



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

City of Homer Agenda

**Advisory Planning Commission Regular
Wednesday, August 07, 2019 at 6:30 PM
City Hall Cowles Council Chambers**

Call to Order, 6:30 P.M.

Agenda Approval

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

Reconsideration

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

- [a.](#) Approval of Minutes of July 17, 2019 **p. 3**

Presentations / Visitors

Reports

- [a.](#) Staff Report 19-65, City Planner's Report **p. 13**

Plat Consideration

- [a.](#) Staff Report 19-67, A.A. Mattox Subdivision Yakunin Addition Preliminary Plat **p. 15**

Public Hearings

- [a.](#) Staff Report 19-66, Ordinance 19-32(S) to change the name of the "Advisory Planning Commission" to the "Planning Commission" throughout Homer City Code **p. 29**

Pending Business

- [a.](#) Staff Report 19-68, Building Height **p. 69**
- [b.](#) Staff Report 19-69, An Ordinance Amending GC1 and GC2 Zoning Code Regarding Manufacturing **p. 73**

- c. Staff Report 19-70, Ordinance 19-19(S) Amending City Water Rules to Allow Water Service Outside of City Limits **p. 77**

New Business

- a. Staff Report 19-71, Draft Ordinance 19-xx Amending HCC 21.30 Marine Industrial District to change “Boat sales, rentals, service, repair and storage, and boat manufacturing” from a conditional use to a permitted use. **p. 79**

Informational Materials

- a. City Manager's Report dated July 22, 2019 **p. 81**
- b. Kenai Peninsula Borough Notice of Decision for Northern Enterprises No. 3 Preliminary Plat **p. 101**

Comments of the Audience Members of the audience may address the Commission on any subject. (3 min limit)

Comments of Staff

Comments of the Commission

Adjournment

The next regular meeting is scheduled for **WEDNESDAY, AUGUST 21, 2019**. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission

Session 19-13, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:2 p.m. on June 19, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, VENUTI, HIGHLAND, PETSKA-RUBACLAVA, BENTZ

ABSENT: COMMISSIONER SMITH (EXCUSED)

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK KRAUSE

The Commission met at 5:30 for a worksession on beekeeping in Homer with a presentation from local beekeepers and suppliers.

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BOS MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

Heath Smith, Councilmember and city resident commented on Ordinance 19-19(S) and the Memorandum 19-072. He remarked on the bullet points contained in the memorandum; explained that the water and sewer pays for itself and is self-sustaining and not paid for by property taxes or sales taxes; portions of the ordinance were unreasonable, not explained thoroughly or should not even be considered. He noted that there was extensive history and recommended that the commission should not get bogged down in the past. Mr. Smith also noted that the existing services from companies that provide bulk water services to residents outside city limits and that the system has supplied those quantities with no efforts.

Mr. Bill Smith, Kachemak City resident, commented on the location of the water main in relation to his property, his water is delivered monthly and is metered. He is charged for the gallons that go into the city sewer system through Kachemak City. He does not see the difference between piped and delivered water. He also commented on Line 84 in the ordinance which he believes would be a non-starter. The area just outside city limits where the affordable

housing is proposed there are approximately 100 properties and he did not believe that it would allow or promote unlimited expansion.

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

- a. Approval of minutes of June 19, 2019

Chair Venuti requested a motion to approve the Consent Agenda.

BOS/BENTZ– SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS

REPORTS

- a. Staff Report 19-60, City Planner’s Report

Chair Venuti invited the City Planner Abboud to provide Staff Report 19-60.

City Planner Abboud reviewed Staff Report 19-60 for the Commission highlighting the following:

- Removal of the word “advisory” from the Advisory Planning Commission as it lends itself that the Commission does not have certain powers and is only advisory. It is advisory to the Borough.
- Status of state road projects and his attendance at a recent Open House on the Homer area road projects.
- Oral arguments on the remand of Appeal for CUP 14-05

Commissioner Highland August 12th

Commissioner Bos – August 26th

Commissioner Rubalcava – September 9th

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

- a. Staff Report 19-62, Building Height

Chair Venuti introduced the item by reading of the title and requested City Planner Abboud to present his report to the commission.

City Planner Abboud reported that they submitted the draft ordinance to the City Attorney but did not hear back from her on the status of the draft ordinance. He then reviewed the Fire Marshal response to the questions posed such as the fire sprinkler requirements, distance from lot lines,

Commissioner Bos commented that the Fire Marshal response is more along the lines of guidelines more than regulations. He also questioned that the Fire Marshall will also be looking at ventilation and commented on the difference between working on metal boats and fiberglass boats.

City Planner Abboud commented on requiring sprinklered systems and deal with that in city code. He then also commented on the larger buildings being presented in a manner that does not require sprinklers and provided an example with the proposed medical clinic not being required to have a sprinkler system and as such if they do not have a system cannot be a surgery center.

There were no further recommendations from the Commission.

Staff will wait to receive the draft ordinance from the City Attorney and present to the Commission for review and then they will hold a Public Hearing.

NEW BUSINESS

- a. Staff Report 19-61, Ordinance 19-19(S) to allow piped water outside of City limits

Chair Venuti introduced the item by reading of the title and requested input from City Planner Abboud.

City Planner Abboud noted the Commission heard from Councilmember Smith, referenced the information contained in the packet and stated that the city needs to develop a policy. He requested input from the Commission to formulate a response.

Chair Venuti stated that the company that wanted to build low income housing which is what brought this issue about has been rescinded so questioned the necessity for the commission to address the issue.

City Planner Abboud responded that while that may be the case the City Council should still consider developing a policy so there are no questions in the future.

The Commission entertained discussion that included the following points:

- Supported developing a policy regarding extension of city services outside city limits
- Draining supply of water in drought periods and over extending uses
- Possibility of annexation of areas that want city services
- How to determine who gets city services and who doesn't
- Additional discussion is needed
- Extension of services to those within city limits first before offering services to properties outside of city limits
- Project of additional water sources, is this needed
- Use of improvement district creation and process outside city limits
- Motivation to supply water to that (those) property (ties)
- What is the plan for draw down, contracts with trucking companies, building out water systems into extra territorial parcels, will this action lend to annexation in later years

Commissioner Bentz asked City Planner Abboud about having a worksession to answer some of the questions.

City Planner Abboud responded that this is a date specific issue and he is not sure that much could be put together and continued by noting that the Commission seems to have concerns on the concept and those concerns could be written down. He then noted that water issues could possibly be addressed in the extra territorial.

Commissioner Highland added that she did not want to see a repeat of a split Council vote with the Mayor breaking the tie since there is no policy in place, reiterating that a policy is necessary and decision should not be reliant on who is sitting on the Council at the time.

Chair Venuti requested clarification on when the response was needed on this issue.

Deputy City Clerk Krause confirmed that Council has this scheduled for the August 26, 2019 meeting.

Chair Venuti noted the time frame and inquired if Commissioner Bentz would like to make a motion to have a worksession.

BENTZ/BOS MOVED TO SCHEDULE A WORKSESSION ON ORDINANCE 19-19(S) AND MEMORANDUM 19-072 AND INVITE THE SPONSOR OF THE ORDINANCE AND OR MAYOR FOR THE NEXT MEETING.

There was discussion by the commission on inviting members of Council and the Mayor to attend a joint worksession to provide some input and information to assist in formulating their response.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud questioned what information staff could provide.

Commissioner Bos responded that other times Council has requested the Commission's input and there is some background as to why they are doing something and how it came into question. He was just wanting the background on why they are requesting this action.

There was a brief discussion on allowing Councilmember Smith to address some points the commissioners made in the previous discussion.

Deputy City Clerk Krause advised the Commission on the proper procedure.

BOS/BENTZ MOVED TO SUSPEND THE RULES TO ALLOW COUNCILMEMBER SMITH TO PROVIDE BACKGROUND INFORMATION ON ORDINANCE 19-19(S).

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Smith admitted that there is some history and was not sure value that would offer the commission. He stated that he believes a policy is needed and this is what the Ordinance 19-19(S) intends to do. Council took an action that they are allowed to do and some people were not happy about it. A policy is an important path forward. This is really determining what the City has, what they are capable of doing and what risks are involved. He further noted that Todd Cook, Water/Waste Water Treatment Superintendent presented to City Council, and that even with the 6 week dry period they are still at 50% capacity, they still flushed the system and it is still overflowing and it would take an apocalyptic event to task the city water sources. There are 16 lots that are currently using city water so that does not add any additional burden on the system. Mr. Smith further stated that they can look back as far as they want or they can look forward and determine what is in the best interest of the system. They are not talking about building out infrastructure into extra territorial properties but looking at allowing extra territorial properties to tie into existing infrastructure or become part of a cost sharing that will allow the city to build out into adjacent city lands which helps in the cost sharing. Otherwise it is very cost prohibitive. It is not about driving a main up Kachemak City and allowing properties to hook up.

City Planner Abboud inquired about the water line/section line that goes up to a subdivision, Canyon Trails.

Councilmember Smith responded that was paid and installed by the developer and is not an oversized main. He further stated that Todd Cook provided some very good information on the city water system.

Chair Venuti inquired about city residents who were unable to hook up to water.

Councilmember Smith responded that HAWSP is upside down right now. He provided information on the payment and funding for infrastructure with special assessment districts and grants. He provided the basics on how HAWSP program works. He then provided some background information on how the water line was installed out east end and how that was made viable with splitting the costs assigned to properties between Kachemak City and Homer.

b. Memo from Jenny Carroll – City of Homer Draft 2020-25 Capital Improvement Plan (CIP)

Chair Venuti introduced the item by reading of the title.

City Planner Abboud noted the review provided by Ms. Carroll and stated that the Commission is asked for their top two projects. He noted that Ms. Carroll provided the Commission's last two projects and we can go around and get the top two projects from each commissioner unless the Chair would like to take us through this.

Chair Venuti asked each commissioner for their top two projects.

Commissioners offered their top projects around the table as follows:

Highland – Stormwater Master Plan and Main Street Sidewalk

Bos – Barge Haul Out Repair Facility and Ice Plant Upgrade

Rubalcava – Stormwater Master Plan

Bentz – Stormwater Master Plan

Venuti – Main Street Sidewalk and Stormwater Master Plan

Further discussion ensued on the probability of funding and the necessity of having a Stormwater Master Plan and selecting projects that would provide future revenues for the city. There was a further discussion by the Commissioners selecting alternative priority projects since it was noted from the audience by Councilmember Smith that there was funding for the Ice Plant Upgrade.

BENTZ/BOS MOVED THAT THE PLANNING COMMISSION RECOMMENDS FOR THE 2020-25 CAPITAL IMPROVEMENT PLAN STORMWATER MASTER PLAN AS TOP PRIORITY AND LARGE VESSEL HAUL OUT REPAIR FACILITY AS SECOND PRIORITY.

There was a brief discussion on the recommendations.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

c. Staff Report 19-63, Transportation Planning

Chair Venuti introduced the item by reading of the title.

City Planner Abboud provided his report for the Commission.

Discussion followed on a time line, data availability, existing projects, wayfinding including signage, current points from the existing transportation plan, such as routing the truck route to airport road the connecting to East End Road, the task now is drafting the RFP, including the new data from the upcoming census into the plan, more critical to perform the transportation plan then the wayfinding and streetscape plan.

The task was to discuss moving forward with the transportation planning and make a motion for recommendation to City Council.

Further discussion included current projects underway, funding availability, political support, concepts that will need buy-in such as truck traffic, traffic backups at the construction site for Main Street and the Highway, remove Wayfinding and Streetscaping and add in Stormwater, since it is important to consider how we route water when transportation planning.

BENTZ/BOS MOVED THAT THE PLANNING COMMISSION RECOMMENDS SEPARATING THE WAYFINDING AND STREETScape PLAN FROM THE TRANSPORTATION PLAN AND BID SEPARATELY.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BENTZ/BOS MOVED TO RECOMMEND CITY COUNCIL DEVELOP A TRANSPORTATION PLAN REQUEST FOR PROPOSALS OVER THE NEXT 12 MONTHS.

There was a brief discussion for considerations for time horizons when developing the request for proposal and those would be census data, AKDOT project completion dates or other useful information for transportation planning.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- d. Staff Report 19-64, An Ordinance to Amend GC1 and GC2 zoning code regarding manufacturing

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-64 for the Commission.

Discussion on amending the language to reflect the same as East End Mixed Use District included dealing with toxic, hazardous chemicals; requiring the same guidelines as in the Central Business District; requiring a conditional use permit for all manufacturing; concern with proper air handling systems necessary for the manufacturing process; Fire Marshal review would bring about certain requirements dependent on the manufacturing business; the benefits of having the CUP requirement adds a benefit of oversight on the type of manufacturing.

BENTZ/BOS MOVED TO RECOMMEND HOMER CITY CODE 21.24.020 AND 21.26.020 BE AMENDED TO READ MANUFACTURING, FABRICATION AND ASSEMBLY.

Discussion ensued on the motion and that it did not include requiring a conditional use permit.

HIGHLAND/BENTZ MOVED TO AMEND THE MOTION TO INCLUDE BY CONDITIONAL USE PERMIT

Discussion ensued with clarification on this will now require every manufacturing business to have a conditional use permit including already permissible trades or businesses; points and concern was noted that this opens every business to public opinion not to mention the additional costs of the permitting; research can be conducted by planning staff to see if there is a way to use the correct verbiage to deal with the exclusion of those hazardous operations that are of concern to the commission; this requirement for all manufacturing is contrary to the Council's desire to lower the use of CUP's.

HIGHLAND/BOS MOVED TO POSTPONE TO THE NEXT MEETING TO ALLOW STAFF TO GATHER ADDITIONAL INFORMATION.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. City Manager's Report for the June 10, 2019 Homer City Council meeting

B. DOT Open House for Homer area projects June 25, 2019

COMMENTS OF THE AUDIENCE

Heath Smith, city resident, commented on nailing down on the CUP's so that they are limited as it is an area of expertise for one Frank Griswold and if they do not need to include certain things and open up areas of liability he would encourage that; a couple of things that were said earlier such as reducing the property tax of those that do not get water, he reiterated that those who get water pay for water and those that don't get water don't pay for water. It is not subsidized by any tax. It is a utility that is paid for through the rate structure. Another point brought up and would be very important is finding a way to regulate the trucking of bulk water, there is a policy in place to provides interruptability should any event happens that presents a scarcity, this also applies to city residents, they also have the power to ration or shut down the water system if that proves necessary by Council action, so there are already policies in place to safeguard not only with bulk water customers but city residents as well. He appreciates the Commission wanting to learn everything in order to move forward on things, but forward thinking does not always become anchored with the past. The Commission asked what brought this about and there it came about because people were asking to access a line in the ground. It is interesting that the bulk water haulers use the entirety of the improvement to fill up their trucks to drive it right across the street. So to him, what's behind this is, is what makes sense. The fear factor is the fact that some people like to weave the web of fear and he is not going to let fear dictate his path forward.

Bill Smith, non-resident, others do not delve into history but he will bring up some, the topic of annexation was brought up and due to the contentious nature of City of Homer's last annexation the legislature passed a law that if you are going to annex an area that has an established entity like a service area or city you cannot just do it by yourself it must be a positive vote by both entities. To annex an area interested in city services you would need agreement on both sides so he felt that it should not be brought or talked about in this discussion. In 1992 or 94 Homer did hook up some services outside city limits and since then one area has been annexed but the other in Kachemak City currently receiving water, the area commonly known as the Sod Farm next to Home Run Oil, that land is owned by Homer Electric, and is currently in the Homer Certificated Water Service Area and is in Kachemak City. So when we start getting on our high horse and being holy about where we serve water and stuff some history should be looked at and we should be a little more flexible on that.

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

Commissioner Highland commented if there is enough overlap between the EDC, the Parks & Rec and Planning on projects that they are all working on and should collaborate on.

City Planner Abboud responded that maybe EDC with the manufacturing but noted he is working on a method with staff to ensure that the EDC and other commissions have time to comment on items that the Planning Commission is working on, the Parks he was unsure there was anything at this time.

Commissioner Bos commented it was a good meeting.

Commissioner Rubalcava requested Todd Cook be invited to the worksession for the next meeting.

Commissioner Bentz commented following up on Commissioner Highland's comment that the wayfinding idea, noting the Parks and Recreation, Economic Development and Planning Commissions would have specific goals for any type of wayfinding product to funnel people to our parks and recreational assets, transportation concerns, etc., and recommended joint worksessions when it comes down to that.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:32 p.m. The next regular meeting is scheduled for Wednesday, August 7, 2019 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession scheduled at 5:30 p.m. prior to the meeting.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Planning

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

TO: Homer Advisory Planning Commission
FROM: Rick Abboud AICP, City Planner
DATE: August 7, 2019
SUBJECT: Staff Report 19-65 City Planner's Report

City Council 7/22/19

Ordinance 19-31, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.18 Central Business District, Section 21.18.020, Permitted Uses and Structures, to Add Medical Clinics as a Permitted Use. Introduction June 24, 2019, Public Hearing and Second Reading July 22, 2019
Memorandum 19-078 from City Planner as backup
ADOPTED without discussion

Ordinance 19-32(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72 Advisory Planning Commission; Homer City Code 11.12.010 Street Address Assignment Plan Adopted; Homer City Code 21.03.040 Definitions Used in Zoning; and Homer City Code 22.10.040 Applicable and Exempted Subdivisions to Change the Name of the Advisory Planning Commission to the Planning Commission Throughout. Mayor. Introduction June 24, 2019, Public Hearing and Refer to Planning Commission July 22, 2019, Second Reading August 12, 2019.
REFERRED to Planning Commission and Second reading scheduled for August 12, 2019, with discussion.

