



Agenda

Planning Commission Regular Meeting

Wednesday, August 16, 2023 at 6:30 PM

Cowles Council Chambers In-Person & Via Zoom Webinar

Homer City Hall

491 E. Pioneer Avenue
Homer, Alaska 99603
www.cityofhomer-ak.gov

Zoom Webinar ID: 979 8816 0903 Password: 976062

<https://cityofhomer.zoom.us>
Dial: 346-248-7799 or 669-900-6833;
(Toll Free) 888-788-0099 or 877-853-5247

CALL TO ORDER, 6:30 P.M.

AGENDA APPROVAL

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

RECONSIDERATION

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

- A. Unapproved Regular Meeting Minutes for August 2, 2023
- B. Decision & Findings, Variance 23-01 at 1125 Shelley Avenue
- C. Decision & Findings, Conditional Use Permit 23-07 at 795 Fairview Avenue

PRESENTATIONS / VISITORS

REPORTS

- A. Staff Report 23-047, City Planner's Report

PUBLIC HEARINGS

- A. Staff Report 23-048, Ordinance 23-40 Conditional Use Zoning Text Amendments
- B. Staff Report 23-049, Ordinance 23-21(S), Title 22 Subdivision Text Amendment

PLAT CONSIDERATION(S)

- A. Staff Report 23-050, Glacier View Subdivision, Vacate a Existing Lot Line to Create a Larger Lot

- [B.](#) Staff Report 23-051, Bidarki Creek No. 5 Subdivide Two Existing Lots into Four Lots

PENDING BUSINESS

NEW BUSINESS

INFORMATIONAL MATERIALS

- [A.](#) 2023 Planning Commission Annual Calendar
- [B.](#) City Manager's Report for the Council Meeting on August 14, 2023
- [C.](#) City Newsletter for August 2023
- [D.](#) Enabling Better Places: A Handbook for Improved Neighborhoods

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

COMMENTS OF THE STAFF

COMMENTS OF THE MAYOR/COUNCIL MEMBER (If Present)

COMMENTS OF THE COMMISSION

ADJOURNMENT

Next Regular Meeting is **Wednesday, September 6, 2023, at 6:30 p.m.** A Worksession is scheduled for 5:30 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission

1. CALL TO ORDER

Session 23-13, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on August 2, 2023 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar. A worksession was held at 5:30 p.m. On the agenda was discussion on Ordinance 23-40. A prior joint worksession was conducted on July 19, 2023 6:00 p.m. to 9:40 p.m. with the Economic Development Advisory Commission.

PRESENT: COMMISSIONERS HIGHLAND, BARNWELL, SMITH, STARK, VENUTI AND SCHNEIDER

ABSENT: COMMISSIONER CONLEY (UNEXCUSED)

STAFF: CITY PLANNER FOSTER, DEPUTY CITY CLERK KRAUSE, SPECIAL PROJECTS & COMMUNICATIONS COORDINATOR CARROLL

COUNCIL: MAYOR CASTNER

2. AGENDA APPROVAL

HIGHLAND/VENUTI MOVED TO APPROVE THE AGENDA.

There was a brief comment on receiving answers to questions and difficulty making a decision.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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

4. RECONSIDERATION

5. CONSENT AGENDA All items on the consent agenda are considered routine and non- controversial by the Planning Commission and are approved in one motion. If a separate discussion is desired on an item, a Commissioner may request that item be removed from the Consent Agenda and placed on the Regular Agenda under New Business. No Motion is necessary

- 5. A. PC Meeting Minutes
Unapproved Regular Meeting Minutes of June 21, 2023

HIGHLAND/BARNWELL MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

6. PRESENTATIONS / VISITORS

6. A. Draft City of Homer 2024-2029 Capital Improvement Plan Presentation
Jenny Carroll, Special Projects & Communications Coordinator

Special Projects and Communications Coordinator Carroll reviewed the CIP and Legislative request preparation and approval process and explained the Planning Commission's role in reviewing projects and providing feedback to provide input at the next meeting for the Commission's top three project recommendations to City Council. She provided updates on current projects and responded to a question from Commission on the timeline involved.

Chair Smith commented on the lengthy process, ranking of the proposed projects and expressed his appreciation for Ms. Carroll taking the time to speak to the Commission.

7. REPORTS

7. A. Staff Report 23-042, City Planner's Report

City Planner Foster reviewed Staff Report 23-042 providing summary reports on Council action since the last Planning Commission meeting. He remarked on the specific items addressing the following items:

- Ordinance 23-21 Amending Title 22, this will be presented at the next meeting under public hearings
- Training for the Commission presented by the City Clerk
- Elections of Officers, action item on the agenda under New Business
- Written report for the August 16th meeting for the City Council
- Attendance by Planning Staff and recommendation to cancel the second meeting in September
- Full agenda for the August 16th meeting
- STIP Public Comment to submit before September 3rd and the information was provided

8. PUBLIC HEARINGS

8. A. Staff Report 23-043, Variance 23-01, A Request to Allow Relief under Homer City Code (HCC) 21.72 Variances, from Dimensional Requirements of HCC 21.14.040 (b)(1) Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed by subsection (b)(3) of this section at 1125 Shelley Avenue.

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

City Planner Foster reviewed Staff Report 23-043 in detail. He noted that the City of Homer does not have any other process that could be used to alleviate the issue such as an encroachment permit as other communities in Alaska or the rest of the United States. He noted that the situation is unique in that a variance is typically granted prior to construction.

Maxim Matveev, applicant, explained the process used in the previous construction of 40 plus homes in Homer over the past 6 years. He explained the possible cause for the construction error, stating that he does

not plan to use this as a way forward in the future at any time. Mr. Matveev explained that the structure does not interfere with snow clearing or maintenance.

Chair Smith opened the Public Hearing. He invited those attending the meeting via Zoom to provide testimony.

Colby Kincaid, city resident, asked if this project would impact the proposed installation of a sidewalk.

City Planner Foster did not believe that the placement of the garage five feet into the setback would impede the installation of a sidewalk, noting that the sidewalk would be within the right of way.

Chair Smith closed the Public Hearing and invited the applicant and or City Planner the opportunity for rebuttal.

Chair Smith opened the floor to questions from the Commission for the City Planner or Applicant.

Discussion was facilitated, responses provided by City Planner Foster and Mr. Matveev on the following:

- What could have been done better to prevent this issue?
 - o Municipality providing inspection
 - o Double checking the markings on the survey stakes prior to and during excavation or foundation construction.
- Requiring asbuilts was to prevent this very incident and what could the City do to further prevent this from happening, would implementing a fine discourage this from happening?
 - o There is no process in place to catch errors such as this and asbuilts are not a useful tool to prevent this from happening.
 - o Most other communities have building code and building officials.
 - o Construction/Project Management
 - o Encroachment Permit
- If a registered land surveyor made the error what would the position be
 - o Variances after the fact due to the very nature cause concerns
 - o Commission should recommend process to implement for this type of situation.
- Requiring asbuilts at foundation construction would provide easier remedy if corners were not correct or encroachment into setback specifically in smaller lots where it may occur more often.
- the purpose of an asbuilt was never intended to address errors, better construction management was needed
- Many factors leading to this error of an encroachment into the setback can be attributed loosely marked surveying stakes, lack of staffing in the planning department, or overall project management
- Policy and procedures implemented by the Applicant on smaller lots will be used to ensure that future encroachments do not occur no matter what size the lot.

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

HIGHLAND/VENUTI MOVE TO ADOPT STAFF REPORT PC 23-043 AND APPROVE VARIANCE 23-01 TO ALLOW RELIEF UNDER HCC 21.72 VARIANCES FROM DIMENSIONAL REQUIREMENTS OF HCC 21.14.040(b)(1) EXCEPT AS ALLOWED BY HCC 21.14.040(b)(3) WITH FINDINGS 1-7.

There was no further discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report 23-044, Request for a Conditional Use Permit (CUP) 23-07 To Construct Private Stables including Paddocks or Similar Structures as An Accessory Use incidental to Primary Residential Use per HCC 21.14.030(f) at 795 W. Fairview Avenue

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

City Planner Foster provided a detailed review of Staff Report PC 23-044 for the Commission.

Miranda Weiss, Applicant spoke to the proposed project commenting on the increased development in the neighborhood and acknowledging the comments submitted by neighboring property owners. She specifically pointed out that they initially planned to develop more but this new direction leaves additional green space in the neighborhood, stating that they are fortunate to reside on over six acres in town. She further noted that they are working with a natural research conservation person, planning on following and implementing Alaska Department of Environmental Conservation best management practices, willing to meet the requirements of animal waste management plan, planned on implementing green infrastructure to address the animal runoff/waste and the other requirements the City Planner has outlined. Ms. Weiss stated that they will not be the first in the neighborhood to have a horse as another property had a horse for years on a much smaller piece of property within the neighborhood.

Chair Smith opened the Public Hearing. He allowed for those members attending via Zoom to provide testimony first.

Derek & Maggie Miller, city resident, agreed with the sentiment expressed by the applicant regarding the neighborhood and rapid development, and keeping some of the land for horses rather than development which they really supported keeping the green space and is needed for the neighborhood.

Karin Holzer, city resident and property owner, expressed her concerns as a former horse owner raising horses on 40 acres and knowing the impact that they can have. She suggested that a limit be required to allow the maximum of two horses on that size lot and she noted that it was not included in the conditions. She expressed her appreciation of wanting to keep the green space and agreed that a good grazing plan is needed as horses can tear up property faster than you can believe. She also commented that it was a good idea to work with NRCS and believed that runoff is also a concern, but if you are maintaining it really well and keeping it really clean it could be fine.

Raymond Walker, city resident, testified that he grew up on a farm in the panhandle of Texas, having all kinds of critters, his wife of 53 years and himself ran a ranch there as well, running 5000 head of cattle. He was providing that information to state he likes animals and if it was his choice he would be there again, but that's not quite true, if they could have both worlds they would be there again but poop stinks. There are flies and he has never seen an adequate fly fence or stink fence. He did not care what anyone states when poop gets wet, it stinks. He added that he has never experienced where it (stink/poop) was not a problem or caused

issues. His wife and he have moved into town and their view has changed since they were young. If he was to vote on this issue he would vote no.

Colletta Walker, city resident, testified that her family moved to Soundview Avenue in the early 1990's and have witnessed a lot of changes in the surrounding subdivision. In response to the statement about there not being any housing below that proposed project, is not true as there is quite a bit of housing below the property, east of the property and more going in west of the property. She reiterated the previous statement on the rapid changes to the neighborhood and increased building going on all around the subject property. The ground is moving all the time. She appreciated the comments expressed by the others and it sounds like a wonderful plan but she knows that having horses a lot of work and can become overwhelming especially with the weather. Ms. Walker recommended that the Applicant be required to have fencing around the entire property to contain the livestock and believed that they were all a little naïve if they think it will be limited to just two horses because the way she interpreted the plan, there could be others that are considered pets, she could picture a cow, or goats since they especially go well with horses, a plethora of chickens, noting that there is rooster that crows behind them somewhere now. She further commented that there may be a lot of people that don't care what happens, but she has over 30 years invested in her property and the wind does blow from that direction constantly and she expressed concerns with the runoff as well from that property. Ms. Walker stated her love of livestock but moved into town to get away from that, to have water and sewer and does not care to have livestock nearby posing the threat of running loose. She added further comments on the increase in traffic on their neighborhood roads.

Marvin Super, city resident, adjoining property owner, testified regarding the tremendous amount of water flow that comes down that hill, noting the multiple streams and groundwater and believed that it would be very difficult to maintain adequate protection of that water as well as the wind constantly blowing in his direction. He will be directly impacted by the smell, flies and so forth that will be in the area. He did not see any restrictions in the conditions limiting the number of horses or anything to prevent the applicant from having other animals or species or restrictions to reducing the lot size by further subdivision. Mr. Super stated that if he was given the choice he would vote against this action.

Chair Smith seeing no other members of the public wishing to testify, confirmed with the Clerk there were no additional attendees on Zoom wishing to testify, closed the Public Hearing. He then offered rebuttal to the Applicant.

Ms. Weiser, applicant, acknowledged the concerns expressed by the public and requested the Commission to add a limitation to two horses. Provided information that they are not new to horses or the care that is required and have been horse owners for three years and are open to other limitations that makes sense including providing a manure management plan.

Chair Smith opened the floor to questions from the Commission for the City Planner or applicant.

City Planner Foster facilitated the following discussion and responses on these topics:

- Distance from the south lot line to the proposed paddock and stable
 - o 200 feet estimated distance with a large alder woods along the southern lot line
- Consideration of moving the barn closer to the house
 - o location of proposed stable could be relocated further north
- Wetlands in the location of the proposed stable and paddock area

- there are no wetlands in the proposed location
- Possible flooding from the stream/creek located on the property
 - There are two drainage ditches on either side of the property; to the west, there is a creek that was culverted on Eric Lane, on the east side of the property is a creek that runs under Fairview Avenue, that is seasonal
- The soils in the proposed location are well drained but composition is unknown
 - The applicant plans to create a gravel paddock which will be maintained and cleaned on a daily basis.
- Comments on previous personal horse ownership experience by Commissioner Highland regarding smell and flies
- Applicant confirmed that they would be agreeable to a limitation of two horses
- Review of Lidar Maps presented some concerns regarding the creek on the west side of the lot and the removal of vegetation and what would be done in green infrastructure to combat that effect.
 - Applicant stated that they would follow recommendations from authorities specializing in green infrastructure, as they do not have the expertise to respond to that question.
 - Previous property owners turned over a drainage easement to the property owners to the south
 - the distance of the proposed development, it is unforeseen how much and if it will affect that drainage
 - Applicant stated that development of the property previously included consideration of trail connections to Reber Trail through the property.
- Applicant's daughter provided some observed, in her opinion, beneficial aspects of some insects seen in existing barn where horses are currently stabled.
- Recommendation to require a pest management plan to deal with flies and such.

Chair Smith called for a motion and second hearing no further questions from the Commission.

HIGHLAND/VENUTI MOVE TO ADOPT STAFF REPORT PC 23-044 AND APPROVE CUP 23-07 TO CONSTRUCT PRIVATE STABLES INCLUDING PADDOCKS OR SIMILAR STRUCTURES WITH FINDINGS 1-10 AND CONDITIONS 1-5.

1. SUBMIT AN ANIMAL WASTE MANAGEMENT PLAN WITH ZONING PERMIT APPLICATION WHICH DEMONSTRATES HOW ANIMAL RUNOFF WILL BE PROPERLY MANAGED PER BEST MANAGEMENT PRACTICES AND WILL NOT NEGATIVELY IMPACT NEIGHBORING PROPERTIES WITH ANIMAL RUNOFF.

2. SUBMIT A GRAZING PLAN WITH THE ZONING PERMIT APPLICATION WHICH DEMONSTRATES HOW POTENTIAL NEGATIVE IMPACTS SUCH AS DE-NUDED VEGETATION FROM OVERGRAZING WILL BE MANAGED.

3. OUTDOOR LIGHTING MUST BE DOWNLIT PER HCC 21.59.030 AND THE COMMUNITY DESIGN MANUAL (CDM).

4. THE PADDOCK WILL BE FENCED WITH EITHER WOOD RAILS OR FIELD FENCE. BEYOND THE PADDOCK THERE WILL BE A GRAZING AREA OF APPROXIMATELY ¼ ACRE WHERE PORTABLE ELECTRIC FENCING WILL BE USED TO ROTATE GRAZING PATTERNS.

5. THE STABLE WILL BE MAINTAINED ON AN AS NEEDED BASIS WITH WALLS, ROOFING AND PADDOCK KEPT IN SUITABLE CONDITION TO COMPORT WITH COMMUNITY AESTHETIC NORMS.

HIGHLAND/VENUTI- MOVED TO AMEND THE MOTION TO INCLUDE CONDITION 6 LIMITING THE NUMBER OF HORSES TO TWO.

Discussion on amending the amendment to clarify “livestock” not limiting it specifically to horses ensued. No motion was made to amend the amendment.

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

Motion carried.

There was no further discussion on main motion as amended.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith called for a recess at 8:26 pm. He called the meeting back to order at 8:35 p.m.

9. PLAT CONSIDERATION

- A. Staff Report 23-045, Approval of a Preliminary Plat to Divide One Lot into Three Lots at Thomas Court Subdivision.

Chair Smith introduced the item and deferred to City Planner Foster.

City Planner Foster provided a summary review of Staff Report PC 23-045 for the Commission.

There was no applicant present.

Chair Smith opened the public comment period.

Kyra Wagner, property owner and city resident, provided the Commission with information on her property and how it would be affected by the actions of this preliminary plat and advised the Commission on the location of existing structures, ditches, if the driveway was reconstructed into the required road width and why specific portions would be narrow as indicated. She offered to go and speak with the applicant if the Commission postponed the action as it would greatly affect her property dependent on what exactly was done with the construction of the road.

Chair Smith seeing that there was no additional members of the public present in chambers and confirming with the Clerk that there were no attendees via Zoom, closed the Public Comment period and opened the floor to questions from the Commission.

Further discussion ensued with the Ms. Wagner responding to questions regarding specifics on encroachments, road widths and Comments from the City Planner, input was provided by Mayor Castner on property dedication.

Chair Smith called for a motion and second hearing no further questions or discussion from the Commission.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT PC 23-045 AND POSTPONE APPROVAL TO DIVIDE ONE LOT INTO THREE LOTS WITH COMMENTS 1-6 AS PRESENTED BY THE PLANNER TO FURTHER REQUIRE THE APPLICANT AND SURVEYOR SATISFY COMMENTS ONE THROUGH SIX AND RESUBMIT FOR APPROVAL.

The Commission clarified that it was the intent of the motion to postpone and have the applicant provide responses to Comments 1-6 and resubmit for approval.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith requested a motion and second to extend the meeting time noting that it was almost 9:30 p.m.

HIGHLAND/VENUTI MOVED TO EXTEND THE MEETING TIME TO 10:00 P.M.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

10. PENDING BUSINESS

11. NEW BUSINESS

A. 2024-2029 Capital Improvement Plan (CIP) Presentation Review and Discussion

Memorandum from Special Projects & Communication Coordinator as backup

Chair Smith read the title into the record, reviewed Ms. Carroll's memorandum noting the projects recommended last year by the Commission.

Mayor Castner provided direction and encouraged the Commission to put their Comprehensive Plan hat on and consider how the projects fit in with where the City is going to grow, stating that each Commission will support the projects of their focus and Planning Commission should recommend projects that support infrastructure.

Commissioners offered comments and recommendations on their top projects to recommend to City Council after much discussion and a few revisions the following projects were chosen: New Public Works Facility, Harbor Expansion Project and the A Frame Waterline Replacement with strong support for the Homer Airport Terminal Improvements.

Mayor Castner provided his opinion on the Airport Improvements project at the request of the Commissioner Stark stating that it was state building and you need to consider Kachemak Drive if you are going to improve the airport since people fly across the bay and then traverse down Kachemak Drive and there is no sidewalk so they are walking on the side of the road with luggage and the like. He added his

experience with the recent visit of the State DOT Commissioner. He did not want to go into the STIP at this time since it is out for public comment. He reiterated that the Airport is a state facility and we just lease the terminal and that the Commission should focus on any infrastructure projects.

The Commission agreed by a show of hands to select in priority order the New Public Works Facility, The Homer Harbor Expansion Project and the A Frame Waterline Replacement Project.

B. Memorandum PC 23-046, Election of Officers

Chair Smith introduced the item by reading of title and reviewed the process. He requested by a show of hands how the Commission wanted to conduct the vote. The Commission agreed by consensus to vote by a show of hands.

Chair Smith called for nominations for Vice Chair.

Commissioner Highland nominated Commissioner Barnwell.

Chair Smith closed nominations hearing no further nominations offered and confirmed with Commissioner Barnwell acceptance of the Office of Vice Chair. He congratulated Vice Chair Barnwell and turned the gavel over to conduct the election for the Office of Chair.

Vice Chair Barnwell opened the floor for nominations of Chair.

Commissioner Venuti nominated Commissioner Smith as Chair.

Vice Chair Barnwell closed nominations hearing no further candidates nominated and confirmed with Commissioner Smith that he would continue serving as Chair. He then turned the gavel back over to Chair Smith.

12. INFORMATIONAL MATERIALS

12. A. City Manager's Report for July 24, 2023

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

Kyra Wagner, city resident, expressed, Well done! She totally admires everything the Commission does, and the Commission is really important. So thanks. She did not envy them, but admired them. Ms. Wagner added that tonight made her realize that maybe it'd be good for the Commission to hear that. She then stated Now, I'm wearing my other hat, and as the district manager for Homer Soil and Water Conservation District and when issues arise with planning, and it is desirable to have a conservation plan, Homer Soil and Water works with NRCS and like Miranda Weiss was referring to, it is not an unusual precedent. The Commission has it in the Bridge Creek Watershed regulations that if people are going to do any kind of development they need to come up with a conservation plan with Homer, Soil and Water, and we do have a on-call contract with the city. So you guys are helping us get paid to do those kind of things. So just wanted you guys to know that we can support you whenever we can.

14. COMMENTS OF THE STAFF

Deputy City Clerk Krause pointed out that the agenda format was amended to include a specific spot for the Mayor and any Council members whom may be present to provide comments at the end the meeting so the Mayor did not need to comment under staff any longer. She then expressed her appreciation for the Commission to get through a very heavy agenda with some difficult items, they did a great job.

City Planner Foster had no additional comments.

15. COMMENTS OF THE MAYOR/COUNCIL MEMBERS

Mayor Castner stated that as he mentioned earlier, the State Transportation Infrastructure Plan (STIP) is out for public comment and review and closes on September 3rd. DOT Commissioner Anderson was really frank during his recent visit stating that they will probably receive 100 comments. If Homer submitted a hundred comments that would overwhelm them. Mayor Castner stated he plans to write an opinion piece for the Homer News, stating that City Council has done their job and it is now up to the community to do their job and if they really care about improving Kachemak Drive, adding that he was going to focus on that project even though there are additional projects on the STIP from Homer, Kachemak Drive is a really big, sore spot for a lot of people, and it borders the city's green infrastructure project for the for the Kachemak Sponge, which is to the east of the airport, and goes all the way out to the boat yard. That's an important project. The City has all these very high-value properties lining the bluff on one side of Kachemak Drive, and we're constantly flooding water over Kachemak Drive and onto those properties and it is running off the bluff. So hopefully, they will do something that actually puts pedestrian access along at least part of Kachemak Drive, including a bike path, all the way down Kachemak Drive to East End road. It's on the city website and you'll probably read about it next week in the Homer News. The second thing, the reason that I'm getting together with the chairs of the Commissions and Boards is because I ran for mayor because I really care about community; and questioned what defines community? What makes a good community? We've been edging into being a better community. We got through the pandemic remarkably well. So community planning is something that he hoped that the chairs of the Commissions and Boards can kind of find some common ground. He thought it was terrific that the Commission had the meeting with the Economic Development Commission. This Commission listened to what they had to say and took it in. So did I. Basically, he thought that the City was at a turning point right, and has been discovered. The only people that are going to control the City's destiny are volunteers that are working on these Commissions and Boards. He opined the Council has developed a new respect for the works of the Commissions and Boards and thought that there was a good opportunity right now to control destiny a little bit more than just having people come into town and in and say, You know, there you go. So thank you all for your service. Thank you all for being here tonight, and that your last meeting went to 9 30. This one's still 10. Thanks. Wait till next one.

