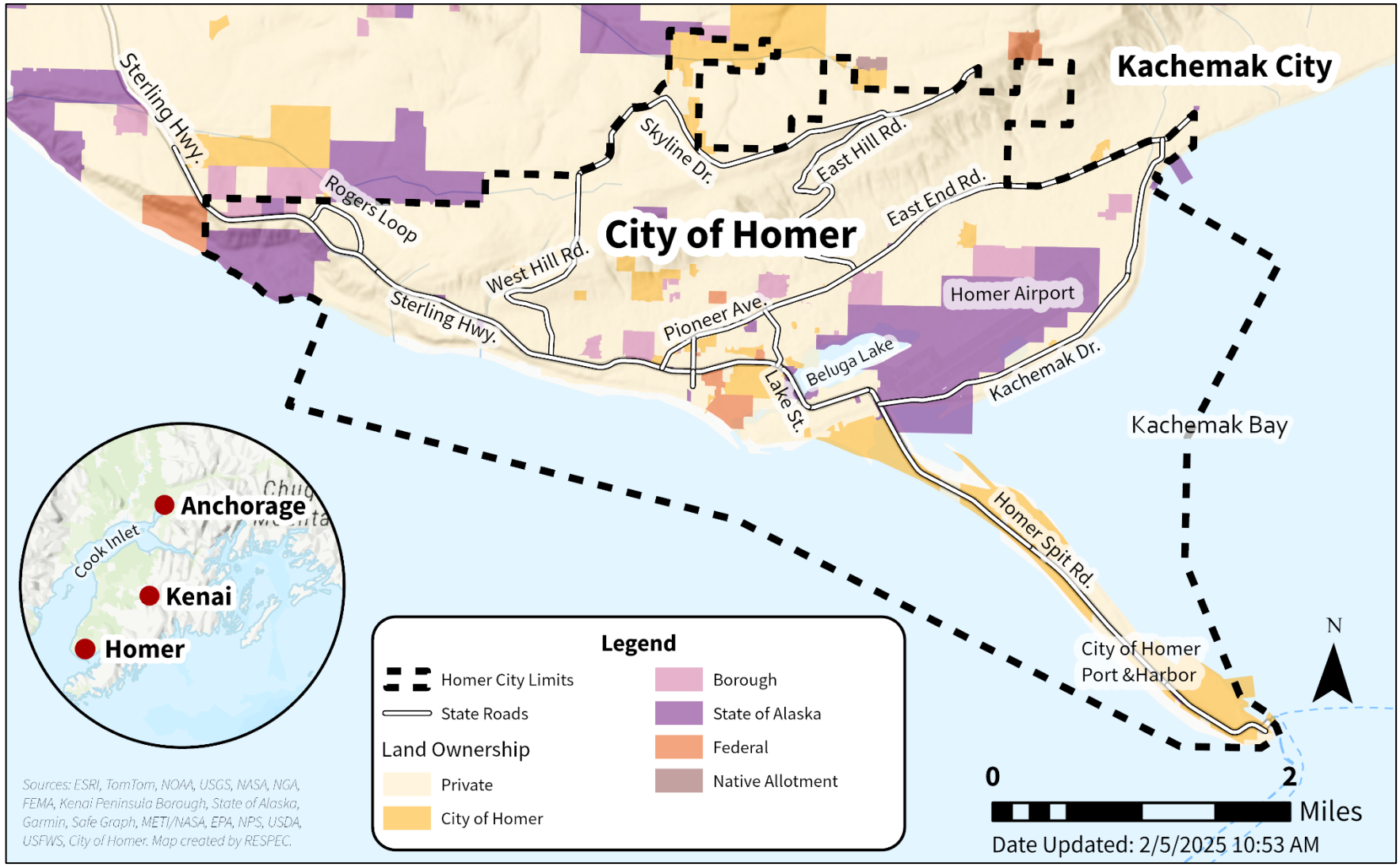


Figure 3: City of Homer Current Land Uses Map

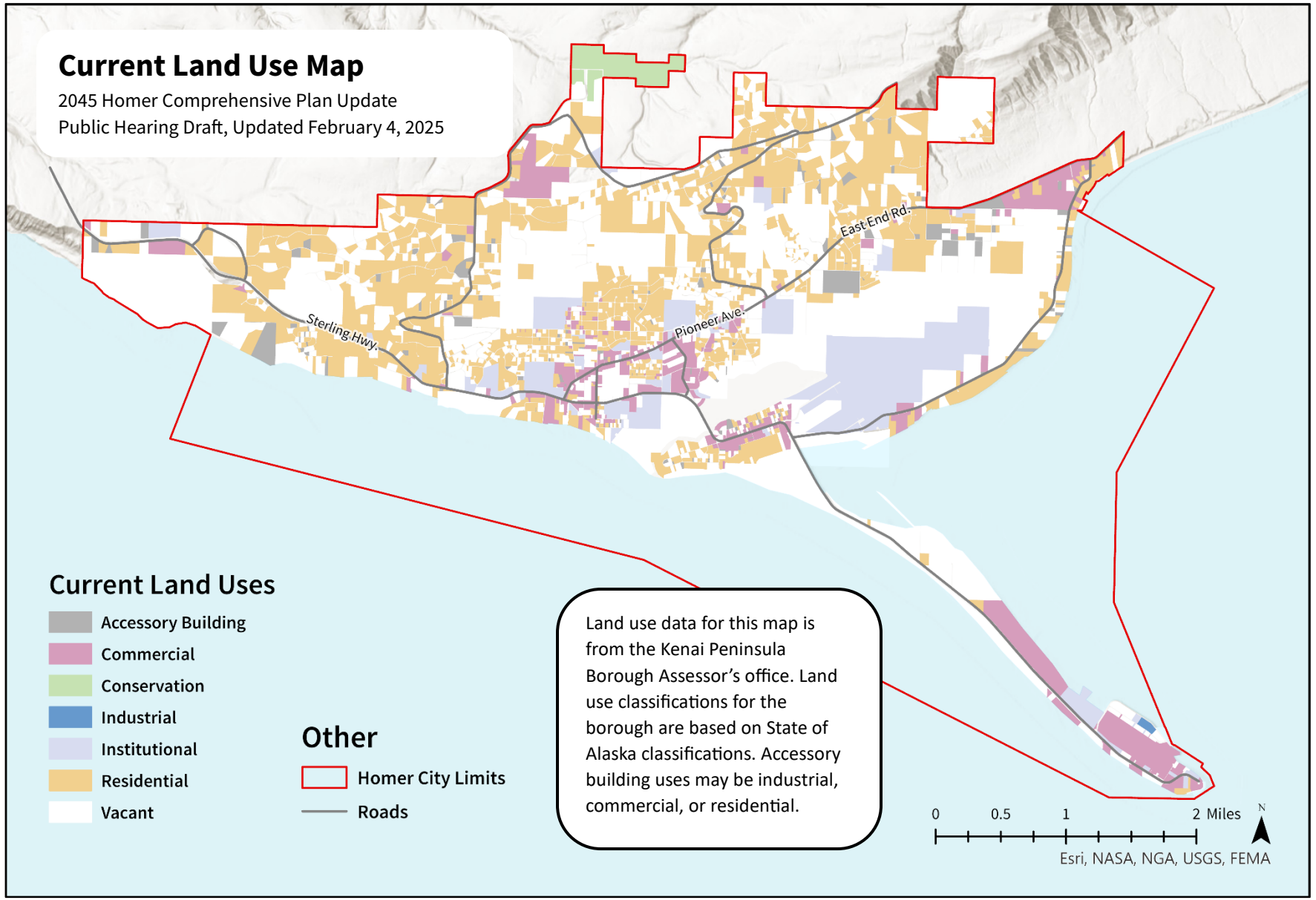
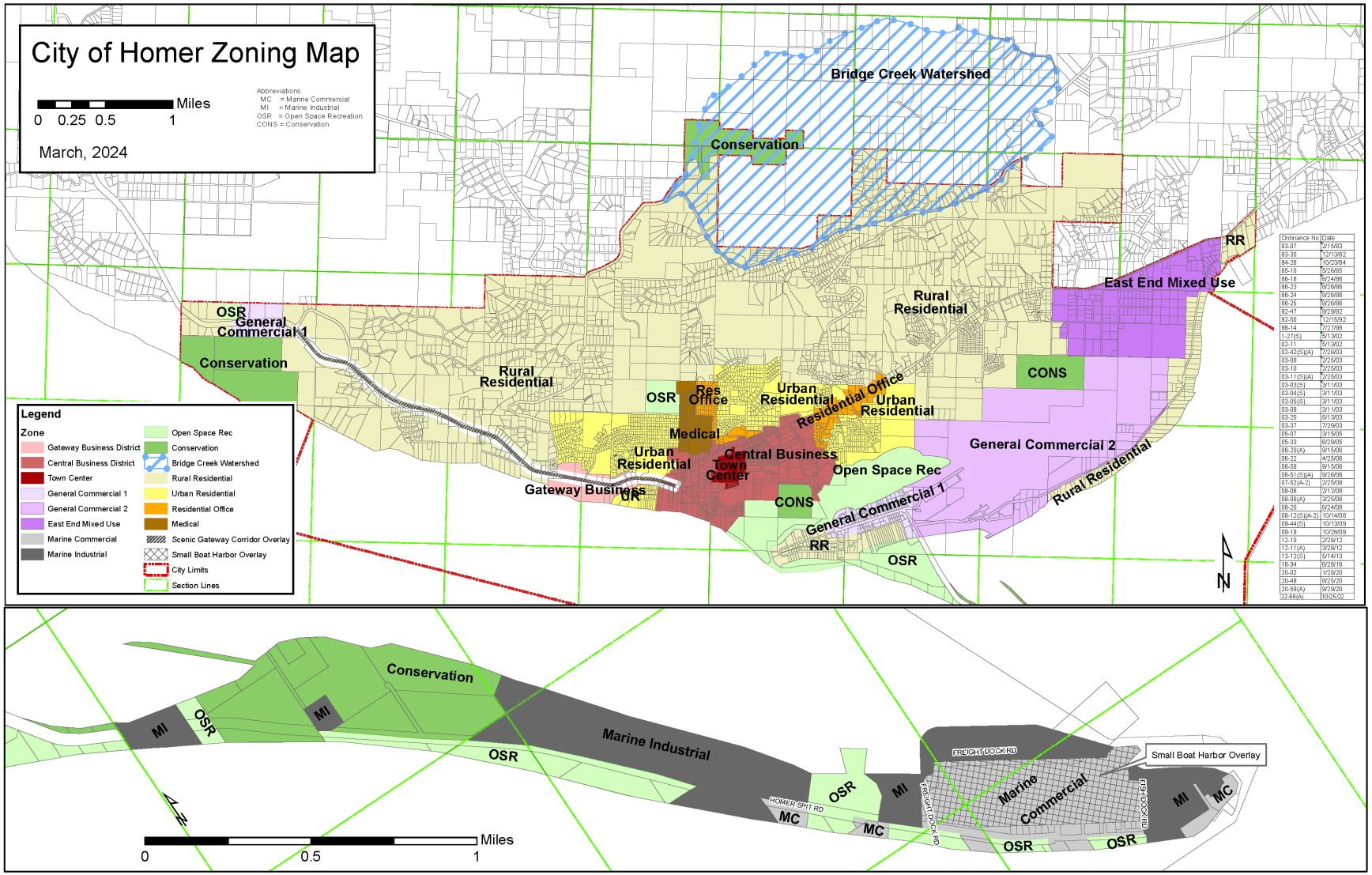