Appeals

I have received notice of the intent to appeal the decision of the remand hearing regarding CUP 19-01 for the medical facility.

Work list

- Green Infrastructure – Syverine to attend conference and report back to HAPC. Goal is to increase capacity for a future plan update.
- Medical district – awaiting decision on the appeal
- Transportation plan – Memo to council
- Permit requirements – Next work session
- Bee keeping – no recommendation forwarded.

City Council report sign up

8.12.19 Smith

8.26.19 Bos

9.9.19 Petska-Rubalcava

9.16.19

10.14.19



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Staff Report 19-67

TO: Homer Advisory Planning Commission **19-67**
 FROM: Rick Abboud AICP, City Planner
 DATE: 8/7/2019
 SUBJECT: A.A. Mattox Subdivision Yakunin Addition Preliminary Plat

Requested Action: Approval of Preliminary plat to subdivide one lot into two lots.

General Information:

Applicants:	Nikolai P. & Masha Yakunin 4076 Pennock St. Homer, AK 99603	Ability Surveys Gary Nelson 152 Dehel Ave Homer AK 99603
Location:	4076 Pennock, T 6S R 13W SEC 20 Seward Meridian HM 0003995 A A MATTOX SUB 1958 ADDN NO 2 LO T 20	
Parcel ID:	17730294	
Size of Existing Lot(s):	.89 Acres	
Size of Proposed Lots(s):	.356 Acres (15,506 sf) & .532 Acres (23,158 sf)	
Zoning Designation:	Urban Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Residential South: Residential East: Residential West: Vacant	
Comprehensive Plan:	Chapter 4, Goal 1, 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.	
Wetland Status:	Discharge slope noted, northeast corner	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	
Public Notice:	Notice was sent to 64 property owners of 66 parcels as shown on the KPB tax assessor rolls.	

Analysis: This subdivision is within the Urban Residential Office District. This plat creates two lots from one.

Homer City Code 22.10.051 Easements and rights-of-way

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities in areas identified as public access corridors in the Homer Non-Motorized Transportation and Trail Plan, other plans adopted by the City Council, or as required by the Kenai Peninsula Borough Code.

Staff Response: The plat meets these requirements.

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

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

Staff Response: The plat meets these requirements.

- 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 does not meet these requirements. The ROW displayed as Mattox Street needs to be corrected to display that it is Pennock Street.

- 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: See comment on item C.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

- 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.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

Public Works Comments:

1. In accordance with Homer City Code 11.04.040 The City shall require new subdivisions to dedicate right-of-way according to widths specified in HCC 11.04.060. Dedicate the 9.85 feet of right-of-way along lots 20A and 20B.
2. The property owner will need to work with Public Works on providing water and sewer services to lot 20B by installing the utilities or completing a development agreement prior to recording the plat.

Fire Department Comments: No comments

Staff Recommendation:

Planning Commission recommend approval of the preliminary plat with the following comments:

1. Correct the name of the ROW to Pennock Street.
2. Dedicate 9.85 feet of ROW along lots 20A and 20B.
3. The property owner will need to work with Public Works on providing water and sewer services to lot 20B by installing the utilities or completing a development agreement prior to recording the plat.

Attachments:

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

CERTIFICATE OF OWNERSHIP

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

NIKOLAI P. YAKUNIN
4076 PENNOCK ST.
HOMER, AK 99603

MASHA YAKUNIN
4076 PENNOCK ST.
HOMER, AK 99603

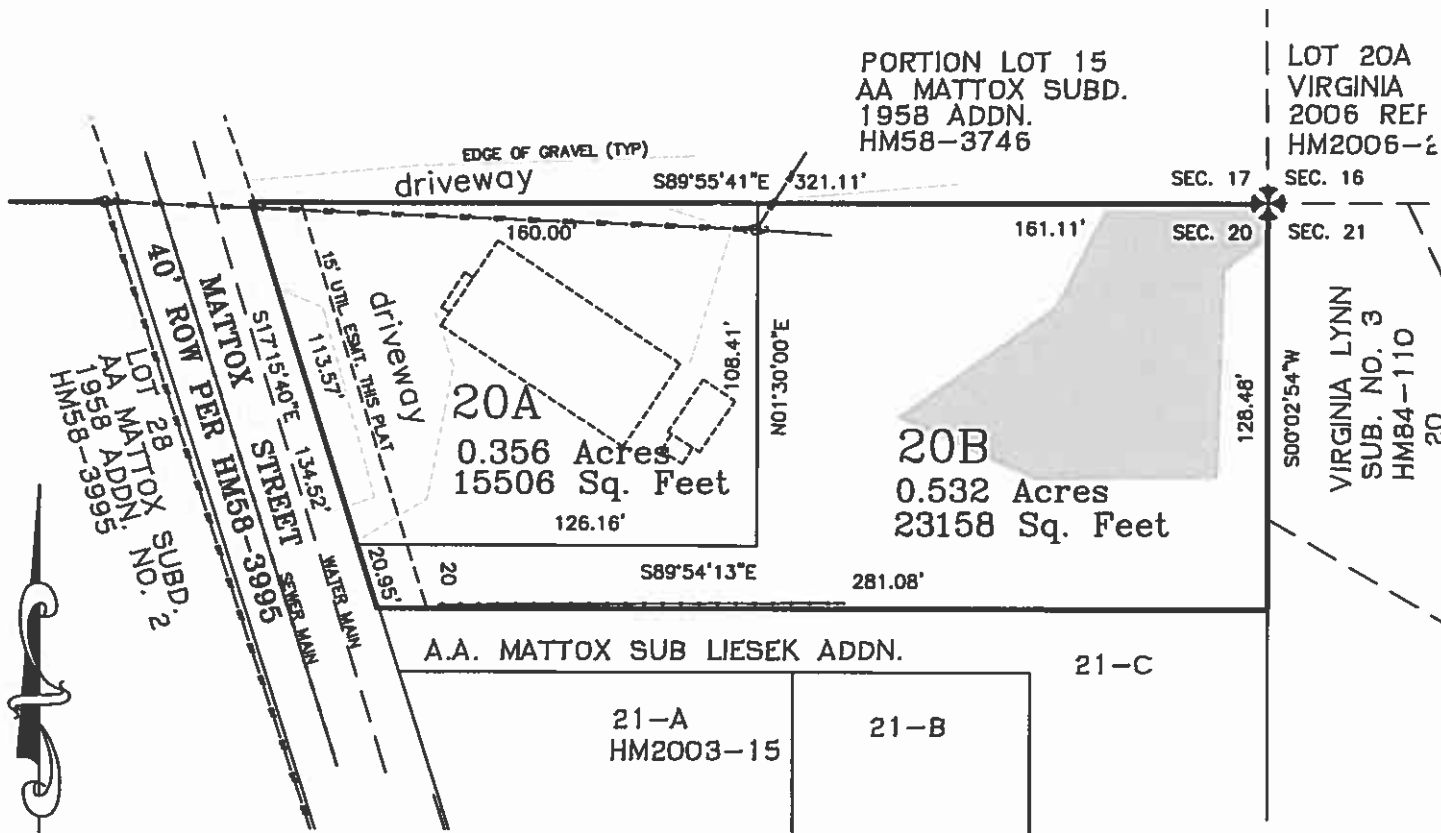
NOTARY'S ACKNOWLEDGMENT

For NIKOLAI P. YAKUNIN AND MASHA YAKUNIN

Acknowledged before me this ____ day of _____ 2019.

Notary public for Alaska

My Commission Expires _____



NOTES

1. THESE LOTS ARE SUBJECT TO HOMER CITY CODE.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. THE BASIS OF BEARINGS IS N00°23'W (MEASURED 1322.15') FROM SECTION CORNER OF 16, 17, 20, & 21 (A FOUND 3" BLM BRASS CAP. 1917 & 1988) TO THE S1/16TH CORNER OF SECTIONS 16 AND 17 (A FOUND 3" AL-MON BY 2087-S, 1978, PER HM56-3017).
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5. GRAY SHADING REPRESENTS DISCHARGE SLOPE, SL, WETLANDS PER KENAI WATERSHED FORUM AS DEPICTED ON KENAI PENINSULA BOROUGH GIS.
6. THERE ARE EASEMENTS TO HOMER ELECTRIC ASSOCIATION WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY FOR ELECTRIC LINES OR SYSTEMS PER BOOK 18 PAGE 119 AND BOOK 25 PAGE 118..

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

PLAT APPROVAL

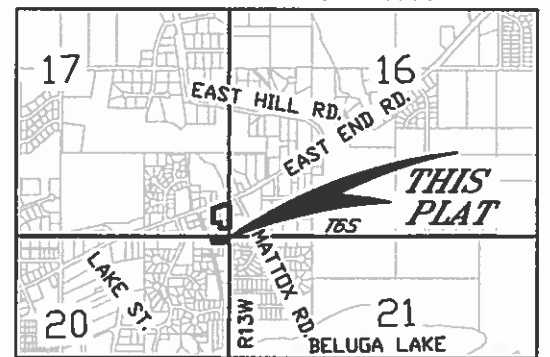
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of September 9, 2019
KENAI PENINSULA BOROUGH

BY _____
Authorized Official

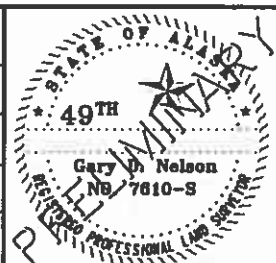
PLAT #	
Rec Dist	20
Date	
Time	__M

KPB FILE No. 2019-

VICINITY MAP SCALE: 1" = 2000'



DATE	7/16/2019
SCALE	1" = 40'
GRID No.	AR-70
JOB No.	5028
DRAWING:	5128frm5008.dwg



OWNERS:
NIKOLAI P. YAKUNIN and
MASHA YAKUNIN
4076 PENNOCK ST.
Homer, AK 99603

ABILITY SURVEYS
GARY NELSON, PLS
(907) 235-8440
152 DEHEL AVE., HOMER ALASKA 99603

ABILITY SURVEYS

SURVEYING HOMER SINCE 1975

LAND SURVEYING - CONSTRUCTION SURVEYING - DESIGN SURVEYING
152 DEHEL AVE. , HOMER, AK. 99603 PH. 907-235-8440 FAX. 235-8440

7/18/2019

City of Homer Planning Dept.
491 E. Pioneer Ave.
Homer, AK 99603

Re: Preliminary Plat submittal of **AA MATTOX SUBDIVISION**

Enclosed herewith are 1 reduced to 11 X 17 copy of the preliminary plat and 1 full sized 18"X 24" copy, and a check # 3543 in the amount of \$300 for the City of Homer filing fee.

The proposed subdivision is located on the east side of Pennock St.
The existing Parcel is serviced by city water and sewer.

I believe the area is zoned as "Urban Residential".

I do ask for exception to dedicating additional Right-of-Way to conform to KPB 20.30.120 (minimum width 60 feet), for Pennock Street. This right-of-way is constructed and been in existence since 1958. 5 other adjacent and nearby replats have not dedicated additional right-of-way width.

I am not aware of other necessary code exemptions at this time but reserve a right to ask for it if one is found to be necessary.

Thank you for your assistance and consideration in this endeavor. Please don't hesitate to call for any reason.

Sincerely, 
Gary Nelson, PLS

NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

A.A. Mattox Subdivision Yakunin Addition 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 Advisory Planning Commission on Wednesday, August 07, 2019 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

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

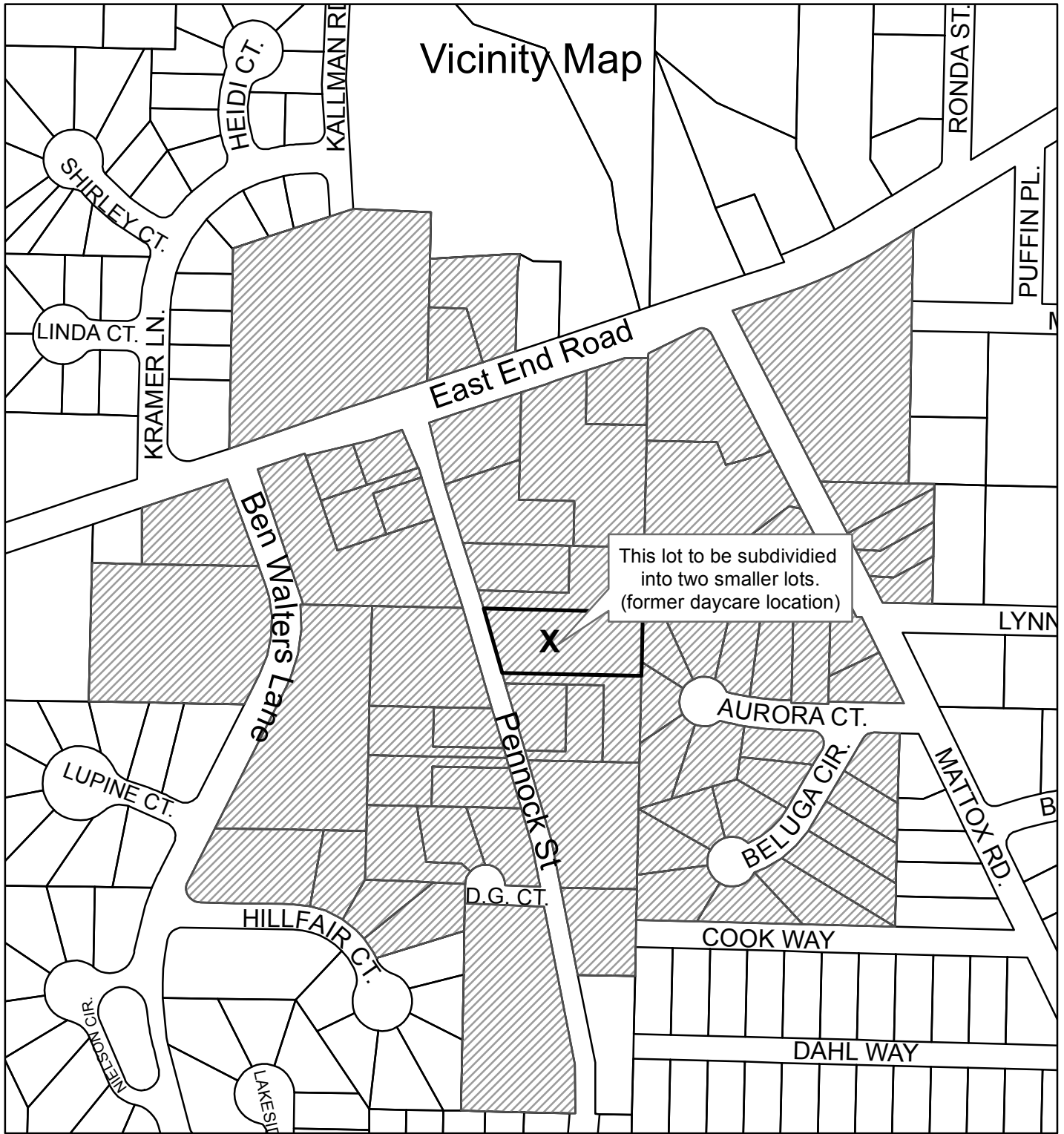
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud in the Planning and Zoning Office, 235-3106.

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

.....

VICINITY MAP ON REVERSE

Vicinity Map

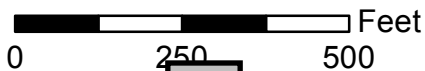


City of Homer
Planning and Zoning Department

July 27, 2019

AA Mattox Subdivision Yakunin Addition Preliminary Plat

Marked Lots are w/in 500 feet
and property owners notified.



