



Agenda

Planning Commission Regular Meeting

Wednesday, November 06, 2024 at 6:30 PM

City Hall Cowles Council Chambers In-Person & Via Zoom Webinar

Homer City Hall

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

Zoom Webinar ID: 979 8816 0903 Password: 976062

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

CALL TO ORDER, 6:30 P.M.

AGENDA APPROVAL

PUBLIC COMMENTS 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.](#) Unapproved Regular Meeting Minutes of October 16, 2024

PRESENTATIONS / VISITORS

REPORTS

- [A.](#) City Planner's Report, Staff Report 24-053
- B. Comprehensive Plan Steering Committee Report

PUBLIC HEARINGS

- [A.](#) Conditional Use Permit 24-12 per HCC 21.14.030(i), Staff Report 24-054
- [B.](#) A Proposal to Vacate the Farmwald Circle Right-of-Way within the Bridge Creek Coop. Subdivision, Located in the E 3/4, S 1/2, SW 1/4, SEC. 4 T. 6S, R13W, S.M., ALASKA, Staff Report 24-055

PLAT CONSIDERATION

- [A.](#) Staff Report 24-056, Bridge Creek Coop. Subdivision 2024 Replat, Preliminary Plat

PENDING BUSINESS

- [A.](#) Conditional Use Permit 23-08 per HCC 21.24.030(f), Staff Report 24-052

Memorandum PC-24-041 from Deputy City Clerk as backup

Memorandum PC-24-042 from Deputy City Clerk as backup

NEW BUSINESS

- [A.](#) Memorandum PL 24-040, Request for Initiation of a Zoning Code Amendment

- [B.](#) Planning Commission 2025 Meeting Schedule

Memorandum PC-24-043 from Deputy City Clerk as backup

INFORMATIONAL MATERIALS

- [A.](#) PC Annual Calendar 2024

- [B.](#) 2024 Meeting Dates & Submittal Deadlines

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

COMMENTS OF THE STAFF

COMMENTS OF THE MAYOR/COUNCIL

COMMENTS OF THE COMMISSION

ADJOURNMENT

A Special Meeting is scheduled for **Wednesday, November 20, 2024 at 5:30 p.m.** The next Regular Meeting is scheduled for **Wednesday, December 4, 2024 at 6:30 p.m.** A Worksession is scheduled for 5:30 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission

CALL TO ORDER

Session 24-17, a Special Meeting of the Planning Commission was called to order by Chair Scott Smith at 5:30 p.m. on October 16th, 2024 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONER BARNWELL, VENUTI, S. SMITH, SCHNEIDER, STARK & H. SMITH

ABSENT: COMMISSIONER CONLEY (EXCUSED)

STAFF: CITY PLANNER FOSTER, PUBLIC WORKS DIRECTOR KORT & DEPUTY CITY CLERK PETTIT

AGENDA APPROVAL

Chair S. Smith read the supplemental items into the record and requested a motion and second to approve the agenda as amended.

SCHNEIDER/BARNWELL MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERAS AREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

- A. Unapproved Regular Meeting Minutes of October 2, 2024

Chair S. Smith requested a motion and second to adopt the consent agenda.

SCHNEIDER/BARNWELL MOVED TO ADOPT THE CONSENT AGENDA.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

PRESENTATIONS / VISITORS

REPORTS

- A. City Planner's Report, Staff Report 24-051

City Planner Foster reviewed his staff report included in the packet, noting the following:

- Homer Comprehensive Plan Growth Scenarios Event at the Alaska Maritime National Wildlife Refuge Visitor Center (Islands & Oceans Visitor Center) on October 22nd from 6:00-8:00 p.m.
- Two-part Virtual Planning Commissioner Training on Sunday, October 27th hosted by the Alaska Chapter of the American Planning Association
- Next Regular Meeting is Wednesday, November 6th
 - CUP Application for Public Hearing and a Preliminary Plat
- Potential Special Meeting on Wednesday, November 20th
- Next Commissioner report to City Council is on October 28th

B. Comprehensive Plan Steering Committee Report

Commissioner Barnwell encouraged everyone to attend the Comprehensive Plan Growth Scenarios Event at the Islands & Oceans Visitor Center on October 22nd.

PUBLIC HEARINGS

- A. Conditional Use Permit 23-08 per HCC 21.24.030(f), Staff Report 24-052
Public Comment Received
Public Comment Received After Packet Publication

Chair S. Smith introduced the item by reading of the title, noted the public comments provided in the supplemental packet, and deferred to City Planner Foster. Mr. Foster provided an extensive summary of his report included in the packet.

Chair S. Smith invited the Applicant, Zach Dunlap of Doyon, to speak to the application. Mr. Dunlap introduced himself as the Operations Director of Doyon, Limited. He reviewed the changes that had been implemented since the last time the project was seen by the Commission. He then provided an explanation for things that were heard, but not addressed in the revised version of Doyon's application.

Next, Mr. Dunlap introduced Lauren Egbert of Womer & Associates. Ms. Egbert reviewed safety and traffic measures that were in place with the current plan, in addition to providing details regarding utilities, storm water and erosion. She also summarized the architectural specifications of the hotel and condos.

Concluding the update provided by Mr. Dunlap and Ms. Egbert, Chair S. Smith opened the public hearing period.

Cooper Freeman shared that he appreciated the changes that Doyon had made with the new application, but stated that he would still support the City rejecting the right-of-way vacation. He added that he's worried about the precedent the City might set by vacating the right-of-way, and that he doesn't understand why the City would give City-owned land to a corporation.

Penelope Haas shared that her biggest issue with the project was the total size of the building, emphasizing the height of the building. She stated that Homer City Code doesn't provide any flexibility for building heights above 35 feet in this zoning district. She compared the total square footage of the proposed hotel with that of

the Aspen Suites Hotel before warning the Commission not to move too quickly on making a decision on the project.

Don McNamara, city resident, stated that the B Street right-of-way should stay intact, suggesting that it could be moved over to become the buffer between Doyon's property and the neighboring residential properties. He added that he thinks Doyon will be a great neighbor, and that they've done a fantastic job with the revised drawings. He reiterated that 35 feet is the height requirement for that zoning district, and questioned why the Commission would let this corporation take away the view that the residents currently have.

Bruce Petska, city resident, shared his support for the project, adding that what Doyon has presented seems to be a viable business opportunity for both shareholders and the City of Homer. He estimated that Doyon will contribute more than \$50 million of their funds into the community. He concluded by adding that he feels the project will bring more positives to the community than it will bring negatives.

Scott Adams, city resident, thanked Doyon for bringing back the revised plan, adding that it looks better than what they had before. He encouraged the Planning Commission to keep the building height at 35 feet, sharing concerns for the precedent that will be set if they allow the building height to be 45 feet. He emphasized his concerns for traffic, stating that moving the driveway further north will move it closer to the blind turn. He added that the issue with no coastal bluff is vague, and questioned the way the equations are plotted for the size of the building, noting that the land was plotted prior to the earthquake in 1964.

Sara Faulkner, city resident, stated that she was concerned about the height change above 35 feet. She shared her confusion about what will happen with the retaining wall, and whose property it encroaches onto.

Dottie Harness claimed that the easement coming down from the north along the west needs to feel like a public easement. She advocated for a buffer on the east side, noting that it's mainly driveway and parking lot right now. She referenced the lighting requirement of the community design manual, recommending the Commission use the entire community design manual in their decision-making process.

Eric Engebretsen, city resident, shared that he's the owner of Bay Weld Boats, and stated that the zoning district his building is categorized under allows for building heights of 75 feet. He noted that there is a consideration for building heights to be higher than 35 feet for a use that makes sense in a certain area.

Betti Seaman, city resident, referenced former Public Works Director Kaiser's memorandum from December 27th that recommended portions of the parcels that are part of the tidal marsh be designated for conservation. She offered a plea for the trees that are adjacent to where the lighthouse used to be, noting their resilience and how they could prove beneficial for sound mitigation.

Glenn Seaman, city resident, thanked Doyon for the changes that they've made to their application. He shared his pleasure with how open and receptive Doyon has been throughout the entire process. He emphasized the importance of the setback, noting that it's a mature forest and that many of the trees can be seen through. He suggested planting live trees on the side of the right-of-way. He advocated for the habitat in the area, suggesting that Doyon drill the pilings in the winter when the migratory birds aren't in the area. He concluded with stating that the setback and the easement through the property need to be permanent and binding.

Rika Mouw, city resident, shared her concerns for the building height, and how this would affect the view in the area. She noted that the loading dock and the back end of the kitchen will be seen on the most public end where people are walking, biking and driving from the Spit into town. She stated that she had a problem with giving up public land and access with no sidewalks that connect the project to any other parts along Ocean Drive or Kachemak Drive.

Jack Cushing, city resident, referenced his time spent serving on the Planning Commission, and how the Commission was often requested to vacate right-of-ways. He advocated for conservation easements for anything regarding pedestrian uses and any of the other lands out there that are currently zoned as conservation zoning.

Sam Weisser, city resident, shared his support for this project to help with the growing tourism. He added that he's excited that an Alaskan company wants to invest in Homer.

Mary Griswold, city resident, voiced her support for the vacation of the B Street right-of-way, adding that it's an opportunity to provide legal pedestrian and bicycle access from Bay Avenue to the Homer Spit Trail. She noted that the existing trail from Bay Avenue crosses Doyon property to the Homer Spit Road, reasoning that this access will no longer exist when Doyon builds on its property. She concluded by saying that it's a wonderful solution to put the pedestrian trail to the west and allow that vacation.

With no other members of the public wishing to comment, Chair S. Smith closed the public hearing. Upon the closure of the public hearing, Chair S. Smith called for a recess at 7:33 p.m.

Chair S. Smith called the meeting back to order at 7:43 p.m. He then opened the floor to the Applicant and City Planner Foster for any rebuttal.

City Planner Foster reiterated that a conditional use permit for a planned unit development allows flexibility over land use, density, development requirements, etc. In response to the comments regarding the 30-foot vegetation buffer next to the 20-foot pedestrian easement, Mr. Foster noted that the pedestrian easement is currently one of the conditions of approval. He addressed the comments regarding the community design manual, clarifying that the only requirement in the General Commercial One District per Homer City Code is down lit lighting.

Mr. Dunlap addressed the comments regarding the height of the roof, stating that the height is ideal in respect to the topography of the property. He also justified the height of the roof by stating that the convention space requires a higher ceiling. He reiterated that the 30-foot vegetative buffer plus the relocation of the building itself should serve as mitigation measures for the concerns of building height.

Chair S. Smith then opened the floor for questions from the Commission to either the Applicant or City Planner Foster.

Commissioner Stark asked Mr. Dunlap if he could provide any tangibles for what this project would provide to the City of Homer. Mr. Dunlap stated that the tax revenue generated from their proposed project would be significant, and added that he expects their shoulder season jobs to increase when the convention center gets adopted. He stated that Doyon's intent is to make the convention space available for user groups in Homer when it is not in use.

Voicing concerns for building height, Commissioner Venuti questioned why the gables shown on page 87 of the packet were necessary, adding that they aren't required for structural integrity. City Planner Foster clarified that per Homer City Code, the top of the building is determined by the height of the parapet, thus things like gables and rooftop utilities wouldn't be considered in measuring the height of a building.

There was brief discussion regarding the process to vacate the right-of-way, and how the ownership of that property transfers to Doyon upon vacation of the right-of-way.

Commissioner Barnwell asked how Doyon felt about granting public access to the pedestrian pathway that will be constructed on what is now B Street and meander its way through Doyon's property. Mr. Dunlap answered that if it was a condition that was added by the Commission, Doyon would comply.

There were more comments from Commissioner Barnwell and Commissioner H. Smith regarding their concerns for the traffic in the area of the proposed development.

With no other questions posed by the Commission, Chair S. Smith requested a motion from the Commission.

SCHNEIDER/VENUTI MOVED TO POSTPONE CONDITIONAL USE PERMIT 23-08 TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, NOVEMBER 6TH, 2024.

Commissioner H. Smith stated that if half of the members here are opting to postpone, then the postponement is probably appropriate.

Chair S. Smith clarified that if the CUP is postponed, it doesn't provide another opportunity for the public to weigh in.

Commissioner Schneider reassured the Commissioners that his reason for wanting to postpone would have enough standing to back the Commission's decision should they decide to postpone.

With no other discussion, Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE: YES: VENUTI, SCHNEIDER, H. SMITH, BARNWELL

VOTE: NO: S. SMITH, STARK

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. PC Annual Calendar 2024
- B. 2024 Meeting Dates & Submittal Deadlines

Chair S. Smith noted the informational materials included in the packet. Commissioner H. Smith volunteered to deliver the report to City Council on October 28th.

COMMENTS OF THE AUDIENCE

Jack Cushing, city resident, agreed with the Commission's decision to postpone CUP 23-08. He commented regarding context on what the easement should contain.

Glenn Seaman, city resident, addressed the comments about people not having enough time with the plans to form an opinion, adding that he was proactive and suggesting that not everyone had the benefit of getting the plans early. He commented on the process for this development, and how it should differ from the process of a smaller, less complex conditional use permit.

COMMENTS OF THE STAFF

Deputy City Clerk Pettit joked that he was glad he didn't have to sit in the meeting until 1 a.m. like City Clerk Krause had in the past.

COMMENTS OF THE MAYOR/COUNCILMEMBER (If Present)

COMMENTS OF THE COMMISSION

Commissioner Venuti thanked everyone for serving, and thanked former Mayor Jack Cushing for his input.

Commissioner H. Smith shared his appreciation for the public input tonight. He also thanked Doyon for the work that they've put into their revised plan. He noted the changes that have taken place throughout his time spent in Homer, and suggested taking a measured and balanced approach to the way the City considers things.

Commissioner Stark thanked the public for their thoughtful input. He thanked Doyon and Womer & Associates for their responsiveness to the public comments. He urged striking a balance between wise and balanced development.

Commissioner Schneider thanked the City Staff and the members of the public who participated. He commended Doyon for being responsive to the community's concerns.

Commissioner Barnwell concurred with Chair S. Smith's comment about the public in Homer honoring each other during the public process. He noted that the project is taking a long time for good reasons.