Figure 4: City of Homer Zoning Map

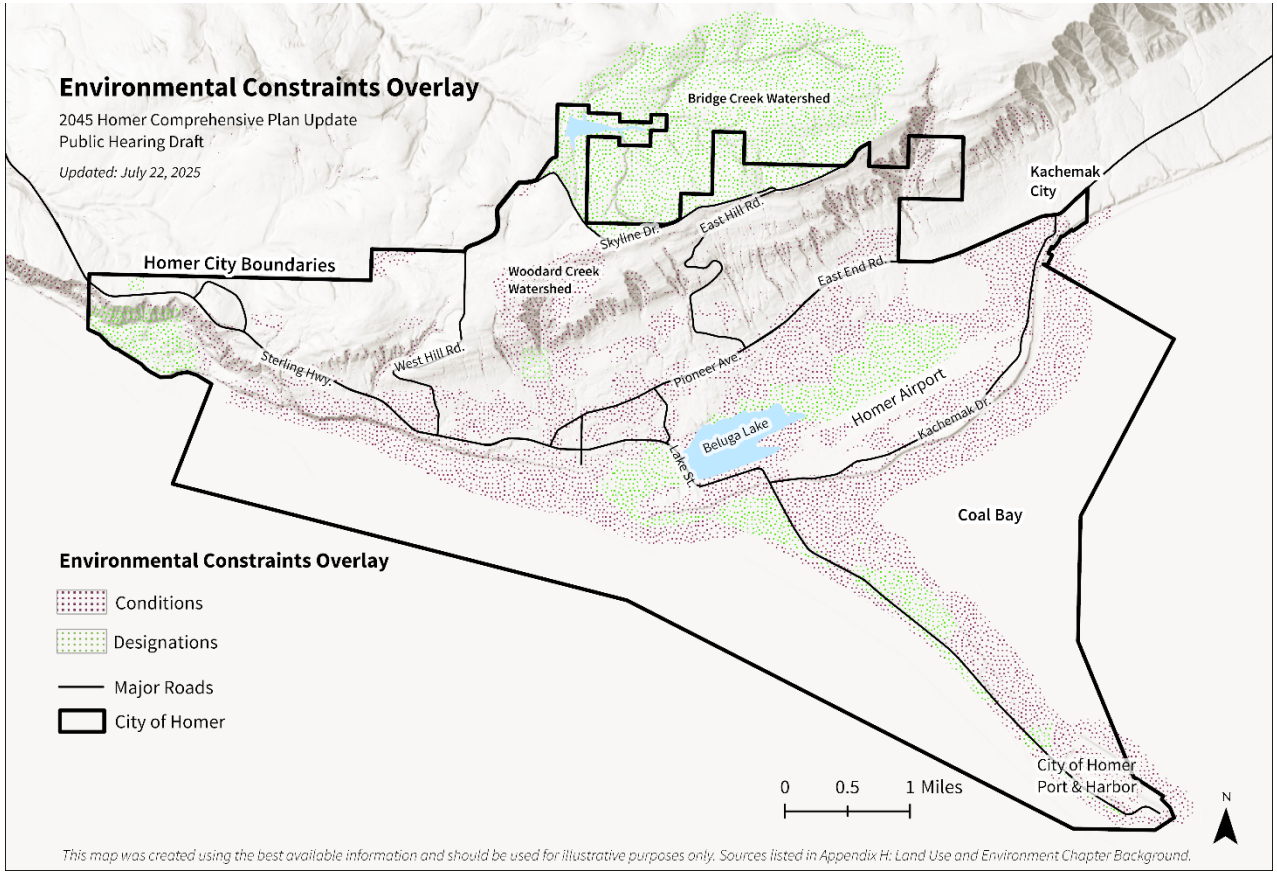


Environmental Constraints Overlay

The Environmental Constraints Overlay is a planning tool developed to support the ~~F~~uture Land Use Map and guide long-term land use policy decisions. It brings together a range of environmental data to illustrate where physical and ecological conditions may present limitations to development or require special consideration. The overlay is organized below into two maps:

- **Conditions** include physical characteristics of the landscape that may pose risks or limitations for development, such as watersheds, steep slopes, scarps, floodplains, hydric soils, and areas of high erosion potential.
- **Designations** include areas that are formally recognized by public entities for conservation or ecological value, such as the Homer Airport Critical Habitat Area.

Figure 5: Environmental Constraints Overlay



The Environmental Constraints Overlay accompanies the Future Land Use Map's base designations for the Plan. It provides a general illustration of environmental constraints that may affect development, based on approximate data. **It is not intended to serve as a definitive guide for site-specific decisions.** Detailed technical analysis should be conducted as part of any proposed site development to fully assess conditions. Additionally, users are encouraged to consult the original source data for each mapped constraint; citations for these sources are provided below.

Figure 6: Environmental Constraints Overlay: Conditions

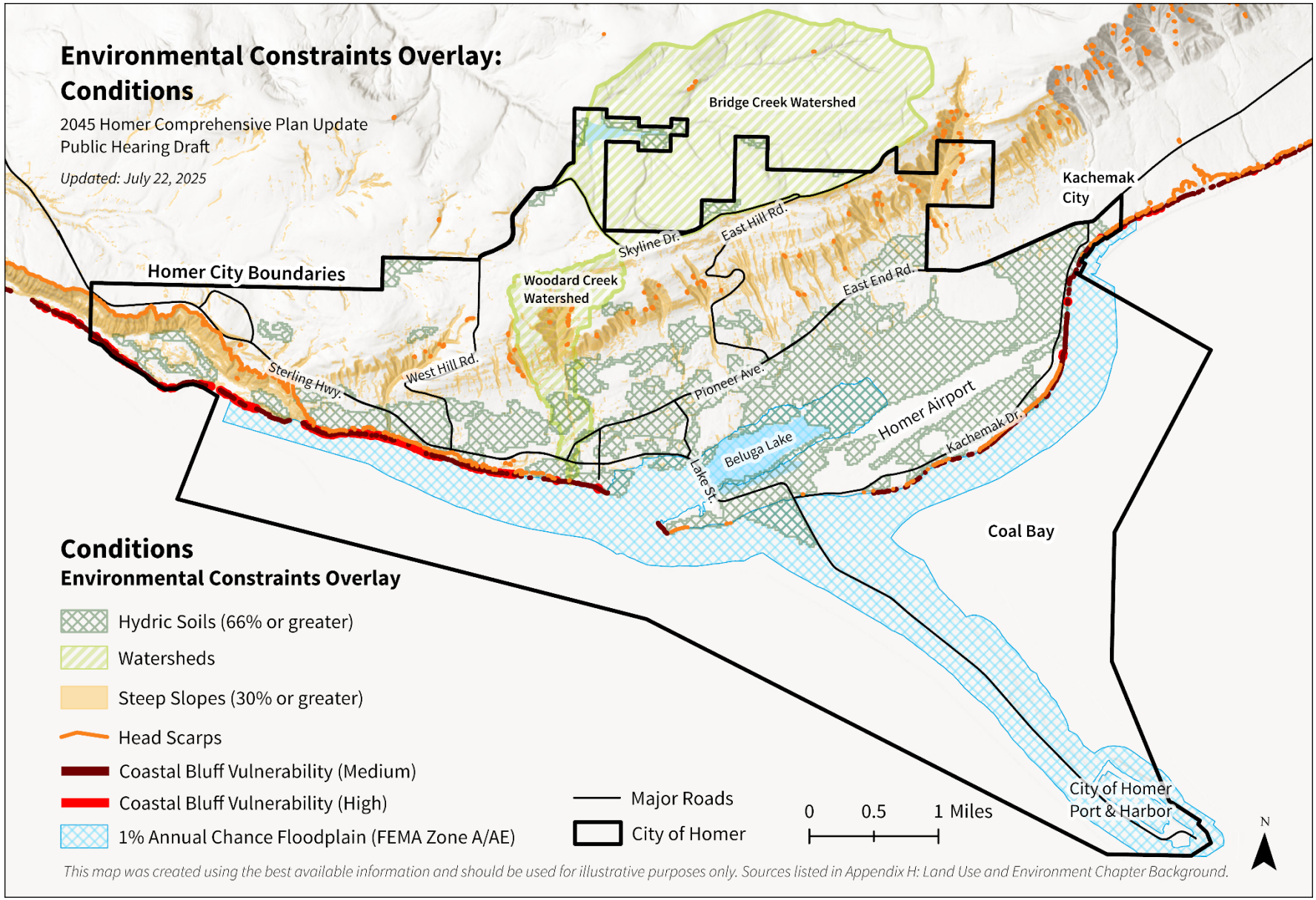
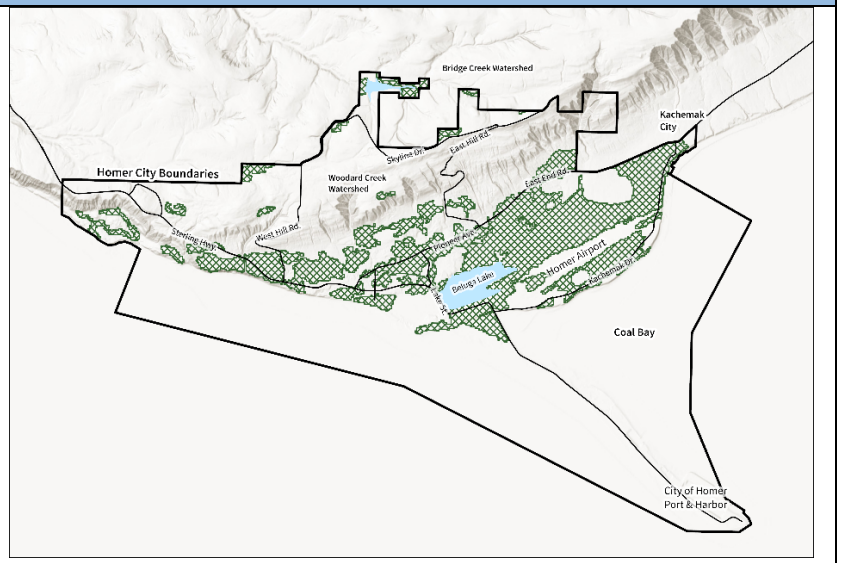
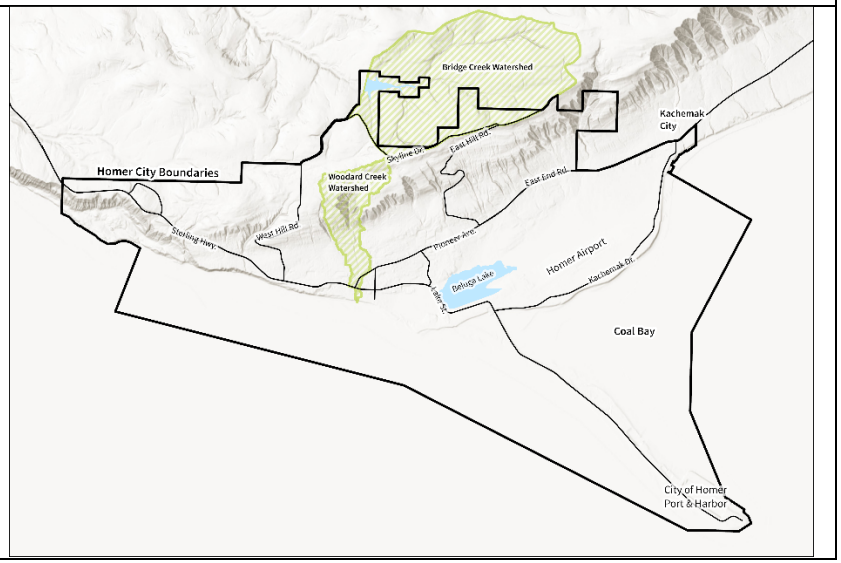
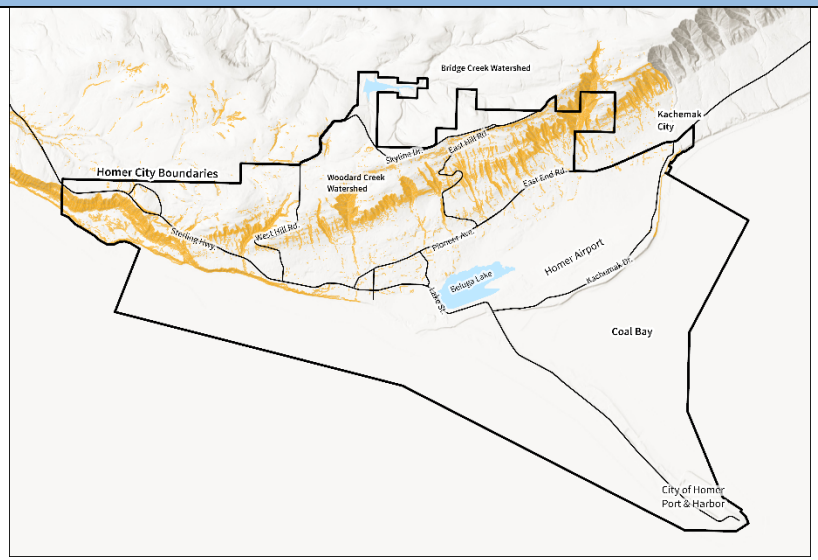
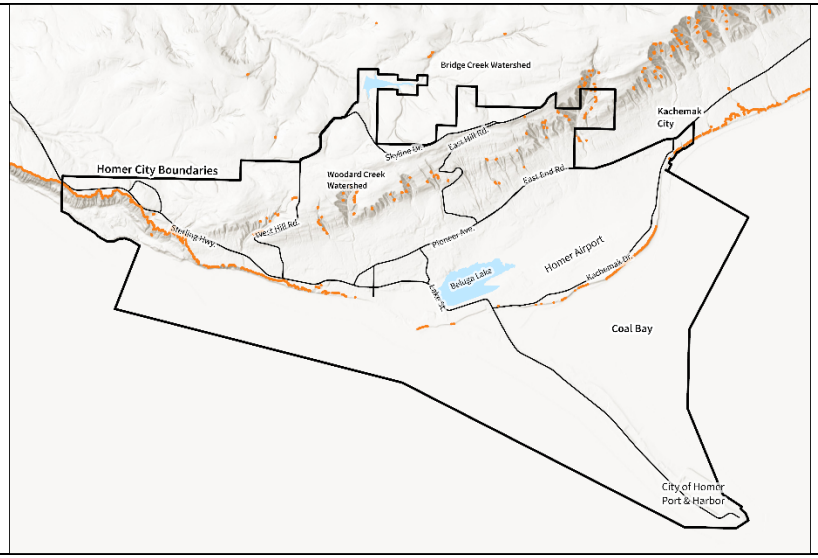


