



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer Agenda

Planning Commission Meeting

Wednesday, September 04, 2019 at 6:30 PM

City Hall Cowles Council Chambers

CALL TO ORDER, 6:30 P.M.

AGENDA APPROVAL

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

RECONSIDERATION

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

- A. Minutes of the August 21, 2019 Planning Commission Regular Meeting **p. 3**
- B. Preliminary Plat Time Extension Request for Chamberlain and Watson Subd. 2017 Replat **p. 9**

PRESENTATIONS / VISITORS

REPORTS

- A. Staff Report 19-76, City Planner's Report **p. 13**

PUBLIC HEARINGS

- A. Staff Report 19-77, Oscar Munson No. 23 Section-Line Easement Vacation Plat **p. 17**
- B. Staff Report 19-78, H.K. Davis Subdivision Road Easement Vacation Petition **p. 33**
- C. Staff Report 19-79, Bakke Subdivision Vacation Plat **p. 49**

PLAT CONSIDERATION

PENDING BUSINESS

NEW BUSINESS

- A. Staff Report 19-80, Election of Officers **p. 67**

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

INFORMATIONAL MATERIALS

- A. City Manager's Report for the August 26, 2019 Homer City Council Meeting **p. 69**
- B. Kenai Peninsula Borough Notice of Decisions:
- i. Lloyd Race 2019 Preliminary Plat **p. 85**
 - ii. The Shire Preliminary Plat **p. 95**

- C. Appointment of Jason Davis to the Planning Commission **p. 103**

COMMENTS OF STAFF

COMMENTS OF THE COMMISSION

ADJOURNMENT

Next Regular Meeting is Wednesday, September 18, at 6:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission

Session 19-15, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:31 p.m. on August 21, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS HIGHLAND, BOS, BENTZ, SMITH AND VENUTI

ABSENT: COMMISSIONER PETSKA-RUBALCAVA (EXCUSED)

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK KRAUSE

The Commission met at 5:30 for a worksession on Staff Report 19-75, Permitting

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BENTZ – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

a. Approval of minutes of July 17, 2019

Chair Venuti requested a motion to approve the Consent Agenda.

HIGHLAND/SMITH – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS

REPORTS

A. Staff Report 19-72, **City Planner's Report**

Chair Venuti invited the City Planner Abboud to review his report for the commission.

City Planner Abboud reviewed Staff Report 19-72 and commented on the following:

- Council approved Ordinance 19-32(S) so Staff will be updating all the materials to Planning Commission
- Vacation of a drainage easement will be on the Council agenda for the August 26th meeting
- Due to scheduled leave absences it may require the Sept 18th meeting be canceled currently there are no pending applications for plat or Conditional Use Permits
- Addressing items on the Commission worklist, reviewing the immediate goals from the Comprehensive Plan since most items they currently have are long term
- Updating documents and forms for the Planning Commission
- Commissioner Attendance for the upcoming City Council meetings
 - o September 23, 2019 Commissioner Smith
 - o October 14, 2019 – there were no volunteers at this time

A brief discussion on the status of the Appeal Hearing on the Remand; Green Infrastructure; and worksession on large retail signage that was postponed to September.

PUBLIC HEARING(S)

- a. Staff Report 19-73, An Ordinance amending dimensional requirements in the East End Mixed Use Zoning District to allow buildings up to 75 feet in height with a Conditional Use Permit

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

City Planner Abboud provided a summary review of Staff Report 19-73 for the Commission and audience present.

Chair Venuti noted for the record that there is no applicant for this action and opened the Public Hearing.

Don Stead, city resident, commented in support of the ordinance and was a good change, the criteria of not having any dwelling units was very appropriate; to allow taller buildings to 75 is very good and the ability to put a large boat or structure in a building and work on it is very needed in this community. He recounted his personal experience with having the need for a taller building.

Chair Venuti closed the Public Hearing upon seeing no one from the public coming forward to provide further public testimony on the issue.

City Planner Abboud commented on the laydown of the Draft Ordinance that was submitted.

Chair Venuti opened the floor to questions from the Commission.

There were none.

BOS/SMITH MOVE TO ADOPT STAFF REPORT 19-73 AND RECOMMEND FORWARDING THE DRAFT ORDINANCE AMENDING HCC 21.27.040 DIMENSIONAL REQUIREMENTS TO ALLOW BUILDINGS UP TO 75 FEET IN HEIGHT WITH A CONDITIONAL USE PERMIT TO CITY COUNCIL.

There was a brief comment in support of the ordinance going forward to City Council.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- b. Staff Report 19-74, An Ordinance amending permitted uses in the General Commercial 1 & General Commercial 2 Zoning Districts to expand manufacturing activities

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

City Planner Abboud provided a summary review of Staff Report 19-74 for the Commission noting that typically if a use is not listed it is assumed that it is not allowed.

Chair Venuti noted for the record that there is no applicant for this action and opened the Public Hearing.

Casey Siekaniec, city resident, owner of the Alaska Salt Company, commented in support of the ordinance. He stated that they have already backed off from purchasing one property since they were unsure if they would be able to manufacture their product in that location.

Amanda Miotke, city resident, commented in support of the ordinance stating that once it was drawn to her attention she thought it was very outdated. Ms. Miotke commented that that she was unsure of what small molded products were; but between her and her friends they have come up with and extensive list of items that were not on this list and Homer is great at encouraging the growth of these cottage industry.

Don Stead, city resident, commented in support of the ordinance and noted that he is in GC1 with his company and they are listed as a manufacturing company. There are many businesses that are not listed. This will remove another impediment to relocation of his business or others. He noted that manufacturing was allowed in the CBD.

Chair Venuti closed the Public Hearing upon seeing no one from the public coming forward to provide further public testimony on the issue.

Chair Venuti opened the floor to questions from the Commission.

BOS/BENTZ MOVE TO ADOPT STAFF REPORT 19-74 AND RECOMMEND FORWARDING THE DRAFT ORDINANCE AMENDING HCC 21.14.020 AND HCC 21.26.020 PERMITTED USES AND STRUCTURES TO ALLOW MANUFACTURING, FABRICATION AND ASSEMBLY AS A PERMITTED USE.

A brief discussion by the Commission on this action cleaning up the city code, the possible nuisances, this was not the place to address that in the code; and the City seeing an increase in businesses.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 19-75, Permitting

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

City Planner Abboud noted that the Commission discussed this at the worksession and requested a summary from of the discussion from a Commissioner as he was unsure that he could do justice to classify that discussion since they covered all three topics.

Commissioner Bentz reported that the Commission discussed the following for the record:

- Several options to improve applicants site plans including preconstruction surveys, supplying preconstruction asbuilts of existing structures, staking of property lines
- Recommend changing the code to contain the after construction asbuilt survey and to change the application procedure to have some recommendation or best practices for the preconstruction items.

Chair Venuti inquired if Commissioner Bentz wanted to make that a motion.

BENTZ/SMITH - MOVED TO ADOPT CHANGES TO 21.70.040 PERMIT TERMS, LINES 90-105, PAGE THREE OF THE ATTACHMENT WORKING CODE 2.0., PAGE 37 IN THE PACKET.

Discussion ensued on the proposed changes believed to be the most logical change to the city code and regulations going forward; there have been many discussions on the topic by the

commission and that the professional community recommended this option and would not be overburdened by this on new projects going forward as well; and be efficient for the planning staff to perform follow-up when completed.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Bentz requested to see the checklist for the permits when they come in so the Planning Commission can see where they can make some additions such as when the application is within 10 feet of the setback or easement the Planning Commission can recommend or highlight different tools available to the applicant to ensure that the code is followed.

City Planner Abboud requested clarification on what Commissioner Bentz was requesting and that it was an administrative duty and was not necessarily something the Commission needed to review.

There was a brief discussion on the checklist and getting Planning Technician Brown involved and receiving legal input, this was an administrative function and did not want a two page or longer document that may be burdensome to the builder. He additionally commented on time limits.

Commissioner Bentz explained that the desire to provide education to the applicants and highlight the possible reparations if the applicants did not comply with the requirements.

Commissioner Bentz reiterated the application coming back before the commission if the applicant is non-compliant.

Commissioner Smith recalled a CUP coming before the Commission and the color scheme is on the polar opposite of what was reported on the application and how would they address an issue like that.

Commissioner Bentz stated that there was no motion it was just a request to the Planning staff.

NEW BUSINESS

INFORMATIONAL MATERIALS

- a. Memo from the Homer Planning Commission to Mayor Castner and the Homer City Council RE: Ordinance 19-19(s) providing water outside of City Limits p. 41
- b. City Manager's Report to Homer City Council August 12, 2019 p. 51

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

Deputy City Clerk Krause asked if the Commission had any comments or corrections on the Memorandum please let her know as it will be included in the packet to Council for the upcoming meeting.

City Planner Abboud did not have any comments.

COMMENTS OF THE COMMISSION

Commissioner Highland complimented Deputy City Clerk Krause for the good job on the memorandum she prepared for the Mayor and City Council. It was very thorough and she was glad to see that. Thank you.

Commissioner Bos commented it was a good meeting and was glad to see some movement on the Permitting. A little bit at a time is good.

Commissioner Bentz had no comments.

Commissioner Smith brought forth evaluating the manufacturing definitions in the CBD and wasn't sure if the Commission wanted to do that or needed to look at that. He has not looked at them to see if there is any confusion in those. He recommended adding this to a future meeting for the commission to look at.

City Planner Abboud responded that Commissioner Smith can review city code and then speak to him about it. He personally had to look up the definition of light manufacturing. He added that it may be something that the Commission reviews.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 7:18 p.m. The next regular meeting is scheduled for Wednesday, September 4, 2019 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession scheduled at 5:30 p.m. prior to the meeting.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: _____

Seabright Survey + Design

1044 East Road, Suite A

Homer, Alaska 99603

(907) 299-1091

seabrightz@yahoo.com

August 16, 2019

City of Homer
Attention: Planning Dept.
841 E Pioneer Ave
Homer, AK 99603

Re: TIME EXTENSION REQUEST Chamberlain and Watson Subd. 2017 Replat

Travis,

We are requesting that the City Manager concur with a two year time extension request for the preliminary Chamberlain and Watson Subd. 2017 Replat. The final plat has been reviewed and approved by KPB Planning and the mylar is ready to record. Once the time extension request has been approved we can move forward with recording the plat.

Thank you for your help with this matter.

Sincerely,

Kenton Bloom

Kenton Bloom, P.L.S.
Seabright Survey + Design

PLAT APPROVAL

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

AUTHORIZED OFFICIAL _____ DATE _____
KENAI PENINSULA BOROUGH

NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2017

NOTARY PUBLIC FOR ALASKA _____
MY COMMISSION EXPIRES _____

NOTES

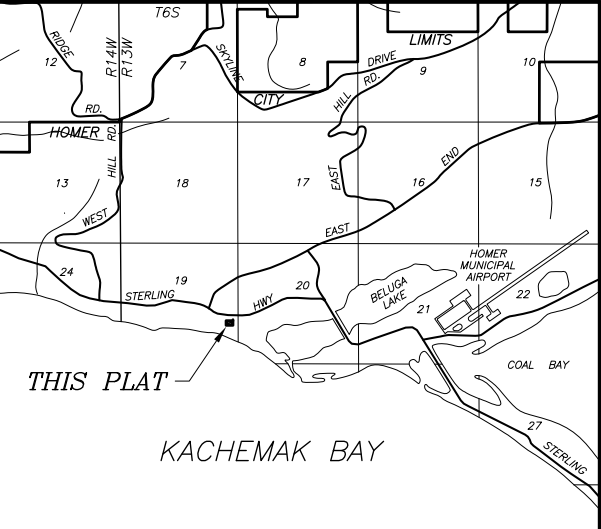
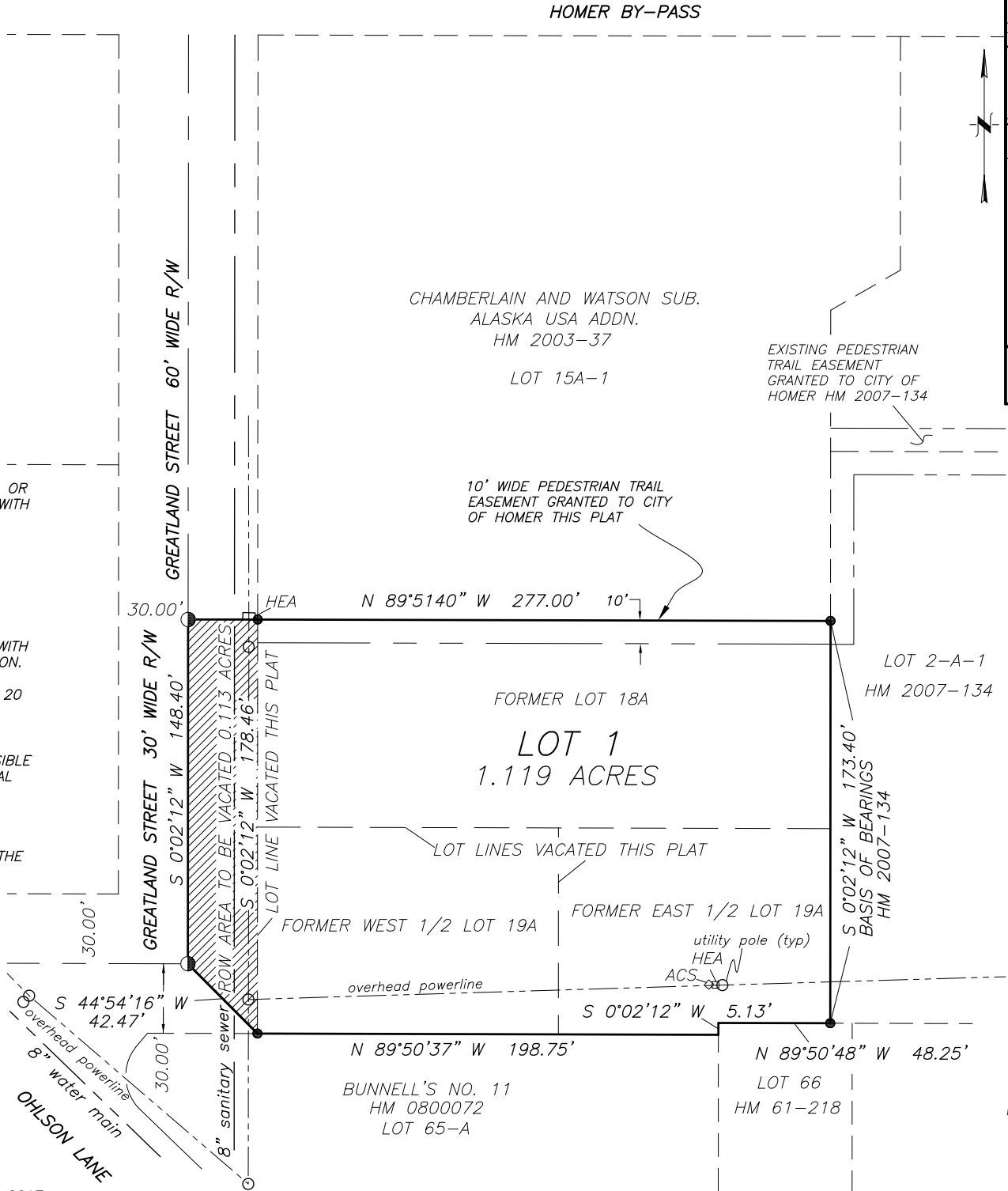
1. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. THIS SUBDIVISION IS SUBJECT TO THE ZONING REGULATIONS OF THE CITY OF HOMER.
3. THIS LOT IS SERVED BY CITY OF HOMER WATER AND SEWER.
4. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
5. THE FRONT 15' ADJOINING THE RIGHTS-OF-WAY AND 20 FEET WITHIN 5' OF SIDE LOT LINE IS ALSO A UTILITY EASEMENT.
6. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE
7. A 15' SEWER EASEMENT ALONG THE CENTERLINE OF THE EXISTING 8" SEWER MAIN IS GRANTED THIS PLAT.

LEGEND

- FOUND 2' AL-CAP ON A 5/8" REBAR 7610-S 2017
- ⊙ SET 2' AL-CAP ON A 5/8" REBAR 7968-S 2017

WASTEWATER DISPOSAL

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



VICINITY MAP

SCALE: 1" = 1 MILE U.S.G.S. QUAD. SELDOVIA C-4 & C-5

EASEMENTS

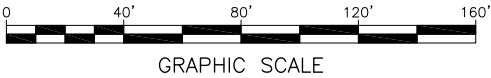
THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE 10' WIDE PEDESTRIAN EASEMENT, THE 15' WIDE SEWER EASEMENT AND THE 15' WIDE UTILITY EASEMENT GRANTED BY THIS PLAT. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE OR MAINTAIN IMPROVEMENTS.

KATIE KOESTER, CITY MANAGER _____ DATE _____
CITY OF HOMER

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

TOM LIVINGSTON _____ DATE _____
3900 ARCTIC BLVD.
SUITE 301
ANCHORAGE, AK 99503



HOMER RECORDING DISTRICT KPB FILE No. 2017-XXX

CHAMBERLAIN AND WATSON SUBD.
2017 REPLAT

A REPLAT COMBINING LOTS 18A AND 19A OF CHAMBERLAIN AND WATSON SUBDIVISION HM 50-24 AND VACATING A PORTION OF GREATLAND STREET LOCATED WITHIN THE SE 1/4 SEC 19, T. 6 S., R. 13 W., SEWARD MERIDIAN, IN THE CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 1.119 ACRES

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

1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 235-4247

DRAWN BY: KB CHKD BY: KB JOB #2017-07

DATE: 2/2017 SCALE: 1"=40' SHEET #1 OF 1





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

TO: Homer Advisory Planning Commission
FROM: Rick Abboud AICP, City Planner
DATE: September 4, 2019
SUBJECT: Staff Report 19-76 City Planner's Report

City Council 8/26/19

Memorandum 19-100 from Mayor Castner Re: Appointments to the Planning Commission, Economic Development Advisory Commission, and Library Advisory Board. Recommend approval. Jason Davis has been appointed to the Commission.

Memorandum 19-101 from Deputy City Clerk Re: New Retail Marijuana License and Manufacturing License Renewal for Cosmic Seaweed. Recommend approval.

Councilmember Smith reported Council discussed next steps for the HERC and the discussion directed them to look at the demolition of the building and formulating short and long term plans of filling the needs of the community in its absence.

Ordinance 19-19(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 14.08, "Water Rules and Regulations" to add HCC 14.08.015, "Water Service Area" and Permitting the City to Provide Water Service Outside the City of Homer so Long as the Property Served is Adjacent to a Water Main Installed to Serve City Property and Such Service is Required by Law or Authorized by Ordinance and Requiring a Council Approved Agreement Regulating Use, Operation, Installation, and Maintenance of Water Service on the Property. Aderhold. Introduction April 22, 2019, Postponed to May 28, 2019, Public Hearing June 10, 2019, Referred to Planning Commission, Port & Harbor Advisory Commission and Economic Development Advisory Commission, Postponed to August 26, 2019.

Memorandum 19-072 from Councilmember Aderhold as backup

Memorandum 19-104 from Port & Harbor Advisory Commission as backup

Memorandum 19-105 from Economic Development Advisory Commission as backup

Memorandum 19-106 from Planning Commission as backup

POSTPONED as amended to September 9, 2019

Amended:

- Line 39, delete "extend," insert "permit connection to"
- Line 40, delete "extension," insert "service"
- Line 41, delete "the extension"

- Line 51, delete “extending,” insert “providing”
- Line 52, insert “of any costs and fees associated with connecting to the water main, including costs associated with the original main extension,” before “for the property or properties;”
- Line 57, delete “the extension of,” insert “permitting connection to”
- Line 60, delete “Notwithstanding the other provisions of this Section, after,” insert “Unless otherwise required by law,”
- Line 61, delete “extended,” insert “permitted”
- Delete lines 64-66.
- Line 68, insert “connection to” after “Before,” delete “extended,” insert “permitted”
- Line 75, delete “extension of,” insert “connection to the”
- Lines 75, delete “property,” insert “water main”
- Line 77, delete “the amount of the extension,”
- Line 78, delete “the extension,” insert “connecting to the water main, including costs associated with the original main extension,”
- Line 80, delete “extension” insert “connection”
- Line 88, insert “Connection to the City” before “water”
- Line 88, delete “extended,” insert “permitted”
- Line 93, delete “persons”, insert “water customers”

Memorandum 19-108 from City Clerk Re: Vacation a 10 foot wide drainage easement on lot 24-A, AA Mattox Peggi’s Addition granted by AA Mattox Peggi’s Addition (Plat HM 99-64) within Section 17, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2019-048V.