Chair S. Smith thanked everyone for a great meeting, and thanked Doyon for not throwing the Commission under the bus after they cited the wrong portion of City Code upon the original denial of the CUP. He added that he was in favor of the revisions that Doyon made to their application, and thanked City Planner Foster for his presentation of the staff report that accompanied the CUP. Mr. Smith shared a brief note about the passing of Sanford Beachy and his contributions to the community of Homer.

ADJOURN

There being no further business to come before the Commission, Chair S. Smith adjourned the meeting at 8:46 p.m. The next Regular Meeting is scheduled for **Wednesday, November 6th, 2024 at 6:30 p.m.** A Worksession

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

Zach Pettit, Deputy City Clerk I

Approved: _____



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Staff Report PL 24-053

TO: Homer Planning Commission
FROM: Ryan Foster, City Planner
DATE: November 6, 2024
SUBJECT: City Planner's Report

Comprehensive Plan Update

The City held an open house for the Comprehensive Plan on Tuesday, October 22nd. The meeting was well attended by some 90 participants and good conversations were held all around on the three growth scenarios that were developed through the initial Comprehensive Plan surveys and public meetings. An online opportunity will be available soon where folks who were unable to attend the in-person meeting can review the scenarios and provide feedback and comments.

Planning Commissioner Training Postponed

The Alaska Chapter of the American Planning Association's two-part virtual Planning Commissioner Training has been postponed to Sunday, November 17, 2024. Part 1 will be from 9am-12pm and Part 2 will be from 1pm-4pm. **Registration is now open until November 10!**

[APA AK: Oct 27, 2024 Planning Commissioner Training Registration Survey \(surveymonkey.com\)](https://surveymonkey.com/surveys/APA-AK-Oct-27-2024-Planning-Commissioner-Training-Registration-Survey)

10/28 City Council Meeting Agenda

d. Ordinance 24-51, An Ordinance of the City Council of Homer, Alaska, Amending the Homer City Zoning Map to Rezone a Portion of the Rural Residential (RR) Zoning District to Medical (M) Zoning District. City Planner/Planning Commission. Recommended dates: Introduction October 14, 2024 Public Hearing and Second Reading October 28, 2024. Memorandum CC-24-211 from City Planner as backup.

Meeting Schedule

A special Planning Commission meeting is scheduled for November 20, 2024. The next regular meeting date is Wednesday, December 4, 2024.

Commissioner Report to Council

11/12/24 _____



City of Homer

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Staff Report 24-054

TO: Homer Planning Commission
FROM: Ryan Foster, City Planner
DATE: November 6, 2024
SUBJECT: Conditional Use Permit (CUP) 24-12

Synopsis The applicant requests a Conditional Use Permit (CUP) per HCC 21.14.030 (i), More than one building containing a permitted principal use on a lot. The applicant proposes six single-family dwellings at 688 Waddell Road.

Applicant: Zane Ulin
PO Box 671292
Chugiak, AK 99567

Location: 688 Waddell Road

Legal Description: T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0970005 BLUFF PARK NO 4
HARMON-PORTER ADDITION LOT 4

Parcel ID: 17510057

Size of Existing Lot: 3.47 acres

Zoning Designation: Urban Residential District

Existing Land Use: Vacant

Surrounding Land Use: North: Residential
South: Kachemak Bay
East: Residential
West: Residential

Comprehensive Plan: Chapter 4, Goal 1, Objective A, C, and D

Wetland Status: Tidal KWF Wetlands Assessment is on the property.

Flood Plain Status: Zone VE, Beluga Slough Flood Hazard Map.

BCWPD: Not within the Bridge Creek Watershed Protection District

Utilities: Public utilities, water and sewer, do service the site.

Public Notice: Notice was sent to 21 property owners of 20 parcels as shown on the KPB tax assessor rolls.

ANALYSIS: The applicant proposes six single-family dwellings at 688 Waddell Road and the current land use is vacant. Each unit is proposed at 1,000sf or 1,500sf.

PARKING: The applicant is required to provide 12 spaces (two per dwelling unit). The parking spaces identified in the application meet the required number of spaces. The final site plan zoning permit application will be required to illustrate the parking dimensions with the total of 12 spaces.

DENSITY: The minimum lot size for single and duplex dwelling structures shall be a minimum of 7,500 square feet. The lot size is approximately 151,153 square feet. The minimum lot size is met. The resulting density with the proposed 6 single-family dwelling units is approximately 25,192 sf or just a little over a half-acre per dwelling unit.



Proposed location of 6 single-family dwellings at 688 Waddell Road

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030, Review criteria, and establishes the following conditions:

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

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

HCC 21.14.030 (i), More than one building containing a permitted principal use on a lot

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

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

HCC 21.14.010 Purpose. The Urban Residential District is primarily intended to provide a sound environment for medium-density residential occupancy including single-family, duplex and low-rise multiple-family dwellings of various types and designs and other compatible uses as provided in this chapter.

Applicant: The lot is zoned Urban Residential. This zoning allows for residential dwellings on this property.

Analysis: A single-family dwelling is a permitted outright use. The six single-family dwelling units are permitted uses with a conditional use permit per HCC 21.14.030 Conditional uses and structures. These uses are compatible with the Urban Residential Zoning District.

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

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

Applicant: The upscale design and meticulous maintenance of the grounds will positively affect all housing values in the surrounding areas.

Analysis: Many uses in the Urban Residential district have greater negative impacts than six single-family dwelling units. Other permitted uses such as parks and playgrounds, home occupations, or schools, would have a similar impact on nearby property values.

Finding 3: Residential development is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

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

Applicant: All properties in the area are also “urban residential” and are single family dwellings or hotels.

Analysis: Existing uses of the surrounding land are currently residential, with Kachemak Bay to the south. A residential use is in character with the surrounding residential land uses.

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

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

Applicant: Yes, local services are more than adequate to service 6 additional homes.

Analysis: City sewer and water services are already provided to the property. The property owner will need to work with an engineer for an ADEC approved sewer design.

Condition 1: Install approved community sewer service to the structures.

Finding 5: Water, sewer, and fire services will be, prior to occupancy, adequate to serve the existing and proposed dwellings.

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

Applicant: The addition of 6 homes that are to be built will have no effect on the neighborhood traffic patterns. The upscale construction design will complement the neighborhood character.

Analysis: The proposed project provides residential development at a density allowable in code. The residences are served by a 3.47-acre lot, with an approximate density of one dwelling unit per 25,192 square feet and are not of an excessive size to create harmful effects on neighborhood character.

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

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

Applicant: Our proposal will significantly increase property value and tax revenue in our surrounding areas.

Analysis: The proposal does not introduce a use or a scale that is not reasonably anticipated by the rules, regulations, and infrastructure developed to service such a proposal.

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

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

Analysis: The applicant is not requesting any exception to code. The project is able to comply with the applicable regulations and conditions when gaining a CUP and subsequent zoning permit for construction. The applicant is providing a 40+-foot Coastal Edge setback, exceeding the 40-foot setback required by HCC21.44.030 (c)(3) as a property located on the Section 19 Township 6 South Range 14 West Seward Meridian side of the boundary.

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

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

Applicant: Developing residential homes directly coincides with the current “comp” plan.

Analysis: Chapter 4, Objectives A, C, & D Goals of the Land Use Chapter of the Homer Comprehensive Plan are supported by this project:

This project supports Objective A, C, and D pattern of growth and density, with moderate density on a small lot zoned Urban Residential. Six single-family dwellings with an approximate density of one dwelling unit per 25,192 square feet are similar in size and density to others nearby and contributes to a quality neighborhood. This project discourages sprawl with additional infill dwelling units at the scale and density of the Urban Residential zoning district and fits the moderate-density character planned just outside the city core.

Finding 9: The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan. The proposal aligns with Chapter 4, Goal 1, Objectives A, C,

and D and no evidence has been found that it is contrary to the applicable land use goals and objectives of the Comprehensive Plan.

j. The proposal will comply with the applicable provisions of the Community Design Manual (CDM).

Analysis: Chapter 3, Outdoor Lighting is applicable to the Urban Residential District.

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

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

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

- 1. Special yards and spaces:** No specific conditions deemed necessary.
- 2. Fences and walls:** No specific conditions deemed necessary.
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 4. Street and road dedications and improvements:** No specific conditions deemed necessary.
- 5. Control of points of vehicular ingress and egress:** No specific conditions deemed necessary.
- 6. Special provisions on signs:** No specific conditions deemed necessary.
- 7. Landscaping:** No specific conditions deemed necessary.
- 8. Maintenance of the grounds, building, or structures:** No specific conditions deemed necessary.
- 9. Control of noise, vibration, odors or other similar nuisances:** No specific conditions deemed necessary.
- 10. Limitation of time for certain activities:** No specific conditions deemed necessary.
- 11. A time period within which the proposed use shall be developed:** No specific conditions deemed necessary.
- 12. A limit on total duration of use:** No specific conditions deemed necessary.
- 13. More stringent dimensional requirements,** such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.
- 14. Other conditions necessary** to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.

PUBLIC WORKS COMMENTS:

1. The property owner will need to work with an engineer for an ADEC approved sewer design.
2. Provide drainage flow arrows on the full site plan showing all future structures. Indicate if driveway is paved.
3. Acknowledge that driveway will likely be destroyed and reconstructed to install water/sewer services to structures.

Condition 3: Provide drainage flow arrows on the full site plan showing all future structures. Indicate if driveway is paved.

PUBLIC COMMENTS: None submitted at the time this report was completed.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission approve CUP 24-12, **Staff Report 24-054** with findings 1-10 and the following conditions.

Condition 1: Install approved community sewer service to the structures.

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

Condition 3: Provide drainage flow arrows on the full site plan showing all future structures. Indicate if driveway is paved.

Attachments

Application
Site Plan
Elevation Drawing
Compliance Review of Homer Comprehensive Plan
Public Notice and Map
Aerial Map

Circle applicable additional permits. Planning staff can assist with these questions.

- ☒ Y ☐ N Are you building or remodeling a commercial structure, or multifamily building with more than three (3) apartments? If yes, Fire Marshal Certification is required.
Status: _____
- ☒ Y ☐ N Will development trigger a Development Activity Plan?
Application Status: _____
- ☒ Y ☐ N Will development trigger a Storm Water Plan?
Application Status: _____
- ☒ Y ☐ N Does the site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: _____
- ☒ Y ☐ N Is development in a floodplain? If yes, a Flood Development Permit is required.
- ☒ Y ☐ N Does the project trigger a Community Design Manual review?
If yes, complete the design review application form. The Community Design Manual is online at: <https://www.cityofhomer-ak.gov/planning/community-design-manual>
- ☒ Y ☐ N Do the project require a traffic impact analysis?
- ☒ Y ☐ N Are there any nonconforming uses or structures on the property?
- ☒ Y ☐ N Have nonconforming uses or structures on the property been formally accepted by the Homer Advisory Planning Commission?
- ☒ Y ☐ N Does the site have a State or City driveway permit? Status: current #3181
- ☒ Y ☐ N Does the site have active City water and sewer permits? Status: current #3229

Conditional Use Permit Application Questions. Use additional sheets if necessary.

1. Currently, how is the property used? Are there buildings on the property? How many square feet? Uses within the building(s)?

there are no existing structures

2. What is the proposed use of the property? How do you intend to develop the property?

Attach additional sheet if needed. Provide as much information as possible.

6 residential homes of 1000 or 1500 sq ft.

Conditional Use Permit Review Criteria Information. Use additional sheets if necessary. Per HCC 21.71.030 Review Criteria, the applicant must produce evidence sufficient to enable meaningful review of the application. Unless exceptions or other criteria are stated elsewhere in the Code, the application will be reviewed under these criteria:

- a. What code citation authorizes each proposed use and structure by conditional use permit?

code # 211430 permits 1 or more buildings per lot

- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district.

The lot is zoned urban residential. This zoning allows for residential dwellings on this property

- c. How will your proposed project affect adjoining property values?

The upscale design and meticulous maintenance of the grounds will positively affect all housing values in the surrounding areas

- d. How is your proposal compatible with existing uses of the surrounding land?

all properties in the area are also "urban residential" and are single family dwellings or hotels

- e. Are/will public services adequate to serve the proposed uses and structures?

yes, local services are more than adequate to service 6 additional homes

- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?

The addition of 6 homes that are to be built will have no effect on the neighborhood traffic patterns. The upscale construction design will complement the neighborhood character

- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?

Our proposal will significantly increase property value and tax revenue in our surrounding areas

- h. How does your project relate to the goals of the Comprehensive Plan? Find the Comprehensive Plan on the City's website:

www.cityofhomer-ak.gov/planning/comprehensive-plan

developing residential homes directly coincides with the current "comp" plan.

- i. The Planning Commission may require special improvements. Are any of the following a component of the development plan, or are there suggestions on special improvements you would be willing to make? **Circle each answer and provide clarification on additional pages if Yes is selected.**

1. Y/☒N Special yards and spaces
2. Y/☒N Fences, walls and screening
3. Y/☒N Surfacing of parking areas
4. Y/☒N Street and road dedications and improvements (or bonds)
5. Y/☒N Control of points of vehicular ingress and egress
6. Y/☒N Special provisions on signs
7. Y/☒N Landscaping
8. Y/☒N Maintenance of the grounds, buildings, or structures
9. Y/☒N Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances
10. Y/☒N Time for certain activities
11. Y/☒N A time period within which the proposed use shall be developed
12. Y/☒N A limit on total duration of use
13. Y/☒N Special dimensional requirements such as lot area, setbacks, building height
14. Y/☒N Other conditions deemed necessary to protect the interest of the community

Parking Questions.

1. How many parking spaces are required for your development? 12 or 6 double spaces
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b)
2. How many spaces are shown on your parking plan? 12 spaces in 6 driveways
3. Are you requesting any reductions? NO

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

CIRCLE ONE:

Owner of record

Lessee

Contract purchaser

Per HCC 21.71.020(a)(9), if the applicant is not the owner of the subject lot, the owner's signed authorization grants the applicant authority to:

(a) apply for the conditional use permit, and

(b) bind the owner to the terms of the conditional use permit, if granted.