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

CERTIFICATE OF OWNERSHIP

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

NIKOLAI P. YAKUNIN
4076 PENNOCK ST.
HOMER, AK 99603

MASHA YAKUNIN
4076 PENNOCK ST.
HOMER, AK 99603

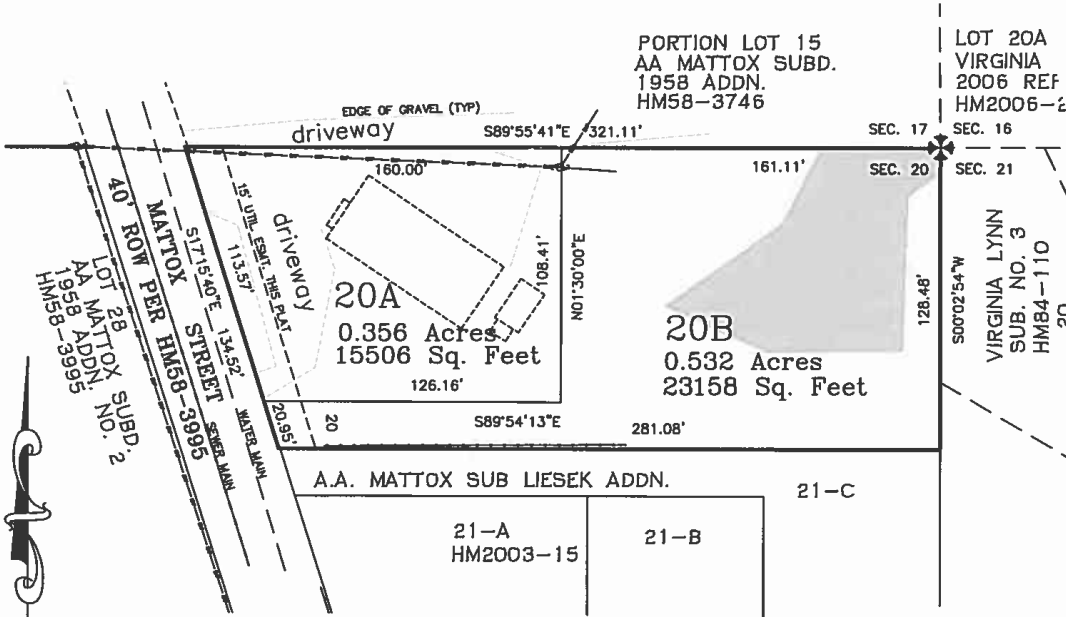
NOTARY'S ACKNOWLEDGMENT

For NIKOLAI P. YAKUNIN AND MASHA YAKUNIN

Acknowledged before me this _____ day of _____ 2019.

Notary public for Alaska _____

My Commission Expires _____



NOTES

1. THESE LOTS ARE SUBJECT TO HOMER CITY CODE.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. THE BASIS OF BEARINGS IS N00°23'W (MEASURED 1322.15') FROM SECTION CORNER OF 16, 17, 20, & 21 (A FOUND 3" BLM BRASS CAP, 1917 & 1988) TO THE S1/16TH CORNER OF SECTIONS 16 AND 17 (A FOUND 3" AL-MON BY 2087-S, 1978, PER HM56-3017).
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PLAT APPROVAL

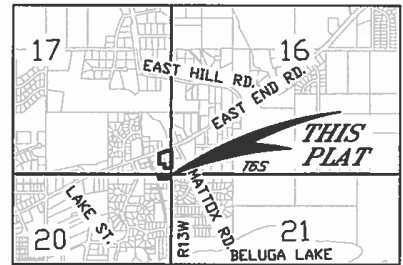
This plat was approved by the Kenai Peninsula Planning Commission at the meeting of **25** 9, 2019
KENAI PENINSULA BOROUGH

BY _____
Authorized Official

PLAT #	
Rec Dist	
Date	20__
Time	__M

KPB FILE No. 2019-

VICINITY MAP SCALE: 1" = 2000'



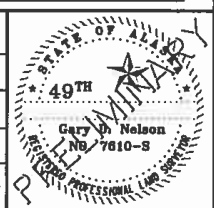
DATE 7/16/2019

SCALE 1" = 40'

GRID No. AR-70

JOB No. 5028

DRAWING: 51281rm5008.dwg

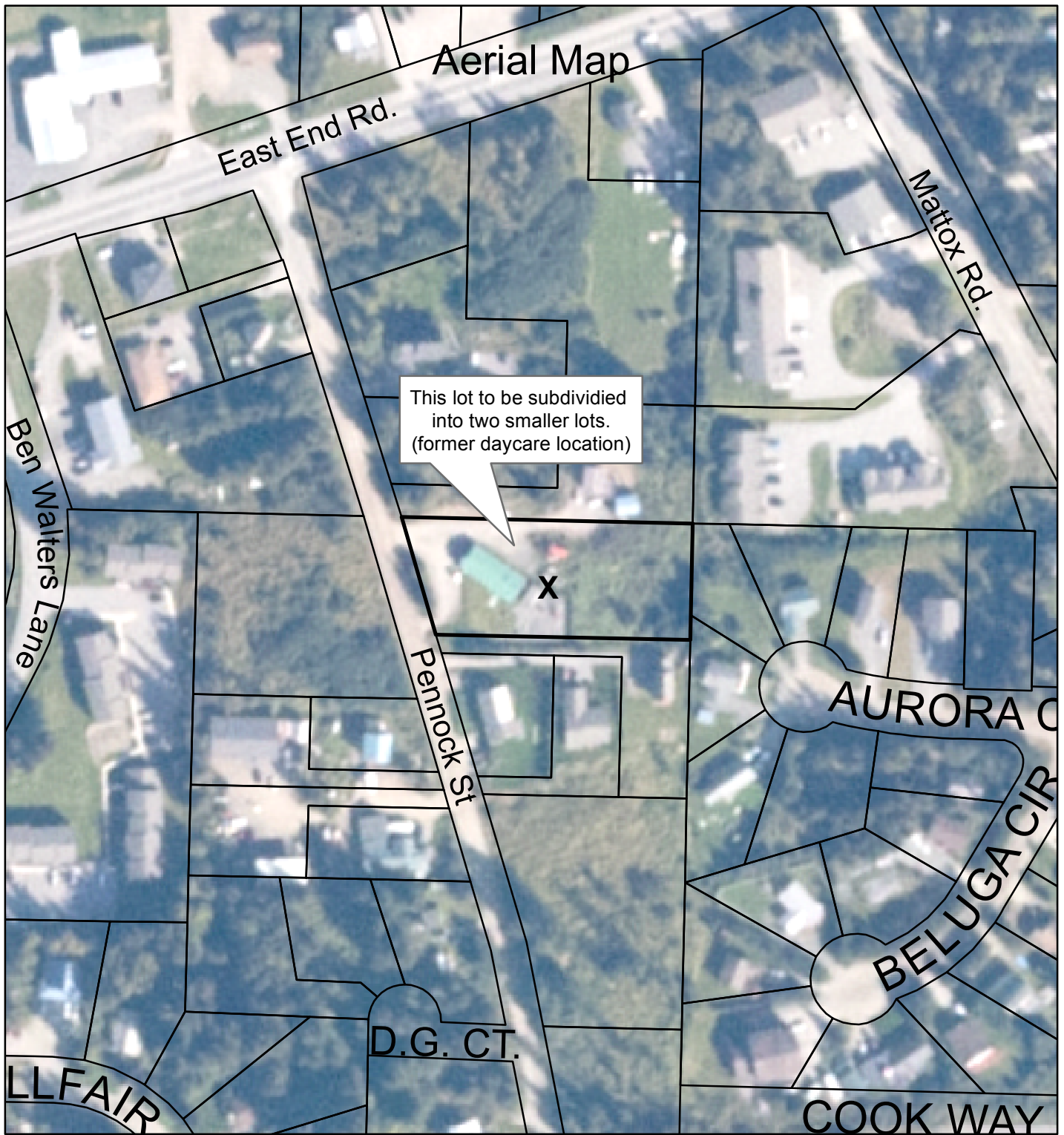


**A.A. MATTOX SUBDIVISION
YAKUNIN ADDITION**

A SUBDIVISION OF LOT 20, A.A. MATTOX 1958 ADDITION UNIT NO. 2 (HM58-3995), LOCATED WITHIN THE NE 1/4, SEC 20, T8S, R13W, S. M., CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, HOMER RECORDING DISTRICT, STATE OF ALASKA, CONTAINING 0.888 ACRES

OWNERS:
NIKOLAI P. YAKUNIN and
MASHA YAKUNIN
4076 PENNOCK ST.
Homer, AK 99603

ABILITY SURVEYS
GARY NELSON, PLS
(907) 233-9440
152 DEHEL AVE., HOMER ALASKA 99603



City of Homer
 Planning and Zoning Department

July 27, 2019

**AA Mattox Subdivision
 Yakunin Addition
 Preliminary Plat**

Marked Lots are w/in 500 feet
 and property owners notified.



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 not responsible for any errors or omissions
 contained herein, or deductions, interpretations
 or conclusions drawn therefrom.*



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 19-66

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: August 7, 2019
SUBJECT: Ordinance 19-32(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72 Advisory Planning Commission; Homer City Code 11.12.010 Street Address Assignment Plan Adopted; Homer City Code 21.03.040 Definitions Used in Zoning; and Homer City Code 22.10.040 Applicable and Exempted Subdivisions to Change the Name of the Advisory Planning Commission to the Planning Commission Throughout.

Introduction

Mayor Castner brought forth this ordinance to address semantic arguments concerning the quasi-judicial duties of the Homer Advisory Planning Commission (HAPC).

Analysis

The HAPC operates in similar fashion to other planning Commissions in the borough, such as Soldotna and Kenai. The HAPC is the only one to keep the nomenclature “advisory” in the name. The City Attorney has clarified the advisory duties (which are the same in the other KPB cities with planning commissions) in the ordinance. No changes in the operation or responsibilities of the HAPC are proposed.

Provided below is the review of the amendment as found in code. In consideration of the content of the amendment only dealing with a newly proposed nomenclature for the commission itself, I find it mostly non-applicable as it does nothing to change any rule or regulation.

Per HCC 21.95.040, Planning Department review of code amendment, the proposed amendment may only be recommended for approval if it finds:

a. Is consistent with the Comprehensive Plan and will further specific goals and objectives of the plan.

The proposed amendment is not inconsistent with the Comprehensive Plan. The change in name of the Commission will not hinder any specific goals and objectives of the plan.

b. Will be reasonable to implement and enforce.

Implementation will be the physical code update and no enforcement applicable, it is reasonable.

c. Will promote the present and future public health, safety and welfare.

The ordinance has no effect on health, safety and welfare.

d. Is consistent with the intent and wording of the other provisions of this title.

The ordinance has been reviewed by the City Attorney for consistency, intent, wording, and other provision of the title.

Staff Recommendation

Hold public hearing and recommend adoption by the City Council

Attachments

Ord. 19-32(s)

CC Minutes 6.24.19 & action agenda 7.22.19

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 Mayor

4 **ORDINANCE 19-32(S)**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 2.72 ADVISORY PLANNING
8 COMMISSION; HOMER CITY CODE 11.12.010 STREET ADDRESS
9 ASSIGNMENT PLAN ADOPTED; HOMER CITY CODE 21.03.040
10 DEFINITIONS USED IN ZONING; AND HOMER CITY CODE
11 22.10.040 APPLICABLE AND EXEMPTED SUBDIVISIONS TO
12 CHANGE THE NAME OF THE ADVISORY PLANNING COMMISSION
13 TO THE PLANNING COMMISSION THROUGHOUT.

14
15 WHEREAS, The Homer Advisory Planning Commission provides local knowledge and
16 advice to the Kenai Peninsula Borough Planning Commission for matters that fall within their
17 authority; and

18
19 WHEREAS, The Homer Advisory Planning Commission provides Advisory comments
20 concerning municipal policy and code development to the Homer City Council; and

21
22 WHEREAS, The Homer Advisory Planning Commission is a decision-making body
23 authorized and required to make decisions regarding variances, conditional use permits, and
24 other land use matters; and

25
26 WHEREAS, The inclusion of the word “Advisory” in the Commission’s name highlights
27 its role as an advisory commission to the Kenai Peninsula Borough, but not its identity as a
28 decision-making governing body under the Homer City Code.

29
30 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

31
32 Section 1. HCC Chapter 2.72 “Advisory Planning Commission” is hereby amended as
33 follows:

34
35 Chapter 2.72
36 ~~ADVISORY~~ PLANNING COMMISSION

37
38 Sections:

39 2.72.010 Homer ~~Advisory~~ Planning Commission established.

40 2.72.020 Incorporation of State law.

41 2.72.030 Duties and powers.

42 2.72.040 Terms of Commission members.

43 2.72.050 Zoning powers and duties.

44 2.72.060 Record of proceedings.

45

46 2.72.010 Homer ~~Advisory~~ Planning Commission established.

47

48 a. In order to maximize local involvement in planning, and in the implementation and
49 modification of the Homer zoning ordinance, the Homer ~~Advisory~~ Planning Commission is
50 established. ~~Advisory~~ Planning Commission jurisdiction is limited to the area within the City
51 boundaries.

52

53 b. The Homer ~~Advisory~~ Planning Commission shall have seven members. No more than one of
54 its members may be from outside the City limits. Members shall be appointed by the Mayor
55 subject to confirmation by the City Council.

56

57 c. A Chairman and Vice-Chairman of the Commission shall be selected annually and shall be
58 appointed from and by the appointive members.

59

60 d. **In addition to the seven Commission members appointed by the Mayor, the Mayor, City**
61 **Manager or the City Manager's designee** ~~or his designee and Public Works Director, or his~~
62 ~~designee,~~ shall serve as consulting members of the Commission **when the Commission is**
63 **sitting in its advisory-only capacity.** ~~In addition to the seven appointive members, and~~
64 ~~may attend all meetings as consultants, but~~ **Consulting members of the Commission** shall
65 have no vote.

66

67 2.72.020 Incorporation of State law.

68

69 The laws of the State of Alaska and dealing with the planning and zoning commissions
70 present and future are incorporated into this chapter as if expressly included in this chapter.

71

72 2.72.030 Duties and powers.

73

74 The Commission shall be required to do the following:

75

76 a. Develop, adopt, alter or revise, subject to approval by the City Council, a master plan for
77 the physical development of the City. Such master plan with accompanying maps, plats,
78 charts, descriptive and explanatory matter shall show the Commission's recommendations
79 for the development of the City territory, and may include, among other things:

80

81 1. Development of the type, location and sequence of all public improvements;

82

83 2. The relocation, removal, extension or change of use of existing or future public
84 ways, grounds, spaces, buildings, properties and utilities;

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3. The general extent and location of rehabilitation areas.

When a master plan for the City has been approved by the Council, amendments, revisions and extensions thereof may be adopted by the Council after consideration and report by the Commission;

b. Review and comment on all proposed vacations, abbreviated subdivision plats, subdivision plat waivers, and preliminary plats of land within the City before their submittal to the Kenai Peninsula Borough, as provided in **the Kenai Peninsula Borough Code of Ordinances 20.25.050**;

c. Draft an official map of the City and recommend or disapprove proposed changes in such map;

d. Promote public interest in and understanding of the master plan and of general regulations with regard to planning and zoning;

e. Make investigations regarding any matter related to City planning;

f. Make and prepare reports, prints, plats and plans for approval by the City Council;

g. Make or cause to be made surveys, maps and plans relating to the location and design of any public building, dock, beach, ski ground, statue, memorial, park, parkway, boulevard, street, alley or playground. For the purpose of implementing this subsection, all departments of the City considering any such improvement are required, and all public agencies not a part of the City are requested, to inform the Commission of the proposed improvement, and submit such pertinent information to the Commission and within such time as will enable the Commission to recommend to City Council whether the proposed improvement is consistent with the general plan and established planning principles. No public improvement shall be authorized by City Council until the recommendation of the Commission shall have been received, but the City Council shall not be bound by that recommendation.

2.72.040 Terms of Commission members.

a. Members of the first Commission shall be appointed for the following terms:

1. Three members shall be appointed for three-year terms;
2. Two members shall be appointed for two-year terms;
3. Two members shall be appointed for one-year terms.

b. At the end of the respective terms set forth in subsection (a) of this section, members shall be appointed for full three-year terms.

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c. Any Commissioner who shall have two successive unexcused absences shall be subject to removal by the Commission by a majority vote of the members present.

2.72.050 Zoning powers and duties.

~~a. The Homer Advisory Planning Commission, sitting as the Homer Advisory Planning Commission to the Kenai Peninsula Borough, shall exercise zoning authority delegated by the Borough Assembly:~~

- ~~1. Interpret the provisions of this chapter and make zoning compliance determinations when requested by the local administrative official;~~
 - ~~2. Act upon requests for PUDs, variances and conditional use permits; and~~
 - ~~3. Prepare and recommend to the Homer City Council modifications to the Homer City zoning ordinance.~~
- ~~b. The Homer Advisory Planning Commission shall adopt additional procedural rules approved by the City Council.~~
- ~~c. The fee schedule shall be established by resolution of the City Council.~~

The Commission shall act in an advisory capacity to the Kenai Peninsula Borough Planning Commission regarding the following matters:

- 1. Subdivision plat proposals.**
- 2. Right-of-way and easement vacation petitions.**
- 3. City of Homer Comprehensive Plan amendments.**

2.72.060 Record of proceedings.

The Commission shall meet regularly twice a month, and permanent records or minutes shall be kept of Commission proceedings, and such minutes shall record the vote of each member upon every question. Copies of such minutes shall be filed in the office of the City Clerk, shall be provided to the City Council not later than its first regular meeting after their preparation, and shall be a public record open to inspection by any person.

Section 2. HCC 11.12.010 Street address assignment plan adopted is hereby amended to read:

11.12.010 Street address assignment plan adopted.

A plan for assigning street addresses in the City of Homer, Alaska, dated January 8, 1975, and amended August 13, 1979, as prepared by the Homer ~~Advisory~~ Planning Commission is adopted. The plan is to be kept on file in the office of the City Clerk, and is subject to amendment by Council resolution.