16. COMMENTS OF THE COMMISSION

Commissioner Highland welcomed Commissioner Schneider, it has been the longest meeting in a while so welcome aboard.

Commissioner Venuti welcomed Commissioner Schneider also. He expressed his experience of his first planning commission meeting that went until 11:30 p.m. Mr. Venuti then thanked everyone and wished them a good night.

Commissioner Schneider thanked everyone for welcoming him and he appreciated it a lot. He anticipated that there would be a very steep learning curve to this, but thought maybe he has climbed the steepest part of it tonight. He looks forward to getting into this in the future.

Commissioner Barnwell welcomed Commissioner Schneider and commented that it was a good group. He agreed with the Mayor's comments regarding the STIP and that it was really important to submit their comments on it. he then noted that the map that was submitted with the laydown showing west Homer proposed trails and that it relates to the STIP but the Project 157-169 Highway improvement project. Homer Trails Alliance is pushing to have an underpass go under the Highway for pedestrians and animals. Mr. Barnwell then stated that Kachemak Drive is crazy as he himself has almost been hit by a big boat. HE then encouraged everyone to comment on the STIP

Commissioner Stark expressed his appreciation for the Mayor attending the meeting and the Commissioners, welcomed Commissioner Schneider, thanking him for becoming a part of the Commission. He was happy to be back home and attending the meeting in person. Mr. Stark stated his appreciation for the leadership and good discussion as always.

Chair Smith welcomed Commissioner Schneider to the Commission and expressed his appreciation of the Mayor's advocacy for the Commissions and Boards, it has been difficult in some ways to feel like the Commissions and Boards were ignored so the support from the Mayor and presence at meetings has been really helpful. He then presented a new project concept that he was wanting to present for consideration for the CIP which would present an alternate truck route by extending FAA Drive to Turnview, he has spoken with Commissioner Stark and some business owners and met with Jenny Carroll regarding the proposed project. He is working on estimated costs and believes it would also take stress from Kachemak Drive as well as Pioneer Avenue with the large boats and big trucks. He further commented that it was a great meeting, lots of information and he appreciated the presentation from Ms. Carroll and complimented City Planner Foster on an awesome job. Ms. Smith then reminded the Commission that he would be absent for the next meeting as his son was getting married.

17. ADJOURNMENT

There being no further business Chair Smith adjourned the meeting at 10:10 p.m. The next Regular Meeting is on Wednesday, August 16, 2023 at 6:30 p.m. A Worksession will be conducted at 5:30 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Planning

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Homer, Alaska 99603

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HOMER PLANNING COMMISSION

Approved VAR 2023-01 at the Meeting of August 2, 2023

RE: Variance (VAR) 2023-01

Address: 1125 Shelley Avenue

Legal Description: T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 59

DECISION

Introduction

Maxim Matveev (the “Applicant”) applied to the Homer Planning Commission (the “Commission”) for a Variance (VAR) under Homer City Code HCC HCC) 21.72 Variances, from dimensional requirements of HCC 21.14.040 (b)(1) Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed by subsection (b)(3) of this section; at 1125 Shelley Avenue.

The applicant requests a variance from the requirement for a 20-foot setback from rights-of-way. The garage is currently 5 feet within the 20-foot setback.

A public hearing was held for the application before the Commission on August 2, 2023, as required by Homer City Code 21.94. Notice of the public hearing was published in the local newspaper and sent to 33 property owners of 27 parcels as shown on the Kenai Peninsula Borough tax assessor rolls. Public notices contained information on how to submit written testimony, participate telephonically, or participate on the Zoom meeting platform.

At the August 2, 2023 meeting of the Commission, six Commissioners were present. Commissioner Conley was not present and had an excused absence. The Commission unanimously approved VAR 2023-01.

Evidence Presented

City Planner, Ryan Foster, reviewed the staff report. The Applicant was available and provided responses to Commissioners questions. A city resident had questions regarding the variance application.

Findings of Fact

After careful review of the record and consideration of testimony presented at the hearing, the Commission determines CUP 2023-07, to provide relief from Homer City Code (HCC) 21.72 Variances, from dimensional requirements of HCC 21.14.040 (b)(1) Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed by subsection (b)(3) of this section; at 1125 Shelley Avenue satisfies the review criteria set out in HCC 21.72 and is hereby approved.

The criteria for granting a Variance is set forth in HCC 21.72.010.

21.72.020 Conditions precedent to granting variance.

A. All of the following conditions shall exist before a variance may be granted:

1. A literal interpretation of the provisions of the Homer Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district.

Finding 1: A literal interpretation of Homer Zoning Code results in a nonconforming structure and places limitations on the future use, expansion, transfer, or sale of the property.

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.

Finding 2: This circumstance is unique in that most variances are intended for projects that have not occurred yet, where, in this case, construction has already occurred and a mistake was made, and a variance is the only path forward for relief in Homer City Code.

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

Finding 3: The conditions and circumstances were not intentionally caused by the applicant. The circumstances are a mistake, the applicant does not benefit from these circumstances, and would prefer the structure to meet the 20-foot front setback.

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

Finding 4: The variance is not sought solely for financial hardship or inconvenience of the applicant.

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

Finding 5: The applicant is not seeking a variance based on the existence of other nonconforming land use or structures within the district.

D. A variance shall be the minimum variance necessary to permit the reasonable use of the land or structure.

Finding 6: Reasonable use of the land is achievable with the minimum variance necessary.

E. A variance shall not be granted that will permit a land use in a district in which that use is otherwise prohibited.

Finding 7: No land use variance is proposed.

Conclusion: Based on the foregoing findings of fact and law, Variance 2023-01 is hereby approved, with Findings 1-7.

Date

Chair, Scott Smith

Date

City Planner, Ryan Foster

NOTICE OF APPEAL RIGHTS

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

CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on _____, 2023. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

Date

Courtney Dodge, Associate Planner

Maxim Matveev
PO Box 2582
Homer, AK 99603

Michael Gatti
JDO Law
3000 A Street, Suite 300
Anchorage, AK 99503

Rob Dumouchel, City Manager
City of Homer
491 E Pioneer Avenue
Homer, AK 99603



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HOMER PLANNING COMMISSION

Approved CUP 2023-07 at the Meeting of August 2, 2023

RE: Conditional Use Permit (CUP) 2023-07

Address: 795 W. Fairview Avenue

Legal Description: T 06S R 13W SEC 19 SEWARD MERIDIAN HM 2020053 DAYBREEZE PARK 59 NORTH PHASE ONE TRACT A-2

DECISION

Introduction

Bob Shavelson & Miranda Weiss (the “Applicant”) applied to the Homer Planning Commission (the “Commission”) for a Conditional Use Permit (CUP) under Homer City Code HCC 21.14.030(f), Private stables and the keeping of larger animals not usually considered pets, including paddocks or similar structures or enclosures utilized for keeping of such animals as an accessory use incidental to a primary residential use; such use shall be conditioned on not causing unreasonable disturbance or annoyances to occupants of neighboring property, and on sufficient land to harbor such animals.

The applicant proposes a two-horse stable and associated paddock and grazing areas at 795 W. Fairview Avenue.

A public hearing was held for the application before the Commission on August 2, 2023, as required by Homer City Code 21.94. Notice of the public hearing was published in the local newspaper and sent to 11 property owners of 56 parcels as shown on the Kenai Peninsula Borough tax assessor rolls. Public notices contained information on how to submit written testimony, participate telephonically, or participate on the Zoom meeting platform.

At the August 2, 2023 meeting of the Commission, six Commissioners were present. Commissioner Conley was not present and had an excused absence. The Commission unanimously approved CUP 2023-07 with six conditions.

Evidence Presented

City Planner, Ryan Foster, provided a detailed review of Staff Report PC 23-044 for the Commission. The Applicant was available and provided responses to Commissioners questions. Several community members and neighbors provided testimony both in approval and opposition of the proposed conditional use permit.

Findings of Fact

After careful review of the record and consideration of testimony presented at the hearing, the Commission determines CUP 2023-07, to allow a two-horse stable and associated paddock and grazing areas at 795 W. Fairview Avenue, satisfies the review criteria set out in HCC 21.71.030 and is hereby approved.

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

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

Finding 1: The structures and uses are authorized by the applicable code.

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

Finding 2: The proposed uses and structures are compatible with the purpose of the district.

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

Finding 3: A stable, paddock, and grazing area is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

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

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

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

Finding 5: Water, sewer, and fire services are adequate to serve the existing dwellings and proposed horse stable, paddock, and grazing use.

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

Finding 6: The Commission finds the proposal will not cause undue harmful effect upon desirable neighborhood character.

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

Condition 1: Submit an Animal Waste Management Plan with the Zoning Permit Application which demonstrates how animal runoff will be properly managed per best management practices and will not negatively impact neighboring properties with animal runoff.

Condition 2: Submit a Grazing Plan with the Zoning Permit Application which demonstrates how potential negative impacts such as de-nuded vegetation from overgrazing will be mitigated.

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

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

Finding 8: The proposal will comply with applicable regulations and conditions specified in Title 21 when gaining the required permits.

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

Finding 9: The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan. The proposal aligns with Chapter 4, Goal 1, Objectives A and C and no evidence has been found that it is contrary to the applicable land use goals and objectives of the Comprehensive Plan.

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

Condition 3: Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

Finding 10: Project will comply with the applicable provisions of the CDM.

HCC 21.71.040(b). b. In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

- 1. Special yards and spaces:** There will be a paddock adjacent to the stable, a grazing area adjacent to the paddock and a grazing area next to the paddock.
- 2. Fences and walls: Condition 4:** The paddock will be fenced with either wood rails or field fence. Beyond the paddock, there will be a grazing area of approximately ¼ acre where portable electric fencing will be used to rotate grazing patterns.
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 4. Street and road dedications and improvements:** No specific conditions deemed necessary.
- 5. Control of points of vehicular ingress and egress:** No specific conditions deemed necessary.
- 6. Special provisions on signs:** No specific conditions deemed necessary.
- 7. Landscaping:** No specific conditions deemed necessary.
- 8. Maintenance of the grounds, building, or structures: Condition 5:** The stable will be maintained on an as-needed basis, with walls, roofing and paddock kept in suitable condition to comport with community aesthetic norms.
- 9. Control of noise, vibration, odors or other similar nuisances:**
 - Lighting: To minimize light pollution, two LED overhead or canopy lights will provide downlight on the front/east side of the stable.
 - Material & Equipment Storage: The stable building will include a small area for hay, grain and manual equipment storage.
 - Nonpoint source pollution/runoff: The stalls, paddock and grazing area will be raked and cleared of horse manure on a daily basis. Horse manure will be composted nearby and used as fertilizer in surrounding areas. We will install rocks and plant local plants and grasses on areas downslope from the paddock and grazing areas to capture and control runoff. The area immediately below the paddock and grazing area is open field, which will function as a natural infiltration basin; no runoff from the area will extend offsite.
- 10. Limitation of time for certain activities:** No specific conditions deemed necessary.
- 11. A time period within which the proposed use shall be developed:** Ideally this project will conclude before November 2023 but if not, it will be finished by May 2024.
- 12. A limit on total duration of use:** No specific conditions deemed necessary.
- 13. More stringent dimensional requirements,** such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by

conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.

14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot: See Conditions 1 & 2.

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2023-07 is hereby approved, with Findings 1-10 and the following conditions.

Condition 1: Submit an Animal Waste Management Plan with the Zoning Permit Application which demonstrates how animal runoff will be properly managed per best management practices and will not negatively impact neighboring properties with animal runoff.

Condition 2: Submit a Grazing Plan with the Zoning Permit Application which demonstrates how potential negative impacts such as de-nuded vegetation from overgrazing will be managed.

Condition 3: Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

Condition 4: The paddock will be fenced with either wood rails or field fence. Beyond the paddock, there will be a grazing area of approximately ¼ acre where portable electric fencing will be used to rotate grazing patterns.

Condition 5: The stable will be maintained on an as-needed basis, with walls, roofing and paddock kept in suitable condition to comport with community aesthetic norms.

Condition 6: The number of horses on the property is limited to two.

Date

Chair, Scott Smith

Date

City Planner, Ryan Foster

NOTICE OF APPEAL RIGHTS

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

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Date

Courtney Dodge, Associate Planner

Bob Shavelson & Miranda Weiss
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Staff Report PI 23-047

TO: Homer Planning Commission
FROM: Ryan Foster, AICP, City Planner
DATE: August 8, 2023
SUBJECT: City Planner's Report

Staffing

Courtney Dodge, Associate Planner, has submitted her resignation, her last day with the City will be August 25, 2023. It was a pleasure working with Courtney and her hard work and collaboration will be missed.

Commission Calendar Items

No new updates on the Transportation Plan project timetable.

Commissioner Report to Council

8/28/23 _____



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Staff Report PL 23-048

TO: Homer Planning Commission
FROM: Ryan Foster, AICP, City Planner
DATE: August 9, 2023
SUBJECT: Ordinance 23-40 CUP Zoning Text Amendment Recommendations

Introduction

At the July 19, 2023 Joint Planning Commission and Economic Development Work Session City Planner Foster and Economic Development Manager Engebretsen facilitated discussion and answered questions regarding the following topics:

- The proposed changes represented in Ordinance 23-40
- The changes adopted by Ordinance 22-68(A)
- Density, zoning districts, infrastructure, and what that means for how the City is planned
- Some of the proposed changes are reversing the number of units back to one in addition to the principal allowed without a CUP
- Administrative burden of processing CUP applications within each zoning district

City Planner Foster reviewed the materials provided in the packet for each district and then addressed four questions for each district: What is the impact of the proposed text amendments, does it fit well with the district, any additional goals to consider, and comments or edits.

At the August 2, 2023 Planning Commission Work Session, the notes from the July 19, 2023 meeting were provided along with a draft recommendation based on Joint Work Session discussion. The Planning Commission discussed further and drafted recommendations for consideration and voting at the August 16, 2023 regular meeting public hearing. Below are draft recommended comments to the City Council for each of the zoning districts in the Ordinance 23-40.

Rural Residential District

Proposed Text:

s. **One detached** ~~up to four dwelling units~~, 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 ~~and located in an area depicted for Urban Residential zoning by the Future Land Use Map in the 2018 Homer Comprehensive Plan.~~

21.12.030 Conditional Uses and Structures

m. More than one building containing a permitted principal use on a lot ~~except as provided for in Hcc 21.12.020(s)~~

Recommendation: *The Planning Commission supports the new language in the proposed zoning text amendment.*

Urban Residential

Proposed Text:

21.14.020 Permitted Uses and Structures.

The following uses are permitted outright in the Urban Residential District:

~~s. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14040(a)(2)(a)&(b) excluding mobile homes.~~

21.14.030 Conditional uses and structures.

The following uses may be permitted in the Urban Residential District when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

k. More than one building containing a permitted principal use on a lot, ~~except as provided for in HCC 21.14.020(s);~~

Recommendation: *The Planning Commission supports the new language in the proposed zoning text amendment.*

Central Business District

Proposed Text:

21.18.020 Permitted Uses and Structures.

The following uses are permitted outright in the Central Business District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reason set forth in this chapter:

~~mm. Up to 4 buildings on a lot excluding mobile homes, except as provided for in HCC 21.18.030.~~

Recommendation: *The Planning Commission supports the new language in the proposed zoning text amendment.*

General Commercial 1

Proposed Text:

Section 5. Homer City Code Chapter 21.24, General Commercial1 District is amended as follows:

21.24.020 Permitted Uses and Structures.

The following uses are permitted outright in the General Commercial 1 District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reason set forth in this chapter:

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

21.24.030 Conditional Uses and Structures.

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

Recommendation: *The Planning Commission supports the new language in the proposed zoning text amendment.*

A Typographical error in City Code, pp not on website, oo is correct.

General Commercial 2

Proposed Text:

Section 6. Homer City Code Chapter 21.26, General Commercial 2 District is amended as follows:

21.24.020 Permitted Uses and Structures.

The following uses are permitted outright in the General Commercial 2 District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reason set forth in this chapter:

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

21.26.030 Conditional Uses and Structures.

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

Recommendation: *The Planning Commission supports the new language in the proposed zoning text amendment.*

Residential Office

Proposed Text:

Section 3. Homer City Code Chapter 21.16, Residential Office District is amended as follows:

21.16.020 Permitted Uses and Structures.

The following uses are permitted outright in the Residential Office District:

~~v. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b) excluding mobile homes.~~

21.16.030 Conditional uses and structures.

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

h. More than one building containing a permitted principal use on a lot, ~~except as provided for in HCC 21.16.020(v);~~

Recommendation: *The Planning Commission supports the new language in the proposed zoning text amendment.*

Gateway Business District

Proposed Text:

Section 5. Homer City Code Chapter 21.22, Gateway Business District is amended as follows:

21.22.020 Permitted Uses and Structures.

The following uses are permitted outright in the Gateway Business District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reason set forth in this chapter:

~~r. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)&(b) excluding mobile homes.~~

21.22.030 Conditional Uses and Structures.

a. More than one building containing a permitted principal use on a lot, ~~except as provided for in HCC 21.22.020(r).~~

Recommendation: *The Planning Commission supports the new language in the proposed zoning text amendment.*

Attachments:

Ordinance 23-40: Amending Title 21 Regarding Conditional Use Permits

SR 23-46 Ordinance 23-40 Work Session Notes



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Staff Report PL 23-46

TO: Homer Planning Commission
FROM: Ryan Foster, AICP, City Planner
DATE: July 26, 2023
SUBJECT: Ordinance 23-40 CUP Zoning Text Amendment Work Session Notes

Introduction

At the July 19, 2023 Joint Planning Commission and Economic Development Work Session City Planner Foster and Economic Development Manager Engebretsen facilitated discussion and answered questions regarding the following topics:

- The proposed changes represented in Ordinance 23-40
- The changes adopted by Ordinance 22-68(A)
- Density, zoning districts, infrastructure, and what that means for how the City is planned
- Some of the proposed changes are reversing the number of units back to one in addition to the principal allowed without a CUP
- Administrative burden of processing CUP applications within each zoning district

City Planner Foster reviewed the materials provided in the packet for each district and then addressed four questions for each district: What is the impact of the proposed text amendments, does it fit well with the district, any additional goals to consider, and comments or edits.

RR Impact: Removes FLUM UR Map as consideration for more dwelling units
Removes up to 4 units/need CUP
Fewer Opportunities for housing/labor
Fewer units per property would be more expensive

Fit: Good fit/low density of both Title 21 and Comp Plan

Goals: Slow sprawl, put density where it is planned

Comments: Commissions support the proposed ZTA

UR Impact: Removes up to 4 units dwellings outright

Could increase cost per dwelling unit for required CUP approval
Approved CUPs are tied to property and need to be managed
Density causes reduction in green space and wildlife corridors
Maintains existing character/density in established neighborhoods
More CUPs increases workload on Commission and Staff

Fit: None noted

Goals: Provide mix of housing types and can maintain neighborhood character
Get community buy-in for proposed density changes in existing neighborhoods

Comments/Edits: Commissions support the proposed ZTA

CBD Impact: Removes up to 4 buildings on a lot
Requiring CUPs for more buildings
Maintains character of existing neighborhood
Potential impact to business opportunity and growth for property owner
CUP difficult CUP process
Potential for misuse and disturbances with more structures/STR

Fit: Not an efficient use of time or effort for CUP
Reducing the number of buildings could reduce density in high density district

Goals: Need certainty for development/expansion
More buildings result in fewer strip malls

Comments: Commissions do not support the proposed ZTA

GC1 Impact: More than one building is not the typical trigger for CUP in district
More than 1 building requires CUP
Possible impact to property/business for construction/expansion

Fit: None noted

Goals: District is difficult to safely accommodate pedestrians

Comments: **Commissions do not support the proposed ZTA**
When to address wildlife/wetlands?

Typographical error in City Code, pp not on website, oo is correct

GC2

Not reviewed, all present support the proposed ZTA

RO

Impact: Removes by rights for up to 4 buildings dwellings
Discourages dwellings units construction/expansion
Reduces residential infill/affordable housing

Fit: Infill would be a good fit with current code
Residential is more the focus and office has to fit in the
residential aspect

Goals: Could use affordable housing

Comments: Commissions do not support the proposed ZTA

GBD

Impacts: Removes by-right up to 4 buildings on a lot as dwelling units

Fit: Fits the Purpose of the district with exception of dwelling
rentals/business

Goals: None noted

Comments: Commissions support the proposed ZTA

Consider similarities/differences between districts in HCC

Attachments:

Ordinance 23-40: Amending Title 21 Regarding Conditional Use Permits

City of Homer Zoning Map

CITY OF HOMER
HOMER, ALASKA

Lord/Mayor

ORDINANCE 23-40

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE SECTIONS 21.12, RURAL
RESIDENTIAL DISTRICT; 21.14 URBAN RESIDENTIAL DISTRICT;
21.18 CENTRAL BUSINESS DISTRICT; 21.24 GENERAL
COMMERCIAL 1 DISTRICT; 21.26 GENERAL COMMERCIAL 2
DISTRICT REGARDING CONDITIONAL USES IN EACH DISTRICT.

WHEREAS, Via Ordinance 22-68(A) the Homer City Council codified as an allowable use
the construction of up to four residential units on a single lot in certain zoning districts; and

WHEREAS, The Homer City Council has growing concerns that multiple-unit
construction on a single lot can create neighborhood disturbances that may need mitigation
measures or restrictions; and

WHEREAS, Increasing density in the City of Homer should to be done thoughtfully and
with significant community participation and buy-in through a thorough comprehensive
planning and Title 21 review; and

WHEREAS, The best procedure at this time of notice and review is through the
application of a Conditional Use Permit; and

WHEREAS, It is in the City's best interest to revert the zoning code back to require
Conditional Use Permits for increased building density on lots in certain zoning districts until
a more thorough vetting happens specifically surrounding building density.

NOW THEREFORE, The City of Homer Ordains:

Section 1. Homer City Code Chapter 21.12, Rural Residential District is amended as
follows:

Chapter 21.12.020 Permitted Uses and Structures

The following uses are permitted outright in the Rural Residential District:

s. **One detached** up to four dwelling units, 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

and located in an area depicted for Urban Residential zoning by the Future Land Use Map in the 2018 Homer Comprehensive Plan.

