



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer Agenda

**Planning Commission Regular Meeting
Wednesday, January 20, 2021 at 6:30 PM
City Hall Cowles Council Chambers**

CALL TO ORDER, 6:30 P.M.

AGENDA APPROVAL

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

RECONSIDERATION

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

- A. Planning Commission Regular Meeting Minutes of January 6, 2021
- B. Decisions and Findings for CUP 21-01, for more than one building containing a permitted principle use at 1308 Lakeshore Drive

PRESENTATIONS / VISITORS

REPORTS

- A. Staff Report 21-04, City Planner's Report

PUBLIC HEARINGS

- A. Staff Report 21-05, Variance 21-01, to allow relief to Safeway from certain parking lot requirements at 90 Sterling Highway

PLAT CONSIDERATION

PENDING BUSINESS

- A. Staff Report 21-06, Helicopters and tall towers near the hospital

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. City Manager's Report for January 11, 2021 City Council Meeting
- B. Letter from Susan Mitchell Re: Coal burning in Urban Residential District
- C. Appointment of New Commissioner – Brad Conley

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

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

ADJOURNMENT

Next Regular Meeting is Wednesday, February 3, 2021, at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings scheduled to be held via Zoom Webinar in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission



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City of Homer Agenda

Planning Commission Regular Meeting

Wednesday, January 20, 2021 at 6:30 PM

Council Chambers via Zoom Webinar

Webinar ID: 979 8816 0903 Password: 976062

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

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Session 21-02, a Regular Meeting of the Planning Commission was called to order by Acting Chair Roberta Highland at 5:41 p.m. on January 6, 2021 at Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska via Zoom Webinar. One seat vacant due to resignation.

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

ABSENT: COMMISSIONER SMITH (EXCUSED)

STAFF: CITY PLANNER ABBODD
DEPUTY CITY CLERK KRAUSE

The Commission met at 5:30 p.m. for a Special meeting prior to the regular meeting to address a Motion for Continuance for an appeal filed on Zoning Permit 1020-782. No worksession was held prior to this regular meeting.

APPROVAL OF THE AGENDA

Vice Chair Highland requested a motion to approve the agenda.

VENUTI/BARNWELL – MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

A. Planning Commission Regular Meeting Minutes of December 2, 2020

Vice Chair Petska-Rubalcava requested a motion to approve the Consent Agenda.

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

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS/VISITORS

- A. Main Street Sidewalk Project. Janette Keiser, PE, Director of Public Works/Acting City Engineer

Vice Chair Petska-Rubalcava introduced the item by reading of the title and invited Public Works Director Keiser to speak to the Commission.

Public Works Director Keiser provided a brief update on the design process for the Main Street Sidewalk project noting the following:

- Each design represented a singular 5 foot wide sidewalk on the west side of the road
- Each design reflected curb and gutter with connections to the Main Street Storm drain
- One design shows a 4 foot shoulder on the east side , which could be paved and striped to allow a bike path
- The intent is to have the possible bike path as an alternative and depending on the pricing when the bids come in and funding they could construct the project with the alternative
- Requested input from the Commission on which design they would prefer to see and a recommendation to Council.
- Project will be presented to the EDC, PARC Advisory Commissions and City Council
- If all aligns and funding source is found it is planned to have this project ready for the 2021 Construction season

Commissioner Venuti inquired about issuing the invitation to bid without the cost of the project.

Public Works Director Keiser responded that once they reach 65% design they would have a better idea on the overall costs of the project and would not issue an Invitation to Bid until the funding source was secured.

Commissioner Bentz expressed excitement at the prospect of the construction of this project since it has been a priority and in the CIP for such a long time for the city. She then noted the links to the various plans that the city has and appreciated the presentation on this project and similar ones being considered by the city as time goes on.

A brief discussion ensued between the Commission facilitated by the City Planner and Public Works Director on a working group established to update the Transportation Plan; updates to the Homer Non-motorized Transportation Plan and relevant city code language and the likelihood of the southern portion of Main Street getting a sidewalk while it may be needed as badly as the upper portion.

REPORTS

A. Staff Report 21-01, City Planner's Report

Vice Chair Petska-Rubalcava introduced the item and invited City Planner Abboud to provide his report to the Commission.

City Planner Abboud reviewed Staff Report 21-01 for the Commission commenting on the following:

- Wayfinding and Streetscape Plan Committee
- Lampert Lake and property conservation and public use easements
- Donation for improvements to Woodard Creek in Karen Hornaday Park
- Salmon Sisters leasing old Auction Block facility on the Spit
- City is still under Code Red so limiting the number of staff in office
- Significant development is being proposed in the center of town and will be coming before the Commission

Commissioner Highland volunteered to report at the upcoming January 11th City Council meeting.

PUBLIC HEARINGS

A. Staff Report 21-02, Conditional use Permit (CUP) 2021-01, for more than one building containing a permitted principle use at 1308 Lakeshore Drive

Vice Chair Petska-Rubalcava introduced the item by reading of the title and invited City Planner Abboud to provide his report.

City Planner Abboud provided a summary of Staff Report 21-02. Upon reaching the section of his report dealing with Zoning he stated that it would be a good time for any Commissioners to declare any conflicts.

Vice Chair Petska-Rubalcava declared she had a conflict.

HIGHLAND/VENUTI MOVED THAT COMMISSIONER PETSKA-RUBALCAVA HAD A CONFLICT OF INTEREST.

Commissioner Petska-Rubalcava provided details on her conflict that she participated in the design of this project.

VOTE. YES. HIGHLAND, BENTZ, BARNWELL, VENUTI.

Motion carried.

Commissioner Petska- Rubalcava turned the meeting over to Commissioner Highland, turned her camera and mic off and did not participate in the proceedings.

City Planner Abboud continued providing a summary of Staff Report 21-02.

Acting Chair Highland invited the applicant to present to the Commission.

Stephanie and Forrest Greer, Applicant, Mrs. Greer stated they did not have a presentation but was available for questions. She requested clarification on the RV parking.

City Planner Abboud explained that city code does not allow the use of RV as housing for employees.

Acting Chair Highland opened the Public Hearing, after confirming with the Clerk if there were members of the audience wishing to provide testimony and hearing there were none, she closed the public hearing, opening the floor to questions from the Commission.

Commissioner Barnwell requested clarification from the Applicant on the need for a RV space.

Mrs. Greer explained that the business is currently seasonal and as is common knowledge there is a lack of housing opportunities in the summer in Homer. They were going to use it as employee housing. She added that they initially intended to have two RV spaces one for Manager and the second for employee housing however they were told then they had to apply for an RV park permit so they downsized to the one space. Due to the seasonal nature of the business it did not make sense to build employee housing. They will need to review and adjust their plans and move forward.

City Planner Abboud stated that he was not prepared to analyze that at this time in response to Commissioner Barnwell's question regarding tiny homes.

Acting Chair Highland inquired about the requirements for a storm water plan seeing that the proposed project is on Beluga Lake. She expressed concerns on the transfer of dirt and debris from the project into the lake during construction and if the Commission can add requirements to accommodate that.

City Planner Abboud noted that the Commission could request additional requirements but reminded the Commission of the other activities that were allowed on the water such as internal combustion engines and that it was not a salmon stream. He then noted that the project would have to trigger additional requirements such as additional impervious surface or movement of large quantities of dirt.

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

VENUTI/BARNWELL MOVED TO ADOPT STAFF REPORT 20-02 AND APPROVE CONDITIONAL USE PERMIT 21-01 WITH FINDINGS 1-10 AND CONDITIONS 1 AND 2.

CONDITION 1: OCCUPANCY OF AN RV IS NOT PERMITTED

CONDITION 2: OUTDOOR LIGHTING MUST BE DOWNLIT PER HCC 21.59.030 AND THE COMMUNITY DESIGN MANUAL.

There was a brief discussion on amending the motion to require a development activity plan. There were no amendments offered.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Vice Chair Petska-Rubalcava returned to the meeting.

PLAT CONSIDERATION

PENDING BUSINESS

NEW BUSINESS

A. Staff Report 21-03, Main Street Sidewalk Project

Vice Chair Petska-Rubalcava introduced the item and requested input from City Planner Abboud.

City Planner Abboud reminded the Commission on the information provided by Ms. Keiser and that they did not really have any discussion at that time. He can keep it on his City Planner's Report for the future or Commissioner Highland can report at City Council.

Commissioner Highland stated that a recommendation from Commission was requested and opined that they should at minimum discuss the options presented. She continued that normally they make a motion then discuss.

Deputy City Clerk Krause stated that the item had been introduced, which essentially put on the floor for discussion.

Discussion ensued on the additional impervious surface added to the project if the alternative design with the east side paved shoulder is used; creation of additional storm water runoff; the steepness of the road; building in resistant features to address storm water management; consideration that this is the primary route by emergency vehicles which would add safety concerns with non-motorized transportation; implementing the use of green infrastructure.

City Planner Abboud will forward the section of the minutes to Ms. Keiser so that the concerns of the Commission can be addressed as the design/project progresses.

INFORMATION MATERIALS

- A. City Manager's Report for December 14, 2020 City Council Meeting
- B. Letter (Email) from Jason Pinsky dated December 28, 2020 re: Coal Burning

Vice Chair Petska-Rubalcava noted the materials provided and inquired if there were any comments from the Commission.

Commissioner Highland commented that the City Manager's Report was very thorough and interesting and expressed concerns with the burning of coal and if this would be an issue that the Commission could address.

City Planner Abboud stated that he would prefer to get direction from the City Council on this issue.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

Deputy City Clerk Krause complimented Commissioners Petska-Rubalcava and Highland on conducting the meetings tonight stating that they conducted efficient and very effective meetings.

COMMENTS OF THE COMMISSION

Commissioner Highland commented that they had very interesting meetings tonight. They are lucky to be back and not be arguing, compared to the phase that the United States seems to be going through right now. Thank you everyone.

Commissioner Barnwell complimented the City Planner on his report and appreciated the graphs, information and presentation from Ms. Keiser on the project. It was a pretty peaceful meeting compared to some very eventful crazy days. He then wished everyone a Happy New Year.

Commissioner Venuti commented that it was an interesting meeting and complimented Commissioner Highland on conducting a great meeting as well as Commissioner Petska-Rubalcava. He then noted what happened earlier in the day in Washington, D.C. opining that it was a complete embarrassment. Commissioner Venuti recalled that as a youngster he joined the Marine Corps., and swore to uphold the Constitution for the betterment of America and what he

saw was not what he worked for and only hoped that the country can move past this. He continued stating that perhaps more rational thinking may occur in Washington, D.C.

Vice Chair Petska-Rubalcava thanked Commissioner Venuti for his service.

Commissioner Bentz apologized for the earlier internet issues. She commented that some days are better for virtual meetings than others. She commented that if they have another special meeting it would be beneficial if the Commissioners can review city code regarding the appeal process stating that she found it very helpful to her today especially if they are going to work on the Commission's role in determining procedures for appeal process. It may be a good place to start. She expressed excitement on the Main Street Sidewalk project moving forward and if there was a group or task force working on related issues around stormwater planning or non-motorized trails and things like that it would be great to see collaborative efforts.

Commissioner Petska-Rubalcava commented that she appreciated the Commission bearing with her internet issues earlier today, and Commissioner Highland willingness to step in during the Special meeting and again during the Public Hearing tonight. She hoped that everyone had really great holidays and a great start to the new year despite today. She expressed her appreciation for all the work that City Planner Abboud and Deputy City Clerk Krause do to make these meetings run smoothly.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 7:50 p.m. The next Regular Meeting is scheduled for Wednesday, January 20, 2021 at 6:30 p.m. A Worksession is scheduled at 5:30 p.m. All meetings are scheduled to be held virtually by Zoom Webinar from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: _____

HOMER PLANNING COMMISSION

Approved CUP 2021-01 at the Meeting of January 6, 2021

Address: 1308 Lakeshore Dr.

Legal Description: T 6S R 13W SEC 21 SEWARD MERIDIAN HM 2007055 BAY VIEW SUB TULIN ADDN LOT 91A

DECISION

Introduction

Forest and Stephanie Greer/Homer Sea Plane Base LLC (the “Applicant”) applied to the Homer Planning Commission (the “Commission”) for a Conditional Use Permit under Homer City Code HCC 21.21.030(j), for more than on building containing a permitted principle use on a lot in the General Commercial 1 Zoning District.

The applicant proposes to construct a hangar and 2 cabins in addition to 2 existing cabins found on the site.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on January 6, 2021. Notice of the public hearing was published in the local newspaper and sent to 38 property owners of 26 neighboring parcels.

Commissioner Petska-Rubalcava was found to have a conflict of interest as she participated in the design of this project. She turned off the Zoom video and did not participate in the hearing.

At the January 6, 2021 meeting of the Commission, the Commission voted with the unanimous consent of the four commissioners present to approve CUP 2021-01, with findings 1-10 and conditions 1 & 2.

Evidence Presented

City Planner Abboud reviewed the staff report. The Applicant testified and there was no public testimony.

Findings of Fact

After careful review of the record, the Commission approves Condition Use Permit 2020-01 with findings 1-10 and conditions 1 & 2.

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 applicable code authorizes each use and structure.

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

Finding 2: The proposal supports uses and structures compatible with the GC1 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: The addition of a hanger and creating a rooming house by adding two dwellings 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 existing uses of surrounding land.

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

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

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 as described in the purpose statement of the district.

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

Finding 7: The proposal is not unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

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

Finding 8: Successful completion of the permitting process will allow the project to comply with applicable regulations and conditions.

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

Finding 9: No evidence has been found that the proposal 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 (CDM).

Finding 10: The project shall comply with the outdoor lighting section of the CDM.

Condition 2: Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

- 1. Special yards and spaces:** No specific conditions deemed necessary
- 2. Fences and walls:** No specific conditions deemed necessary
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 4. Street and road dedications and improvements:** No specific conditions deemed necessary.
- 5. Control of points of vehicular ingress and egress:** No specific conditions deemed necessary.
- 6. Special provisions on signs:** No specific conditions deemed necessary.
- 7. Landscaping:** No specific conditions deemed necessary.
- 8. Maintenance of the grounds, building, or structures:** No specific conditions deemed necessary.
- 9. Control of noise, vibration, odors or other similar nuisances:** No specific conditions deemed necessary.
- 10. Limitation of time for certain activities:** No specific conditions deemed necessary.
- 11. A time period within which the proposed use shall be developed:** No specific conditions deemed necessary.
- 12. A limit on total duration of use:** No specific conditions deemed necessary.
- 13. More stringent dimensional requirements,** such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by

conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.

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

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2020-01 is hereby approved, with Findings 1-10 and the following conditions 1 & 2.

Condition 1: Occupancy of an RV is not permitted.

Condition 2: Outdoor lighting must be down lit per HCC 21.59.030 and the Community Design Manual.

Date

Chair, Scott Smith

Date

City Planner, Rick Abboud AICP

NOTICE OF APPEAL RIGHTS

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

CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on _____, 2021. A copy was also delivered to the City of Homer Planning Department and the Homer City Clerk on the same date.

Date

Travis Brown, Planning Technician

Homer Seaplane Base LLC
41390 Ptarmigan Heights Dr.
Homer, AK 99603

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

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



City of Homer

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Planning

491 East Pioneer Avenue
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Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

TO: Homer Planning Commission
FROM: Rick Abboud, City Planner
DATE: January 20, 2021
SUBJECT: Staff Report 21-04, City Planner's Report

City Council

1/11/21 worksession

DISCUSSION TOPIC(S)

a. Resolution 21-009, A Resolution of the City Council of Homer, Alaska Approving the City of Homer 2021 Land Allocation Plan. City Manager.

Memorandum 21-009 from Deputy City Planner as backup

b. Main Street Sidewalk 35% Design

Regular meeting

Memorandum 20-001 from Mayor Castner re: Appointment to the Planning Commission and Multiple Appointments to the Public Works Campus Task Force. Recommend approval.

- Charles was appointed to the task force and we welcome Brad Conely to the Commission.

Resolution 21-006, A Resolution of the City Council of Homer, Alaska Opposing the Closure of the Homer Department of Motor Vehicle Office on June 30, 2021 Included in the 2021 Budget per Governor Dunleavy. City Manager. Recommend adoption.

Memorandum 21-006 from City Manager as backup

Resolution 21-009, A Resolution of the City Council of Homer, Alaska Approving the City of Homer 2021 Land Allocation Plan. City Manager. Recommend adoption.

Memorandum 21-009 from Deputy City Planner as backup

ADOPTED without discussion

Ordinance 20-93, An Ordinance of the City Council of Homer, Alaska Amending the 2021 Operating Budget to Provide for Necessary Mid-Biennium and 2021 Truncated Budget Adjustments. City Manager. Introduction December 14, 2020 Public Hearing and Second Reading January 11, 2021

Memorandum 20-206 and 21-013 from Finance Director as backup

Two people commented.

ADOPTED as amended with discussion.

Resolution 20-133, A Resolution of the City Council of Homer, Alaska Expressing Intent to Participate in the Purchase of Kenai Peninsula Borough Parcel Number 17936032, T06S R13W SEC 22 Seward Meridian HM 2017050 Hodnik Subdivision Lot 4, by Kachemak Bay Moose Habitat, Inc. and Directing the City Manager to Negotiate the City's Financial Contribution and Assure the Binding Public Purpose Conditions are met. Mayor.

Resolution 20-133(S), A Resolution of the City Council of Homer, Alaska Expressing Intent to Participate in the Payment of the Water and Sewer Assessments for Kenai Peninsula Borough Parcel Number 17936032, T06S R13W SEC 22 Seward Meridian HM 2017050 Hodnik Subdivision Lot 4, by Kachemak Bay Moose Habitat, Inc. when the Property Ownership Transfers to Kachemak Bay Moose Habitat, Inc, and a Deed Restriction for Conservation and Public Use are Recorded. City Manager.
Memorandum 21-011 from City Manager as backup
ADOPTED Substitute with discussion.