POSTPONED to a Special Meeting to be scheduled on a date to be determined following City Attorney clarification from Kenia Peninsula Borough regarding process questions/concerns.

Staff

We have some vacation and training time scheduled. Julie will be out the 4th and 5th. Travis will be out the 29th through the 12th. I will be out from the 6th through the 20th. This will likely lead to a reduced ability to perform research for the Commission’s meeting of September 18th. We will wait to see what applications are submitted before the meeting deadline and make some decisions about the meeting then.

With concurrence of the chair, I am proposing to cancel the next Planning Commission meeting. We have not received any applications requiring action at the meeting.

Work list

- Green Infrastructure – We will be planning a work session or presentation from public works regarding the latest grant implementation.
- Medical district – awaiting decision on the appeal

- Transportation plan – Memo to council
- Permit requirements – Will return after further review
- Signs – Due to time constraints associated with scheduled time off, we plan to jump into the subject in the first meeting in October.

City Council report sign up

9.9.19 Petska-Rubalcava

9.23.19 Smith

10.14.19 Bos

10.29.19



City of Homer

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Planning

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Homer, Alaska 99603

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(f) 907-235-3118

Staff Report 19-77

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

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

General Information:

Applicants:	William Bell and Mary Kelsey PO Box 894 Homer AK 99603 Geovera LLC PO Box 3235 Homer, AK 99603	Alexander Petersen PO Box 894 Homer AK 99603
Location:	West end of Ocean Drive Loop	
Parcel ID:	17714018, 17717325	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Vacant/Beluga Slough South: Residential East: Residential West: Beluga Slough/Bishop's beach	
Comprehensive Plan:	Discourage right of way and public access easement vacations to the beach (Chapter 6, implementation item 1-E-15)	
Wetland Status:	The 2005 wetland mapping shows no wetland areas.	
Flood Plain Status:	The land portion of the section line is Zone X, outside the 500 year flood plain, and the beach portion is a VE 24.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	
Public Notice:	Notice was sent to 15 property owners of 17 parcels as shown on the KPB tax assessor rolls.	

Analysis: This vacation is within the Rural Residential District. This action would vacate the northern 33 foot wide portion of a section line easement between the west of end of Ocean Drive Loop, and the Beluga Slough/Bishop's beach area. A home has existed within the section line easement since at least 1982 and the property owner would like to resolve the encroachment. There is 30 foot right of way dedication to the south, with an additional 3 foot remainder of the section line easement. If the vacation is approved, there would still be a total of 33 feet of public access to the beach.

Select KPB Code guidance

20.70.170. - Vehicular access.

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

Staff comment: Vehicular access down to the beach is not practical in this location. There is at least a 10 foot drop in elevation at the beach bluff, and the beach and bluff area regularly experience erosion. The mouth of Beluga Slough continually moves toward that area. Some of the beach bluff has been stabilized with large concrete block to protect the existing home. Vehicle access down to the beach, or to travel by vehicle beyond the immediate area is not practical.

20.70.180. - Other access.

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

Staff comment: The adjacent right of way will remain in place. This will allow for future public access if pedestrian access is developed.

20.70.200. - Waterfront access provisions.

A right-of-way which serves to provide access to public waters shall not be vacated unless such a right-of-way is wholly impractical to all modes of transport including pedestrian or the use of such right-of-way causes damage to the right-of-way, adjacent properties, the waterbody or the watercourse, or threatens public safety which cannot otherwise be corrected and where such continued damage or threat would be contrary to the public interest.

Staff comment: See surveyor letter. The existing home is located within the section line easement. Pedestrian access will remain possible south of the property line if future access is constructed. (Possibly stairs). This section line easement provides access to private lands, and public lands (USFW).

Public Works Comments: No comments on the proposed action.

Fire Department Comments: None received.

Staff Recommendation:

Planning Commission recommend approval of the vacation with the following comments:

1. Public access to the beach is preserved by the existing 30 foot dedicated right of way immediately adjacent to the proposed section line easement vacation.

Attachments:

1. Vacation petition
2. Surveyor Letter
3. Public Notice
4. Aerial Map

NOTES

1. DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE EASEMENT BEING VACATED WITHIN SECTION 20, T. 6 S., R. 13 W., S.M. IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS-OF-WAY OR EASEMENTS.
2. NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS SECTION-LINE EASEMENT VACATION PLAT. ALL DIMENSIONS AND OTHER DETAILS AS SHOWN HEREON ARE FROM THE PLAT OF OSCAR MUNSON No. 23 ON FILE AT THE HOMER RECORDING DISTRICT AS PLAT NO. 2006-66.
3. THIS SECTION LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL DECISION EV-3-### APPROVED ###.
4. THE ALTERNATE ROUTE IN ACCORDANCE WITH AS 19.30.410 AND/OR 11 AAC 51.065 IS VIA THE UNNAMED RIGHT-OF-WAY AND THE 33-FOOT WIDE SECTION-LINE EASEMENT ADJOINING THE SECTION-LINE BETWEEN SECTIONS 20 AND 29.

PLAT APPROVAL

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

BY: _____
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE _____

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY
OF _____, 2019.

BY: WILLIAM H. BELL AND MARY LOU KELSEY
(PERSONALLY APPEARED)

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY
OF _____, 2019.

BY: ALEXANDER PETERSEN
(PERSONALLY APPEARED)

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

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

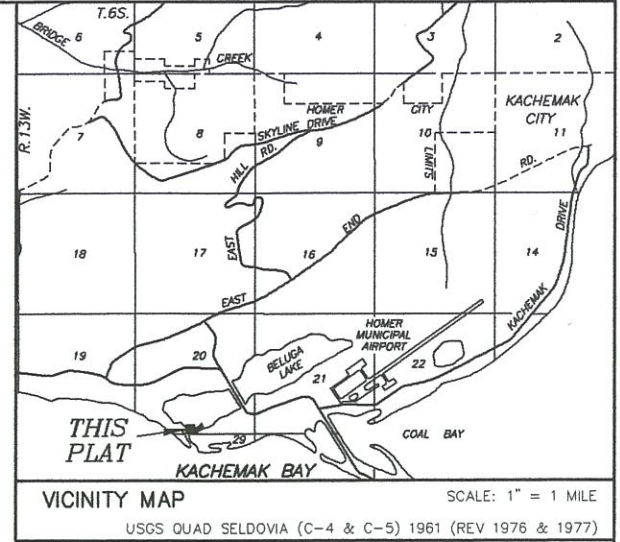
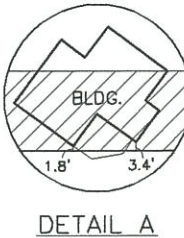
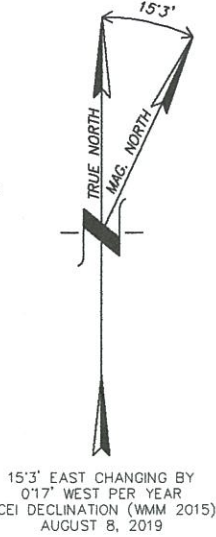
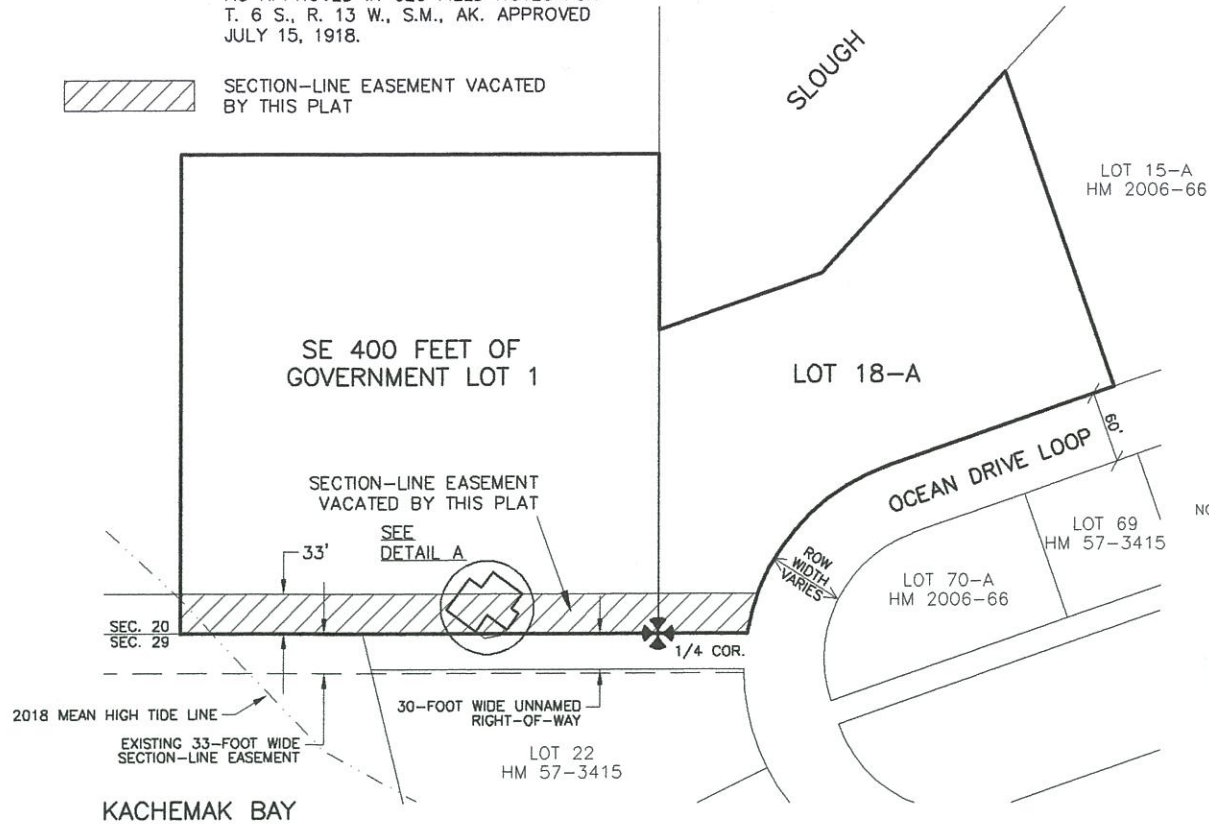
DATE: _____ REGISTRATION No. AELL 7538

STEPHEN C. SMITH
REGISTERED LAND SURVEYOR



LEGEND:

- 2-1/2" BRASS CAP ON A 1" IRON PIPE AS APPROVED IN GLO FIELD NOTES FOR T. 6 S., R. 13 W., S.M., AK. APPROVED JULY 15, 1918.
- SECTION-LINE EASEMENT VACATED BY THIS PLAT



CERTIFICATE OF OWNERSHIP AND DEDICATION

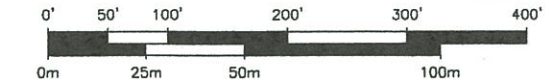
WE THE UNDERSIGNED, CERTIFY THAT WE ARE THE OWNERS OF OSCAR MUNSON No. 23 AND THE SOUTH 400 FEET OF THE EAST 400 FEET OF GOVERNMENT LOT 1, AS SHOWN ON THIS PLAT. WE HEREBY APPROVE THIS SECTION LINE EASEMENT VACATION PLAT.

WILLIAM H. BELL
CO-TRUSTEE, BELL-KELSEY JOINT REVOCABLE TRUST
PO BOX 894
HOMER, ALASKA 99603
SE 400 FEET OF GOVERNMENT LOT 1, SECTION 20

MARY LOU KELSEY
CO-TRUSTEE, BELL-KELSEY JOINT REVOCABLE TRUST
PO BOX 894
HOMER, ALASKA 99603
SE 400 FEET OF GOVERNMENT LOT 1, SECTION 20

ALEXANDER PETERSEN
TRUSTEE, RAVEN TRUST
PO BOX 894,
HOMER ALASKA 99603
LOT 18-A

GRAPHIC SCALE



1 inch = 200 ft.

1 METER = 3.280833 U.S. SURVEY FEET, 1 U.S. ACRE = 0.4047 HECTARE

DATE OF SURVEY: Beginning: NO FIELD SURVEY Ending: _____
SURVEYOR: Geovera, LLC COA# 933 PO Box 3235 Homer, Alaska 99603 (907) 399-4345 www.geovera-ak.com

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND, AND WATER
ANCHORAGE, ALASKA

SECTION-LINE EASEMENT VACATION PLAT

Associated with
OSCAR MUNSON No. 23 and
THE SOUTH 400 FEET OF THE EAST 400 FEET OF
GOVERNMENT LOT 1

Located Within Surveyed
Sec. 20, T. 6 S., R. 13 W., S.M., Alaska
HOMER RECORDING DISTRICT

DRAWN BY: SCS
DATE: AUG. 2019
SCALE: N/A

APPROVAL RECOMMENDED
STATEWIDE PLATTING SUPERVISOR DATE: _____
CHECKED: SCS DNR FILE NO. EV-3-###

AUG 12 2019

Petition to Vacate Section Line Easement
Public Hearing Required

CITY OF HOMER
PLANNING/ZONING

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

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

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

☒ \$500 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to the vacation fees.

☒ City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.

☐ Are there associated utility easements to be vacated? ☐ Yes ☒ No

☐ Are easements in use by any utility company? If so, which company _____

☒ Width of easement proposed to be vacated must be shown on the sketch.

☒ Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. Proposed alternative dedication is to be shown and labeled on the sketch.

Has the section line easement been fully or partially constructed? ☐ Yes ☒ No

Is the section line easement used by vehicles / pedestrians / other? ☐ Yes ☒ No

Is alternative right-of-way being provided? ☒ Yes ☐ No

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

An existing building was constructed within the section-line easement in the early 1970's. The easement is not currently constructed or in use

by vehicles or pedestrians. The uplands terminate approximately 260-feet west of the Ocean Drive Loop at which point there is a steep bluff down to the
tidelands. The alternate route to the tidelands to the west is through the existing 33-foot wide section-line easement adjoining the
section-line to the south. In addition, an existing 30-foot wide unnamed right-of-way adjoins the section-line to the south.

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

Submitted By: Signature _____ As: ☒ Petitioner ☐ Representative

Name _____

Address _____

Phone _____

Petitioners:

Signature William H. Bell

Name William H. Bell

Address Box 894

HOMER, AK 99603

Owner of _____

Signature Mary Jackson

Name Mary Jackson

Address Box 894

HOMER, AK 99603

Owner of _____

Signature Alexander Petersen

Name ALEXANDER PETERSEN

Address P.O. Box 894

HOMER, AK 99603

Owner of LOT 18-A

Signature _____

Name _____

Address _____

_____ of _____

August 7, 2019

City of Homer
Planning Department
Julie Engebretsen, Deputy City Planner
491 E. Pioneer Ave.
Homer, Alaska 99603

RECEIVED

AUG 12 2019

**CITY OF HOMER
PLANNING/ZONING**

RE: Oscar Munson No. 23 and SE400 Feet of Govt. Lot 1 Section-Line Easement Vacation

Julie,

Please find enclosed (1) full size copy and (2) 11X17 copies of the preliminary plat of the Section-Line Easement Vacation within Lot 18-A, Oscar Munson No. 23 and the SE400 Feet of Government Lot 1, Section 20, T. 6 S., R. 13 W., S.M., Alaska, and a \$300.00 check for the submittal fee.

As you are aware, the plat of Oscar Munson No. 25, which rearranges the lot lines between these two parcels so that both have frontage on Ocean Drive Loop, has been approved by both the City of Homer and the Kenai Peninsula Borough. The borough approval is contingent upon resolving the encroachment of Bill Bell and Mary Lou Kelsey's house into the 33-foot wide section-line easement.

The approval by the City of Homer of the vacation of the section-line easement is step one of the required three step process. If the City of Homer concurs, the petition and plat will be submitted to the borough. If the borough concurs, the petition and plat will be submitted to the State of Alaska Department of Natural Resources. Both the Alaska Department of Transportation and Public Facilities and the Department of Natural Resources would have to concur before the easement can be vacated.

This plat will vacate only the 33-foot wide section-line easement within Section 20. The existing 33-foot section-line adjoining to the south (in Section 29) will remain, as will the existing 30-foot unnamed right-of-way adjoining to the south. This existing access adjoining to the south is the alternate route to the tidelands to the west in accordance with as 19.30.410 and/or 11 AAC 51.065. The alternate access route will be for pedestrian access only. By City of Homer ordinance, no motorized vehicles are allowed on the beach adjacent to the subject properties.

Background:

The house that is the subject of the encroachment into the section line easement was originally constructed in its current location prior to the 1964 earthquake. The original house was partially destroyed during the earthquake. William Bell purchased the land and rebuilt the house in its original location in 1982.

Please let me know if you have any questions. You can reach me at any time at (907) 399-4345.
Thanks!

Sincerely,



Stephen C. Smith P.L.S.

PUBLIC HEARING NOTICE

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

A petition to vacate a 33 foot-wide section line easement along the southern property lines at 592 Ocean Drive Loop and 598 Ocean Drive Loop also known as “lot 18-A of Oscar Munson No. 23” and “The South 400 Feet of the East 400 Feet of Government Lot 1”, located within Sec. 20, T. 6 S., R. 13 W., S.M.

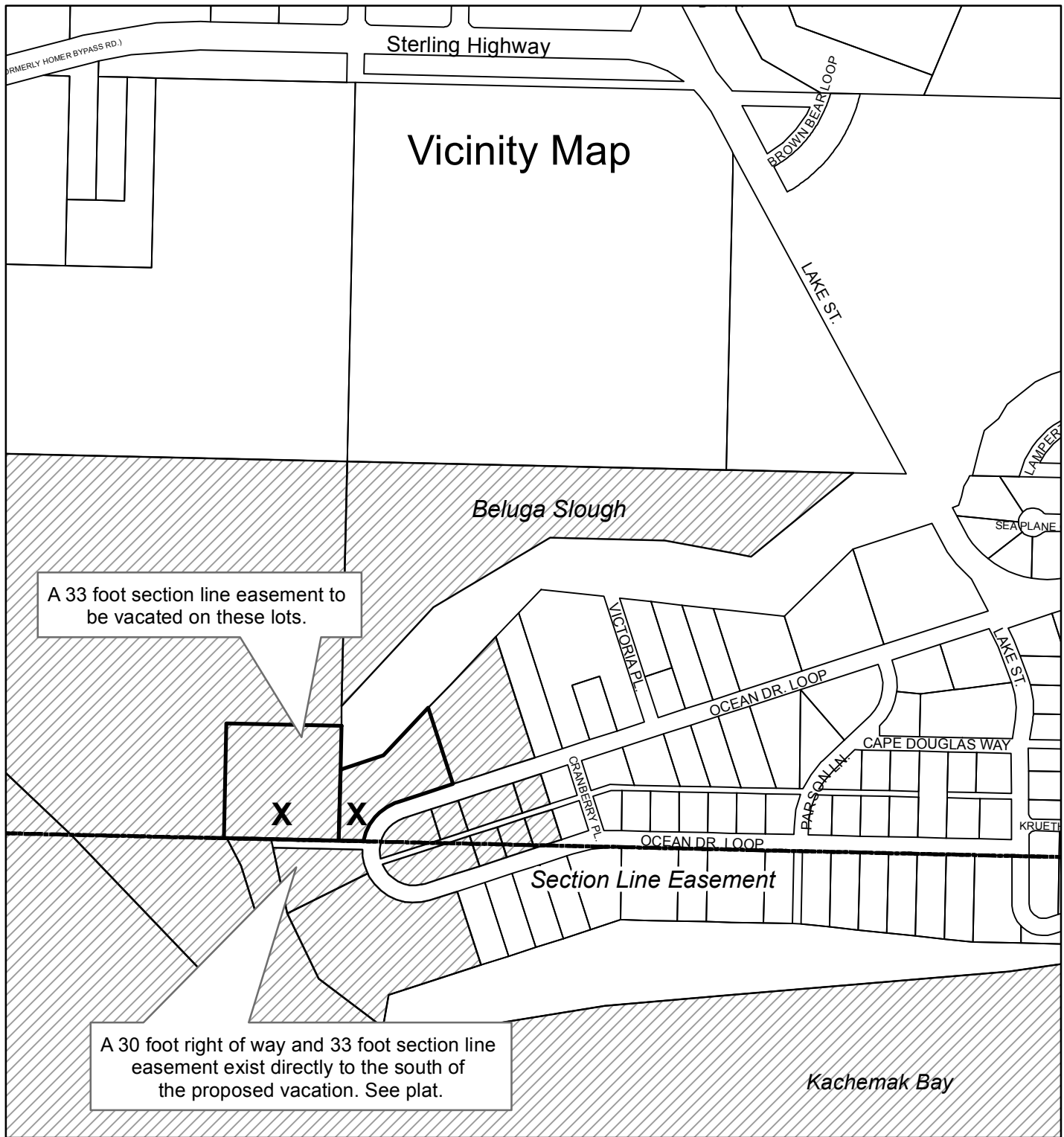
Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

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

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

.....