Figure 7: Table of Descriptions in Environmental Constraints Overlay: Conditions

Name, Description, and Source	Map Element
Hydric Soils (66% or greater) The constraints map shows partially (66-90%) and predominantly (more than 90%) hydric soils. Hydric soils are defined as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile. They often signal the presence of wetlands or other areas with limited development potential due to poor drainage, seasonal inundation, or regulatory protections. They also help identify important ecological areas that provide natural water filtration, habitat, and flood mitigation functions. **Source:** U.S. Department of Agriculture, Natural Resources Conservation Service. (2024). Soil Survey Geographic Database (SSURGO) [Data set]. https://sdmdataaccess.sc.egov.usda.gov	
Watersheds A watershed is an area of land where all the water – whether from rain, snowmelt, or streams – drains into a common outlet, such as a bay or river. In Homer, key watersheds include **Bridge Creek**, which supplies the city's drinking water, and **Woodard Creek**, which flows through downtown and into Kachemak Bay. These watersheds are vital for maintaining water quality, managing stormwater, and supporting fish habitats. **Source:** City of Homer. (2024). *Watershed Boundaries* [GIS data]. City of Homer GIS Department. Retrieved from https://www.cityofhomer-ak.gov	

Name, Description, and Source	Map Element
Steep Slopes (30% or greater) This layer highlights areas where the land surface rises sharply – slopes of 30 percent or more. Steep slopes can signal places where development may be more difficult due to poor soil stability, erosion potential, and increased costs. They can also indicate areas at higher risk of landslides. For more detailed landslide information in Homer – including mapped debris flows and slope failure zones – see the *2024 Landslide Hazard Susceptibility Mapping in Homer, Alaska* report. *Note that the study focuses on smaller-scale landslides and does not assess large landforms like the Bear Creek alluvial fan, which may also present risks.* **Source:** Developed from: Esri. (n.d.). *Terrain - Slope Percent* [Data set]. ArcGIS Living Atlas. Retrieved [insert retrieval date], from https://www.arcgis.com/home/item.html?id=304e82c39ca14273b41c26f07e692e93	
Head Scarps This layer shows the mapped upper edges of past landslides – known as head scarps – identified through high-resolution lidar analysis by the Alaska Division of Geological & Geophysical Surveys. These features mark the original failure points of slope movements and may indicate areas of ongoing or future instability, even when no landslide deposits are visible on the surface. In Homer, head scarps are often found in steep upland areas and coastal bluffs, where they help identify terrain that may not be suitable for development without further geotechnical study. **Source:** Salisbury, J. B. (2024). *Landslide hazard susceptibility mapping in Homer, Alaska* (Report of Investigation 2024-3). Alaska Division of Geological & Geophysical Surveys. Retrieved from https://dggs.alaska.gov/pubs/id/31155	

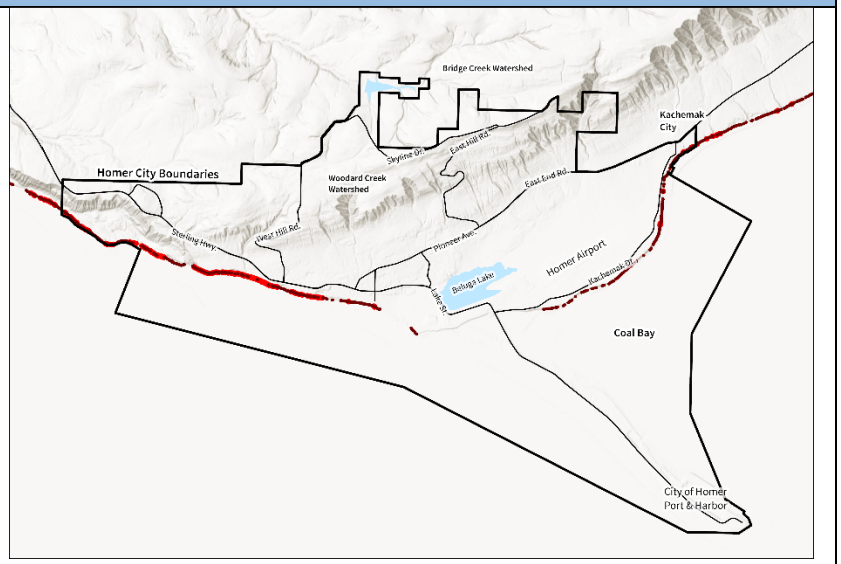
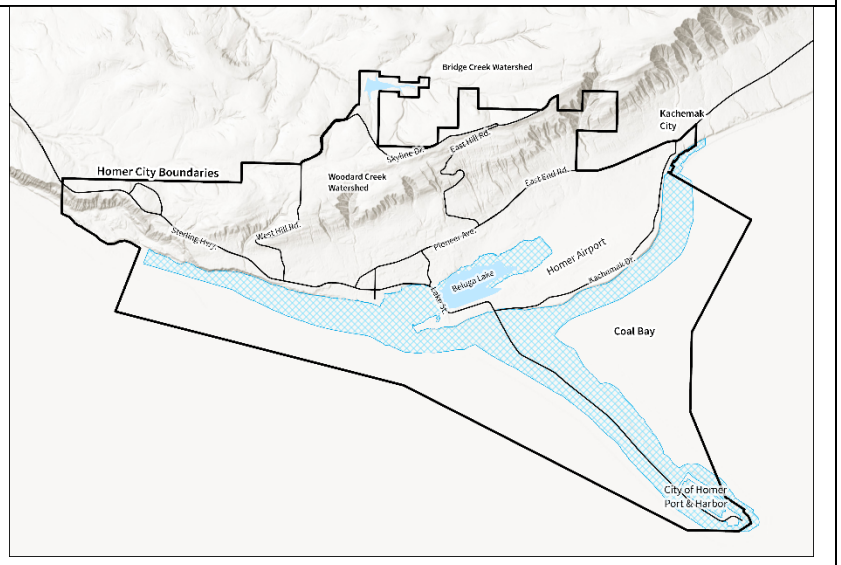
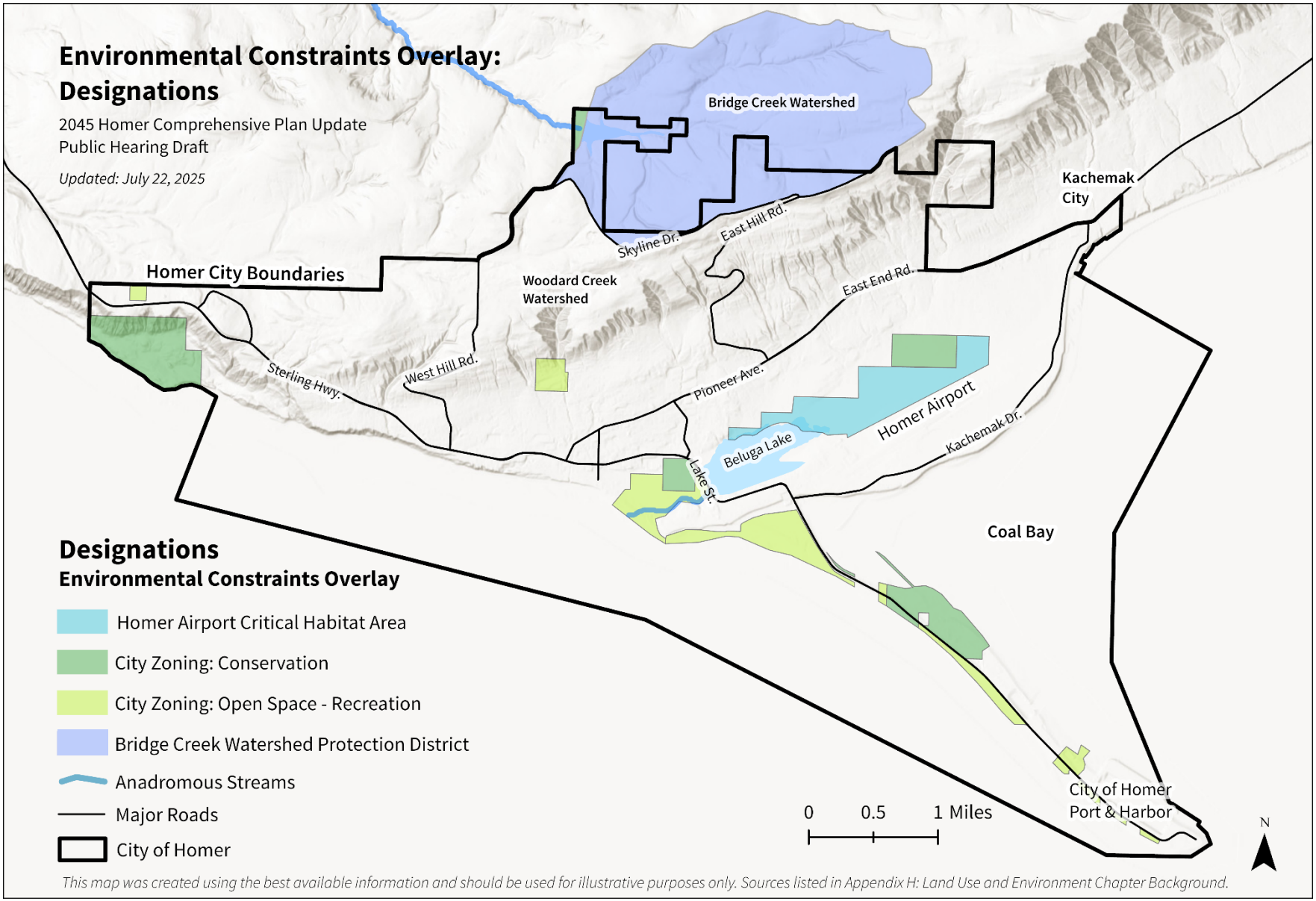
Name, Description, and Source	Map Element
Coastal Bluff Vulnerability This layer shows areas along Homer's coastline classified as having **medium** or **high** **vulnerability to bluff instability**, based on the 2022 *Coastal Bluff Stability Assessment for Homer, Alaska* by the Alaska Division of Geological & Geophysical Surveys. These classifications are based on historical erosion rates, bluff height, slope, and the likelihood of future retreat. High vulnerability zones indicate areas where coastal erosion and slope failure are more likely to occur and may pose risks to nearby infrastructure or development. Including these areas on the constraints map helps inform decisions about shoreline development, safe access points, and hazard mitigation. **Source:** Buzard, R.M., & Overbeck, J.R. (2022). *Coastal bluff stability assessment for Homer, Alaska*. https://dggs.alaska.gov/pubs/id/30908	
1% Annual Chance Floodplain (FEMA Zone A/AE) This layer identifies areas within Homer that have a 1% annual chance of flooding—commonly known as the "100-year floodplain"—as defined by FEMA's Zone A and AE designations. These zones represent the highest flood risk areas mapped by FEMA and are often subject to stricter building and insurance requirements. Other FEMA flood zones, such as areas of minimal or undetermined flood risk, are not included here to maintain clarity and emphasize the most critical flood hazard zones for planning purposes. **Source:** Federal Emergency Management Agency. (n.d.). *Digital Flood Insurance Rate Map Database, City of Homer, Alaska, USA*. Retrieved from https://catalog.data.gov/dataset/digital-flood-insurance-rate-map-database-city-of-homer-alaska-usa	