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Section 3. HCC 21.03.040 Definitions used in zoning code shall be amended as follows:

21.03.040 Definitions used in zoning code.

As used in this title, the words and phrases defined in this section shall have the meaning stated, except where (a) the context clearly indicates a different meaning or (b) a special definition is given for particular chapters or sections of the zoning code.

“Abut” means to touch by sharing a common boundary at one or more points. Two adjacent lots separated by a road right-of-way do not abut.

“Accessory building” means an incidental and subordinate building customarily incidental to and located on the same lot occupied by the principal use or building, such as a detached garage incidental to a residential building.

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

“ADT” or “average daily traffic” means the estimated number of vehicles traveling over a given road segment during one 24-hour day. ADT is usually obtained by sampling and may be seasonally adjusted.

“Adverse impact” means a condition that creates, imposes, aggravates or leads to inadequate, impractical, detrimental, unsafe, or unhealthy conditions on a site proposed for development or on off-site property or facilities.

Aggrieved. See “person aggrieved.”

“Agricultural activity” shall mean farming, including plowing, tillage, fertilizing, cropping, irrigating, seeding, cultivating or harvesting for the production of food and fiber products (excluding commercial logging and timber harvesting operations); the grazing or raising of livestock (excluding feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise. “Agricultural activity” excludes private stables and public stables.

“Agricultural building” means a building used to shelter farm implements, hay, grain, poultry, livestock, horticulture, or other farm products, in which there is no human habitation and which is not used by the public.

“Aisle” means an area within a parking lot that is reserved exclusively for ingress, egress and maneuvering of automobiles.

211
212 “Alley” means a public thoroughfare, less than 30 feet in width, that affords only a secondary
213 means of access to abutting property.

214
215 “Alteration” means any change, addition or modification in construction, occupancy or use.

216
217 “Animal unit equivalent” is a convenient denominator for use in calculating relative grazing
218 impact of different kinds and classes of domestic livestock. An animal unit (AU) is generally
219 one mature cow of approximately 1,000 pounds and a calf as old as six months of age, or their
220 equivalent. Animal unit equivalents vary according to kind and size of animals.

221 The following table of AU equivalents applies to the Homer Zoning Code.

222

Kinds and classes of animals

Animal- equivalent	unit
-------------------------------	-------------

Slaughter/feed cattle	1.00
Mature dairy cattle	1.40
Young dairy cattle	0.60
Horse, mature	2.00
Sheep, mature	0.20
Lamb, one year of age	0.15
Goat, mature	0.15
Kid, one year of age	0.10

223

224 Exotic species (e.g., llamas, alpaca, reindeer, musk ox, bison and elk) and unlisted species
225 require application to the Planning Commission for determination of AU equivalents.

226

227 Apartment House. See “dwelling, multiple-family.”

228

229 “Area, building” means the total area, taken on a horizontal plane at the main grade level, of
230 a building, exclusive of steps.

231

232 “Area, floor” means the total area of all floors of a building as measured to the outside
233 surfaces of exterior walls, including attached garages, porches, balconies, and other
234 structures when covered by a roof.

235

236 “Area, footprint” has the same meaning as “area, building.”

237

238 “Area, lot” means the total horizontal net area within the boundary lines of a lot, exclusive of
239 rights-of-way for streets and alleys.

240

241 “Area ratio, floor” or “floor area ratio” means the ratio of floor area of all buildings on a lot to
242 the area of the lot.

243 “Arterial” means a street whose principal function is the transmission of vehicular through
244 traffic, that performs a major role in serving the transportation needs of the community, and
245 that is identified as a “major arterial” or “community arterial” in the Homer Roads and
246 Streets Master Plan.

247

248 “Assisted living home” has the meaning given in AS 47.32.900.

249

250 “Auto and trailer sales or rental area” means an automobile related use that may consist of
251 any combination of the following:

252 1. An open, outdoor display area for automobiles, light trucks or trailers for rent, lease
253 or sale;

254 2. Buildings for the indoor display and sale or leasing of automobiles, light trucks or
255 trailers, and sale of parts and accessories customarily incidental to the sale of such
256 vehicles; and

257 3. Buildings at the location of a motor vehicle dealership used for auto repairs
258 customarily incidental to the operation of a dealership.

259

260 “Auto fueling station” means any premises used to sell motor fuels and lubrication to motor
261 vehicles. An auto fueling station may include the sale of minor accessories. Auto fueling
262 station does not include auto repair.

263

264 “Auto repair” means service and repair of motor vehicles, trailers and similar mechanical
265 equipment, including painting, upholstering, rebuilding, reconditioning, body and fender
266 work, frame straightening, undercoating, engine or transmission rebuilding or replacement,
267 tire retreading or recapping, and the like. It also includes minor service work to automobiles
268 or light trucks including tune up, lubrication, alignment, fuel system, brakes, mufflers, and
269 replacement of small items.

270

271 “Basement” means any floor level partly or wholly underground, except when such floor level
272 meets the definition of “story.”

273

274 “BCWP district” means the “Bridge Creek Watershed Protection District” described in Chapter
275 21.40 HCC.

276

277 “Bed and breakfast” means a dwelling in which an individual or family resides and rents
278 bedrooms in the dwelling to overnight guests, if the bed and breakfast use is accessory to the
279 principal use of the dwelling as the primary residence of the operator. If the dwelling has six
280 or more bedrooms available for rental to overnight guests it is a hotel and not a bed and
281 breakfast.

282

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

286
287 “Boat storage yard” means a lot used for the indoor or outdoor commercial dry storage of
288 boats.

289
290 “Bridge Creek Watershed” means the watershed contributing to the City’s reservoir at Bridge
291 Creek.

292
293 “Buffer” means an open space, landscaped area, fence, wall, berm, or any combination
294 thereof used to physically separate or screen one use or property from another so as to shield
295 or block visibility, noise, lights, or other undesirable effects.

296
297 “Buffer, runoff” means an area of natural or planted vegetation through which stormwater
298 runoff flows in a diffuse manner so that the runoff does not become channelized and that
299 provides for infiltration of the runoff and filtering of silt and pollutants. The buffer is
300 measured landward from the normal full water elevation of impounded structures and from
301 the top of the bank of each side of a stream, river, ditch, or other channel.

302
303 “Buffer, stream” means a runoff buffer of a designated distance on each side of a channel
304 measured perpendicularly from the top of the bank of each side of a stream, river, ditch, or
305 other channel.

306
307 “Building” means any structure used or intended for supporting or sheltering any use or
308 occupancy.

309
310 “Building construction” means the placing of construction materials in a permanent position
311 and fastened in a permanent manner in the course of constructing or erecting a building.

312
313 “Building height” is the vertical distance from grade to the maximum point of measurement
314 of the building, measured according to HCC 21.05.030.

315
316 “Building, main” means the building of chief importance or function on the lot.

317
318 “Business, open air” or “open air business” means the retail sale or display of merchandise or
319 services, including but not limited to farmers’ markets and flea markets, conducted outdoors
320 or under a canopy for protection from the elements and held on a regular or periodic basis.
321 Open air business does not include (1) outdoor display or sales of goods or services by a retail
322 or wholesale business that is principally located in a building, or (2) sales, services or rentals
323 of any kind of boat or motorized vehicle.

324

325 “Business, retail” means a place of business principally engaged in selling goods, substances
326 or commodities in small quantities to the ultimate consumer, and may include rendering
327 services incidental to the sale of such goods, substances or commodities. The term “retail
328 business” does not include, as either a principal or accessory use, automobile oriented uses,
329 the sale, rental, storage, service, or repair of any motor vehicles, or any use separately
330 defined or listed in any zoning district.

331
332 “Business, wholesale” or “wholesale” means a place of business principally engaged in
333 selling or distributing goods, substances or commodities in quantity to retailers or to
334 industrial, commercial or institutional users mainly for resale or business use.

335
336 “Campground” means a parcel of land where two or more campsites are located that
337 provides facilities for temporary recreational living in any manner other than a permanent
338 building.

339
340 “Cemetery” means land used or intended to be used for burial of the dead and dedicated for
341 cemetery purposes, including columbaria and mausoleums when operated in conjunction
342 with and within the boundary of such cemetery.

343
344 “Channel protection storage volume” or “Cpv” means the volume used to design structural
345 management practices to control stream channel erosion.

346
347 Church. See “religious, cultural, and fraternal assembly.”

348
349 “City Engineer” means an engineer within the Homer Department of Public Works designated
350 by the Director of Public Works.

351
352 “Clearing” means the removal of trees and brush from the land, but shall not include the
353 ordinary pruning of trees or shrubs or mowing of grass.

354
355 “Clinic” means a professional office with facilities for providing outpatient medical, dental or
356 psychiatric services, which may include as incidental to the principal use a dispensary to
357 handle medication and other merchandise prescribed by occupants in the course of their
358 professional practices.

359
360 “Coalescing plate separators” or “CPS” are oil/water separators that employ a series of oil-
361 attracting plates. Oil droplets collect and float to the surface, where they can be skimmed off
362 or removed mechanically and separators may be installed above or below ground.

363
364 “Coastal bluff” means a bluff whose toe is within 300 feet of the mean high water line of
365 Kachemak Bay.

366

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

369

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

373

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

377

378 “Commission” means the Homer Advisory Planning Commission.

379

380 “Community Design Manual” means the Community Design Manual for the City of Homer,
381 adopted by City Council Resolution 04-34, as may be amended from time to time.
382 Comprehensive Plan. See HCC 21.02.010.

383

384 “Construction camp” means one or more buildings, trailers, mobile homes or similar
385 structures used to house workers or employees for logging, mining, off-shore and on-shore
386 construction, development and other projects, installed primarily for the duration of the
387 project or operation and not open for use by the general public as accommodations or for
388 permanent mobile home living.

389

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

393

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

397

398 “Day care home” means the principal dwelling unit of one or more persons who regularly
399 provide(s) care, in the dwelling unit, whether or not for compensation, during any part of the
400 24-hour day, to eight or less children at any one time, not including adult members of the
401 family residing in the dwelling. The term “day care home” is not intended to include baby-
402 sitting services of a casual, nonrecurring nature, child care provided in the child’s own home,
403 or cooperative, reciprocating child care by a group of parents in their respective dwellings.

404

405 “Department” or “Planning Department” means the department or division of the City of
406 Homer under the direction of the City Planner, whose functions and powers include the
407 administration and enforcement of the zoning code as described in Chapter 21.90 HCC.

408

409 “Design year” means the year that is 10 years after the opening date of development.
410

411 “Detention, extended” means a stormwater design feature that provides gradual release of a
412 volume of water in order to increase settling of pollutants and protect downstream channels
413 from frequent storm events.
414

415 “Detention structure” means a permanent structure for the temporary storage of water
416 runoff that is designed so as not to create a permanent pool of water.
417

418 “Develop” or “development activity” means to construct or alter a structure or to make a
419 physical change to the land, including but not limited to excavations, grading, fills, road
420 construction, and installation of utilities.
421

422 “Development” means all manmade changes or improvements on a site, including buildings,
423 other structures, parking and loading areas, landscaping, paved or graveled areas, and areas
424 devoted to exterior display, storage, or activities. Development includes improved open areas
425 such as public spaces, plazas and walkways, but does not include natural geologic forms or
426 unimproved land. See also “project.”
427

428 “Development activity plan” or “DAP” means a plan, prepared according to standards set
429 forth in this title, that provides for the control of stormwater discharges, the control of total
430 suspended solids, and the control of other pollutants carried in runoff during construction
431 and the use of the development.
432

433 “Development, new” means development on a site that was previously unimproved or that
434 has had previously existing buildings demolished.
435

436 “Direct discharge” means the concentrated release of stormwater to tidal waters or
437 vegetated tidal wetlands from new development or redevelopment projects in critical habitat
438 areas.
439

440 “Dividers” means areas of landscaping that separate from each other structures or
441 improvements, including parking lots or buildings.
442

443 “Dog lot” means any outdoor area where more than six dogs over the age of five months are
444 kept.
445

446 “Dormitory” means a building or portion of a building that provides one or more rooms used
447 for residential living purposes by a number of individuals that are rented or hired out for
448 more than nominal consideration on a greater than weekly or pre-arranged basis. A building
449 or structure that provides such rooms on less than a weekly basis shall be classified as a

450 “hotel” or “motel,” “rooming house,” or other more suitable classification. “Dormitory”
451 excludes hotel, motel, shelter for the homeless and bed and breakfast.

452

453 “Drainage area” means that area contributing water runoff to a single point measured in a
454 horizontal plane, which is enclosed by a ridge line.

455

456 “Dredging/filling” means an activity that involves excavating along the bottom of a water
457 body for the purpose of channeling, creating a harbor, mineral extraction, etc., and the
458 subsequent deposition of the dredge material to build up or expand an existing land mass or
459 to create a new one.

460

461 “Drip line” means the outermost edge of foliage on trees, shrubs, or hedges projected to the
462 ground.

463

464 “Drive-in car wash” means automated or manual car wash facilities and equipment used for
465 retail car wash services enclosed within a building, which may include accessory vacuum
466 cleaning and other equipment for car interior detailing outside of a building.

467

468 “Driveway” means the aisle area within a parking lot which abuts designated parking spaces
469 and which is reserved exclusively for ingress, egress and maneuvering of automobiles in and
470 out of those spaces.

471

472 “Dwelling” or “dwelling unit” means any building or portion thereof designed or arranged for
473 residential occupancy by not more than one family and includes facilities for sleeping,
474 cooking and sanitation.

475

476 “Dwelling, duplex” means a building designed or arranged for residential occupancy by two
477 families living independently, the structure having only two dwelling units.

478

479 “Dwelling, factory built” means a structure containing one or more dwelling units that is built
480 off-site, other than a manufactured home, and: (1) is designed only for erection or installation
481 on a site-built permanent foundation; (2) is not designed to be moved once so erected or
482 installed; and (3) is designed and manufactured to comply with a nationally recognized
483 model building code or an equivalent local code, or with a State or local modular building
484 code recognized as generally equivalent to building codes for site-built housing.

485

486 “Dwelling, multiple-family” means a building or a portion thereof designed for residential
487 occupancy by three or more families living independently in separate dwelling units.

488

489 “Dwelling, single-family” means a detached dwelling unit designed for residential occupancy
490 by one family.

491

492 “Easement” means a grant or reservation by the owner of an interest in land for the use of
493 such land for a specific purpose or purposes, and which must be conveyed or reserved by an
494 instrument affecting the land.

495
496 “Educational Institution”. See “school.”

497
498 “Employee-occupied recreational vehicle” means a recreational vehicle utilized by an
499 employee or employer for housing.

500
501 “Entertainment establishment” means a public or private institution or place of business
502 providing live or pre-recorded shows or performances for entertainment.

503
504 “Equipment compound” means the area occupied by a wireless communications support
505 structure and within which wireless communications equipment is located.

506
507 “Extractive enterprises” means uses and activities that involve the removal of ores, liquids,
508 gases, minerals, or other materials or substances from the earth’s surface or subsurface.

509
510 “Extreme flood volume” or “Qf” means the storage volume required to control those
511 infrequent but large storm events in which overbank flows reach or exceed the boundaries of
512 the 100-year floodplain.

513
514 “Family” means an individual or two or more persons related by blood, marriage or adoption,
515 or a group not to exceed six unrelated persons living together as a single housekeeping unit
516 in a dwelling unit.

517
518 “Farmers’ market” means a location where the primary activity is the sale of goods:
519 1. Grown upon the land that the seller controls, in the case of fruits, nuts, vegetables,
520 other plant products, or other processed agricultural products;
521 2. Bred, raised, cultivated or collected by the seller, in the case of animal, poultry,
522 viticulture, vermiculture, aquaculture, eggs, honey and bee products;
523 3. Cooked, canned, preserved, or otherwise significantly treated by the seller, in the
524 case of prepared foods; or
525 4. Created, sewn, constructed, or otherwise fashioned from component materials by
526 the seller.

527
528 Fence Height. See HCC 21.05.030(d).

529
530 “Financial institution” means banks, credit unions, saving and loan companies, stockbrokers,
531 and similar businesses.

532
533 “Flow attenuation” means prolonging the flow time of runoff to reduce the peak discharge.

534
535 “Garage, parking” means any building (including an underground structure), except one
536 described as a private garage, used principally for the parking or storage of motor vehicles.

537
538 “Garage, private” means a building, or a portion of a building, in which motor vehicles used
539 only by the occupants of the building(s) located on the premises are stored or kept.

540 Garage, Public. See “auto repair.”

541
542 “Gardening, personal use” means gardening for personal purposes as an accessory use to the
543 primary residential use of a lot.

544
545 “Glare” means direct light emitted by a luminaire that causes reduced visibility of objects or
546 momentary blindness.

547
548 “Grade” in reference to adjacent ground elevation means the lowest point of elevation of the
549 existing surface of the ground within the area between the structure and a line five feet from
550 the structure.

551
552 “Grading” means any act by which soil is cleared, stripped, stockpiled, excavated, scarified,
553 or filled, or any combination thereof.

554
555 “Group care home” means a residential facility that provides training, care, supervision,
556 treatment or rehabilitation to the aged, disabled, infirm, those convicted of crimes or those
557 suffering the effects of drugs or alcohol. The term “group care home” does not include day
558 care homes, day care facilities, foster homes, schools, hospitals, assisted living homes,
559 nursing facilities, jails or prisons.