Economic Development Advisory Commission

- The EDC approved the draft Wayfinding and Street Scape Request for Proposals. The project hopes to create model sign types (colors, graphics etc), locations for signage and unified streetscape elements such as benches, trash cans and landscaping. This will help the city to achieve continuity on Pioneer Avenue when we make public improvements.
- The EDC polled about 25 businesses on the impacts that COVID has had, and how the City can help. Many businesses were appreciative of the CARES ACT grants, as well as the consistent messaging from the city. Providing timely COVID information, helping visitors feel safe, as well as keeping the city open for business has helped a lot.
- PW Kaiser presented the Main Street Sidewalk project, and the EDC commented in support.
- The EDC looks forward to participating the Kenai Peninsula Development District update to the 5 year Community Economic Development Strategy. This is a peninsula wide plan that helps facilitate state and federal spending on identified needs in the Borough, such as broadband access and job training. Tim Dillion, KPEDD Executive Director, will be presenting on the project at the next EDC meeting on Tuesday February 9th if you'd like to see his presentation. A meeting link is provided on the EDC meeting agenda page, or ask staff.

Commissioner report to City Council

1/25 _____

2/8 _____

2/22 _____

Attachments

Current Zoning Map, updated to include the Medical Zoning District

City of Homer Zoning Map

0 0.25 0.5 1 Miles

November 2, 2020

Abbreviations
MC = Marine Commercial
MI = Marine Industrial
OSR = Open Space Recreation
CONS = Conservation

Legend

City Limits

2020 Zoning

Zone

Gateway Business District

Central Business District

Town Center

General Commercial 1

General Commercial 2

East End Mixed Use

Marine Commercial

Marine Industrial

Open Space Rec

Conservation

Bridge Creek Watershed

Rural Residential

Urban Residential

Residential Office

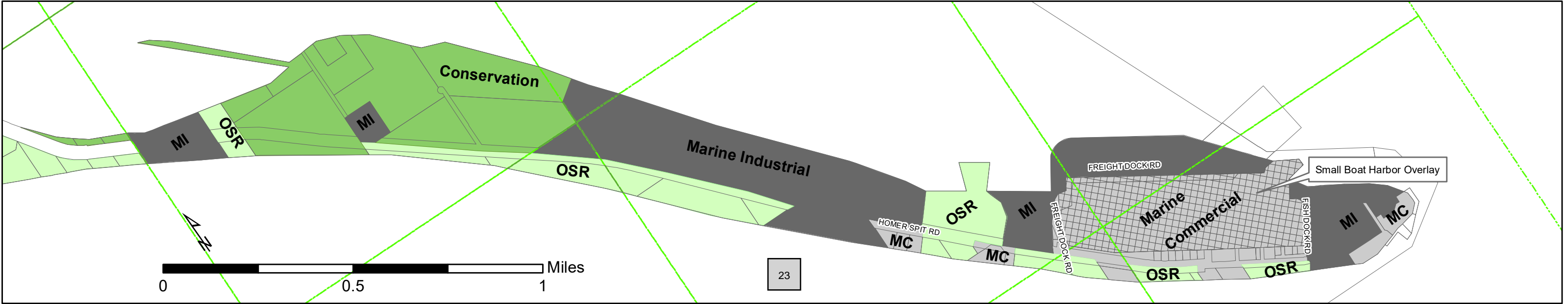
Medical

Scenic Gateway Corridor Overlay

Small Boat Harbor Overlay

Section Lines

Ordinance No.	Date
83-07	2/15/83
83-30	12/13/82
84-28	10/23/84
85-10	5/28/85
86-18	6/24/86
86-23	8/26/86
86-24	8/26/86
86-25	8/26/86
92-47	9/29/92
92-50	12/15/92
98-14	7/27/98
1-27(S)	5/13/02
02-11	5/13/02
02-42(S)(A)	7/28/03
03-08	2/25/03
03-10	2/25/03
03-11(S)(A)	2/25/03
03-03(S)	3/11/03
03-04(S)	3/11/03
03-05(S)	3/11/03
03-09	3/11/03
03-20	5/13/03
03-37	7/29/03
05-07	3/15/05
05-33	6/28/05
06-20(A)	9/15/06
06-22	4/25/06
06-58	9/15/06
06-51(S)(A)	9/26/06
07-52(A-2)	2/25/08
08-06	2/12/08
08-08(A)	3/25/08
08-20	6/24/08
08-12(S)(A-2)	10/14/08
09-44(S)	10/13/09
09-19	10/26/09
12-10	2/28/12
12-11(A)	3/28/12
13-12(S)	5/14/13
16-34	6/28/16
20-02	1/28/20
20-49	8/25/20
20-59(A)	9/29/20





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Planning

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(p) 907-235-3106

(f) 907-235-3118

STAFF REPORT PL 21-05

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, AICP, City Planner
MEETING: January 20, 2021
SUBJECT: Variance 21-01

This is a quasi-judicial decision.

Synopsis: The applicant seeks relief from four sections of Homer City Code (HCC) as it pertains to the amount of parking stalls and required landscaping.

GENERAL INFORMATION

Applicant:	Amanda Martin & Douglas Wallace PM Design 19401 40 th Ave. West, Suite 420 Lynnwood, WA 98036	Safeway c/o Joe Janus 1121 124 th Ave. NE Bellevue, WA 98005
Requested Action:	Approval of a request for a variances necessary to make it practical to expand storeroom space of an existing nonconforming property. The applicant seeks relief from regulations regarding parking requirements and parking lot landscaping.	
Location:	90 Sterling Highway	
Parcel ID #	17710736	
Legal Description:	T 6S R 13W SEC 20 Seward Meridian HM 0880045 GLACIER VIEW SUB NO 20 LOT 7A	
Size of Lot:	3.36 Acres	
Zoning Designation:	Central Business District	
Existing Land Use:	Supermarket	

Surrounding Land Use:	North:	Park/trail/residential/library
	South:	PW complex/hotel
	East:	Banks
	West:	vacant/gas station

Public Notice: Notice was sent to 16 property owners of 25 parcels of land listed on the KPB tax rolls. The public hearing was advertised in the local newspapers for one week and was distributed in the public notice areas in town.

Background

The structure received a building permit in 1988. Large retail standards and Site Development Standards Level 2 found in Title 21 (for which the applicant seeks variances) were adopted with Ordinance 04-11(A). The structure was accepted as a legal nonconformity at the meeting of the Commission on 4/17/06.

ANALYSIS

The applicant is requesting a variance from HCC 21.57.090 Visual Impacts, 21.57.150 Parking, 21.57.170 Landscaping, and 21.50.030 Site Development Standards Level 2. The applicant has a non-conforming property and wishes to make a modest expansion of the existing facility. Any expansion will require a conditional use permit and will be brought forward at a future time if the applicant chooses to pursue additional storage space for the store.

Basically, the applicant is seeking variance from the current requirements regarding large parking lots, which all of the requested variances are based upon. Currently, the property has been accepted as a nonconformity and, if approved, the store would be allowed to expand and not be required to gain conformance with the codes for which the variances have been requested. An approved variance will bring the property in technical compliance with the requirements. Below is an analysis of the conditions that must be present to continue a nonconformity.

Parking

The applicant provides details of the on-site parking in the lower right hand corner of their site plan. Currently, the site supports 171 parking stalls after their proposed development the site would be provisioned for 150 stalls. Current regulations cap the amount of parking spaces provided to no more than 10% above the required amount in code. The maximum required parking according to the application is 129 stalls. If the variance from the maximum parking allow is approved they would be carrying 21 stalls above the maximum.

A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

21.61.030 Nonconforming structures.

A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. A nonconforming structure may be enlarged or altered, but only if it does not increase its nonconformity;

Staff: The applicant proposes an expansion which will require a CUP. The applicant's variance request only seeks relief from compliance with standards associated with current requirements for parking lots while decreasing the nonconformity. As proposed, the applicant would not be increasing a nonconformity.

- b. If a nonconforming structure is moved for any reason for any distance whatsoever it shall thereafter conform to the code provisions applicable in the zone in which it is located after it is moved;

Staff: The applicant does not propose to move the structure.

- c. If a nonconforming structure or nonconforming portion of a structure is damaged by any means to an extent of more than 50 percent of its replacement cost at time of the damage, it shall not be reconstructed except in conformity with the provisions of Homer City Code.

Staff: No damages noted

- d. If at any time a nonconforming structure is abandoned or brought into conformity with this title, the structure shall thereafter conform to all the regulations of the zoning district in which it is located, and the nonconforming structure shall not be allowed to continue in use.

Staff: The structure has not been abandoned or achieved conformity with Title 21.

Status of Parking Lot

The parking lot is not meeting current code for several reasons.

In review of the several variances requested, staff will provide discussion and recommendations on the individual requests. We have assigned numbers to the individual variance requests (VR). I have italicized the specific language in code where relief is requested.

While not repeated in this staff report, the applicant has provided a detailed response and reasoning for their requests, please take time and carefully review submittal materials.

VR #1

HCC 21.57.090 Visual impacts.

Parking lots and parking structures may not visually dominate the setting and should enhance the City's aesthetic qualities and natural surroundings. Parking facilities shall be designed and landscaped with increased emphasis on pedestrian ways that provide public connectivity to and through the site. *The visual impacts of parking lots shall be mitigated through measures such as landscaping, screening, **or** situating parking areas away from the front of buildings adjacent to arterials.*

VR #1 Discussion: This particular section of code sets some expectations for development of large retail parking lots. While not pointed, the code calls for mitigation of visual impacts to include screening and/or situating parking away from the front of the building. Since the applicant does not propose to eliminate parking in front of the structure and doesn't feel that the parking lot can practically accommodate demand for significant additional screening, they are asking for relief from strict compliance with the code.

Staff has a concern for the perceived relief that may be granted with this request. I would hesitate to recommend that the applicant be completely absolved from all mitigation measures that would have a visual impact. If the Commission wishes to entertain a variance from this section of code, some discussion should be had about the extent of the grant of the variance. Are we approving that they have no more responsibility to provide any screening? There is some designated landscaping found in the site plan, but no information is found about how mitigation might be accomplished. We do understand that situating parking away from the front of the structure might not be practical, but it is not necessarily required. Code frames the requirement as something that may be done and is not required when using the word 'or' in the regulation.

The rubber really hits the road when the applicant (if approved) applies for a CUP. It is this time that the Commission has a chance to review mitigation measures and make conditions. It is not specified exactly how or how much of this must be accomplished. This would be something at the Commission's discretion when considering conditions of the CUP. Staff does not support a whole sale exception to the requirement and it is unclear how or how much screening may be subject to the variance.

VR #2

HCC 21.57.150 Parking

a. Parking lots for large retail and wholesale development shall not exceed the minimum number of spaces required by Chapter 21.55 HCC by more than 10 percent.

b. All parking lots will be posted "No Overnight Camping Permitted" as required by HCC 19.08.030.

*c. **Where practical**, no more than 50 percent of the required parking area for the development shall be located between the front facade of the building and the abutting streets or adjacent to arterials.*

The applicant requests relief from the maximum parking allowance and an allowance for the continuance of locating more than 50% of the parking between the front of the building and the Sterling Highway. Strict compliance is not required from the suggestion that “where practical” no more than 50% of the parking shall be located between the front facade of the building and the abutting streets or adjacent to arterials. It is evident that it is not practical on the site.

VR #2 Discussion: Staff sees the maximum allowance for parking a particularly difficult regulation to support and plans to seek a future discussion of the ramifications with the Commission. Generally, such rules need the support of some type of mass or public transit system. Homer by nature of the surrounding rural property out of town, low population density within a reasonable walking distance of the supermarket, high influx of tourists during the summer, the fact that we have no viable form of public transportation, and observation of days in the summer when the entire parking lot is occupied leads us to believe that, in this instance, we may need to reconsider what is a functional amount of parking to provide.

It would be ideal to have updated data regarding traffic and demand for the services of larger retail to best evaluate the current need for parking in Homer, as conditions may have changed since 2004 when the regulations were first adopted. While staff is sympathetic to the applicants' plight, it is felt that a code amendment would be the best option that would not prejudice other retailers that may find they would also benefit from a deviation in code.

While staff believes this conversation is ripe for the Commission to consider if a code amendment warranted, we do not feel that we can recommend a deviation from code when the applicant could meet the standards within the subject lot. If the standards are misguided somehow, the best and most equitable solution is to reconsider the standards for all those in the Central Business District.

VR #3

21.57.170 Landscaping.

2. In parking lots:

a. A minimum of 10 percent of the parking area of parking lots with 24 spaces or more shall be landscaped in islands, dividers, or a combination of the two.

VR #4

21.50.030 Site development standards – Level two.

f. Landscaping Requirements. All development shall conform to the following landscaping requirements:

1. Landscaping shall include the retention of native vegetation to the maximum extent possible and shall include, but is not limited to, the following:

b. Parking Lots.

i. A minimum of 10 percent of the area of parking lots with 24 spaces or more shall be landscaped in islands, dividers, or a combination of the two;

We have combined the two items above as they are duplicate regulations. There is no native vegetation being disturbed, so the applicant needs relief from the requirement to produce a minimum of 10% of the parking area to be landscaped.

VR 3 and VR 4 Discussion

As we have noted the parking challenges with site, we have to weigh the amount of landscaping that should be reasonable required in consideration of their proposed improvement of the site as it exists. As noted on the applicant's site plan, the parking area is 83,515 square feet and would require 8,351 Square feet of landscaping to comply with the 10% of landscaping required for either VR 3 or VR 4. The applicant is proposing to provide 5,670 square feet of parking lot landscaping, equal to 6.8% of the parking area.

The applicant is increasing compliance in two ways. The removal of 21 parking spaces in itself creates a higher percentage of landscaping, as the parking area has been decreased. The applicant proposes to add landscaping on the south side of the parking lot where there is an amount of 'leftover' room due to the curvilinear shape of the circulation lane and 9' x 18' required for a parking stall. This is marked up on the applicant's site plan.

Spaces proposed to remain above the maximum could provide space to comply with landscaping requirements. With the applicants proposal they are requesting to keep 21 parking spaces above the maximum allowance. If the applicants' stalls measure 10' x 20', after consideration for the space taken up by the proposed addition, there would be an opportunity to add 4,200 square feet of landscaping to take the place of the 21 parking spaces above the maximum allowance. This would amount to more than enough space to accommodate the required landscaping. The applicant does point out the inconvenience to its customers, as parking in near proximity to the

entrances would be curtailed. But, at this point, all the parking would be in near proximity to the entrances.

The applicant makes an unclear case that they would be deprived of their existing building as a literal interpretation of the code would mean a complete redesign from the ground up. We are unsure of the interpretation in consideration of the structure itself, but more space for landscaping exists when the applicant is in compliance with the maximum amount of parking allowed. Staff finds it cannot recommend that this variance be granted, as the requirement for which they seek relief from can be provided on-site and is not impeded by the condition of the structure or land.

FINDINGS OF FACT

Pursuant to HCC 21.72.010, a variance may be granted by the Planning Commission to provide relief when a literal enforcement of the Homer Zoning Code would deprive a property owner of the reasonable use of a lot.

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: The applicant does not discuss ‘rights commonly enjoyed by other properties’ and has not demonstrated that they would be deprived of them.

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: The special conditions noted by the applicant do not affect their ability to meet code requirements. The traffic of the summer months and being one of only two grocery stores serving the southern peninsula is not peculiar to the land or structures.

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

Finding 3: The conditions and circumstances have not been caused by the applicant as the structure and lot was conforming when permitted.

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 without a variance.

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.

STAFF RECOMMENDATION

Staff recommends the Planning Commission deny the variance with findings 1-7

ATTACHMENTS

1. Zoning Variance Application
2. Site Plan
3. Public Notice Mailout
4. Aerial Map



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

ZONING VARIANCE APPLICATION

APPLICANT INFORMATION

Name: Amanda Martin – PM Design Group Phone: 425-967-8409

Address: 19401 40th Ave W #420, Lynnwood, WA 98036

Property Owner (if different than applicant):

Name: Safeway c/o Joe Janus Phone: 425.201.6405

Address: 1121 124th Ave NE, Bellevue, WA 98005

PROPERTY INFORMATION

Address: 90 Sterling HWY, Homer, AK 99603

Legal Description: T 6S R 13W SEC 20 Seward Meridian HM 0880045 GLACIER VIEW SUB NO 20 LOT 7A

KPB Tax ID #: 17710736 Zoning designation: Central Business - CB

Lot size: 3.36 acres (acres) AND/OR _____ (square feet)

City water service? Y City sewer service? Y Electric service? Y

Are there existing structures on the property? Y

If yes, describe the structure(s) There is an existing Safeway grocery store on the site

What is the existing use of the property? Supermarket

What is the proposed use of the property? Supermarket (no change)

What land uses exist on the neighboring properties? i.e. residence, commercial, vacant, etc.