Figure 8: Moose Habitat Map and Description

Moose are important wildlife on the southern Kenai Peninsula for fall harvest and year-round wildlife viewing. Lands within Homer provide important wintering and calving habitat that help sustain the population. While many moose have become acclimatized to Homer's human population, maintaining migration corridors from the higher elevation benchlands north of Homer, where they spend the summer and fall months, to low elevation habitats such as the Homer Airport Critical Habitat Area, where they spend the winter months, remains important for a sustainable population. The polygon on the map shows the region moose typically use in winter and summer to migrate between higher and lower elevations. Identifying undeveloped and lightly developed parcels in this area and in wintering areas in the city for moose habitat conservation will allow moose to continue their annual movements. Source: Lynn Whitmore, Kachemak Moose Habitat Inc. President (2024).

Figure 9: Environmental Constraints Overlay: Designation



MEMORANDUM

A Brief Explanation of Conditional Use Permits for Planned Unit Developments in Homer City Code

Item Type: Informational Memorandum

Prepared For: Mayor Lord and Homer City Council

Date: January 26, 2026

From: Ryan Foster, City Planner

Through: Melissa Jacobsen, City Manager

Council Member Davis has requested information on Conditional Use Permits for Planned Unit Developments in Homer City Code (HCC) Title 21. As the City works on the Title 21 Zoning Code re-write project, the topic of conditional use permits and planned unit developments have been discussed. The intent of this memorandum is to provide an understanding of what conditional use permits for planned unit developments are, how they work, and what to consider when revising the Title 21 Zoning Code in the coming months.

Purpose of Conditional Use Permits for Planned Unit Developments

What is a Conditional Use Permit:

A conditional use permit may be granted to approve land uses and structures with special design or site requirements, operating characteristics, or potential adverse effects on surroundings. Approval may occur through Planning Commission review and, where necessary, the imposition of special conditions of approval. These applications require a public hearing.

What is a Planned Unit Development:

A planned unit development (PUD) is a code mechanism that allows development to be planned and built as a unit, or as phased units, and permits flexibility and variation in many of the traditional controls related to density, land use, setback, open space and other design elements, and the timing and sequencing of the construction. A PUD may be applicable to either residential, commercial, noncommercial or industrial uses or a combination thereof subject to any limitations or exceptions provided in code. Per HCC 21.52.20 PUDs are allowed in a zoning district only when allowed by the code provisions specifically applicable to that district. A requirement of the planned unit development process is the provision of more information than is required for a conventional conditional use permit. This includes site plans, elevations, drawings, illustrations and development phasing information to demonstrate the feasibility and functionality of a project.

Planned Unit Developments in Homer

Conditional use permits for Planned unit developments are a rare project/application in Homer. The following projects have approved PUDs in Homer:

- **Land's End, 4799 Homer Spit Rd. (1997–2008)**
  - Multiple CUPs approved for hotel expansion, phased condominium development, and garage/boat storage structures, including several amendments adjusting building height, floor area, setback, landscaping, and stormwater requirements.
- **Fisherman's Resort, 1302 Ocean Dr. (2005–2006)**
  - Approved PUD for RV park with commercial uses; later amendments added requirements for tree protection, buffering, parking, drainage, Fire Marshal approval, and height compliance.
- **59° North Cohousing, Fairview Ave. Daybreeze Park Subd. (2005)**
  - A mixed residential PUD with community facilities. Approved but never constructed.
- **Mixed-Use Lakeshore Dr. Project, 1299 & 1311 Lakeshore Dr. (2005)**
  - Approved small lot PUD for rooming houses, offices, caretaker residence, and workshops.
- **1952 Pioneer Ave Building (2013)**
  - Approved PUD primarily to accommodate an existing nonconforming historic structure and add a porch encroaching into setbacks.
- **Gas Station at 1242 Ocean Drive (2015)**
  - The applicant built a structure within the 20-foot building setback and later applied for a PUD to reduce the setback.
- **Lighthouse Village 1563 Homer Spit Road (2023-2024)**
  - The first application was denied, appealed, and remanded back to the Planning Commission. The revised application was approved for a hotel and multi-unit housing. The flexibility requested was for a building height of 44.5 feet. The GC1 zoning district height limit is 35 feet.

Zoning Code Flexibility Beyond PUDs

Beyond PUDs, the zoning code has limited tools for flexibility in development. Per HCC 21.70.030 (c). In granting a zoning permit, no City official or employee has authority to grant a waiver, variance, or deviation from the requirements of the zoning code and other applicable laws and regulations, unless such authority is expressly contained therein. Any zoning permit that attempts to do so may be revoked by the City Manager as void. The applicant, owner, lessee, and occupant of the lot bear continuing responsibility for compliance with the zoning code and all other applicable laws and regulations.

Variances:
A variance may be granted by the Planning Commission to provide relief when a literal enforcement of the Homer Zoning Code would deprive a property owner of the reasonable use of a lot. As currently written, the review criteria for a variance application have a rather high bar, including "The special conditions and circumstances that require the variance have not been caused by the applicant." Therefore, the reasoning for applying for a variance cannot be self-imposed (i.e., I want an exception to code), but rather, circumstances outside of the applicant's control have led them to request an exception to code via a variance.

Various Development Standards:
There are minor provisions for flexibility such as a maximum of 25% parking requirement reductions for mixed use projects in some districts, some setback reductions in the Central Business District, building height in the East End Mixed Use District, and some setbacks in the Bridge Creek Watershed Protection District if approved by the Planning Commission with a CUP.

Exception Variance
An exception variance application was utilized for the approval of the Homer High School in 1984 to exceed the 35-foot zoning district height limit in the Urban Residential District. The exception variance allowed special exceptions for public utilities or public service organizations due to their public role. The exception variance provision was repealed from HCC in 2003 (HCC 21.62.015).

Future Considerations
In current zoning code, the City of Homer does not have any exemptions for city projects and is required to follow the same regulations and processes as any other property owner in the city. A new recreation center is a high priority for the city, and by their nature and design, may seek flexibility on development standards such as building height, parking, and setbacks to name a few common requests. Current code has limited tools, either a PUD or Variance, for providing flexibility. These tools may not provide the flexibility needed to approve a project for construction.

Conclusion
As we continue to work towards re-writing the zoning code, we should spend time considering the tools we have currently in code, and whether these existing tools, or perhaps new ones, can provide enough flexibility for future development projects.

Memorandum

TO: Homer Planning Commission
FROM: Janette Keiser, PE
DATE: January 16, 2026
RE: Wetlands Management – Comparing Homer with Muni. of Anchorage

At the Planning Commission Work Session on January 7, 2026, Agnew::Beck provided information about wetland management, including information about how the Municipality of Anchorage ("MOA") manages wetlands. I was curious about that and decided to research it. The purpose of this Memorandum is to summarize my findings and to make some recommendations. See page 6 - **How should this apply to Homer?**

I. How does the Municipality of Anchorage ("MOA") manage wetlands?

The MOA developed its first Anchorage Wetlands Management Plan ("AWMP") in 1982 and has updated it every 10 years since, with the most recent version adopted in 1996. It focuses on freshwater wetlands not associated with navigable waters.

The AWMP acknowledges that wetlands have multiple, well-documented benefits:

- Provide habitat for fish and wildlife
- Regulate and modulate surface water flows through retention of excess runoff
- Protection from erosion
- Purifying water
- Atmospheric regulation by wetlands ability to store carbon.

The goals of the AWMP are:

1. Identify and provide protection for wetlands that support important ecological and hydrological functions
2. Ensure that development in wetlands minimizes water quality degradation and maintains wetland hydrologic functions
3. Provides a balance between protection of higher value sites and the development of lower value areas
4. Protect the basic natural functions served by coastal marshes, freshwater marshes and wetlands.
5. Prevent public liabilities associated with the development of these areas.

The purposes fo the AWMP are to:

a. Provide accurate mapping and assessment of freshwater wetlands in the Municipality of Anchorage ("MOA")
b. Provide a hierarchy of va lues for wetland usnits based on factors
c. Derive management strategies that balance integrity and function while allowing development that would not cause more than minimal adverse impacts.

Implementation Strategies:

1. Wetlands were mapped using aerial photography, with some limited ground truthing. The mapping included all lands, public and private, State Park or National Forest Service, using the most current wetland delineation methodology used by the COE at the time. Some property owned by the military is included. In the 2012 update, GIS data was incorporated.
2. Wetlands were assessed using the Anchorage Wetlands Assessment Methodology ("AWAM") which was developed in conjunction with federal and state resource agencies as well as peer review from the U.S. Fish and Wildlife Service Western Field Office. The AWAM assesses wetlands for four functions:
    a. Hydrology
    b. Habitat
    c. Species occurrence; and
    d. Social function.

Each function addresses these factors:

- Sediment trapping (filtering for water quality)
- Flood retention
- Erosion control
- Nutrient retention and transport
- Fish, wildlife and plant habitats; and
- Recreation and heritage values

The assessments are contained in a report, Anchorage Wetlands Management Plan-Background Information, Volume II, January, 1994.

3. Wetlands are assessed in the following categories and given a score.
    a. "A" – Higher score. *"A" wetlands have the highest wetland resource values. They perform at least two, but typically more, significant wetland functions. "A" wetlands are considered most valuable in an undisturbed state, as most uses or activities, especially those requiring fill, negatively impact known wetland functions. "A" wetlands are not to be altered or otherwise disturbed in any*

manner, except if the actions will "*enhance or restore a site's functions and values".* Also, fill in privately-owned wetlands if all other portions of the property are undevelopable and all economic use of the parcel is precluded, without some fill. This is why, for example, when the COE issues a permit for single-family residence on wetlands, the permit is for a house pad and driveway; that is, only what is required to allow some economic use of the lot.

b. B – Middle range score. *A mix of higher and lower values and functions and some portion of these wetlands have a fairly high degree of biological or hydrological functions and site development limitations. They possess some significant resources but could possibly be marginally developed. The intent of the "B" designation is to conserve and maintain a site's key functions and values by limiting and minimizing fills and development to less critical zones while retaining higher value areas. Development could be permitted in the l ess valuable zones of a "B" site, provided avoidance and minimization and Best Management Practices are applied to limit disturbance and impacts to the higher non-fill portions".* While the wetland functions may not be critical, they do provide at least periodic significant contributions to key wetland functions, usually on a more localized scale, such as within a particular watershed or drainage basin. Cumulative impacts from filling "B" sites would likely contribute to significant drainage basin or water quality losses, flood problems or loss of wildlife habitats or public uses.

c. C – Lower score. *"The lowest value wetlands with reduced or minimal functions and/or ecological values. Such sites are suitable for development and are to be generally managed to support community expansion and infilling."* Cumulative impacts of filling C sites would be less than for "A" or "B" sites, especially with the use of site-specific Best Management Practices. "C" sites may be developed to satisfy growth needs but should not be filled automatically or speculatively. The more valuable parts of "C" sites should be delineated.