Applicant signature:

Jane Ulin

Date:

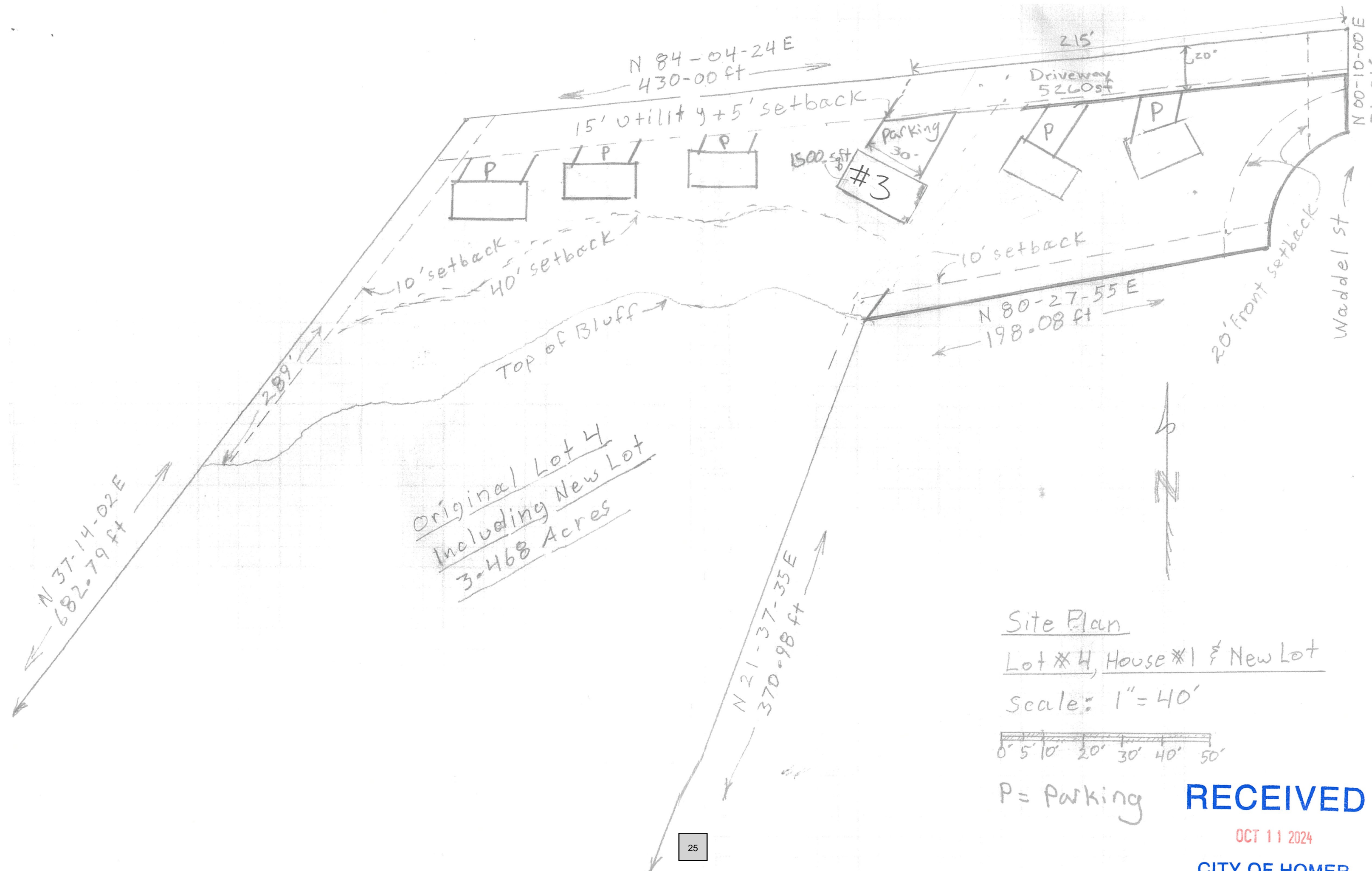
10-8-24

Property Owner signature:

Jane Ulin

Date:

10-8-24



Site Plan Detail House #1#5

← 180' to NW Prop Cor → ← 240' to NE Prop Cor Lot 4 →

N Prop Line Lot #4

5' + 15' Utility Easement

35'

Scale: 1" = 15'

Topo Lines
3' drop

40' setback
from bluff

Lot #4

One story + Loft
Single Family
Residence #1
20'-3 1/2" x 36'-3 1/2"
736 sf ± 1243 sq ft

50' To
Bluff

10' setback

10' setback

New Lot

Top of Bluff

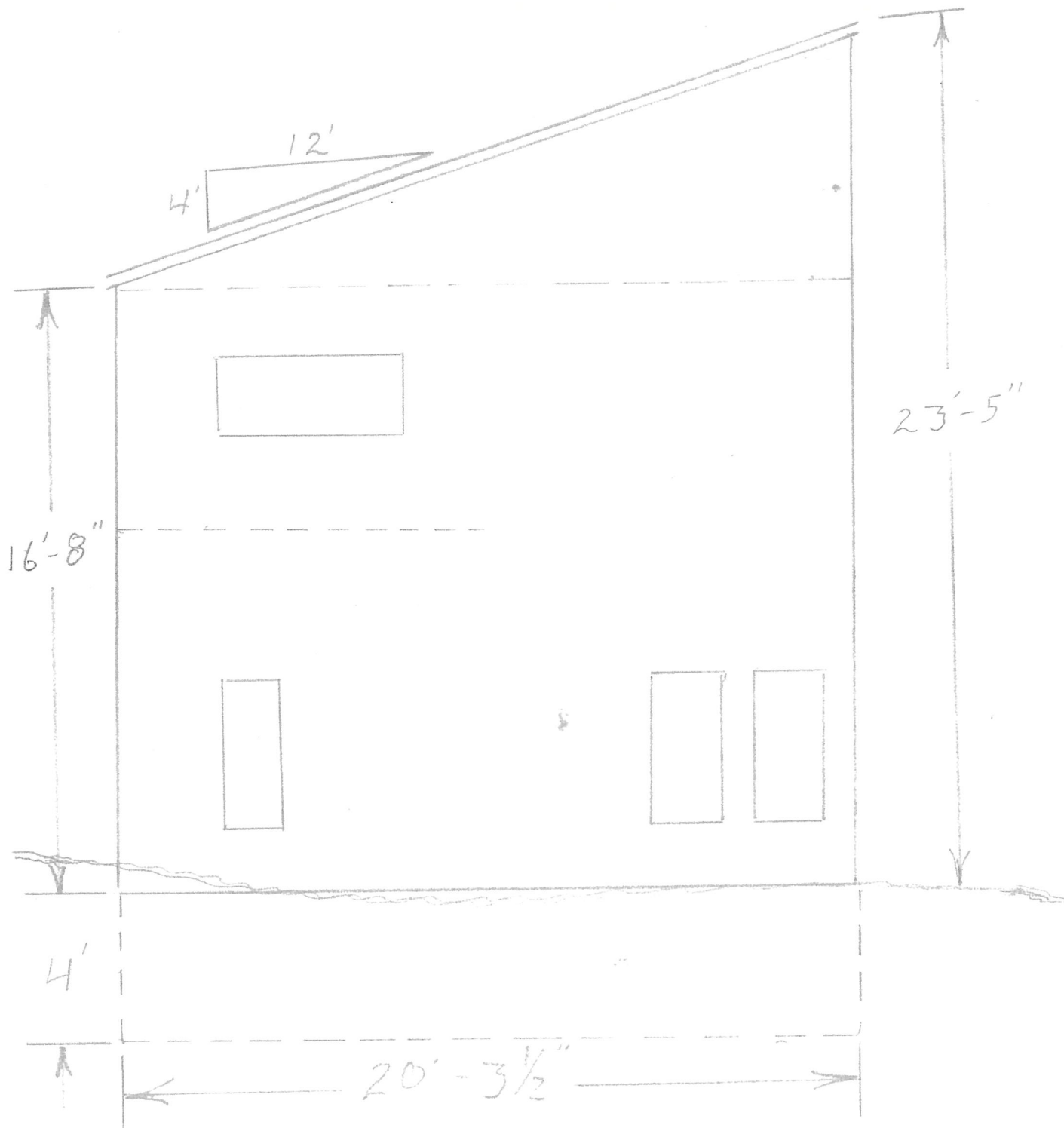
Lot #5

RECEIVED

OCT 11 2024

CITY OF HOMER
PLANNING/ZONING

1



Building Elevation House #1, Lot #4
One story w/ Loft
4:12 Pitch Roof

RECEIVED

OCT 11 2024

CITY OF HOMER
PLANNING/ZONING

Review of comprehensive plan Land Use Chapter for CUP 24—12 RF 11.6.24

GOAL 1: Guiding Homer’s growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions.

Objective A: Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed-use areas with lower densities in outlying areas.

Staff: This project supports Objective A pattern of growth and density, with moderate density on a small lot zoned Urban Residential.

Objective B: Develop clear and well-defined land use regulations and update the zoning map in support of the desired pattern of growth.

N/A – not associated with update of zoning map.

Objective C: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options.

Staff: Six single-family dwellings with an approximate density of one dwelling unit per 25,192 square feet are similar in size and density to others nearby and contributes to a quality neighborhood.

Objective D: Consider the regional and global impacts of development in Homer.

Staff: This project discourages sprawl with additional infill dwelling units at the scale and density of the Urban Residential zoning district and fits the moderate-density character planned just outside the city core.

GOAL 2: Maintain the quality of Homer’s natural environment and scenic beauty.

Objective A: Complete and maintain a detailed “green infrastructure” map for the City of Homer and environs that presents an integrated functional system of environmental features on lands in both public and private ownership and use green infrastructure concepts in the review and approval of development projects.

N/A – not associated with mapping.

Objective B: Continue to review and refine development standards and require development practices that protect environmental functions.

N/A – not associated with creation of development standards.

Objective C: Provide extra protection for areas with highest environmental value or development constraints.

N/A – Already developed area, no change in impact is proposed.

Objective D: Collaborate with jurisdictions outside the City of Homer, as well as state and federal agencies, to ensure that environmental quality is maintained.

N/A – not associated with other jurisdictions.

GOAL 3: Encourage high-quality buildings and site development that complement Homer’s beautiful natural setting.

Objective A: Create a clear, coordinated regulatory framework that guides development.

Staff: Goal 3, objective A implementation items are all directives to review and consider new policies and are not directly applicable to CUP’s.

Objective B: Encourage high quality site design and buildings.

Staff: The proposal supports six new dwelling units that are required to submit a Zoning Permit and meet City requirements for site development.

GOAL 4: Support the development of a variety of well-defined commercial/business districts for a range of commercial purposes.

Objective A: Encourage a concentrated, pedestrian oriented, attractive business/commerce district in the Central Business District (CBD) following the guidelines found in the Town Center Development Plan.

Staff: The proposal is not found in the CBD.

Objective B: Discourage strip development along the Sterling Highway and major collectors/thoroughfares.

Staff: N/A – not associated with a commercial/business purpose.

Finding:

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

CITY OF HOMER
PUBLIC HEARING NOTICE - PLANNING COMMISSION MEETING

Public hearings on the matters below are scheduled for Wednesday, November 6, 2024 at 6:30 p.m. during the Regular Planning Commission Meeting. Participation is available virtually via Zoom webinar or in-person at Homer City Hall.

A request for Conditional Use Permit (CUP) CUP 24-12 per HCC 21.14.030 (i), More than one building containing a permitted principal use on a lot. The applicant proposes six single-family dwellings at 688 Waddell Road. T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0970005 BLUFF PARK NO 4 HARMON-PORTER ADDITION LOT 4

In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603.

To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903
Passcode: 976062

Additional information regarding this matter will be available by 5pm on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for November 1, 2024 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

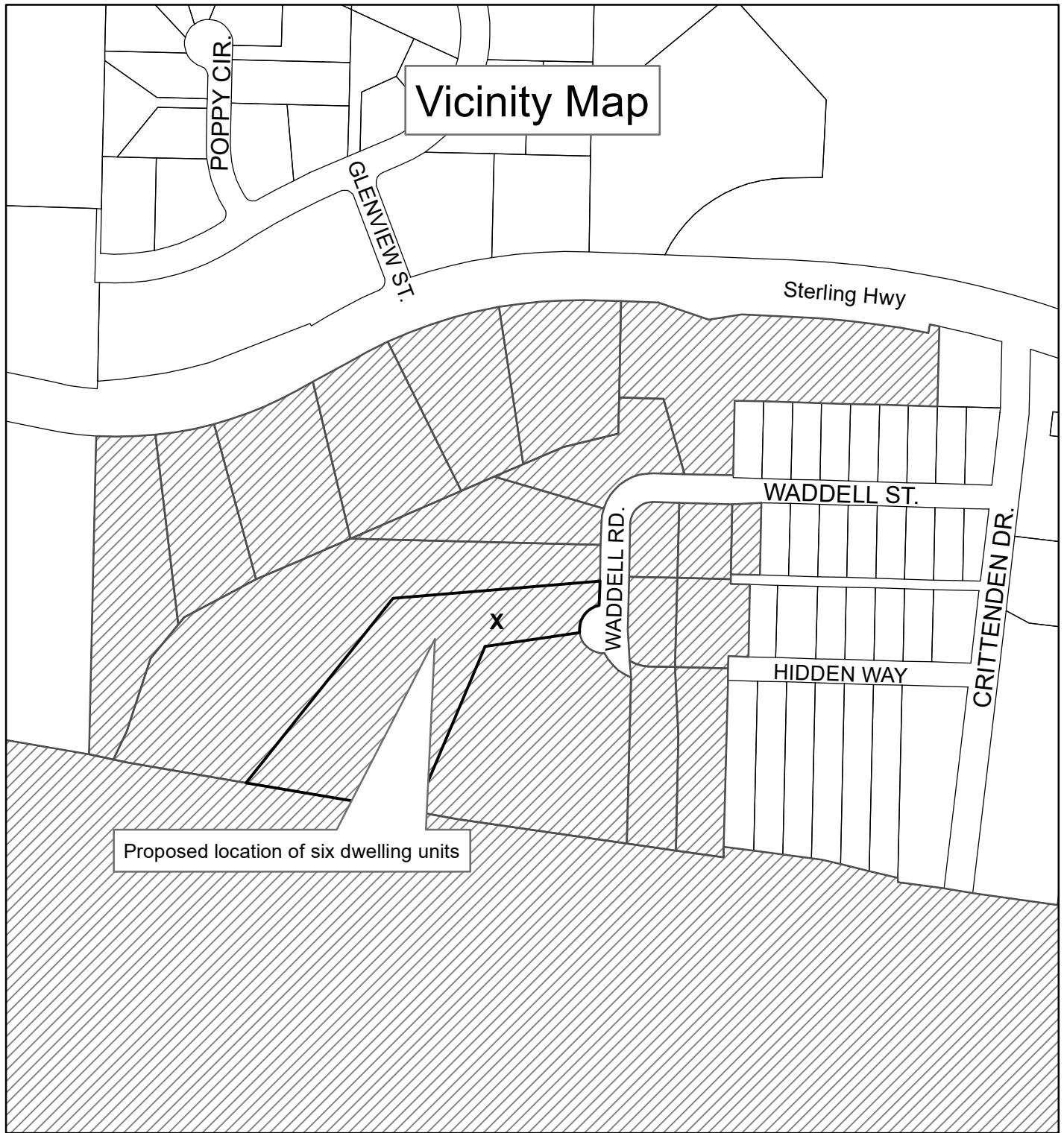
Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4pm on the day of the meeting.