21.12.030 Conditional Uses and Structures

m. More than one building containing a permitted principal use on a lot except as provided for in HCC 21.12.020(s)

Section 2. Homer City Code Chapter 21.14, Urban Residential District is amended as follows:

21.14.020 Permitted Uses and Structures.

The following uses are permitted outright in the Urban Residential District:

~~s. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b) excluding mobile homes.~~

21.14.030 Conditional uses and structures.

The following uses may be permitted in the Urban Residential District when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

k. More than one building containing a permitted principal use on a lot, except as provided for in HCC 21.14.020(s);

Section 3. Homer City Code Chapter 21.16, Residential Office District is amended as follows:

21.16.020 Permitted Uses and Structures.

The following uses are permitted outright in the Residential Office District:

~~v. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b) excluding mobile homes.~~

21.16.030 Conditional uses and structures.

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

h. More than one building containing a permitted principal use on a lot, ~~except as provided for in HCC 21.16.020(v);~~

Section 4. Homer City Code Chapter 21.18, Central Business District is amended as follows:

21.18.020 Permitted Uses and Structures.

The following uses are permitted outright in the Central Business District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reason set forth in this chapter:

~~mm. Up to 4 buildings on a lot excluding mobile homes, except as provided for in HCC 21.18.030.~~

Section 5. Homer City Code Chapter 21.22, Gateway Business District is amended as follows:

21.22.020 Permitted Uses and Structures.

The following uses are permitted outright in the Gateway Business District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reason set forth in this chapter:

~~r. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)&(b) excluding mobile homes.~~

21.22.030 Conditional Uses and Structures.

a. More than one building containing a permitted principal use on a lot, ~~except as provided for in HCC 21.22.020(r).~~

Section 5. Homer City Code Chapter 21.24, General Commercial1 District is amended as follows:

91 21.24.020 Permitted Uses and Structures.

92 The following uses are permitted outright in the General Commercial 1 District, except when
93 such use requires a conditional use permit by reason of size, traffic volumes, or other reason
94 set forth in this chapter:

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

96 21.24.030 Conditional Uses and Structures.

97 **j. More than one building containing a permitted principal use on a lot**

98 Section 6. Homer City Code Chapter 21.26, General Commercial 2 District is amended
99 as follows:

100 21.24.020 Permitted Uses and Structures.

101 The following uses are permitted outright in the General Commercial 2 District, except when
102 such use requires a conditional use permit by reason of size, traffic volumes, or other reason
103 set forth in this chapter:

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

105 21.26.030 Conditional Uses and Structures.

106 **l. More than one building containing a permitted principal use on a lot**

107 Section 7. This ordinance is of a permanent and general character and shall be
108 included in Homer City Code.

109
110 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2023.

111
112
113 CITY OF HOMER

114
115
116 _____
117 KEN CASTNER, MAYOR
118
119

120 ATTEST:
121
122
123 _____
124 MELISSA JACOBSEN, MMC, CITY CLERK
125
126 Introduction:
127 Public Hearing:
128 Second Reading:
129 Effective Date:
130
131 YES:
132 NO:
133 ABSTAIN:
134 ABSENT:



City of Homer

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Planning

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Memorandum PL 23-049

TO: Homer Planning Commission
FROM: Ryan Foster, AICP, City Planner
DATE: August 9, 2023
SUBJECT: Ordinance 23-21(S) Title 22 Subdivision Text Amendment

Introduction

At their regular meeting on April 10, 2023, the City Council referred Ordinance 23-21 Amending Homer City Code Section 22.10.050 and referred it to the Planning Commission for comment and input with a public hearing and second reading on May 22, 2023. With the departure of the previous City Planner, Rick Abboud in May of 2023, Ordinance 23-21 was not referred to the Planning Commission in the time allotted. On June 26, 2023, as Acting City Planner, I acknowledged that the Planning Commission had not reviewed Ordinance 23-21 and prepared to refer it to the Planning Commission with a public hearing and second reading scheduled for the City Council regular meeting of August 28, 2023. An Ordinance 23-21(S) was introduced at the June 26, 2023 regular meeting and is now before the Planning Commission for your comment and input. Since the text amendments in Ordinance 23-21(S) is relevant to Public Works, I forwarded the Ordinance to Jan Keiser, City Engineer and Public Works Director, for review and comment. Attached is a memorandum with her comments on the draft ordinance for your consideration.

Requested Action:

Option #1: Provide comments on Ordinance 23-21(S) for the August 28, 2023 City Council regular meeting.

Option #2: Request an extension from City Council for more time to review, discuss, and comment on Ordinance 23-21(S). This option was noted at the June 26, 2023 meeting.

Attachments:

Agenda Item Report CC-23-092 from April 10, 2023

Ordinance 23-21(S): Amending Title 22

Memorandum dated August 7, 2023 from Jan Keiser, City Engineer and Public Works Director



AGENDA ITEM REPORT

Ordinance 23-21, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 22.10.050 to Specify that Preliminary Plats Approved by the City Shall Include all Development Commitments made to the City, and that a Final Plat for the City of Homer Shall be an As-Built Survey. Davis/Erickson.

Item Type: Ordinance
Prepared For: Mayor Castner and Homer City Council
Meeting Date: 10 April 2023
From: Council Members Davis and Erickson

The intent of this ordinance is to address the phenomenon of new subdivisions coming into existence in Homer that do not include various development commitments (e.g. sidewalks, trails, easements, drainage routes & infrastructure) that were made to the City during the approvals process for the subdivision, but were never implemented.

The proposed solution is to a) require that all development commitments made to the City be included on the preliminary plat prior to its approval by the City and transmittal to the Kenai Peninsula Borough, and b) to require that the final plat issued by the Borough be an as-built survey showing completion of all the commitments included on the preliminary plat.

Our intent in introducing this ordinance now is not that it be passed immediately, but that it be referred to the Planning Commission for comment and input.

Recommendation:

Introduce Ordinance 23-21 and refer to the Planning Commission, schedule public hearing and second reading on May 22, 2023.

Attachments:

Ordinance 23-21

**CITY OF HOMER
HOMER, ALASKA**

Davis/Erickson

ORDINANCE 23-21

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE SECTION 22.10.050 TO SPECIFY
THAT PRELIMINARY PLATS APPROVED BY THE CITY SHALL
INCLUDE ALL DEVELOPMENT COMMITMENTS MADE TO THE CITY,
AND THAT A FINAL PLAT FOR THE CITY OF HOMER SHALL BE AN
AS-BUILT SURVEY.

WHEREAS, The City of Homer has a responsibility to its residents to ensure that new subdivisions are designed and built with necessary infrastructure for the health and safety of its citizens and the protection of the environment; and

WHEREAS, Developers of new subdivisions often make development commitments to the City related to sidewalks, trails, sewer connections, drainage, storm water controls, grading, slope, setbacks, protection of wetlands, preservation of existing watercourses and/or mitigation of potential downstream impact of watercourse alteration, and other subdivision improvements that may be required by code, or which may not be required by code but may arise in consultations with city staff or in response to public testimony related to the development; and

WHEREAS, The public hearing that is included in the preliminary plat approval process is the primary opportunity for public engagement in the process of developing new subdivisions, and this public engagement sometimes results in additional development commitments being made to the city; and

WHEREAS, In the past there have been instances where development commitments that were made to the City were not implemented as promised; and

WHEREAS, Current city code envisions a final plat to be issued by the Borough on the basis of an agreement to carry out certain commitments, rather than on the basis of those commitments actually having been carried out; and

WHEREAS, A policy requiring all development commitments to be included on the preliminary plat, and requiring the final plat to be an as-built survey showing completion of all the elements included on the preliminary plat would appear to be an effective means of ensuring all commitments undertaken by a subdivider have been implemented.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 22.10.050 entitled "Improvement requirements - General" is hereby amended as follows:

22.10.050 Improvement requirements - General

a. **The final plat for a subdivision in the City shall be an as-built survey showing completion of all elements of the previously-approved preliminary plat.** The Kenai Peninsula Borough shall not release any final plat for a subdivision in the City for filing at the State Recorder's office until the subdivider or developer of the subdivision ~~either enters a subdivision agreement for, or constructs and obtains written City approval of,~~ the following improvements, according to the standards and procedures required under HCC Title [11](#):

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

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

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

d. All street, utility main improvements and means for non-motorized transportation to be constructed as part of a subdivision agreement shall be constructed according to the procedures of Chapter [11.20](#) HCC. The City shall accept no such improvements unless a subdivision agreement is executed prior to construction of such improvements.

e. Any development commitments made by a subdivider to the City shall be shown on the preliminary plat prior to its transmittal by the City to the Kenai Peninsula Borough. Any plat notes provided in lieu of drawings shall be specific and promissory. Such development commitments may be related to sidewalks, trails, sewer connections,

drainage, storm water controls, grading, slope, setbacks, protection of wetlands, preservation of existing watercourses and/or mitigation of potential downstream impact of watercourse alteration, and any other subdivision improvements, whether required by code, or which may not be required by code but may arise in consultations with city staff or in response to public testimony related to the development.

e **f.** All streets constructed as part of a subdivision improvement project shall be monumented according to the procedures of Chapter [11.20](#) HCC (HCC [11.20.090](#)(d)).

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

ENACTED BY THE HOMER CITY COUNCIL this ____ day of ____, 2023.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

CITY OF HOMER
HOMER, ALASKA

Davis/Erickson

ORDINANCE 23-21(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE SECTION 22.10.050 TO SPECIFY
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WHEREAS, The City of Homer has a responsibility to its residents to ensure that new subdivisions are designed and built with necessary infrastructure for the health and safety of its citizens and the protection of the environment; and

WHEREAS, Developers of new subdivisions often make development commitments to the City related to sidewalks, trails, sewer connections, drainage, storm water controls, grading, slope, setbacks, protection of wetlands, preservation of existing watercourses and/or mitigation of potential downstream impact of watercourse alteration, and other subdivision improvements that may be required by code, or which may not be required by code but may arise in consultations with city staff or in response to public testimony related to the development; and

WHEREAS, The public hearing that is included in the preliminary plat approval process is the primary opportunity for public engagement in the process of developing new subdivisions, and this public engagement sometimes results in additional development commitments being made to the city; and

WHEREAS, In the past there have been instances where development commitments that were made to the City were not implemented as promised; and

WHEREAS, Current city code envisions a final plat to be issued by the Borough on the basis of an agreement to carry out certain commitments, rather than on the basis of those commitments actually having been carried out, **or agreed to contractually**; and

WHEREAS, A policy requiring all development commitments to be **captured in the form of a contractual subdivision agreement that would be signed prior to issuance of** ~~included on the preliminary plat, and requiring the final plat to be an as-built survey showing completion of all the elements included on the preliminary plat~~ would appear to be an effective means of ensuring all commitments undertaken by a subdivider have been implemented.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 22.10.050 entitled "Improvement requirements - General" is hereby amended as follows:

22.10.050 Improvement requirements – General

a. ~~The final plat for a subdivision in the City shall be an as-built survey showing completion of all elements of the previously approved preliminary plat.~~ The Kenai Peninsula Borough shall not release any final plat for a subdivision in the City for filing at the State Recorder's office until the subdivider or developer of the subdivision ~~either enters a subdivision agreement for, or~~ **either enters into a subdivision agreement and** constructs and **or** obtains written City approval of, ~~the following~~ **all agreed to** improvements **therein, including those made** according to the standards and procedures required under HCC Title **11:**

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

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

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

d. All street, utility main improvements and means for non-motorized transportation to be constructed as part of a subdivision agreement shall be constructed according to the procedures of Chapter [11.20](#) HCC. The City shall accept no such improvements unless a subdivision agreement is executed prior to construction of such improvements.

e. Any development commitments made by a subdivider to the City shall be shown on the preliminary plat prior to its transmittal by the City to the Kenai Peninsula Borough. Any plat notes provided in lieu of drawings shall be specific and promissory. Such development commitments may be related to sidewalks, trails, sewer connections, drainage, storm water controls, grading, slope, setbacks, protection of wetlands, preservation of existing watercourses and/or mitigation of potential downstream impact of watercourse alteration, and any other subdivision improvements, whether required by code, or which may not be required by code but may arise in consultations with city staff or in response to public testimony related to the development.

e **f.** All streets constructed as part of a subdivision improvement project shall be monumented according to the procedures of Chapter [11.20](#) HCC (HCC [11.20.090](#)(d)).

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

ENACTED BY THE HOMER CITY COUNCIL this ____ day of ____, 2023.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

DATE: August 7, 2023

TO: Ryan Foster, City Planner

FROM: Janette Keiser, PE, City Engineer and Public Works Director

RE: Proposed Ordinance 23-21(S) regarding preliminary plats

Here are my comments regarding the proposed ordinance:

1. **Reference:** WHEREAS #2 (Line 17) states that “[d]evelopers often make development commitments...which may not be required by code but may arise in consultation with city staff or in response to public testimony...”

Comment: Commitments, which arise “in consultation with city staff” are either grounded in City Code or the City’s technical specifications, and are memorialized in the City’s Standard Specifications, Design Criteria, and the Construction Drawings, which are prepared for the subdivision. Such commitments are then, identified with specificity in the Subdivision Development Agreement, the satisfaction of which is already a pre-requisite to the City’s approval of a Final Plat. Commitments made “in response to public testimony”, which have a basis in the HCC, are also made part of the Subdivision Development Agreement. We do not need a new tool for these kinds of commitments. We should not be requiring, or expecting, developers to make commitments that are not grounded in City Code or the City’s technical specifications.

2. **Reference:** WHEREAS #3 (Line 25) refers to “additional development commitments”.

Comment: These kinds of commitments, if grounded in City Code, should be captured in the Subdivision Development Agreement. There should not be any “additional development commitments” that are not either grounded in City Code or captured in the Subdivision Development Agreement.

3. **Reference:** WHEREAS #4 (Line 30) says “there have been instances where development commitments... were not implemented as promised...”

Comment: As mentioned above, any development commitments must be grounded in City Code and set forth in the Subdivision Development Agreement to be enforceable.

4. **Reference:** WHEREAS #5 (Line 33) says a final plat is issued by the Borough on the basis of a commitment, not the realization of those commitments.

Comment: This is not true. The Borough will not issue a Final Plat until the City signs off on the completion of the improvements set forth in the Subdivision Development Agreement.

5. **Reference:** WHEREAS #6 (Line 37) seems to desire that final plats be issued only when a subdivision agreement has been signed.

Comment: Current practice is that final plats are issued only when the City notifies the Borough that a Subdivision Development Agreement has been, not just signed, but completed. We do not recommend deviating from this practice.

6. **Reference:** Lines 49 – 64. This is current practice.

Comment: Now, the City has the requirement that a developer must post a bond worth 150% of the estimated cost of the improvements, at the time the Subdivision Development Agreement is executed.

7. **Reference:** Lines 91-93. This would require the developer to provide improvements that *“may not be required by code but may arise in consultations with city staff or in response to public testimony...”*

Comment: City staff should not be requiring improvements that are not grounded in City Code. Requiring the developer to provide improvements that are requested in public testimony, but which aren’t set forth in City Code, opens the door to arbitrary and capricious requests for playgrounds, dog parks, street art, sidewalks paved in gold and other spurious ideas. This exposes the City to risks from legal challenges. One of the few things the City, as a municipal body, cannot do is make arbitrary and capricious decisions.

8. **Reference:** Ordinance title states *“a final plat for the City...shall be an as-built survey.”*

Comment: The term *“as-built survey”* is a technical term of art, which refers to the actual configuration, dimensions, materials, elevations, and distances used in the construction of a particular utility or facility. We require the developer to provide as-built drawings as a condition precedent to receiving a Certificate of Final Completion, which is required before the City will notify the Borough that a final plat may be issued. The *“final plat”* is not the *“as-built”* and calling it such is not an appropriate application of this term. Requiring the *“final plat”* to contain the same level of detail as an *“as-built”* is contradictory to best engineering practice.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

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

Staff Report 23-050

TO: Homer Planning Commission **23-050**
FROM: Ryan Foster, AICP, City Planner
DATE: 8/4/2023
SUBJECT: Glacier View Subdivision

Requested Action: Approval of a preliminary plat for a lot line vacation to create one larger lot out of two smaller lots.

General Information:

Applicants:	William Miller 403 Klondike Avenue Homer, AK 99603	Peninsula Land Surveys PO Box 1161 Kasilof, AK 99610
Location:	Klondike Avenue, West of Kachemak Way	
Parcel ID:	17710105 and 17710104	
Size of Existing Lot(s):	0.14 acres and 0.14 acres	
Size of Proposed Lots(s):	0.28 acres	
Zoning Designation:	Central Business District	
Existing Land Use:	Residential and Vacant	
Surrounding Land Use:	North: Vacant South: Residential East: Residential West: Residential	
Comprehensive Plan:	1-C-1 Promote infill development in all housing districts.	
Wetland Status:	No wetlands present.	
Flood Plain Status:	Not located in a flood plain.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are present on Klondike Avenue	
Public Notice:	Notice was sent to 78 property owners of 80 parcels as shown on the KPB tax assessor rolls.	

Analysis: This subdivision is within the Central Business District. This plat vacates a lot line to create one larger lot from two smaller lots.

Homer City Code 22.10.051 Easements and rights-of-way

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

Staff Response: The plat does not meet this requirement. The plat notes a 10-foot sewer easement. Recommend noting a 15-foot-wide utility easement on the plat or provide an explanation on how this requirement cannot be met and request an exception.

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

Staff Response: The plat meets these requirements. City sewer and water are already provided. *No additional easements are needed.*

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities required by HCC 11.04.120.

Staff Response: The plat meets these requirements.

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

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

Staff Response: The plat meets these requirements. Does the surveyor intend on adding a number to the subdivision title?

- B. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political

boundaries and prominent natural and manmade features, such as shorelines or streams;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. *No such areas are proposed.*

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat does not meet these requirements. Recommend the surveyor provide the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision to the preliminary plat.

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

Staff Response: The plat meets these requirements. No roads are dedicated.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

Public Works Comments: No comments.

Staff Recommendation:

Planning Commission recommends approval of the preliminary plat with additional comments below.

1. Recommend noting a 15-foot-wide utility easement on the plat or provide an explanation on how this requirement cannot be met and request an exception.
2. Does the surveyor intend on adding a number to the subdivision title?
3. Recommend the surveyor provide the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision to the preliminary plat.

Attachments:

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

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____.

BY: _____
Authorized Official
Kenai Prninsula Borough

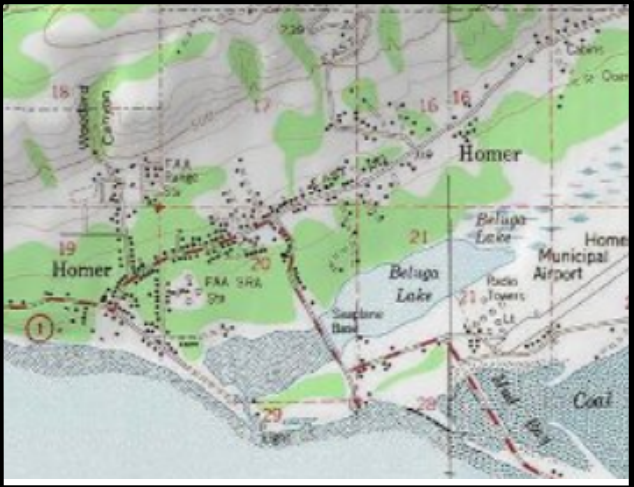
_____ Date

WASTEWATER DISPOSAL

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

NOTES

- 1. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of an utility to use said easement.
- 2. This subdivision is subject to the zoning regulations of the City of Homer
- 3. This lot is served by the City of Homer water and sewer.
- 4. There exists a right-of-way granted to Homer Electric Association Inc.,recorded 8-21-1958 in Book 13 at Page 207. Affects: Blanket Easement



VICINITY MAP SCALE: 1" =1 MILE

CERTIFICATE OF OWNERSHIP

I hereby certify that I am the owner of the real property shown and described hereon. That I hereby adopt this plat of subdivision and by my free consent dedicate all rights of way and public areas to public use and grant all easements to the use shown herein.

William Miller
403 Klondike Avenue
Homer, AK 99603

NOTARY'S ACKNOWLEDGEMENT

For: _____
Subscribed and sworn before me this _____ day
of _____, 20____.

Notary Public for Alaska
My Commission Expires: _____



CERTIFICATE OF ACCEPTANCE

The undersigned official identified by name and title is authorized to accept an hereby accepts on behalf of the Kenai Peninsula Borough for public puposes the real property to be dedicated by this plat including easements, Rights-of Way, alleys and other public use areas shown on this plat. The acceptance of lands for public use or public puposes does not obligate the buplic aor any governing body to construst, operate, or maintain improvements.

BY: _____
Authorized Official
City of Homer

_____ Date

SURVEYOT'S CERTIFICATE

I, Brett A. Wilmot, professional land surveyor, do hereby certify that the plat of GLACIER VIEW SUBDIVISION No. xxx is a true and correct representation of lands actually surveyed and that the distances and bearings are shown according to record Plat No.74-287, filed May 9, 1974. No field survey was conducted for this survey.



Plat of
GLACIER VIEW SUBDIVISION No.
RESUBDIVISION OF LOTS 6 & 7 , BLOCK 10, GLACIER VIEW No. 2 SUB
CREATING LOT 6A
Located within
SE1/4 NW1/4 Sec. 20, T6S, R13W, S.M., Alaska
WITHIN THE CITY OF HOMER
and containing 0.275 Acres
HOMER RECORDING DISTRICT

PENINSULA LAND SURVEYS
Brett Wilmot, PLS
P.O. Box 1161, Kasilof Alaska 99610

760-977-0996

SCALE: 1"= 100'

DATE: July 2023

DRAWN: BE

CHECKED BW

Sheet 1 of 1

SURVEYOR'S REPORT

This plat submittal is a lot line vacation, the lot line is common to lots 6 and 7 block 10 of the Glacier View Subdivision No. 2 Replat Blocks 8, 9, &10. Recorded as plat No. HM1974847. No survey was conducted for this plat, record information is from the parent plat mentioned above.

NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

Glacier View Subdivision Preliminary Plat

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

A public meeting will be held by the Homer Planning Commission on Wednesday, August 16th, 2023 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5 p.m. on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for August 11, 2023 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4 p.m. on the day of the meeting.