VICINITY MAP ON REVERSE



City of Homer
Planning and Zoning Department

August 20, 2019

Request for vacation of a section line easement

Marked Lots are w/in 300
and property owners notified.

0 250 500 Feet



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

NOTES

1. DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE EASEMENT BEING VACATED WITHIN SECTION 20, T. 6 S., R. 13 W., S.M. IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS-OF-WAY OR EASEMENTS.
2. NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS SECTION-LINE EASEMENT VACATION PLAT. ALL DIMENSIONS AND OTHER DETAILS AS SHOWN HEREON ARE FROM THE PLAT OF OSCAR MUNSON No. 23 ON FILE AT THE HOMER RECORDING DISTRICT AS PLAT NO. 2006-66.
3. THIS SECTION LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL DECISION EV-3-### APPROVED ###.
4. THE ALTERNATE ROUTE IN ACCORDANCE WITH AS 19.30.410 AND/OR 11 AAC 51.065 IS VIA THE UNNAMED RIGHT-OF-WAY AND THE 33-FOOT WIDE SECTION-LINE EASEMENT ADJOINING THE SECTION-LINE BETWEEN SECTIONS 20 AND 29.

PLAT APPROVAL

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

BY: _____
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE _____

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY
OF _____, 2019.

BY: WILLIAM H. BELL AND MARY LOU KELSEY
(PERSONALLY APPEARED)

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY
OF _____, 2019.

BY: ALEXANDER PETERSEN
(PERSONALLY APPEARED)

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

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

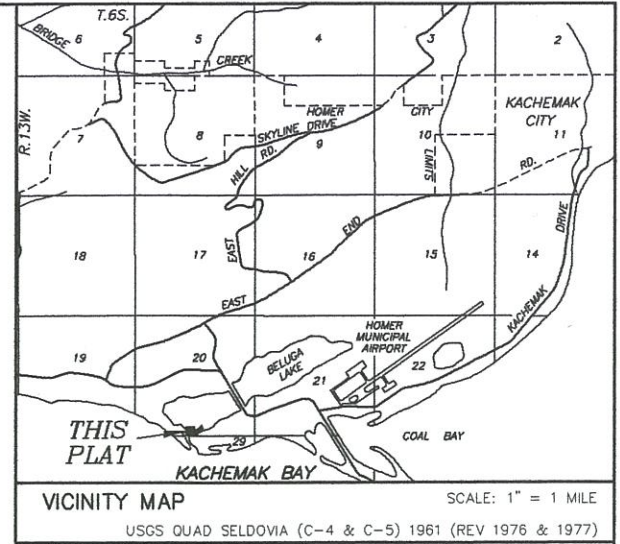
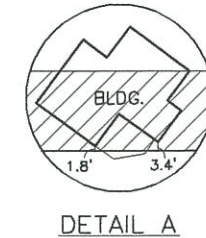
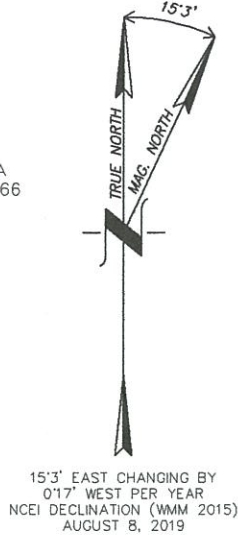
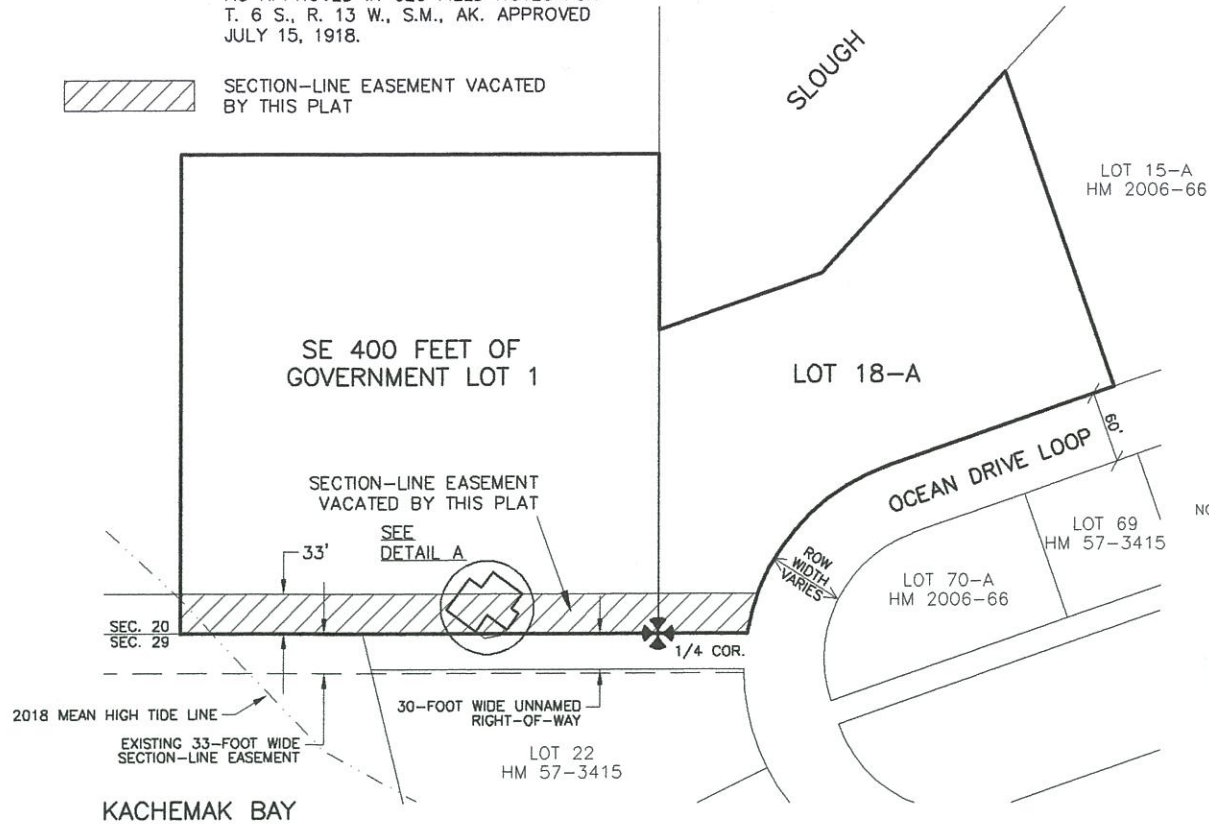
DATE: _____ REGISTRATION No. AELL 7538

STEPHEN C. SMITH
REGISTERED LAND SURVEYOR



LEGEND:

- 2-1/2" BRASS CAP ON A 1" IRON PIPE AS APPROVED IN GLO FIELD NOTES FOR T. 6 S., R. 13 W., S.M., AK. APPROVED JULY 15, 1918.
- SECTION-LINE EASEMENT VACATED BY THIS PLAT



CERTIFICATE OF OWNERSHIP AND DEDICATION

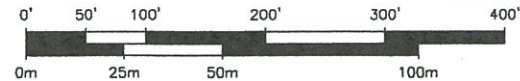
WE THE UNDERSIGNED, CERTIFY THAT WE ARE THE OWNERS OF OSCAR MUNSON No. 23 AND THE SOUTH 400 FEET OF THE EAST 400 FEET OF GOVERNMENT LOT 1, AS SHOWN ON THIS PLAT. WE HEREBY APPROVE THIS SECTION LINE EASEMENT VACATION PLAT.

WILLIAM H. BELL
CO-TRUSTEE, BELL-KELSEY JOINT REVOCABLE TRUST
PO BOX 894
HOMER, ALASKA 99603
SE 400 FEET OF GOVERNMENT LOT 1, SECTION 20

MARY LOU KELSEY
CO-TRUSTEE, BELL-KELSEY JOINT REVOCABLE TRUST
PO BOX 894
HOMER, ALASKA 99603
SE 400 FEET OF GOVERNMENT LOT 1, SECTION 20

ALEXANDER PETERSEN
TRUSTEE, RAVEN TRUST
PO BOX 894,
HOMER ALASKA 99603
LOT 18-A

GRAPHIC SCALE



1 inch = 200 ft.

1 METER = 3.280833 U.S. SURVEY FEET, 1 U.S. ACRE = 0.4047 HECTARE

DATE OF SURVEY: Beginning: NO FIELD SURVEY Ending: _____
SURVEYOR: Geovera, LLC COA# 933 PO Box 3235 Homer, Alaska 99603 (907) 399-4345 www.geovera-ak.com

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND, AND WATER
ANCHORAGE, ALASKA

SECTION-LINE EASEMENT VACATION PLAT

Associated with
OSCAR MUNSON No. 23 and
THE SOUTH 400 FEET OF THE EAST 400 FEET OF
GOVERNMENT LOT 1

Located Within Surveyed
Sec. 20, T. 6 S., R. 13 W., S.M., Alaska
HOMER RECORDING DISTRICT

DRAWN BY: SCS
DATE: AUG. 2019
SCALE: N/A

APPROVAL RECOMMENDED
STATEWIDE PLATTING SUPERVISOR DATE:
CHECKED: SCS DNR FILE NO.
EV-3-###

Aerial Map

Beluga Slough

A 33 foot section line easement to be vacated on these lots.

X

X

Ocean Dr Loop

Section Line Easement

A 30 foot right of way and 33 foot section line easement exist directly to the south of the proposed vacation. See plat.

Kachemak Bay



City of Homer
Planning and Zoning Department

August 20, 2019

Request for vacation of a section line easement

2017 COH Photo.
Property lines not exact;
use with care.

0 250 500 Feet



Disclaimer:
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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 19-78

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner AICP
DATE: August 3, 2016
SUBJECT: 40-foot road easement vacation request
Requested Action: Conduct a public hearing and make a recommendation on the vacation of a 40-foot road easement.

General Information:

Applicants:	Grady Avant & Laura DeMercurio PO Box 3601 Homer, AK 99603
Location:	5290 Davis Street
Parcel ID:	17420207
Zoning Designation:	East End Mixed Use District
Existing Land Use:	commercial
Surrounding Land Use:	North: Gear Shed South: Commercial East: Commercial West: Storage units
Comprehensive Plan:	Support the development of a variety of well-defined commercial/business districts for a range of commercial purposes.
Wetland Status:	The 2005 wetland mapping shows no wetland areas.
Flood Plain Status:	Zone D, flood hazards undetermined.
BCWPD:	Not within the Bridge Creek Watershed Protection District.
Utilities:	City water and sewer are available
Public Notice:	Notice was sent to 15 property owners of 17 parcels as shown on the KPB tax assessor rolls.

Analysis: This vacation is within the East End Mixed Use District. This action proposes to vacate approximately 300.6 feet of a 40' roadway easement. This easement was beneficial to the area in question prior to the creation of a larger lot to the north which now supports the Gear Shed.

20.30.170. - Blocks—Length requirements.

Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Staff comment: This action does not contribute to a block length of less than 330 feet or greater than 1,320 feet.

20.70.170. - Vehicular access.

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

Staff Comment: Properties along the vacation do not require the ROW easement for access. The lot described as “D” in the application (AKA, 3705 East End Road or parcel 17420212) maintains access through the portion of the easement that is located east of the proposed vacation and connects to Kachemak Drive.

20.70.180. - Other access.

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

Staff Comment: No other alternate uses noted.

20.70.190. - Utility provisions.

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

Staff comment: Lots have access to utilities outside of the ROW easement to be vacated and it will not interrupt city services.

Public Works Comments: No comment

Fire Department Comments: no comments received

Staff Recommendation:

Planning Commission recommend approval of the vacation.

Attachments:

1. Vacation petition
2. Public Notice
3. Aerial Map

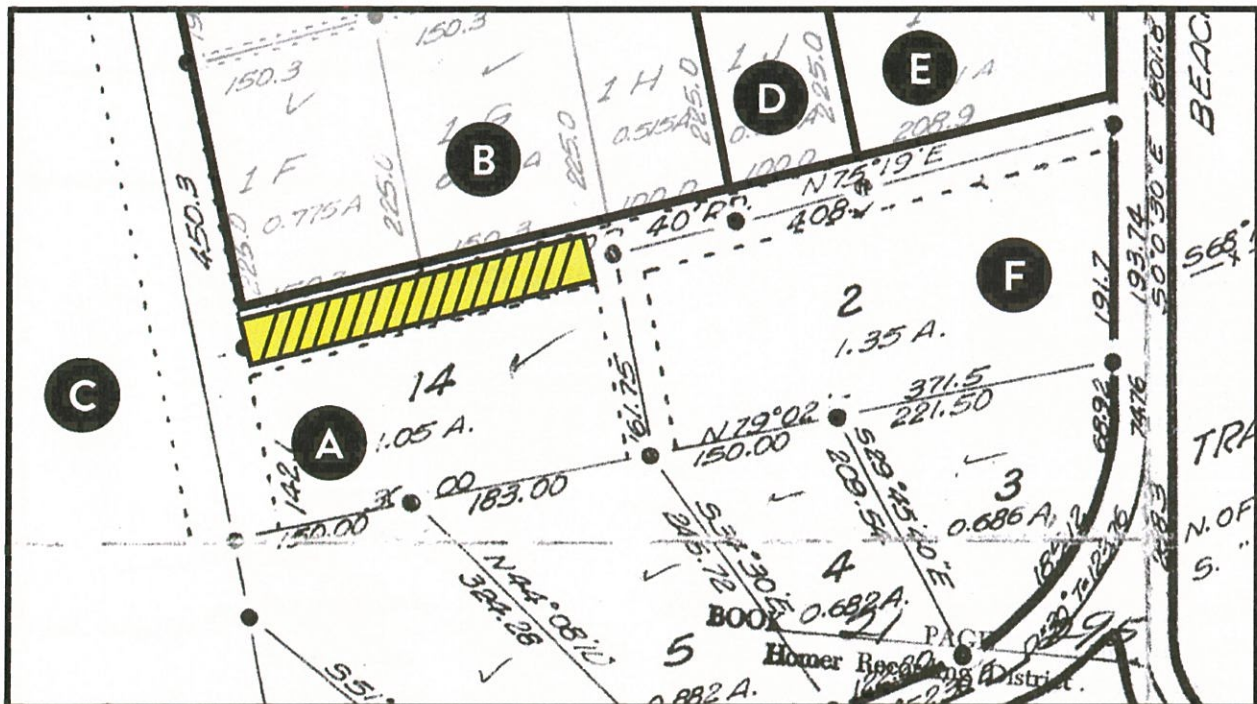
GRADY AVANT
PO BOX 3601
HOMER, AK 99603

August 14, 2019

Homer Advisory Planning Commission
491 East Pioneer Ave
Homer, AK 99603

Commissioners,

We, the undersigned, petition to vacate the section of easement located north of parcel id 17420207 (A) owned by myself and Laura DeMercurio, and south of parcel id 17420219 (B) owned by Randy Chiabai.



When this plat map was created in 1959, "Easement for 40' Road" as it is noted, provided access to lot 1G. In 1987 lot 1G was combined with four neighboring lots to create a single lot (1L) that the Kachemak Gear Shed now occupies, thereby providing alternate access.

The unmaintained gravel road that extends across this easement serves no useful purpose, has resulted in personal injuries, and is used for unwanted parking, dumping, drug use, and to facilitate theft. Removing this section of easement will allow the installation of a gated fence along strategic portions of my property and will improve the safety and security of all surrounding parcels.

Thank you for your consideration.

Yours,

Grady Avant


Signed

8/5/2019

Date

A PARCEL ID: 17420207
Grady Avant
5290 Davis Street
PO Box 3601
Homer, AK 99603


Signed

8/15/19
Date

B PARCEL ID: 17420219
Randy Chiabai
East End Properties LLC
1411 Roeder Ave
Bellingham, WA 98225

Dan McLean cannot be reached for signature at this time. Dan McLean's access is not affected by this change and Jerold Vantrease has offered to provide a permanent easement to ensure Dan will have future continued access to his property.

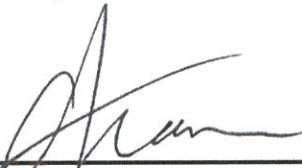
D PARCEL ID: 17420212
Dan McLean
3705 East End Road
PO Box 351
Homer, AK 99603


Signed

8/5/2019

Date

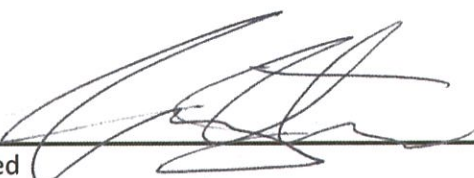
A PARCEL ID: 17420207
Laura DeMercurio
5290 Davis Street
PO Box 3601
Homer, AK 99603


Signed

8/5/2019

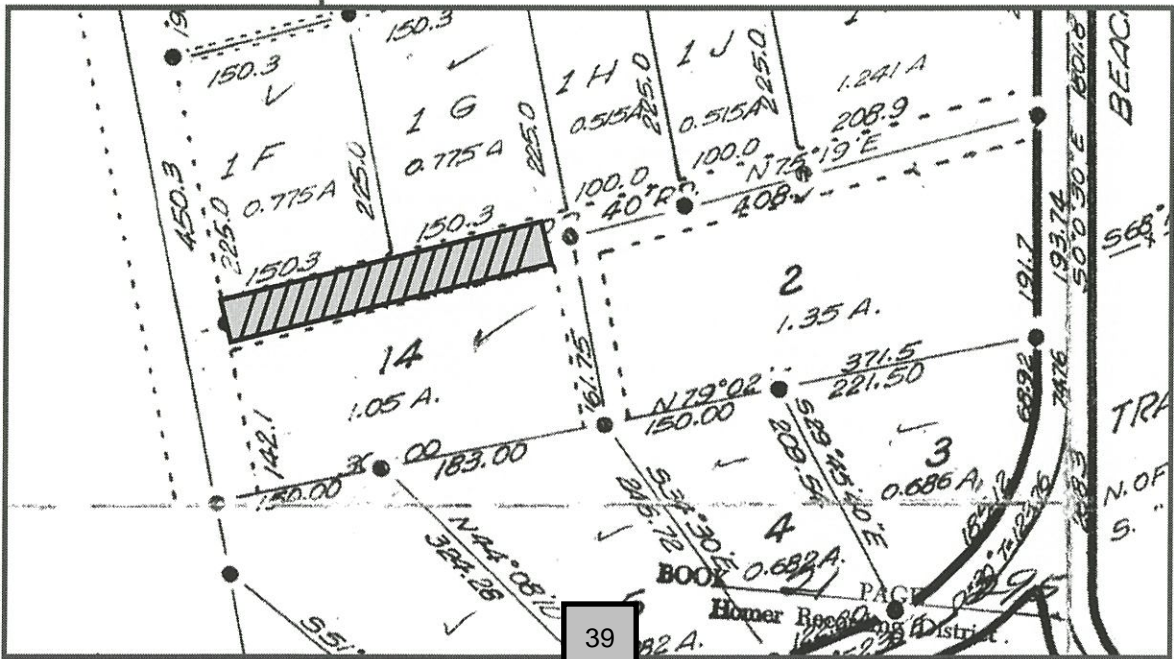
Date

C PARCEL ID: 17420318
Douglas Fraiman
East End Mini Storage, LLC
3585 East End Road
PO Box 2622
Homer, AK 99603


Signed

8/5/19
Date

E PARCEL ID: 17420213
F PARCEL ID: 17420208
Jerold Vantrease
5317 Kachemak Drive
PO Box 1730
Homer, AK 99603





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

Petition to Vacate Public Right-of-Way/Easement/Platted Public Area
Public Hearing Required