If you have questions, contact Ryan Foster at the Planning and Zoning Office. Phone: (907) 235-3106, email: planning@ci.homer.ak.us or in-person at Homer City Hall.

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

10/21/24

Request for Conditional Use Permit 24-12 More than one building containing a permitted principle use on a lot

Lots within 300 feet are marked
and property owners notified

0 150 300 600 Feet



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



Legend

Physical Addresses

Transportation

Mileposts

Roads

- Medium Collector
- Medium Volume - Unmaintained
- Medium Volume - Maintained
- Low / Seasonal
- Legal Trail
- Private
- State Hwy
- Platted / Proposed

Parcels and PLSS

Tax Parcels



0 200 400 ft

NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correction of the data, or use of the data.



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 24-055

TO: Homer Advisory Planning Commission
FROM: Ryan Foster, AICP, City Planner
DATE: November 6, 2024
SUBJECT: Vacation of Farmwald Cir. Right of Way north of Arnold Ave.

Requested Action: Conduct a public hearing and make a recommendation on the vacation of Farmwald Cir. Right of Way within Bridge Creek Coop. Subdivision.

General Information:

Applicants:	Jay A. & Wilton J. Farmwald 6600 Gunnison Dr. Anchorage, AK 99516	Seabright Survey + Design 1044 East End Road, Suite A Homer, AK 99603
	City of Homer 491 E. Pioneer Ave. Homer, Alaska 99603	
Location:	North of Skyline Drive, outside Homer City limits, and within Bridge Creek Watershed Protection District.	
Parcel ID:	17370009, 17370008, 17370005, 17370004	
Zoning Designation:	Bridge Creek Watershed Protection District	
Existing Land Use:	Vacant, accessory buildings	
Surrounding Land Use:	North: Vacant, commercial South: Vacant, residential East: Vacant, accessory bldg. West: Vacant, residential	
Comprehensive Plan:	Chapter 4 Goal 2 Objective C: Provide extra protection for areas with highest environmental value or development constraints.	
Wetland Status:	Property contains riverine and discharge slope wetlands.	
Flood Plain Status:	Flood Hazard Area Zone X, outside the 0.2% annual flood chance	
Utilities:	City water and sewer are not available at this time.	
Public Notice:	Notice was sent to 21 property owners of 32 parcels as shown on the KPB tax assessor rolls.	

Analysis: This platting vacates the 50-foot Farmwald Circle right-of-way, located north of Arnold Avenue, within the Bridge Creek Watershed Protection District. The right of way to be vacated lies within an approximate discharge slope area, as mapped by the KWF Wetlands Assessment and KPB GIS. The surveyor further reports that the right-of-way terminates in a cul-de-sac within an area classified as riverine, with slopes of 20% or greater. This right-of-way area is undesirable for road construction, and its vacation supports Chapter 4, Goal 2, Objective C of the Homer 2018 Comprehensive Plan by supporting the need to protect sensitive environmental areas. The preliminary plat for Lots 1-A, 4A-1, and 6-A is designed to minimize development impact and provide additional protection within the Bridge Creek Watershed Protection District, aligning with these conservation objectives.

Lot Line Shifting: Please refer to: Preliminary Plat, Bridge Creek Coop. Subdivision 2024.

City of Homer Code does not address right of way vacations, but the Kenai Peninsula Borough code does. The Borough holds platting authority and the Homer Planning Commission is advisory to the Borough on platting matters. Staff is using relevant portions of KPB code for an analysis of the right of way vacation.

- KPB 20.65.030 - Vacation Criteria "Vacation of a platted public right-of-way, access, area, or other easement granted for public use or public benefit must conform to the requirements of this chapter and AS 29.40.120 through AS 29.40.160 as now enacted or as amended."

Staff response: The vacation of the Farmwald Circle right-of-way aligns with the public benefit, particularly concerning environmental protection within the Bridge Creek Watershed. Given that the watershed serves as a crucial public water source, maintaining the area under city ownership and oversight will support continued protection of water quality and allow for any necessary future access. The vacation is deemed appropriate as it does not disrupt current or anticipated access needs.

- KPB 20.65.050(D)(4) - Action on Vacation Application "The planning commission shall consider whether:... The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided."

Staff response: The proposed vacation will not impede access to any natural features of public interest within the Bridge Creek Watershed. This action does not affect public access; as equal access is provided.

- KPB 20.65.050(D)(6) - Action on Vacation Application "The planning commission shall consider whether:... Other public access, other than general road use, exists or is feasible for the right-of-way."

Staff response: There are existing access ways from Arnold Avenue as well as Copalis Street to the west, which provide adequate routes that continue to support public safety, water quality, and watershed protection. These uses will remain and be unaffected.

- KPB 20.65.050(D)(7) - Action on Vacation Application "The planning commission shall consider whether:... All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated unless it can be demonstrated that equal or superior access is or will be available."

Staff response: As Farmwald Circle does not contain active utility infrastructure that supports public services within the watershed, this vacation does not compromise utility needs. Existing utility easements serve the area.

Public Works Comments: Public Works reviewed the plats and responded that they did not have any comments.

Staff Recommendation:

Recommend approval of the vacation of the Farmwald Circle right-of-way within the Bridge Creek Watershed District.

Attachments:

1. Vacation petition
2. Public Notice
3. Aerial Map
4. ROW Vacation Diagram



Planning Department

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

PETITION TO VACATE PLATTED RIGHT OF WAY / PLATTED PUBLIC 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.

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 Subdivision 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.

SUBMITTAL REQUIREMENTS

A platted right of way vacation (ROWV) application will be scheduled for the next available planning commission meeting after a complete application has been received.

- ☐ - \$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.
- ☐ _____ platted public right of way proposed to be vacated was dedicated by the plat of _____ Subdivision, filed as Plat No. _____ in the _____ Recording District.
- ☐ - 3 copies of the plat or map showing the platted right of way to be vacated. Must not exceed 11 x 17 inches in size. Area to be vacated must be clearly depicted. Proposed alternative public access to be shown and labeled on the sketch.
- ☐ - **REASON FOR VACATING** The petitioner must attach a statement with reasonable justification for the vacation of the platted right of way / platted easement / platted public area.

Has the platted right of way been fully or partially constructed?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Is the platted right of way used by vehicles / pedestrians / other?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Is alternative right-of-way being provided?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Are there utility easements associated with the right of way to be vacated?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Is the platted right of way and or associated utility easement in use by any utility company?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If so, which utility provider?				

LEGAL DESCRIPTION ADJOINING LAND:

Lot, Block, Subd. or street address	
Lots 2, 3, 6 & 7 Bridge Creek Cooperative Subdivision (HM 81-05)	
Section, township, range Section 4, T6S, R13W	
City (if applicable) Near Homer, AK	General area Bridge Creek Watershed District

The petition must be signed by owners of a majority of the land affected by the platted right of way proposed to be vacated. Each petitioner must include address and legal description of his/her property. Attach additional signature sheets if needed.

Submitted by:

Land Owner

Name (printed): Melissa Jacobsen	Signature Melissa Jacobsen <small>Digitally signed by Melissa Jacobsen Date: 2024.10.07 09:01:19 -08'00'</small>
e-mail: citymanager@ci.homer.ak.us	Address: 491 E Pioneer Ave Homer AK 99603
Owner of:	

Land Owner:

Name (printed):	Signature
e-mail:	Address:
Owner of:	

FOR OFFICE USE ONLY

RECEIVED BY _____

DATE SUBMITTED _____

KPB FILE # _____



Planning Department

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

PETITION TO VACATE PLATTED RIGHT OF WAY / PLATTED PUBLIC EASEMENT / PLATTED PUBLIC AREA

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Is the platted right of way used by vehicles / pedestrians / other?		Yes	<input checked="" type="checkbox"/>	No
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If so, which utility provider?				

LEGAL DESCRIPTION ADJOINING LAND:

Lot, Block, Subd. or street address Lots 2, 3, 6 & 7 Bridge Creek Cooperative Subdivision (HM 81-05)	
Section, township, range Section 4, T6S, R13W	
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The petition must be signed by owners of a majority of the land affected by the platted right of way proposed to be vacated. Each petitioner must include address and legal description of his/her property. Attach additional signature sheets if needed.

Submitted by:

Land Owner

Name (printed): Jay Farmwald	Signature: <i>Jay Farmwald</i>
e-mail: jafalaska@gmail.com	Address: 6600 Gunnison Dr. Anchorage, AK 99516
Owner of: Lots 2 and 3	

Land Owner:

Name (printed):	Signature:
e-mail:	Address:
Owner of: Lots 2 and 3	

FOR OFFICE USE ONLY

RECEIVED BY _____

DATE SUBMITTED _____

KPB FILE # _____

**CITY OF HOMER
PUBLIC HEARING NOTICE
&
NOTICE OF SUBDIVISION
PLANNING COMMISSION MEETING**

A public hearing on the matters below are scheduled for Wednesday, November 6, 2024 at 6:30 p.m. during the Planning Commission Regular Meeting. Participation is available virtually via Zoom webinar or in-person at Homer City Hall.

A proposal to vacate the Farmwald Circle right-of-way within the Bridge Creek Coop. Subdivision, located in the E 3/4, S 1/2, SW 1/4, SEC. 4 T. 6S, R13W, S.M., ALASKA

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

Proposed subdivision under consideration is described as follows:

Bridge Creek Coop. Subdivision 2024 Replat, Preliminary Plat

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

A public meeting will be held by the Homer Planning Commission on Wednesday, November 6, 2024 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

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**CITY OF HOMER
PUBLIC HEARING NOTICE
&
NOTICE OF SUBDIVISION
PLANNING COMMISSION MEETING**

Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

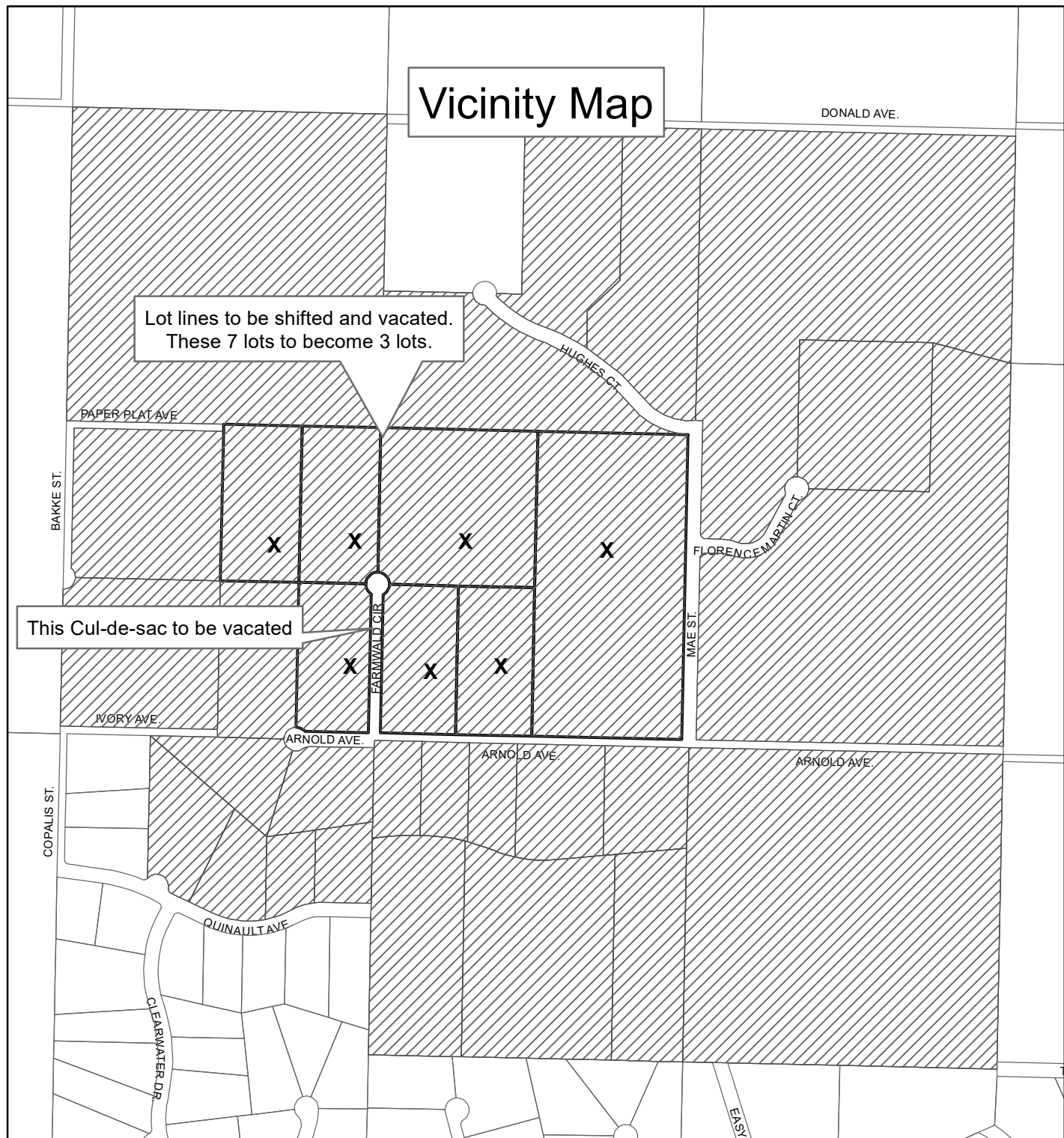
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If you have questions, contact Ryan Foster at the Planning and Zoning Office. Phone: (907) 435-3120, email: planning@ci.homer.ak.us or in-person at Homer City Hall.