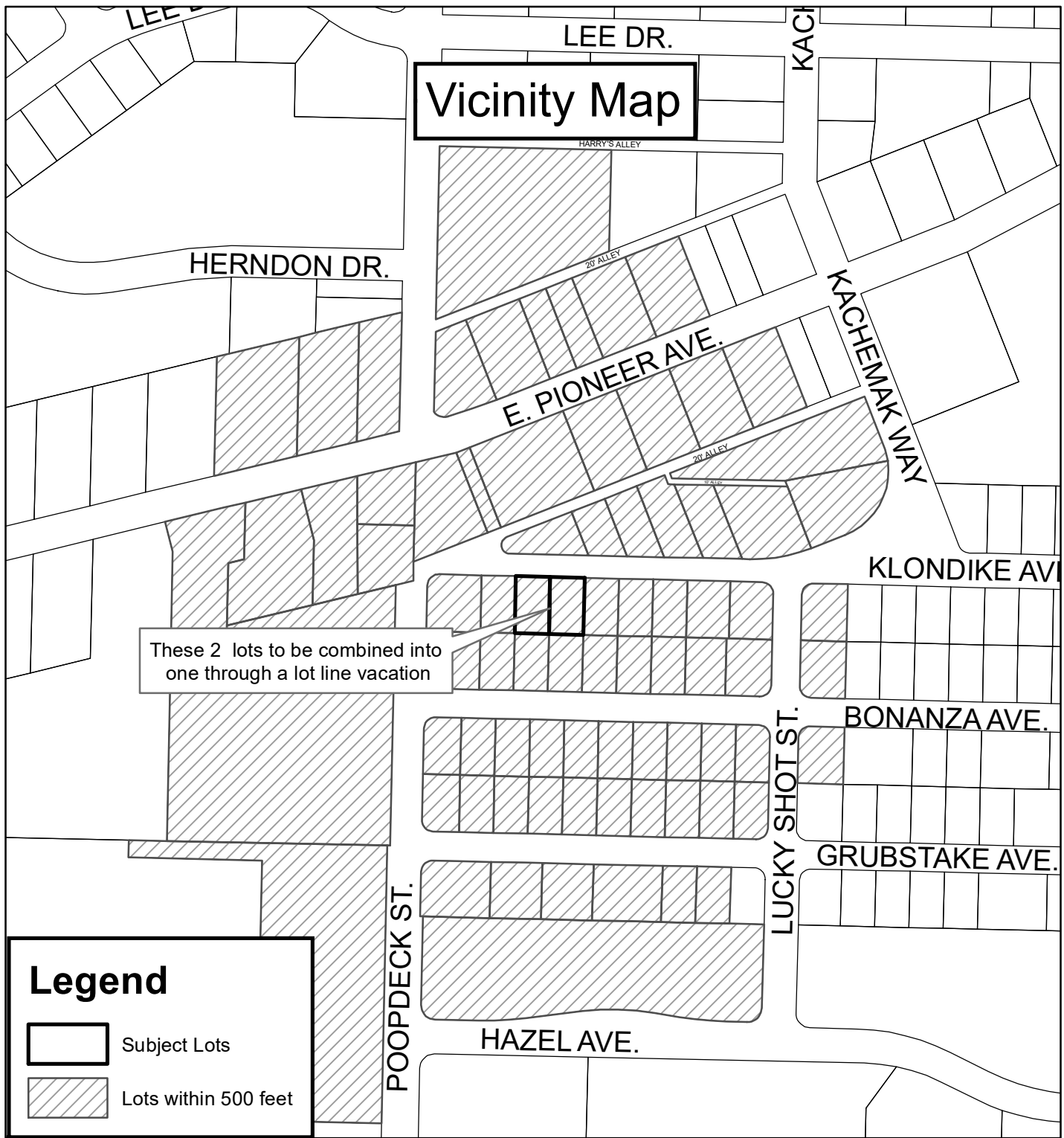
If you have questions or would like additional information, contact Ryan Foster at the Planning and Zoning Office. Phone: (907) 235-3106, email: clerk@cityofhomer-ak.gov, or in-person at Homer City Hall.

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

.....

VICINITY MAP ON REVERSE

Vicinity Map

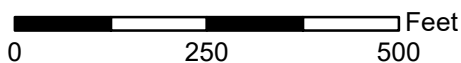


City of Homer
Planning and Zoning Department

August 2, 2023

Request for Glacier View Subdivision Replat

Marked lots are within 500 feet
and property owners notified.



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



Aerial Map

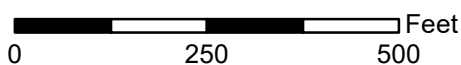
These 2 lots to be combined into one with a lot line vacation

Request for Glacier View Subdivision Replat



City of Homer
Planning and Zoning Department

August 2, 2023



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City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report 23-51

TO: Homer Planning Commission **23-51**
FROM: Ryan Foster, AICP, City Planner
DATE: 8/4/2023
SUBJECT: Bidarki Creek No 5 (Revised)

Requested Action: Approval of a preliminary plat to subdivide two existing lots into 4 total lots.

General Information:

Applicants:	McKennen and Rachael Lamb 2585 Timpview Dr Provo, UT 84604	Tom Latimer, Orion Surveys PO Box 15025 36570 Maria Rd Fritz Creek, AK 99603
Location:	Sterling Highway, west of West Hill Road, just east of Bidarki Creek	
Parcel ID:	17525012 and 17525013	
Size of Existing Lot(s):	1.01 and 2.11 acres	
Size of Proposed Lots(s):	0.72, 0.75, 0.73, and 0.90 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential and Vacant	
Surrounding Land Use:	North: Residential South: Vacant/Residential East: Residential West: Residential	
Comprehensive Plan:	Chapter 4 item 1-C-1 Promote infill housing in all housing districts.	
Wetland Status:	The 2005 wetland mapping shows wetlands along Bidarki Creek. The creek itself appears to be west of these properties.	
Flood Plain Status:	Not located in a flood plain.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are present	
Public Notice:	Notice was sent to 36 property owners of 30 parcels as shown on the KPB tax assessor rolls.	

Analysis: This subdivision is within the Rural Residential District. This plat creates two additional lots from two existing lots, resulting in a total of four lots. This is a revised preliminary plat that was approved by the Kenai Peninsula Borough for a total of nine lots and the dedication of a ROW. The revised preliminary plat is for a total of four lots with no dedicated ROW.

Homer City Code 22.10.051 Easements and rights-of-way

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. City sewer and water are already provided. *No additional easements are needed.*

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities required by HCC 11.04.120.

Staff Response: The plat meets these requirements. No new dedicated rights-of-way are proposed. An existing sidewalk is located on the north side of the Sterling Highway.

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

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

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. *No such areas are proposed.*

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat does not meet these requirements. Recommend the surveyor provide the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision to the preliminary plat.

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

Staff Response: The plat meets these requirements. *No roads are dedicated.*

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. No known encroachments.

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

Staff Response: The plat meets these requirements.

Public Works Comments: The Developer will need to enter into a construction agreement with the City. A short water and sewer mainline extension will be required to provide service to lot 1, and a water and sewer service will need to be provided to lot 3. Lots 2 and 4 have existing services. The Developer will work with Public Works on design, engineering and applicable agreements for the subdivision.

Staff Recommendation:

Planning Commission recommends approval of the preliminary plat with additional comments below:

1. Recommend the surveyor provide the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision to the preliminary plat.
2. The Developer will need to enter into a construction agreement with the City. A short water and sewer mainline extension will be required to provide service to lot 1, and a water and sewer service will need to be provided to lot 3. Lots 2 and 4 have existing services.
3. The Developer will work with Public Works on design, engineering and applicable agreements for the subdivision.

Attachments:

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

NOTES:

1. This subdivision is subject to Homer City Code.
2. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
3. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
4. This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept. and the Army Corps of Engineers prior to any development activity.
5. Per Plat HM2007-106 a 50' wide drainage easement is on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
6. No access to state maintained rights-of-way permitted unless approved by the State of Alaska, Department of Transportation.
7. Covenants, conditions and restrictions which may affect portions of this subdivision are recorded in Bk. 68, Pg. 145 H.R.D.
8. The location of the northerly edge of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27. Per HM2012-27 the ROW was determined from calculations made using surveyed locations of found monuments and record data from Plats HM73-81, HM73-551, DOT&PF Right of Way maps from Alaska Project N. F 021-1(37) Homer Hill, and the corresponding ROW "Take" as shown in Book 251 Page 324.
9. There is a 15' Utility and Drainage easement benefitting the City of Homer recorded per Serial No. 2003-1950, H.R.D.
10. Bidarki Creek is subject to periodic flooding.
11. No structures are permitted within the panhandle portion of the flag lots.
12. The Borough will not enforce private covenants, easement, or deed restrictions per KPB 20.60.170.

LEGEND

- Found Survey Monument
- Set 2" Alcap on 5/8"x30" rebar
- FH

Fire Hydrant
- Bollard
- Abandoned CMP Well
- Utility Pole with anchor
- Wetland areas per KWF Wetland Assessment
- Approximate Slopes 20% or greater

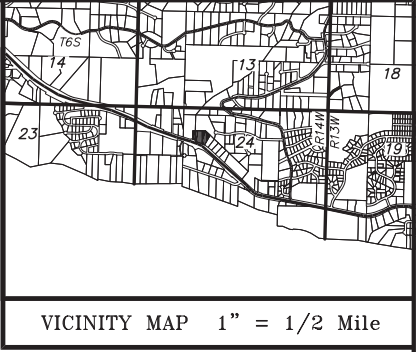
Line	Bearing	Distance
L1	S16°05'22"W	18.00'
L2	N73°54'38"W	21.52'
L3	S15°55'07"W	19.86'
L4	S29°39'29"W	33.52'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	766.20'	151.83'	151.59'	N68°14'01"W	11°21'15"
C2	20.00'	22.25'	21.12'	S42°02'07"E	63°45'01"
C3	50.00'	80.56'	72.13'	S27°45'07"E	92°19'01"
C4	50.00'	21.58'	21.41'	S30°46'10"W	24°43'32"
C5	50.00'	20.16'	20.03'	S54°41'07"W	23°06'22"
C6	50.00'	22.76'	22.57'	S79°18'53"W	26°05'10"
C7	50.00'	27.41'	27.07'	N71°58'16"W	31°24'31"
C8	50.00'	20.17'	20.04'	S44°42'33"E	23°06'57"
C9	230.00'	30.34'	30.32'	N29°22'19"W	7°33'30"
C10	230.00'	20.68'	20.67'	N23°01'00"W	5°09'07"
C11	230.00'	21.28'	21.27'	N17°47'25"W	5°18'02"
C12	230.00'	54.16'	54.04'	N08°23'37"W	13°29'34"
C13	766.20'	62.45'	62.43'	N64°53'29"W	4°40'12"
C14	766.20'	8.55'	8.55'	S67°32'47"E	0°38'23"
C15	766.20'	58.12'	58.11'	S70°02'21"E	4°20'46"
C16	766.20'	22.71'	22.71'	S73°03'41"E	1°41'53"

Plat Approval:
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____, 20____

Kenai Peninsula Borough

By: _____
Authorized Official



Ownership Certificate:
We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

McKennen Lamb, for former Tract 2
2585 Timpview Dr.
Provo, UT 84604

Notary's Acknowledgement:

For _____
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

Rachael Lamb, for former Tract 2
2585 Timpview Dr.
Provo, UT 84604

Notary's Acknowledgement:

For _____
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

Kristen Lamb Reilly, for former Tract 1
2795 Rolling Hills Dr.
Provo, UT 84604

Notary's Acknowledgement:

For _____
Acknowledged before me this _____ day of _____, 20____.

Notary Public for Alaska
My commission expires: _____

WASTEWATER CERTIFICATE:
Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.

Engineer _____ License # _____ Date _____



BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2
Bidarki Creek No. 4 HM2012-27
Within NW1/4, Sec. 14, T6S, R14W, SM,
in the City of Homer, Kenai Peninsula Borough,
Homer Recording District,
Third Judicial District, Alaska
Containing 3.114 Acres

Prepared for:
McKennen and Rachael
Lamb
2585 Timpview Dr.
Provo, Utah 84604 and
Kristen Lamb Reilly
2795 Rolling Hills Dr.
Provo, Utah 84604

Prepared by:
Orion Surveys
PO Box 15025,
36570 Maria Road,
Fritz Creek, AK 99603
(907) 399-7028
tom@orionsurveys.com

Scale: 1"=30' Date: 8/1/2023
FB: 24 Job# 965 KPB File No. 2022-160

Orion Surveys
PO Box 15025
Fritz Creek, AK 99603

August 1, 2023,

Planning Staff,
KPB Planning Department
144 N. Binkley,
Soldotna, AK 99669

Re: Bidarka Creek 5, Revised Preliminary Plat submittal

Staff,

Please find enclosed two full size copies and three reduced (11"x17") copies of this plat along with other materials for a complete preliminary plat submittal. As a revised preliminary submittal no additional fee is included.

This submittal is a revision of a preliminary plat that was presented to the City of Homer at their meeting of September 21, 2022. That plat was later approved by the Kenai Peninsula Borough Plat Committee at their meeting of November 14, 2022. Several appeals to that approval were filed and the plat was again approved on reconsideration by the full Planning Commission on January 23, 2023. This current revised preliminary plat has been driven by several financial issues related to development costs and utility expenses.

As in the original preliminary plat design, Mutual Use Driveway and (and possibly utility) Agreements are proposed to enable common use of the lower portions of the lots so that all four lots can use a common point for access to the Sterling Highway. No right of way dedication is proposed. Preliminary sample documents that were drafted for the original plat submittal are included here for review. We are currently working with the city of Homer on updated driveway and utility plans. Detailed engineering for this revised design has not been completed at this time but City of Homer Public Works staff have reviewed the preliminary development plan and are in agreement with our proposed general plan subject to full design work.

At their meeting the City of Homer Planning Commission had several comments on the plat. Several commissioners primarily objected to the plat on the number of lots and the density of development. A redesign to four lots was suggested, and based on the comments of the commission and several public comments, the recommendation was made to deny any requests for exception to borough code. No conflicts with either city or borough code were cited to support these objections. In response to those comments when the original preliminary plat was submitted to the KPB it was revised to remove one lot and lots were revised so that no exceptions at all to borough code were required.

This revised preliminary plat complies with the request from the City of Homer Planning Commission and many of the public comments to reduce the number of lots to four. Due to the existing houses

and the need to keep them on separate lots the design of Lot 3 most likely does not meet the 3:1 depth to width requirement in KPB 20.30.190. The irregular shape of the lot makes application of the 3:1 measurement difficult. Lots 1 and 2 are also irregular but my measurements show that they comply with the 3:1 requirement. While Lot 3 could be redesigned to comply with the 3:1 requirement, this proposed design provides for more regularly shaped lots and more usable land in front of each of the existing houses. In order to allow for this preferred lot design we request an exception to KPB 20.30.190, 3:1 length to width ratio for 3 and also for Lots 1 and/or 2 if staff determine they are not in compliance.

This submittal was also given to the City of Homer for review. They may decide that the current proposal is in compliance with the previous Planning Commission comments and that no further public hearing in Homer is required. In that case letters from city officials will accompany or very shortly follow this submittal. If the decision is made bring this before the planning commission the planning director has agreed to waive the submittal deadlines since this plat has already been reviewed, present this to the Planning Commission at their meeting on Aug. 16, and provide comments to the borough shortly after that. If the city decides to withhold comments until after the KPB preliminary plat submittal deadline of August 4 we request that this revised preliminary plat be scheduled for a public hearing on August 28 with the understanding that comments from the City of Homer will be forthcoming before the Borough Plat Committee meeting.

Please contact me if you have any questions.

Sincerely

Tom Latimer

encl

Full size paper plats (2)

Reduced paper plat (11"x17")(3)

Updated Certificate to Plat Tract 1

Updated Certificate to Plat Tract 2

As a revised preliminary no additional plat review fee is required

Sample mutual use driveway and utility agreement

NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

Bidarki Creek No. 5 Preliminary Plat

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

A public meeting will be held by the Homer Planning Commission on Wednesday, August 16th, 2023 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5 p.m. on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for August 11, 2023 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4 p.m. on the day of the meeting.

If you have questions or would like additional information, contact Ryan Foster at the Planning and Zoning Office. Phone: (907) 235-3106, email: clerk@cityofhomer-ak.gov, or in-person at Homer City Hall.

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

.....

VICINITY MAP ON REVERSE

Vicinity Map

These two lots
to be divided into
4 lots

West Hill Rd.

Hillside Pl.

Sterling Highway

Legend



Subject Lots



Lots within 500 feet



City of Homer
Planning and Zoning Department

August 2, 2023

Request for Bidarki Creek 5 Preliminary Plat

Marked lots are within 500 feet and
property owners notified.

0 250 500 Feet




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Aerial Map



Legend


 Subject Lots



City of Homer
Planning and Zoning Department
August 2, 2023

Request for Bidarki Creek 5 Preliminary Plat

Marked lots are within 500 feet and
property owners notified.

 Feet
0 250 500



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**PLANNING COMMISSION
2023 Calendar**

	AGENDA ITEM DEADLINES	MEETING DATE	COMMISSIONER SCHEDULED TO REPORT	CITY COUNCIL MEETING FOR REPORT*	ANNUAL TOPICS/EVENTS
JANUARY	12/14/22 Public Hearing Items	01/04/23		Monday,	●
	12/16/22 Preliminary Plat Submittals			01/09/23	
	12/23/22 Regular Agenda Items			6:00 p.m.	
	12/28/22 Public Hearing Items	01/18/23		Monday	●
	12/30/22 Prelim Plat Items			01/23/23	
	01/06/23 Regular Agenda Items			6:00 p.m.	
FEBRUARY	01/11/23 Public Hearing Items	02/01/23	Highland	Monday	● PC Training on Legislative vs Quasi-Judicial decisions
	01/13/23 Prelim Plat Items			02/13/23	
	01/20/23 Regular Agenda Items			6:00 p.m.	● Developing and Writing Decisions & Findings
	01/25/23 Public Hearing Items	02/15/23		Monday	●
	01/27/23 Prelim Plat items			02/27/23	
	02/03/23 Regular Agenda Items			6:00 p.m.	
MARCH	02/08/23 Public Hearing Items	03/01/23		Monday	● AK APA Conference
	02/10/23 Prelim Plat Items			03/13/23	
	02/17/23 Regular Agenda Items			6:00 p.m.	● Comp Plan & Title 21 Update, Grading Permit, Homer Housing Event Presentation/Discussion
	02/22/23 Public Hearing Items	03/15/23		Tuesday	● Presentation on Old Town, Transportation Plan Updates and Timeline
	02/24/23 Prelim Plat Items			03/28/23	
	03//23 Regular Agenda Items			6:00 p.m.	
APRIL	03/15/23 Public Hearing Items	04/05/23		Monday	● HNMTTP Review
	03/17/23 Prelim Plat Items			04/10/23	
	03/24/23 Regular Agenda Items			6:00 p.m.	● Comp Plan Review
	03/29/23 Public Hearing Items	04/19/23		Monday	● Amend meeting Schedule to once per month
	03/31/23 Prelim Plat Items			04/24/23	
	04/07/23 Regular Agenda Items			6:00 p.m.	● Amend Public Comment Submittal deadline
MAY	04/12/23 Public Hearing Items	05/03/23	Barnwell	Monday	●
	04/14/23 Prelim Plat Items			05/08/23	
	04/21/23 Regular Agenda Items			6:00 p.m.	
	04/26/23 Public Hearing Items	05/17/23		Monday	●
	04/28/23 Prelim Plat Items			05/22/23	
	05/05/23 Regular Agenda Items			6:00 p.m.	
JUNE	05/17/23 Public Hearing Items	06/07/23		Monday	● Reappointment Applications will be sent out
	05/19/23 Prelim Plat Items			06/12/23	
	05/26/23 Regular Agenda Items			6:00 p.m.	●

JUNE	05/31/23 Public Hearing Items 06/02/23 Prelim Plat Items 06/09/23 Regular Agenda Items	06/21/23	Monday 06/26/23 6:00 p.m.	•
JULY	06/28/23 Public Hearing Items 06/30/23 Prelim Plat Items 07/07/23 Regular Agenda Items	07/19/23	Monday 07/24/23 6:00 p.m.	<ul style="list-style-type: none"> • Reappointment Application Due • Spit Comp Plan review
AUGUST	07/12/23 Public Hearing Items 07/14/23 Prelim Plat Items 07/21/23 Regular Agenda Items	08/02/23	Monday 08/14/23 6:00 p.m.	<ul style="list-style-type: none"> • Election of Officers • Capital Improvement Plan
	07/26/23 Public Hearing Items 07/28/23 Prelim Plat Items 08/04/23 Regular Agenda Items	08/16/23	Monday 08/28/23 6:00 p.m.	<ul style="list-style-type: none"> • Training - City Clerk's Office
SEPTEMBER	08/16/23 Public Hearing Items 08/18/23 Prelim Plat Items 08/25/23 Regular Agenda Items	09/06/23	Monday 09/11/23 6:00 p.m.	<ul style="list-style-type: none"> • Economic Development Visitor • Draft Transportation Plan - Tentative
	08/30/23 Public Hearing Items 09/01/23 Prelim Plat Items 09/08/23 Regular Agenda Items	09/20/23	Monday 09/25/23 6:00 p.m.	
OCTOBER	09/13/23 Public Hearing Items 09/15/23 Prelim Plat Items 09/22/23 Regular Agenda Items	10/04/23	Monday 10/09/23 6:00 p.m.	<ul style="list-style-type: none"> • Floodplain or other Hazard regulation Overview
	09/27/23 Public Hearing Items 09/29/23 Prelim Plat Items 10/06/23 Regular Agenda Items	10/16/23	Monday 10/23/23 6:00 p.m.	•
NOVEMBER	10/11/23 Public Hearing Items 10/13/23 Prelim Plat Items 10/20/23 Regular Agenda Items	11/01/23	Monday 11/27/23 6:00 p.m.	<ul style="list-style-type: none"> • Annual Meeting Schedule Approval
DECEMBER	11/15/23 Public Hearing Items 11/17/23 Prelim Plat Items 11/24/23 Regular Agenda Items	12/06/23	Monday 12/11/23 6:00 p.m.	<ul style="list-style-type: none"> • Review Commission Bylaws, Policies and Procedures • Town Center Plan Review

*The Commission's opportunity to give their report to City Council is scheduled for the Council's regular meeting following the Commission's regular meeting, under Agenda Item 8 – Announcements/ Presentations/ Borough Report/Commission Reports. Reports are the Commission's opportunity to give Council a brief update on their work. Attend via Zoom or in Person.



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

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

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: August 10, 2023
SUBJECT: City Manager's Report for August 14, 2023 Council Meeting

Employee Appreciation BBQ

On August 2nd, a rare sunny day, the City Manager's office hosted an employee appreciation BBQ at City Hall. Staff from all over the City, and a few elected officials, converged on the City Hall for an afternoon of good food and good company. With numerous work sites scattered all over the City, it's uncommon for the whole team to be able to get together like this, but it's always a good time when we can make it happen. A big thank you to Assistant to the City Manager Bella Vaz for coordinating the event!