560
561 “Guest room” means a single unit for the accommodation of guests without kitchen or
562 cooking facilities in a bed and breakfast, rooming house, hotel or motel.

563
564 “Guesthouse” means an accessory building without kitchen or cooking facilities and
565 occupied solely by nonpaying guests or by persons employed on the premises.

566
567 “Helipad” means any surface where a helicopter takes off or lands, but excludes permanent
568 facilities for loading or unloading goods or passengers, or for fueling, servicing or storing
569 helicopters.

570
571 “Heliports” means any place including airports, fields, rooftops, etc., where helicopters
572 regularly land and take off, and where helicopters may be serviced or stored.

573 Highway. See “street” and “State highway.”

574

575 “Home occupation” means any use customarily conducted entirely within a dwelling or a
576 building accessory to a dwelling, and carried on by the dwelling occupants, that is clearly
577 incidental and secondary to the use of the dwelling for dwelling purposes and does not
578 change the character thereof, and includes no display of stock in trade, no outside storage of
579 materials or equipment and no commodity sold upon the premises. “Home occupation” does
580 not include bed and breakfast.

581
582 “Hospital” has the meaning given in AS 47.32.900.

583
584 “Hostel” means any building or portion of a building containing dormitory-style sleeping
585 accommodations for not more than 15 guests that are used, rented or hired out on a daily or
586 longer basis.

587
588 “Hotel” or “motel” means any building or group of buildings containing six or more guest
589 rooms that are used, rented or hired out to be occupied for sleeping purposes by guests.
590 “Hotel” or “motel” also means any building or group of buildings containing five or less guest
591 rooms that are used, rented or hired out to be occupied for sleeping purposes by more than
592 15 guests. The terms “hotel” and “motel” exclude bed and breakfast, rooming house,
593 dormitory, shelter for the homeless, and hostel.

594
595 “Impervious coverage” means an area of ground that, by reason of its physical characteristics
596 or the characteristics of materials covering it, does not absorb rain or surface water. All
597 parking areas, driveways, roads, sidewalks and walkways, whether paved or not, and any
598 areas covered by buildings or structures, concrete, asphalt, brick, stone, wood, ceramic tile or
599 metal shall be considered to be or have impervious coverage.

600
601 “Impound yard” means a lot, establishment, area, facility or place of business used for the
602 temporary custody of abandoned or junk vehicles, as defined in HCC 18.20.010, or other
603 abandoned or illegally stored personal property pending determination of possessory or
604 proprietary rights therein. If impounded property is held in custody longer than six months, it
605 shall be classified as a junk yard and not an impound yard.

606
607 “Independent business” means a business establishment that operates independently of
608 other business establishments. If retail and wholesale business establishments have
609 common management or common controlling ownership interests, they are not operated
610 independently of one another.

611
612 “Infiltration” means the passage or movement of water into the soil surface.

613
614 “Islands,” when used to describe landscaped areas within parking lots, means compact areas
615 of landscaping within parking lots designed to support mature trees and plants.

616

617 “Itinerant merchant” means a “transient or itinerant merchant” as defined in HCC 8.08.010.

618

619 “Joint use parking area” means a parking lot that contains required off-street parking spaces
620 for more than one lot.

621

622 “Junk” means any worn out, wrecked, scrapped, partially or fully dismantled, discarded, or
623 damaged goods or tangible materials. Junk includes, without limitation, motor vehicles that
624 are inoperable or not currently registered for operation under the laws of the State and
625 machinery, equipment, boats, airplanes, metal, rags, rubber, paper, plastics, chemicals, and
626 building materials that cannot, without further alteration or reconditioning, be used for their
627 original purpose.

628

629 “Junkyard” means any lot, or portion of a lot, that is used for the purpose of outdoor
630 collection, storage, handling, sorting, processing, dismantling, wrecking, keeping, salvage or
631 sale of junk.

632

633 “Kennel” means any land and any buildings thereon where three or more dogs, cats, or other
634 animals at least four months of age are kept for boarding, propagation or sale. If a use meets
635 the definitions of both “dog lot” and “kennel,” it shall be classified as a dog lot.

636

637 “Kitchen” means any room or part of a room intended or designed to be used for cooking or
638 the preparation of food. The presence of a range or oven, or utility connections suitable for
639 servicing a range or oven, shall be considered as establishing a kitchen.

640

641 “Landscaping” means lawns, trees, plants and other natural materials, such as rock and
642 wood chips, and decorative features, including sculpture.

643

644 “Level of service” or “LOS” means a qualitative measure describing operational conditions
645 within a traffic stream, based on service measures such as speed and travel time, freedom to
646 maneuver, traffic interruptions, comfort, and convenience. Six levels of service, from A to F,
647 are used to represent a range of operating conditions with LOS A representing the best
648 operating conditions and LOS F the worst.

649

650 1. “LOS A” means the LOS at which vehicles are almost completely unimpeded in their
651 ability to maneuver within the traffic stream, passing demand is well below passing
652 capacity, drivers are delayed no more than 30 percent of the time by slow moving
653 vehicles.

654 2. “LOS B” means the LOS at which the ability to maneuver a vehicle is only slightly
655 restricted; passing demand approximately equals passing capacity, and drivers are
656 delayed up to 45 percent of the time; the level of physical and psychological comfort
657 provided to drivers is still high.

658 3. "LOS C" means the LOS at which the ability to maneuver a vehicle is noticeably
659 restricted and lane changes require more care and vigilance on the part of the driver;
660 percent time delays are up to 60 percent; traffic will begin to back up behind slow
661 moving vehicles.

662 4. "LOS D" means the LOS at which speeds begin to decline with increasing traffic
663 flow, density begins to increase somewhat more quickly, passing demand is very high
664 while passing capacity approaches zero, and the driver experiences reduced physical
665 and psychological comfort levels; the percentage of time motorists are delayed
666 approaches 75 percent, even minor incidents can be expected to back up traffic
667 because the traffic stream has little space to absorb disruptions.

668 5. "LOS E" means the LOS at which roadway is at capacity; the percentage of time
669 delay is greater than 75 percent, passing is virtually impossible, as there are virtually
670 no usable gaps in the traffic stream; vehicles are closely spaced, leaving little room to
671 maneuver, physical and psychological comfort afforded to the driver is poor.

672 6. "LOS F" means the LOS at which traffic is heavily congested with traffic demand
673 exceeding traffic capacity, there is a breakdown in vehicular flow, and vehicle delay is
674 high.

675
676 "Light trespass" means light emitted by a luminaire that shines beyond the boundaries of the
677 property on which the luminaire is located.

678
679 "Living ground cover" means low growing, spreading, perennial plants that provide
680 continuous coverage of the area.

681
682 "Living plant life other than ground cover" means plants, including, but not limited to, trees,
683 flower beds, rock gardens, shrubs and hedges.

684
685 "Loading space" means an off-street space on the same lot with a building or contiguous to a
686 group of buildings, designated or intended for the use of temporarily parked commercial
687 vehicles while loading and unloading, and that abuts upon a street, alley or other appropriate
688 means of access.

689
690 "Lodging" means any building or portion of a building that does not contain a dwelling unit
691 and that contains no more than five guest rooms that are used, rented or hired out to be
692 occupied for sleeping purposes by guests.

693
694 "LOS". See "level of service."

695
696 "Lot" means a single parcel of land of any size, the boundaries of which have been
697 established by some legal instrument of record, that is recognized and described as a unit for
698 the purpose of transfer of ownership. It may shown on a subdivision plat map, or record of

699 survey map, or described by metes and bounds and recorded in the office of the District
700 Recorder. “Lot” includes tracts and parcels of land of any size or shape.

701

702 “Lot, corner” means a lot situated at the intersection of two or more streets having an angle
703 of intersection of not more than 135 degrees.

704

705 “Lot depth” means the horizontal distance between the front and rear lot lines measured on
706 the longitudinal centerline.

707

708 “Lot, interior” means a lot other than a corner lot.

709

710 “Lot line, front” means the shortest lot line that is a street line. In the case of (1) a square, or
711 nearly square-shaped, corner lot, or (2) a through lot, the owner may choose which street to
712 designate as the front of the lot by giving written notice to the Department. Once the choice
713 of frontage has been made, it cannot be changed unless all requirements for yard space with
714 the new front lot line are satisfied.

715

716 “Lot line, rear” means a lot line that is opposite and most distant from the front lot line and,
717 in case of an irregular or triangular lot, a line 10 feet in length within the lot, parallel to and at
718 the maximum distance from the front lot line.

719

720 “Lot line, side” means any lot boundary line that is not a front lot line or rear lot line.

721

722 “Lot, through” means a lot having a frontage on two parallel or approximately parallel
723 streets.

724

725 “Lot width” means the width of a lot calculated according to HCC 21.05.050.

726

727 “Luminaire” means a complete lighting unit, including a lamp or lamps together with parts to
728 distribute light.

729

730 “Luminaire, cut-off” means a luminaire that allows no direct light from the luminaire above
731 the horizontal plane through the luminaire’s lowest light emitting part, in its mounted form
732 either through manufacturing design or shielding.

733

734 “Luminaire, height of” means the vertical distance from the ground directly below the
735 centerline of the luminaire to the lowest direct light emitting part of the luminaire.

736

737 “Ministorage” means one or more buildings containing units available for rent for the
738 purpose of the general storage of household goods and personal property in which each unit
739 (1) is separated from all other such units, (2) is fully enclosed, and (3) does not have an area
740 greater than 600 square feet.

741
742 “Mitigation plan” means a plan designed to mitigate the effect of impervious cover on water
743 flow and loss of ground cover, and may include systems of water impoundment, settling
744 ponds, grease and sand traps, and leach fields among others.

745
746 “Mobile commercial structure” means a structure constructed as a movable or portable unit,
747 capable of being transported on its own chassis or wheels, that is designed for
748 nonpermanent uses and placed on a nonpermanent foundation and is used in any activity
749 that promotes, supports or involves a land use permitted outright in the zoning district in
750 which the mobile commercial unit is to be placed.

751
752 “Mobile food service” has the meaning defined in HCC 8.11.020 and, for purposes of the
753 zoning code, is treated as a temporary business.

754
755 “Mobile home” or “manufactured home” means a structure, transportable in one or more
756 sections: (1) that in the traveling mode is eight feet or more in width or 40 feet or more in
757 length, or when erected on site is 320 square feet or more; and (2) that is built on a
758 permanent chassis and is designed for use as a dwelling with or without a permanent
759 foundation when the plumbing, heating, and electrical systems contained therein are
760 connected to the required utilities. A mobile home shall be construed to remain a mobile
761 home whether or not wheels, axles, hitch or other appurtenances of mobility are removed,
762 and regardless of the nature of the foundation provided. A mobile home shall not be
763 construed to be a recreational vehicle or a factory built dwelling.

764
765 “Mobile home park” means one or more lots developed and operated as a unit with
766 individual sites and facilities to accommodate two or more mobile homes.

767
768 “Native vegetation” means native plant communities that are undisturbed or mimicked.

769
770 “Natural or manmade features” means features in landscaping other than plants, including,
771 but not limited to, boulders, or planters.

772
773 Nonconforming Lot. See HCC 21.61.010.

774
775 Nonconforming Structure. See HCC 21.61.010.

776
777 Nonconforming Use. See HCC 21.61.010.

778
779 “Nursing facility” means a facility that is primarily engaged in providing skilled nursing care
780 or rehabilitative services and related services for those who, because of their mental or
781 physical condition, require care and services above the level of room and board. “Nursing

782 facility” does not include a facility that is primarily for the care and treatment of mental
783 diseases or an assisted living home.

784

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

788

789 “Office” means a physical location designed for, or used as, the office of professional,
790 business, administrative, institutional, charitable, personal service or public organizations or
791 persons, but does not include direct retail or wholesale sale of goods except for those sales
792 that are clearly incidental to the principal office use.

793

794 “Office, general business” means an office maintained and operated for the conduct of
795 management level administrative services or in which individuals or entities are provided
796 services in office settings in the nature of government, business, real estate, insurance,
797 property management, title companies, investment and financial, personnel, travel, and
798 similar services, including business offices of public utilities or other activities when the
799 service rendered is a service customarily associated with office services. Offices that are part
800 of and are located with a business or industrial firm in another category are considered
801 accessory to that firm’s primary activity. Professional office is excluded.

802

803 “Office, professional” means an office maintained and operated for the conduct of a
804 professional business or occupation requiring the practice of a learned art or science through
805 specialized knowledge based on a degree issued by an institute of higher learning, including
806 but not limited to medicine, dentistry, law, architecture, engineering, accounting, and
807 veterinary medicine. General business office and clinic are excluded.

808

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

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

820

821 “Open space” means an area reserved or developed for recreational uses or preserved for its
822 natural amenities. Open space may include squares, parks, bicycle and pedestrian paths,

823 refuges, campgrounds, picnic areas, playgrounds, and gardens. “Open space” does not
824 include outdoor recreation facilities.

825

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

829

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

833 .

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

836

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

840

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

843

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

846

847 “Parking lot, single-loaded” means all or any portion of a parking lot in which there are
848 parking spaces on only one side of the driving aisle.

849

850 “Parking space” is a space in a parking lot that is reserved for the parking of a vehicle.

851

852 “Parking stall” is synonymous with “parking space.”

853

854 “Peak hour” in reference to traffic means a one-hour period representing the highest hourly
855 volume of traffic flow on the adjacent street system during the morning (a.m. peak hour),
856 during the afternoon or evening (p.m. peak hour) or representing the hour of highest volume
857 of traffic entering or exiting a site (peak hour of generator).

858

859 “Pedestrian way” means a maintained walkway or path, no less than four feet wide, that
860 connects two or more focal points of pedestrian activity, including other pedestrian ways,
861 trails, transit stops, street or parking area crossings, or building entry points. Sidewalks may
862 be pedestrian ways.

863

864 “Performance standards” means minimum requirements or maximum allowable limits on
865 the effects or characteristics of a use.

866

867 “Permeable, continuous nonliving ground cover” means landscaping surfaces made up of
868 materials such as, but not limited to, crushed rock, bark and mulch.

869

870 “Permit” means any permit, approval or other authorization issued by the City under the
871 authority of the Homer Zoning Code or regulations.

872

873 “Person aggrieved” means a person who shows proof of the adverse effect an action or
874 determination taken or made under the Homer Zoning Code has or could have on the use,
875 enjoyment, or value of real property owned by that person. An interest that is no different
876 from that of the general public is not sufficient to establish aggrievement.

877

878 “Personal service” means a business primarily engaged in providing services involving the
879 care of an individual or his or her personal goods or apparel.

880

881 “Pipeline” means a line six inches or larger, which may include accessory pumps, valves and
882 control devices, for conveying liquids, gases or finely divided solids that are constructed
883 within rights-of-way or easements or from one parcel to another. However, for the purpose of
884 securing a conditional use permit the following are excluded: the mains, hydrants, pumps,
885 services, and pressure stations of the City of Homer water utility; the mains, services,
886 manholes and lift stations of the City of Homer sewer utility; and the local service mains,
887 valves and services of a gas utility legally authorized to provide such service within the City.

888

889 “Planned unit development” or “PUD” means a residential, commercial, office, industrial, or
890 other type of development, or a combination thereof, approved under the conditional use
891 procedures and applicable provisions of this title and characterized by comprehensive
892 planning for the entire project, the clustering of buildings to preserve open space and natural
893 features, and provision for the maintenance and use of open space and other facilities held in
894 common by the property owners within the project.

895

896 “Planning Commission” means the Homer Advisory Planning Commission.

897

898 “Pollutant” in reference to waters means any substance that causes contamination or other
899 alteration of the physical, chemical, or biological properties of waters including change in
900 temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid,
901 gaseous, solid, radioactive or other substance into the waters that will or is likely to create a
902 nuisance or render such waters harmful. These substances include, but are not limited to,
903 any dredge, spoil, solid waste, incinerator residue, oil, grease, garbage, sewage, sludge,
904 medical waste, chemical waste, biological materials, heat, petrochemical, and sediment.

905

906 “Pollution, nonpoint source” means pollution from any source other than from any
907 discernible, confined, and discrete conveyances and shall include, but not be limited to,
908 parking lots and roof tops and include substances such as pathogens, petrochemicals,
909 sediments, debris, toxic contaminants, or nutrients.

910
911 “Pollution, point source” means pollution from any discernible, confined, and discrete
912 conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well,
913 discrete fissure, container, landfill leachate collection system, vessel or other floating craft
914 from which pollutants are or may be discharged.

915
916 Principal Use. See “use, principal.”

917
918 “Project” means an existing or proposed development.

919
920 “Public spaces” means space containing amenities for public use or enjoyment, for example,
921 benches, bike racks, water features, public art, and kiosks that enhance the community.

922
923 “Public utility facility or structure,” for the purpose of requiring a conditional use permit,
924 means (1) any facility or structure owned and operated by a public or private utility, or (2) a
925 telecommunications tower or antenna, but it excludes water distribution mains, pressure
926 stations and hydrants, sewage collection lines, manholes and lift stations, underground and
927 overhead electrical, cable and telephone lines and poles, street lights and small wind energy
928 systems.