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

- ☐ ³⁰⁰ \$500 non-refundable fee to help defray costs of advertising public hearing.
- ☐ City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- ☐ Name of public right-of-way proposed to be vacated is dedicated by the plat of H.K. DAVIS Subdivision, filed as Plat No. 61-49 in Homer Recording District.
- ☐ Are there associated utility easements to be vacated? ☐ Yes ☒ No
- ☐ Are easements in use by any utility company? If so, which company N/A
- ☐ Easement for public road or right-of-way as set out in (specify type of document) _____ as recorded in Book 21 Page 293 of the Homer Recording District. (Copy of recorded document must be submitted with petition.)
- ☐ Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has right-of-way been fully or partially constructed? ☒ Yes ☐ No
- Is right-of-way used by vehicles / pedestrians / other? ☒ Yes ☐ No
- Is alternative right-of-way being provided? ☒ Yes ☐ No

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

SEE ATTACHED

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By:

Name: GRADY AVANT
Address: PO BOX 3601
HOMER AK
99603
Phone: 305 607 5935

Signature as:

☒ Petitioner ☐ Representative

Petitioners:

Signature SEE ATTACHED
Name _____
Address _____

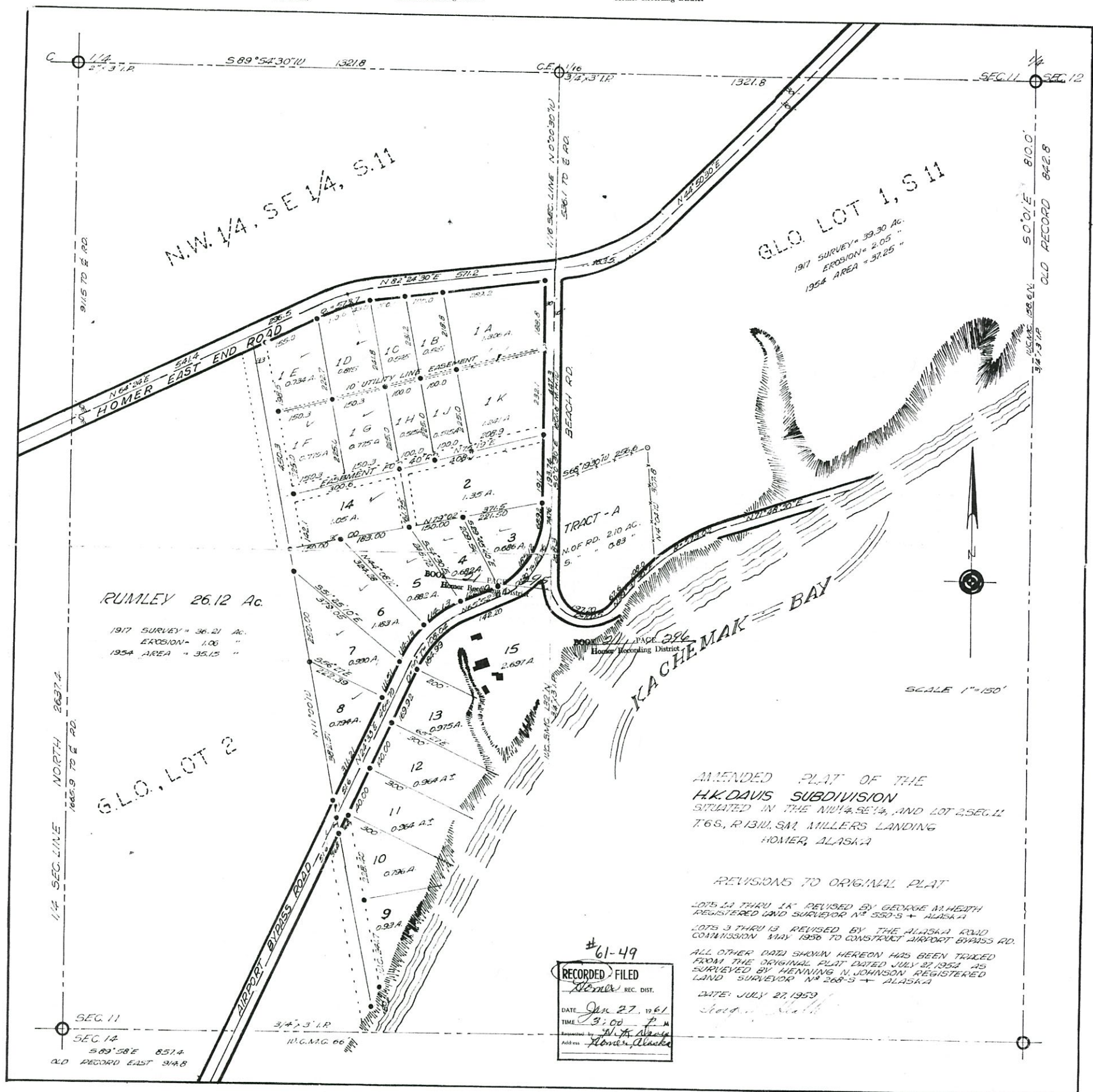
40

 Signature _____
Name _____
Address _____

Serial No. 61-49

BOOK 21 PAGE 293
Homer Recording District

BOOK 21 PAGE 298
Homer Recording District





City of Homer
Planning and Zoning Department

March 7, 2019

Request for vacation of a roadway easement

0 150 300 Feet

43



*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.*

PUBLIC HEARING NOTICE

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

A petition to vacate a 40 foot-wide roadway easement affecting 3625 East End Road and 5290 Davis Street also known as Lot 1-L H.K. Davis #5 and Lot 14 H.K. Davis Subdivision Amended, located within Sec. 11, T. 6 S., R. 13 W., S.M.

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

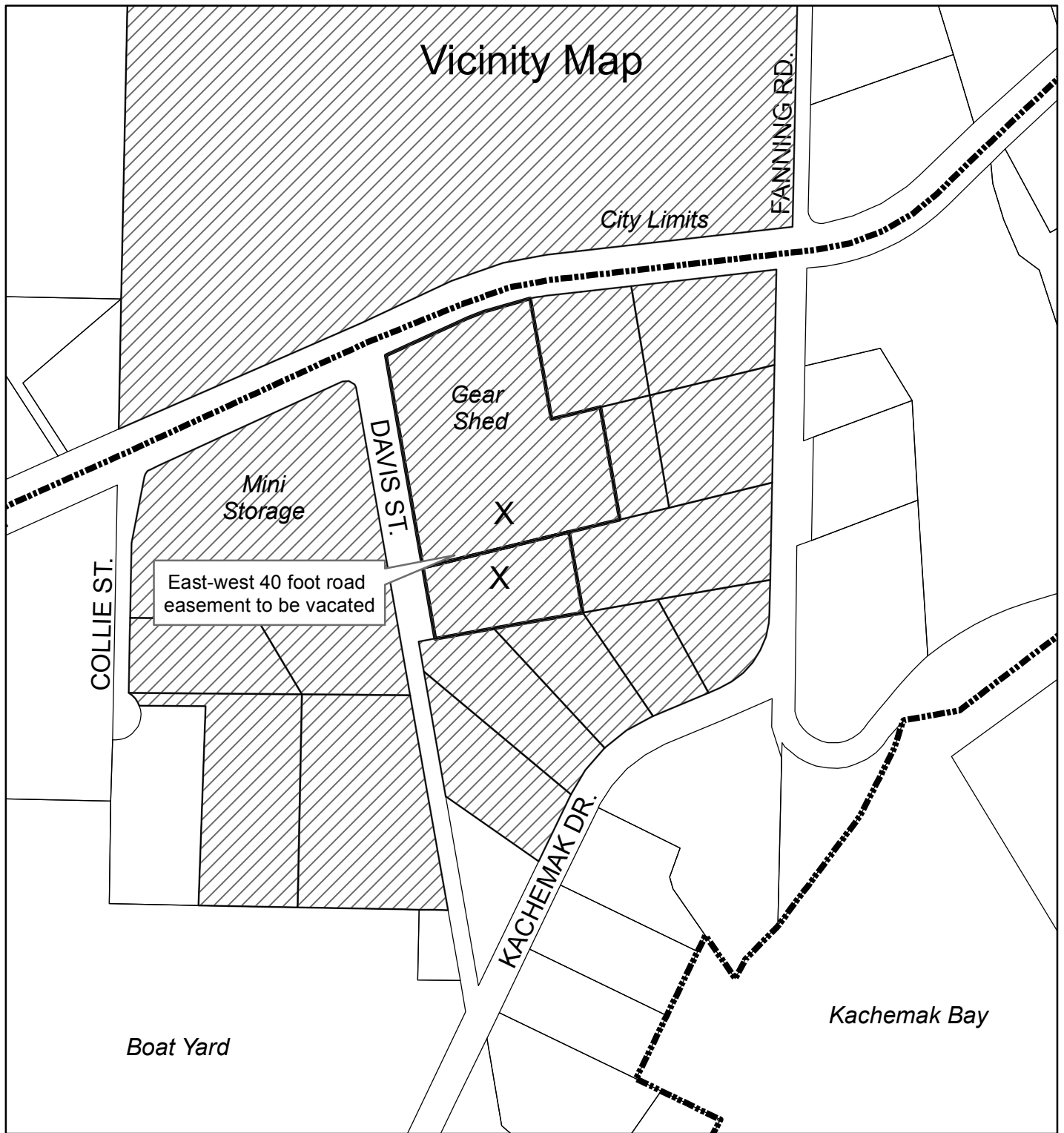
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

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

.....

VICINITY MAP ON REVERSE

Vicinity Map



City of Homer
 Planning and Zoning Department

March 7, 2019

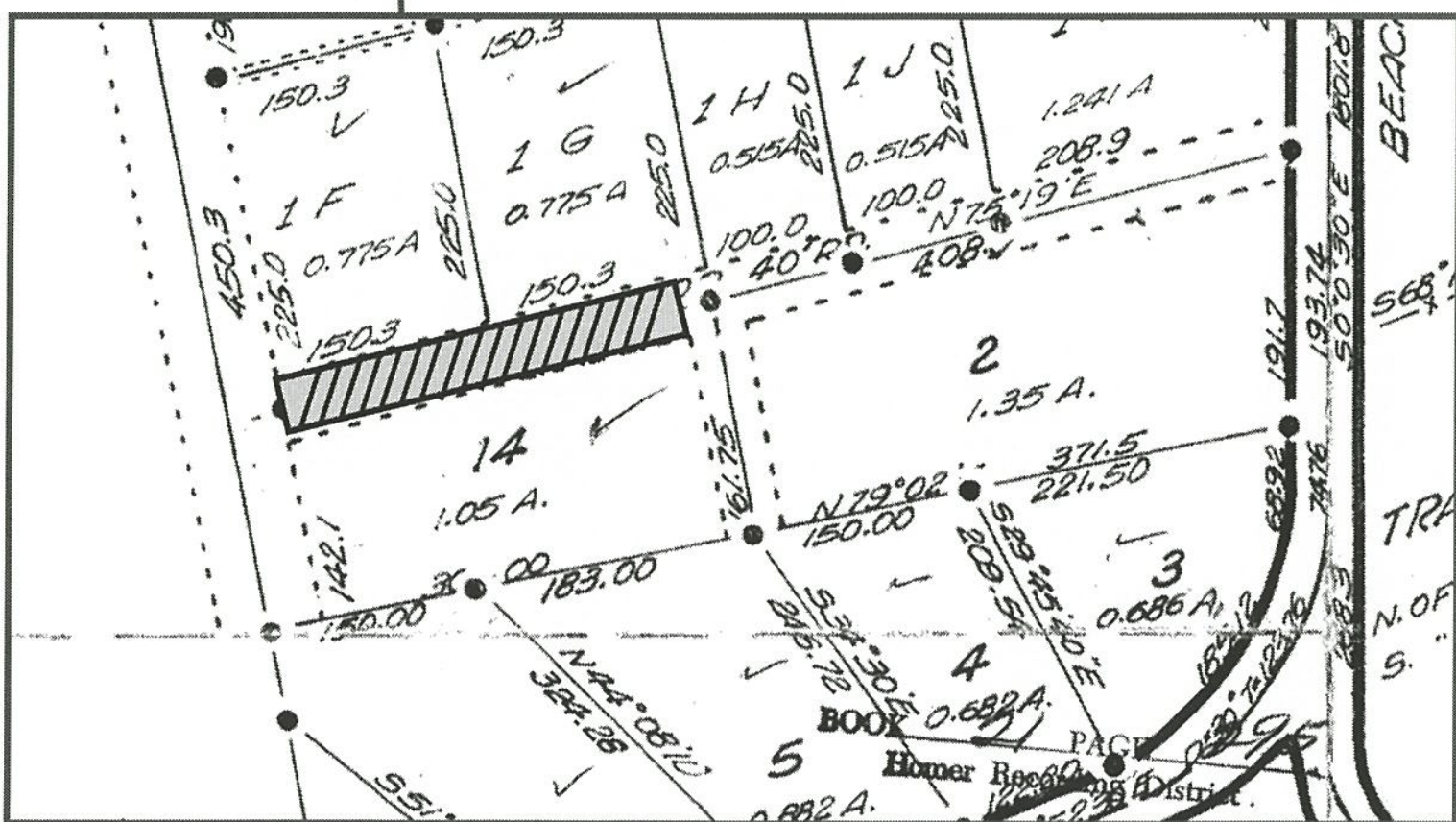
Request for vacation of a roadway easement

Marked Lots are w/in 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

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 19-79

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: September 4, 2019
SUBJECT: Bakke Subdivision Vacation

Requested Action: Conduct a public hearing and make a recommendation on the vacation of a temporary access easement along the northern boundary of the Bridge Creek Watershed Protection District

General Information:

Applicants:	Charles Monnett and Lisa Rotterman PO Box 1787 Homer, AK 99603	Louis and Gwen Rotterman PO Box 1787 Homer AK 99603
	McLane Consulting PO Box 468 Soldotna, AK 99669	
Location:	Northern portion of old Crossman Ridge Road	
Parcel ID:	17368025, 17368026, 17368029	
Proposed Right	3.42, 4.56 and 4.56 acres	
Zoning Designation:	Bridge Creek Watershed Protection District	
Existing Land Use:	Vacant land	
Surrounding Land Use:	North: Residential/vacant South: Residential/vacant East: Residential/vacant West: Residential/vacant	
Comprehensive Plan:	Chapter 6 Goal 1 Objective C: Continue to provide high-quality water and sewer services, anticipate future demand, and effectively guide Homer's growth with the extension of water and sewer into areas identified in the land use plan.	
Wetland Status:	The 2005 wetland mapping shows no wetland areas.	
Flood Plain Status:	Zone D, flood hazards undetermined.	

BCWPD:	Located within the Bridge Creek Watershed Protection District.
Public Notice:	Notice was sent to 10 property owners of 13 parcels as shown on the KPB tax assessor rolls.

Analysis: This vacation is within partially within the Bridge Creek Watershed Protection District. The City of Homer has extraterritorial zoning powers over the area within the watershed, for the purpose of protecting the City’s drinking water supply. This action would vacate the easement associated with the former Crossman Ridge Road – the old trail, which is the boundary of the zoning district. The zoning district boundary would not be affected by the easement vacation. The topic of trail or roadway easement vacation is not particularly in the City’s preview as it is outside city limits for the purposes of road maintenance, and this action will not affect municipal drinking water. Staff’s recommendations are limited to plat notes.

Recommendations:

1. Carry over the parent plat note stating that development in this area (south of the easement) is subject to the City of Homer Zoning Ordinance.
2. Include a plat note stating that the former easement is the boundary of the City of Homer’s Bridge Creek Watershed Protection District. The City of Homer Zoning Ordinance applies.

KPB Code 20.70.170. - Vehicular access.

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

Staff comment: This area is not within the City of Homer and is not eligible for City road maintenance. From the evidence presented by the applicants, equal or superior right of way exists.

KPB Code 20.70.190. - Utility provisions.

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

Staff comment: Alternate rights of way and utility easements were previously granted. The City of Homer does not provide nor plans to provide city water or sewer services to this area.

Public Works and Fire comments: Not received prior to packet publication.

Staff Recommendation:

Planning Commission recommend approval of the vacation with the following comments:

1. Carry over the note stating that development in this area (south of the easement) is subject to the City of Homer Zoning Ordinance.
2. Include a plat note stating that the former easement is the boundary of the City of Homer's Bridge Creek Watershed Protection District. The City of Homer Zoning Ordinance applies.

Attachments:

1. Vacation petition
2. Bakke Subdivision 2003 Addition plat
3. Public Notice
4. Aerial Map



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

Petition to Vacate Public Right-of-Way/Easement/Platted Public Area
Public Hearing Required

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

- ☒ \$500 non-refundable fee to help defray costs of advertising public hearing.
- ☐ City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- ☒ Name of public right-of-way proposed to be vacated is dedicated by the plat of Bakke Subd. & Bakke Subd No. 2 Subdivision, filed as Plat No. HM86-48 in _____ Recording District.
- ☐ Are there associated utility easements to be vacated? ☐ Yes ☒ No
- ☐ Are easements in use by any utility company? If so, which company _____
- ☐ Easement for public road or right-of-way as set out in (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition.)
- ☒ Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has right-of-way been fully or partially constructed? ☒ Yes ☐ No
- Is right-of-way used by vehicles / pedestrians / other? ☒ Yes ☐ No
- Is alternative right-of-way being provided? ☒ Yes ☐ No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:
This is a temporary easement for public access that is to terminate at the instance other access is
provided in dedicated Rights-of-way. "Better than or equal to" access to the same destinations is provided
via the dedicated platted roads. Please see attached document "L. Rotterman, C. Monnett, L. Monnett:
Reason for Vacation of Temporary Easement Bisecting our Properties" and attached photographs.

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By: Name: McLane Consulting Signature as: ☐ Petitioner ☒ Representative
Address _____
PO BOX 468
Soldotna, AK 99669
Phone 907-283-4218

Petitioners:

Signature Charles Monnett
Name Charles Monnett
Address PO Box 1787
Homer, AK 99603

Owner of Lot 1-B-1 HM2003-81
Lot 3B HM86-48
Signature Leif Monnett
Name Leif Monnett
Address PO Box 1787
Homer, AK 99603

Owner of Lot 2-B HM86-48

Signature Lisa M. Rotterman
Name Lisa M. Rotterman
Address PO Box 1787
Homer, AK 99603

Owner of Lot 1-B-1 HM2003-81
Lot 3B HM86-48

Signature _____
Name _____
Address _____

Owner of _____

L. Rotterman, C. Monnett, L. Monnett: Reason for Vacation of Temporary Easement Bisecting our Properties

We request removal (vacation) of the temporary easement that bisects all of our three properties. This easement is, and always has been, clearly and unambiguously described on Borough approved plats as “temporary” access. Finalized plats in place for over 3 decades (since 1986) unambiguously describe this access as a “temporary 20’ roadway easement until such time as the dedicated roads are constructed”.

This is the description of the temporary easement that was in place at the time we purchased our properties and was in place when neighbors and nearby residents purchased their properties. Hence, we bought our properties with a clear understanding from the explicit and unambiguous language on our plats that this access was temporary. We would not have purchased the property had the access not been clearly as classified as temporary.

The dedicated, long-platted, permanent roads, Steinhauser Street and Ginny Avenue, are both in place. They provide through access to the same destinations that could be accessed by the temporary access. They are both platted to provide a 60’ right of way. They are both being used by us and by other landowners to access their properties and by many other members of the public (see below). Thus, the access that is clearly delineated on Borough-approved and finalized plats as “temporary” is redundant to permanent access provided by platted dedicated roads long-approved by the Borough.

One of the owners (O. Gucer) of a house and business that fronts Ginny Ave. constructed Steinhauser Street to Ginny Ave. and a portion of Ginny Avenue more than a decade ago to access his property. These sections of these two dedicated platted permanent roads have been used continuously by these residents since that time. Parts of Steinhauser Street have had gravel and road construction plastic material added to the current road bed.

Two of us (C. Monnett and L. Rotterman) constructed the portion of Ginny Ave from Mr. Gucer’s driveway to its eastern intersection with the temporary access shortly after Steinhauser and the most westerly part of Ginny were constructed.

In the spring of 2019, C. Monnett obtained a renewal of a road maintenance permit for Ginny Ave. and undertook road maintenance to grade, scrape the surface of, and fill holes in Ginny Ave., a road that the Borough noted (on the permit renewal) was the “existing Ginny Ave”. As intended, this improved its condition considerably (Photos 1 and 2-Ginny Avenue following grading in the spring of 2019).