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

.....

Vicinity Map



City of Homer
Planning and Zoning Department
10/21/24

Vacation of Farmwald Circle and Bridge Creek COOP Subdivision 2024 Replat Preliminary Plat

Lots within 500 feet are marked
and property owners notified

0 150 300 600 900 1,200 Feet



*Disclaimer:
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Homer, its council, board,
departments, employees and agents are
not responsible for any errors or omissions
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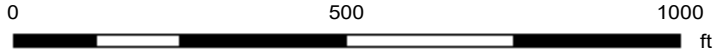
Legend

Transportation

Mileposts

Parcels and PLSS

Tax Parcels

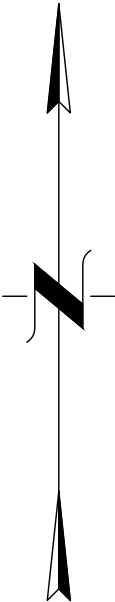


NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correction of the data, or use of the data.

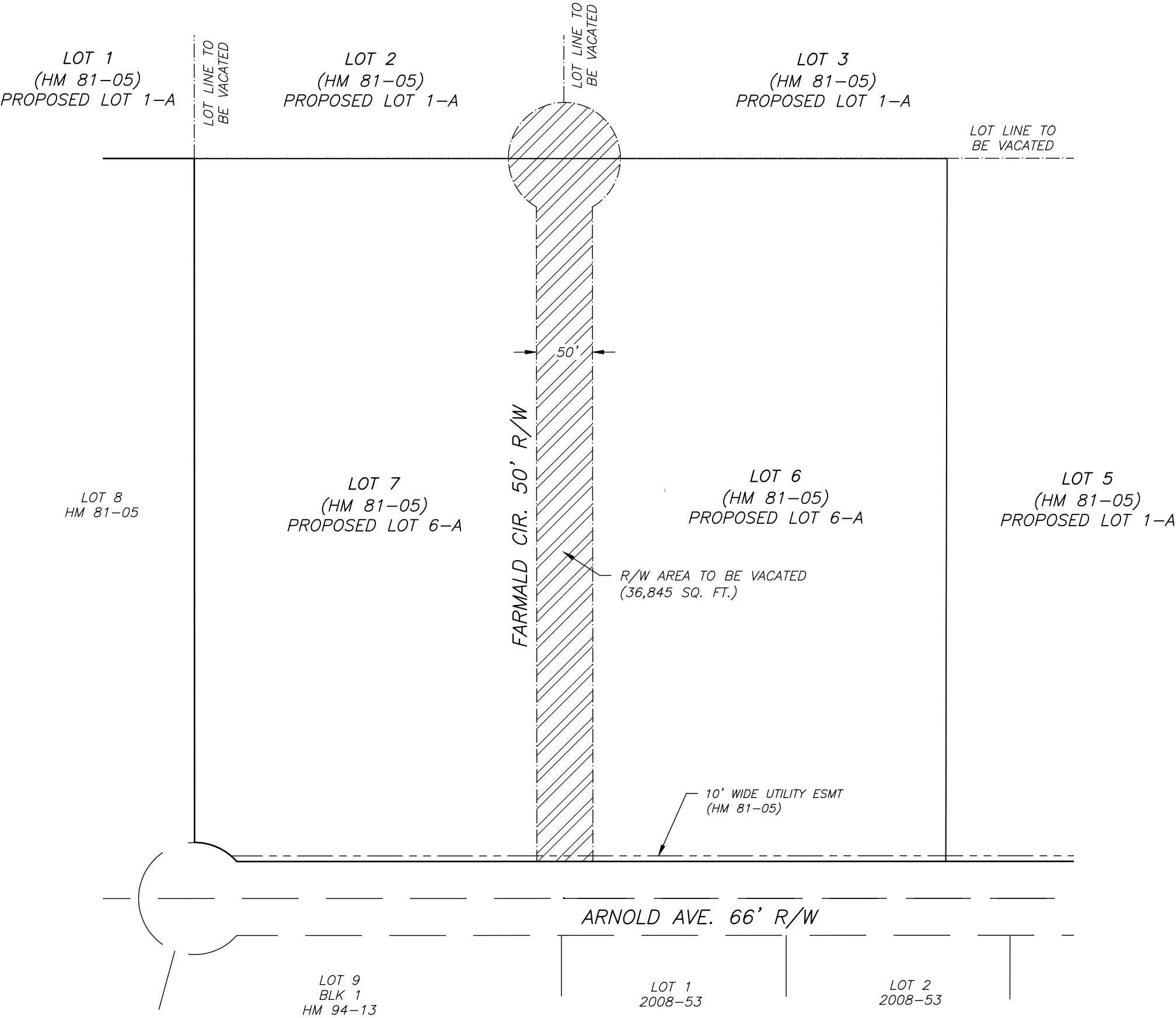
BRIDGE CREEK COOP. SUBDIVISION
2024 REPLAT
RIGHT-OF-WAY VACATION DIAGRAM

A REPLAT OF LOTS 1, 2, 3, 5, 6 & 7, BRIDGE CREEK COOP.
SUBDIVISION (HM 81-05), & LOT 4A BRIDGE CREEK COOP.
SUBDIVISION NO. 2 (HM 88-54), LOCATED IN THE SW1/4
SEC. 4, T. 6 S., R. 13 W., SEWARD MERIDIAN, KENAI
PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.
1044 EAST END ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580



GRAPHIC SCALE





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 24-056

TO: Homer Advisory Planning Commission
FROM: Ryan Foster, AICP, City Planner
DATE: November 6th, 2024
SUBJECT: Bridge Creek Coop. Subd. (BCCS) Replat Preliminary Plat

Requested Action: Approval of a preliminary plat of lots 1, 2, 3, 5, 6 & 7, BCCS (HM 81-05), & lot 4a BCCS No. 2 (HM 88-54) to become 3 lots. Shift lot lines and vacate, including right-of-way vacation for Farmwald Circle.

General Information:

Applicants:	Jay A. & Wilton J. Farmwald 6600 Gunnison Dr. Anchorage, AK 99516	Seabright Survey + Design 1044 East End Road, Suite A Homer, AK 99603
	City of Homer 491 E. Pioneer Ave. Homer, Alaska 99603	
Location:	North of Skyline Drive, outside Homer City limits, and within Bridge Creek Watershed Protection District.	
Parcel ID:	17370010, 17370009, 17370008, 17370007, 17370006, 17370005, 17370004	
Size of Existing Lot(s):	4.92, 4.96, 9.96, 18.63, 4.61, 4.53, 4.37 acres	
Size of Proposed Lots(s):	29.163, 9.658, 14.056 acres	
Zoning Designation:	Bridge Creek Watershed Protection District	
Existing Land Use:	Vacant, accessory buildings	
Surrounding Land Use:	North: Vacant, commercial (Ageya Campus) South: Vacant, residential East: Vacant, accessory bldg. West: Vacant, residential	
Comprehensive Plan:	Chapter 4 Goal 2 Objective C: Provide extra protection for areas with highest environmental value or development constraints.	
Wetland Status:	Property contains riverine and discharge slope wetlands.	
Flood Plain Status:	Not located in a coastal flood plain	

BCWPD:	Within the Bridge Creek Watershed Protection District.
Utilities:	City water and sewer are not available at this time.
Public Notice:	Notice was sent to 21 property owners of 32 parcels as shown on the KPB tax assessor rolls.

Analysis: This subdivision is within the Bridge Creek Watershed Protection District, which is a special approved zoning district which aims to prevent the degradation of water quality and protect the watershed to ensure its sustained suitability as a water supply source for the City's public water utility. The purpose of this plat is to consolidate seven lots into three by shifting and vacating lot lines, including the vacation of the Farmwald Circle right-of-way. The largest lot, Lot 1-A, proposes to vacate four lot lines and shift an eastern lot line to consolidate existing Lots 1, 2, 3, and 5, allowing an existing private driveway to be contained within a single 29.163-acre parcel. Additionally, Lot 1-A includes the vacation of a northern portion of the 50-foot Farmwald Circle cul-de-sac right-of-way. The next largest lot, Lot 4A-1, proposes shifting its western property line eastward, resizing the parcel to 14.056 acres. The smallest lot, Lot 6-A, proposes vacating the remaining majority of the 50-foot-wide Farmwald Circle right-of-way, consolidating existing Lots 6 and 7 into a single 9.658-acre parcel, with the City as the end owner. The remaining two lots, 1-A and 4A-1, will remain in private ownership.

Rights of way: Please refer to the other platting action: right-of-way vacation; Farmwald Circle.

Homer City Code 22.10.051 Easements and rights-of-way

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

Staff Response: The plat is located outside the city limits of Homer; code does not apply.

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

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

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

Staff Response: The plat meets these requirements. As the subdivision is located outside city limits, these provisions are not applicable. No streets are proposed for acceptance by the City for maintenance; therefore, HCC 11.04.120 does not apply.

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

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

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. Not within a tidal area.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. City water and waste water are not available.

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

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

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

Staff Response: The plat meets these requirements. Areas of 20 percent slope are marked.

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

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

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

Staff Response: The plat meets these requirements.

Public Works Comments: Public Works reviewed the plats and responded that they did not have any comments.

Staff Recommendation: The Planning Commission recommends approval of the preliminary plat, with the following comments:

1. The spelling of "Farmald Cir. 50' R/W" on both the preliminary plat and the right-of-way vacation diagram be corrected to "Farmwald Cir. 50' R/W."
2. The addition of a Plat note: All lots are located within the Bridge Creek Water Shed Protection District and are subject to City of Homer Regulations. Check with Homer Planning Prior to any development activities.

Attachments:

1. Preliminary Plat
2. Surveyor's Letter to City of Homer

3. ROW Vacation Diagram
4. Diagram indicating requested plat changes
5. Public Notice
6. Aerial Map

NOTES

1. A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' ADJACENT TO RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED THIS PLAT. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.

2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.

3. 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.

4. LOTS ARE OR WILL BE SERVED BY ONSITE WATER AND SEWER.

5. THERE IS A RIGHT OF WAY EASEMENT GRANTED TO HOMER ELECTRIC ASSOC., INC. THAT AFFECTS THIS SUBDIVISION, RECORDED BK 30, PG 34 HRD.

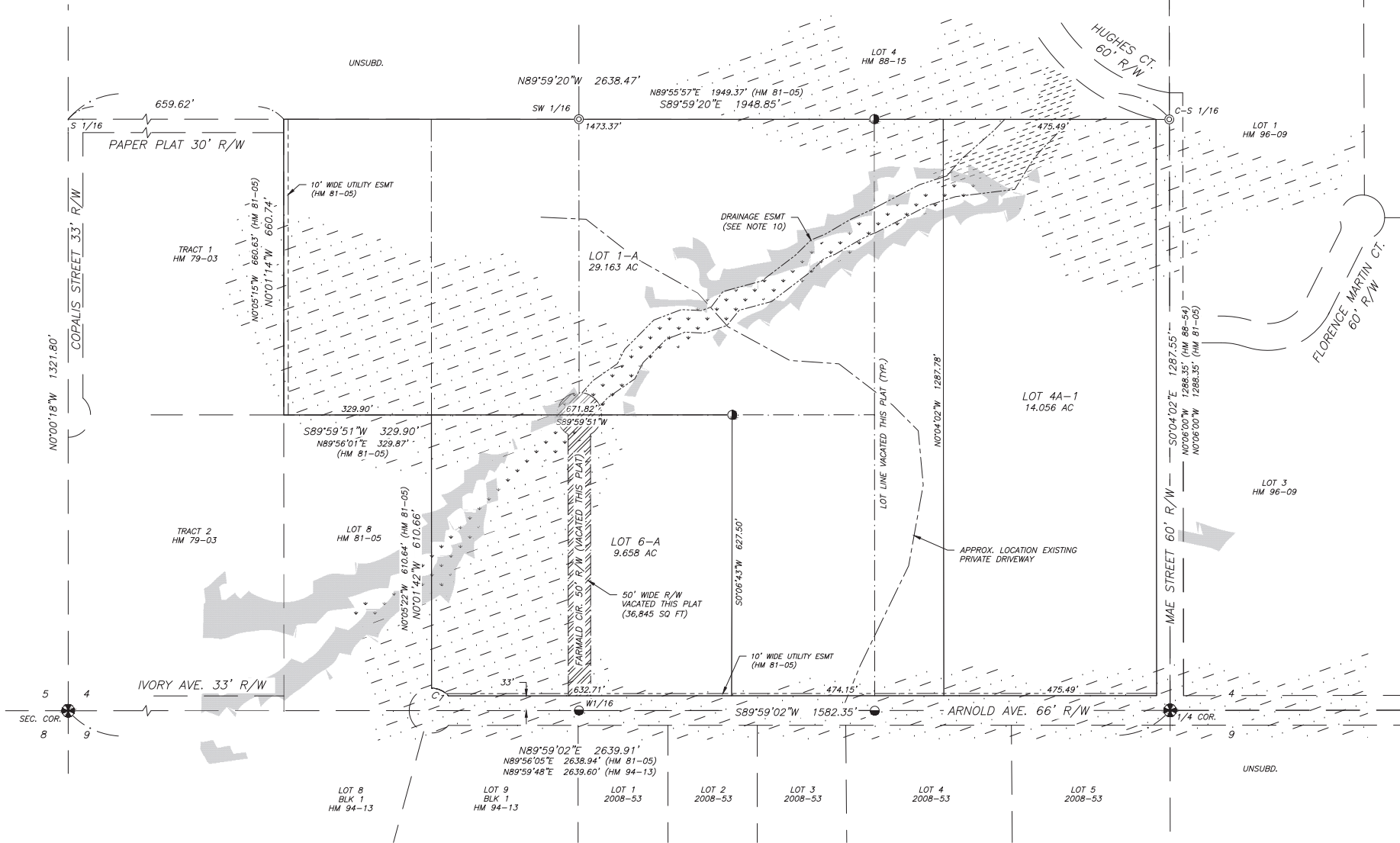
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7. THERE IS AN EASEMENT FOR ROADWAY & APPURTENANCES IN FAVOR OF JAY ALAN FARMWALD THAT AFFECT THIS SUBDIVISION, RECORDED BK 153, PG 834, BK 152, PG 837 & BK 152, PG 840 HRD.