4. The MOA applied for and obtained two General Permits from the Corps of Engineers ("COE"), one for structures and one for roads, to facilitate wetland permitting for wetlands that had been classified by the MOA. Lands that were not classified by the MOA still went through the COE. Expired 2015.
5. MOA developed enforceable policies, including:
    a. Setbacks from streams and wetlands
    b. Site restrictions in all riparian areas,
    c. Site fill restrictions in hillside wetlands to minimize impacts to headwaters.

6. Re: Setbacks and Buffers.
    a. The MOA developed the following definitions:
        i. *"Setback" – A discrete area of wetlands ad jacent to a watercourse, typically having a width of 10 feet, 85 feet, 65 feet, or customized in a specific management strategy or as a condition of a General Permit. Setbacks are measured outward or away from the Ordinary High Water line or outer bank of a lake, pond or stream. Setbacks are to be considered "A" wetlands. For subdivisions that are not platted, the setback area shall ideally be traced out, or set apart in a separate tract, rather than being included with individual lots.*
        ii. *" Buffer" – A discrete area of wetlands, as measured from the boundary of the wetlands.*
    b. The MOA developed setback and buffer guidelines in a Table, based on wetland type, position of a watercourse in a watershed, and fish resources of the subject watercourse. Setbacks are from the watercourse's ordinary high-water mark or outer bank. Setbacks and buffers are to remain undisturbed.
        i. 100-feet setback – for fish and wildlife habitat
        ii. 85-foot setback – next to non-anadromous fish streams, such as Woodard Creek, to support flood control functions of streams in the higher elevations of their watershed.
        iii. 65-foot setback – considered the minimum area of protection for a water course and water body. Generally, this applies to streams within the lower portion of their watershed.
        a. 15- and 25-buffer. Separates Category "C" wetlands from other categories of wetlands.
        b. 25- to 50-setbacks – from streams in uplands, where no wetlands are adjacent or abutting.
7. The MOA has some great definitions:
    a. Avoidance
    b. Conservation subdivisions – *a more compact residential development to preserves and maintain open areas, high value natural lands and lands unsuitable for development, in excess of what would be required by code.*
    c. Disturbance
    d. Drainageway
    e. Ephemera flow
    f. Intermittent flow
    g. Jurisdictional wetlands

h. Key or Core wetland areas
i. Maintain
j. Maximum extent
k. Mitigation
l. Park amenities
m. Practicable
n. Preserve
o. REV – Relative Ecological Value [of wetlands], ranging from REV, highest functioning, to REV 4, lowest
p. Stream
q. Water body
r. Watercourse
s. Wetland – *those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. (Federal Clean Water Act, §404, Part 328.3, 7(b))*.
t.
u. Wetland delineation

8. The MOA has developed a set of Best Management Practices related to construction activities in local wetlands and upland area. These are in addition to the conditions imposed by municipal Fill Permits.
    a. Drainage Impact Analysis
    b. Site Drainage Plan
    c. Water Quality Control Plan
    d. Site Restoration and Stabilization
    e. Minimization and habitat avoidance
9. The MOA has a website for public facing, on-line interactive maps at www.muni.org/maps
10. The AWMP has a chapter in Mitigation Measure, which addresses:
    a. Using conservation subdivision techniques, which cluster home sites and provide a community greenbelt that encompasses the wetland. This allows you to achieve maximum housing density with minimum impacts.
    b. Avoid drainage and water diversion
    c. Minimizing channelization
    d. Minimizing site clearing and grading
    e. Strategically amending cod es and regulations to facilitate mitigation

f. Develop a mitigation bank

II. **How should this apply to Homer?**

1. RE: Wetlands mapping & assessment.

a. The City of Homer has, or has access to, sufficient GIS mapping resources to identify the City's wetlands and should do so.

b. The City also has sufficient resources, mapping and staffing, to classify wetlands, using a system similar to the MOA, and should do so. For example, the graphic entitled Homer Wetland Complexes and Management Strategies, developed in 2012 as a collaboration of the City and multiple resource agencies, contains recommended strategies for regulating wetland development. This could serve as the basis for Homer's wetland classification system.

By the way, classifying private property as a wetland would not be viewed as a "taking" so long as the classification system (a) is applied to all wetlands; (b) meets an important public benefit; and (c) does not preclude all economic use of the private property.

c. Applicants for plats are currently required to identify the wetlands on proposed plants. They should also be required to identify the category of such wetlands.

d. Homer could regulate development on wetlands, depending on category. Such development will not be determined to be a "taking" so long as all economic benefit is not precluded.

2. RE: Buffers and Setbacks.

a. Homer should require buffers and setbacks from water courses based on the flow characteristics of the water course. Plat Applicants should be required to show these buffers and setbacks on proposed plats.

b. Homer should require buffers and setbacks from wetlands based on the category of the wetland. Plat Applicants should be required to show these buffers and setbacks on proposed plats.

3. Implementation Strategies

a. Planning could manage the administrative elements, such as

i. Mapping, in consultation with Public Works

ii. Application intake/review

iii. Connection to Planning Commission

iv. Issuing permits
v. Public information about the value of wetlands and the process

b. Public Works, as a consultant to Planning, would address the technical elements, such as
    i. Mapping
    ii. Plat review
    iii. Review of proposed Best Management Practices
    iv. Ground truthing and/or Inspection
    v. Public information about mitigation measures and Best Management Practices
c. Homer should investigate the possible use of a Mitigation Bank and/or an In-Lieu-Fee program.

MEMORANDUM

To: **Homer Planning Commission**
From: **Janette Keiser, PE**
Date: **January 14, 2026**
RE: **Examples where Homer's code re: wetlands, drainages and slopes failed**

At Planning Commission Work session, January 7, 2026, Commissioner Heath Smith asked for examples of where Homer's current Title 21 has failed us. The purpose of this Memorandum is to provide some examples that illustrate where Homer's code has failed is in (1) our ability to manage wetlands; (2) our ability to manage drainage; (3) our ability to prevent the AK DOT/PF from causing adverse impacts from state projects; and (4) our ability to manage risk from building on unstable bluffs.

Iris Court – an example of our inability to manage wetlands.

What happened? Iris Court is a short residential cul de sac on the southern end of Mattox Road. When I became Public Works Director, I was contacted by a property owner, let's call him John, who claimed that water from City ditches had flowed under his house, glaciated, and caused damage. I investigated the situation and concluded that he was right, but that the problem was a relatively new situation. When John first bought the property, water flowed from the City's drainage ditches on Iris Court into a natural drainage way between John's property and his neighbor's, let's call her Sally, and from there, into the wetlands on the north side of the Beluga Wetland Complex.

Sally, over the course of a year or so, had filled in her back yard and erected a barrier, consisting of large spruce tree root balls on the property line between her lot and John's. This almost completely filled in the natural drainage way and moved the flow of water so that instead of flowing on the line between John's and Sally's properties, it flowed under John's house. Both houses were built on wetlands, under permits from the Corps of Engineers ("COE"). Sally's permit authorized her to deposit fill for a house pad and driveway. Filling in her back yard and creating a barrier that changed the water flow was not authorized.

I tried to negotiate an agreement with Sally and John whereby, the City would remove the root ball barrier and restore the natural path of the drainage way, so it flowed down the property line as it had before. The City Council authorized funding to do this work, at an estimated cost of over $150,000. However, neither property owner was willing to grant an easement for their side of the drainage way, we came to an impasse and the

project never moved forward. I was unable to find a basis in Homer's Code for forcing Sally to remediate the fill that caused the problems. The COE was unwilling to get involved in a neighborhood dispute. John and Sally became enemies and John, frustrated with the hostile environment, moved away from Homer. Last I heard, John and Sally were in litigation. I know this because one of the lawyers called me to discuss the matter.

How could better City Code have helped? If Homer Code required a fill and grade permit, Sally would have been required to get a permit before filling her yard and creating the root ball barrier, which altered the flow of water, this situation could have been prevented.

1. Horizon Court – an example of our inadequate ability to manage drainage.

What happened? Horizon Court is a long City-maintained cul de sac, which is connected to Skyline Drive by a road called Scenic Place. At the very end of the Horizon Court cul de sac, is a 10+ acre parcel with a single-family residence owned by, let's call them, the Browns. There are other parcels around the cul de sac as well as an unnamed, undeveloped City ROW. An owner of one of the other parcels, let's call him Sam, wanted to build a driveway in the City ROW to access his property. He got a permit from Public Works to do this. The permit required him to install a cross culvert where the unnamed ROW intersected with the Horizon Court cul de sac. He did this.

In the winter, the Browns noticed more water than normal was flowing onto their driveway causing glaciation and flooding. They asked us to do something about the new cross-culvert. Upon investigation, we discovered the extra water wasn't coming from the new cross-culvert; there was almost no water flowing from that direction. Rather, the water was flowing down the side of Sam's new driveway. We were unable to contact Sam, an out-of-state property owner. Public Works agreed that if the Browns provided an easement across their property, we would dig a ditch to direct water from Sam's new driveway so that it flowed towards a natural drainage ditch before it reached the Brown's driveway. The Browns agreed to this. Public Works mobilize a small backhoe to this relatively remote site and spent a day or so to correct the situation. We had no realistic way of recouping our costs from Sam.

How could better City Code have helped? Better Code could have given us the opportunity to require Sam to investigate the drainage implications of his new driveway more thoroughly. It could also have given us a mechanism for holding Sam accountable for the costs to correct a problem that he created.

2. **Baycrest Subdivision – an example of our inability to prevent the AK DOT/PF from causing adverse impacts from state projects.**

What happened? Some years ago, the Alaska DOT/PF upgraded the Sterling Highway and in the process, installed numerous cross-culverts that carry drainage from the north side of the highway to the south. When the agency did this, it didn't pay attention to downstream impacts. Property owners in the Baycrest Subdivision have experienced substantially increased water flowing across their properties as surface water and through their properties as near-surface ground water. This extra water has saturated some lots and together with slippery soils, has caused increased erosion, both in the drainage channels through which the water flows and at the bluff, where the water eventually discharges.

This matter came to my attention when I first took over as Public Works Director and I tried to find a solution. I discussed this matter with the DOT/PF's State Hydrogeologist, who opined that it wasn't the state's problem. The City Council authorized funds to create an engineered solution and I hired an engineering firm to do this. However, we couldn't find a solution that didn't create more adverse downstream impacts. Our ultimate conclusion was that the Sterling Highway drainage needed to stay on the Sterling Highway until it could get to a natural drainage that flowed directly to Kachemak Bay, such as Bidarki Creek. The cost estimate for this far exceeded funding the City Council authorized and we were not able to proceed with a project. As far as I know, this problem has not been solved.

How would better City Code have helped? Better City Code that required project owners to prevent adverse downstream impacts would have given the City leverage to negotiate with the State when the Sterling Highway project was being designed. It might have even required the State to comply with the City's drainage management standards.