Visit with DOT Commissioner Anderson

In an effort to address transportation challenges in Alaska's Central Region, Representative Sarah Vance organized a visit with Alaska Department of Transportation and Public Facilities (DOT&PF) Commissioner Ryan Anderson to Homer on July 27. The visit aimed to familiarize the Commissioner with the area's needs and gain firsthand insights. Accompanied by DOT&PF Legislative Liaison/Special Assistant Andy Mills, the delegation met with local officials to discuss projects and plans, including Homer Mayor Ken Castner, Kachemak City Mayor Connie Isenhour, Homer City Councilmember Shelly Erikson, and City of Homer Special Projects Coordinator Jenny Carroll. Key topics included: addressing safety concerns and managing increased traffic on East End Road; evaluating road conditions and ensuring pedestrian safety on Kachemak Drive; exploring stormwater and groundwater management during road construction and the importance of local knowledge; analyzing Homer's Kachemak Sponge project and its significance; and erosion conditions on the Homer Spit.

Alaska Municipal League Summer Conference

At the time of this report's submittal, the AML summer conference is underway. On Wednesday, I led the one-day Alaska Municipal Management Association (AMMA) conference as president of the organization. We had about 25 participants from all over the state and wide ranging discussions covering topics like mental health/manager sustainability, homelessness in Alaska, strategic planning, and the future of generative AI in local government. The rest of the AML programming on Thursday and Friday is focused on legislative topics of statewide interest. The event will also feature a reception hosted by the City, coordinated by AML staff and Assistant to the City Manager Bella Vaz, on Thursday evening.

Finance Funds Overview

Working with the Finance Director, I have sketched out all of the various funds currently in use within the City. In future meetings, what we'd like to do is start working with Council to create policies for these funds. A few funds have existing policy documents, but the vast majority do not. We have approximately 40 to 50 funds to talk about. Some will be easy, some just need to be emptied and deleted, and others will require extended conversation. I anticipate that we'll be ready to get underway with the first of those discussions in September.

Transit Meeting

On August 3rd, I meet with Lisa Reinhart and Brad Parsons from the Southern Kenai Peninsula Transit Coalition (SKPTC) to discuss transit issues in Homer. There are a lot of benefits to enhanced public transportation, but Homer is a particularly tricky place in which to implement such services due to our population density, topography, lack of street parking, etc. We had a very wide ranging discussion about transit from the perspective of the City as a place, as an organization, and as an employer. Brad and Lisa are conducting numerous community interviews and I am very interested to see what findings come from the conversations.

Third Airline Potentially Coming to Homer

The City has been approached by Aleutian Airlines about signing a lease that would allow them the possibility of expanding their flights to include a Homer-Anchorage daily service starting this fall. Staff met with an Aleutian Air representative on July 20th for a walk through of the available terminal space for lease and to discuss options and operations. Aleutian Airlines run Saab 2000 aircraft, which are 50 seat passenger planes with takeoff capabilities that do well on short runways. They're thinking of providing a reliable business travel option, with service in the early morning and again in the evening to facilitate easy daily roundtrips. The collaborative meeting generated some positive ideas on how the available lease space within the Homer airport terminal might fit those plans. The City has received a lease application from the company that is going through internal staff review now and is slotted to be included in the August 28th packet for Council review.

Advisory Body Work Session Scheduling

In March, Council discussed the benefits of conducting off cycle work sessions with boards and commissions to conduct training that primarily addresses roles and responsibilities of advisory bodies, the report structure at Council meetings, recommendations to and from Council, and provide opportunity for questions and discussion. A successful session was scheduled in April with the Port and Harbor Advisory Commission. Sessions still need to be scheduled with the five remaining groups. City Clerk Jacobsen is interested in knowing if Council wants to begin scheduling in September or wait until October after elections, and if the preference to conduct one or two off-cycle work sessions per month.

AMLJIA Meeting

On July 28th I attended an Alaska Municipal League Joint Insurance Agency (AMLJIA) meeting of the board of trustees. As a reminder, I joined the board in 2022 as a member representative and all travel related to participation is paid for by AMLJIA. The big take away from this meeting, and frankly all recent meetings, is that “hard” market conditions continue to persist and will remain for an unknown number of years into the future. Members, like the City of Homer, should prepare for significant increases in the coming years. I think the increases already forecasted into the FY24/25 budget will cover our needs, but the next biennium may see big changes. These market conditions are not unique to Alaska, it is a nationwide phenomenon driven by large losses from fires, hurricanes, etc. One method AMLJIA is exploring to potentially reduce costs is a merger with Alaska Public Entity Insurance (APEI) to expand the pool in Alaska. Those talks are going well, but are a long term play.

CITY OF HOMER NEWSLETTER

VOL. II - ISSUE XI | AUGUST 2023



MONTHLY NEWSLETTER FROM THE OFFICE OF THE CITY MANAGER

COAST GUARD CUTTER ASPEN ARRIVES IN HOMER

On July 18, the U.S. Coast Guard Cutter Aspen reached its new homeport in Homer after sailing for more than five months and over 8,746 miles from Baltimore, Maryland.

The Cutter Aspen assumes the important role of the "Bull of the North," taking over from the Coast Guard Cutter Hickory as Homer's 225-foot Juniper class buoy tender. Its responsibilities include servicing navigational aids throughout the Kenai Peninsula and north of the Aleutian chain. In May 2022, the Hickory left Homer and entered the Maintenance and Modernization Availability (MMA) in June 2022. After the MMA is completed, the Hickory will be re-homeported in Guam. **(USCG D17 Public Affairs).**

During the arrival of the Cutter Aspen, Port Director Bryan Hawkins caught the first line ashore, a role he had fulfilled previously during the arrival of the Cutter Hickory in Homer when he was a new harbor officer. The crew of the Aspen honored him by offering him the same privilege this time. As he stood on the pier that morning, Bryan was delighted to witness the warm welcome given by families gathered to greet the returning crew.



WHAT'S INSIDE?

- Library Events
- Community Corner
- City Clerk's Office
- City Manager's Office
- DOT&PF Updates and Info
- Port & Harbor
- Harbor Expansion Study Update
- Public Works
- Local Hazard Mitigation Plan
- Fire Department
- Public Safety Corner
- Meet the Staff
- Planning & Zoning
- Municipal Art Collection
- Stay Connected with City Council
- Join Our Team

Discover something new today and see the latest City project updates information! Learn about ways community members can get involved at City Hall and in the Homer community.

Follow us on Social Media

- City Hall: [@cityofhomerak](#)
- Parks & Recreation: [@homerparksandrec](#)
- Homer Public Library: [@homerpubliclibrary](#)
- Homer Police: [@homerpolice](#)
- Fire Department: [@HomerVolFireDept](#)

Subscribe to the Monthly Newsletter:

www.cityofhomer-ak.gov/citymanager/monthly-email-newslet

"Where the Land Ends and the Sea Begins"

LIBRARY EVENTS

VIRTUAL AUTHOR TALKS

Zoom in and listen to your favorite authors talk about their latest books. For a complete list of Upcoming Speakers, go to librarycityofhomer.org/upcoming.

Aug 15	<i>The Prophets</i> by Robert Jones, Jr.	12-1 p.m.
Aug 23	<i>Chain of Thorns</i> by Cassandra Claire	4-5 p.m.
Aug 30	<i>Who Gets In and Why: A Year Inside College Admissions</i> by Jeff Selingo	10-11 a.m.

LIBRARY

AUTOMATIC RENEWALS

Avoiding overdue materials is now easier than ever since the library provides automatic renewals! When your item comes due, the computer will renew it automatically unless:

1. The item is on hold for another patron,
2. The renewal limit has been reached, or
3. The card is blocked.

Like always, most items can be renewed twice. Patrons who have an email in the system will receive a notice telling them that the item has (or has not) been renewed. Automatic renewals are turned on for all patrons and no registration is necessary.

For more information, contact Library staff at circ@ci.homer.ak.us or 907-235-3180.



Check out more library programs and events



Homer Public Library
500 Hazel Street - 907-235-3180
circ@ci.homer.ak.us
www.cityofhomer.ak.gov/library



COMMUNITY CORNER

CEREMONIAL RE-PLANTING OF THE PEACE TREE

The planting of a branch from the tree is a gesture of remembrance and peace in honor of the historical significance of the Hiroshima bombing, which occurred on August 6, 1945. Tea and refreshments will be available.

August 6 at 2 p.m., Homer Public Library
cityofhomer.ak.gov/library/programs-and-events

PICKLEBALL TOURNAMENT

September 1-3

City of Homer HERC

<https://bit.ly/3rMMLcB>

Must register by August 25
No late entries!

Register and Pay Online:
www.pickleballbrackets.com
"Cosmic Hamlet Open 2023"

Questions/Contact:
linreid@gmail.com

Hosted by Homer Pickleball Club and Homer Community Recreation

KNITTING CIRCLE

Mondays, 1:30 to 4:30 p.m.

Homer Public Library

cityofhomer.ak.gov/library/knitting-circle-1

CITY CLERK'S OFFICE

HOMER CITY COUNCIL CANDIDACY PERIOD OPEN ON TUESDAY, AUGUST 1

The City Clerk's office is accepting Candidacy Declarations for two City Council seats beginning Tuesday, August 1 through Tuesday, August 15 at 4:30 p.m. City Council terms are for three years each. To be eligible to serve, each candidate must meet voter qualifications outlined in Homer City Code (HCC) 4.05.010, and must have been a resident within the city for a period of one year immediately preceding the election day on which the person is a candidate, per HCC 2.08.020. Candidacy filing forms can be found on the City Clerk's webpage www.cityofhomer.ak.gov/cityclerk/regular-city-election-candidate-filing-information or at the City Clerk's office located at 491 E Pioneer Avenue.

Contact the City Clerk's office at 907-235-3130 or email clerk@ci.homer.ak.us with any questions.

VOTER REGISTRATION

The City of Homer Election Day is Tuesday, October 3, 2023. Voters must be registered to vote at a residence within the City at least 30 days before the election date. The deadline to register to vote for the October 3 election is Sunday, September 3, 2023. If you need to register to vote or update your voter registration, visit www.elections.alaska.gov to register online or stop by the City Clerk's office or Homer Public Library to register in person during regular business hours. Contact the City Clerk's office at 907-235-3130 or email clerk@ci.homer.ak.us with questions.



Peonies at City Hall

CITY MANAGER'S OFFICE

SISTER CITY 40TH YEAR ANNIVERSARY

2024 marks the 40th year anniversary of Homer's Sister City relationship with Teshio, Japan. This journey of cultural exchange and friendship has left a lasting impact on both of our communities.

The City is forming a dedicated planning task force to plan programming and events to celebrate the anniversary year. If you're passionate about fostering international connections and cultural exchange, we need your enthusiasm and ideas!

Interested in joining the task force or learning more about the Sister City program? Contact the City Manager's Office at citymanager@ci.homer.ak.us. Let's celebrate this milestone and strengthen the bond between Homer and Teshio!

Stay tuned for updates on the festivities in 2024!

August is Teshio Sister City Month!

Teshio and Homer have enjoyed a profound camaraderie, sharing of families, student exchanges, ideals and memorabilia since 1985. City of Homer Mayor James C. Hornaday proclaimed August as Teshio - Sister City Month on August 26, 2005.



Teshio's mascot is **Teshio Kamen** (てしお仮面) who is a superhero basket clam. He is given a "te" (天)-shaped badge to symbolize being honored.

TSUNAMI WARNING SIRENS ON JULY 15

Late on July 15, a 7+ magnitude earthquake near Sand Point triggered a tsunami warning for Homer. The warning phone system activated automatically at 10:48 p.m., and Chief Kirko, Chief Robl, and other emergency management members of City staff were on-site by 11 p.m. The NOAA Tsunami Center later excluded Homer and the Kenai Peninsula from the affected area. Unfortunately, at the same time, local sirens were triggered by an external source, causing confusion for residents and visitors. Thankfully, the all-clear was given within an hour.

In response to the incident, Police Chief Robl met with the Kenai Peninsula Borough Office of Emergency Management staff and regional stakeholders to review and discuss the warning's management.

The City acknowledges the confusion caused by conflicting alerts and is actively reviewing response procedures. Our focus is on improving emergency communication channels to ensure accurate information reaches everyone promptly.

Please sign up for our emergency alerts, stay tuned to reliable news sources, and familiarize yourself with evacuation routes and safety procedures at www.kpb.us/alerts.

VISIT FROM DOT&PF COMMISSIONER

In an effort to address transportation challenges in Alaska's Central Region, Representative Sarah Vance organized a visit with Alaska Department of Transportation and Public Facilities (DOT&PF) Commissioner Ryan Anderson to Homer on July 27. The visit aimed to familiarize the Commissioner with the area's needs and gain firsthand insights.

Accompanied by DOT&PF Legislative Liaison/Special Assistant Andy Mills, the delegation met with local officials to discuss projects and plans, including Homer Mayor Ken Castner, Kachemak City Mayor Connie Isenhour, Homer City Councilmember Shelly Erikson, and City of Homer Special Projects Coordinator Jenny Carroll.

Key topics covered included:

- Addressing safety concerns and managing increased traffic on East End Road.
- Evaluating road conditions and ensuring pedestrian safety on Kachemak Drive.
- Exploring stormwater and groundwater management during road construction and the importance of local knowledge.
- Analyzing Homer's Kachemak Sponge Project and its significance.
- Discussing erosion conditions on Homer Spit.

The City thanks Representative Sarah Vance for bringing this gathering together. Additionally, we appreciate Commissioner Ryan Anderson's sharing his valuable time and his commitment to engaging with local officials and understanding our region's unique challenges.



DOT&PF INVITES PUBLIC COMMENT ON THE DRAFT 2024-2027 STIP

The Alaska Department of Transportation & Public Facilities (DOT&PF) has released the draft of the updated [Statewide Transportation Improvement Program \(STIP\)](#) and is encouraging the public to provide their feedback.



If you have a project that you would like to see completed in Homer, this is your opportunity to tell the DOT&PF!

The STIP is a comprehensive four-year plan that encompasses various surface transportation preservation and development projects. It covers highways, roads, sidewalks, trails, bridges, ferries, and public transportation while excluding aviation-related initiatives.



2024-2027 Statewide Transportation Improvement Program (STIP)

3 ways to comment on the STIP:

 **ONLINE** at dot.alaska.gov/stip or scan this QR code:

 **TEXT** STIP to 855-925-2801

 **CALL** 855-925-2801 & use PIN 2191 to leave a message



Various avenues for submitting comments are available on the [DOT&PF Invites Public Comment on the Draft 2023-2027 STIP webpage](#). For more information, the DOT&PF is hosting a public open house on Thursday, August 3. Find the virtual meeting link on the webpage linked above.

PORT & HARBOR

STAFF HOSTS U.S. ARMY CORPS OF ENGINEERS PLANNING TEAM



Harbormaster Matt Clarke and Port Director Bryan Hawkins recently hosted Robin Carr, Megan Green, and Alex Ryan with the U.S. Army Corps of Engineers (USACE). Alex's main focus is on programming a model for estimating delay times and costs resulting from overcrowding in small boat harbors. This model is intended for use in USACE small-boat harbor project studies across the United States.

To aid Alex in refining his model, staff hosted him for a two-day visit, during which he had the opportunity to witness the boat harbor in action. The visit also provided a platform to discuss various challenges associated with small boat harbors, thus informing the setup of his model effectively.

Throughout the visit, the group had the privilege to observe the launch ramp and barge ramp in operation, and witnessing multiple boat tows required due to harbor congestion. Additionally, they had the chance to explore unique facilities, including the public-use cranes at the fish dock. This hands-on experience allowed everyone involved to gather valuable insights into boat behavior in the harbor, traffic seasonality, and the key factors influencing the demand for harbor services. The knowledge gained during this visit will undoubtedly contribute to the team's future planning endeavors and support Alex in refining his small boat harbor model.

U.S. ARMY CORPS OF ENGINEERS COMMANDER VISITS HOMER

The City had its first meeting with the new commander of the U.S. Army Corps of Engineers Alaska District – Colonel Jeffrey Palazzini. Joining Colonel Palazzini was Randy Bowker who has been a frequent Homer Harbor visitor and serves as the Deputy District Engineer for Program Management (DPM) and Chief of the Program and Projects Management Division for the U.S. Army Corps of Engineers, Alaska District. Representing Homer was Mayor Ken Castner, Councilmember Donna Aderhold, City Manager Rob Dumouchel, Port Director Bryan Hawkins, Special Projects Coordinator Jenny Carroll, Port Administration Supervisor Amy Woodruff, and Port Commissioners Crisi Matthews and Bruce Friend. Staff oriented the Colonel to the Port of Homer and discussed the progress related to the large vessel harbor expansion project to date. After the meeting, staff provided a brief tour of the port and harbor. The City looks forward to working with Colonel Palazzini and continuing our strong relationship with USACE leadership in Alaska.



HOMER HARBOR EXPANSION STUDY UPDATE

Study Update

The USACE recently completed the scoping phase of the study, in which they evaluated and screened thirteen different alternative design concepts (developed at the May 17-19 public design charrette) according to a set of criteria. Their screening moved five of the most feasible design solutions onto the Alternative Formulation and Analysis phase of the study. The results of the screening have been presented to the USACE leadership for approval and shared in a City Council Worksession on July 24, 2023.

Mark Your Calendar!



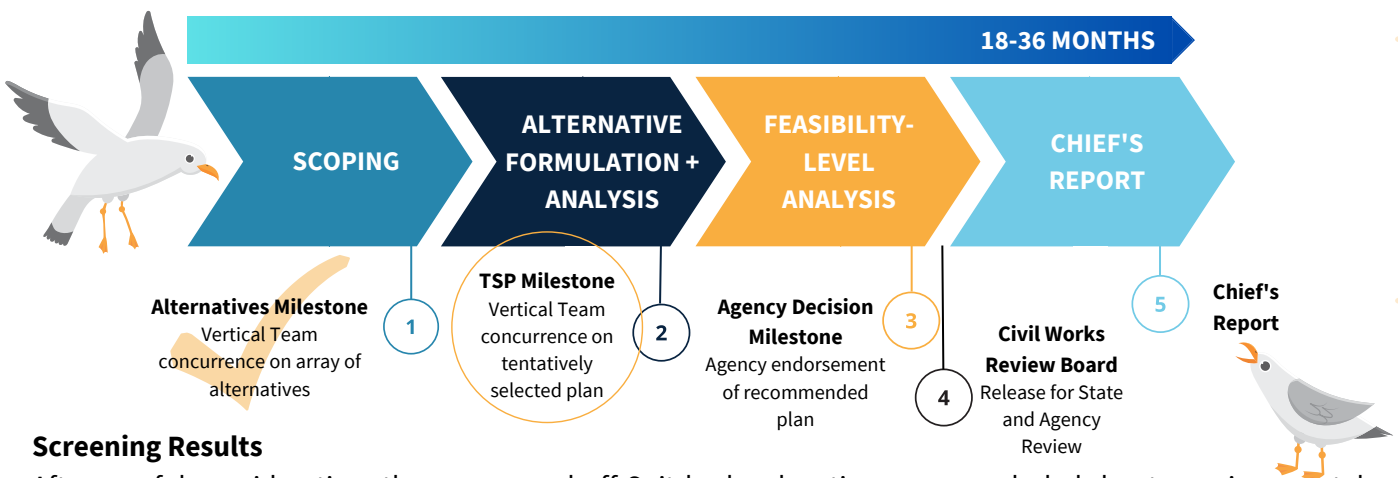
Saturday, September 23 at 11 a.m.



Kenai Peninsula College Campus,
Room P201



www.homerharborexpansion.com



Screening Results

After careful consideration, three proposed off-Spit harbor locations were excluded due to environmental and practical concerns. A location near the existing Homer Harbor has been chosen for further study. The five design concepts moving forward are all enclosed basins with rubble mound breakwaters. Three are single basins that vary according to the amount of uplands they provide. A fourth design features two enclosed basins. The fifth design is also an enclosed basin but is detached from the Spit to create a tranquil environment for moorage. Go to www.homerharborexpansion.com for detailed information about the initial array of designs, the USACE screening criteria, and screening results.

What's Next

In the second phase of the study, the USACE will finalize the fleet to be served, develop more detail for each design (size, orientation, and suggested location), model wave, sediment, and fleet movements for each design, and continue environmental analysis. As the study progresses, alternatives will be refined and additional measures could be identified. The process will result in screening out alternatives and arriving at a Tentatively Selected Plan (TSP).

Community Engagement

Your input is vital to this study's success. On September 23, the City is hosting an event for the community to get updated on the study's progress and to review, offer suggestions to improve the developing designs, and provide feedback. Meanwhile, stay engaged at www.homerharborexpansion.com and follow the City of Homer on [Facebook](#) and Instagram ([@cityofhomerak](#)).

PUBLIC WORKS



WATER SYSTEM EXCELLENCE AWARD

The City has achieved Ursa Major status in Water System Excellence for 2022. Recognized by the Department of Environmental Conservation (DEC), this award acknowledges compliance with the Drinking Water and Operator Certification Programs. The City is committed to the continuing professional development and training of its water system operators. Congratulations to our dedicated Public Works staff for setting a high standard of excellence. We remain dedicated to providing safe drinking water to our community.

TOURS OF WATER AND WASTEWATER TREATMENT FACILITIES

Some newer staff in City Hall were given tours of the Wastewater and Water Treatment facilities on July 19. Guided by Todd Cook and Jim Tingley, the tour showcased the impressive operation levels of both facilities and the unwavering dedication and passion displayed by their operators. Notably, these operations have garnered numerous awards over the years, including a recent recognition from the Alaska Department of Conservation (DEC) as highlighted above.

The City of Homer Public Works Department is committed to delivering top-notch water and sewer services. They are proactive in anticipating future demand and efficiently catering to the city's growth by extending water and sewer services into areas identified in the land use plan.



Membrane Filters at Water Treatment Facility

— HAZARD MITIGATION PLAN —

LOCAL MITIGATION GOALS

Mitigation goals play a crucial role in shaping disaster management strategies by outlining an agency's objectives in hazard and loss prevention. These long-range policy-oriented statements reflect the community-wide vision and guide the development of effective mitigation plans. The City of Homer utilized the Federal Emergency Management Agency (FEMA) priorities for the 2022 Building Resilient Infrastructure and Communities (BRIC) program for the recently adopted Local Hazard Mitigation Plan (LHMP). These priorities serve as the foundation for defining three key goals in Homer's LHMP. This series will delve into the significance of mitigation goals and explore the specific objectives outlined by FEMA for building resilient communities.