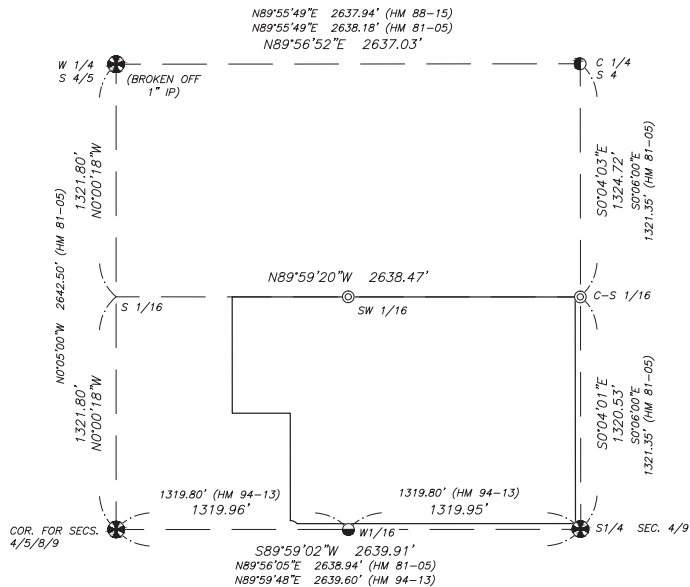
8. THERE IS AN AGREEMENT THAT AFFECTS THIS SUBDIVISION RECORDED BK 187 PG 56 HRD.

9. THERE IS AN AGREEMENT THAT AFFECTS THIS SUBDIVISION RECORDED BK 250, PG 740 HRD.

10. THERE ARE AN EASEMENTS FOR WATER STREAM DRAINAGE & APPURTENANCES IN FAVOR OF CITY OF HOMER THAT AFFECTS THIS SUBDIVISION, RECORDED #2022-003917-0 HRD & #2023-000803-0 HRD.



SW1/4 SECTION 4
SCALE: 1" = 500'



LEGEND

- FND 1.5" AC 4484-S 1980
- FND 3.25" AC 4484-S 1980
- FND 3.25" AC 4184-S 1987
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- FND 2.5" BC 1917
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- APPROX. AREAS OF 20% SLOPE OR GREATER (KPB GIS)
- R/W VACATED THIS PLAT

WASTEWATER DISPOSAL

LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

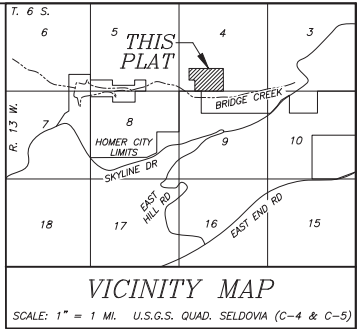
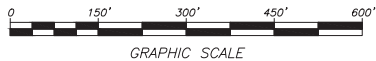
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2024

BY: _____
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE _____

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C1	42.51'	50.00'	48°42'44"	N65°40'20"W	41.24'



CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, 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 HEREON.

JAY A. FARMWALD
6600 GUNNISON DRIVE
ANCHORAGE, AK 99516

FORMER LOTS 1, 2, 3, & 5

WILTON J. FARMWALD
6600 GUNNISON DRIVE
ANCHORAGE, AK 99516

FORMER LOT 4A

MELISSA JACOBSEN, CITY MANAGER
CITY OF HOMER
491 E. PIONEER AVENUE
HOMER, AK 99603

FORMER LOTS 6 & 7

NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2024.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

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HOMER RECORDING DISTRICT KPB FILE NO. 2024-____

BRIDGE CREEK COOP. SUBDIVISION
2024 REPLAT

A REPLAT OF LOTS 1, 2, 3, 5, 6 & 7, BRIDGE CREEK COOP. SUBDIVISION (HM 81-05), & LOT 4A BRIDGE CREEK COOP. SUBDIVISION NO. 2 (HM 88-54), LOCATED IN THE SW1/4 SEC. 4, T. 6 S., R. 13 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

CONTAINING 52.877 ACRES

SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.
1044 EAST END ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580

OWNERS: JAY A. FARMWALD & WILTON J. FARMWALD
6600 GUNNISON DR., ANCHORAGE, AK 99516
CITY OF HOMER
491 E. PIONEER AVENUE, HOMER, AK 99603

DRAWN BY: KK	CHKD BY: KK	JOB #2024-77
DATE: 10/2024	SCALE: 1"=150'	SHEET #1 OF 1

SEABRIGHT SURVEY + DESIGN

Katherine A. Kirsis, P.L.S.

1044 East End Road Suite A

Homer, Alaska 99603

(907) 299-1580

seabrightz@yahoo.com

October 16, 2024

City of Homer
491 East Pioneer Ave
Homer, AK 99603

RE: Preliminary Submittal for "Bridge Creek Coop. Subdivision 2024 Replat"

Dear Planning Department,

We are pleased to submit the above referenced preliminary plat along with a right-of-way vacation application for the vacation of Farmwald Circle. Included in this submittal packet you will find:

- 1 full size plat copy
- 1 11x17 plat copy
- Right-of-way vacation diagram
- Right-of-way vacation petition forms (signed)
- Check for \$600 that includes:
 - o \$300 plat fee
 - o \$300 ROW vacation fee

In addition, we are emailing you digital copies of the 11x17 plat and right-of-way vacation diagram. Please let us know if there are any concerns or clarifications we can address.

Cordially,

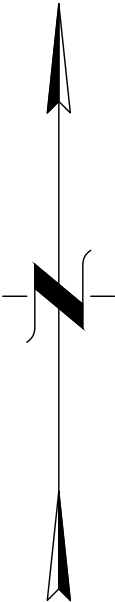
Katherine A. Kirsis

Katherine A. Kirsis, PLS
Seabright Survey + Design

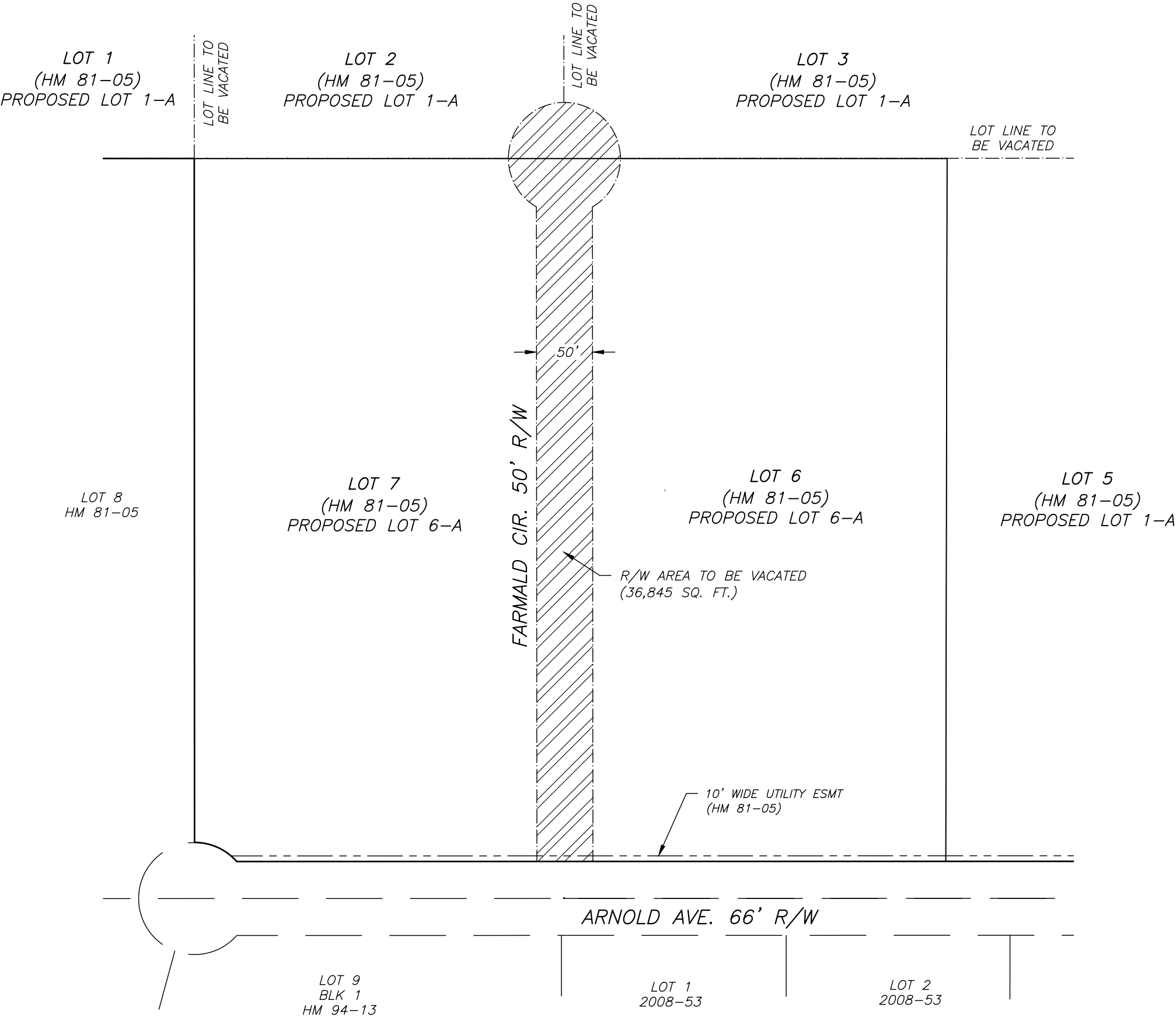
BRIDGE CREEK COOP. SUBDIVISION
2024 REPLAT
RIGHT-OF-WAY VACATION DIAGRAM

A REPLAT OF LOTS 1, 2, 3, 5, 6 & 7, BRIDGE CREEK COOP.
SUBDIVISION (HM 81-05), & LOT 4A BRIDGE CREEK COOP.
SUBDIVISION NO. 2 (HM 88-54), LOCATED IN THE SW1/4
SEC. 4, T. 6 S., R. 13 W., SEWARD MERIDIAN, KENAI
PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

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GRAPHIC SCALE



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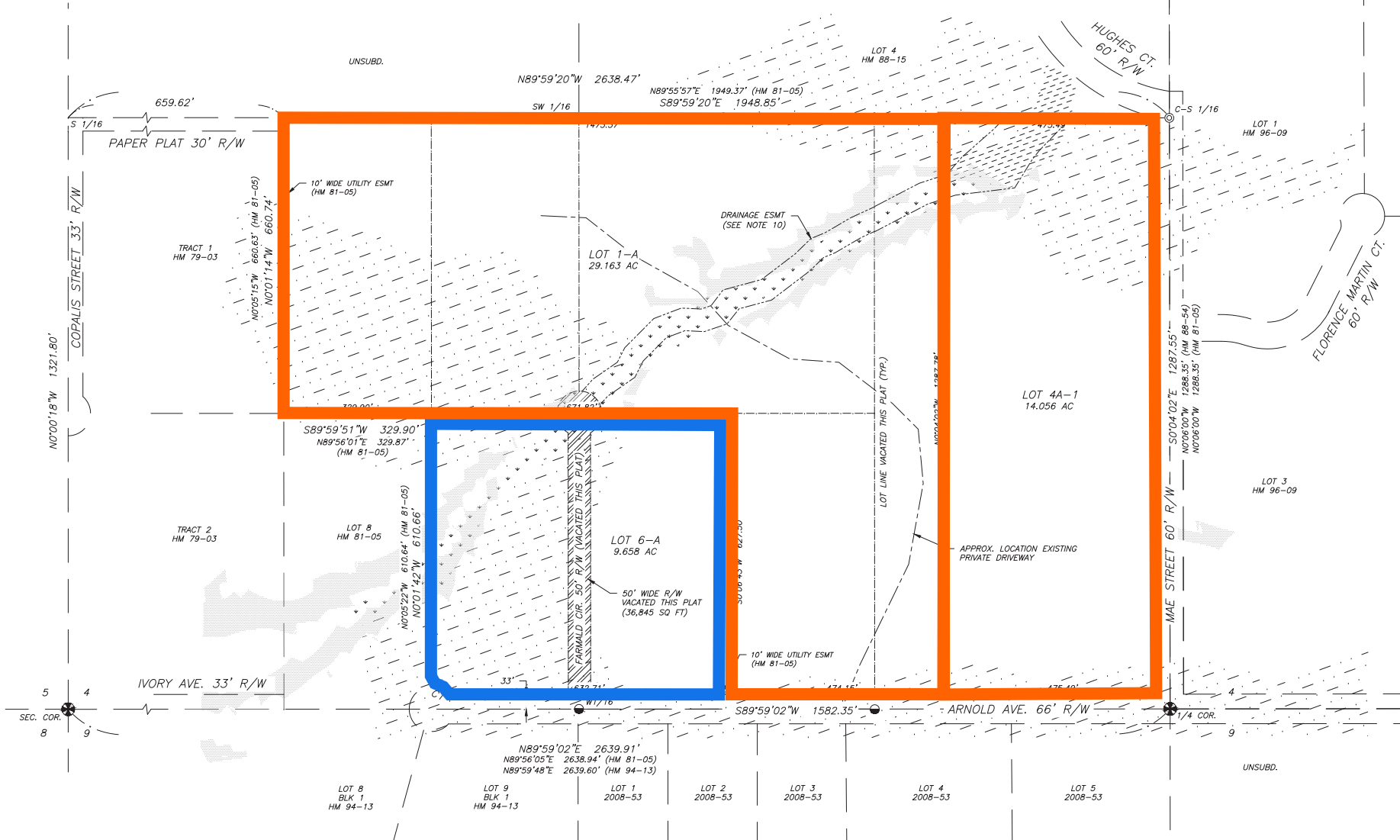
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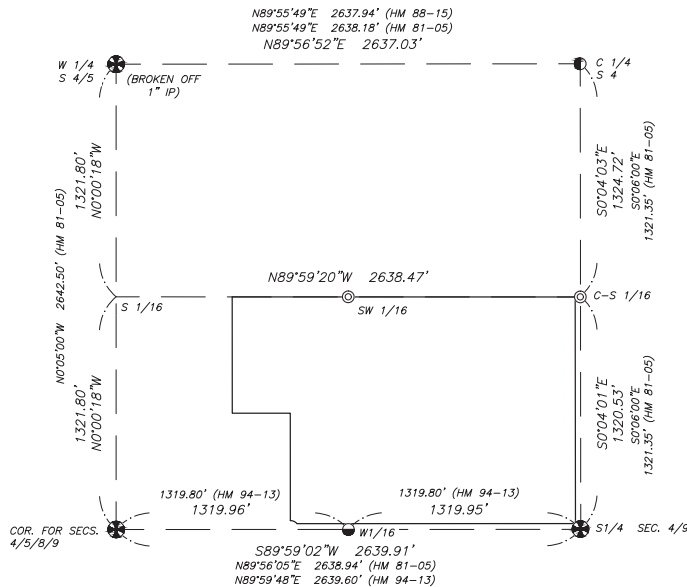
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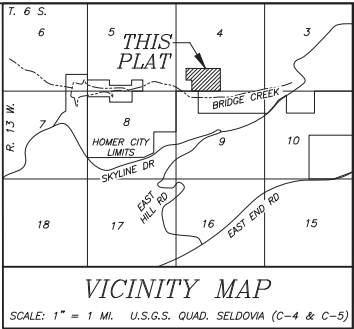
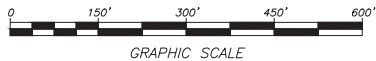
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DRAWN BY: KK	CHKD BY: KK	JOB #2024-77
DATE: 10/2024	SCALE: 1"=150'	SHEET #1 OF 1