3. **Saltwater Drive – an example of our inadequate ability to manage risk from building on unstable bluffs.**

What happened? There is a piece of property on Saltwater Drive, which has a high, steep bluff that faces Kachemak Bay. Some years ago, the edge of the bluff fell off, nearly taking the small cabin built there and the two people who were sleeping there, with it. Multiple scientists reviewed the situation and concluded that a contributing factor to the bluff's failure was super-saturated soils caused by drainage from various sources. The people moved away and memories of the massive bluff failure faded from general public memory.

Five years later, the owners were able to sell the lot. Multiple property transfers after that, a new owner built an over $150,000 building on the property and the whole site is assessed at about $360,000. This is fine except no one knows when the next bluff failure will occur or whether people will be in the building when it happens. This is a very risky situation the City

had no power to prevent or mitigate. New owners who don't know the history, don't know the risk.

How would better City Code have helped? Better City Code could have helped in multiple ways. It could have limited the size, and uses of, any buildings built on unstable slopes. It could have had public facing maps that clearly showed the extent of the unstable slopes. It could have required preventative measures to direct drainage water away from this property, so it didn't facilitate bluff failure. In a perfect world, this lot would have been acquired by the City and retained as open space to protect it from unwise development that threatened not only the property owners, but ultimately, the Sterling Highway.

From:	sharon whytal
To:	Department Clerk; shelly@agnewbeck.com
Subject:	Title 21 input Homer
Date:	Wednesday, January 14, 2026 8:04:35 PM

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

Dear Council members and Shelly,
Thanks for all your work on this update! I am most concerned that open space and Affordable Housing are addressed in clear language to direct the Planning Commission clearly:

Jan Keiser's input on open space speaks to me, so I won't bother to repeat it here. Her expertise and lived experience are a valuable resource for us, and I hope you will add my vote to her thorough review of the draft and input on the final plan.

For short term rentals, I believe we NEED to take action on this now to offset the overtaking of corporate real estate purchases for Air BnB that can make neighborhoods unsafe (well, untended) and destroy opportunities for young people seeking local housing options on limited budgets. We need affordable housing and tourism can simply NOT take priority over this. We need the mix. These simple fixes are low hanging fruit as we and all the country looks at this issue.

• Update language in current HHC Title 21.51.100 from "bed and breakfast" to "short term rental (STR)" to ensure that folks who own BnBs are also living ON THE PROPERTY: this is a requirement for every other kind of business in residential neighborhoods.
• Create Inclusionary Zoning: A zoning overlay that requires/ incentivizes a minimum number of "attainable" housing units in every new multi-family development. [1]
Building more housing will not [3]necessarily make it more affordable (see the last 5 years in Homer.)

[1] "Attainable housing" is housing that is affordable to people earning around the Area Median Income (AMI). Households living in attainable housing and earning between 80% and 120% of the AMI should not need to spend more than 30% of their income on housing costs. (**attainablehome.com**).

Thank you so much for extending the comment period and revisiting the draft so that what has somehow become a 20-year plan, may truly protect our community from corporate profit as a housing priority.

Sincerely,
Sharon Whytal
City Resident
235-2094 (c)

From: Department Planning
To: Amy Woodruff
Subject: FW: Recommendations to Title 21
Date: Monday, January 19, 2026 8:23:16 AM

Hi Amy,

Please include the comments below in the supplemental packet for Wednesday's PC work session.

Thanks,

Ryan Foster
City of Homer, City Planner
rfoster@ci.homer.ak.us
(907) 435-3120

From: Sandra Garity <aksandy612@gmail.com>
Sent: Friday, January 16, 2026 9:41 AM
To: Department Planning <Planning@ci.homer.ak.us>
Subject: Recommendations to Title 21

Planning Commission:

I have studied the Comprehensive Plan and the Title 21 outline and would like to make the following suggestions;

SHORT TERM RENTALS
. This has not been addressed
. 14.8% of housing in Homer is STR's
. Adopt — STR's are considered rentals for 30 days or less for any form of compensation. Regulate under the Bed and Breakfast ordinance. This would require some grandfathering and penalties would be enforced.
Reference Ojai, CA Regulating small town STR's

BUFFERS AROUND CREEKS, WETLANDS, AND STEEP SLOPES
. Vegetated buffer zones around creeks and wetlands provide areas where stormwater can permeate the soil and replenish the groundwater. They also slow the flow of

stormwater,
which helps to filter sediment, decrease soil erosion and prevent stream-bank and steep slope collapse, and the EPA identifies buffers as a “Stormwater Best Management Practice”.
.This is a simple management approach with local precedent, low implementation cost and
clear guidance to planners and developers.

CLEAR, FILL AND GRADE PERMIT TO MITIGATE THE HAZARDS OF LANDSLIDES, FLOODING, AND LOW WATER QUALITY.
. A Clear and Fill and Grade Permit would be required for any removal of trees or vegetation
and/or grading areas.
. Loss of permeable green space and poor drainage management comes at a cost to downstream property owners all over Homer and leads to flooding, ice clogged drainages,
septic system failures, costs associated and more.

DEFINE WETLANDS AND PEAT

INTEGRATE DIGITAL MAPPING OF SENSITIVE ENVIRONMENTS
. Utilize the expertise of the GIS map employee at Homer PublicWorks
. Use existing GIS layers to create Special Area Management around sensitive and hazard
zones, around landslide hazard areas, flood zones, wetlands and primary waterways would
work to achieve community land-use values by protecting people from hazards associated
with landslides, flooding, septic system failure, low water-quality, and fire.
. Rezone some sensitive areas for Conservation.
. GIS layers overlaying parcels need to be made publicly available to inform citizens, potential
land buyers, staff and commissions.
. GIS layers allow for the addition of additional information as it is gathered, keeping any regulations up-to-date.
. Sensitive and Hazard Zones should be treated differently than other lands. They should;
. Be mapped in GIS overlays that aaps and overlays on KPB Parcel Viewer.
. Trigger the need for outside analysis and engineering. (Ex. current traffic requirements)
. Have appropriate Site Development Standards, Platting Requirements, Storm Water management.
. Write a definitive code for drainage, landslides, erosion….the existing is too generic..

CUP
Omit the CUP so that all will be treated equally.

DESIRED GROWTH
. 64% of those surveyed desired minimum to moderate growth.
. It appears to me that this has not been factored in when a permit for 8,000+ square feet

is discussed.

OPEN
SPACES
. 77% of those surveyed requested to preserve open spaces within the city from development.
This should be considered in every development application.

Thank you for your attention.
Sandra Garity, Homer, AK

From: Sammy Walker
To: Amy Woodruff
Subject: PC worksession 1/21
Date: Tuesday, January 20, 2026 5:37:55 PM

Hi Amy, tried to send this to Scott but I got an automatic "out of the office" reply. Anyways, can you pass this cobbled together letter (below) on to the other commissioners?
I can't make it to the Wednesday worksession/meeting unfortunately. Thanks

Unfortunately due to a family emergency I cannot make it to the Wednesday meeting.
In lieu of my presence here are some scattered thoughts on the new code— some specific, others broader ideas on the direction of the code. Since I haven't had hardly any time to prepare these are excerpted for the most part from past emails I had with Shelley and Erin (so this should look familiar to you two). I haven't had a chance to even glance at the latest packet, so bear that in mind. I hope this can help the discussion somewhat.

1. I strongly disagree with the proposed changes to the CUP requirement. I can't see how that aligns with the feedback from open houses and the comp plan and the wish for "moderate to minimal" growth. It's not like the current limits on lot % and sq footage strictly prohibit larger developments, it just triggers much needed community input/review.
I could see raising the % of lot limit on smaller lots to favor infill, but it would have to be in conjunction with GIS overlay data to ensure responsible development. I would also like to see the 8000sqft limit remain if not slightly reduced.
For me this all comes back to encouraging *locally owned,* small scale development.

2. Obviously affordable housing is on everyone's minds. I feel that it's important not to conflate "affordable housing" with housing more broadly or simply "more building".
We need to define "affordable", and require it of new housing developments over a certain scale through an inclusionary zoning ordinance— before simply pulling the stops, encouraging development and hoping for the best. KBRC provided this definition: "Attainable: Attainable housing is housing that is affordable to people earning around the Area Median Income (AMI). Households living in attainable housing and earning between 80% and 120% of the AMI should not need to spend more than 30% of their income on housing costs. (attainablehome.com)".
Through inclusionary zoning that requires a percentage of units in a new development to be affordable at a certain level of AMI, we can ensure new developments (especially any apartment and multi-unit) serve those who need it most, and the intentions of the comp plan. Including a max square footage per each dwelling also could help limit new developments becoming unaffordable.

I, and I think many others would like to see more of a re-distribution and better management of housing in Homer prioritized rather than more development that would strain the environment and change the shape of the town. I see the limiting of STRs playing a huge role in easing the housing crisis here. Left unaddressed, I think AirBnb, Vrbo, etc will have a

massive negative impact on homer residents and specifically my generation. One step would be to update language in the current code on B&B requirements to include STRs. See 21.51.100. This would allow locals to still benefit from the income boost that an STR provides, but would limit seasonal "dark homes" and outside ownership by requiring any STR to "be accessory to and in a dwelling occupied by the operator" (21.51.100).
as the operator's primary residence.

Another thought is to encourage long term rentals and primary residence developments through tax exemptions. The lost revenue to the city could be made up from a bed tax on STRs. Other cities including Seward have implemented taxes like this. It provides much needed income to the city at the expense of visitors rather than constituents, while discouraging vacancy.

3. Last worksession we talked about GIS data— I especially appreciated commissioner Barnwell's input on use of GIS in the new code. I'd like to see code in which GIS data overlayed to prevent irresponsible development in sensitive areas. Maybe we can use GIS data to either trigger special conservation requirements and/or to form smaller very specific overlay "districts"?

4. Remove the PUD. It's a loophole that is easily exploited.

5. I also agreed with Jason Davis's comments at the 12/3 work session, that we should avoid requiring parking as this is completely at odds with walkability. Owners can decide for themselves how to resolve that issue, but I think we will only get a more walkable dense downtown by prioritizing pedestrians over parking. Encourages carpooling and benefits the environment at the least.

-Sammy

Sammy Walker
Alaska Timberframe
907.399.8786

From: Department Planning
To: Amy Woodruff
Cc: Ryan Foster
Subject: FW: comments regarding Homer Title 21. Update for upcoming Planning Commission Work Session
Date: Tuesday, January 20, 2026 11:15:43 AM

Hello Amy,

We received this email comment in the Planning Department email.

Thank you,

Ed Gross
Associate Planner
City of Homer Planning Department
491 Pioneer Ave, Homer AK. 99603
(907) 435-3118

From: marshall@xyz.net <marshall@xyz.net>
Sent: Tuesday, January 20, 2026 10:49 AM
To: Department Planning <Planning@ci.homer.ak.us>
Subject: comments regarding Homer Title 21. Update for upcoming Planning Commission Work Session

Dear Planning Commission,

I have resided in Homer and Fritz Creek areas since 1989. I have seen the availability of long term rentals drastically decreased and at the same time, the cost is becoming prohibitive to many residents, especially families.

15% of available housing in Homer is STRs (short term rentals). That is the second highest in the entire state, with Girdwood at 16%. STRs directly impact the availability and affordability of year round rentals.

I ask that the language in the current HCC Title 21.51.100 be updated from “bed and breakfast” (BnB) to short term rental to ensure that people who own BnBs (including

Air BnBs) are also living on the property. This is a requirement for every other kind of business in residential neighborhoods. STRs should have to comply the same as other businesses operating in residential neighborhoods. Existing BnBs could be grandfathered in as an exemption but draft a code the prohibits owners from transferring BnB permits upon sale of property or through inheritance.

Please also draft a code for the City Council and the public to consider phasing out STRS in neighborhoods around schools and the hospital and prohibits creation of additional STRs.

In keeping with the community survey in the 2045 Comprehensive Plan, lack of affordable housing is one of the top 3 themes. Zoning for affordability and updating the code for STRs is a start to address this concern.