Based on telephone conversation between Mr. Dil Uhlin of the Kenai Roads department and L. Rotterman on June 21, 2019, he sent a Kenai Peninsula Borough roads inspector to inspect the access provided by the temporary access we request be vacated and the access provided by the dedicated permanent and already platted roads. Mr. Uhlin told L. Rotterman that the road inspector determined that the access provided by the permanently platted roads was “better than or equal to” to the access provided via the temporary easement.

We have used both Steinhauser Street and Ginny Ave. to access the upper parts of our properties, and the property of our relatives, for over 2 decades. The late Louis and Gwenn Rotterman used Ginny Ave. to access the upper part of their property, lot 2-B (now the property of Leif Monnett). We have observed other landowners and members of the public using both of the permanent roads. The public is currently successfully using the dedicated permanently platted roads for: through traffic to other

properties, through traffic to areas near Skyline Rd.; and for recreation. Recreationalists, including both local residents and the general public, are also enjoying the spectacular views and scenery on the permanent access roads for bicycling, walking, sightseeing in cars/trucks, motorcycling, etc. Thus, both Steinhauser St. and Ginny Ave. have been used for over a decade to provide through access, the access across most of Ginny has recently been considerably improved, and this access is currently being used by landowners and by many members of the public.

Thus, timely vacation of the temporary access from the plat is appropriate as that temporary access was intended only to provide access until such time as the permanent dedicated roads were in place to provide permanent access. They are in place and are being used.

Timely vacation of the temporary access is also necessary for the three landowners of the lots through which the temporary access passes to realize the full enjoyment and the full value of their properties that they purchased with the understanding explicitly stated in the plats that the access we request be vacated was "temporary". Existence of the temporary access has essentially taken large areas of the three properties that it bisects away from our control and denied us full use, enjoyment, and value of all three of these properties. It has eliminated some uses. Any substantial delay in removal of this temporary access will increase the risk to the security of the owners, will increase the risk and damage to their properties, and will keep the owners from fully using, enjoying, and realizing the value of their property. Two of us are senior and retired persons: one is 70 years old and the other is 64 years old. Due to the ages of these two property owners, any substantive delay in the vacation of the temporary access will possibly result in permanent loss to them of their ability to fully enjoy and benefit from their properties.

James Hall

From: James Hall
Sent: Monday, August 5, 2019 12:03 PM
To: Mignon Rotterman
Subject: FW: <EXTERNAL-SENDER>Road certified?
Attachments: IMG_0775.jpg

From: Uhlin, Dil <duhlin@kpb.us>
Sent: Friday, July 19, 2019 1:57 PM
To: James Hall <jhall@mclanecg.com>
Subject: RE: <EXTERNAL-SENDER>Road certified?

Mr. Hall,

I dispatched my southern inspector, Jim Socha, to inspect the permitted improvements of Ginny Avenue after receiving a report of a blockage on Crossman Ridge Road/Trail. Jim informed me that he felt Ginny Avenue is the same and/or better than the existing Crossman Ridge Road/Trail. If you have any other question feel free to contact me.

Dil Uhlin

Roads Director


Road Service Area

Office (907)262-4427 Fax (907)262-6090

Toll-free within the Borough (800) 478-4427

KENAI PENINSULA BOROUGH
47140 East Poppy Lane
Soldotna, Alaska 99689



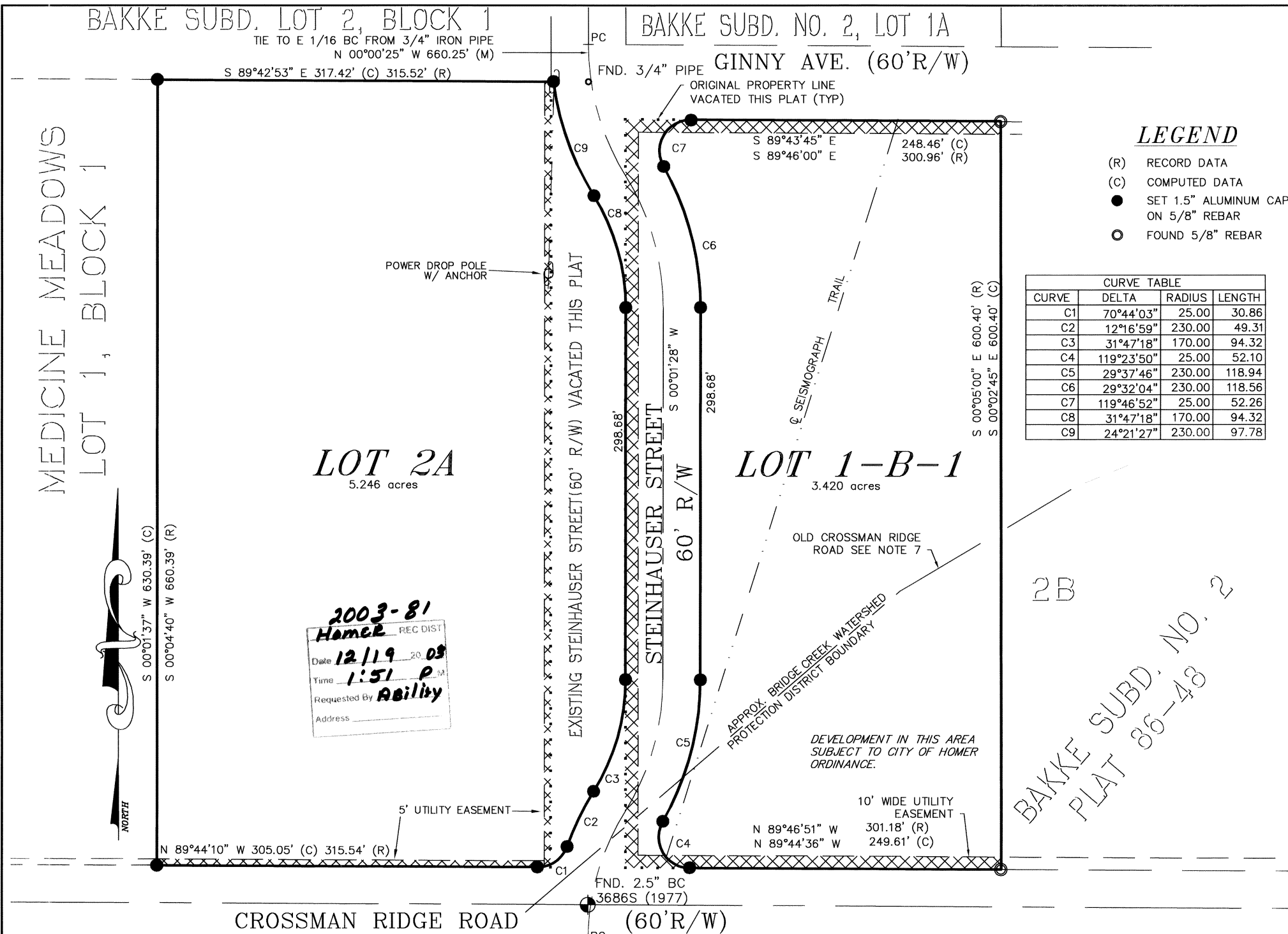
PUBLIC RECORDS LAW DISCLOSURE: This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.  Please consider the environment before printing this email.

From: James Hall [<mailto:jhall@mclanecg.com>]
Sent: Friday, July 19, 2019 12:25 PM
To: Uhlin, Dil <duhlin@kpb.us>
Subject: <EXTERNAL-SENDER>Road certified?

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Mr. Uhlin,

I am tasked with vacating a temporary easement in Homer Alaska through Bakke Subdivision HM2003-81, HM86-48, HM76-32. This is at the intersection of Steinhauer and Crossman Ridge Road. The owners informed me you had inspected the roadways and determined they were adequate to get this temporary easement vacated. We are planning a submittal on



NOTES

1. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

2. BUILDING SETBACK-- A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' OF THE 20' BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE PLACED WITHIN THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.

3. WASTEWATER DISPOSAL: THE PARENT SUBDIVISION FOR LOTS RESULTING FROM THIS REPLAT WAS FILED PRIOR TO PLAT REVIEW BY ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION. NO ENGINEER'S SUBDIVISION AND SOILS REPORT IS AVAILABLE FOR THIS SUBDIVISION. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

4. EXCEPTION TO KPB CODE WASTEWATER DISPOSAL 20.14 FOR LOT 2 WAS GRANTED AT THE MEETING OF JUNE 9, 2003.

5. THE BASIS OF BEARINGS IS N00°01'30" E ALONG THE FORMER EAST BOUNDARY OF MEDICINE MEADOWS SUBDIVISION.

6. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.

7. REFERENCE SHOULD BE MADE TO NOTE 2 ON THE BAKKE SUBDIVISION NO. 2 (HM 86-48) AND NOTE 3 ON THE BAKKE SUBDIVISION (HM 76-32) WHICH CALL FOR TEMPORARY ACCESS EASEMENTS ALONG THE EXISTING OLD CROSSMAN RIDGE ROAD.

KPB FILE No. 03-118

CERTIFICATE OF OWNERSHIP

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

CHARLES MONNETT
POB 243884
ANCHORAGE, AK 99524

LISA M. ROTTERMAN
POB 243884
ANCHORAGE, AK 99524

NOTARY'S ACKNOWLEDGMENT

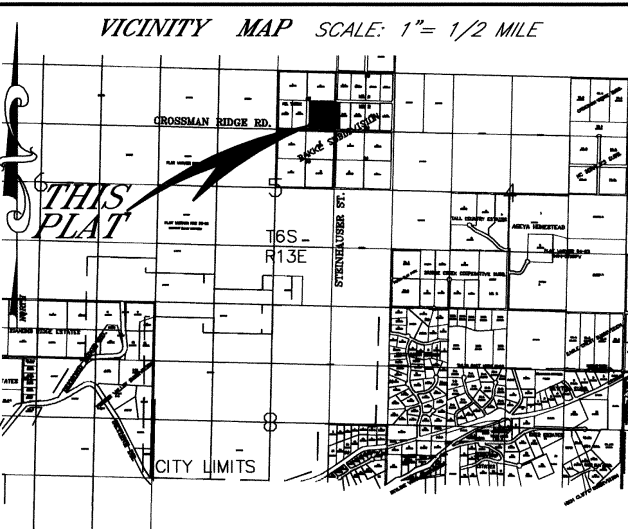
FOR: CHARLES MONNETT AND LISA M. ROTTERMAN
Subscribed and sworn to before me this 14th day of June, 2003.

Notary public for Alaska
My Commission Expires 12/01/05

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of MAY 29, 2003.

Kenai Peninsula Borough
BY Mary Lee
Authorized Official



DATE 6-12-03

SCALE 1"=60'

GRID No. AR-69

JOB No. 3706

DRAWING: 3706

BAKKE SUBDIVISION 2003 ADDITION

A SUBDIVISION OF LOT 2, MEDICINE MEADOWS SUBD. (HM 80-81) AND LOT 1-B, BAKKE SUBDIVISION NO. 2 (HM 86-48) SITUATED WITHIN A PORTION OF THE NW1/4 NE1/4 SEC. 5, T.6S., R.13W., S.M., KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA HOMER RECORDING DISTRICT CONTAINING 8.664 ACRES

ABILITY SURVEYS

GARY D. NELSON, P.L.S.
(907)235-8440
152 DEHEL AVE., HOMER, ALASKA

PUBLIC HEARING NOTICE

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

A petition to vacate a 20 foot-wide temporary roadway easement along Old Crossman Ridge Road within Lot 1-B-1 Block 2 Bakke Subdivision 2003 Addition & Lots 2-B & 3-B Block 2 of Bakke Subdivision No. 2, located within NE ¼ Sec. 5 T. 6 S., R. 13 W., S.M.

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

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

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

.....

VICINITY MAP ON REVERSE

Vicinity Map

City of Homer, Bridge Creek Watershed
Protection Zoning District

These three lots to have the temporary access
easement along Crossman Ridge Road vacated.

Homer City Limits

Bridge Creek Watershed
Protection District



City of Homer
Planning and Zoning Department

August 20, 2019

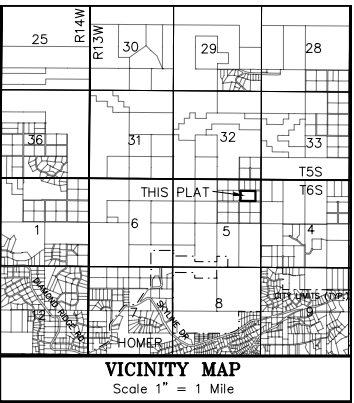
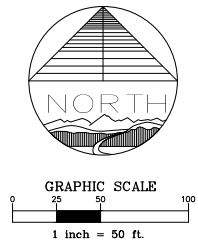
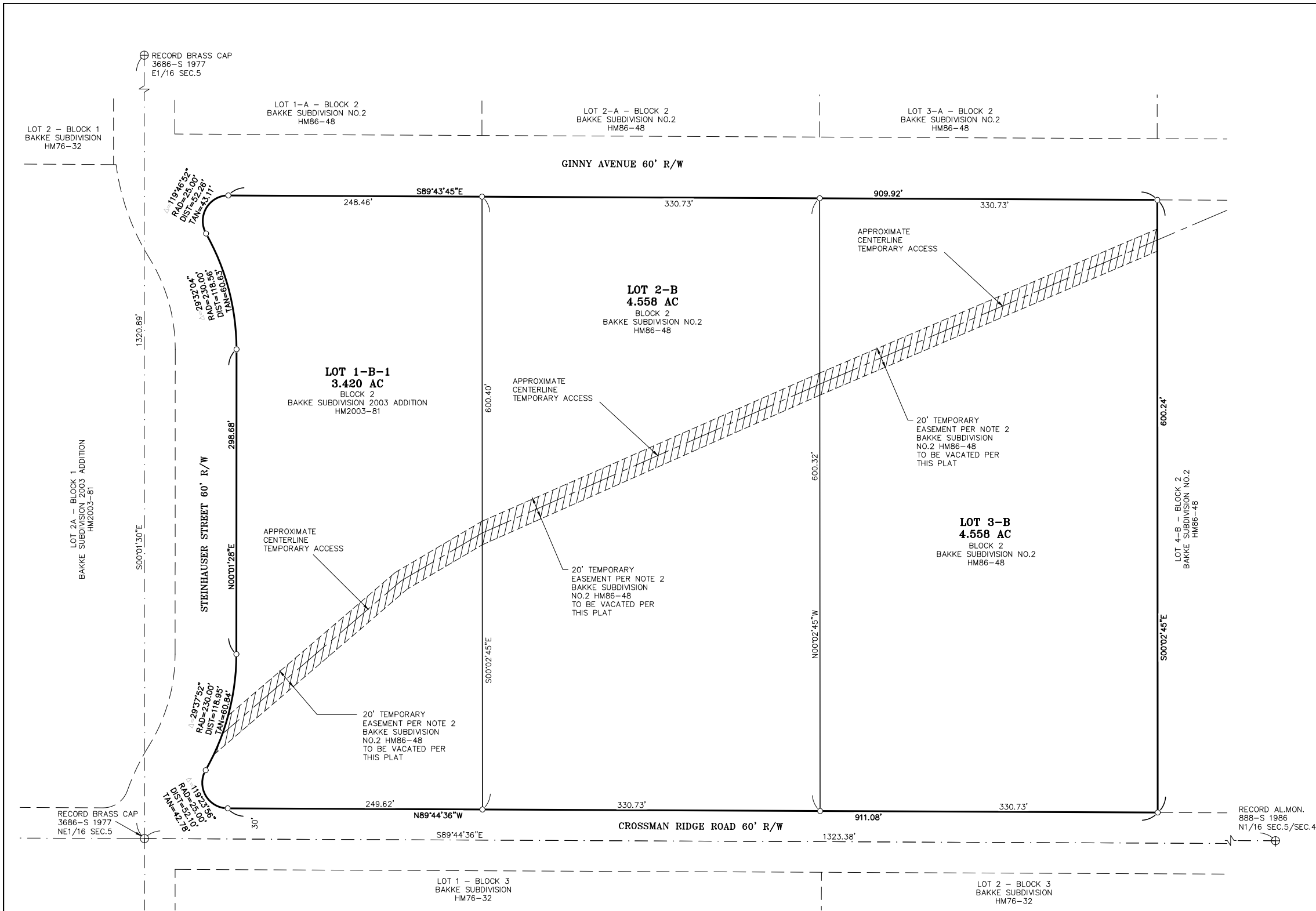
Request for vacation of the temporary
access easement along the
old Crossman Ridge Road.

Marked Lots are w/in 300 feet
and property owners notified.

0 0.25 0.5 Miles



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.



CERTIFICATE OF OWNERSHIP AND DEDICATION
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED AS LOT 1-B-1 BLOCK 2 OF BAKKE SUBDIVISION 2003 ADDITION (HM2003-81) AND LOT 3-B BLOCK 2 OF BAKKE SUBDIVISION NO.2 (HM86-48) SHOWN HEREON AND WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

CHARLES MONNETT, OWNER
PO BOX 1787, HOMER, AK 99603

LISA M. ROTTERMAN, OWNER
PO BOX 1787, HOMER, AK 99603

NOTARY'S ACKNOWLEDGEMENT
FOR: CHARLES MONNETT AND LISA M. ROTTERMAN
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2019
MY COMMISSION EXPIRES : _____

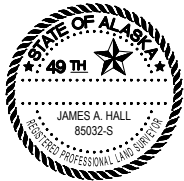
NOTARY PUBLIC FOR THE
STATE OF ALASKA

CERTIFICATE OF OWNERSHIP AND DEDICATION
I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED AS LOT 2-B BLOCK 2 OF BAKKE SUBDIVISION NO.2 (HM86-48) SHOWN HEREON AND WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

LEIF MONNETT, OWNER
PO BOX 1787, HOMER, AK 99603

NOTARY'S ACKNOWLEDGEMENT
FOR: LEIF MONNETT
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2019
MY COMMISSION EXPIRES : _____

NOTARY PUBLIC FOR THE
STATE OF ALASKA



NOTES

1. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF THE SHOWN TEMPORARY PUBLIC INGRESS/EGRESS EASEMENT AT THE MEETING OF AUG. XX, 2019.
2. THIS PLAT WAS PREPARED FROM DATA OF RECORD: BAKKE SUBDIVISION NO. 2 (HM86-48) AND BAKKE SUBDIVISION 2003 ADDITION (HM2003-81). NO ADDITIONAL FIELD SURVEY WAS PERFORMED THIS DATE.