CITY OF HOMER
PUBLIC HEARING NOTICE
&
NOTICE OF SUBDIVISION
PLANNING COMMISSION MEETING

A public hearing on the matters below are scheduled for Wednesday, November 6, 2024 at 6:30 p.m. during the Planning Commission Regular Meeting. Participation is available virtually via Zoom webinar or in-person at Homer City Hall.

A proposal to vacate the Farmwald Circle right-of-way within the Bridge Creek Coop. Subdivision, located in the E 3/4, S 1/2, SW 1/4, SEC. 4 T. 6S, R13W, S.M., ALASKA

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

Proposed subdivision under consideration is described as follows:

Bridge Creek Coop. Subdivision 2024 Replat, Preliminary Plat

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

A public meeting will be held by the Homer Planning Commission on Wednesday, November 6, 2024 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5pm on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for November 1, 2024 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the

**CITY OF HOMER
PUBLIC HEARING NOTICE
&
NOTICE OF SUBDIVISION
PLANNING COMMISSION MEETING**

Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

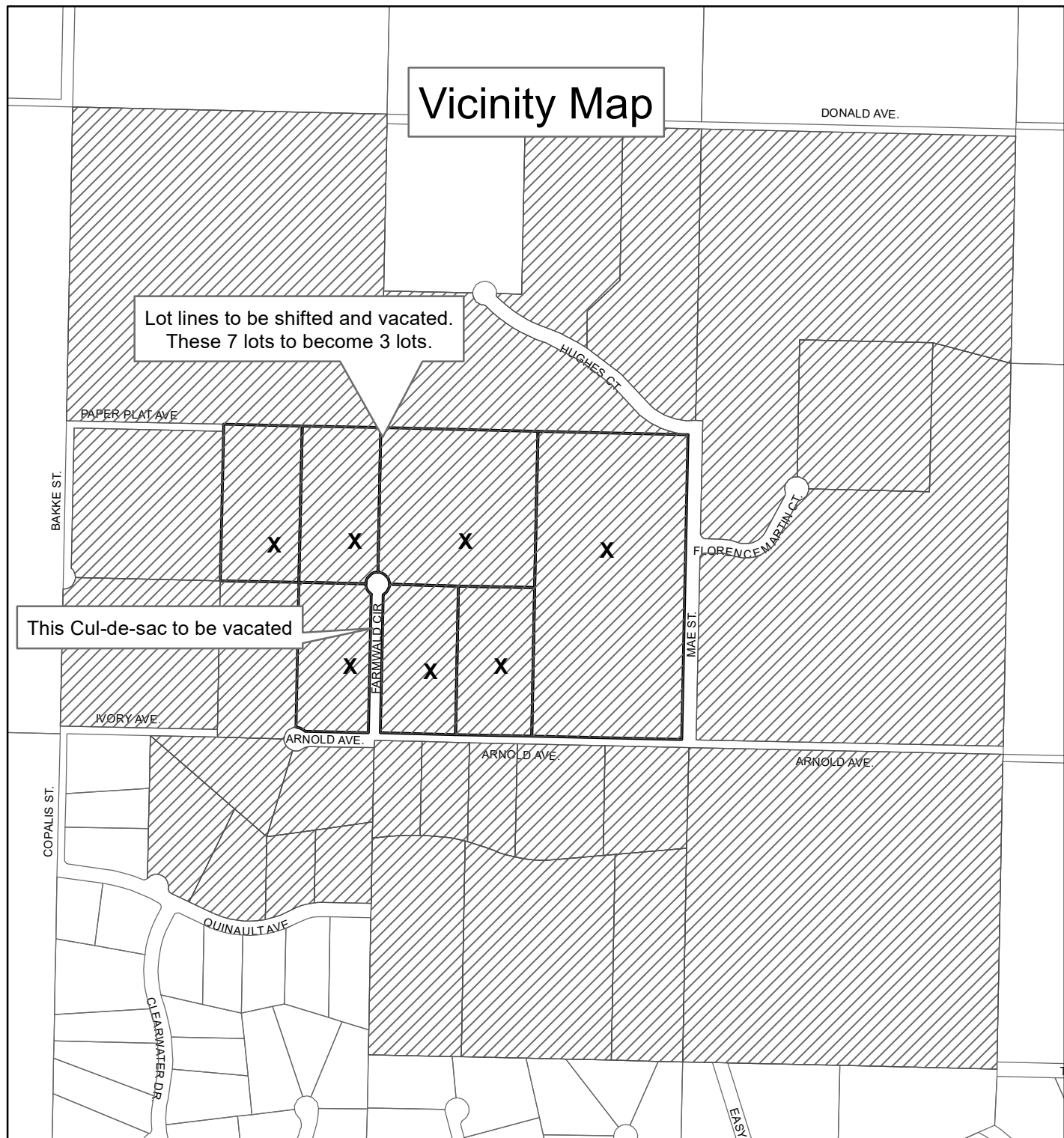
Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4pm on the day of the meeting.

If you have questions, contact Ryan Foster at the Planning and Zoning Office. Phone: (907) 435-3120, email: planning@ci.homer.ak.us or in-person at Homer City Hall.

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

.....

Vicinity Map



City of Homer
Planning and Zoning Department
10/21/24

Vacation of Farmwald Circle and Bridge Creek COOP Subdivision 2024 Replat Preliminary Plat

Lots within 500 feet are marked
and property owners notified

0 150 300 600 900 1,200 Feet



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



Legend

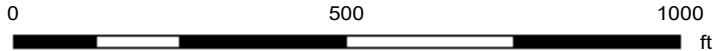
Transportation

Mileposts



Parcels and PLSS

Tax Parcels



NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correction of the data, or use of the data.



MEMORANDUM

Conditional Use Permit CUP 23-08 for a revised submission of a Planned Unit Development at 1563 Homer Spit Road, 1663 Homer Spit Road and 1491 Bay Avenue

Item Type: Action Memorandum
Prepared For: Homer Planning Commission
Date: October 31, 2024
From: Zach Pettit, Deputy City Clerk I

In accordance with Homer City Code 21.71.050 (b) *The Commission shall, within 45 days of the close of the public hearing, approve, approve with conditions or disapprove the application. The Commission shall promptly issue written findings and reasons supporting its decision.*

Pursuant to Planning Commission's Policies and Procedures Manual – "When making a quasi-judicial decision, the Commission may choose to deliberate at an open meeting, or may choose to meet at a time, date and location set by the Commission. Such a meeting for deliberations only is not subject to the Open Meetings Act and is not required to be open to the public."

This meeting is to commence in public and a request to recess for deliberation on Conditional Use Permit (CUP) 2023-08 for a revised submission of a Planned Unit Development at 1563 Homer Spit Road, 1663 Homer Spit Road and 1491 Bay Avenue is required.

RECOMMENDATION:

Move to recess for the purpose of deliberation on Conditional Use Permit (CUP) 23-08 for a revised submission of a Planned Unit Development at 1563 Homer Spit Road, 1663 Homer Spit Road, and 1491 Bay Avenue.



MEMORANDUM

Conditional Use Permit CUP 23-08 for a revised submission of a Planned Unit Development at 1563 Homer Spit Road, 1663 Homer Spit Road and 1491 Bay Avenue

Item Type: Information Memorandum
Prepared For: Homer Planning Commission
Date: October 31, 2024
From: Zach Pettit, Deputy City Clerk I

The Clerk's Office respectfully requests that that Planning Commissioners refer to the last published packet from the October 16th meeting for documents related to Conditional Use Permit (CUP) 23-08.

In our efforts to minimize paper use and maintain efficient administrative processes, the Clerk's Office is aiming to reduce unnecessary re-printing of materials already provided in previous packets. The documents relevant to CUP 23-08 were included in their entirety in the prior packet.

RECOMMENDATION:

For information only



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 24-040

TO: Homer Planning Commission
FROM: Ryan Foster, City Planner
DATE: November 6, 2024
SUBJECT: Request for initiation of a zoning code amendment

Attached is an email from Breezy Berryman requesting the Planning Commission to initiate a zoning code amendment to reconsider the zones allowed for a dance studio to districts such as Residential Office, General Commercial 1 and 2 and possibly even Urban Residential, citing the difficulty in finding properties in the zoning districts that currently allow dance studios (Town Center, Central Business District, Gateway Business District, East End Mixed Use), noting there is no opportunity to even put in for conditional use permit in other districts.

Per HCC 21.95.010 Initiating code amendment

An amendment to this title may be initiated by any of the following:

- a. A member of the City Council;
- b. A member of the Planning Commission;
- c. The City Manager;
- d. The City Planner; or
- e. A petition bearing the signatures, and the printed names and addresses, of not less than 50 qualified City voters. [Ord. [10-58](#), 2011].

Breezy Berryman's request is for a Planning Commissioner to initiate the code amendment process to consider additional zoning districts that would allow for a Dance Studio. If initiated, Planning staff will execute the process for researching and drafting a code amendment and hold a public hearing for the Planning Commission recommendations and a public hearing with City Council for their final decision on a code amendment.

Recommended Action:

Staff recommends a Planning Commissioner initiate the requested code amendment process.

Attachment

Email from Breezy Berryman date October 14, 2024

From: [Breezy Berryman](#)
To: [Ryan Foster](#)
Subject: Fwd: letter to city planner
Date: Monday, October 14, 2024 2:30:52 PM

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

To the City of Homer Planning Commission,
My name is Breezy Berryman and I grew up dancing in Homer with my mom Jill Berryman who started the Homer Nutcracker Ballet in 1989. I then pursued dance in college and graduated from Tisch School of the Arts-New York University with my BFA in Dance. I danced choreographed and dance professionally in the city for 10 years and then pursued my MFA in dance at the University of Utah and joined a modern dance co. Ririe-Woodbury. I decided to move back home and share my knowledge and expertise in dance with our community. Since moving back i have co directed the Homer Nutcracker for 12 years as well as the Swan Lake Ballet and Alice and Wonderland. I have also been the recipient of two Rasmuson Foundation grants.

My dream and goal is to collaborate with trained dancer Alison Arima and start a rigorous dance training program, The Motivity Dance School and Company. We hope to build or purchase a home base so the school can grow. It would also be nice to have more than one choice to choose for dance instruction.

I have come up against some challenges when searching for properties to purchase or build a studio on. The main being that there are limited zoning districts that are allowed to have a dance studio on them. Those locations are limited to town center (hardly anything for sale), east end mixed use (pretty far out for parents to drop their kids after school), the gateway district (which is very small and there is hardly anything for sale or it is very expensive) and central business district.

I am requesting the planning commission to initiate a zoning code amendment to reconsider the zones allowed for a dance studio to districts such as Residential Office, General Commercial 1 and 2 and possibly even Urban Residential as there is one or two potential properties that are right near town that I am interested in near Paul Banks Elementary. I really hope that this is a consideration, since there is no opportunity to even put in for conditional use permit, and I have found very few properties that would be zoned for a dance studio.

Thank you for your consideration as we are really hoping to create a wonderful and solid foundation in dance for our community.

Breezy Berryman and Alison Arima



MEMORANDUM

Resolution 24-xxx, A Resolution of City Council of Homer, Alaska Establishing the 2025 Regular Meeting Schedule for City Council, Economic Development Advisory Commission, Library Advisory Board, Parks Art Recreation & Culture Advisory Commission, Planning Commission, Port & Harbor Advisory Commission and ADA Advisory Board. City Clerk.

Item Type: Action Item
Prepared For: Planning Commission
Date: October 31, 2024
From: Zach Pettit, Deputy City Clerk I

Please review the draft resolution that establishes your meetings for 2025 and make any changes by way of motion.

Requests for meeting schedule changes will then go to City Council, who will be setting the 2025 meeting schedule for Council and Advisory Bodies via resolution no later than their November 25, 2024 meeting.

Recommendation

Review the attached draft resolution; make a motion to approve the resolution either as-is or with amendments and recommend adoption by City Council.

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 24-1xx

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, ESTABLISHING THE 2025 REGULAR MEETING SCHEDULE FOR CITY COUNCIL, ECONOMIC DEVELOPMENT ADVISORY COMMISSION, LIBRARY ADVISORY BOARD, PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION, PLANNING COMMISSION, PORT AND HARBOR ADVISORY COMMISSION, AND AMERICANS WITH DISABILITIES ACT (ADA) ADVISORY BOARD.