1. Enhance climate protection and adaptation efforts.
2. Create a healthy and safe community.
3. Protect critical facilities and infrastructure against hazards.

3 Protect critical facilities and infrastructure against hazards

This goal recognizes the importance of safeguarding vital assets such as hospitals, water and wastewater treatment facilities, transportation networks, and communication systems from potential risks. By focusing on this objective, the city aims to ensure the continued functioning of essential services during and after disasters, minimizing disruptions and enabling swift recovery. Through the utilization of the Federal Emergency Management Agency (FEMA) priorities for the 2022 Building Resilient Infrastructure and Communities (BRIC) program, Homer's LHMP will address specific strategies and measures to fortify critical facilities and infrastructure, reinforcing the resilience of the community as a whole.

Find the Local Hazard Mitigation Plan on the City's website: <https://bit.ly/3pdCjKh>

FIRE DEPARTMENT

HVFD'S MUTUAL AID RESPONSE IN FRITZ CREEK GENERAL STORE FIRE

In the early hours of July 6, the Homer Volunteer Fire Department (HVFD) rushed to provide mutual aid to Kachemak Emergency Services Area (KESA) during a structure fire at Fritz Creek General Store. HVFD's Tanker-2, manned by Firefighters Arndt and Harvey, quickly arrived at the scene, supported by Deputy Chief Kahles and Chief Kirko.

Working in collaboration, HVFD and KESA crews swiftly initiated an aggressive attack on the fire. Despite intense interior conditions with temperatures exceeding 900 degrees, they successfully brought the blaze under control, preventing further damage and potential rekindling.

The incident showcased the effectiveness of their partnership and the importance of mutual aid in emergency response situations. HVFD's seamless coordination with KESA demonstrated the power of sharing resources and expertise during critical moments.

However, the response also highlighted some challenges. Tanker-2 faced repairable maintenance issues, underscoring the need for ongoing investment in equipment to enhance operational efficiency and safety. Additionally, the complex building construction posed difficulties during the extensive overhaul process.

Despite the challenges, Chief Kirko praises HVFD's flawless performance, emphasizing their crucial role in the quick extinguishment of the fire. The dedication of both HVFD and KESA personnel exemplifies the spirit of community and support, making our neighborhoods safer and more resilient.

The demonstration of mutual aid from HVFD with KESA during the Fritz Creek General Store fire serves as an inspiring example of effective collaboration between emergency services. By joining forces, these departments exemplify the spirit of community, dedication, and support, ensuring a swift and efficient response to emergencies.





In this section, we aim to keep readers informed about the latest developments in public safety in the community. Whether it's news about crime prevention, emergency preparedness, or updates on local law enforcement activities, we've got you covered. Our goal is to promote a safe and secure environment for all community members and visitors of Homer, and we believe that staying informed is a crucial part of achieving that. Read on to learn more about what's happening in public safety in Homer.

UPGRADED TSUNAMI SIRENS BEING INSTALLED IN AND AROUND HOMER

The Kenai Peninsula Borough Office of Emergency Management began the tsunami siren upgrade and testing project in late July with expected completion by mid-August. This project will enhance safety and emergency communication by addressing deficiencies identified in the Borough's All-Hazards Alert and Broadcast System assessment. The project will improve existing sirens to boost current coverage and provide clearer warning messages. It will also expand coverage by adding two new sirens at strategic locations on the Peninsula (one at Northern Enterprises Boat Yard on Kachemak Drive and another at the solid waste transfer site in Anchor Point).

Each site is projected to require one day for completion. The Borough anticipates only minimal traffic disruptions, such as reduced lanes at the Anchor Point transfer site. The Kenai Peninsula Borough will coordinate with the Alaska Department of Transportation to ensure efficient traffic management during the installation process. For more information about emergency preparedness, updates on the outdoor warning sirens, and other important information, visit and follow the [@KPBAlerts Facebook page](https://www.facebook.com/KPBAlerts), and go to <https://info.kpb.us> and sign up for KPB Alerts.

The anticipated timeline for work on the siren sites in and around Homer, subject to weather conditions and logistical considerations, is as follows :

- July 24-25: Homer Harbormaster
- July 26-27: Homer Ice Rink
- July 28-29: Homer Mariner Park
- July 31-August 1: Nanwalek
- August 2-3: Port Graham
- August 4-5: Seldovia
- August 7-8: Homer Fish & Game
- August 8-9: Homer Bishops Beach
- August 9-10: Homer Northern Enterprises Boat Yard (New)
- August 10-11: Anchor Point (New)



The KPB's tsunami tower rebuild team installed the new tsunami warning system on the pole next to the Harbormaster's office.

Welcome TO THE TEAM!

The City is delighted to extend a warm and enthusiastic welcome to Keith and Tom. We are thrilled to have them join the team!

- **Keith Bohlken**, Custodian
- **Tom Gilbert**, Ice Plant Operator I

JULY ANNIVERSARIES

We would like to recognize City staff members with anniversaries last month. Thank you for the dedication, commitment, and service you've provided the City and taxpayers of Homer over the years. You all are an integral part of what makes the City of Homer a great place to work and the community.

Lori Sorrows	Finance	24 Years
Dan Olsen	Public Works	22 Years
Julie Engebretsen	Planning	21 Years
Dave Welty	Public Works	15 Years
David Bernard	Library	12 Years
Jason Hoffman	Public Works	8 Years
Jason Hanenberger	Public Works	4 Years
Mark Kirko	Fire	4 Years
Owen Meyer	Public Works	2 Years
Ryan Foster	Planning	1 Year

PLANNING & ZONING

NATIONAL FLOOD INSURANCE PROGRAM COMPLIANCE

We are actively improving our floodplain program to comply with the National Flood Insurance Program (NFIP) and protect our community. In a recent meeting with the State of Alaska NFIP Coordinator, Harmony Curtis, we received valuable technical advice on NFIP regulations, focusing on the development permit process in flood-prone areas.

Staying NFIP-compliant allows us to access federal grants and loans for flood hazard area development. We remain committed to your safety, protecting against erosion, and minimizing flood damages. If you have any questions or concerns about the City's floodplain program, please contact the Planning Department at planning@ci.homer.ak.us or 907-235-3106.

MEET CITY STAFF

Meet **Amber Baldus**, the dedicated Administrative Assistant to the Fire Chief at the City of Homer's Emergency Services Division. She coordinates daily administrative tasks, supporting the Fire Chief and staff with care and precision. Amber's true joy comes from



serving the community, while outside of work, she enjoys roller skating, gardening, hiking, and camping. Her commitment to the City of Homer and its community members makes her a valued hometown hero.

"What I enjoy most about working for the City is literally being of service to this community. I very much enjoy working for a department who gives so much of their care, time, and hard work to the citizens of Homer, and I want to help support our staff and community in any way I can."

The meeting's positive outcomes include:

- NFIP training for our Planning Department
- Our floodplain ordinance complies with NFIP standards
- NFIP presentation for the Planning Commission
- Comprehensive review of our floodplain program
- Efficient permit review and issuance practices

CITY OF HOMER ROSTER

Mayor - Ken Castner (2024)

City Council

- Donna Aderhold (2024)
- Jason Davis (2025)
- Shelley Erickson (2024)
- Storm P. Hansen-Cavasos (2025)
- Rachel Lord (2023)
- Caroline Venuti (2023)

City Staff Leadership

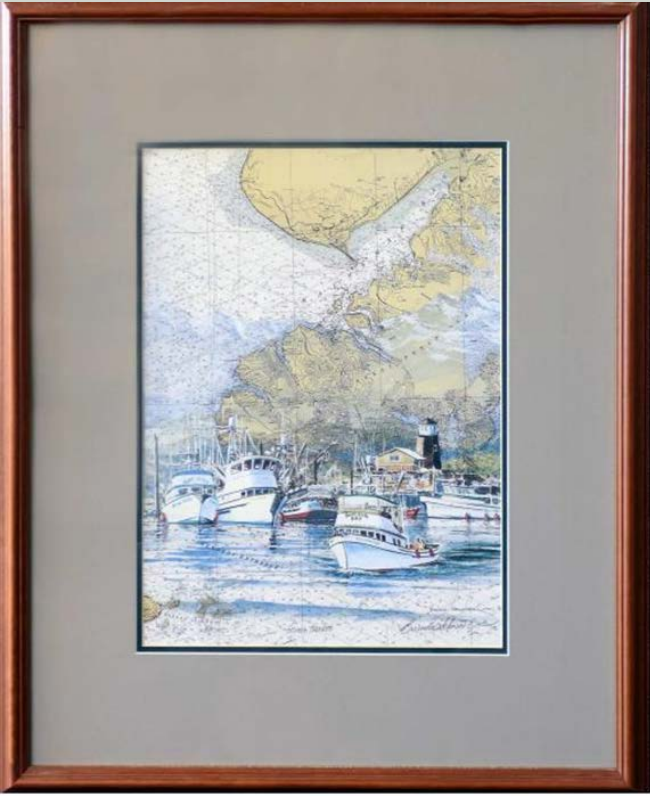
- Rob Dumouchel, City Manager
- Melissa Jacobsen, MMC, City Clerk/Deputy Director of Administration
- Mark Robl, Chief of Police
- Bill Jirsa, Chief Technology Officer
- Julie Engebretsen, Economic Development Manager
- Elizabeth Walton, Finance Director
- Mark Kirko, Fire Chief
- Dave Berry, Library Director
- Andrea Browning, Personnel Director
- Bryan Hawkins, Port Director
- Jan Keiser, Public Works Director/City Engineer
- Ryan Foster, City Planner
- Mike Illg, Community Recreation Manager

Commissions and Boards

- ADA Advisory Board
- Economic Development Advisory Commission
- Library Advisory Board
- Parks, Art, Recreation and Culture Advisory Commission
- Planning Commission
- Port and Harbor Advisory Commission

MUNICIPAL ART COLLECTION

Learn more about the municipal art collection at:
www.cityofhomer-ak.gov/prac/city-homer-municipal-art-collection



Harbor and Chart
Brenda Schwartz
City of Homer Harbormaster Office
Print, 18x22 inches

STAY CONNECTED TO CITY COUNCIL

Go to cityofhomer-ak.gov/cityclerk/stay-connected-city-council to find instructions on how to listen, provide testimony, and participate in the meetings via Zoom.

UPCOMING MEETINGS

August		
2	6:30 p.m.	Planning Commission Regular Meeting
8	6 p.m.	Economic Dev. Advisory Commission Regular Meeting
10	5 p.m.	ADA Advisory Board Regular Meeting
14	5 p.m.	City Council Committee of the Whole
14	6 p.m.	City Council Regular Meeting
15	5:30 p.m.	Library Advisory Board Regular Meeting
16	6:30 p.m.	Planning Commission Regular Meeting
17	5:30 p.m.	Parks, Art, Rec & Culture Commission Regular Meeting
23	5:30 p.m.	Port & Harbor Advisory Commission Regular Meeting
28	5 p.m.	City Council Committee of the Whole
28	6 p.m.	City Council Regular Meeting

JOIN OUR TEAM

The City of Homer has current Job Openings. Sign up for Job Alerts or Apply Online at: cityofhomerak.applicantpro.com/jobs

CURRENT JOB LISTINGS:

- [Assistant to the City Manager, Full-Time](#)
- [Building Custodian, Full-Time](#)
- [Mechanic I or II, Full-Time](#)
- [Port Property Manager, Full Time](#)
- [Public Works Director, Full-Time](#)
- [Temporary Building Custodian, Seasonal](#)
- [Utilities Laborer, Seasonal](#)

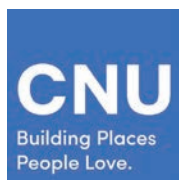


ABOUT THIS NEWSLETTER

The City of Homer Newsletter is published monthly. For questions or comments, please contact the Office of the City Manager at citymanager@ci.homer.ak.us.

City of Homer

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Enabling
Better
Places

A Handbook for Improved Neighborhoods



By **AARP Livable Communities** and the **Congress for the New Urbanism**
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AARP is the nation's largest nonprofit, nonpartisan organization dedicated to empowering people 50 or older to choose how they live as they age. With nearly 38 million members and offices in every state, the District of Columbia, Puerto Rico and the U.S. Virgin Islands, AARP strengthens communities and advocates for what matters most to families, with a focus on health security, financial stability and personal fulfillment. The AARP Livable Communities initiative's programs include the AARP Network of Age-Friendly States and Communities and the annual AARP Community Challenge "quick-action" grant program.



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The **Congress for the New Urbanism's** mission is to champion walkable urbanism. CNU provides resources, education, and technical assistance to create socially just, economically robust, environmentally resilient, and people centered places. CNU leverages New Urbanism's unique integration of design and social principle to advance three key goals: to support complete neighborhoods, legalize walkable places, to design for a climate change. With 19 local and state chapters and headquarters in Washington, D.C., CNU works to unite the New Urbanist movement. (See page 21 to learn more.)

Enabling Better Places: A Handbook for Improved Neighborhoods

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FRONT COVER IMAGES (Top) Main Street, Northport, New York, by Salty Dog Photography
 (Bottom) The Wharf, Washington, D.C., by Payton Chung | Romare Bearden Park, Charlotte, North Carolina, by Melissa Stanton, AARP

Note: Most of the photographs in this handbook were taken before the need for social distancing and mask wearing due to the global COVID-19 pandemic.

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Enabling Improved Neighborhoods

Why are so few cities, towns and neighborhoods in the United States walkable? Why is it so difficult to find vibrant communities where people of all ages, incomes and backgrounds can live, work, shop and play?

The answer, in many locations, is that zoning codes and land use ordinances have made the creation of such places illegal. In some communities, the lack of walkability, opportunity and livability stems from zoning and development decisions that intentionally separated people by race, faith, ethnicity or income.

There are 42,000 units of local government with zoning authority in the United States. This guide explains why a community may want to change its zoning codes and rules, and how it can do so in ways that strengthen the local economy, promote equity, and support diversity and inclusion.

The Congress for the New Urbanism — with support from AARP and other partners — launched The Project for Code Reform to support communities that want to revise their zoning codes but don't have the staffing and resources to seek full-fledged change. For these places, the wisest path is often to pursue incremental changes that can nonetheless improve the economy, built environment and residents' quality of life.

***Enabling Better Places: A Handbook for Improved Neighborhoods* provides options for communities to consider as they identify and select small-scale, incremental policy changes that can be made without overhauling entire zoning codes and land use policies.**

This handbook collaboration by AARP and CNU has been created as a reference for discussions among local leaders and community members interested in improving where they live. It is based on work led by the Michigan Economic Development Corporation and Michigan Municipal League that sought to identify incremental zoning code changes to spur economic growth. The publication is not a comprehensive checklist, nor is it meant to be used in lieu of a careful, context-specific code review process to determine and prioritize the best opportunities for beneficial change.



▲ **BAR HARBOR, MAINE:** The Village Green is located in the center of the waterfront community's walkable downtown. It's a Wi-Fi equipped spot for sitting, sunning, people-watching and listening to free summer concerts.

FROM CNU ABOUT

The Project for Code Reform

The Congress for the New Urbanism's Project for Code Reform seeks to streamline the code reform process by providing state and local governments with place-specific, incremental zoning code changes that address the most problematic barriers first, build political will, and ultimately create more walkable, prosperous, and equitable places. The project's incremental approach enables jurisdictions to set their own pace for code changes, allowing them to prioritize their coding efforts, respond to the community's vision and needs, and facilitate greater community learning and understanding.

LEARN MORE: [CNU.org/What-We-Do/Our-Projects](https://cnu.org/What-We-Do/Our-Projects)

FROM AARP ABOUT

AARP Livable Communities

AARP believes that communities should have safe and walkable streets, age-friendly housing and transportation options, access to needed services, and opportunities for residents of all ages to participate in community life. The AARP Livable Communities initiative helps advance the efforts of neighborhoods, towns, cities, counties, rural areas and entire states to be livable for people of all ages. In addition to engaging and providing support at the national, state and local levels, AARP develops resources for use and sharing by elected officials, local leaders, municipal staff, planners, policymakers, advocates and involved residents.

LEARN MORE: [AARP.org/Livable](https://aarp.org/Livable)

Coding for Livable and Prosperous Places

Understanding places — past and present.

Zoning codes and street standards are the very DNA of what makes — or breaks — a place, dictating where and how much parking is created, the width and location of sidewalks, and the placement of buildings.

When designed appropriately, good codes can provide housing and mobility options, support economic development and jobs, and encourage the creation of commercial districts and neighborhoods that attract talent and equitably serve residents of all ages, races, physical abilities, incomes and family structures.

Cities, towns, suburbs and even rural regions are shaped by a complex, layered set of standards, codes and zoning requirements. **Building Codes** (which this handbook does not address) regulate the internal workings and safety of structures. **Zoning Codes** (which this publication *does* address) determine where buildings are located, what form they take, how they complement each other and how they can be used.

Conventional, or use-based, zoning emerged more than a century ago as the environmental consequences of the Industrial Revolution became apparent. Codes were championed as a mechanism for protecting property values, managing growth, and addressing public health concerns related to pollution, overcrowding, and access to fresh air and natural light.

The next generation of codes were written in the mid-20th century to accommodate and guide the post-World War II housing boom. The codes (the majority of which are still in place) reflected the policy preferences and priorities of the federal government, which were to expand the national highway system and facilitate home ownership by returning soldiers.

These and other government, lender and insurer practices, such as redlining, favored certain locations and populations over others. In the 1930s, the Home Owners' Loan Corporation, a federal agency, produced “residential security” maps that deemed neighborhoods with a large number of racial or ethnic minorities to be “hazardous” for lending. The maps stifled the ability of those neighborhoods’ residents to own property, build wealth and access opportunities. As stated in 2018 by the National Community Reinvestment Coalition, “Redlining buttressed the segregated structure of American cities.”



▲ **HOUSTON COUNTY, GEORGIA:** Owning a car is necessary for residents of most suburban subdivisions.

The result of such policies was the expansion of an automobile-oriented America, turning a nation of largely walkable or transit-supported communities into one dominated by homogeneous suburbs far from urban centers. Among the consequences: an increase in sprawl, freeways that tore apart city neighborhoods, long commutes for workers, worsening racial and income segregation in many parts of the nation, and both a decrease in quantity and a decline in quality of the walkable, vibrant streets and neighborhoods at the heart of many American towns and cities.

The zoning codes adopted during the second half of the 20th century make it difficult or even illegal to create Main Streets and downtowns that feature storefronts with apartments above them. Such mixed-use, work-live properties contribute to the vibrancy and diversity of communities by enabling easy access to goods and services, as well as job and business opportunities that support equitable economic activity.

Many people would like the option of having a small café or market within walking distance of their home. Many would like to walk to work or downsize into a smaller home in the same community where they already live. Yet current rules and zoning codes often prevent businesses from locating in or near residential areas, and they often prevent a mix of housing types (such as multifamily homes in neighborhoods with single-family houses).

In too many places, the local zoning code no longer serves the needs, vision or goals of the community. ■

Reinventing Spaces

Small changes can make a difference.

Revising a zoning code to suit a community's needs requires the support of a diverse collection of stakeholders, including elected leaders, business owners and residents. When a community has the resources and ability to undertake wholesale code changes, the right choices can result in a great place to live and a stronger economy.

But changing the way a community is designed can pose logistical hurdles and provoke emotions. Communities that have the resources to pursue comprehensive zoning reform often find it to be a contentious and arduous process for all involved. That's why incremental code reform is frequently a better and more effective approach. When the public understands the goals and is involved in the process, there's generally greater support for implementation.

By undertaking a series of immediate first steps, a community can try new approaches and grow into them, advancing to additional changes in an organic way and at a pace that suits that particular place. In some locations, the biggest wins come from simplifying or removing certain requirements, as opposed to overhauling the code completely. Enacting broader, midrange changes might require greater political will and momentum. Regardless of what a community takes on, the formula is as follows:

- Focus on the most problematic barriers first
- Build political will
- Address inequities, including racial segregation
- Assess the priorities and challenges raised by local leaders, residents and influential stakeholders

What's the biggest little thing that can transform a community?

The incremental code reform process empowers place-specific changes that address the most achievable reforms first and build political will, with the goal of creating places that equitably serve residents, regardless of age, race, sexual orientation or physical ability.

Getting into the Zone

Master Plans and **Downtown Plans** are a community's framework for growth, redevelopment and investment. **Zoning** is the primary tool for the implementation of those plans.

- Zoning, street standards and other codes dictate where buildings are placed, how they are used, where and how much parking is built, and the width and location of sidewalks.
- Zoning can make or break the ability to spur economic growth, meet residents' needs, increase diversity, or respond to local or regional challenges.

Some Past, Present and Future Reality Checks

The population of the United States is aging and growing more diverse.

- By 2030, 1 in 4 Americans will be a race other than white and 1 in 5 people will be age 65 or older.
- By 2034, older adults will outnumber children younger than 18 for the first time in the nation's history. By that year, people age 80 or older will account for more than 10 percent of all U.S. households. Most will live alone.
- AARP research finds that the vast majority of people 50-plus want to remain in their homes and communities as they age.

Housing tenures and types have an impact on financial security and the growing economic inequality among older adults. "Older renters are less well positioned than homeowners because they have lower cash savings and wealth," notes the Joint Center for Housing Studies of Harvard University, which adds that "longstanding differences in access to well-paying jobs and homeownership opportunities leave older minority households at a financial disadvantage in their retirement years."

An older population will require different options for where and how to live, work and play than what current zoning codes allow. Updating the codes to ensure that communities have amenities and services to support aging will enable older adults to remain independent, engaged and active in community life.

The Physical Elements of Place

Understanding a community’s physical elements can help determine what goes where and why — and what the appropriate and available fixes might be.

Communities traditionally have a number of distinct areas, such as a downtown, Main Street or other commercial zones; parks and open spaces; residential neighborhoods; and civic venues, including schools, libraries, and a city or town hall.

To many people, these labels convey a familiar feel and sense of place created through factors including where buildings are located and their design, the types of homes people live in, the businesses and services in the area, and the activities that take place in the streets and public spaces. When a diverse assemblage of residents contribute to decisions that define a place, they help make a community more inclusive and equitable.

To most people, a “downtown” is a place where buildings are close to the street, near one another and at least two stories tall. Downtown is a place where there are shops, services, offices and restaurants. The iconic elements of a downtown might include a movie theater marquee, a street clock, sidewalk cafés and outdoor furnishings. In a thriving downtown, there are a variety of activities, opportunities to safely gather, and ways to get around.

Creating the feel of a place is, in part, the role of zoning. Changing the zoning code can facilitate or hinder a sense of place because zoning codes regulate where and how much parking is allowed, how high and far back from the



▲ **SAN JOSE, CALIFORNIA: A failing strip mall was converted into Santana Row, a mix of retail and housing. The development exemplifies how a location can come alive when the surrounding buildings and streets support pedestrian activity.**

street new buildings can be built, and even if and where sidewalks are required.