North: Commercial East: Commercial

South: Commercial West: Commercial

ZONING VARIANCE INFORMATION

Provide the zoning ordinance from which you are requesting a variance (give the exact sentence, paragraph and section) We have 4 separate but related Zoning Ordinances for which we are seeking a variance – all related to the existing parking lot:

1. **21.57.090 Parking Lots.** The visual impacts of parking lots shall be mitigated through measures such as landscaping, screening, or situating parking areas away from the front of buildings adjacent to arterials.
2. **21.57.150 Parking.** Parking lots for large retail and wholesale development shall not exceed the minimum number of spaces required by Chapter 21.55.090 HCC by more than 10 percent.
3. **21.57.170.2 Landscaping In parking lots**
 - a. 21.57.170.2.a. - A minimum of 10 percent of the parking area of parking lots with 24 spaces or more shall be landscaped in islands, dividers, or a combination of the two.
4. **21.50.030 Site Development Standards – Level two**
 - a. 21.50030.f.1.b.i. - A minimum of 10 percent of the area of parking lots with 24 spaces or more shall be landscaped in islands, dividers, or a combination of the two;

Please see attached narrative for more information

Conditions precedent to granting variance (Homer City Code 21.72.020)

Please describe how the application satisfies the following requirements (use page 4 for extra space)

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.
A literal interpretation of the code would mean a complete re-design from the ground up, depriving the applicant of their existing building, site and business. The non-conformance is not deliberate, only the effect of 'aging out' of compliance as the code has evolved. Please see Narrative for specific responses to each of the four zoning codes in which we are seeking a variance.
2. Special conditions and circumstances exist that are peculiar to the land or structures involved and which are not applicable to other lands and structures in the same district.
Due to the location of the building, building entrance and shallow depth of property from façade to street frontage, we are at a disadvantage to provide both adequate parking and landscaping in front of the building. Existing parking stalls have experienced

maximum capacity during the summer months. This due in large part to our site being one of only two grocery stores serving the southern peninsula. Had this been a more typical rectangular lot with sufficient depth then meeting the landscape mitigation code would have been more achievable. Safeway plans to expand to the side of the building which will not negatively impact parking to the south.

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

These conditions have not been caused by the applicant. The use has been in existence since before the code requirements for Large Retail. Safeway is addressing as many requirements as possible from the code. We are increasing the building size and reducing the parking stalls which improves the parking to building GFA by ratio by 21% which in turn decreases the non-conformity of the lot. It is recommended that the City of Homer take into consideration that compliance should be relative to the percentage increase of the expansion or based on valuation. For instance requiring a 100% compliance for an 11% building expansion is not relative whereas spending x% of building expansion costs on site improvements would be.

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

There are no financial reasons (pro or con) for allowing this variance. The variance is based on the fact that we are an existing, non-conforming use that is unable to conform completely, but working to reduce non-conformity.

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

We are not basing our variance request upon other nonconforming land uses or structures. No other variances have been applied for or have been granted to large retail stores within Homer.

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

We are seeking the minimum variance necessary to develop the site. Safeway is improving the land and in all four codes we are reducing the existing non-conformity not seeking greater non-conformity. We request that our existing non-conforming Parking Lot be recognized and our move towards greater conformance be allowed.

- E. **A variance shall not be granted which will permit a land use in a district in which that use is otherwise prohibited.** If granted the variance, how will you utilize this variance? Is this use allowed in your zoning district?

The Land Use is allowed in our Zoning District. We will utilize the variance to come as close as we can to the conforming use requirements, while adding storage that will mitigate the problem of tractor-trailer storage within the visible parking area.

I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property: _____ owner of record; _____ lessee; _____ contract purchaser; X duly authorized to act for a person who has the following legal interest; Architect & Authorize Agent of Owner_____, and that the owner of record is knowledgeable of this application if I am not the owner. I also understand that this item will be scheduled for the Planning Commission agenda only if all application materials are submitted.

Applicant's Signature: Amanda Martin – PM Design Group Date: 12/21/20

Property Owner's Signature: _____ Date: 12/21/20

Fee: \$250.00 (X) Paid Received by: Julie Engebretsen

Planning Commission Public Hearing Date: _____

[illegible]

December 21, 2020

Julie Engebretsen
Homer City Hall
491 East Pioneer Ave
Homer, AK

RE: **SAFeway EXPANSION VARIANCE NARRATIVE**
90 Sterling Highway
Homer, AK
PMDG JOB NO. ALB20018

Dear Julie:

Per 21.72.020 A variance may be granted by the Planning Commission to provide relief when a literal enforcement of the Homer Zoning Code would deprive a property owner of the reasonable use of a lot.

We will address the three Conditions Precedent to granting a variance for each of the following code sections. Those conditions are:

CP1. 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.

CP2. 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.

CP3. The special conditions and circumstances that require the variance have not been caused by the applicant.

Response: The code sections in which we are seeking mitigation include the following:

1. 21.57.090 Parking Lots. Parking lots and parking structures may not visually dominate the setting and should enhance the City's aesthetic qualities and natural surroundings. Parking facilities shall be designed and landscaped with increased emphasis on pedestrian ways that provide public connectivity to and through the site. The visual impacts of parking lots shall be mitigated through measures such as landscaping, screening, or situating parking areas away from the front of buildings adjacent to arterials.
CP1 parking is considered an existing Non-conforming Lot feature. We do not propose to increase the non-conformity as the number of parking stalls in front (south) of store will be reduced and some additional landscape buffers will be added. Safeway is improving the parking lot aesthetic qualities and natural surroundings.

CP2 due the location of the building, building entrance and shallow depth of property from façade to street frontage, we are at a disadvantage to provide both adequate parking and landscaping in front of the building. Existing parking stalls have experienced maximum capacity during the summer months. Had this been a more typical rectangular lot with sufficient depth then meeting the landscape mitigation code would have been more achievable. Safeway plans to expand to the side of the building which will not negatively impact parking to the south.

CP3 Safeway purchased the lot in its present layout with preexisting conditions and has not developed in a way to negatively impact the parking lots. Safeway needs to expand to increase storage and reduce the number of trailers visible from the street on the lot. By expanding to the east we leave as much room as possible to the south for enhanced landscaping. Landscaping will be improved along frontage.

2. 21.57.150 Parking

- Parking lots for large retail and wholesale development shall not exceed the minimum number of spaces required by Chapter 21.55.090 HCC by more than 10 percent.
 - i. 21.55.090 required number of Parking Spaces. Retail Stores and Food Stores require one parking stall per 300 square feet of gross floor area.
 - ii. Maximum parking allowed is 129 stalls.

Parking for the existing nonconforming lot currently exceeds the maximum parking. Proposed building expansion will eliminate twenty one (21) parking stalls on the Safeway store lot. This will reduce the nonconforming parking portion of the nonconforming lot. We are therefore not increasing but reducing the nonconformity of the parking count for the store. This does not trigger HCC 21.61.030

We researched local Alaska Jurisdictions where we have Safeway Stores and discovered the following:

- Seward – current lot has small parking spaces, no landscaping and aisles are narrow. Planner says summer months are very crowded and the overflow impacts surrounding lots. He usually shops at 10 PM to try and avoid the crowds.
- Kenai – Safeway is located adjacent to Home Depot. Parking lots are very large and there is plenty of parking even in the summer. Minimum parking is 1/250 SF per KMC 14.20.250.b.8. There is not a maximum parking cap in the code.
- Valdez – There is no maximum cap on parking just a minimum of 1/200 SF per VMC 17.48.100(7). Parking is generally sufficient but overflow parking in summer sometimes impacts ROW north of store.

3. 21.57.170.2 Landscaping In parking lots

- 21.57.170.2.a A minimum of 10 percent of the parking area of parking lots with 24 spaces or more shall be landscaped in islands, dividers, or a combination of the two.
-

CP1 Parking for the existing nonconforming lot exceeds the maximum parking. Proposed building expansion will eliminate twenty one (21) parking stalls on the Safeway store lot. Reducing the parking on the existing Safeway lot. Safeway will add landscaped islands to the existing parking lot but it will not be able to meet the code without significantly reducing the parking near the store entrance. This would be a hardship for the disabled and elderly.

CP2 due to the location of the building, building entrance and shallow depth of property from façade to street frontage Safeway is at a disadvantage to provide adequate parking and landscaping in front of building. Existing parking stalls have experienced maximum capacity during the summer months.

CP3 These conditions have not been caused by the applicant. The use has been in existence since before the code requirements for Large Retail. Safeway is addressing as many requirements as possible from the code. We are increasing the building size and reducing the parking stalls which improves the parking to building GFA by ratio by 21% which in turn decreases the non-conformity of the lot. It is recommended that the City of Homer take into consideration that compliance should be relative to the percentage increase of the expansion or based on valuation. For instance requiring a 100% compliance for an 11% building expansion is not relative whereas spending x% of building expansion costs on site improvements would be.

4. 21.50.030.f.1.b Site Development Level two, Landscaping, Parking Lots
- 21.50.030.f.1.b.i A minimum of 10 percent of the area of parking lots with 24 spaces or more shall be landscaped in islands, dividers, or a combination of the two;

CP1 Parking for the existing nonconforming lot exceeds the maximum parking. Proposed building expansion will eliminate twenty one (21) parking stalls on the Safeway store lot. Reducing the parking on the existing Safeway lot. Safeway will add landscaped islands to the existing parking lot but it will not be able to meet the code without significantly reducing the parking near the store entrance. This would be a hardship for the disabled and elderly. Safeway seeks to minimize variance request by requesting a variance to the code to allow 6.8%. This landscaping would include the front buffer and interior landscape islands.

CP2 due to the location of the building, building entrance and shallow depth of property from façade to street frontage Safeway is at a disadvantage to provide adequate parking and landscaping in front of building. Existing parking stalls have experienced maximum capacity during the summer months.

CP3 These conditions have not been caused by the applicant. The use has been in existence since before the code requirements for Large Retail. Safeway is addressing as many requirements as possible from the code. We are increasing the building size and reducing the parking stalls which improves the parking to building GFA by ratio by 21% which in turn decreases the non-conformity of the lot. It is recommended that the City of Homer take into consideration that compliance should be relative to the percentage increase of the expansion or based on valuation. For instance requiring a 100% compliance for an 11% building expansion is not relative whereas spending x% of building expansion costs on site improvements would be.

- 21.50.030.f.1.b.ii Parking lots with 24 spaces or more must have a minimum 10-foot landscaped buffer adjacent to road rights-of-way;

CP1 Parking for the existing nonconforming lot exceeds the maximum parking. Proposed building expansion will eliminate twenty one (21) parking stalls on the Safeway store lot. Reducing the parking on the existing Safeway lot. Safeway will add landscaped islands to the existing parking lot but it will not be able to meet the code without significantly reducing the parking near the store entrance. This would be a hardship for the disabled and elderly. Safeway seeks to minimize variance request by requesting a variance to the code to allow 6.8%. This landscaping would include the front buffer and interior landscape islands.

CP2 due to the location of the building, building entrance and shallow depth of property from façade to street frontage Safeway is at a disadvantage to provide adequate parking and landscaping in front of building. Existing parking stalls have experienced maximum capacity during the summer months.

CP3 These conditions have not been caused by the applicant. The use has been in existence since before the code requirements for Large Retail. Safeway is addressing as many requirements as possible from the code. We are increasing the building size and reducing the parking stalls which improves the parking to building GFA by ratio by 21% which in turn decreases the non-conformity of the lot. It is recommended that the City of Homer take into consideration that compliance should be relative to the percentage increase of the expansion or based on valuation. For instance requiring a 100% compliance for an 11% building expansion is not relative whereas spending x% of building expansion costs on site improvements would be.

Respectfully,

Pedro McCracken DESIGN GROUP, INC.

A handwritten signature in black ink, appearing to read "D.J. Wallace", with a long horizontal flourish extending to the right.

Duncan Wallace, LEED AP
Regional Manager

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Planning Commission on Wednesday, January 20, 2021 at 6:30 p.m. via a virtual meeting, on the following matter:

A request for Variance 21-01 to allow relief to Safeway under Homer City Code (HCC) 21.72 Variances, from certain parking lot requirements, including: HCC 21.57.090 Visual Impacts, HCC 21.57.150 Parking, HCC 21.57.170 Landscaping, and HCC 21.50.030 Site development standards – Level two, at 90 Sterling Hwy., Lot 7A, Glacier View Sub. No. 20, Sec. 20, T. 6 S., R. 13 W., S.M. HM 0880045.

Anyone wishing to view the meeting packet, attend the virtual meeting, or participate in the virtual meeting may do so by visiting the Planning Commission Regular Meeting page on the City's online calendar at <https://www.cityofhomer-ak.gov/calendar>. This information will be posted by 5pm on the Friday before the meeting.

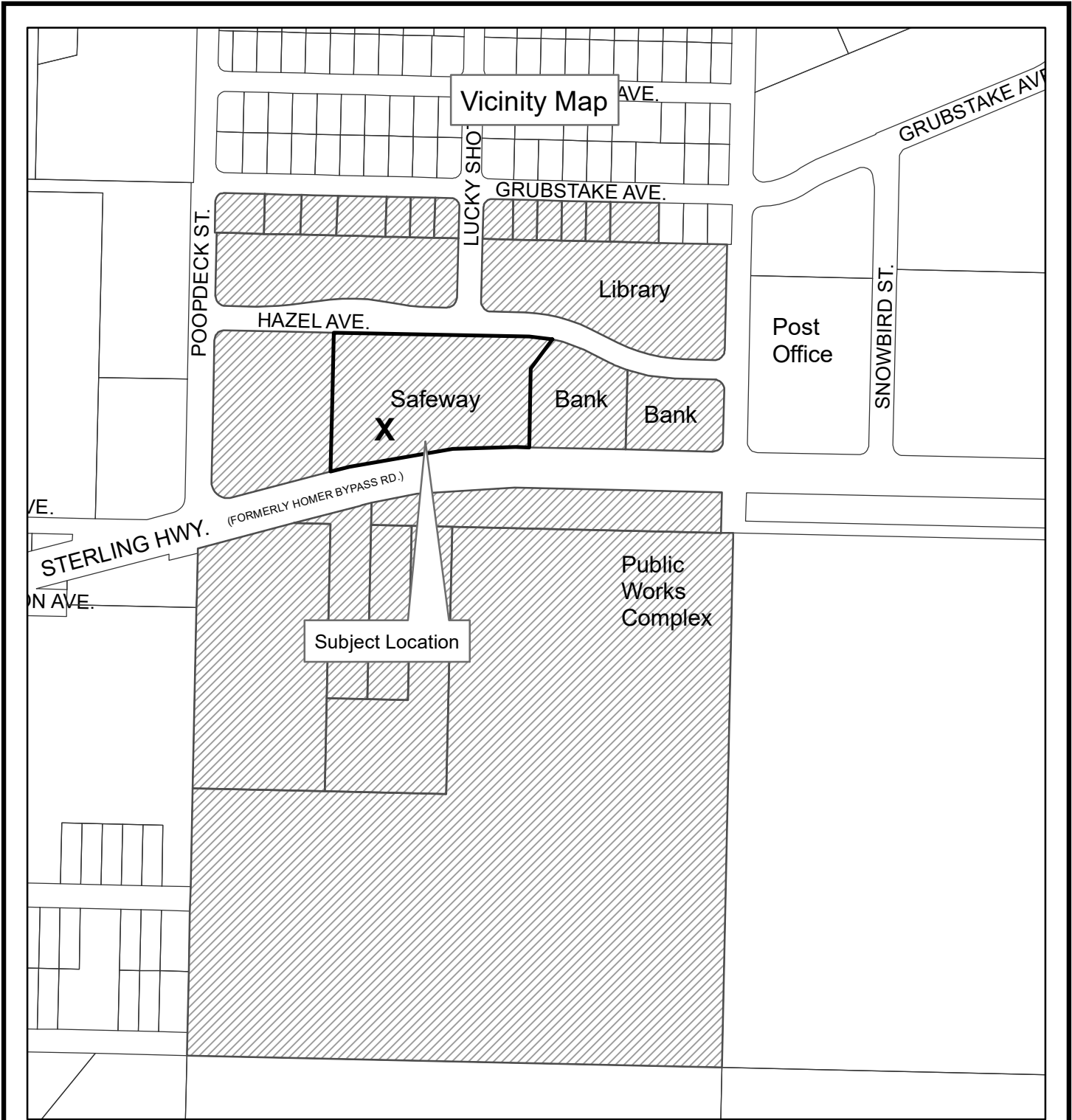
Visit the link above or call the City Clerk's Office to learn how to provide verbal testimony during the meeting via telephone or the Zoom online platform. Written comments can be emailed to planning@ci.homer.ak.us or mailed to Homer City Hall, 491 E. Pioneer Ave., Homer, AK, 99603. They may also be placed in the Homer City Hall drop box at any time. Comments must be received by 4pm on the day of the meeting.

If you have questions or would like additional information about the proposal, please contact Rick Abboud with the Planning and Zoning Office at 235-3106. If you have questions about how to participate in the virtual meeting, please contact Renee Krause with the City Clerk's Office at 235-3130.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY

.....

VICINITY MAP ON REVERSE



City of Homer
Planning and Zoning Department

December 15, 2020

Request for Variance 21-01 at 90 Sterling Highway

Marked lots are within 300 feet and
property owners notified.

0 150 300 Feet



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



City of Homer
Planning and Zoning Department

December 15, 2020

Request for Variance 21-01 at 90 Sterling Highway

Marked lots are within 300 feet and
 property owners notified.

0 150 300 Feet

50



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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 PL 21-06

TO: Homer Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: January 20, 2021
SUBJECT: Helicopters and tall towers near the hospital

Introduction

When the Commission was considering the new Medical District, a question arose about allowing communication towers near the hospital. There was concern that a tower could cause a safety hazard for life light operations at the Hospital. Staff asked the City's tower consultant to consider the issue and give us an analysis. Their response is attached.

Staff received the response yesterday so we have not had time to analyze the letter in depth, or share it with the hospital. If you have questions, let us know! No action is required on this issue.

Attachments

January 12, 2021 letter from CityScape

City of Homer, Alaska
Wireless Communication Facilities
Helicopter Flight Path

CityScape
CONSULTANTS, INC.
2423 S. Orange Avenue, #317
Orlando, FL 32806
Tel: 877.438.2851 Fax: 877.220.4593

January 12, 2021

Ms. Julie Engebretsen, Deputy City Planner
City of Homer Planning and Zoning
491 East Pioneer Avenue
Homer, AK 99603

RE: Considerations of flight path hazard for cell towers up to 85 feet near the community hospital

Dear Ms. Engebretsen,

Background Information: South Peninsula Hospital has frequent helicopter operations associated with approximately two hundred fifty (250) airlifts or approximately five hundred lift-off and landings per year. This facility is a helipad, not a heliport, thus there is no regular passenger service and no aircraft fueling at the facility. The issue under consideration is if unlit towers built to a height of up to eighty-five (85) feet could pose a flight hazard in the helicopter flight path.