LEGEND

- ⊕ RECORD PRIMARY MONUMENT
- RECORD SECONDARY MONUMENT

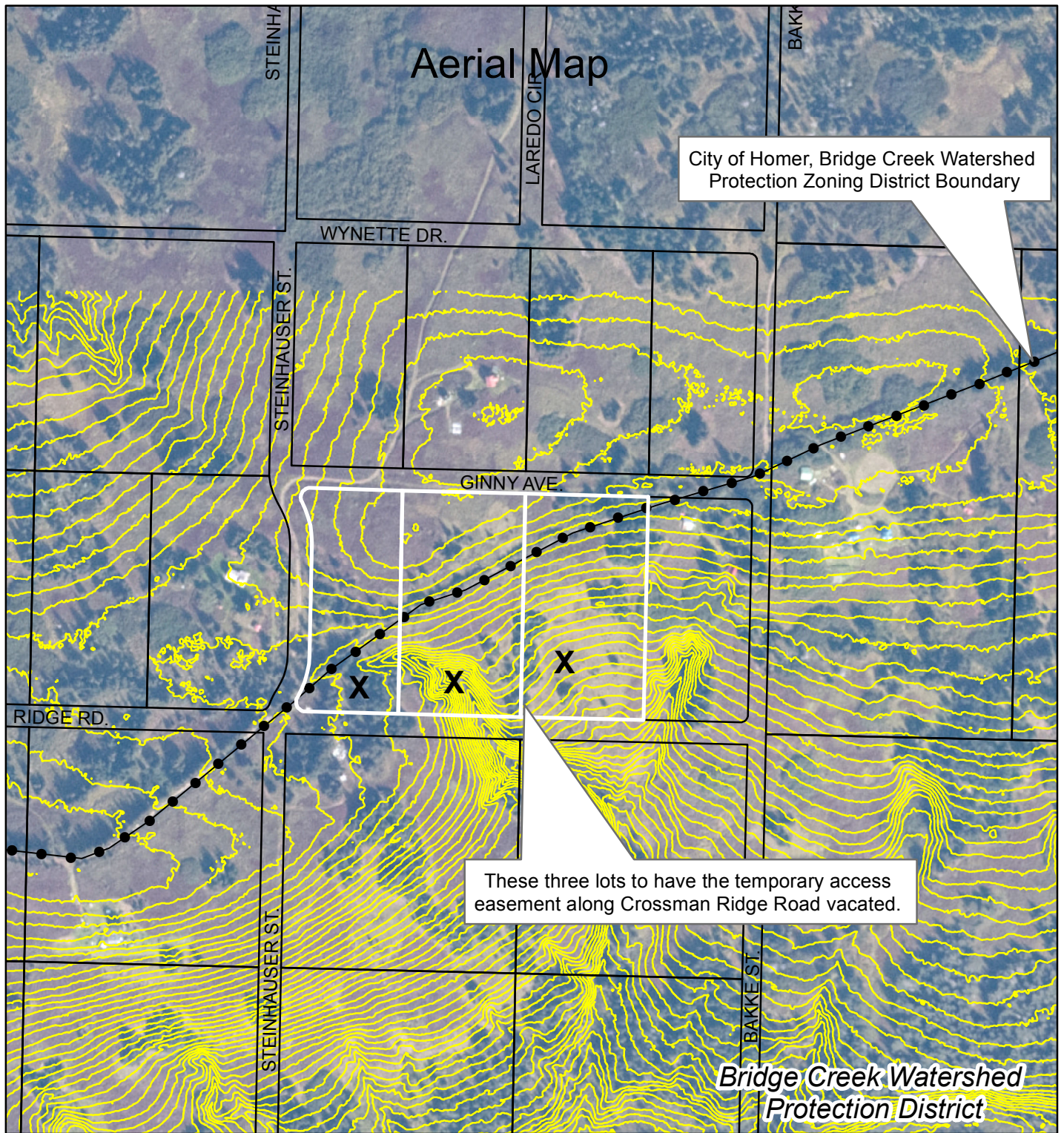
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2019.

AUTHORIZED OFFICIAL

Plat #
Rec Dist
Date
Time

BAKKE SUBDIVISION VACATION PLAT			
CHARLES MONNETT, OWNER PO BOX 1787, HOMER, AK 99603			
LISA M. ROTTERMAN, OWNER PO BOX 1787, HOMER, AK 99603			
LEIF MONNETT, OWNER PO BOX 1787, HOMER, AK 99603			
VACATION SITUATED IN THE NE 1/4 SECTION 5, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, ALASKA.			
	ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK 99669 VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECG.COM	KPB FILE NO. 2019-DXX	PROJECT NO. 192011
SCALE 1" = 50'	DATE: JULY 2019	BOOK NO.: 19-XX	DRAWN BY: JAH



City of Homer
Planning and Zoning Department

August 20, 2019

Request for vacation of the temporary
access easement along the
old Crossman Ridge Road.

2016 Photo; use with care.
5 foot topo.
Property lines not exact.

0 65 500 Feet



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or conclusions drawn therefrom.



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 19-80

TO: Homer Advisory Planning Commission
FROM: Travis Brown, Planning Technician
MEETING: September 4, 2019
SUBJECT: Election of Officers

Introduction

The Planning Commission bylaws state that elections for Chairman and Vice-Chairman shall be held annually, in August. After some discussion at the August 7 meeting, the Commission decided to hold the elections on September 4, in anticipation of having a full commission by that date.

Typically, the chair opens the floor for nominations for chair, and the Commission makes one or more nominations. The vote can be by roll call, or by secret ballot. The process is repeated for vice chair. Last year the Commission voted by secret ballot.

Staff Comments:

Staff recommends the Planning Commissions conduct elections for Chair and Vice-Chair.



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: Katie Koester, City Manager
DATE: August 21, 2019
SUBJECT: City Manager Report

Census Update

The first major Census operation will take place soon in a few communities throughout Alaska. This field operation - called Address Canvassing – includes areas in Homer, Kenai, Soldotna, Nikiski and several more rural areas on the Peninsula as well as Juneau, Sitka, Ketchikan, Anchorage, Wasilla, Palmer, Healy, Fairbanks, and Skagway.

This operation will have Census Takers physically knock on the door of every single housing unit in these areas. Whether or not anyone is home, the census takers will update address information on their mobile device and then move on to the next housing unit. Here's some information on how to identify a Census Taker: <https://2020census.gov/en/census-takers.html?#>

You can view more detailed information including a short video about the Address Canvassing operation here: <https://www.census.gov/library/video/2019/address-canvassing-for-2020-census.html>

Alaska Municipal League Summer Meeting

The week of August 13th, Alaska Municipal League (AML) held their summer meeting in Soldotna. It was great to have a conference close to home that showcased the Peninsula – as a reminder, the City of Homer is scheduled to host the meeting in 2021. During the first day of meetings, the Alaska Municipal Manager's Association held our summer meeting where we talked about succession planning and employee retention, evaluating department heads and how a manager can facilitate conversations on difficult issues. I always appreciate the opportunity to learn and network with other managers – especially Alaskan managers. I brought home some great info on improving the evaluation process with the leadership team, which we will work through at subsequent staff meetings. The group also brought up 311, an informational line that is reserved for municipal use. The City of Anchorage recently instituted a 311 program and has had some success. I have talked through the challenges and benefits with staff here, and while we might not quite be big enough to need a centralized City of Homer number, it is a good thing to keep in mind for the future. AML began with a welcome from Borough Mayor Pierce. He gave a presentation on how the Borough has been able to reduce costs through an increased focus on workplace safety. This prompted me to look at our workmans' comp claims and review ways we can keep safety in the forefront. The Peninsula legislative delegation was invited to review the legislative session and Senator Micciche, Representative Knopp and Representative Vance all shared their thoughts and insight. As you can imagine, the audience voiced their frustration and concerns over funding for rural comm

meeting location for the special session. After their presentations, AML lobbyists marched us down a list of pending legislation in Juneau and did some instant feedback polling with the audience. It was a bit of a challenge to provide up or down feedback on a proposed bill given the short amount of time dedicated to each (and you know the devil is in the details on those!) but it was nice to review the list. I have included it in the packet in case something sparks a member's interest and we can put it on a list to watch next legislative session.

Over lunch, AML's Director Nils Andreassen introduced the idea of a community dividend – in summary, dedicating some of the Permanent Fund to fund services that are provided now by the state that local governments could provide. This was presented in the context of what do we do well that we could do more of with funding? This could be a heavy lift for many reasons, but certainly providing services closer to the people and increasing local control are things municipalities can philosophically get behind. Look for more conversation on this concept at future AML meetings. As you can imagine, this meeting had a focus on all things legislature. As we discussed ways the state was already cost shifting to municipalities and the promise of more cuts to come, AML encouraged municipalities to take an inventory of all our points of vulnerability to the state. I think this is a great exercise and at the next department head meeting I plan on brainstorming direct links we have with the state in order to present council with a list. This will allow us to get a better handle on exactly how vulnerable we are to direct cuts from the state. I will look for everything from permit fees for water testing to how much we pay to lease the ground at the airport and summarize those to Council as you work on the next budget period. Senator Murkoswki closed the day with a summary of federal issues.

The conference ended the following morning with an air of uncertainty; representatives from the nonprofit community (Foraker Group and Rassumson), the Association of School Administrations, Alaska Public Media, and State Hospital and Nursing Home Association addressed the group on how the current governor's budget would affect these sectors. The news was grim, though not necessarily new. One take away I had was regarding the cut to Medicaid and how the public had not heard much about the impacts because of the unallocated nature of the cut. Because Medicaid is a statutory program, people are entitled to a certain level of benefit, making it very difficult to cut in a short period of time. The speaker's prediction was that the department would be unable to find the necessary cuts and a supplemental request would be before the legislature next year. My day finished off with a meeting between Peninsula managers and the Borough Mayor's office regarding progress on online sales tax collection. We discussed some of the pros and challenges of a statewide tax collecting entity through AML and how Peninsula cities could be supportive of the Borough in their efforts regarding online sales tax collection and organization.

Beach Nourishment Beginning in the Fall

The attached map reflects where the Army Corps of Engineers plans to access the tidelands for a beach nourishment project in the fall. Dredged materials from the Homer Harbor will be reintroduced to the system at Lots 2 and 4 and a portion of Lot 14 (where we used to have a city campground) between the dates of September 6 and October 15. Though this will not solve our erosion issues on the Homer Spit, over time the sediment transfer may build up the west side of the Spit and mitigate damage from winter storms.

Changes in Parking Designation at Homer Airport Terminal

Parks and Recreation staff who handle parking enforcement at the Homer Airport Terminal have proposed changing the "24 hour" parking spot to "Long Term Parking." Currently, the "24 hour" parking spots allow someone to park for two calendar days at only \$5. Changing this designation to "Long Term Parking" will create a consistency of \$5 per calendar day for all parking designations, reduce confusion, and raise revenue for the City. Another proposed change is shifting employee parking to the row previously used by the car rental company, which will free up more long term parking at the airport. The changes will take place this fall

Summary of August 20th Sewall Meeting

A neighborhood meeting was held on August 20th with the property owners in the ODLSA (Ocean Drive Loop Service Area) to discuss potential next steps on a major maintenance project for the seawall. The group reviewed Coastal Engineer McPherson's "Homer Seawall Alternatives Analysis" and discussed next steps with City Council involvement. Ten property owners representing six of the thirteen privately-held parcels were in attendance along with Councilmember Aderhold, Public Works Director Meyer, and myself. Coastal Engineer McPherson went through the analysis step by step and the group had the opportunity to ask questions related to the concepts proposed in the report. The group demonstrated a strong preference for riprap to enforce the toe of the wall. With a rough order of magnitude cost between 1.5 and 2.1 million dollars, this was the second most affordable option proposed by the coastal engineer. There was also discussion concerning available funding for the capital improvement projects and annual maintenance of the Seawall, and the different strategies that could be used to cover associated expenses. Those present came to a consensus on bringing these topics before Council in a worksession format this fall to talk through some of the tough questions regarding how to fund an improvement considering the fact that without a homeowners association, any mechanism would have to be approved by City Council. I will be sending those who were not present a detailed summary of the meeting and propose September 23 for a worksession with Council on this topic.

Impacts of KPBSD School Closures on City Activities

The City is preparing for a potential closure of all KPBSD facilities in the event of a strike by KPBSD staff. Some of the impacts we anticipate include no indoor or outdoor Community Recreation activities at the High School or Middle School. These include soccer, frisbee, flag football, basketball, volleyball, weight room, open gym, and instructional classes such as Spanish and beekeeping. In the event of a closure, we will move the Community Recreation office temporarily to the HERC. Any activities that can be rescheduled to the HERC will be. However, this will be limited to use of the gym and the activity room. Community Recreation Manager Illg will be meeting with community organization the week of August 26th to discuss ways community organizations can collaborate to limit the disruption to activities as little as possible. Nevertheless, there will be significant impacts, not only to Community Recreation activities, but to other programming taking place in the public schools. Other impacts we anticipate and are trying to prepare for include an influx of school age children at the Homer Public Library.

Project Closeout

In March I reported in the City Manager's report that the Finance Department was undertaking the reconciliation of project account balances citywide. Some projects have been left open in our "books", but no activity has taken place for several years. Some of these projects are open with significant negative (or positive) balances. This could mean that a transfer of funds may never have been recorded, there were coding errors, or that the project did indeed over or under spend its appropriation. The Finance Director is methodically going through the history on each project to reconcile its open balance. The project list will be brought to Council and need council action to close out open projects by transferring funds. We will be prioritizing the general fund, though there are open projects throughout all city funds. It is important to note that the project dollars that have been spent are accounted for when you roll everything up to fund balance; no new money is needed to close out the project. Nevertheless it may affect the balances of different accounts within the fund. It will be important for Council to have a solid understanding of the accounts as they move into developing comprehensive policy on fund management. Equally important will be administration developing systems to prevent projects from being left open; we plan to do this thoroughly.

internal measures such as close out meetings and forms and an annual report to Council. Stay tuned for more on project close out!

Enc:

Employee Anniversaries

List of Municipal Related Legislation from AML Summer Conference

Beach Nourishment Project Area Map

Airport Parking Map

HPS Progress Report through August 21, 2019



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 CITY COUNCIL
FROM: Katie Koester
DATE: August 26, 2019
SUBJECT: August Employee Anniversaries

I would like to take the time to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

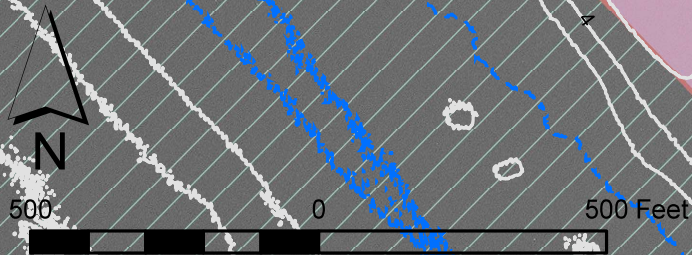
Dan Gardner,	Public Works	28	Years
Carey Meyer,	Public Works	20	Years
Joe Inglis,	Public Works	8	Years
Eve Dickmann,	Police	7	Years
Staci LaPlante,	Public Works	5	Years

HB	SB	SHORT TITLE	SPONSOR HOUSE	SPONSOR SENATE	
<u>HB 64</u>	<u>SB 62</u>	ALCOHOL TAX: APPROP TO COMMUNITY ASSIST.	HOUSE RULES BY REQUEST OF THE GOVERNOR	SENATE RULES BY REQUEST OF THE GOVERNOR	
<u>SB 52</u>		ALCOHOLIC BEVERAGE CONTROL; ALCOHOL REG	SENATOR MICCICHE		
<u>SB 50</u>		EMPLOYMENT TAX FOR EDUCATION FACILITIES	SENATOR BISHOP		
<u>HB 75</u>	<u>SB 74</u>	INTERNET FOR SCHOOLS; FUNDING	REPRESENTATIVE RASMUSSEN	SENATOR HOFFMAN	
<u>HB 79</u>		PEACE OFFICER/FIREFIGHTER RETIRE BENEFITS	REPRESENTATIVE KOPP		
<u>HB 131</u>	<u>SB 104</u>	APPROPRIATION LIMIT	HOUSE FINANCE	SENATE FINANCE	
<u>HB 65</u>	<u>SB 63</u>	FISH TAX: REPEAL MUNI REFUNDS/REV. SHARE	HOUSE RULES BY REQUEST OF THE GOVERNOR	SENATE RULES BY REQUEST OF THE GOVERNOR	
<u>HB 107</u>	<u>SB 96</u>	MUNICIPAL ALCOHOL LICENSES	REPRESENTATIVE SULLIVAN-LEONARD	SENATOR WILSON	
<u>HB 138</u>	<u>SB 51</u>	NATIONAL RESOURCE WATER DESIGNATION	REPRESENTATIVE KOPP	SENATE RESOURCES	
<u>HB 59</u>	<u>SB 57</u>	REPEAL MUNI LEVY OF O&G TAX/CREDIT	HOUSE RULES BY REQUEST OF THE GOVERNOR	SENATE RULES BY REQUEST OF THE GOVERNOR	
<u>HB 66</u>	<u>SB 64</u>	REPEAL STATE DEBT REIMBURSE. FOR SCHOOLS	HOUSE RULES BY REQUEST OF THE GOVERNOR	SENATE RULES BY REQUEST OF THE GOVERNOR	
<u>HB 106</u>		SCHOOL BOND DEBT REIMBURSEMENT	REPRESENTATIVE WILSON		
<u>HB 84</u>	<u>SB 107</u>	WORKERS' COMP: POLICE, FIRE, EMT, PARAMED	REPRESENTATIVE JOSEPHSON	SENATOR GRAY-JACKSON	
<u>HJR 7</u>	<u>SJR 6</u>	CONST AM:APPROP. LIMIT; RESERVE FUND	HOUSE RULES BY REQUEST OF THE GOVERNOR	SENATE RULES BY REQUEST OF THE GOVERNOR	

HB	SB	SHORT TITLE	SPONSOR HOUSE	SPONSOR SENATE	
<u>SJR 9</u>		CONST.AM: APPROP. BILL FOR PUBL EDUCATION	SENATOR COSTELLO		
<u>SB 115</u>		MOTOR FUEL TAX	SENATOR BISHOP		
<u>HB 130</u>	<u>SB 110</u>	REPEALING FUNDS; COMMUNITY ASSISTANCE	HOUSE RULES BY REQUEST OF THE GOVERNOR	SENATE RULES BY REQUEST OF THE GOVERNOR	
<u>SB 126</u>		SCHOOL DISTRICT CONSOLIDATION	SENATOR SHOWER		
<u>HB 30</u>		WORKERS' COMP: DEATH; PERM PARTIAL IMPAIR	REPRESENTATIVE JOSEPHSON		
<u>HJR 17</u>		ALLOW TRIBES TO USE FED. EDUCATION MONEY	REPRESENTATIVE KOPP		
<u>HJR 16</u>		BIENNIAL STATE BUDGET	REPRESENTATIVE TUCK		
<u>HB 142</u>	<u>SB 121</u>	NATIVE ORGANIZATIONS VPSO & TANF PROGRAMS	REPRESENTATIVE KREISS-TOMKINS	SENATOR KIEHL	
<u>HB 169</u>		OCC. LICENSING; MIN. WAGE; LOBBYING	REPRESENTATIVE EASTMAN		
<u>SB 102</u>		RIP FOR PUBLIC EMPLOYEES/TEACHERS	SENATOR KAWASAKI		
<u>HCR 10</u>	<u>SCR 8</u>	SPECIAL SESSION: PERM. FUND	HOUSE RULES	SENATE RULES	
<u>HJR 5</u>	<u>SJR 4</u>	CONST. AM: STATE TAX; INITIATIVE	HOUSE RULES BY REQUEST OF THE GOVERNOR	SENATE RULES BY REQUEST OF THE GOVERNOR	
<u>HB 73</u>	<u>SB 69</u>	EXEMPT CHARITABLE GAMING FROM PERMIT/FEES	HOUSE RULES BY REQUEST OF THE GOVERNOR	SENATE RULES BY REQUEST OF THE GOVERNOR	
<u>HB 11</u>		PEACE OFFICER RETIREMENT BENEFITS	REPRESENTATIVE RAUSCHER		

HB	SB	SHORT TITLE	SPONSOR HOUSE	SPONSOR SENATE	
<u>HB 172</u>		PFD/OTHER CONTRIBUTIONS TO AGENCIES/MUNIS	REPRESENTATIVE EASTMAN		
<u>HB 156</u>		PUBLIC SCHOOL/UNIVERSITY HEALTH INSURANCE	REPRESENTATIVE VANCE		
<u>HB 69</u>	<u>SB 67</u>	REPEAL AK PUBLIC BROADCASTING COMM.	HOUSE RULES BY REQUEST OF THE GOVERNOR	SENATE RULES BY REQUEST OF THE GOVERNOR	
<u>HB 61</u>	<u>SB 59</u>	REPEAL DEBT REIMBURSEMENT: CAP. PROJECTS	HOUSE RULES BY REQUEST OF THE GOVERNOR	SENATE RULES BY REQUEST OF THE GOVERNOR	
<u>HB 76</u>		RESIDENTIAL BUILDING CODE; AHFC; MUNIS.	REPRESENTATIVE RASMUSSEN		
<u>HB 41</u>	<u>SB 22</u>	SHELLFISH ENHANCE. PROJECTS; HATCHERIES	REPRESENTATIVE ORTIZ	SENATOR STEVENS	
<u>HB 166</u>	<u>SB 81</u>	TELEPHONE COOPERATIVES;TELECOMMUNICATIONS	REPRESENTATIVE TALERICO	SENATOR HUGHES	

HOMER MAINTENANCE DREDGING BEACH NOURISHMENT



Coordinate System: NAD 1983 StatePlane Alaska 4 FIPS 5004 Feet
Projection: Transverse Mercator
Datum: North American 1983
False Easting: 1,640,416.6667
False Northing: 0.0000
Central Meridian: -150.0000
Scale Factor: 0.9999
Latitude Of Origin: 54.0000
Units: Foot US