Thank you for the opportunity to express my concerns,
Karen Murdock
55200 East End Road
Homer, AK. 99603

Kachemak Bay Watershed Council

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

January 20, 2026

City of Homer Planning Commission
Work Session – January 21, 2026
Comments of the Kachemak Bay Watershed Council
Submitted Via E-mail to clerk@cityofhomer-ak.gov

RE: Work Session 4 – Wetlands, Rivers and Lakes Jurisdiction

Thank you for this opportunity to provide comments on the above topics for the City of Homer's revision of its zoning policies under Title 21 of the City Code. These comments are intended to be a continuation of our testimony and written comments regarding the Code changes for past Work Sessions and which are incorporated herein by reference.

Our specific comments are as follows:

I. Environmental Considerations

a. Data/Maps

This month, the Homer Planning Commission continued shaping regulations on housing, development, wetlands, and watersheds that affect public health, safety, and welfare, and fish and wildlife habitat. On January 7, 2026, the Commission held another work session addressing potential changes to the Environmental Features sections of Title 21 of the Homer Zoning Code.

The work session consisted primarily of a slide presentation by the Planning Team made up of the Agnew-Beck Consultants and the City Planning Department. The Team described a watercourse as "any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that is subject to inundation from overflow or floodwater." A wetland is an "area of land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions."

The Planning Team noted that there are currently no requirements under the Code for development setbacks or areas where building is prohibited on or around wetlands or watercourses. Unlike Homer's Code other municipalities have some regulatory structures designed to protect wetlands, rivers, and streams. Anchorage, for example, has mapped its wetlands and then classified them into 3 types: where A or B require permitting by the U.S. Army Corps of Engineers, while C is suitable for development without a Corps permit. Also, setbacks are required for water bodies, drainage ways, riparian edges, and wetlands.

Unlike development provisions for the scoping process in previous work sessions, during the January 7 session, the Team did not recommend changes and instead chose to ask the Commission members present if there was a need for such regulation. In the past, the Team has said that the "City lacks accurate data to guide wetland and watercourse management. The basis for all wetland regulations via zoning requires a clear wetland boundary. Without that data or a clear way to create it, staff would have no way to evaluate a development proposal/land use application."[1]

In an effort to offset the lack of maps that could apply to wetlands and stream regulations, the Kachemak Bay Conservation Society (KBCS) and other members of the public have submitted ideas for mapping of sensitive environmental areas, protecting watersheds from overdevelopment, and preventing flooding and landslides hazards.[2] According to KBCS's Vice President, Penelope Haas, "You can always criticize maps for not being accurate enough. The alternatives are either to ignore that there are any limitations – the staff proposal, or to require burdensome hiring of engineers, hydrologists, etc., the latter likely being appropriate for a CUP or PUD application in mapped sensitive areas, just as we do with requirements for traffic analysis." Haas also noted that "Maps are very helpful rules of thumb that mitigate a lot of bureaucracy and expense while helping protect folks from the impacts of poor planning and helping protect some of the valuable green spaces around Homer." The Commission members present at the Work Session, almost unanimously supported strengthening protections for wetlands. Commissioner Heath Smith mentioned the need for examples of where the code framework has failed.

b. The City Should Take Over Wetlands Permitting

Another factor in the management of wetlands and watersheds looming on the horizon, therefore, is the Trump Administration's announcement last month to revise the Waters of the United States rule that would largely gut the Clean Water Act (CWA). The WOTUS Rule determines which waters – e.g., rivers, streams, and wetlands – are subject to CWA protections. Because the Army Corps of Engineers is the agency responsible for issuing permits for development within City Boundaries that will impact wetlands and the Corps jurisdiction will be drastically limited by the expected role back of the WOTUS rule, some members of the public are encouraging the city to take over that jurisdiction. To this end, wetland regulations could be created using a clear wetland boundary such as

[1] City of Homer, Homer Title 21 Update p. 7 (November 2025) (Title 21 Update)
[2] KBCS, PROMOTING OPEN SPACE IN HOMER (2025)(Promoting Open Space)

GIS layers recommended by KBCS. (*See e.g.*, KBCS e-mail, How can we improve Homer City Code to help protect our wetlands, forests, and creeks and get more open space for parks, trails and recreation? Public Engagement Now pp. 3-5 (January 5, 2026) (Code Changes))

Alaska's Home Rule framework allows local governments to adopt their own wetlands and watershed-related regulations (e.g., setbacks, land-use zoning, habitat buffers, conservation programs) that are stricter than federal/state requirements.

Under the Municipality of Anchorage's Wetlands Management Plan for example, developers must comply with both federal permitting requirements and local municipal rules as long as such rules do not directly conflict with federal and state law. Such local policies can focus on protections to local ecological priorities (e.g., salmon habitat buffers, floodplain restrictions).

To this end we hereby incorporate the attached January 16, 2026 Memorandum submitted to the Homer Planning Commission by Janette Keiser Wetlands Management – Comparing Homer with Muni. of Anchorage (Keiser Memo). We further maintain that the recommendations beginning on page 6 of the Keiser Memo, should be applied to rivers, streams and lakes and not just wetlands.

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CONCLUSION

The Planning Team and Commission need to take the current threat from the Trump Administration to wetlands and watersheds seriously. And join other municipalities around the country who have recognized the fact that Federal jurisdiction to protect these waters is becoming non-existent. Homer should reverse this trend by using the State's Home Rule authority to adopt regulations that are more stringent than federal and state standards.

Please contact me if you have any questions regarding these comments.

Sincerely,

Hal Shepherd, President

Homer Wetland Complexes and Management Strategies

Moose Population and Movements Around Homer

Moose have been abundant on the Kenai Peninsula for over 100 years (Lutz 1960). Moose are an important resource for hunters and are a desired spectacle for local wildlife viewers and tourists.
Densities around the state vary according to the quality of the habitat, predation levels, and other factors. The moose population around the greater Homer area (south of the Anchor River to Kachemak Bay) is currently over 500 animals and is considered a high-density population (Schwartz and Franzman 1989) with about 3 moose per square mile. This Homer moose population is currently the most abundant and productive population on the Kenai Peninsula. Moose from this population likely act as a "source" population in providing dispersing individuals to areas of lower moose densities around the lower Kenai Peninsula (Labonte et al. 1998).

Moose have evolved and adapted to habitat changes influenced by fire (Spencer and Hakala 1964, Loranger et al. 1990) and other natural disturbances. While disturbances such as fire increase the quality and quantity of browse for moose over time with the regeneration of new plant growth, the habitat changes caused by human development can remove important moose forage, eliminate access to existing forage, and/or fragment available browse into small and disconnected areas.

Moose and humans have shared the landscape in various Alaskan communities for many years. Moose inhabit areas within Anchorage because there still is available habitat. However, human-moose conflicts continue to increase as the human population grows and the amount of moose habitat decreases. Moose have been radiocollared in Anchorage using GPS technology that records locations multiple times each day. The data have not been analyzed; however, moose in urban areas appear to spend most of their time in natural areas including parks, greenbelts, and undeveloped properties near developments (R. Sinnott, Anchorage-ADF&G biologist, pers. comm.). These "green areas" provide moose browse, cover to escape from human disturbance and to stay cool, bedding areas for rest and food processing, and undisturbed areas for calving.

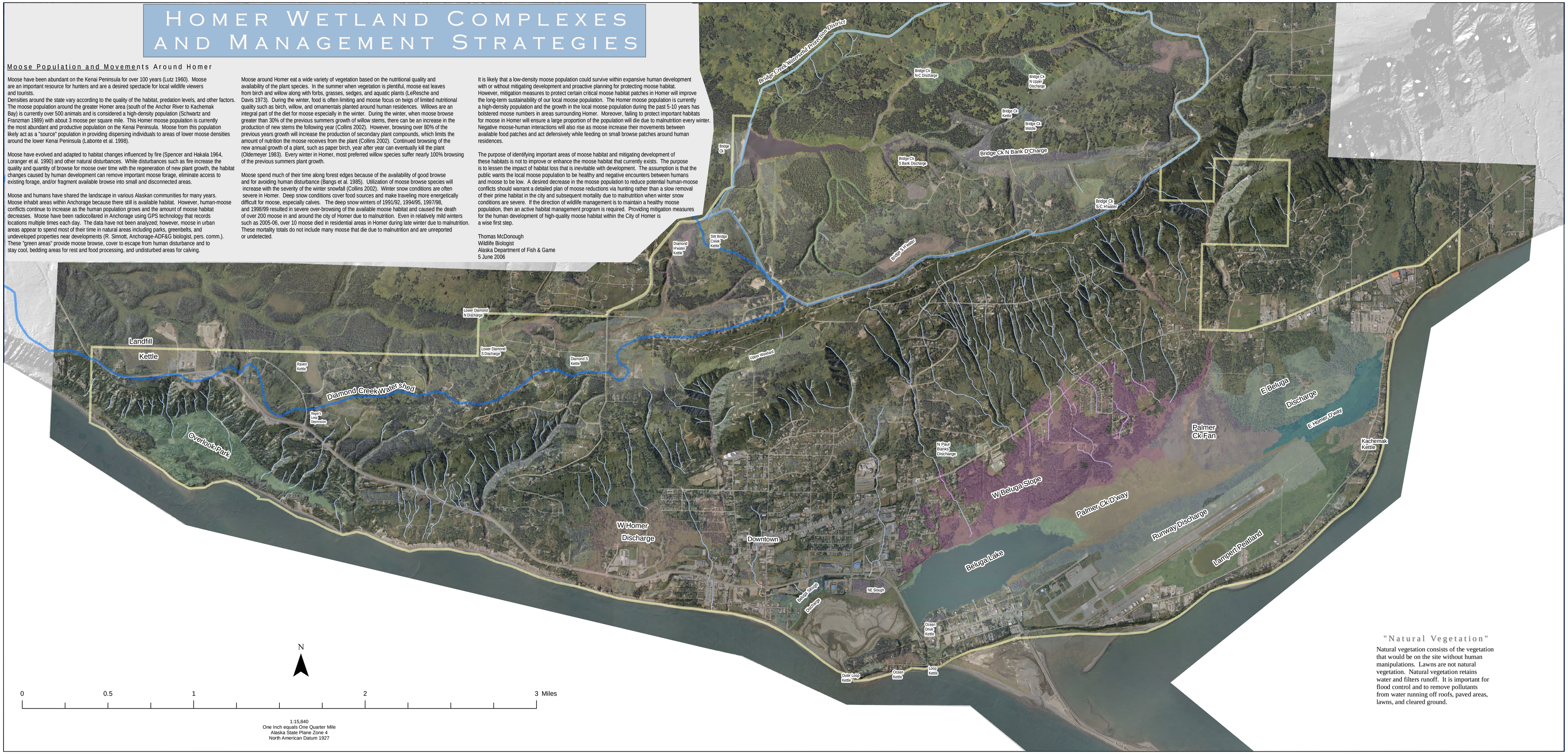
Moose around Homer eat a wide variety of vegetation based on the nutritional quality and availability of the plant species. In the summer when vegetation is plentiful, moose eat leaves from birch and willow along with forbs, grasses, sedges, and aquatic plants (LeResche and Davis 1973). During the winter, food is often limiting and moose focus on twigs of limited nutritional quality such as birch, willow, and ornamentals planted around human residences. Willows are an integral part of the diet for moose especially in the winter. During the winter, when moose browse greater than 30% of the previous summers growth of willow stems, there can be an increase in the production of new stems the following year (Collins 2002). However, browsing over 80% of the previous years growth will increase the production of secondary plant compounds, which limits the amount of nutrition the moose receives from the plant (Collins 2002). Continued browsing of the new annual growth of a plant, such as paper birch, year after year can eventually kill the plant (Oldemeyer 1983). Every winter in Homer, most preferred willow species suffer nearly 100% browsing of the previous summers plant growth.