CityScape did a cursory review of the location of the hospital, the terrain and the potential for eighty-five (85) foot towers in the area. CityScape found that there could indeed be a problem, however a complete FAA determination would be required for any new proposed towers. Typically towers less than two-hundred (200) feet or outside an airport glide slope do not require any markings or lighting.

CityScape studied the terrain and features in and around Homer in order to determine potential flight hazards for emergency air transport to and from South Peninsular Hospital. To make the determination we segmented possible flight paths that would likely be used when approaching the heliport landing pad. The hospital helipad was the study start point, commencing from there on a line 172°T south dissecting a current proposed tower location (3838 Bartlett Street tower) ending at water's edge of Kachemak Bay, and including a safe margin of 20° on each side of that particular tower. From that we created three analyses templates; at 172°, 152° and 192°. From each template the Earth was sliced to show the slope on which a tower was placed. Next, we added a vegetation layer, which was derived from elevation mapping. Please note the vegetation does have intermittent gaps for roads and structures and would be different during the various seasons, *see Figure 1*. Note that the 3838 Bartlett proposed tower does require steady burning red aviation obstruction lighting in accordance with its FAA Obstruction Evaluation found under FAA File No: 2019-AAL-330-OE.

The hospital is located at one of the highest ground elevations in Homer at three hundred sixty (360) feet. Using Fairview Avenue as a north/south divider, the elevation including terrain on the west side of the hospital is at four hundred seven (407) feet but slopes down to nearly half that elevation to two hundred one (201) feet. By referencing the templates below, it is easy to see the mocked up horizontal slice of terrain elevations in the general proximity used by the emergency transport aircraft.

Analyzing each of the three templates, we start by considering 192° which is in the western section of Homer. A tower in this area would be the least visible vertically by an aircraft especially during the months with heavier natural vegetation. The other directions provide greater visibility due to the surrounding ground elevations are reasonably closer to the helipad.

While the examples provided below are a reasonable visual description, other considerations are:

- The color of the structure; a galvanized grey color would not show as prominently as they do in the below representations; and
- The varying weather, fog, rain, snow, sun would all factor into the visibility of a tower from an aircraft.

Overall, the eight-five (85) foot tower will only minimally stand above treetops and aircraft must maintain a suggested flight elevation of two hundred (200) feet or there may be issues with incursions into towers in these areas around the hospital.

I certify that to the best of my knowledge all the information included herein is accurate at the time of this report. CityScape only works for public entities and has unbiased opinions. All recommendations are based on technical merits without prejudice per prevailing laws and codes.

Respectfully submitted,



Richard L. Edwards
FCC Licensed Radio Telephone Engineer
CityScape Consultants, Inc.

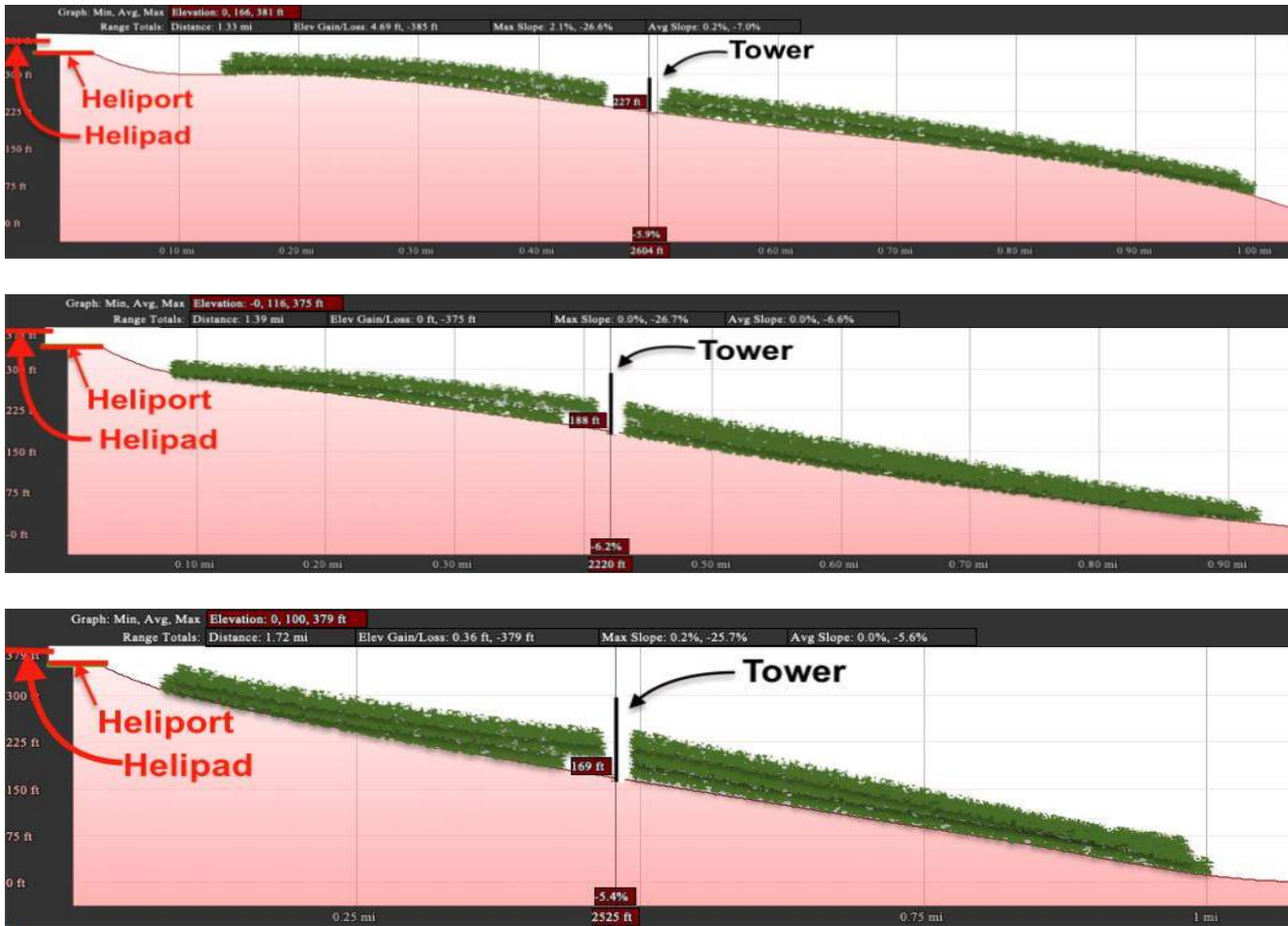


Figure 1



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: January 6, 2021
SUBJECT: City Manager's Report for January 11, 2021 Council Meeting

Main Street Sidewalks

The design for the Main Street Sidewalk project is at 35% development. Public Works Director Keiser will be discussing this project at the Committee of the Whole. See attached for a memo and drawings relevant to the project.

Winter King Tournament

The Homer Chamber of Commerce is asking Alaska Department of Fish and Game to make a onetime modification to their rules to accommodate their annual Winter King Tournament occurring in April. The Chamber would like fish caught as part of the tournament to not count against the limit of five king salmon per fisherman between April 1st and August 31st. Staff has prepared a draft letter of support which I will provide to the Chamber after this meeting if there is no objection from the Council. The letter and a PDF of ADF&G regulations are attached.

Winter Recreation Champions

Our winter recreation working group put together a compact wintertime activity guide highlighting tips for winter recreation in Homer. See attached for a draft which, when finalized, will be included in future water/sewer bills.

Alaska Marine Highway System Outreach Partnership with Seldovia

The Seldovia City Council is interested in opportunities to co-author a letter to the Governor regarding regional concerns with the Alaska Marine Highway System. Attached is a letter to the Mayor and Council from Seldovia's City Manager, an existing letter from Seldovia to the Governor, and a resolution passed by their Council.

New Finance Employee Joins the Team in January

We have successfully recruited to fill the additional Finance position approved by Council with Ordinance 20-44. Kaela Jiron accepted the position and she will become a member of the Finance team by mid-January. We are excited to incorporate her energy and enthusiasm for Accounting into our team. Ordinance 20-77 authorized the remodel of office space and the purchase of furniture for the new position. The cubicle workspace has been ordered and installed. We are continuing to work on ordering the remainder of the workspace items.

Light Up Homer Campaign

Through the Light Up Homer Campaign, the City loaned strings of lights to Homer Businesses who committed to installing them. The Chamber of Commerce helped the Public Works Department recruit participants, and over a dozen chose to participate. Additionally, we lit up the Public Works building, multiple parks facilities, the library, and the Police station. See below for example photos.



Library Western Lot Trail Project Update

Friends of Homer Library is currently developing a proposal for improvements to the “western lot” area of the library facility. See the attached memo from Library Director Barry for more information.

Bishops Beach Parcel

The Council adopted ordinance 20-76(A) directing me to purchase a parcel at Bishops Beach. The City took possession of the parcel on January 4th and will designate it as part of Bishops Beach Park.

Homer Police Station Architectural Award

The Alaska Chapter of the American Institute of Architects (AIA) awarded the Homer Police Station for its creative use of materials. This award was voted on by attendees to AIA Alaska’s virtual conference. See attached for the award and images submitted to the AIA.

Camping Report for 2020

Unsurprisingly, campground revenues and total campers were down in 2020 due to the pandemic. There was however a bright spot in the number of campers who visited Homer in the shoulder seasons. See attached for a report from the Parks Division.

Personal Watercraft in Kachemak Bay

A decision signed by Alaska Department of Fish & Game Special Assistant Rick Green, effective January 9th, allows personal watercraft (PWC), such as jet skis, to access Kachemak Bay for the first time in almost 20 years. This change has created concerns in the community which include, but are not limited to, public safety, shoreline protection, and recovery of the appropriate fees for PWC usage of harbor facilities. I am looking for direction from Council as to how they would like to move forward regarding this issue, see attached for a memo outlining some basic information and concerns.

J & H Consulting Meeting

On Dec 23, 2020, key staff met with Christine Hess and Reggie Joule of J&H Consulting to get acquainted and get a general overview of the State legislative landscape for 2021 as it pertains to City projects and interests. J&H Consulting will be providing written updates every 10-12 days for distribution and are available to give presentations to Council. They also recommended inviting the Kenai Peninsula delegation to attend a Council meeting to share information about the City's major projects and legislative concerns. If Council is interested, I would like to plan that with Council and J&H.

COVID-Related Updates

CARES Act Funding

President Trump signed legislation on December 27th which included an extension for the use of CARES Act funds. While this is a welcome respite for a few of our projects, we are still working to wrap up all CARES Act projects as soon as possible. I anticipate that all CARES Act related spending will be complete by the end of January.

COVID Risk Status

I continue to meet with staff to review our risk level regarding the COVID threat in our community. On November 23rd I moved the City to "Red" status and we remain there today. As an organization we have been doing quite well, at the time of this report we have zero active COVID cases. While we're not currently seeing much COVID activity within our organization, we are continuing to take a conservative approach to COVID-safety due to stresses on the healthcare system at a statewide level.

COVID Vaccine Update

City staff has been working with the Kenai Peninsula Borough Office of Emergency Management, local healthcare providers, and other members of the Unified Command to collaborate on ways to plan for and work together in regards to vaccine distribution. So far some City employees in the Police and Fire Departments have received the first and second shots of the vaccine series. No significant adverse reactions have been reported at the date of this report's writing. It's hard to say how much vaccine will be available and on what timeline here in Homer, but staff is committed to being a good partner in the roll-out process.

Council Chambers Update

Work continues on the Council Chamber update. This project is one that will spill over into 2021. See below for a progress picture.



Enclosures:

1. Main Street Sidewalk Memo and Drawings
2. Winter King Tournament Letter and ADF&G Regulations PDF
3. Winter Recreation Flyer
4. Seldovia Ferry Letter
5. Western Lot Trail Project Memo and Trail Maps
6. Homer Police Station Award
7. 2020 Camping Report
8. PWC Memo



Memorandum

TO: Robert Dumouchel, City Manager
FROM: Janette Keiser, PE, Director of Public Works/Acting City Engineer
DATE: December 22, 2020
SUBJECT: Main Street Sidewalk – 35% Design

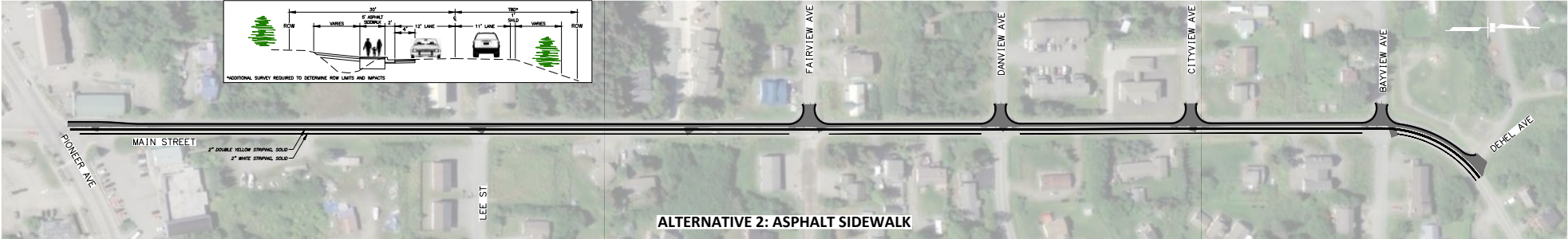
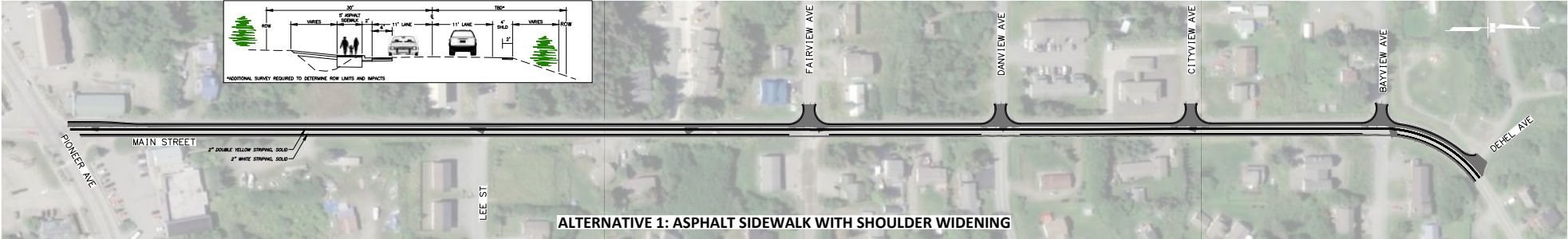
Issue: The design for the Main Street Sidewalk project is currently at 35% development. The purpose of this Memorandum is to describe the public outreach we will be conducting to brief relevant stakeholders on what the project is going to look like.

Background: The City issued a contract to design the Main Street Sidewalk Project, extending the sidewalk from Pioneer Avenue to Bayview Park to HDL Engineering. HDL has progressed the design the 35% level, which is not enough to build from, but enough to envision what the project will look like. For example, this level of design allows us to identify drainage problems, identify impacts on neighboring properties and layout the basic dimensions of the new road/sidewalk cross-section.

The intent is to build a sidewalk on the west side of the street only, with minimal impact to the existing road. We have not planned for any improvements on the east side of the road or any bicycle paths. That being said, it may be possible to widen the asphalt on the east side of the roadway and paint a lane on the widened section. This would provide a 2-3-foot wide strip on the non-sidewalked side of the road, which, while not an approved bicycle lane, could be used by people who want to travel on that side of the road. This feature could be added to the Bid Documents as an Additive Alternative, so, if we had funding, we could add this element to the construction contract.

We will be presenting the 35% design, including a plan view and a cross-section of what the configuration looks like, to the Planning Commission on January 6, 2020 and to the PARCAC at their next regularly scheduled meeting, which is in February.

HOMER MAIN STREET SIDEWALK IMPROVEMENTS





City of Homer

www.cityofhomer-ak.gov

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121

(f) 907-235-3140

Homer Chamber of Commerce
201 Sterling Highway
Homer, AK 99603

January 12, 2021

Dear Homer Chamber of Commerce,

The City of Homer supports the Homer Chamber of Commerce's request to the Alaska Department of Fish and Game to allow a onetime change to winter king fishery regulations for the annual Winter King Tournament. Traditionally the tournament is held in March, under winter king fishery regulations. The summer fishery rules start on April 1st and limit fisherman to five king salmon between April 1st and August 31st. The City supports the Chamber asking for a onetime exception to allow the tournament to occur in April, and for fish caught to not count against the five fish seasonal limit.

The Chamber has been advised by our local hospital that COVID-19 vaccines will be more available and more people will have been vaccinated later in the year, which will allow for a safer event. Additionally, a later event will allow more personal vessels to participate because there will be less ice in the harbor – thereby allowing smaller boats with only household members aboard to participate, rather than taking a charter with other unrelated people.

The City supports COVID-19 precautions as well as outdoor recreation. This onetime allowance will benefit the public and the City of Homer.

Sincerely,

Rob Dumouchel, City Manager

COOK INLET AND KACHEMAK BAY SALT WATERS

General Regulations - *Cook Inlet and Kachemak Bay*

Inclusive waters: Salt waters of Cook Inlet west of Gore Point and north of Cape Douglas, including Kachemak Bay and the Barren Islands.

The Fishing Season for all species is open year-round unless otherwise noted below.