929
930 “Ravine” means a long, deep hollow in the earth’s surface with walls that have a height of at
931 least 15 feet and an average slope of not less than 500 percent (five feet difference in
932 elevation per one foot of horizontal distance).

933
934 “Recharge volume” or “Rev” means that portion of the water quality volume used to
935 maintain groundwater recharge rates at development sites.

936
937 “Recreational facility, indoor” means a building used for indoor sports, recreation, physical
938 activities or games such as bowling alleys, racquetball courts, skating rinks, and other
939 physical recreation activities.

940
941 “Recreational facility, outdoor” means a lot used for outdoor sports activities or games such
942 as skating rinks, batting cages, sports fields, golf courses, miniature golf, driving ranges,
943 equestrian arenas, open air performing arts centers and similar activities. It does not include
944 sport fishing in the waters of any watercourse, water body, or Kachemak Bay.

945
946 “Recreational vehicle” is a vehicular unit, other than a manufactured home, that is designed
947 and manufactured as temporary lodging for travel, recreational and vacation use, and which

948 is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are
949 not limited to, a travel trailer, camping trailer, truck camper, motor home, and fifth-wheel
950 trailer.

951
952 “Recreational vehicle park” means a parcel of land that has been planned and improved for
953 use by two or more recreational vehicles for transient occupancy.

954
955 “Religious, cultural and fraternal assembly” means a use or building owned or maintained by
956 an organized religious organization or nonprofit entity for assemblies for social, cultural,
957 civic, or philanthropic purposes, or where persons regularly assemble for worship.

958
959 “Reservoir” means a pond, lake, or basin, either natural or artificial, for the storage,
960 regulation, and control of water.

961
962 “Residential districts” or “residential zoning districts” means the rural residential, urban
963 residential, and residential office zoning districts.

964
965 “Retention structure” means a permanent structure that provides for the storage of water
966 runoff.

967
968 “Right-of-way” means the entire width of property dedicated for a public street or private
969 easement providing ingress and egress from property abutting thereon.

970
971 Road. See “street.”

972
973 “Roadside stand” means a temporary structure on land adjacent to a street, usually for the
974 attraction of motorists for profit-making purposes. Common roadside stands sell local food,
975 produce, firewood, handcrafted items or imported goods.

976
977 “Rooming house” means a dwelling containing not more than five guest rooms that are used,
978 rented or hired out to be occupied for sleeping purposes by guests. A rooming house shall not
979 accommodate in excess of 15 guests. A rooming house shall also include any structures
980 associated with the dwelling, such as guest cabins; provided, that a conditional use permit
981 was obtained for any associated structures, if a permit is required in order to have more than
982 one building containing a permitted principal use on the lot. “Rooming house” does not
983 include bed and breakfast.

984
985 “School” means an institution or place for instruction or education, including all structures
986 and land necessary to the accomplishment of educational purposes.

987
988 “School, commercial” means a school for the teaching of clerical, managerial, administrative,
989 service or artistic skills. This applies to schools operated privately for profit that do not offer a

990 complete educational curriculum, e.g., beauty school, modeling school and secretarial
991 school. Commercial school does not include trade, skilled or industrial school.

992

993 “School, private” means a school that provides a complete educational curriculum and is
994 owned and operated by private educational, religious, charitable, or other institution. It may
995 provide elementary, secondary or post-secondary levels of education.

996

997 “School, public” means a school owned and operated or chartered by the Kenai Peninsula
998 Borough or the State or University of Alaska for the purpose of public education.

999

1000 “School, trade, skilled or industrial” means a school for the teaching of industrial,
1001 construction, technical and skilled trades skills, including schools operated by or for labor
1002 unions. Examples include welding, carpentry, electrician, and similar training schools.

1003

1004 “Sediment” means soils or other surficial materials transported or deposited by the action of
1005 wind, water, ice, or gravity as a product of erosion.

1006

1007 “Senior housing” means attached or detached independent living developments, including
1008 retirement communities, age-restricted housing and active adult communities.

1009

1010 Service Station. See “auto fueling station” and “auto repair.”

1011

1012 “Setback” means the required minimum distance between the lot line and a building,
1013 measured according to Chapter 21.05 HCC. The setback area establishes a required yard in
1014 which structures are prohibited or limited as provided in the zoning code.

1015

1016 “Sewer, community” means that portion of a nonpublic sewerage serving:

1017

1. One or more multifamily dwellings;

1018

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

1019

3. Two or more:

1020

a. Single-family homes or duplexes;

1021

b. Commercial establishments;

1022

c. Industrial establishments; or

1023

d. Institutions; or

1024

4. Any combination of two or more of the structures listed in subsections (3)(a)
1025 through (d) of this definition.

1026

1027 “Sewer, public” means a sewer system operated for the benefit of the public by the City of
1028 Homer or a public utility under a certificate of convenience and necessity issued by the
1029 Regulatory Commission of Alaska or by its predecessor or successor agency.

1030

1031 “Shelter for the homeless” means a building used primarily to provide on-site meals, shelter
1032 and secondary personal services such as showers and haircuts to the homeless and the
1033 needy on a nonpermanent basis for no or nominal compensation.

1034

1035 Sign. See HCC 21.60.040.

1036

1037 “Site” means any lot, tract, or parcel of land, or a portion thereof, or any combination thereof
1038 that is in one ownership or is contiguous and in diverse ownership, where development exists
1039 or will be created as one unit, subdivision, or project.

1040

1041 “Site plan” means a plan, to scale, showing the proposed use and development of a site. The
1042 plan generally includes lot lines, streets, points of vehicular access to the site, building sites,
1043 reserved open space, existing buildings, major landscape features (both natural and
1044 manmade), and the locations of utility lines. Additional information may be required on a site
1045 plan by applicable provisions of the zoning code.

1046

1047 “Slash pile” means a row or pile of woody debris from timber harvesting, land clearing, or
1048 similar activity.

1049

1050 “Slope” means, with respect to two points on the surface of the ground, the ratio, expressed
1051 as a percentage, of the difference between their elevations divided by the horizontal distance
1052 between them. Slope is measured as provided in HCC 21.05.040.

1053

1054 “Small wind energy system” means a wind energy system having a rated capacity of less than
1055 25 kilowatts and a total height less than 170 feet, whose primary function is to provide
1056 electric power for on-site consumption.

1057

1058 “Stabilization” means the prevention of soil movement by any of various vegetative or
1059 structural means.

1060

1061 “Stable, private” means an accessory building in which one or more horses are kept for
1062 private use and enjoyment and not for boarding, hire or sale; or in which not more than one
1063 horse is kept for boarding, hire or sale.

1064

1065 “Stable, public” means a building in which two or more horses are kept for boarding, hire or
1066 sale.

1067

1068 “State highway” means a street designated by the State as a part of the State highway
1069 system.

1070

1071 “Steep slope” means an elevation change in topography of at least 15 feet, with an average
1072 slope of not less than 45 percent (one foot difference in elevation per 2.22 feet of horizontal

1073 distance). A steep slope can occur naturally or can be created by excavation into or filling
1074 over natural ground.

1075
1076 “Stormwater management” means:

1077 1. For quantitative control, a system of vegetative and structural measures that
1078 control the increased volume and rate of surface runoff caused by manmade changes
1079 to the land; and

1080 2. For qualitative control, a system of vegetative, structural, and other measures that
1081 reduce or eliminate pollutants that might otherwise be carried by surface runoff.

1082
1083 “Stormwater management, off-site” means the design and construction of a facility
1084 necessary to control stormwater from more than one development.

1085
1086 “Stormwater management, on-site” means the design and construction of systems necessary
1087 to control stormwater within an immediate development site.

1088
1089 “Stormwater management plan” or “SWP” means a set of drawings or other documents
1090 prepared according to the requirements of this title and submitted by a person as a
1091 prerequisite to obtaining a stormwater management approval. A SWP will contain all of the
1092 information and specifications pertaining to stormwater management.

1093
1094 “Stormwater runoff” means flow on the surface of the ground, resulting from precipitation or
1095 snow melt.

1096
1097 “Story” means that portion of a building included between the upper surface of any floor and
1098 the upper surface of the floor next above, except that the topmost story shall be that portion
1099 of a building included between the upper surface of the topmost floor and the ceiling or roof
1100 above. If the finished floor level directly above a basement or cellar is more than six feet
1101 above grade for more than 50 percent of the total perimeter or is more than 12 feet above
1102 grade at any point, such basement or cellar shall be considered a story.

1103
1104 “Story, half” means a story under a gable, hip, gambrel or mansard roof, the wall plates of
1105 which on at least two of its opposite exterior walls are not more than two feet above the floor
1106 of such story.

1107
1108 “Stream” means anybody of flowing water, including a river, creek, tributary, or other
1109 watercourse.

1110
1111 “Stream banks” are defined by the steep or sloping ground that borders a stream and
1112 confines the water in the natural channel when the water level or flow is normal.

1113

1114 “Stream, intermittent” means a stream that does not flow continuously but stops or dries up
1115 from time to time.

1116

1117 “Stream, perennial” means a stream that flows continuously throughout the year, in contrast
1118 to an intermittent stream.

1119

1120 “Street” means a public thoroughfare including a public street, road or highway of any
1121 description that affords a principal means of access to abutting property. Street does not
1122 include alley or driveway.

1123

1124 “Street line” means the line of demarcation between a street right-of-way and the abutting
1125 lot(s).

1126

1127 “Stripping” means any activity that removes the vegetative surface cover including tree
1128 removal, clearing, grubbing and storage or removal of topsoil.

1129

1130 “Structural alteration” means any change of the supporting members of a building or
1131 structure such as bearing walls, columns, beams or girders.

1132

1133 “Structure” means anything constructed or erected that requires location on the ground or
1134 that is attached to something having location on the ground.

1135

1136 “Studio” means a room, rooms or building where an artist or photographer does work, a
1137 place where dancing lessons, music lessons, or similar artistic lessons are given, or where
1138 radio or television programs are produced or where recordings are made.

1139

1140 “Taxi” means any motor vehicle, permitted and licensed by the City, having a manufacturer-
1141 rated seating capacity of nine passengers or less engaged in the carrying of persons in
1142 exchange for receiving fares, not operated over a fixed route, and subject to calls from a
1143 central location or otherwise operated for hire to perform public transportation.

1144

1145 “Taxi operation” means a taxi business operated from a fixed location, but not limited in its
1146 operation to any particular route, which may include a dispatch office and vehicle fleet
1147 parking.

1148

1149 “Timber growing, harvesting and forest crops” means the growing, harvesting, or both, for
1150 commercial purposes, of (1) trees including, without limitation, live trees, Christmas trees
1151 and tree products in the form of logs, chunks, bark chips or similar items; or (2) minor forest
1152 crops such as cones, ferns, greenery, berries and moss.

1153

1154 “Total suspended solids” means the sum of the organic and inorganic particles (e.g.,
1155 sediment) suspended in and carried by a fluid (e.g., water).

1156
1157 “Tower, amateur radio” means a fixed vertical structure used exclusively to support an
1158 antenna used by an amateur radio operator licensed by the Federal Communications
1159 Commission, plus its accompanying base plates, anchors, guy cables and hardware.

1160
1161 “Tower, communications” means a fixed vertical structure built for the primary purpose of
1162 supporting wireless communications equipment, plus its accompanying base plates,
1163 anchors, guy cables and hardware.

1164
1165 “Townhouse” means a building on its own separate lot containing one dwelling unit that
1166 occupies space from the ground to the roof and is attached to one or more other townhouse
1167 dwelling units by at least one common wall.

1168
1169 “Trip” in reference to traffic means a single one-way motor vehicle movement either to or
1170 from a subject property or study area.

1171
1172 “Turbidity” means an expression of the optical property that causes light to be scattered and
1173 absorbed rather than transmitted in straight lines through a water sample; turbidity in water
1174 is caused by the presence of suspended matter such as clay, silt, finely divided organic and
1175 inorganic matter, plankton, and other microscopic organisms.

1176
1177 “Use” means the purpose for which land or a structure is occupied, arranged, designed or
1178 intended, or for which either land or a structure is or may be occupied or maintained.

1179
1180 “Use, principal” means the use of a lot or structure that is of chief importance or function on
1181 the lot.

1182
1183 “Variance” means any deviation from the requirements of the zoning code authorized by the
1184 Planning Commission pursuant to Chapter 21.72 HCC.

1185
1186 “Vehicle fleet” means a group of vehicles operated under unified control.

1187
1188 Vehicle Maintenance. See “auto repair.”

1189
1190 Vehicle Repair. See “auto repair.”

1191
1192 “Visibility or vision clearance” means the assurance of adequate and safe vision clearance
1193 particularly for vehicle operators and pedestrians; a specified area of clearance at corners of
1194 intersections where no plantings, walls, structures or temporary or permanent obstructions
1195 exceeding a specified height above the curb level are allowed.

1196

1197 “Water-dependent” means a use or activity that can be carried out only on, in or adjacent to
1198 water areas because the use requires access to the water body.

1199

1200 “Water quality volume” or “WQv” means the volume needed to capture and treat 90 percent
1201 of the average annual runoff volume at a development site.

1202

1203 “Water-related” means a use or activity that is not directly dependent upon access to a water
1204 body, but which provides goods and services that are directly associated with water-
1205 dependent uses or activities.

1206

1207 “Watercourse” means any natural or artificial stream, river, creek, ditch, channel, canal,
1208 conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area
1209 that is subject to inundation from overflow or floodwater.

1210

1211 “Watershed” means any area of land that water flows or drains under or across ground on its
1212 way to a lake, pond, river, stream, or wetland. A watershed can be delineated on a
1213 topographical map by connecting the high points of the contour lines surrounding any water
1214 body.

1215

1216 “Wetland” means an area of land that is inundated or saturated by surface or groundwater at
1217 a frequency and duration sufficient to support, and that under normal circumstances do
1218 support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
1219 Wetlands generally include swamps, marshes, bogs, and similar areas.

1220

1221 Wholesale. See “business, wholesale.”

1222

1223 “Wind energy system” means a wind turbine and its supporting wind energy system tower.

1224

1225 “Wind energy system tower” means a fixed vertical structure that supports a wind turbine,
1226 including a monopole or lattice tower, plus its accompanying base plates, anchors, guy
1227 cables and hardware.

1228

1229 “Wind turbine” means a bladed or other type of rotating mechanism that converts wind
1230 energy into electric energy.

1231

1232 “Wireless communications equipment” means the set of equipment and network
1233 components used in the provision of wireless communications services, including without
1234 limitation antennas, transmitters, receivers, base stations, equipment shelters, cabinets,
1235 emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding
1236 any wireless communications support structure.

1237

1238 “Wireless communications services” means transmitting and receiving information by
1239 electromagnetic radiation, by an operator (other than an amateur radio operator) licensed by
1240 the Federal Communications Commission.

1241
1242 “Wireless communications support structure” means a structure that is designed to support,
1243 or is capable of supporting, wireless communications equipment, including a
1244 communications tower, utility pole, or building.

1245
1246 “Yard” means a required open, unoccupied space on a lot. A yard is unobstructed by any
1247 structure or portion of a structure from 30 inches above the general ground level of the
1248 graded lot upward, except (1) fences, walls, posts, poles and other customary yard
1249 accessories, ornaments and furniture may be permitted in any yard subject to height
1250 limitations and requirements limiting obstruction of visibility, and (2) certain structures may
1251 be permitted in certain yards when authorized by code provisions applicable to a particular
1252 zoning district.

1253
1254 “Yard, front” means a yard extending across the full width of a lot, the depth of which is the
1255 minimum horizontal distance between the front lot line and a line parallel thereto.

1256
1257 “Yard, rear” means a yard extending across the full width of the lot, the depth of which is the
1258 minimum horizontal distance between the rear lot line and a line parallel thereto.

1259 “Yard, side” means a yard between a main building and the side lot line extending from the
1260 front yard to the rear yard.

1261
1262 “Zoning code” means this title.

1263
1264 “Zoning districts” means those districts established and described in Division II of this title.

1265
1266 Section 4. HCC 22.10.040 Applicable and exempted subdivisions is amended to read as
1267 follows:

1268
1269 22.10.040 Applicable and exempted subdivisions.

1270
1271 The standards of this chapter shall apply to all subdivisions in the City of Homer. Exemptions
1272 from the requirements of this chapter may be granted concurrent with preliminary plat
1273 approval by the Homer Advisory Planning Commission under the following conditions:

1274
1275 a. Resubdivision of existing subdivisions not to exceed three lots, and involving no new
1276 dedications of rights-of-way;

1277

1278 b. Special conditions and circumstances exist which are peculiar to the property involved,
1279 and are not generally applicable to other properties in the City. These special conditions
1280 cannot be caused by the actions of the applicant;

1281
1282 c. Financial hardship or inconvenience shall not be considered grounds for granting
1283 exception;

1284
1285 d. Previous exceptions shall not be considered grounds for granting exception.

1286
1287 Section 5. This ordinance is of a permanent and general character and shall be
1288 included in the City Code.

1289
1290 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2019.