Code changes need to be calibrated to a specific area, such as a downtown, and aligned with the broader goals and vision the community has for it. For example, parking requirements might need to change in the downtown area but not in a residential neighborhood.

It’s critical to understand *where* in the community a code change will apply — and what kind of place will result. ■

Incremental code changes can benefit a community by ...

IMPROVING ...

- Conditions for businesses to open, expand or adapt
- The availability of housing options, such as duplexes, garden apartments and accessory dwelling units (learn more on pages 17 and 20)
- Street design for more pedestrian- and cyclist-friendly conditions

ELIMINATING ...

- Barriers to creating different types of housing and businesses within neighborhoods
- Underused parking lots — and parking rules that don’t add value to the community
- Mandates for street dimensions and conventions that endanger or impede pedestrians



◀ **LOS ANGELES, CALIFORNIA:** Destination Crenshaw, which broke ground in February 2020, is a 1.3-mile-long, landscaped and tree-lined outdoor art and culture experience celebrating Black Los Angeles. Developed through a three-year community engagement process and designed by the firm Perkins & Will — co-designer of the Smithsonian National Museum of African American History and Culture in Washington, D.C. — the project will provide several community gathering spaces. The city’s Crenshaw train line will run nearby. As stated on the project’s website: “Through education, arts and culture, Destination Crenshaw will cement itself as a cultural hub that will facilitate economic security and entrepreneurship for residents as a method of place-keeping and community building.”



◀ **SUWANEE, GEORGIA:** The small city’s downtown was created from scratch in the early 2000s in response to two distinct community goals: “To preserve open space and create more parks, and assemble a stand-out-in-the-crowd, energetic and aesthetically appealing downtown and primary community gathering place.” The picture at left shows the Town Center shops (with apartments above them) and Town Center Park, which features an expansive lawn filled with shade trees, a splash park and a terraced performance amphitheater. Residents and visitors can shop, dine, view the “Suwanee SculpTour” public art installations and participate in special events — including concerts, food festivals, fitness competitions, costume parades and even goat yoga.



◀ **MIAMI, FLORIDA:** Downtown Miami has a playground with a padded surface and enclosure fencing to protect small users with fast little legs. Why? Because mixed among the high-end hotels and office towers on and near Biscayne Boulevard are households with young families. The waterfront Margaret Pace Park includes the pictured play area, as well as tennis, volleyball and basketball courts; fitness equipment; public art; and a now-requisite dog park. Also nearby: a supermarket and the free, elevated light-rail-like Metromover.

Adapting for the Greatest Impact

Code reform can address various needs, but the concerns that influence the public space experience the most are streetscapes; building forms and uses; and the design and location of facades, frontages and parking. It's in these spaces — the distances from one building to another across the street or next door — that zoning codes have the most significant impact.



STREETSCAPES

A streetscape is what's seen when one looks at a line of buildings and properties along a street. (Think of the horizontal expanse captured by a panoramic photo.)

In downtowns and along Main Streets, streetscapes influence the success of businesses, the flow of vehicular and pedestrian traffic, and opportunities for social interaction.

Well-designed streetscapes can enhance property values, increase safety, reassure pedestrians and bicyclists that their needs are important, and reflect the unique character of a neighborhood.



BUILDING FORMS and USES

Rules for building forms and uses control the shape and placement of structures, including the height, setback distance from the street, lot size and lot coverage.

Large suburban setbacks were established, in part, to ensure a safe distance for homes and households from busy or high-speed roadways. In urban and downtown areas, minimum setbacks are meant to encourage and strengthen the connection between pedestrians, storefronts and offices.

In many communities, regulations designed for suburban setbacks and buffers have been inappropriately applied to downtowns, Main Streets and adjacent neighborhoods.

Zoning regulations are important for safeguarding public health and restricting noxious or incompatible uses — such as pollution-generating businesses in residential areas. But the overall goal of zoning should be to encourage the types of compatible uses that support successful places and a strong economy.



FACADES, FRONTAGES and PARKING

A facade is a building's street-facing exterior wall.

The frontage is the space between the facade and the sidewalk.

Both are critical, since a building's facade and frontage area influence whether people will walk alongside the building. Independent of architectural style, zoning changes related to facades and frontages can increase an area's pedestrian activity and economic viability.

Along with frontage, the amount and location of parking can have a major impact on the walkability and vitality of a community. Zoning related to parking should be smart and suitable, balancing the need for access with the desire to create a thriving place.

KEEP IN MIND

Overly restrictive zoning can hinder economic competitiveness, undermine goals for diversity and inclusion, and slow revitalization.

Building Support for Code Reform

Change is both a technical and political process. To revise a zoning code, advocates need to actively engage, educate and inspire the community.

1. Identify needs and how reform can help

Successful code reform has well-defined goals that cannot be achieved under the current code. As a starting point, advocates can cite examples of what isn't working, or what is no longer allowed but could work well.

• Reverse past wrongs

Conventional zoning has been used as a tool for social and racial segregation. Reform efforts can work to reverse past wrongs and start eliminating inequities by increasing support for local business ownership, housing that's affordable and protections against displacement.

2. Linking reforms to community interests and concerns

Who are the decision-makers and what are their interests? Are their goals consistent with the concerns of the general public? For example, the community's elected officials and local leaders might be concerned about:

• Increasing opportunity

Code reform can allow for more flexible land use, which can contribute to larger community goals, such as rebuilding or strengthening the local economy, increasing housing choices, fostering attractive public spaces, improving safety, and creating opportunities for disadvantaged or underrepresented residents.

• Focusing on redevelopment zones and areas

Code revisions — such as improved design practices and simplified development regulations — can support community-desired changes for target investment in areas of need.

• The “plans that sit on the shelf” syndrome

At some point in its past, the community might have invested time and money in plans that were never implemented. Aligning code reform with a community's master planning increases the likelihood of plans becoming a reality and allows the community to adjust to new challenges or opportunities.

3. Predicting and addressing potential pain points

The language used to explain code changes should be as transparent and easily understood as possible. But even with misinterpretations off the table as a problem, common challenges include:

• Costs and capacity

Concerns about price and staffing are why it's important for decision-makers to understand that incremental reform can be incorporated in less time, and with lower risk and cost, than a full overhaul of a zoning code.

• Legal questions

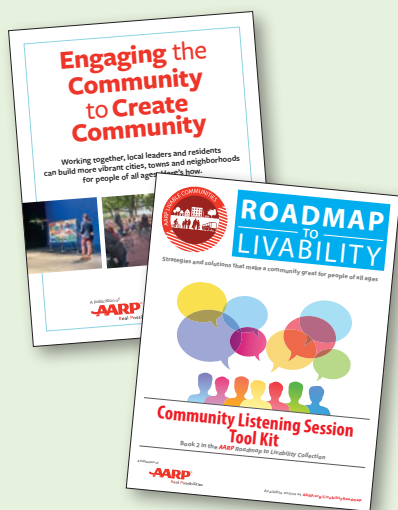
Since code reform efforts are typically vetted by a community's attorney or land use expert before implementation, legal concerns shouldn't prevent a community or its leadership from brainstorming about and considering new approaches.

• A lack of public support

The code reform approach outlined in this handbook reduces complexities and enables zoning codes to be tailored to local goals. Among the benefits of incremental code reform is that the process is easy for the public to understand — and support!

LISTEN and LEARN

Visit [AARP.org/LivableLibrary](https://www.aarp.org/LivableLibrary) to order or download these free community engagement guides for local leaders.



Identifying the Key Players

Zoning affects the everyday lives of all community members — where they live, work and play, how they interact with one another, and what they see along the way.



▲ **SAN FRANCISCO, CALIFORNIA:** Playful seating helps demonstrate the community benefits of wider sidewalks in the city's Mid-Market neighborhood.

It's important to remember that zoning codes are a highly technical type of regulation that touch multiple layers of governance and involve many levels of decision-making. Because of that, a diverse and inclusive coalition of stakeholders needs to be involved.

When creating advisory and steering committees, or designing civic outreach for code reform, strive for the committees to be multi-ethnic, multi-cultural and open to the community at large. Provide a way to represent the interests of those who are unable to participate or advocate for themselves.

To accomplish incremental code reform, assemble a team of local leaders that includes, or at least solicits input from, individuals and groups with different perspectives on the work being proposed.

This usually involves contacting people from municipal government, the volunteer sector, the business community, social services and philanthropies, as well as, of course, residents.



▲ **LOUISVILLE, KENTUCKY:** Pop-up parklets provide spots for eating and relaxing along Woodlawn Avenue in the city's walkable Beechmont neighborhood.

THE PUBLIC SECTOR

Elected officials, government staff, educators

THE PRIVATE SECTOR

Businesses, media, funders

THE NONPROFIT SECTOR

Faith-based and community-based organizations, volunteers, diversity specialists

THE RESOURCE SECTOR

Consultants, companies with technical or subject-specific expertise

THE POLICY SECTOR

Legislators, advocates, think tanks

THE INFORMAL SECTOR

Neighbors, homeowners' associations, clubs

THE COMMUNITY AT LARGE

Residents and other members of the public who don't fit into the preceding groups

Identifying the Right Reforms

For incremental code reform to be effective and enable better places, the right solutions need to be used in the right types of locations.

Planning for Better Downtowns and Main Streets

The downtown or Main Street districts that succeed and become useful destinations offer a sense of place. They don't look or feel like the shopping centers — or roadways dotted with chain eateries, strip malls and big box stores — that are common throughout the nation.

What successful Main Streets and downtowns *do* share with strip malls and shopping centers is that all are set up for effective cross-shopping, which means the customers of one business become aware of other businesses by walking past them. Such areas have the ability to pivot quickly, adjusting to changing conditions and incorporating new services and amenities as needed.

Another similarity many Main Streets and downtowns have with shopping malls is that they can be “park once”

destinations. The difference is that instead of oversized asphalt lots and concrete parking garages, Main Streets and downtowns can provide on-street parking and small lots behind buildings. Both types of in-town parking areas are convenient and can generate parking meter income for reinvesting in the streetscape.

When housing is integrated into a downtown, local businesses have a built-in customer base, people who can't or don't want to drive can reside in a walkable community, and the added “eyes on the street” enhance neighborhood safety.

The following menu of strategies, elements and interventions can help Main Streets and downtowns become active, vibrant, successful places. ►



▲ **PORTSMOUTH, NEW HAMPSHIRE:** A wide downtown sidewalk on Congress Street provides room for diners, pedestrians, cyclists, bike racks and trees.



▲ **SOUTH BEND, INDIANA:** The West Side Main Streets Initiative improved Western Avenue's sidewalks, reduced crossing distances and added pedestrian-scale lighting.

The Streetscape

Simple code changes can transform streets from places in service to cars to spaces designed for people.

STAGE 1

Change can happen with relative speed.

1. Save Small Streets and Alleys



Small blocks with service access via alleys are often eliminated from historic communities so the spaces can be used in other ways. Doing so typically reduces walkability and a district's potential for success. If small blocks and alleys no longer exist (or never existed), consider adding some.

2. Establish On-Street Parking



On-street parking is public, conveniently located and business-friendly. The spaces can provide a variety of benefits, including a layer of safety to pedestrians by separating moving traffic from the sidewalk. But on-street parking spots are often removed in order to add travel lanes or accommodate curb cuts for driveways. Wherever possible, on-street parking should be maintained or added before creating off-street parking lots or garages at an additional cost.

3. Allow Encroachment



The word encroachment isn't often used in a positive context, but here it is. The space in front of a restaurant for outdoor dining and an awning that projects over the public right-of-way are both beneficial encroachments. A caveat: On sidewalks with significant pedestrian traffic, it might be necessary to ensure a width of at least 8 feet (not including any sidewalk seating, bus stop shelters, planters or other features) so passersby of all abilities can safely navigate the space.

STAGE 2

Change requires time and investment.

1. Restore Two-Way Streets



The one-way streets in many downtowns were once two-ways that were converted to increase vehicular capacity and speeds. But high-speed roadways in downtown districts are dangerous to pedestrians. One-way streets also reduce the number of customers who'll see a shop or business as they drive by. Many towns and cities that converted their two-way streets to one-way are switching back to benefit the local economy.

2. 'Complete' the Streets



The term Complete Streets refers to a transportation policy that considers the needs of all roadway users: drivers, pedestrians, cyclists and transit riders. Increased access and safety for walking and bicycling correlates with an increase in customers for an area's shops, service providers and eateries. While an expressway doesn't need to be suitable for pedestrians and cyclists, a Main Street or downtown does. State governments that want to encourage Complete Streets can incentivize street safety projects by providing funding.

3. Put Roads on a Diet



Communities benefit from slower-moving vehicles. From a safety standpoint, slower speeds save lives. From a business perspective, slower speeds increase visibility and make the sidewalk a more pleasant place for customers. Posting a lower speed limit helps, but it's more effective to reduce the number and width of travel lanes. Each should be no more than 10 feet wide in business districts, except where bus routes or bicycle lanes make more width necessary.

4. Limit the Lanes



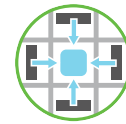
For reasons similar to those of a road diet, the most vibrant Main Streets consist of two travel lanes moving in opposite directions. Two-lane roadways can be easily crossed by pedestrians. While some downtown districts do fine when a third lane is added for turning, additional travel lanes typically reduce safety.

5. Set Public Realm Standards



Although careful attention should be paid to creating an attractive public space, design standards need to be limited and reasonable. Sensible policies establish a minimum sidewalk width; provide on-street parking; and call for street trees, outdoor seating and pedestrian-scale lighting.

6. Provide Stormwater Options



Stormwater that passes over roofs, parking lots, streets and other impervious surfaces carries pollutants into local waterways. Some communities require treating stormwater on-site, which can be done with street trees, bioretention, swales and permeable pavement. When costly underground treatment is the only option, off-site stormwater management should be employed. When a community's stormwater isn't managed collectively over a large area, a fee-in-lieu approach can fund streetscape retrofits to add storage and protect water quality.

7. Remove Highways That Blight or Disconnect Communities



Replacing urban freeways with surface streets is a cost-effective, sustainable option for cities dealing with aging, grade-separated roads. This has the added benefit of healing local street networks and improving regional traffic dispersion. (Learn more on page 21.)

Building Forms and Uses

Buildings shape the public spaces of Main Streets and downtowns. Minor text changes in a zoning code can go a long way toward ensuring that building forms are in the appropriate contexts. To encourage equitable development and a robust local economy, uses within a building should be changeable without the need for a change-of-use permit.

STAGE 1

Change can happen with relative speed.

1. Permit 100% Lot Coverage



Main Street and downtown buildings usually fill most, if not all, of their lot footprint.

This is especially true with small historic properties. Lot coverage limitations aren't appropriate in historic or downtown areas and should be removed.

2. Set Facade Heights



A street can feel like a comfortable, outdoor room when the height of the buildings is at least half

the width of the street. While this is not always achievable, particularly on larger streets, the “enclosure” of the sidewalk space can be more easily addressed. Along sidewalks it's best to ensure that building facades are no less than 24 feet high. Mandating facade heights can create a sense of enclosure without the economic pitfalls of minimum story requirements.

3. Support Mixed Uses



While ground floor commercial uses are the norm in downtowns, ground-level residential

properties can be useful, too. They can, for instance, result in additional customers for area businesses and an around-the-clock presence that helps keep the area safe.

4. Simplify Uses



Since building uses change over time, it's best to regulate them on the basis of broad categories — commercial, residential, industrial, civic — not narrow ones, such as coffee shops or barber shops. Where certain uses need to be restricted, list only those that are disallowed or limited rather than all permitted uses.

5. Allow Short-Term Uses



Temporary structures and short-term permitted uses lower the barrier to success, help businesses adapt, and validate ideas without triggering parking requirements and site development costs. Permission should be granted for at least two years, perhaps with an option to renew.

6. Bust Buffer Requirements



Tree-filled lots or sound-blocking walls are useful for separating housing from busy roadways. In downtowns areas, the adjacency of buildings is key to a location's vibrancy and economic success.

7. Don't Dictate the Decorating



Architectural mandates about building styling can be costly and artificial-looking. For shopkeepers, the key to success in downtowns and on Main Streets is an appealing storefront and ground floor space. The creation of welcoming entrances, smart signage and street-level windows can happen without decrees.

8. Plan for Inclusionary Zoning



A market-based strategy for creating mixed-income communities, inclusionary zoning encourages or requires developers to set aside a portion of the units in a new or remodeled residential project for low- and moderate-income households.

STAGE 2

Change requires time and investment.

1. Set Adjacency Requirements



Where downtowns abut residential areas, adjacency requirements can address compatibility issues involving height restrictions, side yard setbacks within 50 feet of residential districts and more.

2. Say 'Yes' to Mixed Income, Multifamily Housing



Having housing within walking distance of a downtown or Main Street is vital to an area's success, especially outside of peak business hours. Multifamily housing, such as apartment buildings or multiunit row homes, should be available at different sizes, affordable for a range of income levels and permitted throughout a downtown district, with the possible exception of street-level units in the main commercial hub.

3. Encourage Public Use of Private Parking



Centrally located but underused parking lots and garages are detrimental to the success of Main Street and downtown districts. It's better to devote the space to more vital activities. To do that, private parking lots and structures, such as apartment buildings or offices, can share their parking areas with the public at least part of the time.

4. End Density and Ratio Rules



Per-property-density and floor-area-ratio (or FAR) restrictions aren't needed on Main Streets or in downtowns, where activity and vibrancy are among the goals. These types of mandates often restrain the business and housing market, especially when they're set unreasonably low.

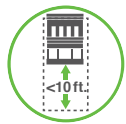
Facades, Frontages, Parking

Simple changes in the code for how buildings meet the street can make a difference in the economic success of a community.

STAGE 1

Change can happen with relative speed.

1. Establish Sensible Setbacks



When Main Street or downtown buildings are constructed far from the street and sidewalk, such as for a parking lot, the area becomes more car-centric and less lively. Yet, if buildings are too close to the street, the space in front of stores can be too tight for foot traffic and unsafe, undermining passersby who aren't agile enough to dodge obstacles and other pedestrians. While a 10-foot setback works for most Main Streets and downtowns, it's important to be mindful of all users and uses when determining the distance.

2. Require Sidewalk Entrances



Buildings located along sidewalks should have entries that face the sidewalk. This seems obvious, but it's now common for buildings to be accessible only from parking areas. Doorways that face parking lots or are at the rear or side of a building can serve as secondary entrances. Buildings that are more than 100 feet wide can be required to provide additional entrances, such as one for every 70 feet of facade.

3. Ban Blank Walls



People are less likely to use sidewalks alongside buildings that have no street-facing windows or doors. While some blank walls can be mitigated with murals, art isn't a total solution. Blank walls at street level or on the second floor of buildings should not exceed 30 feet in width.

4. Require Transparency



Opaque windows and doors are as uninviting as blank walls. Ground-floor facades should have 50 percent transparency — in other words, clear glass between the bulkhead, at about two feet above ground, and the sign band at roughly 10 feet. (The percentage is calculated in reference to the full facade.) Mirrored and heavily tinted glass should be similarly prohibited, since being able to see into buildings and be seen by the people inside enhances public safety.

5. Be Smart About Parking



Parking should be located behind buildings, inside structures or on the street. When parking lots are located between buildings and the sidewalk, curb cuts interrupt the sidewalk, trees are typically scarce, and pedestrians and drivers are at risk from vehicles pulling into or out of the lot. If parking is near a sidewalk, there should be a visible barrier, such as a wall or evergreen hedge, between the pedestrians and vehicles.

6. Limit Curb Cuts



Driveway curb cuts along the sidewalk interrupt the pedestrian flow and put walkers at risk. In many cases, properties can provide vehicle access from a side street or alley. Another common pedestrian- and driver-unfriendly configuration is when neighboring parking lots don't connect to one other. As a result, drivers need to merge onto the main roadway in order to move from one lot to another — and pedestrians need to protect against a steady stream of vehicles moving into and out of the lots.

7. Allow Shared Parking



Shared parking has been tested in many areas and studied by the Urban Land Institute, which recommends that interested parties start by analyzing overlapping usage patterns. For instance, there's probably not much overlap in peak parking usage for a small apartment building and an office complex. Similarly, lodging, restaurants, retailers, municipal buildings and houses of worship each have distinctive patterns of demand that can be used to optimize the use of parking areas. Shared parking promotes a "park once" experience, in which customers are more likely to find and patronize businesses near their destination and complete more tasks and errands.

STAGE 2

Change requires time and investment.

1. Reduce the Gaps



Empty lots and building vacancies can destroy a downtown. When the gap between businesses is large, pedestrians turn back in the direction they came from rather than explore what's farther down the street. To avoid gaps, require new buildings and additions to fill a minimum portion of the lot width along the sidewalk, typically 60 to 70 percent.

2. End Minimum Parking Rules



Parking guidelines are primarily devised for auto-dependent suburban retail centers. Those same standards are rarely applicable to Main Street contexts. Municipalities are recognizing that parking minimums aren't an effective tool for creating great places. Lenders and tenants may still require a minimum number of parking spots, but creative solutions — including shared parking and improved pedestrian and bicycle access — can be used to meet those requirements.

Identifying the Right Reforms

Planning for Better Neighborhoods

Residential areas that abut downtown or Main Street districts are called “adjacent neighborhoods.”

Most of these neighborhoods were developed before the 1950s and include single-family homes of various sizes along with duplexes, triplexes, fourplexes and small apartment buildings. (For more on that point, see the Missing Middle Housing entry on page 19.)

The appeal of adjacent neighborhoods is that most are walkable, with local shops and restaurants frequented by community residents. And due to their proximity to Main Streets and downtowns, they also easy access to daily needs and activities, be it by foot, bike or public transit.

Over time, zoning and land use changes discouraged the development of adjacent neighborhoods. Yet the existence of such walkable communities with varied housing options is critical to the success of the nation’s downtowns and Main Streets.

Zoning reform is typically aimed first at addressing streetscape issues that have led to decline. That work is followed by reviving the historic mix of housing types found in older, traditional neighborhoods. Although many of the strategies and elements common in adjacent neighborhoods are similar to those discussed in the Downtowns and Main Streets section of this guide (page 9), the location, details and implementation differ. ►



▲ **CINCINNATI, OHIO:** The city skyline is visible behind the Missing Middle-style homes on Betton Street in the West End. According to *WalkScore.com*, the location boasts a 24-minute commute by foot (or 6-minute by bike) to downtown.

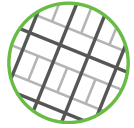
The Streetscape

Just beyond a downtown or Main Street district, the streetscape transitions into the quieter residential areas of an adjacent neighborhood.

STAGE 1

Change can happen with relative speed.