KING SALMON

- **Summer Fisheries (April 1–August 31):**
 - **North of the latitude of Bluff Point (59° 40' N):**
 - 1 per day, 1 in possession (of any size).
 - See regulations for Special King Salmon Management Area on page 75.
 - **South of the latitude of Bluff Point (59°40'N):**
 - 2 per day, 2 in possession (of any size).
 - 20 inches or longer:
 - There is a combined annual limit of 5 king salmon 20 inches or longer from the waters of the following areas: Cook Inlet Salt Waters, West Cook Inlet, Susitna River Drainage, Knik Arm, Anchorage Bowl, and Kenai Peninsula.
 - If you retain a king salmon 20 inches or longer, you must immediately record that harvest. See page 5 for recording instructions.
 - A king salmon 20 inches or longer that is removed from salt water must be retained and becomes part of the bag limit of the person who originally hooked the fish. You must not remove a king salmon 20 inches or longer from the water before releasing it.
- **Winter Fishery (September 1–March 31):**
 - **All Cook Inlet and Kachemak Bay salt waters:**
 - 2 per day, 2 in possession (of any size).
 - No annual limit in effect; recording of king salmon harvest is not required during this timeframe.

OTHER SALMON

- 6 per day, 6 in possession, only 3 per day, 3 in possession may be coho (silver) salmon.
- Pink salmon taken in a sport fishery may be used as bait, but are part of your bag limit.

RAINBOW/STEELHEAD TROUT

- **No retention.** All rainbow/steelhead trout must be released immediately.

DOLLY VARDEN

- 5 per day, 5 in possession.

LINGCOD

- **July 1–December 31:** 2 per day, 2 in possession, must be at least 35 inches long with head attached or 28 inches from tip of tail to front of dorsal fin with head removed.

ROCKFISH

- 5 per day, 10 in possession, only 1 per day, 2 in possession may be nonpelagic (see chart on page 92).

HALIBUT

Pacific halibut fisheries are managed by the federal government under international treaty. See page 7 for federal contact information.

- **Season:** February 1–December 31.
- **Unguided anglers:** 2 per day, 4 in possession.
- **Consult federal regulations for the following:**
 - 1) Bag, possession and size limits and other regulations for guided (charter) anglers.
- **Filleting requirements for fish cleaned at sea:**

No person shall possess on board a vessel, including charter vessels and pleasure craft used for fishing, Pacific halibut that have been filleted, mutilated, or otherwise disfigured in any manner, except that each Pacific halibut may be cut into no more than 2 ventral pieces, 2 dorsal pieces, and 2 cheek pieces, with a patch of skin on each piece, naturally attached.

SPINY DOGFISH

- 5 per day, 5 in possession.

SHARKS (EXCEPT SPINY DOGFISH)

- 1 per day, 1 in possession.
- There is an annual limit of 2 sharks. These harvested fish must be recorded. See page 5 for recording instructions.

OTHER FINFISH

- No limit.

SHELLFISH

- See page 76.

Methods and Means - *Cook Inlet and Kachemak Bay*

Underwater spear:

- In salt water, spears and spearguns may be used to take fish, subject to applicable seasons and bag limits, by persons who are completely submerged, provided the spear or speargun is not tipped with an explosive charge.

Sport fishing gear for herring and smelt (hooligan):

- In salt water, herring and smelt may be taken with the use of 15 or fewer unbaited, single or multiple hooks attached to a single line.

Gaffs:

- A gaff may not be used to puncture any fish intended or required to be released.

Attention salt water anglers:

As of January 1, 2020, anglers must carry a deepwater release device onboard their vessel when sport fishing in salt water and will be required to use the device to release rockfish that are not harvested at depth of capture or 100 feet.

Methods and Means - Cook Inlet and Kachemak Bay (continued)

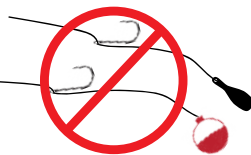
Snagging:

- Snagging is prohibited. You may not intentionally snag or attempt to snag any species of fish:
 - Year-round in Cook Inlet north of a line extending west from Bluff Point. See map.
 - Year-round in the Nick Dudiak Fishing Lagoon (see Special Regulations).
- **Snagging is allowed:**
 - Year-round in Cook Inlet south of a line extending west from the latitude of Bluff Point (except for the Nick Dudiak Fishing Lagoon).

Special Regulations - Cook Inlet and Kachemak Bay

Nick Dudiak Fishing Lagoon Area (The Fishing Hole)—Along the east side of the Homer Spit, from the Homer City Dock near the entrance of the Homer Boat Harbor to ADF&G markers about 200 yards northwest of the entrance to the Nick Dudiak Fishing Lagoon Area (including the Homer Boat Harbor and the fishing lagoon) to a distance of 300 feet from shore:

- King salmon:
 - 2 per day, 2 in possession, no size limit.
 - From April 1–August 31, king salmon 20 inches or longer must be recorded (see page 5).
- Other salmon (including coho salmon) in combination:
 - 6 per day, 6 in possession.
- **Snagging is not permitted except by emergency order.**
- Weights, bobbers or any flotation device (including pieces of foam or marshmallows) following a hook or hooks may not be used when these waters are closed to snagging.



Nick Dudiak Fishing Lagoon Youth-Only King and Coho Salmon Fisheries:

- Youth Fishery Zones established for persons 15 years of age or younger. The first Saturday in June (June 6, 2020) and August (August 1, 2020).

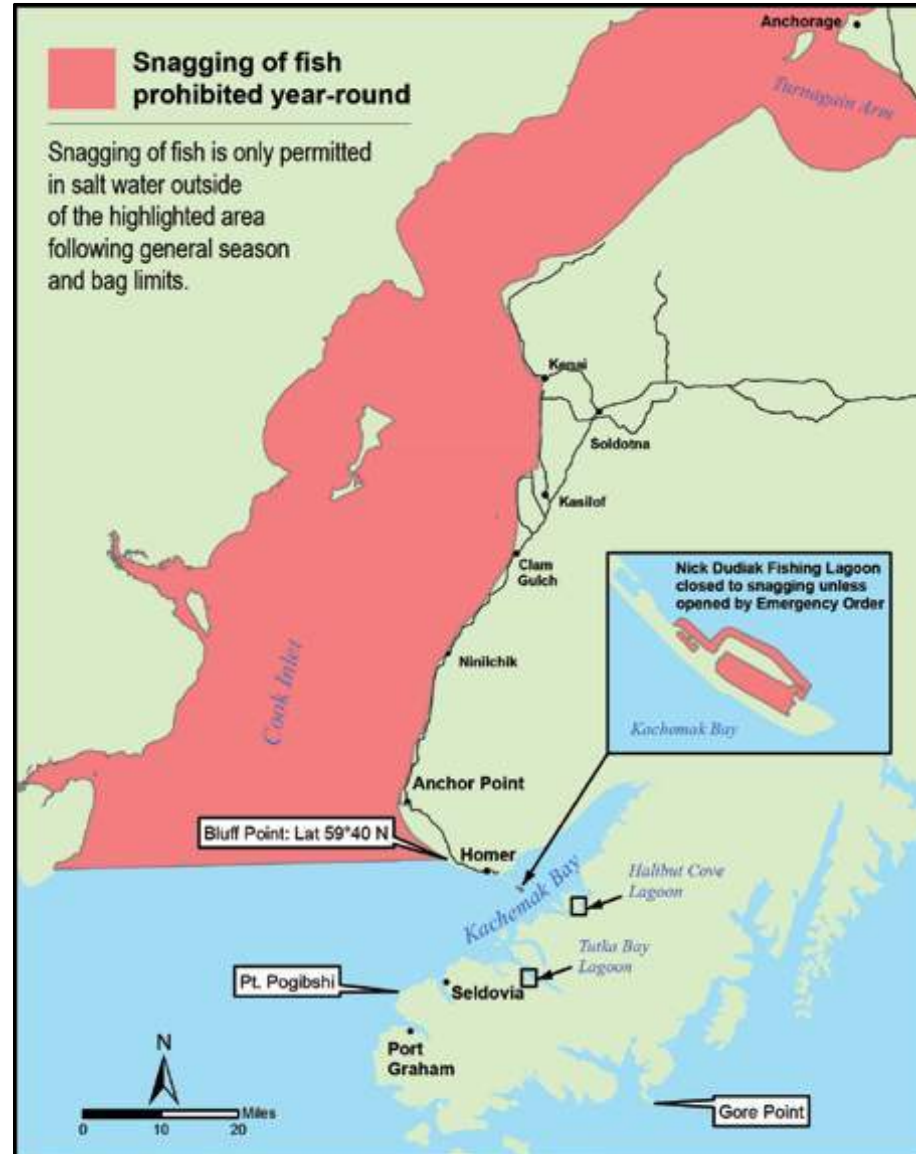
Tutka Bay Lagoon:

- The marine waters of Tutka Bay Lagoon within 100 yards of the Tutka Bay Lagoon hatchery net pens are closed year-round to sport fishing for any species.

Homer Barge Basin

—located on the Homer Spit:

- Closed year-round to all fishing.

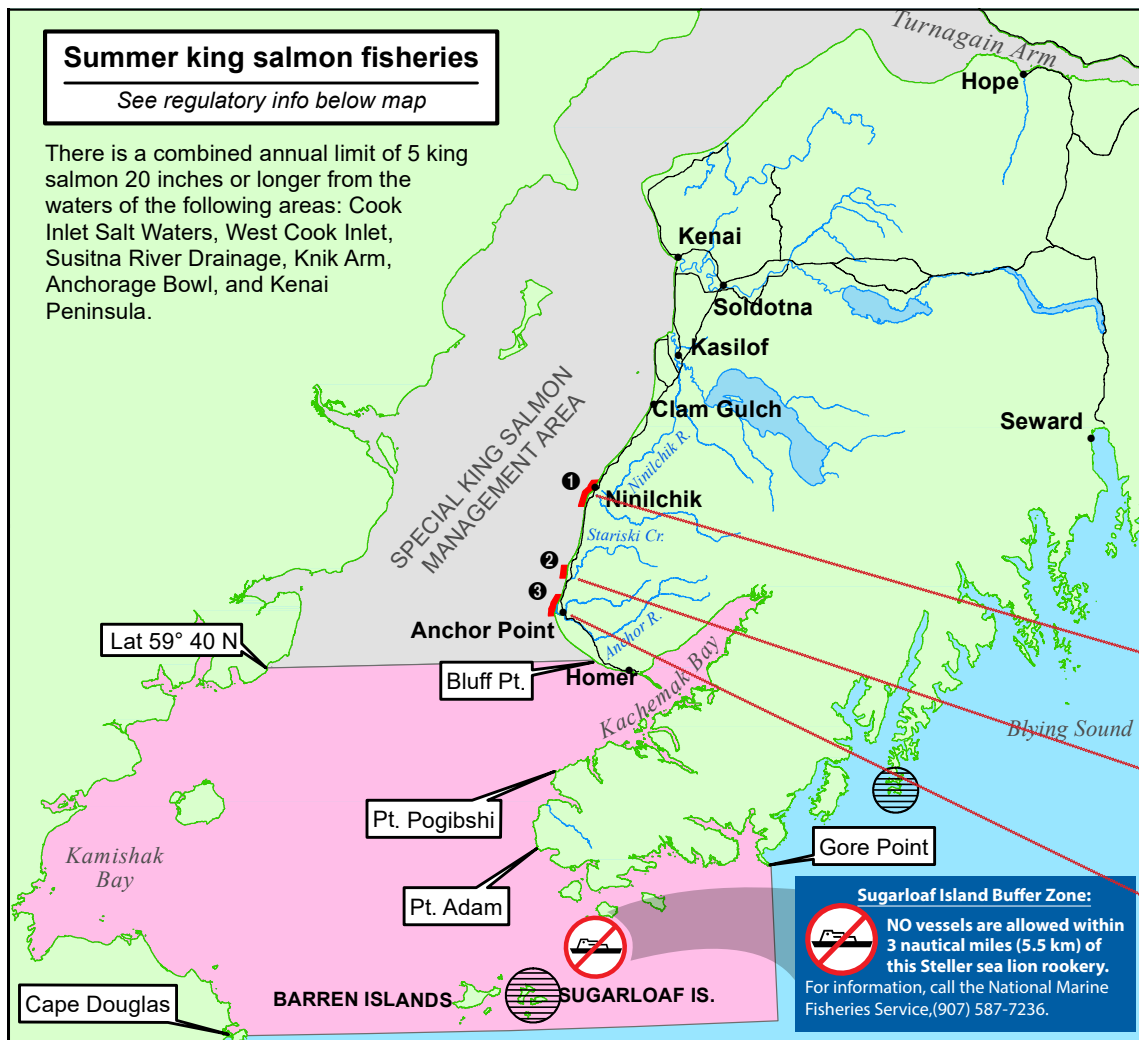


Stocked salmon fisheries in China Poot Bay and Tutka Bay Lagoon are paid for by enhancement taxes on commercial fisheries. Please be courteous—avoid commercial boats in these locations.

Summer king salmon fisheries

See regulatory info below map

There is a combined annual limit of 5 king salmon 20 inches or longer from the waters of the following areas: Cook Inlet Salt Waters, West Cook Inlet, Susitna River Drainage, Knik Arm, Anchorage Bowl, and Kenai Peninsula.



REGULATIONS FOR SPECIAL KING SALMON MANAGEMENT AREA (APRIL 1 - AUGUST 31)

Inclusive waters: All salt waters north of the latitude of Bluff Point.

- **April 1–August 31:** The following regulations apply:
 - Anglers may not continue fishing for king salmon within the Special King Salmon Management Area after harvesting a king salmon 20 inches or longer.
 - Guides may not sport fish while a client is present or within the guide's control or responsibility, unless the guide is providing assistance to a client with a disability as defined in the Americans with Disabilities Act.
 - **April 1–July 15:** The following salt water areas **1** **2** and **3** surrounding stream mouths are Conservation Zones and are **closed to all fishing**.
 - 1** About 1 mile north of the Ninilchik River (60° 03.99'N) to ADF&G markers 2 miles south of Deep Creek (60° 00.68'N), and within 1 mile of shore; except conservation zone 1 is open May 23–25, May 30–June 1, and June 6–8 to fishing from shore.
 - 2** from the latitude of an ADF&G marker located 1 mile north of Stariski Creek (59° 54.37'N) to the latitude of an ADF&G marker located 1 mile south of Stariski Creek (59° 52.98'N), and within 1 mile of shore; and
 - 3** from the latitude of ADF&G markers 2 miles north of the Anchor River (59° 48.92' N) to the latitude of the Anchor Point Light (59° 46.14'N) about 1 3/4 miles south of the Anchor River, and within 1 mile of shore.

April 1 - August 31: Summer King Salmon Fishery

• **King salmon limits April 1–August 31:**

- ☐ North of Bluff Point 59° 40' N to 60° 03.99' N (Special King Salmon Management Area)
1 per day, 1 in possession any size. *Note: See Special Regulations at right.*
- ☐ South of Bluff Point (59° 40' N) to 60° 03.99' N: 2 per day, 2 in possession (any size).

September 1 - March 31: Winter King Salmon Fishery

- Inclusive waters: ALL of Cook Inlet and Kachemak Bay salt waters.
- **King salmon September 1–March 31:**
 - 2 per day, 2 in possession (any size).
 - No annual limit in effect. Harvest of king salmon does not need to be recorded in this area September 1–March 31.

Tanner Crab "Standard" or "Limited" Fishery

Either the "Standard" or "Limited" tanner crab fishery will take place each year. The decision to open either fishery is based on pre-season trawl surveys of tanner crab.

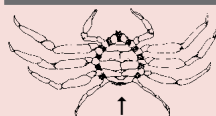
Fisheries are announced prior to the opening of the season in a Press Release issued by ADF&G. Sign up to receive Press Releases at: www.wefishak.alaska.gov

Tanner Crab - Limited Fishery

TANNER CRAB LIMITED FISHERY

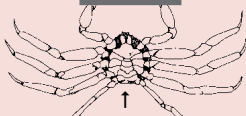
- Cook Inlet and North Gulf Coast waters:**
 - A permit is required and is available online at: www.adfg.alaska.gov/store.
 - Season:** October 1 - February 28:
 - Male crabs only, 4½ inch minimum: 3 per day, 3 in possession.
 - May operate 1 pot or one ring net per vessel.

Female - NO HARVEST ALLOWED



Wide abdominal flap covers most of underside (females are usually smaller than legal size)

Male



Narrow abdominal flap



Minimum size measurement location
Width measurement of Tanner crab is the straight-line distance across the carapace, including spines.

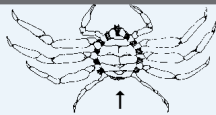
There is an annual limit of 20 crabs per person.

Tanner Crab - Standard Fishery

TANNER CRAB STANDARD FISHERY

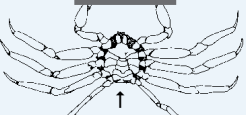
- Cook Inlet:**
 - A permit is required and is available online at: www.adfg.alaska.gov/store.
 - Season:** September 1–March 15:
 - Male crabs only, 4½ inch minimum: 5 per day, 5 in possession.
 - May operate 2 pots per vessel.
- North Gulf Coast:**
 - A permit is required and is available online at: www.adfg.alaska.gov/store.
 - Season:** September 1–March 15:
 - Male crabs only, 4½ inch minimum: 5 per day, 5 in possession.
 - May operate 2 pots per person with a max of 6 pots per vessel.

Female - NO HARVEST ALLOWED



Wide abdominal flap covers most of underside (females are usually smaller than legal size)

Male



Narrow abdominal flap



Minimum size measurement location
Width measurement of Tanner crab is the straight-line distance across the carapace, including spines.

There is an annual limit of 40 crabs per person.

China Poot and Peterson Bay (Kachemak Bay):

- Intertidal beaches between ADF&G markers along Shipwreck Cove and around Otter Rock:
- Closed to the harvest of all shellfish.**

DUNGENESS CRAB

- Season:** Closed.

KING CRAB

- Season:** Closed.

LITTLENECK AND BUTTER CLAMS

- 80 per day, 80 in possession in combination.
- Littleneck clams: Must be 1½ inches or wider.
- Butter clams: Must be 2½ inches or wider.