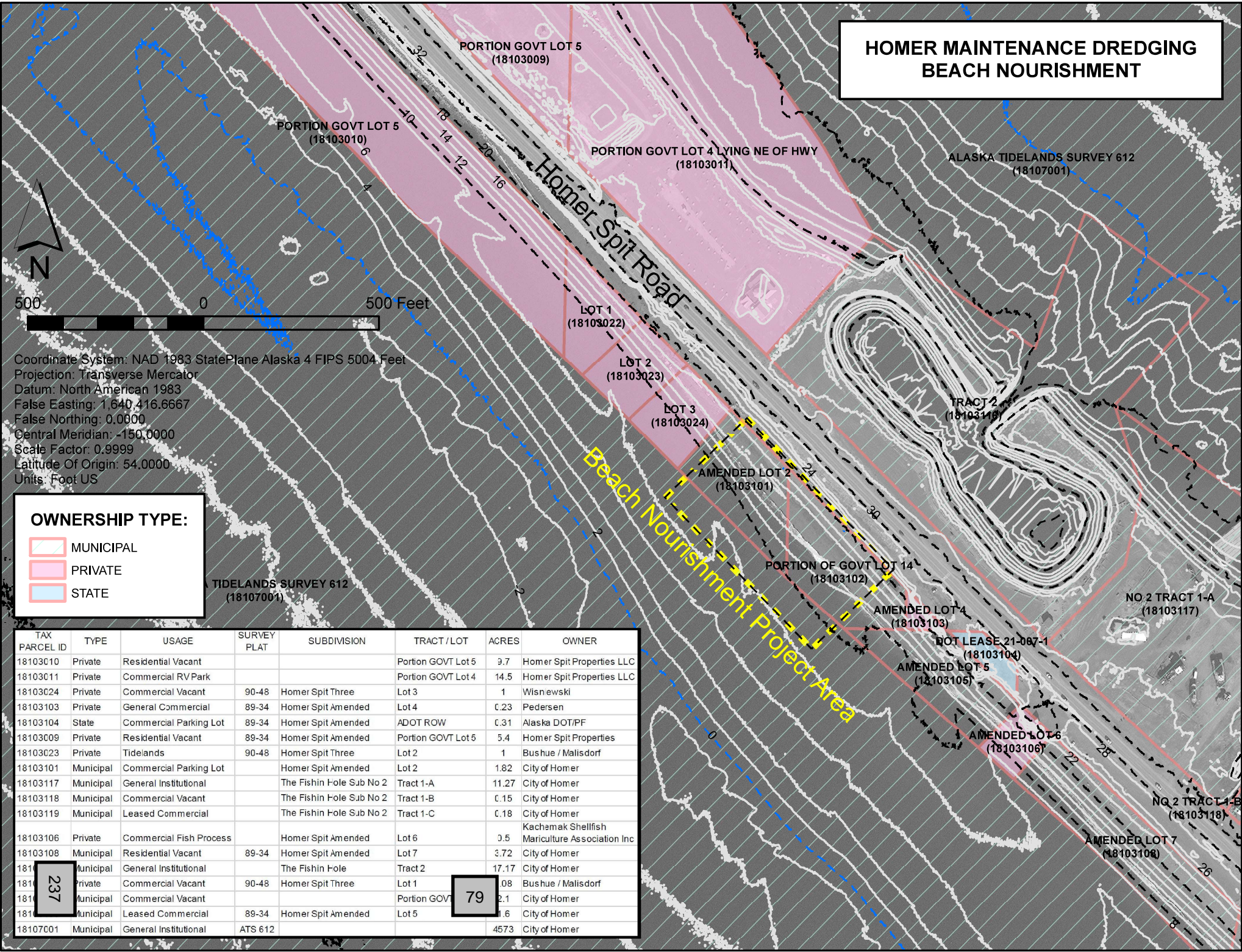
OWNERSHIP TYPE:

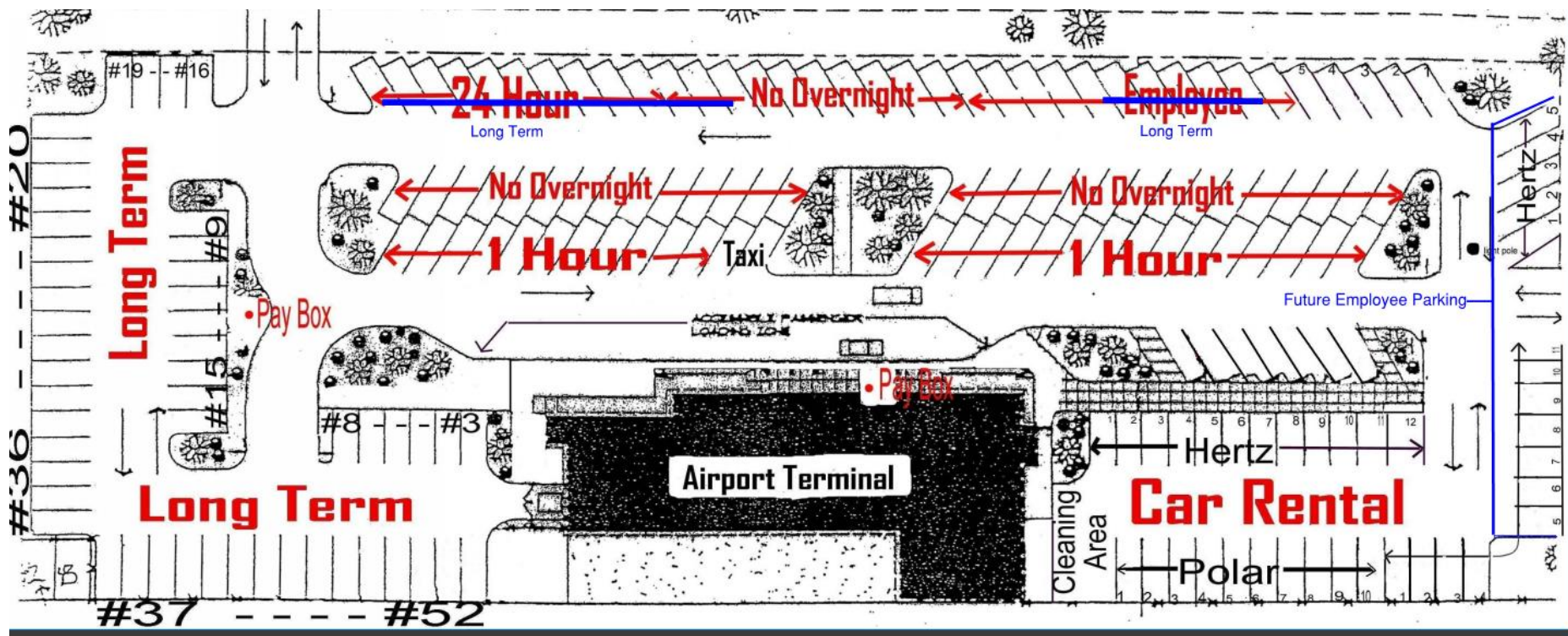
MUNICIPAL

PRIVATE

STATE

TAX PARCEL ID	TYPE	USAGE	SURVEY PLAT	SUBDIVISION	TRACT / LOT	ACRES	OWNER
18103C10	Private	Residential Vacant			Portion GOVT Lot 5	9.7	Homer Spit Properties LLC
18103C11	Private	Commercial RV Park			Portion GOVT Lot 4	14.5	Homer Spit Properties LLC
18103C24	Private	Commercial Vacant	90-48	Homer Spit Three	Lot 3	1	Wisniewski
18103103	Private	General Commercial	89-34	Homer Spit Amended	Lot 4	0.23	Pedersen
18103104	State	Commercial Parking Lot	89-34	Homer Spit Amended	ADOT ROW	0.31	Alaska DOT/PF
18103C09	Private	Residential Vacant	89-34	Homer Spit Amended	Portion GOVT Lot 5	5.4	Homer Spit Properties
18103C23	Private	Tidelands	90-48	Homer Spit Three	Lot 2	1	Bushue / Malisdorf
18103101	Municipal	Commercial Parking Lot		Homer Spit Amended	Lot 2	1.82	City of Homer
18103117	Municipal	General Institutional		The Fishin Hole Sub No 2	Tract 1-A	11.27	City of Homer
18103118	Municipal	Commercial Vacant		The Fishin Hole Sub No 2	Tract 1-B	0.15	City of Homer
18103119	Municipal	Leased Commercial		The Fishin Hole Sub No 2	Tract 1-C	0.18	City of Homer
18103106	Private	Commercial Fish Process		Homer Spit Amended	Lot 6	0.5	Kachamak Shellfish Mariculture Association Inc
18103108	Municipal	Residential Vacant	89-34	Homer Spit Amended	Lot 7	3.72	City of Homer
18103104	Municipal	General Institutional		The Fishin Hole	Tract 2	17.17	City of Homer
18103103	Private	Commercial Vacant	90-48	Homer Spit Three	Lot 1	0.08	Bushue / Malisdorf
18103103	Municipal	Commercial Vacant		Portion GOVT Lot 5	Lot 5	2.1	City of Homer
18103103	Municipal	Leased Commercial	89-34	Homer Spit Amended	Lot 5	1.6	City of Homer
18107C01	Municipal	General Institutional	ATS 612			4573	City of Homer





Please note: Car rental companies listed on the map are no longer present, and only Pioneer Car Rental leases space at the Homer Airport Terminal.

PROGRESS STATUS REPORT

New Homer Police Station

July 17 – August 21, - 2019

Work Completed this Period:

Poured/stripped/cured main tall foundation walls. Waterproof/insulate and drain sheet tall concrete walls. Trenched/installed main waterline and new hydrant. Installed drain tile. Install Lift station and sewer lines. Install lower slab subgrade. Framed VSB. Prepped structural concrete for backfill. Mechanical/Electrical under slab rough in, lower slab.

Work to be Performed Next Period:

Prep subgrade, reinforce, pour, finish lower slab. Begin lower level #7 line wall framing, lower floor structural ceiling diaphragm framing/sheeting. Place all CMU at lower level.

Schedule Status: Below are milestone start dates for this period:

Milestone Task	Original Start Date	Actual Start Date
Main Foundation Pour	07/30/19	07/29/19
Elevator pit slab/walls	08/15/19	08/07/19
Lower slab subgrade	08/21/19	08/12/19
Lower slab rough-in	08/15/19	08/19/19

Anticipated Problems: No specific problems are anticipated at this time.

End of week, (Friday), Daily Reports with site photos attached for information.

Prepared by: Pat McNary
Project Manager



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

August 16, 2019

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE MEETING OF AUGUST 12, 2019

Re: Lloyd Race 2019 Preliminary Plat
KPB File Number: 2019-086

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of August 12, 2019 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.25; 20.30; 20.40 and 20.60.

AMENDMENT A MOTION

An amendment motion to grant exception to KPB 20.30.030 – street width requirement was approved by unanimous consent to not be required.

AMENDMENT B MOTION

An amendment motion to grant exception to KPB 20.30.190 – 3:1 depth to width ratio for Lot 11-C1 passed by unanimous consent based on the following findings of fact.

Findings

1. The Plat Committee granted an exception for the parent lot in 1978 due to steep topography.
2. Slopes greater than 20 percent have been shown and labeled.
3. Slopes greater than 20 percent affect approximately 85 percent of Lot 11-C1.
4. The proposed subdivision brings Lot 11-C1 closer to compliance with the 3:1 depth to width ratio.
5. The proposed subdivision approximately doubles the amount of upland usable area for Lot 11-C1.
6. The proposed subdivision is in the City of Homer.
7. Development within the subdivision must comply with the requirements of the zoning district.
8. The proposed subdivision is in the Rural Residential Zoning District.
9. Homer Advisory Planning Commission conditionally approved the proposed subdivision on June 19, 2019 with no discussion or concern about the 3:1 depth to width ratio.
10. Lot 11C contained 1.664 acres; Lot 11-C1 contains 2.5 acres.
11. Per the submittal, a soils test will be provided for Lot 11-C1, and an engineer will sign the plat.
12. The current design of Lot 11-C1 is essentially a large flag lot with the flag adjoining the 33-foot (66-foot total) wide section line easement.
13. Almost all the flag of Lot 11-C1 is impacted by slopes greater than 20 percent.
14. The area of Lot 11-C1 closest to Mission Road that contains the upland usable area appears to comply with the 3:1.

AMENDMENT C MOTION

An amendment motion to grant exception to KPB 20.30.240 – 20-foot building setback – an exception is required so the 20-foot building setback plat note per HM 79-29 does not have to be carried forward from the parent plat passed by unanimous consent based on the following findings of fact.

Findings

1. The subdivision is within the City of Homer.
2. Development within the subdivision must comply with the requirements of the zoning district.
3. The proposed plat is in the Rural Residential Zoning District.
4. Per HM 79-29, a building setback of 20 feet is required from all street right-of-ways.
5. KPB Ordinance 80-4, Amending the Subdivision Ordinance to Clarify Building Setback Requirements in the Area of the Borough within the Boundaries of a First-Class City, was enacted on February 19, 1980.
6. Ordinance 83-25, enacted on May 3, 1983, delegated zoning regulations to the City of Homer.
7. The Planning Commission approved the parent plat on June 19, 1978.
8. Building setbacks within the subdivision must comply with the requirements of the zoning district per KPB 20.30.250.
9. Approval of the exception will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.
10. Plat Note 1 states development on these lots is subject to the Homer City Code.

A party of record may request that a decision of the Plat Committee be reviewed by the Planning Commission by filing a written request within 10 days of notification of the decision in accordance with KPB 2.40.080.

For additional information please contact the Planning Department, 907-714-2200 (1-800-478-4441 toll free within the Kenai Peninsula Borough).

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

2. Lloyd Race 2019
KPB File 2019-086; Ability Surveys/Ulmer

Staff Report given by Scott Huff

Plat Committee Meeting: 8/12/19

Location: off Mission Road, City of Homer
Proposed Use: Residential
Water/Sewer: On-site
Zoning: Rural Residential District
Assessing Use: Residential, Vacant
Parent Parcel Number(s): 174-030-21, 174-030-33

Supporting Information:

The proposed subdivision reconfigures the interior common line between two lots. Lot 11-C1 contains 2.5 acres; Lot 12-B contains 7.2 acres. Per the submittal, a soils report will be submitted for Lot 11-C1. The subdivision fronts city maintained Mission Road.

Homer Advisory Planning Commission approved the proposed subdivision on June 19, 2019, subject to:

1. Include a plat note stating "Property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state and federal permits."
*KPB Platting Staff Comments: The requested note is on the plat provided for KPB review. **Staff recommends** the spelling of activity be corrected.*
2. Dedicate any missing portions of a 15-foot utility easement along Mission Avenue as required by HCC 22.10.051(b).
*KPB Platting Staff Comments: The City of Homer is a utility provider. Based on KPB 20.30.060, **staff recommends** compliance with the Homer Commission's recommendation.*
3. Verify if a section line easement extends along the southern lot line.
*KPB Platting Staff Comments: Per KPB records and the parent plat, the entire southern boundary of the subdivision is subject to a 33-foot section line easement. **Staff recommends** the section line easement be shown within Lot 11-C1.*
4. Correct the typo referencing lot 13-A in the wastewater note.
KPB Platting Staff Comments: The plat submitted for KPB review has been corrected.

Notice per KPB 20.25.090 was mailed to the beneficial interest holder (First National Bank Alaska, FNBA) on July 18, 2019. Staff received a letter from FNBA stating they need to review and approve the final plat. Preliminary review of the subdivision may continue; however, the plat cannot be finalized until a letter of approval or non-objection is received from FNBA.

Staff recommends that notes be placed on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception Requested:

- A. KPB 20.30.120 – Street width requirements

Surveyor's Discussion: HM 2017-30 shows exception to 20.30.12(street width requirements) was granted so I suppose we need to ask for that exception again for the same reasons. Sufficient easements appear to be in place in lieu of dedicated ROW. Steepness on south side of ROW prevents dedications on south

side of ROW.

Staff Discussion: Various grants/dedications have been provided for Mission Road over the years.

1. Per the submittal, right-of-way easements, which were recorded in 1970 and 1971, have been granted north of the subject plat. All grants were in favor of the State of Alaska Department of Highways.
2. HM 79-29 granted a roadway easement.
3. HM 2017-30 formally dedicated right-of-way.

Right-of-way dedications, a roadway easement, and right-of-way easements range in size from 70 to 80 feet wide along the entire northern boundary of the subject plat.

Based on 11 findings, the Plat Committee granted an exception to street width requirements for the parent subdivision (Lot 12-A) on March 27, 2017. Lot 12-B encompasses all but 111 of the approximate 500 feet of frontage along Mission Road,

Based on previously dedicated/granted right-of-way, roadway easements, and right-of-way easements per recorded documents, **staff recommends** the Committee concur an exception to the street width requirement is not required in this case.

Exception Requested:

- B. KPB 20.30.190 – 3:1 depth to width ratio for Lot 11-C1

Staff Discussion: The Plat Committee granted an exception to the 3:1 depth to width ratio for the parent subdivision in 1978 due to steep terrain. No additional findings were presented to the Committee.

Lot 11-C1 has a different configuration and contains more usable area than its parcel lot that was granted the exception. Although the replat brings Lot 11-C1 closer to compliance with KPB Code, it appears the lot still exceeds the 3:1 ratio.

Findings

1. The Plat Committee granted an exception for the parent lot in 1978 due to steep topography.
2. Slopes greater than 20 percent have been shown and labeled.
3. Slopes greater than 20 percent affect approximately 85 percent of Lot 11-C1.
4. The proposed subdivision brings Lot 11-C1 closer to compliance with the 3:1 depth to width ratio.
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13. Almost all the flag of Lot 11-C1 is impacted by slopes greater than 20 percent.
14. The area of Lot 11-C1 closest to Mission Road that contains the upland usable area appears to comply with the 3:1.

Staff reviewed the exception request and recommends granting approval. Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the

findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-14 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-14 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-14 appear to support this standard.

Exception Requested:

- C. KPB 20.30.240 – 20-foot building setback – an exception is required so the 20-foot building setback plat note per HM 79-29 does not have to be carried forward from the parent plat.

Staff Discussion: Plat Note 1 on HM 79-29 states a 20-foot building setback exists along all rights-of-way. Approval of the exception will grant permission to not carry the 20-foot building setback plat note forward from the parent plat. The exception is a housekeeping matter to ensure the plat complies with the current requirements of the city's zoning district.

KPB Ordinance 80-4, Amending the Subdivision Ordinance to Clarify Building Setback Requirements in the Area of the Borough within the Boundaries of a First-Class City, was enacted on February 19, 1980. Ordinance 83-25 delegated zoning regulations to the City of Homer three years later.

AS 29.40.120 states a recorded plat may not be altered or replatted except by the platting authority on petition of the state, the borough, a public utility, or the owners of a majority of the land affected by the alteration of replat. Enactment of zoning regulations by a city will not automatically erase notations on the recorded plat.

Eliminating the 20-foot building setback note will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.

Findings

1. The subdivision is within the City of Homer.
2. Development within the subdivision must comply with the requirements of the zoning district.
3. The proposed plat is in the Rural Residential Zoning District.
4. Per HM 79-29, a building setback of 20 feet is required from all street right-of-ways.
5. KPB Ordinance 80-4, Amending the Subdivision Ordinance to Clarify Building Setback Requirements in the Area of the Borough within the Boundaries of a First-Class City, was enacted on February 19, 1980.
6. Ordinance 83-25, enacted on May 3, 1983, delegated zoning regulations to the City of Homer.
7. The Planning Commission approved the parent plat on June 19, 1978.
8. Building setbacks within the subdivision must comply with the requirements of the zoning

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review:
 - 1425 Mission Rd and 1455 Mission Rd - will need to be updated by the City of Homer.
 - Existing street names are correct.
- KPB Planner: Subdivision is in city limits; review not required.
- KPB Roads Department: Out of KPB Roads Department jurisdiction.
- State Department of Fish & Game: Not available when the staff report was prepared.
- State Parks: No comments.

KPB 20.30 Design Requirements

Platting staff comments: Additional information is provided for the following portions of 20.30 or additional information, revision or corrections are required

20.30.030. Proposed street layout-Requirements.

- C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.

State Department of Transportation Comments: Not available when the staff report was prepared.

Platting Staff Comments: Per the Homer Road Maintenance Map, the city maintains Mission Road. Apparently, the right-of-way easements granted to the State Department of Highways (now State Department of Transportation and Public Facilities) in 1970 and 1971 for Mission Road were transferred to the city.

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Platting Staff Comments: On paper it seems logical for the proposed plat to provide right-of-way to the large adjoining tracts to the south to allow for connectivity of the block. However, the subject plat and tracts to the south are significantly affected by very steep terrain. It is not possible for the proposed subdivision to extend practical constructible public access to the tracts to the south. Both adjoining tracts to the south have been issued Hough Road addresses.