Moose spend much of their time along forest edges because of the availability of good browse and for avoiding human disturbance (Bangs et al. 1985). Utilization of moose browse species will increase with the severity of the winter snowfall (Collins 2002). Winter snow conditions are often severe in Homer. Deep snow conditions cover food sources and make traveling more energetically difficult for moose, especially calves. The deep snow winters of 1991/92, 1994/95, 1997/98, and 1998/99 resulted in severe over-browsing of the available moose habitat and caused the death of over 200 moose in and around the city of Homer due to malnutrition. Even in relatively mild winters such as 2005-06, over 10 moose died in residential areas in Homer during late winter due to malnutrition. These mortality totals do not include many moose that die due to malnutrition and are unreported or undetected.

It is likely that a low-density moose population could survive within expansive human development with or without mitigating development and proactive planning for protecting moose habitat. However, mitigation measures to protect certain critical moose habitat patches in Homer will improve the long-term sustainability of our local moose population. The Homer moose population is currently a high-density population and the growth in the local moose population during the past 5-10 years has bolstered moose numbers in areas surrounding Homer. Moreover, failing to protect important habitats for moose in Homer will ensure a large proportion of the population will die due to malnutrition every winter. Negative moose-human interactions will also rise as moose increase their movements between available food patches and act defensively while feeding on small browse patches around human residences.

The purpose of identifying important areas of moose habitat and mitigating development of these habitats is not to improve or enhance the moose habitat that currently exists. The purpose is to lessen the impact of habitat loss that is inevitable with development. The assumption is that the public wants the local moose population to be healthy and negative encounters between humans and moose to be low. A desired decrease in the moose population to reduce potential human-moose conflicts should warrant a detailed plan of moose reductions via hunting rather than a slow removal of their prime habitat in the city and subsequent mortality due to malnutrition when winter snow conditions are severe. If the direction of wildlife management is to maintain a healthy moose population, then an active habitat management program is required. Providing mitigation measures for the human development of high-quality moose habitat within the City of Homer is a wise first step.

Thomas McDonough
Wildlife Biologist
Alaska Department of Fish & Game
5 June 2006



"Natural Vegetation"

Natural vegetation consists of the vegetation that would be on the site without human manipulations. Lawns are not natural vegetation. Natural vegetation retains water and filters runoff. It is important for flood control and to remove pollutants from water running off roofs, paved areas, lawns, and cleared ground.

Synopsis

In 2005-2006 representatives of the City of Homer, US Army Corps of Engineers, Environmental Protection Agency, US Fish & Wildlife Service, Kachemak Bay Research Reserve, Cook Inletkeeper, Kenai Watershed Forum, Natural Resources Conservation Service, and Alaska Department of Fish & Game met to assess Homer wetlands. After a thorough review of methods, a scoring protocol was developed and all wetlands were scored. The group then discussed these management strategies.
The strategies have not been formally adopted, but they represent a starting point to manage Homer wetlands as a unified resource.

Beluga Lake

Prohibit fill in Beluga Lake or the two associated wetland polygons (docks are permitted).

Beluga Slough

Development in tidally influenced wetlands should be prohibited.

Beluga Slough Discharge Slope

Development should be encouraged in this core area of Homer. Mitigate for the loss of moose habitat. Further development north of Bunnel Avenue and east of Main Street should be discouraged. A goal of this plan is to bring private parcels in this area into conservation status. Development in tidally influenced wetlands should be prohibited.

Bridge Creek Wetlands

The wetland management strategy for this watershed is the same as the Bridge Creek Watershed Protection ordinance, which includes a prohibition on filling wetlands.

Diamond Creek Wetlands

Maintain large lot sizes. Maintain a 100 ft setback of natural vegetation along either side of Diamond Creek and its tributaries. Crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Downtown wetlands

On City-owned parcels, maintain greenbelts incorporating storm water retention designs. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

East Beluga Discharge

Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Site design should include hydrologic connectivity to upstream and downstream parcels. Moose habitat values are high throughout. Moose habitat should be preserved or mitigated. Development along the border with the East Homer Drainageway Complex should maintain an 85 ft buffer of natural vegetation.

East Homer Drainageway

This area should be targeted for preservation and restoration. Encourage purchasing of private lots by Kachemak Heritage Land Trust, Moose Habitat Incorporated and others.
If possible, restore hydrology and repair or implement suitable storm water management measures along Kachemak Drive. Some fill may be allowed along Kachemak Drive.

Kachemak Kettle

Maintain a 100 ft buffer along the East Homer Drainageway. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Lampert Peatland

Maintain a 100 ft buffer around Lampert Lake. Mitigate for lost hydrologic, general habitat, and moose habitat functions in wetlands west of Lampert Lake. Discourage further development of wetlands east of Lampert Lake. Prohibit wetland filling more than 400 ft from Kachemak Drive.

Landfill Kettle

Restrict development to the south side of the wetlands and along the highway. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated. The peatlands should be preserved and buffered with a 50 ft setback of undisturbed natural vegetation as they are highly functional for water retention and filtering.

Loop Kettle

Loss of moose habitat should be mitigated.

NE Slough

Retain natural vegetation as is practicable. Preserve existing wetlands for water quality functions and moose habitat.

N. Paul Banks Discharge

Encourage development here. Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Ocean Kettle

Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Ocean Drive Kettle

Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Outer Loop Kettle

Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Overlook Park

Public lands: Maintain in conservation status and manage according to site management plan. Private Lands: Maintain moose habitat by limiting fill to the minimum necessary for a residence and minimum driveway and parking. No ditching or changes to drainageways should be allowed. Locate roads out of wetlands and out of drainageways to the extent possible. Maintain a 100 ft setback of natural vegetation on either side of Overlook Creek.

Palmer Drainageway and Fan

Maintain a 100 ft setback of natural vegetation on either side of Palmer Creek. Crossings should be perpendicular to the channel via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. All of these wetlands should be preserved. A wetlands bank with Moose Habitat Incorporated will target private parcels in this area, along with the East Homer Drainageway, for purchase and preservation. Wetlands within the City of Homer that have been targeted for moose mitigation are eligible to receive credits from this bank.

Raven Kettle & Roger's Loop Depression

Avoid wetland fill. Maintain the hydrologic integrity of drainageways and water retention and filtration capacity of the complex. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Runway Discharge

Within the airport boundary wetland hydrology should be maintained. Public lands: Those tracts outside the airport boundary should be maintained and managed for the values of the Homer Airport Critical Habitat Area.
Private lands: Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Upper Woodard

On City-owned parcels, maintain greenbelts incorporating storm water retention designs. Retain as much natural vegetation on individual lots as is practicable. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

West Beluga Slope

Public lands: Publicly owned lands should be preserved as undisturbed wetlands.
Private lands: These should be prioritized and purchased over time for inclusion in a mitigation bank whose purpose is to preserve moose habitat. Development should be discouraged. A master plan should be developed for this area as it is a very important wetland complex, and it is probably the most threatened in the City of Homer.

West Homer Discharge

Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

Wetlands mapped at 1:12,500, 2005.
Background imagery from Aerometric, 2003.
Prepared by Mike Gracz, Kenai Watershed Forum mike@kenaiwatershd.org 16 August 2010.

Memorandum

To: **Homer Planning Commission**
From: **Janette Keiser, PE**
Date: **January 20, 2026**
RE: **Alaskan law regarding government regulations and takings** [1]

I'm an advocate of regulating development on wetlands and other sensitive areas more comprehensively. I was curious about whether such regulations could be construed as a "taking." I researched the question and with the help of Google and some on-line libraries, found some pertinent information, which I wanted to share with you.

Question: If a City of Homer enacts regulations that limit the development of wetlands or other sensitive areas, could that be considered a "taking"?

Answer: It depends on a case-by-case analysis. Federal law is clear that governmental regulations can be a "taking" if the government deprives the owner of "*all economic use of the land*." *Penn Central Transp. Co. v. New York City*, 438 U.S. 104 (1978). In this case, the City of New York imposed development restrictions on a historic building owned by the Penn. Central Railway. The Railway claimed the restriction deprived the agency of its right to develop its property and thus, a taking had occurred. The U.S. Supreme Court evaluated the need for compensation applying the following three factors:

- The character of the government action;
- The economic impact of the regulation on the property owner; and
- The extent to which the regulation has interfered with distinct investment-backed expectations.

The Court ruled that a taking had not occurred because the City had a legitimate interest in protecting historic landmarks and the Railway still had the ability to develop the building, just not in the manner it originally proposed. *Id*. at 106.

In another federal case, *Jentgen v. United States,* 657 F.2d 1220 (U.S. Ct. Cl 439), the property owner purchased a 101.8- acre parcel and intended to develop a residential community. The property contained large areas of dense mangrove vegetation, including wetlands. COE declined to permit the proposed development, which would have required filling sixty acres of the wetlands, but offered the owner a modified permit to develop twenty acres of the wetlands. The owner refused the offer and sued. He claimed the denial of the permit devalued his property and deprived him of the economically viable use of his property and thus, a taking had occurred. The Court of Claims ruled it was not a taking because the regulation did not preclude all development, citing *Penn. Central Transp.* and

[1] **Disclosure:** I am a retired member of the Washington Bar and not a member of the Alaskan Bar. I am not, with this Memorandum, intending to practice law or offer legal advice. I have, out of curiosity, researched Alaskan law pertaining to when government regulations could be construed as takings. The information cited herein is readily available in the public domain to anyone with a little time and reasonable computer skills.

other U.S. Supreme Court cases, particularly cases where the U.S. Supreme Court ruled that *"mere diminution of value, standing alone, cannot establish a taking."* [2]

The Alaskan Supreme Court has taken the U.S. Supreme Court's methodology a step further, by adding a fourth factor – the legitimacy of the interest advanced by the regulation or land use decision. *R & Y, Inc. v. Municipality of Anchorage,* 34 P.3d 298 (Alaska 2001).

In this case, the Municipality of Anchorage restricted a property owner from building within a 20-foot setback of a wetland, pursuant to regulations that applied city-wide. The property owner claimed this was a taking.

The Alaska Supreme Court, after reviewing the four factors, found no regulatory taking because the economic damage was "*minor*" compared to the Municipality's legitimate interest in restricting development in wetlands.[3] Specifically, the Court held that:

- The 20-foot setback diminished the value of the entire property by less than 2%; and
- This relatively minor impact a "taking" would be "*inconsistent with established takings doctrine and the economic policies underlying that doctrine." R & Y, Inc. v. Municipality of Anchorage.* [4]

This case involved regulations that applied city-wide and had a minor impact on the private property. The outcome would probably have been different if *"all economic value of a particular piece of property had been destroyed." Id.* Further, the outcome would probably have been different if the property had been singled out for conservation.

In Alaska, consideration of the four factors rarely leads to a finding that a regulation constitutes a compensatory taking, where the Alaska Supreme Court acknowledged that *"a 'taking' may more readily be found when…[there] is a physical invasion by government, than when…[there is] some public program adjusting the benefits and burdens of economic life to promote the common good." Dep't. of Natural Res. V. Arctic Slope Reg'l Corp*, 834 P.2d 134 (Alaska 1991).

Conclusion: General regulation in Homer that limited development in wetlands or other sensitive areas would probably not be viewed as a taking.

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[2] See *Euclid v. Ambler Realty*, 272 U.S. 365 (1926), approximately 75% diminution in value; *Hadacheck v. Sebastian*, 239 U.S. 394 (1915) 92.5% diminution in value.

[3] In *R & Y, Inc.* the U.S. Supreme Court acknowledged *"the unique ecological and economic value that wetlands provide in protecting water quality, regulating local hydrology, preventing flooding, and preventing erosion."*

[4] The Alaska Supreme Court follows the precedent established by the U.S. Supreme Court in holding that a taking exists in *"cases where a regulation denies a landowner of all economically feasible use of the property." Balough v. Fairbanks N. Star Borough*, 995 P.2d 245 (Alaska 2000).