RAZOR CLAMS

- East side Cook Inlet** beaches from the mouth of the Kenai River south to the tip of the Homer Spit:
 - Closed to all clamming.** Check for Emergency Orders at: www.adfg.alaska.gov
- Rest of Cook Inlet:** No limit.
- All clams dug must be retained.

SHRIMP

- Season:** Closed.

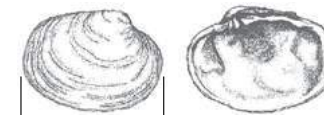
OTHER SHELLFISH

- No limit.

China Poot and Peterson Bay Shellfish Closures



BUTTER CLAM



Minimum 2½ inches across the widest part of the shell for Cook Inlet and North Gulf Coast harvest requirement. The butter clam shell is thick and white. It has heavy concentric growth rings, but no vertical ridges. The shell's inner edge is smooth. Butter clams are 3 to 5 inches long.

PACIFIC LITTLENECK CLAM



Minimum 1½ inches across the widest part of the shell for Cook Inlet and North Gulf Coast harvest requirement. Littleneck clam shells have concentric growth rings and distinct vertical ridges. The inner edge is ridged like the edge of a quarter. Littleneck clams are about 2 inches long.

WINTERTIME ACTIVITIES

HOMER, ALASKA



WINTER REC PRO TIPS

Know Before You Go

Some areas can become dangerous with winter conditions. Research your destination and check local conditions in advance. Prepare for the elements by packing extra layers, waterproof clothing, and safety gear for the backcountry. Remember that some roads and facilities may be closed in winter.

Play it Safe

Know your limits and your gear. Slow down and choose lower-risk activities to reduce your risk of injury.

Leave No Trace

Did you know that snow is our water supply? Keep our winter playgrounds clean. Pack out any human or pet waste. Be respectful of the land.

Explore Locally

Consider exploring locally, as driving and parking may be more challenging in the winter. If you travel, be mindful of your impact on Native and local communities.

Practice Physical Distancing

Be prepared to cover your nose and mouth. When possible, opt to eat and rest outside. If you feel sick, stay home.

FAT TIRE BIKING

With the right equipment you can still have the ability to bike on almost any terrain! Check out homercyclingclub.org whose mission is to promote bicycling as an environmentally friendly, healthy, and enjoyable pursuit in Homer and beyond. There are a few local businesses that will rent bicycles if you are looking to try this fun activity.



SPORTS GEAR LIBRARY

Are you looking to borrow some sports gear for your outdoor recreational endeavors? The City of Homer's Sports Gear Library program may have the sleds, balls, outdoor games, etc that you are looking for. We are also developing partnerships for other winter items. This is a free program with the goal of giving everyone the opportunity to play and recreate outdoors. Consider donating your old gear and equipment to the program so we can get it into the hands of folks who are interested in getting outdoors. Call 235-6090 for more information.

BUILD AN INCLUSIVE OUTDOORS

Everyone deserves to experience a winter wonderland. Be an active part of making the outdoors safe, accessible, and welcoming for people of all abilities

Independent Living Center Inclusive Recreation

The TRAILS program is participant driven to empower individuals by sharing fun activities, promoting self-confidence, teaching independent living skills, and assisting participants to fully realize their capabilities through recreation. For more information go to peninsulailc.org/TRAILS or contact mgavillot@peninsulailc.org

HOMER LIBRARY

Curbside Checkout

Anything that can be checked out inside the library is available at the back entrance of the building. Call 235-3180 for more information.

Little Library

There is a small cabinet outside the front entrance to the library with free books for anyone who would like to take some or leave some. Help yourself!

Outdoor WIFI

The library has a WIFI signal broadcast across the parking lot on the west side of the building. The login process is the same as inside the library building.

Laptops

If you don't have your own computer, you can check one out from the library. Call 235-3180 for assistance.

Zoom Programs

Public programs are being conducted over Zoom. See the library calendar for upcoming events: (https://www.cityofhomer-ak.gov/calendar?field_microsite_tid=86)

SNOW ACTIVITIES!

Cross Country Skiing

The Kachemak Nordic Ski Club is the driving force for providing incredible cross country skiing opportunities. This volunteer organization maintains/grooms trails, provides instructions for beginners and youth, spearheads special events and much more. Go to kachemaknordicskiclub.org for more info.

Down Hill Skiing

The Kachemak Ski Club maintains and operates the Homer Rope Tow located at 2.5 Ohlson Mountain Road. This volunteer organization provides a local option for downhill skiing and snowboarding along with some instructional opportunities. They are open on Sundays, 11am-4pm Call the Snow Line for updated information at 235-SNOW.

Sledding

While we cannot officially endorse locations to go sledding we can encourage that you avoid sledding in any areas that are near vehicular traffic. And consider wearing a helmet too!

Snow Shoeing

Is a terrific way to access and enjoy the outdoors. If you are looking to give this activity a try, check out the Center For Alaska Coastal Studies at 235-6667 as they have shoes available for a \$5 donation.

Snow Machining

Alaska has ample opportunities for snow machining so as long as there is snow. Considering connecting with the SNOMADS for information and resources at homersnomads.org.

Ice Skating

As many locals know there are a few options for outdoor skating that depend on weather conditions. Check with Kevin Bell Arena (Homer ice Rink) for possible skate rental options and out-door programs www.kevinbellarena.org or 235-2647

Ice Fishing

Many Alaska Department of Fish and Game (ADF&G) offices have fishing rods to lend. The type of fishing rods and the extent of gear in the Rod Loaner Program is dependent upon the local fishing opportunities and fishing conditions. Call 235-1739 or email Michael.booz@alaska.gov

PARKS AND NATURE AREAS

City Parks & Playgrounds

The city parks and play-grounds are open during the winter and the Hornaday Park Playground located off of W. Fairview Ave is a popular year round destination for families. For more information go to:

www.cityofhomer-ak.gov/recreation/parks-facilities

Wynn Nature Center

Located at 1.5 East Skyline Drive, this Center for Alaskan Coastal Studies offering is a fantastic place to hike or snowshoe! Call 236-6667 for more information.

Hiking

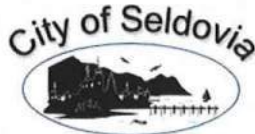
There are many opportunities to go hiking during the winter time. In addition to some of the local trails

consider spending time walking the incredible beaches in our community.



DISCLAIMER

The City of Homer is sharing the listed information and resources as a community service. This flyer does not constitute an endorsement for or against the non-City of Homer programs, organizations, materials, and viewpoints expressed herein.



www.cityofseldovia.com

P.O. Drawer B Seldovia, Alaska 99663 Phone: (907) 234-7643, Fax: (907) 234-7430 email: citymanager@cityofseldovia.com

Mayor Castner and Homer City Council
491 E. Pioneer Ave.
Homer, AK 99603
Submitted electronically: citymanager@cityofhomer-ak.gov

Subject: Municipal Partnership to Discuss the Alaska Marine Highway System with Governor Dunleavy's Office

December 30, 2020

Mayor Castner and Homer City Council,

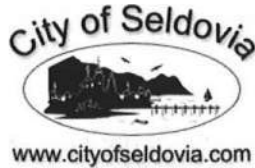
On behalf of Seldovia City Council, I am reaching out to assess the potential between our two cities to partner together when discussing the future of the Alaska Marine Highway System with Governor Dunleavy. Seldovia penned the enclosed letter at their last council meeting, however there was interest from Seldovia councilmembers in co-authoring a letter with the City of Homer to share our communities' concerns with his office. We are both connected by the ferry system, perhaps our cities could come together to advocate for its future, too.

Best,

Rachel Friedlander
City Manager

Enclosures:

Dec. 28, 2020 Letter from Seldovia City Council to Governor Dunleavy



P.O. Drawer B Seldovia, Alaska 99663 Phone: (907) 234-7643, Fax: (907) 234-7430

Office of the Governor
P.O. Box 110001
Juneau, AK 99811-0001

Subject: Invitation from Seldovia City Council to Honorable Governor Dunleavy to
Further Discuss the Alaska Marine Highway System

December 28, 2020

Honorable Governor Dunleavy,

The City of Seldovia would like to invite you and/or Commissioner MacKinnon and Captain Falvey Jr. at either our January 11th or the 25th council meeting to further discuss topics associated with the Alaska Marine Highway System as outlined below.

Seldovia, Alaska is one of thirty-five coastal communities that relies on a year-round ferry system to provide essential transportation and the M/V Tustumena and Kennicott are lifelines to the people of Seldovia. We want to support you in making the Alaska Marine Highway System a sustainable service to the public while ensuring our community's access to this necessary, dependable transportation. When the ferry is running it keeps the cost of living down for rural Alaskans.

In November 2020, Seldovia City Council passed Resolution 21-13 (enclosed) in support of the establishment of an Alaska Marine Highway System Governing Board, one of the main recommendations posed in the October 2020 "Alaska Marine Highway Reshaping Work Group Report to the Governor." The resolution also advocated for the replacement of the M/V Tustumena and emphasized the need to provide this vital and critical transportation service to small Alaskan coastal communities.

The ferry is part of the infrastructure we can expect from the state. This is an essential service to the citizens of Alaska and should not be run as a corporation. We agree with the working group report's recommendation to "(keep) the current department agency model."

Operating on the premise of making money with the marine highway is wrong when compared to the income of DOT land highways, which do not contribute funding.

We are looking forward to your response to the work group report and want to pose the following topics for discussion to be held with you in January:

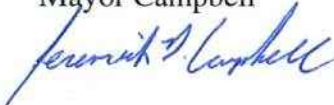
Topics for Discussion

- How is the State ensuring the AMHS budget is sustainable? The FY2022 budget as proposed by the Governor reduces the Marine Vessel Operations budget by \$2,469.7M or -5.4%.
- How is progress being made on the construction of a new Tustumena ferry? What is the long-term fleet plan for the Tustumena?
- How will the state determine and set a static and dependable ferry schedule? The community of Seldovia is willing to entertain the idea of a reduced schedule to ensure ridership on the ferry is high.
- How will the state determine when a vessel is scheduled for the dry dock? It would be best to make sure SOLAS capable vessels like the Kennicott and Tustumena are dry-docked 6 months apart to ensure no interruption in service.

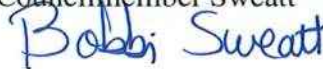
Please know our community is willing to work with the state and is open to making changes to the existing ferry system. As mentioned in the report, the voters approved the bonds needed to bring Alaska's first ferries and docks to the Kenai Peninsula. We are a significant part of the AMHS's history and want your commitment that we will be in its future.

Respectfully,
Seldovia City Council

Mayor Campbell



Councilmember Sweatt



Councilmember Rojas



Councilmember Colberg



Councilmember Nathan



Councilmember Morrison



Councilmember Payton



CC:

Commissioner MacKinnon

Captain Falvey Jr.

Rep. Stutes

Sen. Stevens

Enclosures:

Seldovia Resolution 21-13

**CITY OF SELDOVIA
RESOLUTION 21-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA
URGING GOVERNOR DUNLEAVY AND THE ALASKA LEGISLATURE TO ESTABLISH AN
ALASKA MARINE HIGHWAY SYSTEM GOVERNING BOARD; TO SUPPORT THE
REPLACEMENT OF MV TUSTUMENA; AND TO CONTINUE PROVIDING THIS VITAL
AND CRITICAL TRANSPORTATION SERVICE TO SMALL ALASKAN COASTAL
COMMUNITIES**

WHEREAS, the Alaska Marine Highway System (AMHS) is a critical and essential method of transportation for residents of the State of Alaska and Alaska coastal communities; and

WHEREAS, Governor Dunleavy, through Administrative Order No. 313, established the Alaska Marine Highway Reshaping Work Group on January 17, 2020 with the purpose of making recommendations on the future finances and service levels of the Alaska Marine Highway System (AMHS); and

WHEREAS, it was the duty of the Work Group to consider the analysis and data in the Alaska Marine Highway System Economic Reshaping Report (January 15, 2020) and to define the future needs and purpose of the AMHS, with the goal to ensure residents have access to essential transportation services among Alaskan coastal communities; and

WHEREAS, the final report was presented to Governor Dunleavy from the Work Group on October 2, 2020, and included findings and recommendations for the purpose of supporting the Alaska Marine Highway System service provided; and

WHEREAS, the report recommended that the Governor establish and appoint, by administrative order, a new nine member "operations" board, with members having skills and experience a Ferry Commission or Marine Business Board of Directors would bring to bear; and

WHEREAS, an "operations" board would help eliminate the continuing challenge for the AMHS of frequent changes in policy direction coupled with insufficient appreciation of the long-term implications of such changes; and

WHEREAS, the report found that the AMHS fleet was aged and subject to challenging Alaska marine operating conditions, and despite best efforts of ships' crews and AMHS staff, the ferry system was not reliable; and

WHEREAS, the report speaks to the focus beginning in 2014 on the importance of building an ocean capable "replacement" vessel for the MV Tustumena, which has had a 50-year plus service life; and

WHEREAS, the Statewide Transportation Improvements Program (STIP) covering all system improvements for which partial or full federal funding is approved and expected to take place during four-year durations, published amendments in October 2020 proposing that FY2020 funding previously budgeted to construct the replacement vessel MV Tustumena to service Southcentral and Southwest Alaska coastal communities be moved to the FY2023 budget; and

WHEREAS, the postponement of funding for the MV Tustumena replacement vessel further perpetuates the unpredictable and unreliable service currently provided from use of the aged fleet that is in need of constant repair and maintenance, and does not promote the provision of long-term sustainable service to Alaskan residents and their small Alaskan communities; and

WHEREAS, the MV Tustumena is and continues to be an important asset for AMHS as one of only two vessels in the AMHS fleet that is ocean-capable and can provide service as a highway and lifeline connecting remote communities in Southcentral and Southwest Alaska to the rest of the great State of Alaska; and

WHEREAS, the replacement of the MV Tustumena would be a beneficial long-term investment for the State of Alaska in supporting the continuation of that critical and essential transportation service to small Alaska communities and could provide reliable, sustainable service to other coastal areas of the state as needed; and

WHEREAS, the final report from the Work Group found that reliability was a key concern of every group with which they interacted, some commentators offering that they were willing to accept less frequent ferry service if it was more predictable and reliable; and

WHEREAS, the report states that "It is understood that serving very small communities with the ferry system model will never be cost efficient. It is also understood and appreciated that affordable transportation options are important to them. Ideally, if the overall Alaska Marine Highway System could be made revenue/cost positive, it could absorb losses on these runs"; and

WHEREAS, the Alaska Marine Highway System provides an essential transportation service to the City of Seldovia and other small Alaskan communities and it is vital that these services continue, as the AMHS is the only highway connection provided to these communities for access to the rest of the State of Alaska for employment, transportation, groceries, supplies, and general livelihood that cannot be reached without the assistance of boats or planes; and

WHEREAS, long-term sustainable access to essential transportation services that is reliable and predictable could be ensured for all Alaska residents with the establishment of an AMHS Governing Board, with a forward funding plan, and with the continuation of the project to replace the MV Tustumena in the very near future;

NOW, THEREFORE BE IT RESOLVED THE CITY COUNCIL OF THE CITY OF SELDOVIA:

Section 1. That the City of Seldovia urges Governor Dunleavy and the Alaska Legislature to establish an Alaska Marine Highway System Governing Board; to support the replacement of MV Tustumena; and to continue providing this vital and critical transportation service to small Alaskan coastal communities.

Section 2. A copy of this resolution will be sent to Governor Dunleavy and members of the Alaska State Legislature.

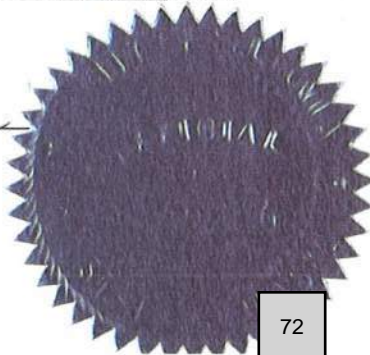
Section 3. This resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED by a duly constituted quorum of the City Council of the City of Seldovia on this 09 day of November, 2020.

ATTEST:



Heidi Geagel, City Clerk



APPROVED:



Vivian Rojas, Acting Mayor



Memorandum

TO: Rob Dumouchel, City Manager

FROM: David Berry, Library Director

DATE: Dec. 30, 2020

SUBJECT: Western Lot Trail Project

Immediately west of the Homer Public Library is a parcel of City land called the western lot, which is a public park and an extension of the library's public services. Over the last 15+ years, the Friends of Homer Library (FHL) have been heavily involved in improvements to the lot, including upgrades to the walking path, installing the StoryWalk®, adding picnic tables, and clearing brush to improve sightlines.

FHL is currently developing a proposal for additional improvements, in the form of a new or expanded trail through the area. The project has three broad aims:

- To encourage public use of the trail, and link it firmly into the broader citywide trail system;
- To emphasize the importance of natural conservation, including the wetlands and wildlife habitat already existing on the site, through signage related to the natural surroundings;
- To spread knowledge of, and appreciation for, the Native heritage of the Homer area, through signage related to such heritage.

Recognizing the large number of people who may be interested in such a project, FHL is now in the process of reaching out to those parties, including all of the following:

- City Council
- City of Homer (Administration, Planning, Parks, Library, EDAC)
- Landowners and residents along Grubstake Avenue, as well as west of the Poopdeck Trail
- Kachemak Heritage Land Trust
- Ninilchik Village Tribe
- Seldovia Village Tribe
- Chugachmiut
- Bunnell Street Arts Center
- Center for Alaskan Coastal Studies

Detailed plans are still under development. Following advice from the Kachemak Heritage Land Trust, FHL will seek assistance from the National Park Service through the Rivers, Trails and Conservation Assistance Program (<https://www.nps.gov/orgs/rtca/index.htm>). The RTCA provides no monetary support for projects, but it does provide expertise with formal planning and design, and with developing a long-term structure to ensure that projects are sustainable.