1291
1292
1293 CITY OF HOMER

1294
1295 _____
1296 KEN CASTNER, MAYOR

1297
1298
1299 ATTEST:
1300
1301
1302 _____
1303 MELISSA JACOBSEN, MMC, CITY CLERK

1304
1305
1306 YES:
1307 NO:
1308 ABSTAIN:
1309 ABSENT:
1310
1311 First Reading:
1312 Public Hearing:
1313 Second Reading:
1314 Effective Date:

1315
1316
1317 Reviewed and approved as to form:

1318
1319

1320 _____
1321 Katie Koester, City Manager
1322
1323 Date: _____

Holly Wells, City Attorney

Date: _____

and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

Mayor Castner opened the public hearing. There were no comments and the hearing was closed.

LORD/VENUTI MOVED TO ADOPT ORDINANCE 19-30 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was brief comment confirming an equal allocation from the Borough and from the State.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE(S)

- a. Ordinance 19-32, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72 Advisory Planning Commission; Homer City Code 11.12.010 Street Address Assignment Plan Adopted; Homer City Code 21.03.040 Definitions Used in Zoning; and Homer City Code 22.10.040 Applicable and Exempted Subdivisions to Change the Name of the Advisory Planning Commission to the Planning Commission Throughout. Mayor. Recommended dates: Introduction June 24, 2019. Public Hearing and Second Reading July 22, 2019.

Ordinance 19-32(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72 Advisory Planning Commission; Homer City Code 11.12.010 Street Address Assignment Plan Adopted; Homer City Code 21.03.040 Definitions Used in Zoning; and Homer City Code 22.10.040 Applicable and Exempted Subdivisions to Change the Name of the Advisory Planning Commission to the Planning Commission Throughout. Mayor.

LORD/ERICKSON MOVED TO INTRODUCE ORDINANCE 19-32 BY READING OF TITLE ONLY.

LORD/VENUTI MOVED TO SUBSTITUTE ORDINANCE 19-32(S) FOR 19-32.

There was no discussion on the motion to substitute.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Mayor Castner explained that as outlined in the ordinance the Planning Commission has advisory capacity, mostly to the Borough and also to Council. They also have decision making authority and “Advisory” seems have a connotation they are only advisory but they are quasi-judicial in many respects. City Manager Koester concurred with the Mayor’s comments, adding that in addition to amending our code we have to request the Borough amend their code in how they refer to us.

Councilmember Aderhold asked for clarification at the next meeting whether additional amendments are needed to make that request of the Borough.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

CITY MANAGER'S REPORT

a. City Manager's Report

City Manager Koester reported that no proposals were submitted for the HERC building so Council will need to meet and talk about potential next steps on that. It was suggested it be scheduled for the next available worksession and Councilmember Aderhold agreed to work with the City Manager in preparing for that worksession.

City Manager Koester reminded listeners that there will be an Open House in the Council Chambers Tuesday starting at 4:00 p.m. on six DOT projects that are either in process or upcoming.

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

- a. Resolution 19-044, A Resolution of the City Council of Homer, Alaska, Approving a Request for Proposals (RFP) for General Counsel Services. Mayor/Council.

LORD/ADERHOLD MOVED TO ADOPT RESOLUTION 19-044 BY READING OF TITLE ONLY

Mayor Castner commented Council worked on editing the RFP during Committee of the Whole but didn’t get all the way through it.

Councilmembers proposed additional edits to the RFP document and agreed to hold a special meeting prior to their scheduled worksession on July 10th, to review the changes before adopting the resolution.

Memorandum 19-058 from Councilmembers Lord and Stroozas as backup.
Memorandum 19-063 from City Attorney as backup.

POSTPONED to a worksession on August 12, 2019. Also scheduled a Worksession September 16th and public hearing September 23, 2019, with discussion.

- b. Ordinance 19-31, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.18 Central Business District, Section 21.18.020, Permitted Uses and Structures, to Add Medical Clinics as a Permitted Use. Introduction June 24, 2019, Public Hearing and Second Reading July 22, 2019

Memorandum 19-078 from City Planner as backup

ADOPTED without discussion

- c. Ordinance 19-32(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72 Advisory Planning Commission; Homer City Code 11.12.010 Street Address Assignment Plan Adopted; Homer City Code 21.03.040 Definitions Used in Zoning; and Homer City Code 22.10.040 Applicable and Exempted Subdivisions to Change the Name of the Advisory Planning Commission to the Planning Commission Throughout. Mayor. Introduction June 24, 2019, Public Hearing and Refer to Planning Commission July 22, 2019, Second Reading August 12, 2019.

REFERRED to Planning Commission and Second reading scheduled for August 12, 2019, with discussion.

ORDINANCE(S)

- a. Ordinance 19-35, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 3.05, Budget to Institute a Biennial Budget; Repealing Homer City Code 3.05.040, Equipment Replacement Reserve, Homer City Code 3.05.042, Alternative Funding For Depreciation, And Homer City Code 3.05.043, Health Insurance Reserve Fund; Amending Homer City Code 3.05.045, Balanced Budget Requirements; and Enacting Homer City Code 3.05.046, Emergency Operations Fund; 3.05.047, Capital Asset Repair And Maintenance Account; 3.05.048, Capital Improvement Fund; 3.05.049, General Fund - Fund Balance; And 3.05.050, Prioritization of Funding. Mayor. Recommended dates: Introduction July 22, 2019 Public Hearing and Second Reading August 12, 2019.

INTRODUCED with discussion.

CITY MANAGER'S REPORT

- a. City Managers Report



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

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Staff Report PL 19-68

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: August 7, 2019
SUBJECT: Building Height in the East End Mixed Use District

Introduction

This staff report is a continuation on exploring the idea of increasing the building height limit in the East End Mixed Use District from 35 to 75 feet, with a conditional use permit. Staff has provided draft ordinance language to the attorney and received a response modifying the text amendment. Staff has also contacted staff at the State of Alaska DOT & PF, Central Region Aviation Design, and FAA staff that oversee Off Airport Areas of Responsibility, for Alaska. The current language under discussion is as follows:

Draft ordinance language – HCC 21.27.040 (dimensional requirements)

c. Building Height.

1. The maximum building height is 35 feet, except as provided in subsection (c)(2) of this section.
2. If approved by conditional use permit, commercial buildings up to 75 feet in height may be allowed. No dwelling units or residential occupancy is allowed within the structure. A statement from the Alaska Department of Transportation and Public Facilities that there is no objection to the building height or that state airport or FAA regulations do not apply to the structure.

City Correspondence with the state

Homer Planning to DOT:

The City of Homer is considering allowing taller buildings in part of the community, up to 75 feet. The area under consideration is to the northeast of the airport. If you are familiar with Homer, this would be in the Kachemak Drive and East End area, ie boat yard and Kachemak Gear Shed areas. Our current building height limit is 35 feet, which would remain in place immediately near the airport. Attached is a rough map of the airport area (and Beluga Lake Seaplane facility) and the area where taller buildings would be allowed. We don't anticipate a lot of them, but there is demand for taller industrial structures for boat building and repairs.

I am aware that FAA regs change over time, so our community is considering the requirement that an applicant get a statement from Alaska Department of Transportation and Public Facilities that there is no objection to the building height or that state airport or FAA regulations do not apply to the structure.

Any concerns from an airport safety perspective about taller buildings in the area shown on the map? (*Staff comment: map included an aerial vicinity map of the airport and the East End Mixed Use District*)

Any concerns with an applicant asking AKDOTPF for non-objections or that no additional rules apply?

DOT response from Matthew Hansen, P.E., Project Manager State of Alaska DOT&PF, Central Region Aviation Design:

Since that area shown in the map you provided is outside of airport property, it is beyond our jurisdiction. However, the FAA does have criteria for notifying them when construction of a structure is proposed. These regulations are described in CFR Title 14 Part 77. The link below will direct you to the FAA's Obstruction Evaluation / Airport Airspace Analysis (OE/AAA) website which is used to evaluate structures against the requirements of Part 77.

<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

Within the website is a tool to assist you with their Part 77 Notice Criteria. It is listed under "Who Needs to File" near the bottom of the page. You can enter the coordinates and elevation for a proposed structure to determine if an analysis by the FAA is required. I did a test run and it did indicate that the FAA requests that you file for structures within the area in question. I believe that an analysis will be required for each individual structure instead of a blanket rule for the whole area, but I may be wrong. The appropriate FAA representative would be able to provide more information. They can be found here: <https://oeaaa.faa.gov/oeaaa/external/public/aorMap.jsp>

FAA Regulations and correspondence

Planning staff further research FAA regulations, as using the FAA tool resulted in the requirement to notice the FAA of the construction. The CFR's from the website are listed below.

In accordance with [14 CFR Part 77.9](#), if you propose any of the following types of construction or alteration, you must file notice with the FAA at least 45 days prior to beginning construction:

- any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:

- 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport described in 14 CFR 77.9(d) with its longest runway more than 3,200 ft. in actual length, excluding heliports
- 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport described in 14 CFR 77.9(d) with its longest runway no more than 3,200 ft. in actual length, excluding heliports
- 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport described in 14 CFR 77.9(d);
- OR any highway, railroad, waterway or other traverse way for mobile objects, of a height which, if adjusted upward as defined in 14 CFR 77.9(c) would exceed a standard of 14 CFR 77.9 (a) or (b);
- OR your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#);
- OR your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception;
- OR any construction or alteration exceeding 200 feet above ground level, regardless of location;
- OR any construction or alteration located on an airport described in 14 CFR 77.9(d);
- OR filing has been requested by the FAA.

Staff contacted the FAA, and received this response from Robert van Haastert Team Manager Air Traffic, Obstruction Evaluation Group (AJV-15):

The Notice Criteria Tool (NCT) identifies if a structure needs to be evaluated to ensure it does not impact FAA navigational and radio equipment or the operations at Homer Airport – Visual Flight Rule (VFR) arrival and departure procedures. Yes, in some areas off the end of the runway, extending 6,000 feet, the NCT indicates notice is required for even a one foot structure.

Any issues, the FAA will open negotiations with the sponsor to resolve the impacts.

Title 14 CFR part 77 details a 45 day prior notice. Not because the proposal is overly complicated, just because we review over 160,000 proposals so far this year. It is first come, first serve and it is a free service.

Normally in Alaska, we are getting Determination letters out within 3 weeks.

To protect the local municipal airport, a lot of cities are requiring a favorable FAA Determination letter before issuing a building permit. The FAA Determination letters are evaluations on the impacts to the public-use airport and do not involve any land use issues.

The last thing the FAA wants to see is a hotel/building being built in a spot where the required obstacle clearance over the physical structure is now so high that it negates the benefits of lower instrument approach minimums to the airport

Discussion

The state does not have jurisdiction off airport property – the FAA does. Documentation, if required by federal law, would occur at the time of the zoning permit review, just like Fire Marshal or DOT permits. Staff recommends striking reference to the state from the draft language.

Attorney comments:

I agree that the sentence about FAA or DOTPF building height restrictions can be taken out. Any federal or state aviation easement would be enforceable by the appropriate federal or state agency and it is not necessary to mention this possibility in the City code.

The term “commercial” is not defined in the list of defined terms in HCC 21.03.040. This is not necessarily a problem because commercial is a term that has a pretty obvious meaning in most situations, and because when it is time to evaluate a CUP under this provision, staff and the planning commission can make their own reasonable interpretation of this term.

Draft ordinance language – HCC 21.27.040 (dimensional requirements)

c. Building Height.

- 1. The maximum building height shall be 35 feet, except as provided in paragraph 2. of this subsection.**
- 2. When authorized by a conditional use permit, the maximum building height for a building used solely for commercial purposes shall be 75 feet. A building for which a conditional use permit has been issued under this subsection shall not contain dwelling units.**

Recommendation

1. Discuss the information provided in the staff report, and move to send the language as amended by the attorney forward to public hearing.



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Staff Report PL 19-69

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: August 7, 2019
SUBJECT: Ordinance 19-xx amending GC1 and GC2 zoning code regarding manufacturing

Introduction

The Planning Commission gave some thought to the provision of manufacturing in the GC1 and GC2 Districts at the last meeting. Some concerns about manufacturing revolved around toxins and hazards and how they might be best regulated. The discussion stopped in the middle of a motion to consider manufacturing as a conditional use.

Analysis

Manufacturing is a commercial activity and is regulated by the State Fire Marshal. The building design is reviewed and approved in consideration of the activities proposed. Standards do exist regarding storage, handling, and discharges of toxic materials. The successful regulation of these concerns in any development in Homer will need the inclusion of state or federal authorities.

General Commercial 1 & 2 Districts are subject to nuisance standards found in HCC 21.59.010. Similar to Fire Marshal concerns, the standards and requirements are those of outside regulatory agencies.

The current triggers that necessitate a CUP include building area (>8000 sf) and lot coverage in excess of 30%, in addition to more than one building containing a permitted principle use. Additionally, screening requirements for developments adjacent to a residential district are found in the GC 1 District.

To CUP or not to CUP? Below you will find a description of items now allowed for manufacturing outright in the district. I really cannot say that any of these activities are not without potential hazards or nuisances. We do know that CUP's require extra time and work from everyone, while introducing additional liabilities to the city and applicant.

I ask that Commissioners first consider the merits of allowing uses to be permitted without a CUP. In many instances a CUP may be necessary, especially for a successful product that

would necessitate a larger building footprint. Then I think of the usefulness of a CUP, do we really need a hearing for small-scale operations in commercial districts? What will be the added value? I see very little value in creating a CUP process for a district that was arguably made for the activity, such as GC2 (I believe we could go farther in eliminating CUP's in GC2 – for another time though). In GC1 we do have a more possibilities for conflict with residential, but mostly with adjoining districts. In that case, we do have Screening regulations found in HCC 21.24.040(f). I do believe that we would best be served by allowing manufacturing as a permitted use in GC1 and GC2.

21.59.010 Nuisances.

When made applicable to a zoning district or to a use or structure by other provisions of the zoning code, these prohibitions and requirements apply:

a. Air Pollution.

1. Smoke. The emission of any air contaminant greater than 20 percent opacity from any chimney, stack, vent, opening or process is prohibited.

2. Odors and Gases. The emission of odors in such quantities as to be objectionable to any person with normal sensitivities at any point beyond the lot line is prohibited. Noxious, toxic, and corrosive gas emissions shall be treated by full control techniques and shall not exceed permissible levels established by Federal, State or local laws or regulations.

3. Particulate Matter. All facilities will be designed and operated with the highest and best emission control equipment practicable. Persons responsible for a suspected source of air pollution, upon the request of the City, shall provide quantitative and qualitative information regarding the discharge that adequately and accurately describes operation conditions and the discharge of particulate matter. Any responsible person may be required to have its plans and specifications reviewed by the State Department of Environmental Conservation prior to final approval of the plans by the City.

b. Noise. All noise shall be muffled so as not to be objectionable due to intermittences, beat, frequency, or shrillness. Off-site noise, when measured at the lot line, shall not exceed 50 decibels between 10:00 p.m. and 6:00 a.m. and 80 decibels at all other times.

c. Vibration. No vibration that is discernible without instruments, other than that caused by highway vehicles or aircraft, shall be permitted beyond the lot line of the site.

d. Heat and Glare. No activity shall produce objectionable heat or glare that unreasonably annoys or disturbs a person of ordinary sensibilities beyond the lot line of the site.

e. Water and Solid Waste Pollution. No liquid or solid waste disposal will be allowed on the site or into adjacent drainage ditches, storm sewers, sloughs or other waterways. The discharge of treated or untreated sewage or wastes into the sanitary sewer systems shall conform to the codes and ordinances of the City.

f. Handling of Dangerous Materials. The storage, handling and use of dangerous materials, such as flammable liquids, incendiary devices, compressed gases, corrosive materials and explosives, shall be in accordance with the regulation and codes of the State Fire Marshal, the National Fire Protection Association, the U.S. Coast Guard and other applicable law.

g. Materials and Equipment Storage.

1. All materials and equipment including waste material shall be stored and all grounds maintained in a manner that will not attract or aid in the propagation of insects, animals, or create a health or safety hazard.

2. Open storage of materials and equipment is permitted, subject to these exceptions and conditions:

a. If a lot abuts a residential zoning district or abuts a lot that lawfully contains a dwelling unit, any outdoor storage of materials and equipment on the lot must be screened from the residential lot or district by a wall, fence, or other sight-obscuring material. The screen must be a minimum of eight feet in height.

b. This subsection (g) does not authorize any outdoor storage in any zoning district in which the applicable zoning district regulations do not allow such storage.

HCC 21.24.040(f) (GC1)

f. Screening. When one or more side or rear lot lines abut land within an RO, RR, or UR district or when a side or rear yard area is to be used for parking, loading, unloading or servicing, then those side and rear yard areas shall be effectively screened by a wall, fence, or other sight-obscuring screening. Such screening shall be of a height adequate to screen activity on the lot from outside view by a person of average height standing at street level.