1. Save Small Streets and Alleys



Common in older neighborhoods, small roads and alleyways serve an important role as informal connectors, providing access to rear lot garages and trash bins. Alleys can also serve as an entryway to an accessory dwelling unit. (See pages 17 and 20 to learn about ADUs.) If an alley is on-site but isn't maintained, consider ways of addressing its use through better maintenance or investments that might activate the space, such as by adding lighting and outdoor tables, seating, and games. Activated alleys can become safe and useful community spaces.

2. Implement a '20 Is Plenty' Policy



Neighborhood streets should be subdued and safe, with drivers able to easily stop for slow walkers or kids who dart into the roadway. Safety, and the ability to react quickly, increases as vehicle speeds decrease. At 20 mph, about 10 percent of pedestrian strikes are fatal. That proportion increases to 50 percent at 30 mph. The 20 Is Plenty campaign has raised awareness worldwide about vehicle safety on neighborhood streets. In the United States, some jurisdictions have adopted 20 mph speed limits on neighborhood streets, accompanied by an information campaign. While posting new speed limits won't influence all drivers, doing so is a positive first step that can be followed by Stage 2 fixes.

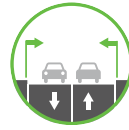


▲ **PORTLAND, MAINE:** To support socially distant outdoor activities, including dining, during the COVID-19 pandemic, many communities closed streets to traffic.

STAGE 2

Change requires time and investment.

1. Put Roads on a Diet



While posting a lower speed limit on a residential roadway is useful, a driver's speed is more directly influenced by the size and number of lanes — and the smaller and fewer the better. Travel lanes should be sized to reflect a target speed of 20 mph. That typically means nine feet wide in residential areas, with exceptions where bus routes require more room. Roadway re-striping can be timed to coincide with other improvements, such as the installation of bicycle lanes, on-street parking and chicanes, which are serpentine curves added to a street so drivers are forced to slow down.

2. Create Yield Streets



The streets in many historic neighborhoods are so narrow that two vehicles heading in opposite directions cannot pass each other without one pulling into a parking lane. Such yield streets significantly decrease vehicle speeds. When possible, one-way roadways should be reconfigured as yield streets.

3. Set Public Realm Standards



The vitality of an adjacent neighborhood is a function of its open space, rights-of-way and streetscape. Public spaces should be walkable and have a relatively unified look and feel. While official design standards ought to be few and far between, municipal policies can and should mandate minimum sidewalk widths as well as the presence of on-street parking, street trees and pedestrian-scale lighting.

4. 'Complete' the Streets



As explained on page 10, a Complete Streets transportation policy considers the needs of all roadway users. Such a policy is often easier to implement in small communities than in large municipalities or along large commercial roadways — although government funding for projects can go a long way toward incentivizing their implementation. Adjacent neighborhoods are also able to provide effective, neighborhood- and traveler-friendly routes for connecting Main Streets and downtowns with more distant communities.

Building Forms and Uses

A primary concern in historic neighborhoods is that zoning regulations enacted in the mid-20th century caused some existing properties and lots to be deemed “nonconforming.” Zoning regulations should match existing conditions. In addition, flexibility regarding use (e.g., allowing home-based businesses) can boost the local economy by enabling entrepreneurship and promoting housing affordability and ownership.

STAGE 1

Change can happen with relative speed.

1. Allow Home-Based Businesses



Working from a home-based office was once a norm for doctors, lawyers and other professionals. When disallowed by a zoning code, some home-based but less visible businesses simply operate under the radar. New technology, delivery services and adapting business practices are expanding the practicality and — during the COVID-19 pandemic — necessity of home-based work. Where home-based businesses are permitted, potential nuisances can be avoided through the minimal regulation of signage, workspace size relative to the size of the residence, the number of employees and customers, the hours of operation, storage, noise, fumes and similar pollutants.

2. Make Existing Lots Conforming



Suburban-oriented lot size and setback regulations commonly label older, preexisting properties and structures as “nonconforming.” Code reform should adopt language specifying that such lots and structures are *in* compliance and can, if desired by the owner(s), be modified without first meeting the standards required by the contemporary code.

3. Let New Buildings Align with Older Buildings



The broad adoption of suburban zoning standards has resulted in front setback requirements that greatly exceed those in older neighborhoods. Setting new buildings farther back than existing buildings can undermine a neighborhood’s character. To address this, allow new buildings to align with the older buildings or let them match the most minimal of the existing setback distances.

4. Support Additional Housing Types



For much of the nation’s history, downtown and Main Street neighborhoods contained a variety of housing types, enabling people to live near areas of employment and activity.

Over time, zoning codes limited or eliminated many housing choices, especially small, multifamily buildings. These forms of housing offer prices and formats that are attractive to both older and younger adults. Adjacent neighborhoods should include town houses and multifamily units. To further meet the need for housing, and to provide homeowners with an opportunity to add an income-generating unit to their property, Missing Middle building types and accessory dwelling units should be permitted. (To learn more, see pages 17 and 19 — and visit MissingMiddleHousing.com and AARP.org/ADU.)

STAGE 2

Change requires time and investment.

1. Modify Lot Size and Setback Standards



To protect the historic pattern that established a neighborhood, lot sizes and setback standards should be modified to reflect those used for the area’s original lots and remaining older structures.

2. Reintroduce Neighborhood-Based Shops



There was a time when people could walk from their home — be it an apartment or a detached single-family house — to a corner market, dry cleaner, coffee shop or ice cream parlor. Such businesses were typically located along busier streets that bounded or bisected the neighborhood. Over time, zoning made these commercial-residential adjacencies illegal. As a result, nearly every errand or task, whether it’s to buy a gallon of milk or get a haircut, now requires getting into a car. When zoning codes are revisited, it’s important to allow small, neighborhood-based, service-oriented businesses.

3. Eliminate Specific Design Standards



Design standards requiring there to be, for instance, vertical or horizontal alignment variations in town houses often result in an erratic design that is visually distracting.

4. End These Rules



Eliminate per-property-density maximums and floor-area-ratio (FAR) minimums. Height, setback and footprint standards are better for regulating building placements and size.

Facades, Frontages and Parking

When zoning is done right, adjacent neighborhoods become places where people can meet their daily needs and stay active and engaged, regardless of their age, income or ability to drive.

STAGE 1

Change can happen with relative speed.

1. Require Sidewalk-Facing Entrances



Commercial buildings are increasingly being designed so all entrances connect to only the parking areas. Require that the main entrances face a sidewalk. Entries in a parking area can be considered subsidiary. (For buildings that are more than 100 feet wide, an entrance should be provided for every 70 feet of facade.)

2. Establish Alley Access



Where an alley exists behind or alongside a building, require all driveways to be accessed from the alleyway and not the street. Eliminating street-front driveways provides more room for trees and on-street parking, reduces the number of sidewalk curb cuts and improves pedestrian safety.

3. Place Parking Behind Buildings



When a parking spot or garage is located directly along a sidewalk in front of a house or office building, movement along the sidewalk is interrupted every time a car is driven to, or away from, the property. In addition to detracting from the home or building's appearance, a garage door-dominated facade can prevent the structure's occupants from seeing or engaging with any activity happening outdoors, which undermines the safety provided by having "eyes on the street." An appealing solution is to require that parking be located behind the building. A second option is for parking to be set back a minimum of 20 feet from the street or sidewalk. That way there's at least a bit of a buffer before a departing vehicle crosses the sidewalk or merges into traffic.

► **LEWES, DELAWARE:** A parking spot for one car is large enough for parking a dozen bicycles. Cyclists heading into town to shop or dine have exclusive access to a coveted piece of Second Street real estate.



STAGE 2

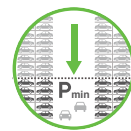
Change requires time and investment.

1. Reduce the Gaps



Buildings that don't fully occupy their lot in a commercial district create gaps that detract from the area's liveliness. (Intentionally vacant green spaces or outdoor seating areas are not considered gaps.) To address this problem, a zoning code can require that buildings fill a minimum portion, typically 60 to 70 percent, of the lot width along the sidewalk.

2. Limit Parking Requirements or ...



Parking mandates are often based on standards better suited to suburbs than to urban settings. They are especially problematic where buildings are older, properties are small, and it's difficult or impossible to add new parking. In these conditions many businesses are denied permits or are required to make costly renovations or secure off-site parking. Smaller-lot, single-family town houses and multifamily buildings are also impacted. In adjacent neighborhoods, the minimum required parking should be one off-street spot per unit. On-street spaces can be for visitors or serve as additional parking for residents. The curb front of a single-family detached home typically allows two parking spaces. A town house provides room for one.

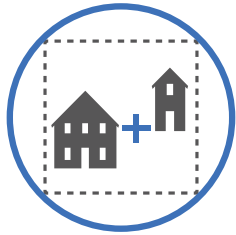
3. ... Eliminate Parking Requirements



Local governments are beginning to accept that minimums aren't an effective tool for meeting parking needs or producing great places. Lenders and tenants may still require a minimum number of parking spots, but creative solutions (including identifying nearby shared parking options and considering pedestrian and bicycle access) can be employed to address those requirements.

Livable Lingo: A Glossary

While planners, architects and developers know what the following terms mean and why they matter, the same isn't true for everyone who will be involved in incremental code reform. For those who might need it, we offer this vocabulary list.



ACCESSORY DWELLING UNITS (ADUs)

A small home that is ancillary to a principal dwelling unit on a property.

ADUs may be located within the same structure as the primary residence, such as in an attic or basement apartment, or in a detached outbuilding, like a remodeled garage or backyard bungalow. An ADU might be occupied by a family member or rented to a tenant, providing an additional source of income. Many communities don't allow ADUs, but they should. (Visit AARP.org/ADU to learn more about the important needs met by ADUs and to download or order the free AARP publications described on page 20 of this guide.)



ADJACENCY REQUIREMENTS

A collection of regulations that address the transition in scale, intensity and density of buildings and uses when moving from one district to another.

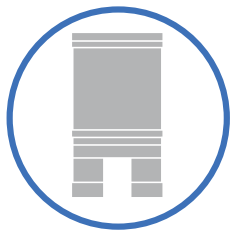
Adjacency requirements often include height, setback and use restrictions when a property lot in a densely built district directly abuts a lot in a lower density district.



ARCHITECTURAL DESIGN STANDARDS

Requirements that specify building materials, details and facade variations.

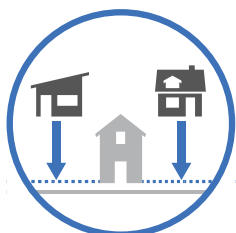
Design standards are commonly used in suburban housing developments with a homeowners association (HOA) that controls building ornamentation, window orientation, and sometimes stylistic details as specific as paint colors for front doors and window shutters. If a town or city chooses to have architectural design standards, the rules should be specified separately, not as part of the zoning code.



BLANK WALLS

In zoning parlance, a blank wall is an expanse of 30 or more feet without openings.

When situated at the ground level or second story of a Main Street or downtown building, a wall without windows or doors can undermine the appearance and activity of the area.



BUILD-TO LINE

A horizontal designation for how far a building must be set back from the street.

Build-to line requirements can be useful, depending on the location type. Sometimes, however, a setback requires a storefront to be located far from the street and sidewalk in order to place a parking lot in front. A better approach is to build the storefront close to the sidewalk and put the parking behind the building. Build-to lines are also used to establish a consistent streetscape with clear sight lines, thus eliminating dark or less visible spaces that can harbor unwanted activities.



DOWNTOWN DISTRICT

A dense, mixed-use area greater than four blocks long by three blocks wide.

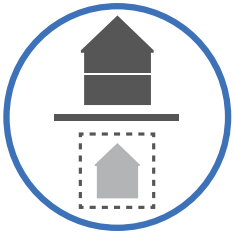
The term downtown district typically applies to the downtowns of cities with a population of at least 30,000. Smaller cities and towns might have a downtown district, but most have a Main Street corridor at their center instead.



ENCROACHMENT

A structural attachment that extends into a space or above a height limit.

“Encroachment” is often used to describe awnings, signs and balconies that project over sidewalks. Encroachments are often allowed in order to establish an alignment of building facades by permitting porches and similar elements to extend forward, for example. A zoning code might establish how much such elements are allowed to encroach, if at all.



FLOOR AREA RATIO (FAR)

The ratio of a building’s floor area to the size of the property.

FAR is a useful tool when a building is more than eight stories. Controlling shorter buildings is better done with setbacks and height regulations.



HOME OCCUPATION

When a business is located within a residence.

Zoning codes are generally and smartly silent about the accessory use of a residential property by people who do solitary home-based work. However, communities can and do establish zoning rules for businesses that involve clients coming to the home, abnormally high delivery frequencies, noise or aesthetically undesirable elements.



LINER BUILDING

A shallow building that obscures parking and service areas from sidewalks.

Liner buildings help create pleasant, walkable streetscapes. They are sometimes built adjacent to big-box stores or to obscure a parking garage.



MAIN STREET

A mixed-use area that runs along a single street or two intersecting streets that are two blocks or more in length.

For cities and villages with fewer than 30,000 residents, a Main Street corridor may be known colloquially as “downtown.” Those with populations of more than 30,000 might have one or more Main Street corridors in addition to a downtown district.



MISSING MIDDLE HOUSING

A term that refers to small multifamily, live/work and cottage-like residences.

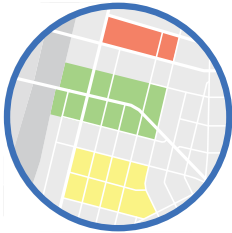
Missing Middle-style dwellings (duplexes, triplexes, etc.) are generally more affordable, and their neighborhoods more walkable, than what's found in a typical single-family-home subdivision. Missing Middle residences have been missing from the nation's housing inventory for many decades. Most remaining examples were built in the early 20th century. Visit MissingMiddleHousing.com or AARP.org/Livable to learn more.



PEDESTRIAN-SCALE LIGHTING

Lighting that illuminates sidewalks, crosswalks and paths at an intensity and coverage level that supports pedestrian activity.

Most street lighting is automobile-oriented, with high-intensity fixtures on tall poles that are spaced far apart and oriented toward travel lanes. Pedestrian-scale lights are attached to shorter poles, typically less than 14 feet tall, that are spaced every 50 to 75 feet on Main Streets and every 100 feet in adjacent neighborhoods. The lower height and reduced spacing allows for the use of lower wattage bulbs. This reduces glare for pedestrians and light spillage into residential buildings.



PLACE TYPE

In a regulatory context, a place type is an area subject to regulations and identified by a geographic boundary.

Main Street and downtown districts are examples of place types. Place type terminology is also used as shorthand to refer to a place or destination. For instance, a place may be called "Main Street" even if the street has a different official name.



PUBLIC REALM

Areas that are not privately owned — including streets, other rights-of-way, open spaces, and public facilities such as parks, green spaces and municipal buildings.

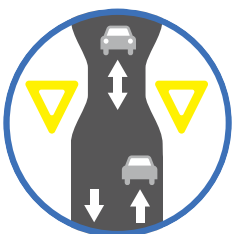
A free, safe and easily accessible public realm is an important community feature that helps create a healthy physical and social environment.



SHARED PARKING

An arrangement in which adjacent or nearby parking areas are shared if they have peak use periods that do not coincide.

Shared parking reduces the number of spaces required to meet local needs, usually by 20 to 60 percent. Smaller parking lots free up space for other buildings and uses. When parking is provided by individual buildings solely for their own occupants and users, lots are often empty or underused.



YIELD STREETS

Low-speed roads on which two vehicles traveling in opposite directions cannot pass one another without one vehicle moving to the side.

Yield streets are common in residential areas and help ensure that vehicle speeds remain low, which increases the safety of all roadway users.

Reality Checks

Code reform is not a one-size-fits-all solution, nor is it likely to achieve widespread change quickly. But the right changes and guidelines can point the work in the right direction.

Understand what's possible

- Does the community want change?
- Is there local capacity to administer the changes?
- Is there political will to adopt and enforce the proposed code changes?

Localize the solutions

- Decisions need to be made within the local context rather than regionally or by some other distant, decision-making body.
- Pay attention to the local market. Is the planned retail space or downtown housing wanted and needed? What is needed to cultivate a strong local economy?

Keep it simple

- Don't regulate health and safety issues (which are protected by other types of codes) through zoning.
- Don't try to anticipate every possible situation.
- Don't attempt to predict future market demands — or hinder flexibility. Conditions change.
- Don't complicate the code reform by creating design guidelines or architectural regulations.

Move forward together

- Recognize that business as usual will produce the usual results.
- Discard regulations that are no longer relevant. (These may include standards that were put in place to manage a specific use or problem that no longer exists.)
- Make sure the community and key stakeholders understand and support the reform.

Focus on the basics

(A little change can go a long way)

- Get quality buildings into the right places to define the public realm — and be prepared when those buildings' uses change over time.
- Place parking on the street or behind buildings.
- Design for people, accommodate cars.

This is just a beginning!

Incremental code reform will not address all of a community's aspirations or zoning needs. Many important issues that aren't addressed by an initial reform effort can be considered in the future.

What Code Reform Can Do



Accessory dwelling units — or ADUs — can play a major role in addressing a national housing need. Many local zoning codes prohibit these small houses or apartments, which exist on the same property lot as single-family residences. However, that's beginning to change. Visit [AARP.org/ADU](https://www.aarp.org/ADU) to learn more about ADUs and to order or download the following AARP publications:

- ***The ABCs of ADUs***, a 20-page guide for how towns, cities, counties and states can include ADUs in their mix of housing options.
- ***Accessory Dwelling Units: A Step by Step Guide to Design and Development***, a 113-page catalog featuring ADU policies and projects from Austin, Texas; Denver, Colorado; Oakland, California; and Washington, D.C. This guide contains information about financing and budgeting for an ADU project and how ADUs can be designed to serve people of differing ages and abilities.

Learn More

Where to find information about zoning, code reform and community livability

The **AARP Livable Communities** website features information and inspiration for local leaders, from elected officials to involved residents. Among the many free publications created by the AARP Livable Communities initiative is the *AARP Roadmap to Livability Collection*. The six-guidebook series includes worksheets as well as advice for hosting community listening sessions (see page 7). The *AARP Livability Index* is an interactive tool that helps communities leverage their strengths and identify opportunities to become more livable for people of all ages. Links for the publications, index, annual AARP Community Challenge grant program, and the AARP Network of Age-Friendly States and Communities can be found online: [AARP.org/Livable](https://www.aarp.org/Livable)

The **Congress for the New Urbanism** provides resources, education and technical assistance to create socially just, economically robust, environmentally resilient and people-centered places. CNU works to address the range of land use regulatory barriers to achieving these outcomes, from recommending state and local level coding change through the Project for Code Reform; providing training and education to local governments on alternate code methodologies, including form-based codes; and disseminating information on coding successes and regulatory challenges. Through this work, CNU seeks to support the work of its members to design, plan and build more walkable urbanism. Local leaders interested in bringing incremental code reform to their community can contact CNU by email at PCRinfo@CNU.org: [CNU.org](https://www.cnu.org)

Highways to Boulevards

The construction of urban freeways during the 20th century cut huge swaths through the nation's cities, segregating and devastating previously vibrant, diverse and functioning communities. Many of these freeways are reaching the end of their lifespans, which presents opportunities for transforming broken liabilities into assets by re-stitching neighborhoods and restoring the dignity and economic vitality of the places “urban renewal” destroyed. Cities including Portland, Oregon; San Francisco, California; and Milwaukee, Wisconsin, have successfully replaced urban highways with boulevards and surface streets, saving billions of dollars in infrastructure costs, increasing real estate values on adjacent land and restoring neighborhoods:

[CNU.org/Our-Projects/Highways-Boulevards](https://www.cnu.org/Our-Projects/Highways-Boulevards)

The **American Planning Association** report *Smart Codes: Model Land-Development Regulations* (Planning Advisory Service Report 556) promotes smart growth principles and makes the development review process more predictable: [Planning.org](https://www.planning.org)

The **Center for Applied Transect Studies** supports the SmartCode, a planning-and-zoning model that focuses on environmental impacts through the use of ecosystem cross sections called transects: [Transect.org](https://www.transect.org)

The **Form-Based Codes Institute** expands the understanding of land-use regulations that employ physical form (rather than separation of uses) as the organizing principle for zoning. FBCI provides best-practice sample codes and technical assistance: [FormBasedCodes.org](https://www.formbasedcodes.org)

The **Project for Lean Urbanism** created the *Lean Code Tool*, a downloadable publication with zoning code “hacks” that can reduce red tape. This compact guide offers quick fix recommendations for making text amendments to existing ordinances: [LeanUrbanism.org/Publications](https://www.leanurbanism.org/Publications)

The **U.S. Environmental Protection Agency's** smart growth website contains coding tools, audit resources, model codes and publications: [EPA.gov/SmartGrowth](https://www.epa.gov/SmartGrowth)

What is New Urbanism?

New Urbanism is a planning and development approach based on the principles of how cities and towns were built for the last several centuries: walkable blocks and streets, housing and shopping in close proximity, and accessible public spaces. In other words: New Urbanism focuses on human-scaled urban design. The principles were developed to offer alternatives to the sprawling, single-use, low-density patterns typical of post-World War II development, which have been shown to inflict negative economic, health and environmental impacts on communities. These design and development principles can be applied to new development, urban infill and revitalization, and preservation. They can be applied to all scales of development in the full range of places, including rural Main Streets, booming suburban areas, urban neighborhoods, dense city centers and even entire regions. — Adapted from [CNU.org](https://www.cnu.org)



▲ **ANN ARBOR, MICHIGAN:** An ice cream and donut shop adjacent to housing is a sweet treat.



▲ **MANSFIELD, CONNECTICUT:** Downtown Storrs is a walkable, mixed-use development featuring homes, businesses and civic spaces.



▲ **CHICAGO, ILLINOIS:** Parklets provide places for eating and relaxing along E. 75th Street (aka Restaurant Row) in the city's Chatham neighborhood.

In many cities, towns, suburbs and rural areas, local zoning codes and land use ordinances make it illegal to create the types of vibrant, walkable and diverse communities that foster economic development, inspire job growth and feature a variety of housing options.

Created for use by involved residents, elected officials, local-government staff and members of policymaking and advisory committees, *Enabling Better Places: A Handbook for Improved Neighborhoods* provides an introduction to how a town, city or county can adapt its zoning code — and in doing so become a more livable community for people of all ages, incomes and backgrounds.

Download or order this free guide: [AARP.org/Zoning](https://www.aarp.org/Zoning)

Learn when AARP publishes new livability resources by subscribing to the free, weekly AARP Livable Communities e-Newsletter: [AARP.org/LivableSubscribe](https://www.aarp.org/LivableSubscribe) or text LIVABLE to 50757

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Learn about the Congress for the New Urbanism: [CNU.org](https://www.cnu.org)

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