WHEREAS, Pursuant to Homer City Code (HCC) Section 1.14.020, the City Council annually sets the schedule for regular and some special meetings, noting the dates, times and places of the City Council, Planning Commission, Advisory Commissions and Boards; and

WHEREAS, The public is informed of such meetings through notices located at the City Clerk's Office, Clerk's Calendar on KBBI, the City Clerk's Website, and postings at the Public Library; and

WHEREAS, HCC 1.14.020 - 040 states that meetings may be advertised in a local paper of general circulation at least three days before the date of the meeting and that special meetings should be advertised in the same manner or may be broadcast by local radio at least twice a day for three consecutive days or two consecutive days before the day of the meeting plus the day of the meeting; and

WHEREAS, HCC 1.14.010 notes that the notice of meetings applies to the City Council and all commissions, boards, committees, subcommittees, task forces and any sub-unit of the foregoing public bodies of the City, whether meeting in a formal or informal meeting; that the failure to give the notice provided for under this chapter does not invalidate or otherwise affect any action or decision of a public body of the City; however, this sentence does not change the consequences of failing to give the minimum notice required under State Statute; that notice will ordinarily be given by the City Clerk; and that the presiding officer or the person or persons calling a meeting are responsible for notifying the City Clerk of meetings in sufficient time for the Clerk to publish notice in a newspaper of general circulation in the City; and

WHEREAS, This Resolution does not preclude additional meetings such as emergency meetings, special meetings, worksessions, and the like; and

WHEREAS, Council adopted Resolution 06-144 on October 9, 2006 establishing the Regular Meeting site for all bodies to be the City Hall Cowles Council Chambers.

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council, that the 2025 meeting schedule is established for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks Art Recreation and Culture Advisory Commission, Planning Commission, Port and Harbor Advisory Commission, and the American with Disabilities Act (ADA) Advisory Board of the City of Homer, Alaska, as follows:

HOLIDAYS – City Offices closed:

January 1, New Year's Day, Wednesday	February 17, Presidents' Day, third Monday	March 31, Seward's Day, last Monday	May 26, Memorial Day, last Monday	July 4, Independence Day, Friday	September 1, Labor Day, first Monday
October 17*, Alaska Day Friday	November 11, Veterans Day, Tuesday	November 27 Thanksgiving Day, Fourth Thursday	November 28, Friday, the day after Thanksgiving	December 25, Christmas, Thursday	

*If a holiday is on a Sunday, the following Monday is observed as the legal holiday; if on a Saturday, the preceding Friday is observed as the legal holiday pursuant to the City of Homer Personnel Rules and Regulations.

CITY COUNCIL (CC)

January 13, 27	February 10, 24	March 10, 24	April 14, 28	May 12, 27*	June 9, 23
July 28**	August 11, 25	September 8, 22	October 7 Election	October 13, 27 Oath of Office October 13	Canvass Board October 10
November 4 Runoff Election	November 10, 24	December ***If needed			

*Second meeting in May will be held on a Tuesday due to Memorial Day

**There will be no First Regular Meeting in July.

*** The City Council will not schedule a regular meeting in December to allow for attendance at AML Annual Conference and may hold Special Meetings as needed.

City Council's Regular Committee of the Whole Meetings at 5:00 p.m. to no later than 5:50 p.m. prior to every Regular Meeting which are held the second and fourth Monday of each month at 6:00 p.m. Council will not conduct a First Regular Meeting in July or a meeting in December.

ECONOMIC DEVELOPMENT ADVISORY COMMISSION (EDC)

January 14	February 11	March 11	April 8	May 13	June 10
July 8	August 12	September 9	October 14	November 12*	December 10

*Wednesday meeting day due to Veteran's Day Holiday

Economic Development Advisory Commission Regular Meetings are held on the second Tuesday of each month at 6:00 p.m.

LIBRARY ADVISORY BOARD (LAB)

January 21	February 18	March 18	April 15	May 20	
	August 19	September 16	October 21	November 18	December 17

Library Advisory Board Regular Meetings are held on the third Tuesday of January through May and August through December at 5:30 p.m.

PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION (PARC)

	February 20	March 20	April 17	May 15	June 19
	August 21	September 18	October 16	November 20	

Parks, Art, Recreation and Culture Advisory Commission Regular Meetings are held on the third Thursday February through June and August through November at 5:30 p.m.

PLANNING COMMISSION (PC)

January 2**, 15	February 5, 19	March 5, 19	April 2, 16	May 7, 21	June 4, 18
July 16*	August 6, 20	September 3, 17	October 1, 15	November 5*	December 3*

*There will be no First Regular Meeting in July or Second Regular Meetings in November and December.

**Meeting is on Thursday, due to the holiday.

Planning Commission Regular Meetings are held on the first and third Wednesday of each month at 6:30 p.m.

PORT AND HARBOR ADVISORY COMMISSION (PHC)

January 22	February 26	March 26	April 23	May 28	June 25
July 23	August 27	September 24	October 22	November 12*	December 10*

Port and Harbor Advisory Commission Regular Meetings are held on the fourth Wednesday of month January through October and the second Wednesday of November and December at 5:30 p.m.

AMERICANS WITH DISABILITIES ACT (ADA) ADVISORY BOARD (ADAAB)

	February 13		April 10	May 8	June 12
July 10	August 14		October 9	November 13	

The Americans with Disabilities Act (ADA) Advisory Board Regular Meetings are held on the second Thursday at 4:00 p.m. in the months of February, April through August, October and November, with additional meetings called as needed.

PASSED AND ADOPTED by the Homer City Council this _____ day of November, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

Fiscal Impact: Advertising of meetings in regular weekly meeting ad and advertising of any additional meetings.

**PLANNING COMMISSION
2024 Calendar**

	AGENDA ITEM DEADLINES	MEETING DATE	COMMISSIONER SCHEDULED TO REPORT	CITY COUNCIL MEETING FOR REPORT*	ANNUAL TOPICS FOR AGENDA AND EVENTS PLANNED
JANUARY	12/13/23 Public Hearing Items 12/15/23 Preliminary Plat Submittals 12/22/23 Regular Agenda Items	01/03/24		Monday, 01/08/24 6:00 p.m.	•
	12/27/23 Public Hearing Items 12/29/23 Prelim Plat Items 01/05/24 Regular Agenda Items	01/17/24		Monday 01/22/24 6:00 p.m.	•
FEBRUARY	01/17/24 Public Hearing Items 01/19/24 Prelim Plat Items 01/26/24 Regular Agenda Items	02/07/24		Monday 02/12/24 6:00 p.m.	• NFIP Staff Training • This meeting was canceled.
	01/31/24 Public Hearing Items 02/02/24 Prelim Plat items 02/09/24 Regular Agenda Items	02/21/24		Monday 02/26/24 6:00 p.m.	• Short Term Rental Ordinance
MARCH	02/14/24 Public Hearing Items 02/16/24 Prelim Plat Items 02/23/24 Regular Agenda Items	03/06/24		Monday 03/11/24 6:00 p.m.	• Transportation Plan
	02/28/24 Public Hearing Items 03/01/24 Prelim Plat Items 03/08/24 Regular Agenda Items	03/20/24		Tuesday 03/26/24 6:00 p.m.	
APRIL	03/13/24 Public Hearing Items 03/15/24 Prelim Plat Items 03/22/24 Regular Agenda Items	04/03/24		Monday 04/08/24 6:00 p.m.	Draft Transportation Plan Review
	03/27/24 Public Hearing Items 03/29/24 Prelim Plat Items 04/05/24 Regular Agenda Items	04/17/24		Monday 04/22/24 6:00 p.m.	• APA National Planning Conference
MAY	04/10/24 Public Hearing Items 04/12/24 Prelim Plat Items 04/19/24 Regular Agenda Items	05/01/24		Monday 05/13/24 6:00 p.m.	• Public Hearing on Draft Transportation Plan
	04/24/24 Public Hearing Items 04/26/24 Prelim Plat Items 05/03/24 Regular Agenda Items	05/15/24		Tuesday 05/28/24 6:00 p.m.	•
JUNE	05/15/24 Public Hearing Items 05/17/24 Prelim Plat Items 05/24/24 Regular Agenda Items	06/05/24		Monday 06/10/24 6:00 p.m.	• Reappointment Applications will be sent out by the Clerk
	05/29/24 Public Hearing Items 05/31/24 Prelim Plat Items 06/07/24 Regular Agenda Items	06/19/24		Monday 06/24/24 6:00 p.m.	

JULY	06/26/24 Public Hearing Items 06/28/24 Prelim Plat Items 07/05/24 Regular Agenda Items	07/17/24		Monday 07/22/24 6:00 p.m.	
AUGUST	07/17/24 Public Hearing Items 07/19/24 Prelim Plat Items 07/26/24 Regular Agenda Items	08/07/24		Monday 08/12/24 6:00 p.m.	<ul style="list-style-type: none"> • Election of Officers • Worksession: Training with City Clerk • Capital Improvement Plan Presentation by Jenny Carroll
	07/31/24 Public Hearing Items 08/02/24 Prelim Plat Items 08/09/24 Regular Agenda Items	08/21/24		Monday 08/26/24 6:00 p.m.	
SEPTEMBER	08/14/24 Public Hearing Items 08/16/24 Prelim Plat Items 08/23/24 Regular Agenda Items	09/04/24		Monday 09/09/24 6:00 p.m.	
	08/28/24 Public Hearing Items 08/30/24 Prelim Plat Items 09/06/24 Regular Agenda Items	09/18/24		Monday 09/23/24 6:00 p.m.	
OCTOBER	09/11/24 Public Hearing Items 09/13/24 Prelim Plat Items 09/20/24 Regular Agenda Items	10/02/24		Monday 10/14/24 6:00 p.m.	5:00 p.m. Joint WS with City Council Agenda Items are determined by Council and are usually topics requested by the Commission during the previous year.
	09/25/24 Public Hearing Items 09/27/24 Prelim Plat Items 10/04/24 Regular Agenda Items	10/16/24		Monday 10/28/24 6:00 p.m.	<ul style="list-style-type: none"> • Annual Meeting Schedule for 2025
NOVEMBER	10/16/24 Public Hearing Items 10/18/24 Prelim Plat Items 10/25/24 Regular Agenda Items	11/06/24		Tuesday 11/12/24 6:00 p.m.	
	11/13/24 Public Hearing Items 11/15/24 Prelim Plat Items 11/20/24 Regular Agenda Items	12/04/24		Monday 11/25/24 6:00 p.m.	
DECEMBER					Council amended their meeting schedule to hold two meetings in November. There are no Council meetings in December.

*The Commission's opportunity to give their report to City Council is scheduled for the Council's regular meeting following the Commission's regular meeting, under Agenda Item 8 – Announcements/ Presentations/ Borough Report/Commission Reports. Reports are the Commission's opportunity to give Council a brief update on their work. Attend via Zoom or in Person. A written report can be submitted if no member is able to attend.

2024 Meeting Dates & Submittal Deadlines

Homer Planning Commission

Meeting dates are bolded and submittal deadlines are underneath

January 3, 2024

December 13 for Public Hearing Items
December 15 for Preliminary Plat Submittal
December 22 for Regular Agenda Items

January 17, 2024

December 27 for Public Hearing Items
December 29 for Preliminary Plat Submittal
January 5 for Regular Agenda Items

January 31, 2024

January 10 for Public Hearing Items
January 12 for Preliminary Plat Submittal
January 19 for Regular Agenda Items

February 7, 2024

January 17 for Public Hearing Items
January 19 for Preliminary Plat Submittal
January 26 for Regular Agenda Items

February 21, 2024

January 31 for Public Hearing Items
February 2 for Preliminary Plat Submittal
February 9 for Regular Agenda Items

March 6, 2024

February 14 for Public Hearing Items
February 16 for Preliminary Plat Submittal
February 23 for Regular Agenda Items

March 20, 2024

February 28 for Public Hearing Items
March 1 for Preliminary Plat Submittal
March 8 for Regular Agenda Items

April 3, 2024

March 13 for Public Hearing Items
March 15 for Preliminary Plat Submittal
March 22 for Regular Agenda Items

April 17, 2024

April 12 for Public Hearing Items
April 14 for Preliminary Plat Submittal
April 21 for Regular Agenda Items

May 1, 2024

April 10 for Public Hearing Items
April 12 for Preliminary Plat Submittal
May 19 for Regular Agenda Items

May 15, 2024

April 24 for Public Hearing Items
April 26 for Preliminary Plat Submittal
May 3 for Regular Agenda Items

June 5, 2024

May 15 for Public Hearing Items
May 17 for Preliminary Plat Submittal
May 24 for Regular Agenda Items

2024 Meeting Dates & Submittal Deadlines

Homer Planning Commission

Meeting dates are bolded and submittal deadlines are underneath

June 19, 2024

May 29 for Public Hearing Items

May 31 for Preliminary Plat Submittal

June 7 for Regular Agenda Items

July 17, 2024

June 26 for Public Hearing Items

June 28 for Preliminary Plat Submittal

July 5 for Regular Agenda Items

August 7, 2024

July 17 for Public Hearing Items

July 19 for Preliminary Plat Submittal

July 26 for Regular Agenda Items

August 21, 2024

July 31 for Public Hearing Items

August 2 for Preliminary Plat Submittal

August 9 for Regular Agenda Items

September 4, 2024

August 14 for Public Hearing Items

August 16 for Prelim. Plat Submittal

August 23 for Regular Agenda Items

September 18, 2024

August 28 for Public Hearing Items

August 30 for Preliminary Plat Submittal

September 6 for Regular Agenda Items

October 2, 2024

September 11 for Public Hearing Items

September 13 for Preliminary Plat Submittal

September 20 for Regular Agenda Items

October 16, 2024

September 25 for Public Hearing Items

September 27 for Preliminary Plat Submittal

October 4 for Regular Agenda Items

November 6, 2024

October 16 for Public Hearing Items

October 17 for Preliminary Plat Submittal

October 25 for Regular Agenda Item

December 4, 2024

November 13 for Public Hearing Items

November 15 for Preliminary Plat Submittal

November 20 for Regular Agenda Item