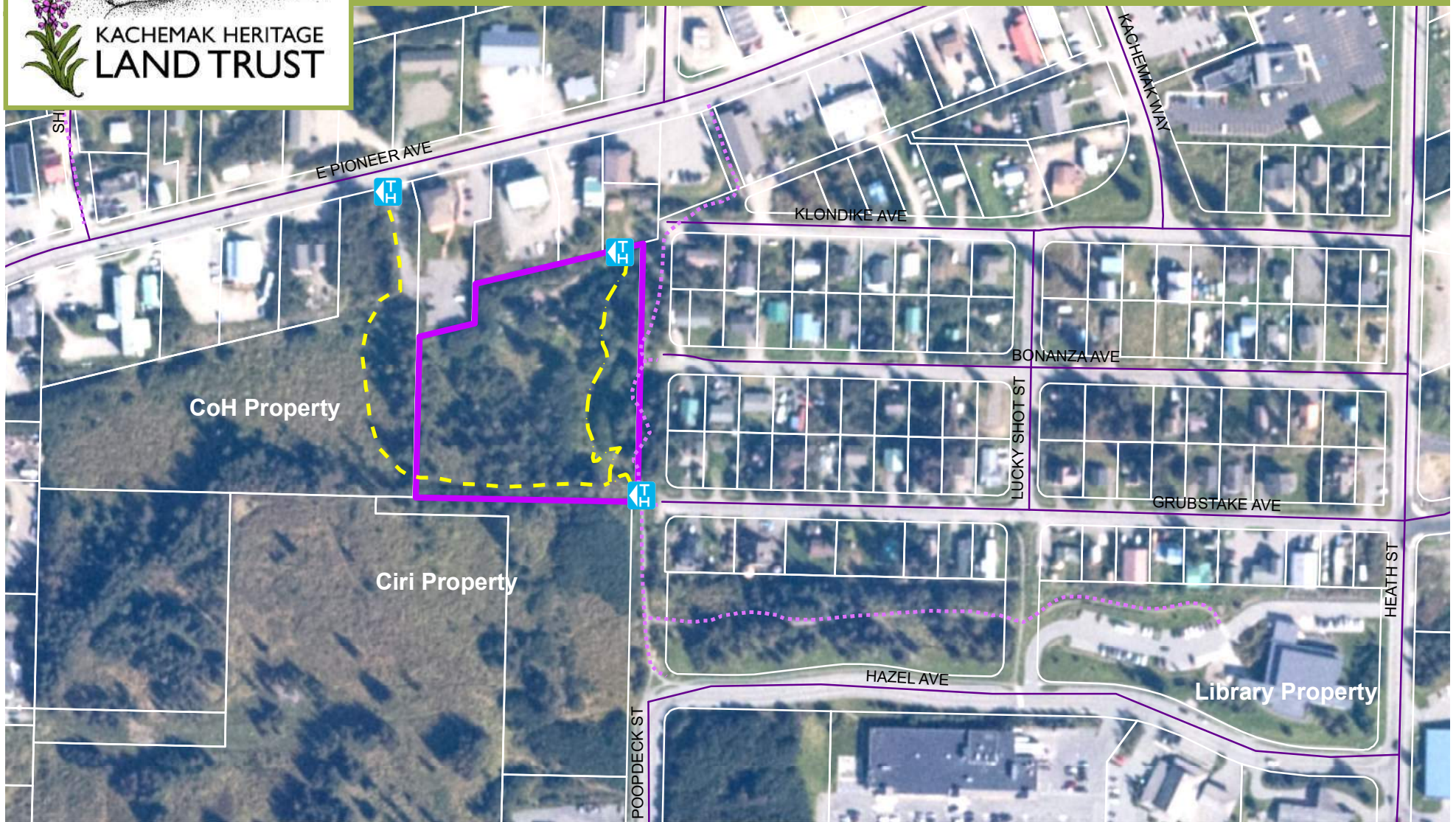
Further information will be provided as the proposal takes shape.

RECOMMENDATION

For information.



Poopdeck Trail and Surrounding Property



Legend



Trailheads

Poopdeck Trail

City Trails

Streets

KHLT Poopdeck Property

Parcels

0 150 300 600 Feet

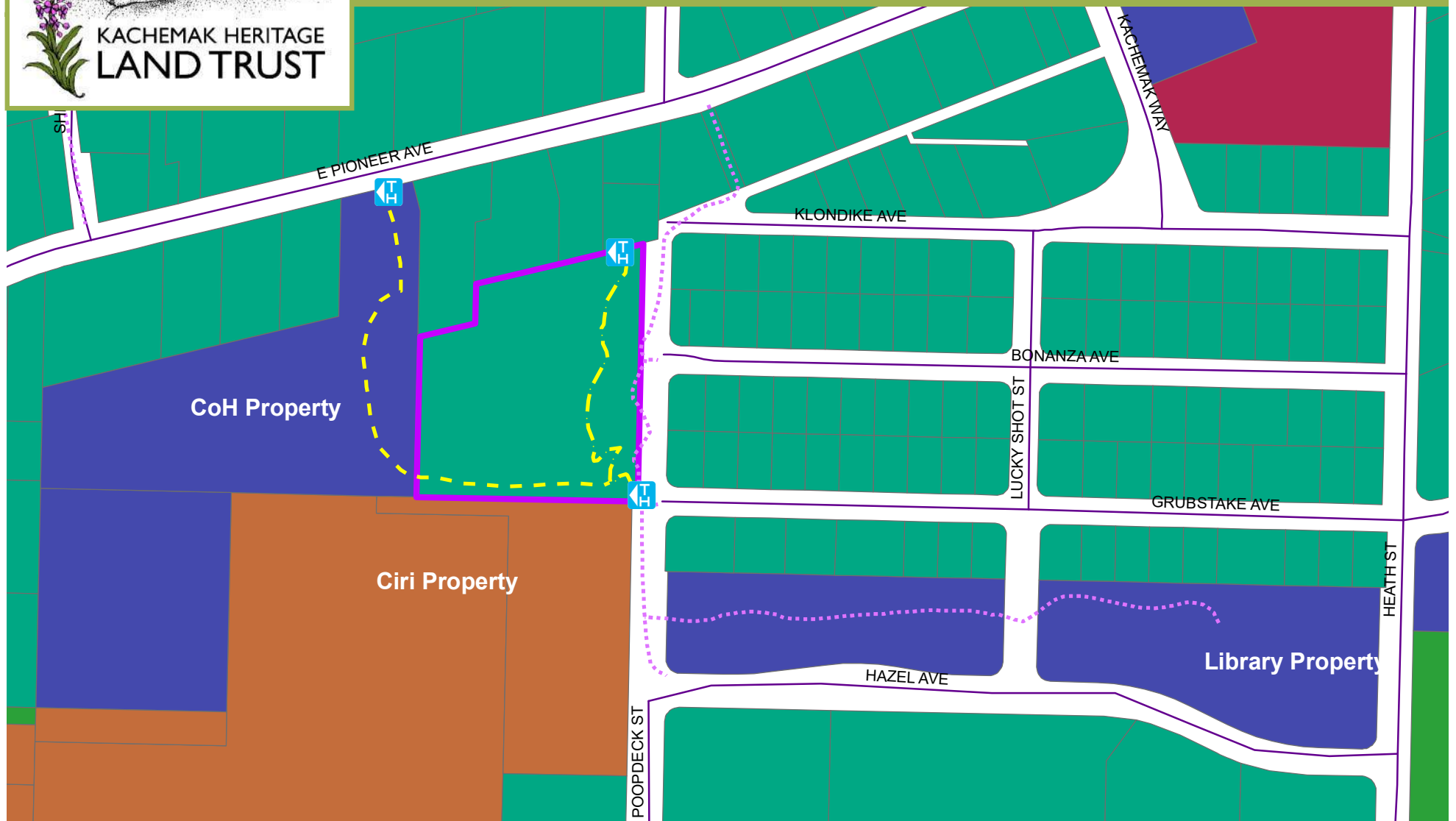
Coordinate System: Transverse Mercator
NAD 1983 State Plane Alaska 4 FIPS 5004 Feet.
Created 12/27/2020

The information depicted on this map is a graphical representation of best available sources.
KHLT assumes no responsibility for any errors on this map.





Poopdeck Trail and Surrounding Property



Legend

- | | | | |
|----------------|------------------------|-----------|------------------|
| Trailheads | Streets | Borough | Native |
| Poopdeck Trail | KHLT Poopdeck Property | Federal | Native Allotment |
| City Trails | Parcels | Municipal | Private |
| | | State | |

0 150 300 600 Feet

Coordinate System: Transverse Mercator
NAD 1983 State Plane Alaska 4 FIPS 5004 Feet.
Created 12/27/2020
The information depicted on this map is a graphical
representation of best available sources.
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AIA
Alaska

2020 'DRIVE-BY JURY' DESIGN AWARD

"Most Creative Use of Materials" Category

AWARD OF RECOGNITION

To the Architect

Stantec Architecture

In Recognition of the Professional Excellence shown for

Homer Police Station

City of Homer

And the Intelligent Cooperation shown by the Client in Demanding and Recognizing the Highest
of Architectural Standards

Jason Arnold, AIA
2020 President, AIA Alaska

Emmanuel Daskalos, Associate AIA
2020 Design Awards Chair, AIA Alaska



Public art is fully integrated with the building architecture



Vertical metal panels provide a dynamic pattern at the solid wall securing the jail side of the building



2020-0012-B

HOMER Police Station

The Homer Police Station was designed keeping its community at heart, recognizing that our shared journey forward is shaped by meaningful and responsive places ■



Circulation is punctuated with bright saturated colors



Public art is an important design element. Art and architecture play together casting shadows at different angles throughout the day.



Blue rockdrops at entrances bring the deep blue ocean from Kachemak Bay into the building



The public entrance of the building is welcoming and inviting for the coastal community.



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

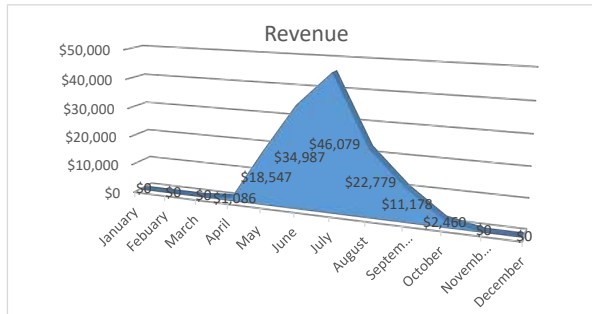
TO: Rob Dumouchel, City Manager
THROUGH: Janette Keiser, PE, Director of Public Works
FROM: Matt Steffy, Parks Superintendent
SUBJECT: 2020 Camping Report

- I. **Overview:** This memorandum reports on campground usage for the 2020 season and compares it to earlier trends. There was good news and bad news. The bad news is revenue for 2020 decreased 28% from 2019, reflecting impacts from the COVID-19 pandemic. The good news is attendance was spread over a longer period and actually increased in the shoulder seasons.
- II. **Attendance:** While the shoulder season months showed a higher number of camping events, usage in mid-summer was noticeably slower than usual. Paradoxically, the number of campers in each camping party increased. For example, while our total camping events decreased 28%, our total number of people decreased by only 21%. This suggests a trend of larger camping parties, which may have been people camping in family units or social bubbles, more than they typically would.
- III. **Revenue:** Revenue for the season was down 28% over 2019. We attribute this to the dramatic decrease in out-of-state campers, who typically stay for long periods in July/August. For example, our large out-of-state RV crowd typically dominates the Fishing Hole Campground, and those numbers were down a greater percentage than at Mariner Park, which caters more to the in-state, regional tourists. Curiously, our average revenue generated per user in 2019 was \$10.87, while our 2020 figure was \$9.71, suggesting not everyone pays what they should. Our rate is \$20 per night, but it is not uncommon for campers to put whatever cash they have in the envelope. This season, we had a significantly higher frequency of campers paying less than the full amount, possibly reflecting the pandemic's adverse economic impact on families.
- IV. **Special Use Program.** Reported revenues only reflect fees processed through the Parks office. Early in the season, we administered a Special Use program to provide shelter for people who were unhoused and needed a place to isolate or recover. To limit the amount of direct contact staff had with campers, we did not practice our normal level of fee enforcement with Special Use Campers. Thus, our actual usage was higher than reflected in fees. Estimates of non-paying, or Special Use, campers based on our logs place the value of *pro bono* fees at over \$31,000, or 1,550 camping events.
- V. **Automatic Pay Kiosks.** We will be installing automatic pay kiosks at the campgrounds in early spring. Experience with similar installations demonstrates the kiosks' ability to accept credit card payments motivates people, who don't have exact change or who don't want to handle cash, to pay. Thus, regardless of how much we can return to normal operations in the coming season, we expect revenue to increase considerably.

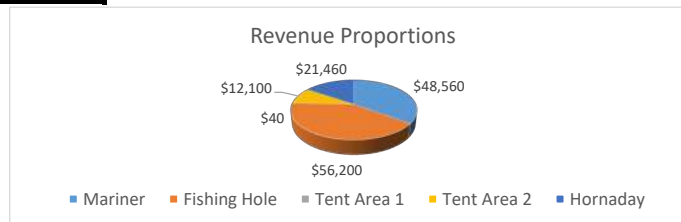
2020 City of Homer Camping Report

Total Camping	6,918
Total People	14,006
Total Revenue	\$137,116

Monthly	Camping	People	Revenue
January	0	0	\$0
February	0	0	\$0
March	0	0	\$0
April	54	138	\$1,086
May	928	1,822	\$18,547
June	1,746	3,425	\$34,987
July	2,333	4,951	\$46,079
August	1,141	2,311	\$22,779
September	593	1,126	\$11,178
October	123	233	\$2,460
November	0	0	\$0
December	0	0	\$0



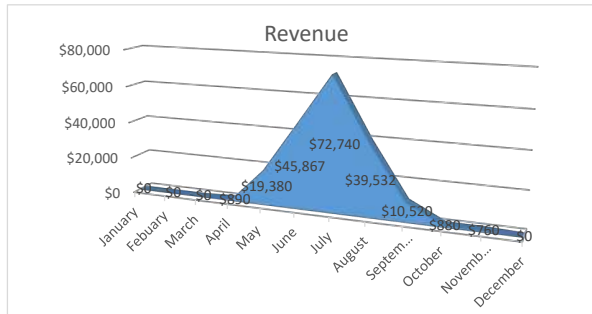
By Campground	Camping	Revenue
Mariner	2,428	\$48,560
Fishing Hole	2,810	\$56,200
Tent Area 1	2	\$40
Tent Area 2	605	\$12,100
Hornaday	1,073	\$21,460



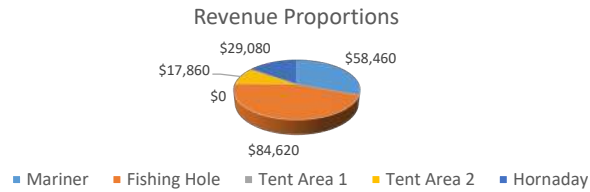
2019 City of Homer Camping Report

Total Camping	9,501
Total People	17,522
Total Revenue	\$190,569

Monthly	Camping	People	Revenue
January	0	0	\$0
February	0	0	\$0
March	0	0	\$0
April	46	77	\$890
May	967	1,729	\$19,380
June	2,290	4,227	\$45,867
July	3,629	6,548	\$72,740
August	1,956	3,750	\$39,532
September	525	1,030	\$10,520
October	44	93	\$880
November	44	68	\$760
December	0	0	\$0



By Campground	Camping	Revenue
Mariner	2,923	\$58,460
Fishing Hole	4,231	\$84,620
Tent Area 1	0	\$0
Tent Area 2	893	\$17,860
Hornaday	1,454	\$29,080

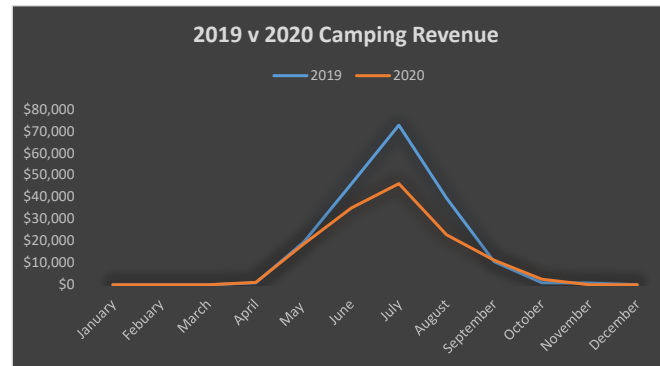


2019 v 2020 City of Homer Camping Report Comparison

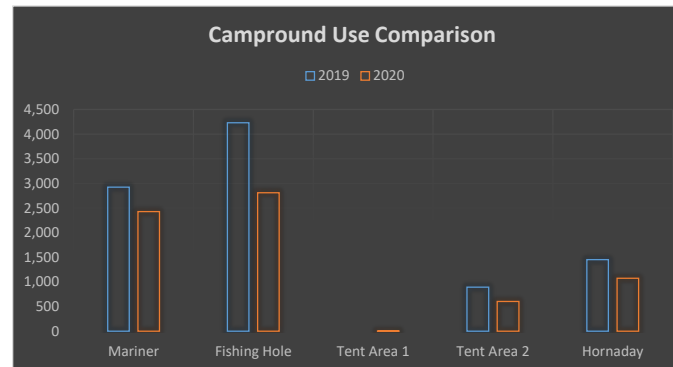
	2019	2020
Total Camping	9,501	6,918
Total People	17,522	14,006
Total Revenue	\$190,569	\$137,116

	2019	2020	2019	2020	2019	2020
Monthly	Camping		People		Revenue	
January	0	0	0	0	\$0	\$0
February	0	0	0	0	\$0	\$0
March	0	0	0	0	\$0	\$0
April	46	54	77	138	\$890	\$1,086
May	967	928	1,729	1,822	\$19,380	\$18,547
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December	0	0	0	0	\$0	\$0

	2019	2020	2019	2020
By Campground	Camping		Revenue	
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Tent Area 1	0	2	\$0	\$40
Tent Area 2	893	605	\$17,860	\$12,100
Hornaday	1,454	1,073	\$29,080	\$21,460



	Percent Change		
Monthly	Camping	People	Revenue
January	0.00%	0.00%	0.00%
February	0.00%	0.00%	0.00%
March	0.00%	0.00%	0.00%
April	117.00%	179.00%	122.00%
May	95.96%	105.38%	95.70%
June	76.24%	81.03%	76.28%
July	64.29%	75.61%	63.35%
August	58.33%	61.63%	57.62%
September	112.95%	109.32%	106.26%
October	279.55%	250.54%	279.55%
November	See table		
December	0.00%	0.00%	0.00%





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 and Bryan Hawkins, Habormaster
DATE: January 5, 2021
SUBJECT: PWCs in Kachemak Bay

A decision signed by Alaska Department of Fish & Game Special Assistant Rick Green, effective January 9th, allows personal watercraft (PWC), such as jet skis, to access Kachemak Bay for the first time in almost 20 years. This change has created concerns in the community which include, but are not limited to, public safety, shoreline protection, and recovery of the appropriate fees for PWC usage of harbor facilities. The intent of this memo is to acknowledge and analyze known concerns and seek guidance from Council on future actions.