20.30.180. Pedestrian ways required when. Pedestrian ways not less than 8 feet wide shall be required in blocks longer than 600 feet where reasonably deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

Platting Staff Comments: The proposed plat and tracts to the south front 66-foot wide section line easements. Given the steepness of the terrain, it appears the section line easements may be limited to pedestrian related travel.

20.30.190. Lots-Dimensions.

- B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

Platting Staff Comments: Lot 11-C1 is essentially a large flag lot with the flag fronting 66-foot section line easements. The standard flag lot note is not required in this case because the upland area fronts Mission Road, and almost the entire flag is subject to slopes greater than 20 percent.

20.30.280. Floodplain requirements.

Platting Staff Comments: The City of Homer administers the floodplain program by HCC 21.41 Flood Prone Areas. Per the Homer City staff report, the proposed subdivision is in Flood Zone D, flood hazards

undetermined.

20.30.290. Anadromous habitat protection district.

Platting Staff Comments: Per River Center review, the subdivision is not affected by the Anadromous Habitat Protection District.

Per KPB GIS mapping, no anadromous streams flow through the subdivision.

KPB 20.60 – Final Plat

Platting staff comments: Additional information is provided for the following portions of 20.60 or additional information, revision or corrections are required:

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

*Platting Staff Comments: **Staff recommends** one full-sized paper copy of the plat be submitted for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes and special assessments levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Additionally, the entire balance, or estimated balance of all special assessments or pending special assessments, as provided in KPB 5.35.070(8) and KPB 14.31.080(8), against the property owed to the borough must be paid in full prior to filing of the final plat. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or [HIS] designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Per KPB GIS mapping, the proposed subdivision is not within a special assessment district.

Staff recommends compliance with 20.60.030.

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

*Platting Staff Comments: **Staff recommends** compliance with KPB 20.60.080.*

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

*Platting Staff Comments: KPB GIS will verify closure complies with 20.60.120. **Staff recommends** boundary and lot closure computations be provided with the paper final plat.*

20.60.160. Easements.

A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.

*Platting Staff Comments: **Staff recommends** a plat note be provided for the easement of record granted to Homer Electric Association along with the recording information.*

20.60.190. Certificates, statements, and signatures required.

3. The certificate of ownership for a replat of multiple parcels owned by separate parties shall show to which original parcel the signatory attests.

Platting Staff Comments: Per the Certificate to Plat, the owners share ownership of the lots equally so the original lot numbers are not required by the owners' names.

20.60.200. Survey and monumentation.

Platting Staff Comments:

- Remove the bearing and distance label that is carried over from HM 2017-30 on the Mission Road right of way dedication (N78°10'29"E 336.96')
- Note the Basis of Bearings between two surveyed survey markers.
- Provide one more additional tie to a BLM/GLO survey marker.

Staff recommends compliance with 20.60.200.

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ANY ABOVE RECOMMENDATIONS, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND**
- **COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.**

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

END OF STAFF REPORT

Chairman Carluccio opened the meeting for public comment and seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MAIN MOTION: Commissioner Whitney moved, seconded by Commissioner Brantley, to approve the preliminary plat for Lloyd Race 2019 based on staff recommendations and compliance with borough code.

AMENDMENT A MOTION: Commissioner Whitney moved, seconded by Commissioner Brantley, the exception requested A. KPB 20.30.120 – street width requirements, is not required in this case.

AMENDMENT PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

AMENDMENT B MOTION: Commissioner Whitney moved, seconded by Commissioner Brantley, to approve the exception requested B. KPB 20.30.190 – 3:1 depth to width ratio for Lot 11-C1, citing staff report findings 1 through 14 in support of the three standards.

AMENDMENT B PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

- district per KPB 20.30.250.
9. Approval of the exception will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.
 10. Plat Note 1 states development on these lots is subject to the Homer City Code.

Staff reviewed the exception request and recommends granting approval. Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-10 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-10 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-10 appear to support this standard.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Additional information is provided for the following portions of 20.25.070 or additional information, revision or corrections are required

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
*Platting Staff Comments: **Staff recommends:***
1. Carry forward the 10-foot utility easement along the western boundary of Lot 11-C1 per the parent plat and cite the source.
 2. Show the 33-foot section line easement affecting the southern boundary of Lot 11-C1.
- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
*Platting Staff Comments: A preliminary plat has been approved for Tract B to the south. Preliminary approval is valid through May 14, 2020. **Staff recommends** the status be verified prior to plotting the mylar.*
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Platting Staff Comments: The lot number could be simplified to Lot 11D. This is only a suggestion.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval; and
Platting Staff Comments: Per the submittal, the proposed subdivision is resolving an encroachment.

AMENDMENT C MOTION: Commissioner Whitney moved, seconded by Commissioner Brantley, to grant the exception requested C. KPB 20.30.240 – 20 foot building setback – an exception is required so the 20-foot building setback plat note per HM 79-29 does not have to be carried forward from the parent plat, citing staff report findings 1 through 10 in support of the three standards.

AMENDMENT C PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

MAIN MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

August 16, 2019

**NOTICE OF DECISION
KENAI PENINSULA BOROUGH PLAT COMMITTEE
MEETING OF AUGUST 12, 2019**

Re: The Shire Preliminary Plat
KPB File Number: 2019-029

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of August 12, 2019 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.25; 20.30; 20.40 and 20.60.

A party of record may request that a decision of the Plat Committee be reviewed by the Planning Commission by filing a written request within 10 days of notification of the decision in accordance with KPB 2.40.080.

For additional information please contact the Planning Department, 907-714-2200 (1-800-478-4441 toll free within the Kenai Peninsula Borough).

SUBDIVISION PLAT PUBLIC HEARINGS**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

Staff Report given by Scott Huff

Plat Committee: August 12, 2019

Staff grouped the plats located under **AGENDA ITEM E.** They are grouped as:

- A. Simple or non-controversial. The type of plats grouped are lot splits, creating a small number of lots, replats, no exceptions required and no public comments were received. – 5 Plats

3. The Shire

KPB File 2019-088; [Seabright Surveying / McAllistar, Pate]

Location: on W Bayview Avenue, off Main Street; City of Homer

8. Deep Creek Estates Russo Replat

KPB File 2019-080 [Peninsula Surveying, LLC / Russo]

Location: on Bluff Drive, off Oilwell Road; Ninilchik

9. Ravenwood Subdivision 2019 Replat

KPB File 2019-027R1 [Segesser Surveys / Kenai Peninsula Borough, Matiaco]

Location: on Pintail Avenue, off Ciechanski Road; Kalifornsky

11. Don Jack Subdivision Cook Addition

KPB File 2019-083 [Segesser Surveys / Cook]

Location: on Ashley Avenue and Detroit Street, off Funny River Road; Funny River
Funny River APC

12. Strawberry Acres Chappell Addition Replat

KPB File 2019-087 [Segesser Surveys / Peters]

Location: on Big Ridge Circle and Teaberry Avenue, off Strawberry Road; Ridgeway

Staff recommends the committee determine whether any members of the public, surveyors or committee members wish to speak to any of the plats in this **group (A)** and remove the specific plats from the group, voting on the remainder of plats in the group in a single action to grant preliminary approval to the plats subject to staff recommendations and the conditions noted in the individual staff reports.

END OF STAFF REPORT

Chairman Carluccio asked the public if anyone was present to discuss any items being heard on the grouped agenda. Seeing and hearing no one Chairman Carluccio returned to the Committee for discussion.

MAIN MOTION: Commissioner Whitney moved, seconded by Commissioner Brantley, to approve the preliminary plats subject to staff recommendations and compliance with borough code.

3. The Shire

8. Deep Creek Estates Russo Replat

9. Ravenwood Subdivision 2019 Replat

11. Don Jack Subdivision Cook Addition

12. Strawberry Acres Chappell Addition Replat

MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

3. The Shire
KPB File No. 2019-088; Seabright Survey + Design/Pate, McAllistar

STAFF REPORT

Plat Committee Meeting: 8/12/19

Location: off West Bayview Avenue, City of Homer
Proposed Use: Residential
Water/Sewer: City
Zoning: Urban Residential District
Assessing Use: Residential, Vacant
Parent Parcel Number(s): 175-051-05

Supporting Information:

The proposed subdivision is a simple replat of two lots into one lot containing half an acre. City water and sewer serve the subdivision. Lot 4A fronts city maintained West Bayview Avenue.

Homer Advisory Planning Commission recommended approval of the plat on June 19, 2019 subject to:

1. Dedicate a 15-foot utility easement along Bayview Ave as required by HCC 22.10.051(b).
Platting Staff Comments: The plat submitted for KPB review grants the 15-foot utility easement as recommended by the Homer Commission.
2. The plat depicts a 5 foot building setback. No documentation or history has been provided. Unless there is a parent document with this requirement, staff recommends deleting the depiction. Plat note 3 regarding City of Homer zoning regulations is sufficient.
*Platting Staff Comments: Based on KPB 20.30.250, **staff recommends** compliance with the Homer Commission's recommendation.*
3. Acceptance of the plat does not imply acceptance of any nonconforming structures or uses.
Platting Staff Comments: This is a development matter to be resolved with the City of Homer.

Notice of the proposed plat was mailed to the beneficial interest holder on July 19, 2019. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Additional information is provided for the following portions of 20.25.070 or additional information, revision or corrections are required

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
*Platting Staff Comments: **Staff recommends:***
 - a. *Insert Fairview Subdivision above the plat's name. Retaining the parent plat name facilitates ease of future research of the various replats of the original parcel.*
 - b. *Correct the Section and Range.*

- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
*Platting Staff Comments: **Staff recommends** 'Tract A' be added for the status labels of the lots within Fairview Subdivision.*
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
*Platting Staff Comments: **Staff recommends** the lot designation be changed to 'Lot 4-A Tract A'.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval; and
Platting Staff Comments: Imagery dated 2016 indicates the lot line removal resolves an encroachment. The Homer City staff report indicated the property may have nonconforming structures.

*No survey is required for a replat that simply removes lot line under KPB 20.60.200. **Staff requests** the surveyor confirm whether an encroachment affects the replat. If a permanent structure or structures cross a lot line, **staff requests** a note be placed on the final plat to indicate that acceptance of the plat by the Borough does not indicate acceptance of any encroachments.*

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review:
 - 152 W Bayview Ave and 136 W Bayview Ave will need to be updated by the City of Homer.
 - Existing street names are correct.
- KPB Planner: The subdivision is in city limits; a review is not required.
- KPB Roads Department: Out of KPB Roads Department jurisdiction, no other comments.
- State Department of Fish & Game: Not available when the staff report was prepared.
- State Parks: No comments.

KPB 20.30 Design Requirements

Platting staff comments: Additional information is provided for the following portions of 20.30 or additional information, revision or corrections are required

20.30.030. Proposed street layout-Requirements.

- C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.

State Department of Transportation Comments: Not available when the staff report was prepared.

Platting Staff Comments: The proposed subdivision does not front a State right-of-way.

20.30.060. Easements-Requirements.

- B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.

- D. Unless a utility company requests additional easements, the front ten feet of the building setback shall be designated as a utility easement, graphically or by note.

*Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. Homer Electric, ENSTAR, and ACS replied with a review of 'no comment/no objection'. **Staff recommends** compliance with 20.30.060.*

20.30.240. Building setbacks.

B. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

C. The setback shall be noted on the plat in the following format:
Building setback- A setback of 20 feet is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

*Platting Staff Comments: The proposed subdivision is within a city. **Staff recommends** references to the building setback be removed from Plat Note 1 and from the face of the plat. Building setbacks are in accordance with the zoning district per KPB 20.30.250.*

20.30.280. Floodplain requirements.

Platting Staff Comments: The floodplain ordinance is administered by the City of Homer per HCC 21.41 Flood Prone Areas. Per the Homer City staff report, the subdivision is within Zone D, flood hazards undetermined.

20.30.290. Anadromous habitat protection district.

Platting Staff Comments: Per the River Center review, the subdivision is not affected by the Anadromous Habitat Protection District.

Per KPB GIS mapping, no anadromous streams flow through the subdivision.

KPB 20.60 – Final Plat

Platting staff comments: Additional information is provided for the following portions of 20.60 or additional information, revision or corrections are required:

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

*Platting Staff Comments: **Staff recommends** one full-sized paper copy of the plat be submitted for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes and special assessments levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Additionally, the entire balance, or estimated balance of all special assessments or pending special assessments, as provided in KPB 5.35.070(8) and KPB 14.31.080(8), against the property owed to the borough must be paid in full prior to filing of the final plat. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or [HIS] designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Per KPB GIS mapping, the proposed subdivision is not within a KPB special assessment district. The title report indicates the property is within a City of Homer Natural Gas Special Assessment District.

Staff recommends compliance with 20.60.030.

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

Platting Staff Comments: Per the Homer City staff report, an installation agreement is not required.

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

*Platting Staff Comments: KPB GIS will verify closure complies with 20.60.120. **Staff recommends** boundary and lot closure computations be provided with the paper final plat.*

20.60.140. Block and lot numbering. Blocks and lots within each block shall be numbered consecutively or all lots shall be numbered consecutively. If possible, each block should be shown entirely on one sheet. Each lot shall be shown entirely on one sheet.

*Platting Staff Comments: To continue with the current lot identification, **staff recommends** the parcel label be changed to Lot 4-A Tract A.*

20.60.170. Other data required by law.

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Platting Staff Comments: Land restrictions recorded in Book 10 Pages 258-259 affect portions of Fairview Subdivision. The covenants state Blocks 5, 6, 9, 10 and Lots 3-7 Block 7 are affected by the covenants. The subject property is not included in the list of lots and blocks affected by the covenants although the general description of the E1/2SE1/4 includes the proposed subdivision.

The title report did not list covenants for the subject replat.

Staff recommends the surveyor confirm whether the covenants in Book 10 Pages 258-259 affect the proposed subdivision. If so, **staff recommends** a plat note be provided with the recording information.

Staff recommends compliance with 20.60.170.

The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.

20.60.180. Plat notes. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

*Platting Staff Comments: **Staff recommends:***

1. *Revise Plat Note 2 to reflect a single lot.*
2. *Revise Plat Note 4 to reflect the single lot line removal.*

20.60.190. Certificates, statements, and signatures required.

*Platting Staff Comments: **Staff recommends:***

1. *Match the owners' names to the final Certificate to Plat, such as Margaret Arlena Pate.*
2. *Confirm the state for the Notary's Acknowledgement for Mrs. Pate. KPB parcel information shows her address in South Dakota.*
3. *Show to which original parcel each signatory attests.*
4. *Revise the certificate of ownership to read, 'we hereby adopt this plan of subdivision.....'*

20.60.200. Survey and monumentation.

*Platting Staff Comments: Provide a tie to two BLM/GLO survey markers. **Staff recommends** compliance with 20.60.200.*

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ANY ABOVE RECOMMENDATIONS, AND**

- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

END OF STAFF REPORT

**Approved with the adoption of the grouped agenda.*



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

August 26, 2019

Jason Davis
693 Rangeview Avenue
Homer, AK 99603

Dear Jason,

Congratulations! Council confirmed/approved your appointment to the Planning Commission during their Regular Meeting of August 26, 2019, via Memorandum 19-100.

Included is the 2019 Public Official Conflict of Interest Disclosure Statement. Please complete this document and return it to the Clerk's office. 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.

Also included is the 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. Also the Robert's Rules of Order handbook is enclosed to help you with the meeting protocol.

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

Your term will expire in 2022.

Cordially,

Ken Castner, Mayor

Enc: Memorandum 19-100
Certificate of Appointment
HCC 1.18 Conflicts of Interest, Partiality & Code of Ethics
2019 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

Jason Davis

Has been appointed to

serve as

"Commissioner"

on the

"Homer Advisory 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 26th day of August, 2019.*



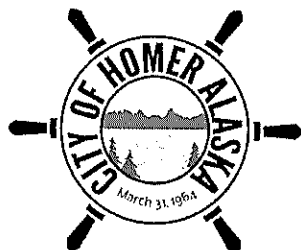
Ken Castner

Ken Castner, Mayor

Attest:

Melissa Jacobsen

Melissa Jacobsen, MMC, City Clerk



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 19-100

TO: HOMER CITY COUNCIL
FROM: MAYOR CASTNER
DATE: AUGUST 20, 2019
SUBJECT: APPOINTMENTS TO THE PLANNING COMMISSION, ECONOMIC DEVELOPMENT
ADVISORY COMMISSION AND LIBRARY ADVISORY BOARD

Jason Davis is appointed to serve as Commissioner on the Planning Commission to fill the seat vacated by Dale Banks. The term expires July 1, 2022.

Clark Fair is appointed to serve as Board Member on the Library Advisory Board to complete the seat vacated by Mark Massion. The term expires April 1, 2020.

John Mink is appointed to serve as Commissioner on the Economic Development Advisory Commission vacated by Anders Gustafson. The term expires April 1, 2022.

Recommendation: Confirm the appointment of Jason Davis to the Planning Commission, Clark Fair to the Library Advisory Board and John Mink to the Economic Development Advisory Commission.



**CITY OF HOMER
APPLICATION TO SERVE ON ADVISORY BODY
COMMISSION, BOARD, COMMITTEE, TASK FORCE**

**CITY CLERK'S OFFICE
CITY OF HOMER
491 E. PIONEER AVE
HOMER, AK 99603
PH. 907-235-3130
FAX 907-235-3143
clerk@cityofhomer-ak.gov**

The information below provides some basic background for the Mayor and Council
This information is public and will be included in the Council Information packet

Name: Jason Davis Date: 08/07/19

Physical Address: 693 Rangeview Ave

Mailing Address: same

Phone #: 907-690-1786 Cell #: _____ Work #: _____

Email Address: jasondavis63@gmail.com

The above information will be published in the City Directory and within the city web pages if you are appointed
by the Mayor and your appointment is confirmed by the City Council

Please indicate the advisory body that you are interested in serving on by marking with an X.
You may select more than one.

- | | |
|---|--|
| <input checked="" type="checkbox"/> ADVISORY PLANNING COMMISSION
1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM
WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM | <input type="checkbox"/> ECONOMIC DEVELOPMENT ADVISORY COMMISSION
2ND TUESDAY OF THE MONTH AT 6:00 PM |
| <input type="checkbox"/> PARKS ART RECREATION & CULTURE ADVISORY COMMISSION
3RD THURSDAY OF THE MONTH AT 5:30 PM
NO MEETINGS IN JANUARY, JULY & DECEMBER | <input type="checkbox"/> CITY COUNCIL
2ND & 4TH MONDAY OF THE MONTH
SPECIAL MEETINGS & WORKSESSIONS AT 4:00 PM
COMMITTEE OF THE WHOLE AT 5:00 PM
REGULAR MEETING AT 6:00 PM |
| <input type="checkbox"/> PORT & HARBOR ADVISORY COMMISSION
4th WEDNESDAY OF THE MONTH
OCT-APRIL AT 5:00 PM
MAY - SEPT AT 6:00 PM | <input type="checkbox"/> LIBRARY ADVISORY BOARD
1ST TUESDAY OF THE MONTH AT 5:30 PM
NO MEETINGS IN JANUARY, JUNE AND JULY |
| <input type="checkbox"/> | <input type="checkbox"/> OTHER - PLEASE INDICATE
_____ |
| <input type="checkbox"/> | |

I have been a resident of the city for 2 years. I have been a resident of the area for 50 years.
I am presently employed at Homer United Methodist Church (as office manager)

Please list any special training, education or background you may have which is related to your choice of advisory body.
25 years' experience working in embassies and consulates overseas, including negotiating purchases

Have you ever served on a similar advisory body? If so please list when, where and how long:
n/a

Why are you interested in serving on the selected advisory body?
I want to help make sure Homer develops in the most efficient, aesthetic and bicycle/pedestrian-friend

Please list any current memberships or organizations you belong to related to your selection(s):
Board Secretary at Pratt Museum

Please answer the following only if you are applying for the Advisory Planning Commission:
Have you ever developed real property other than a personal residence, if so briefly explain:
vacation rental near Jakalof Bay (repairs, renovations); also oversaw construction of a new U.S. Em

Please answer if your are applying for the Port & Harbor Advisory Commission:
Do you use the Homer Port and/or Harbor on a regular basis?
Yes ☐ No ☐ What is your primary use? Commercial ☐ Recreational ☐

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