City Jurisdiction

The City has jurisdiction over waters within City limits. That mainly consists of the harbor and tidelands along the coast of the City. The City does not currently have any restrictions on vessel operations in the City tidelands. The City's ability to patrol and enforce regulations on the water and outside of the harbor is very limited. We also control the launch ramp and the ability to drive on certain beaches.



Figure 1 - City waters are located inside the dashed line

The City does not have specific PWC regulations. From a Port/Harbor perspective, they are small boats. We do however have a number of existing regulations which would apply to PWCs, and any other motorized aquatic vessels, which operate in our harbor.

State Jurisdiction

In the nearshore area surrounding the City, the State holds jurisdiction over all waters outside of City limits. Access to State waters by motorized vessels is regulated by the Alaska Department of Natural Resources (DNR). With the repeal of the PWC ban by the State, PWCs will be allowed in Kachemak Bay starting on January 9, 2021. The State views PWCs as small motor craft, and there are not PWC-specific regulations at the State level with the exception of some restrictions in some State Parks or specific facility plans. PWCs, like any other small motor vessel, are required to carry a fire extinguisher, life jacket, sound signaling device, flairs, and lights for operating after dark. Additionally they are required to be registered like any other vessel with DMV and have an AK number on the hull.

Public Safety

There is concern in the community that PWCs could create various public safety hazards. There is a perceived issue of incompatibility with other user groups and an assumption that more users on PWCs may result in more incidents requiring rescue on the water.

Regarding incompatibility with other user groups, the staff analysis is that this is more an issue of behavior than the specific type of watercraft. PWCs are associated with speed. Inside the harbor, and other designated no wake areas, speeds are limited to two miles per hour by Homer City Code (HCC 10.08.210). Harbor and Police staff are able to issue citations for violations of this regulation. It is important to note that outside of the harbor itself, it is very difficult for the City to monitor behavior and enforce any type of regulation.

A potential increase in rescues is a very real concern that staff is already considering for the summer season. Any time the number of people on the water increases, the risk of an accident also increase. Typically first response in the Homer area has been provided by a combination of Good Samaritan, City, State, and Coast Guard resources. When the call goes out that someone is in trouble, the Harbor staff does their best to respond within the limits created by the time of day, location, conditions, and personnel availability. During non-emergency responses, the private company Sea Tow provides towing services.

The Harbormaster has a very specific concern about safety at the entrance to the harbor. This area is extremely dangerous because so much traffic, which ranges from very small to very large vessels, must pass through the jetties and the potential for accidents due to the close quarters traffic which occurs in that location. PWCs, if used irresponsibly, could exacerbate this already dangerous passage. This is an area in which we have considered installing a camera system to monitor traffic.

Shoreline Protection and Disruption of Wildlife

I have received a few emails which include concerns regarding erosion and contamination related to launching PWCs from the beach. The potential for any damage to the shoreline is split between the PWCs themselves, and vehicles attempting to launch them from the beach.

The weight of most PWCs is too great for a user to unload and essential push the craft to the water. If an individual were interested in a beach launch, they are most likely going to use a truck and trailer. The City

has very limited access for vehicles to drive on the beach. Vehicles are prohibited at Mariner Park Lagoon, Mud Bay, Airport Beach Access Road, the majority of the Spit's beaches, Beluga Slough, and east of Bishops Beach Park. City beach policy only allows drivers year round west of Bishops Beach Park. The City also allows vehicles to drive between Mariner Park and the sea wall between October 31st and March 1st for the purposes of coal and sand gathering only, this stretch of beach is closed to all vehicles in summer (see attachment 1). Because of the limited options for driving on the beach legally, and the shallow slope which would require a truck to back uncomfortably far into the water to launch a PWC, staff believes there should be very limited instances of beach launches.

Using PWCs in shallow waters could result in the disruption of various types of habitat. This is a behavior which is difficult to monitor or enforce against. Similarly PWC users could behave in such a way that it becomes harassment of wildlife, which is an enforceable federal offense. When on the Bay, State Troopers and US Coast Guard would likely be the main enforcers of these regulations. In addition to purposeful harassment of wildlife, the speed of operation and limited view from a PWC could lead to unintentional collisions with marine mammals and other species off of our coast.

Launch and Other Associated Fees

PWC are subject to the same fees as any other vessel launching from the ramp: \$20 per launch for vessels (\$13 for the launch and \$7 for the parking levy). Fees are collected from April 1st to October 15th each year. If a launch ramp user does not pay the required fee, fines begin at \$100 and go up to \$300 per offense (Ordinance 16-11). If a PWC is left in the harbor overnight, they will be required to file a moorage agreement and pay for moorage which is based on the overall length of the vessel.

Staff Recommendations:

Within the City:

- Direct the City Manager to increase enforcement of existing rules regarding vehicles on the beach and no wake zones.
- Direct the City Manager to research a camera system for the harbor entrance.
- Direct the City Manager to work with other agencies to enforce wake speed regulations and vessel safety for all vessel types at the harbor entrance.

At the State-level:

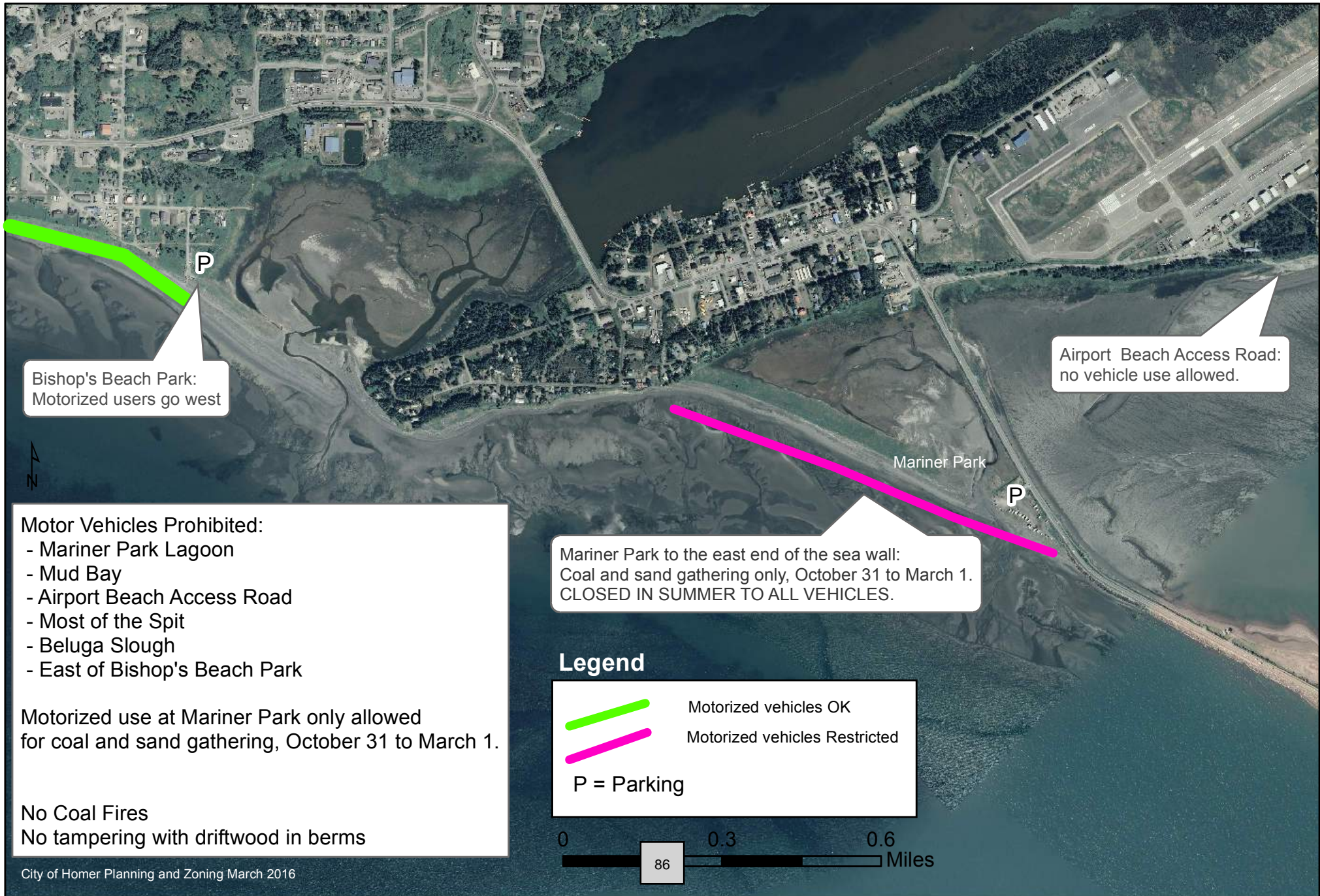
- If the Council wishes to oppose PWCs in Kachemak Bay, direct the City Manager to identify opportunities for comment to the appropriate agencies, political offices, and ongoing planning projects and prepare drafts for Council review.

Attachments

1. City of Homer "Where Can I Drive?" Beach Map

Where Can I Drive?

**Problems? Call Homer Police Dept at 235-3150.
Violators can be fined.**



Travis Brown

From: Inkworks <inkworks@gci.net>
Sent: Thursday, December 31, 2020 5:16 PM
To: Rick Abboud; Julie Engebretsen; Department Clerk; Travis Brown
Subject: coal burning in town

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

Hi,

We have a home on Rangeview Avenue. Our next-door neighbor has been burning beach coal at his house, even though he has firewood also. The smoke often reaches inside our house as well as being thick in the yard.

As I'm sure you know, coal smoke contains a lot of toxic chemicals and is bad for people's health. We are older adults, and especially with the added risks of COVID-19 to lungs, we are very concerned about this neighbor polluting our air. We moved to Homer in part for the clean air and beautiful environment, and it is disappointing that apparently even in close city lots, someone can burn beach coal. With natural gas available now, there is no reason for people to burn coal.

Another neighbor who lives on the other side of the coal burner said that perhaps something could be done to ban coal burning within city limits, and I would like to request that. If that cannot be done, could we file a complaint about a nuisance neighbor? In addition the coal burning, they also store open barrels of ash and other trash along our property line. We have tried to suggest they clean this up, and promises are made but nothing happens.

In addition to the daily health hazard, our property value is clearly affected by the trash and coal burning. And I'm sure that it disappoints tourists to Homer when they have to smell that and realize that the beautiful, clean Alaska air they expected is being polluted.

I hope that something can be done. Thanks in advance for your help!

Susan Mitchell
678 Rangeview Ave.
inkworks@gci.net
907-978-2040

Some references:

Journal of Sustainable Mining: "The emission of these gases has been correlated with many health problems directly and indirectly, including skin, cardiovascular, brain, blood and lung diseases, and different cancers"
(<https://www.sciencedirect.com/science/article/pii/S2300396017300551>)

"Burning coal inside the home for the purposes of heating or cooking produces particulate and gas emissions that may contain a number of harmful chemicals, such as benzene, carbon monoxide, formaldehyde, and polycyclic aromatic hydrocarbons....Lung cancer is associated with exposure to indoor coal combustion emissions."
<https://www.cancer.gov/about-cancer/causes-prevention/risk/substances/indoor-coal>



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 21-001

TO: HOMER CITY COUNCIL

FROM: MAYOR CASTNER

DATE: JANUARY 6, 2021

SUBJECT: APPOINTMENT OF BRAD CONLEY TO THE PLANNING COMMISSION AND
MULTIPLE APPOINTMENTS TO THE PUBLIC WORKS CAMPUS TASK FORCE

Brad Conley is appointed to the Planning Commission to fill the seat vacated by Jason Davis. The term expires July 1, 2022.

Charles Barnwell, Larry Slone, Jacob Argueta, Councilmember Aderhold, Councilmember Venuti, Deputy City Planner Engebretsen, and Public Works Director Jan Keiser are appointed to the Public Works Campus Task Force. Their terms expire upon completion of the Task Force work.

Recommendation: Confirm the appointment of Brad Conley to the Planning Commission, and Charles Barnwell, Larry Slone, Jacob Argueta, Councilmember Aderhold, Councilmember Venuti, Deputy City Planner Engebretsen, and Public Works Director Jan Keiser to the Public Works Campus Task Force



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January 12, 2021

J. Brad Conley
701 Fireweed Avenue
Homer, AK 99603

Dear Brad,

Congratulations! Council confirmed/approved your appointment to the Planning Commission during their Regular Meeting of January 11, 2021, via Memorandum 21-001.

Included are the following documents for your signature and return to the City Clerk's Office:

- 2020-2021 Public Official Conflict of Interest Disclosure Statement. This form will be retained in the Clerk's office. It is a public document and may be requested by any member of the public. In the event the Public Official Conflict of Interest Disclosure Statement is requested by a member of the public, you will be notified of the requestor's name.
- Oath of Office for term ending July 1, 2022

Also included is the following information to assist you during your service:

- Code of Ethics as outlined in Homer City Code 1.18. This provides important guidelines in your role as a commissioner as to conduct and conflicts of interest.
- The Robert's Rules of Order summary handbook which will assist you with the meeting protocol.

Additional materials are being prepared by the Planning Department staff and you will be notified when they are available under separate correspondence.

Thank you for your willingness to serve the City of Homer on the Planning Commission. There certainly are exciting times ahead.

Cordially,

Ken Castner, Mayor

Enc: Memorandum 21-001
Certificate of Appointment
HCC 1.18 Conflicts of Interest, Partiality & Code of Ethics
2020-2021 Public Official Conflict of Interest Disclosure Statement
Robert's Rules of Order handbook
Commission Bylaws

cc: Planning Commission

City of Homer

Homer, Alaska

Mayor's Certificate of Appointment

Greetings

Be It Known That

Brad Conley

Has been appointed to

serve as

"Commissioner"

on the

"Homer Planning Commission"

This appointment is made because of your dedication to the cause of good government, your contributions to your community and your willingness to serve your fellow man.

*In Witness whereof I hereunto set my hand
this 13th day of January, 2021.*



A handwritten signature in blue ink, appearing to read "Ken Castner", is written over a horizontal line.

Ken Castner, Mayor

Attest:

A handwritten signature in blue ink, appearing to read "Melissa Jacobsen", is written over a horizontal line.

Melissa Jacobsen, MMC, City Clerk

Published on *City of Homer Alaska Official Website* (<https://www.cityofhomer-ak.gov>)

[Home](#) > [Application for Appointment to an Advisory Body](#) > [Webform results](#) > Application for Appointment to an Advisory Body

Submission information

Form: [Application for Appointment to an Advisory Body](#) ^[1]

Submitted by Visitor (not verified)

Tue, 12/15/2020 - 9:36am

192.168.5.254

Applicant Information

Name of Organization

J. Brad Conley

Physical Address

701 Fireweed Avenue, Homer, AK, 99603

Mailing Address

701 Fireweed Avenue, Homer, AK, 99603

Email

coldwaterak@gmail.com

Phone

907-299-2323

Please select the bodies you are interested in serving on

Advisory Bodies

Advisory Planning Commission 1st & 3rd Wednesdays of the month at 6:30 p.m. Worksession prior to each meeting at 5:30 p.m. except No first meeting in July or Second meetings in November and December

I have been a resident of the city for

6 Years

I have been a resident of the area for

26 years (seasonal during college)

Special Training & Education

BA, University of Montana - Ability to discern and compose relevant information, self motivated.
Offshore Vessel Manager w/Subsea 7 - Management strategies, interrelated components w/
purpose driven goals

Project Manager w/Bay Welding - Technical and quality driven projects based on personal

expectations

Homer Chamber of Commerce - Community based goals driven by business and economy

Homer Marine Trades - Representation of broad economy base for common goals, community representation

Prior Service

Homer Marine Trades and Homer Chamber of Commerce. Board managed decisions with community focus.

HCOC - Two Terms - 4 Years

HMTA - Four Years

Why are you interested?

Personal involvement in my community and investment in the future development of Homer.

Homer has been my home since childhood and now is the home for me and my family (wife and three children). My family's livelihood and security relies on the economy and stability of the Homer area.

Other memberships

Homer Chamber of Commerce

Homer Marine Trades.

Related to the Advisory Planning Commission

No - only personal residence

Additional related information

Please include any additional information that may assist the Mayor in his/her decision making:

Finish

When you have completed this application please review all the information and hit the submit button. Thank you for applying!

Source URL: <https://www.cityofhomer-ak.gov/node/9051/submission/44827>

Links

[1] <https://www.cityofhomer-ak.gov/cityclerk/application-appointment-advisory-body>