HCC 21.24.020 (GC1 permitted uses)

q. Manufacturing of electronic equipment, electrical devices, pottery, ceramics, musical instruments, toys, novelties, small molded products and furniture;

HCC 21.26.020 (GC2 permitted uses)

c. Manufacture and assembly of pottery and ceramics, musical instruments, toys, novelties, small molded products, electronic instruments and equipment and electrical devices;

HCC 21.27.020 (East End Mixed Use, permitted uses)

s. Manufacturing, fabrication and assembly;

HCC 21.18.030 (CBD, Conditional use)

h. Light or custom manufacturing, repair, fabricating, and assembly, provided such use, including storage of materials, is wholly within an enclosed building;

Recommended Code Change:

HCC 21.24.020 (GC1 permitted uses)

q. Manufacturing, **fabrication and assembly** of electronic equipment, electrical devices, pottery, ceramics, musical instruments, toys, novelties, small molded products and furniture;

HCC 21.26.020 (GC2 permitted uses)

c. Manufacture, **fabrication and assembly** and assembly of pottery and ceramics, musical instruments, toys, novelties, small molded products, electronic instruments and equipment and electrical devices;

Staff Recommendation: Discuss and make appropriate motions to accept, modify, or fail draft ordinance and propose a public hearing if forwarding the proposal.



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Staff Report PL 19-70

TO: Homer Advisory Planning Commission
FROM: Rick Abboud AICP, City Planner
DATE: August 7, 2019
SUBJECT: Ordinance 19-19(S) Amending City Water Rules to Allow Water Service Outside of City Limits

Introduction

This conversation is continuing from the last meeting. We have asked Todd Cook to attend and are working on arrangement for the Mayor and Council Member Adderhold to attend the work session.

Analysis

Please reviews the materials provided in the previous commission packet in addition to the minutes. If you need a paper copy of packet material, please let the Planning Office know and will print it out. The goal is to formulate a response to council, hopefully at this meeting as the council is scheduled to take the item up at their meeting of August 26th.

Staff Recommendation

Use the work session to gain enough information to formulate a response to forward to the City Council at the regular meeting.



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Staff Report PL 19-71

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: August 7, 2019
SUBJECT: Boat sales, rentals, service, repair and storage, and boat manufacturing in the MI District

Introduction

It has come to my attention that **boat sales, rentals, service, repair and storage, and boat manufacturing** in the Marine Industrial District is a conditional use, while marine equipment sales, rentals, service, repair and storage is a permitted use.

Analysis

We may want to start with the purpose of the district: *The purpose of the Marine Industrial District is primarily to provide adequate space for those water-dependent industrial uses that require direct marine access for their operation, such as fishing, fish processing, marine transportation, off-shore oil development and tourism, giving priority to those water-dependent uses over other industrial, commercial and recreational uses.*

Using traditional definitions, one would consider boats a subset of marine equipment. This would mean that anything used for an activity on/in the water including most items found in/or on a boat are allowed to be sold, rented, serviced, repaired or stored without gaining a CUP.

I am looking for input as to why we would have these items as a CUP and am proposing that we consider making them a permitted use. This fix in code would be as simple as moving the item from HCC 21.30.030 to 21.30.020. My general thought is that these uses are a good fit for the Marine Industrial District and should be allowed as a permitted use until a CUP might be required for >8000 square feet of building area or exceeding 70% of lot building area.

Staff Recommendation

Discuss the item and pass any recommendations to the Port and Harbor Commission for comment.



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Memorandum

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: July 17, 2019
SUBJECT: July 22 City Manager Report

Question Period for Attorney Services RFP

The request for proposals (RFP) for attorney services has been advertised. We will be collecting questions from prospective proposers and addressing them in an addendum after the advertisement has run for one week. A response to Mr. Evans' questions submitted as public testimony for the July 10 special meeting will be included in that addendum.

City receives Homer Seawall Study from HDR

My office received the final Seawall study July 9th, and I met with Public Works Director Meyer to discuss the report's findings and the 5 conceptual maintenance solutions posed (price range is \$0.6M - \$4.4M). We will be sending out the final report to the Ocean Drive Loop Service Area (ODLSA) property owners, along with a Seawall maintenance/construction cash flow analysis. The purpose of the cash flow analysis will be to compare the current, annual "reactive" maintenance costs to the Rough Order Magnitude costs associated with concepts that use riprap/armor stone (Concept 1) and geotextile (Concept 2) as detailed in the Study. All ODLSA residents will be requested to attend an August neighborhood meeting to discuss next steps (tentatively scheduled for either August 20th or 21st). The City's call-in bridge line will be open for residents who cannot attend in person. In addition, HDR's coastal engineer Ronny McPherson will telephonically participate at this meeting to answer questions posed by residents in regards to the Seawall study.

Current Procedures for filling seats of City Boards and Commissions

The City currently has one advisory board, four advisory commissions, and one standing committee that meet once a month, with the exception of the Planning Commission which meets twice a month. The board and commissions have two to three seats that expire in a designated month each year as follows:

- February - Port and Harbor Advisory Commission (PHC)
- April - Library Advisory Board (LAB) and Economic Development Advisory Commission (EDC)
- July - Planning Commission
- October - Parks Art Recreation and Culture Advisory Commission (PARCAC)
- Term expirations were not outlined for the ADA Compliance Committee when it was established by Resolution 16-019.

The Planning Commission has one seat available for a non-city resident while the LAB, EDC, and PHC have two non-resident seats and PARCAC has three non-resident seats.

Thirty days prior to a term expiration, the Clerk's office staff notify expiring members and request they submit an application for re-appointment if they are interested. The City Clerk runs a Public Notice of Advisory Body Openings in the Homer News and it's published as featured content on the City of Homer main webpage. All openings are included, as space/time allows, in the weekly meeting notice published in the Homer News and announced on the Clerk's radio report with KBBI, which airs on Mondays. Information is also available on the Commission and Board webpages which can be accessed through the City Clerk's webpage or from the "Government" tab on the City's main webpage. The Commission and Board page lists current openings and links to each advisory body's page for additional information, as well as a link to apply via webform or download a pdf application. Applications are also available at the City Clerk's office.

Currently there are openings on the Planning Commission (city resident only), the Economic Development Advisory Commission (city resident or non-resident), and Student Representative Seats for the upcoming school year.

City Responsiveness to Slope Stability concerns in Baycrest Subdivision

Coastal bluff erosion, slope instability and drainage problems are common landscape features in Homer that are exacerbated in certain areas such as the Baycrest Subdivision. Since my tenure as City Manager and even before, staff and Councilmembers have repeatedly discussed and met with Baycrest homeowners on this topic and conducted site visits. We have escalated the issue to at least three sequential ADOT&PF Commissioners as a top City of Homer priority during legislative meetings. The Homer City Council has passed resolutions that supported the Planning Commission investigating the creation of a Natural Hazards Overlay District for the Baycrest Subdivision and requested the State of Alaska's involvement, especially with the Sterling Highway's installation of beehive drainage. Public Works has spent time on ditch clearing to help drainage in the area. The City partnered with the United States Geological Survey (USGS) to secure funding by FEMA to conduct a Bluff Stability Study. The City of Homer's response to the concerns brought up by residents of Baycrest subdivision (specifically Judy Rebecca Court) for the last three years is summarized below. Former City Manager Wrede was also involved with Baycrest Subdivision erosion through litigation that occurred with both Homer Electric and the Country Club Estates Subdivision between 2006-2008.

Brief Summary of Actions Related to Baycrest Subdivision Over the Last Three Years:

2017: Councilmember Erickson, City Manager Koester, and Public Works Director Meyer meet with homeowners multiple times; Public Works Department ditches to improve drainage; City passes Resolution 17-082 (Natural Hazards Overlay District).

2018: City passes Resolution 18-008 requesting ADOT&PF fix Sterling Highway drainage; City meets with ADOT&PF Leadership in Juneau; City continues notifying State Delegation regarding Baycrest Subdivision; City staff and Councilmember Erickson conduct site visits, Public Works replaces culverts.

2019: Mayor Castner and Homer City Council continue notifying AKDOT&PF Leadership and State Delegation regarding Baycrest Subdivision; City receives notice that FEMA would like to fund the bluff stability project in Homer in coordination with USGS.

The City will continue to prioritize communications with the State regarding this issue. In the meantime, the City is in communication with the attorney representing Judy Rebecca Court residents regarding scheduling a professional engineer to conduct a site visit to the impacted properties and provide the City with additional analysis. Thank you for the opportunity to provide an update on this important and sensitive topic.

Notice to Rescind Issued from East Road Cottages

On March 27, 2019, Homer City Council passed Ordinance 19-09(S) which authorized the extension of City of Homer Water services to a planned low income housing development (East Road Cottages) in Kachemak City. Alaska Statute AS 29.35.020 allows municipalities to provide utility services outside their boundaries with the approval of the other municipality by ordinance. Condition a(ii) of the agreement between the City of Homer and East Road Cottages stated that “applicant must provide an ordinance or resolution passed by Kachemak City Council confirming that the utility service to East End Cottages meets the requirements set forth in Kachemak City Code 6.02 Water Rules and Regulation and approval of services as required in Alaska Statute 29.35.020(b).”

On July 10, Kachemak City Council introduced Resolution 2019-04, “expressing a condition of city approval by ordinance as required by AS 29.35.020(b) to allow the water utility of the City of Homer, Alaska to extend water utility service to lot 2B Puffin Acres located within the boundaries of Kachemak City.” On July 17, I received notice from East Road Cottages that they were rescinding the agreement they submitted for City water service due to their inability to meet the conditions of the agreement.

Enc:

July Anniversaries

Kachemak City Resolution 2019-04

Letter of support for SVT grant application

Updates on Police Station Project from Project Manager McNary



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Memorandum

TO: MAYOR CASTNER AND CITY COUNCIL
FROM: Katie Koester
DATE: July 22, 2019
SUBJECT: July Employee Anniversaries

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

John Wythe,	Public Works	28	Years
Brian McCarthy,	Port	20	Years
Lori Sorrows,	Finance	20	Years
Dan Olsen,	Public Works	18	Years
Julie Engebretsen,	Planning	17	Years
Rick Abboud,	Planning	11	Years
Dave Welty,	Public Works	11	Years
David Bernard,	Library	8	Years
Jason Hoffman,	Public Works	4	Years
Clinton Scritchfield,	Police	1	Year



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Crystal Collier, President
Seldovia Village Tribe
P. O. Drawer L
Seldovia, Alaska 99663
Submitted electronically

July 22th, 2019

Dear Ms. Collier,

The “open door policy” of Seldovia Village Tribe (SVT)’s Community Health Center provides an affordable continuum of care for all residents of the Kenai Peninsula, especially for vulnerable community members who are at-risk, low income, and/or uninsured.

The City of Homer supports SVT’s application for the U.S. Health Resources & Service Administration Health Center Program’s FY2020 Service Area Competition (SAC) Technical Assistance grant, which will help SVT continue their comprehensive primary health care for Kenai Peninsula residents.

On average from 2016-2018, 60% of SVT patients had incomes at or lower than 200% of the federal poverty level. This compares to 52% from 2013-2015. This increase in places additional pressure on SVT to provide much needed services to the greater Homer community.

The City of Homer would like to thank SVT for 18 years of service to Kenai Peninsula residents, and applaud them for opening their doors to people in need.

Sincerely,

Katie Koester

City Manager

PROGRESS STATUS REPORT

New Homer Police Station

June 19 – July 16, - 2019

Work Completed this Period:

Form/pour valley drive gutters, north entries. Form/rebar/pour footings for VSB. Form/rebar/pour all lower lever footings and elevator pit/sump. Form/rebar/pour GL-7 stem wall. Strip/prepare for backfill. Strip footings and begin tall wall, elevator pit wall form work. Begin rebar install, all lower walls. Staging of structural forms and framing materials. New main WL fittings on back order.

Work to be Performed Next Period:

Trench/install main waterline and new hydrant. Continue form/rebar/pour structural concrete for walls. Form/rebar/pour VSB stem walls. Install drain tile. Form lower slab. Begin framing on lower level. Install Lift station and sewer lines. Prep structural concrete for backfill.

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

Milestone Task	Original Start Date	Actual Start Date
Foundation Forming	06/27/19	06/12/19

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

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

Prepared by: Pat McNary
Project Manager

Homer Public Safety Building

Grubstake Avenue Homer, Alaska 99603



Date Fri 06/21/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



Weather

6:00 AM

50°

Overcast

Wind: 4 MPH | Precipitation: .0" | Humidity: 82%

12:00 PM

52°

Drizzle

Wind: 3 MPH | Precipitation: .0" | Humidity: 85%

4:00 PM

53°

Overcast

Wind: 7 MPH | Precipitation: .01" | Humidity: 83%

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Matt Hanson, Ron Frazier, Tanner Stengel, Carl Brinkerhoff	Supervision, coordination and documentation. Placed, finished and cured and sealed curb and gutter at north and west driveway entrances. Built concrete wash out and secondary containment for diesel tank. <small>Carl Brinkerhoff 06/21/19 04:45PM</small>	4	1	196
Total		4	4	670.5

Time Cards

No entry

Notes, Issues, Concerns

- Got email confirmation that rebar will be onsite Tuesday morning. Placers I would assume based on conversation will be here then as well.

Carl Brinkerhoff | 06/21/19 | 04:48PM

Site Safety Observations

- Site safety protocols were observed onsite today.

Carl Brinkerhoff | 06/21/19 | 04:48PM

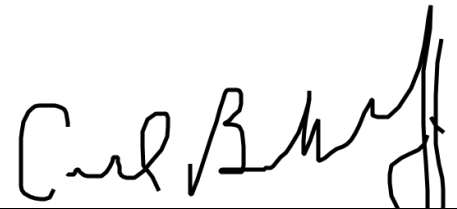
Quality Control Observations

1. 4 yards of 3000 psi concrete with 6% air was placed today.

Carl Brinkerhoff | 06/21/19 | 04:49PM

Survey

Questions	N/A	No	Yes	Description
1. Any accidents on site today?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Any schedule delays occur?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Did weather cause any delays?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Any visitors on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	John Bishop stopped by today. Carl Brinkerhoff 06/21/19 04:52PM
5. Any areas that can't be worked on?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Concrete in footings waiting on rebar arrival and placement. Carl Brinkerhoff 06/21/19 04:52PM
6. Any equipment rented on site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



I, Carl Brinkerhoff, have reviewed and completed this report.

Carl Brinkerhoff | 06/21/19 | 04:52PM

Homer Public Safety Building

Grubstake Avenue Homer, Alaska 99603



Date Fri 06/28/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



Weather

6:00 AM

54°

Clear

Wind: 2 MPH | Precipitation: .0" | Humidity: 84%

12:00 PM

65°

Partly Cloudy

Wind: 6 MPH | Precipitation: .0" | Humidity: 66%

4:00 PM

64°

Partly Cloudy

Wind: 6 MPH | Precipitation: .0" | Humidity: 69%

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Matt Hanson, Ron Frazier, Tanner Stengel, Chad Albertsons, Ryan Fox	Supervision, coordination, documentation. Crew placed and finished concrete at lower level footings and elevator sump pit. placed concrete at parking shed footings and pilaster footings. 32 yards of concrete pumped, placed and finished onsite today. Tester was onsite taking tests for air, slump and temperature. Took sample cylinders from first to trucks per Carey Meyers directive. All concrete placed met spec. Carl Brinkerhoff 06/28/19 09:08PM	5	8	40
Total		5	40	808.5

Time Cards

No entry

Notes, Issues, Concerns

No entry

Site Safety Observations

1. Site safety protocols were observed onsite today.

Carl Brinkerhoff | 06/28/19 | 09:09PM

Quality Control Observations

1. All concrete placed on site today met contract specifications.

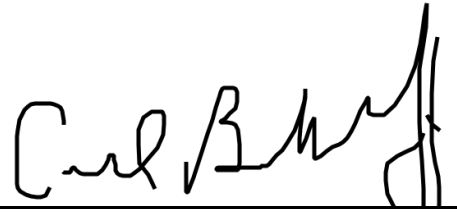
Carl Brinkerhoff | 06/28/19 | 09:10PM

Survey

Questions	N/A	No	Yes	Description
1. Any accidents on site today?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Any schedule delays occur?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Did weather cause any delays?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Any visitors on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Bill Smith was onsite to drop off plans for electrical / comm sleeve locations and required sleeves at concrete walls. Carl Brinkerhoff 06/28/19 09:15PM
5. Any areas that can't be worked on?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Any equipment rented on site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Attachments





I, Carl Brinkerhoff, have reviewed and completed this report.

Carl Brinkerhoff | 06/28/19 | 09:15PM

Homer Public Safety Building

Grubstake Avenue Homer, Alaska 99603



Date Wed 07/03/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



Weather

6:00 AM

54°

Clear

Wind: 2 MPH | Precipitation: .0" | Humidity: 86%

12:00 PM

63°

Clear

Wind: 5 MPH | Precipitation: .0" | Humidity: 66%

4:00 PM

63°

Clear

Wind: 5 MPH | Precipitation: .0" | Humidity: 67%

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Matt Hanson, Ron Frazier, Tanner Stengel, Chad Albertsons, Ryan Fox	Supervision, coordination and documentation. Started forming 12 " tall walls to 8'. Set J-bolts and hold down anchor rods on grid 7 walls. Installed sleeves for electrical on grid 7 per drawing provided by Puffin. Picked up under slab vapor barrier and tape from Spenard's. <small>Carl Brinkerhoff 07/03/19 06:34PM</small>	5	8	160
Total		5	40	928.5

Time Cards

No entry

Notes, Issues, Concerns

- After reviewing detail 11/ S 401 we realized rebar suppliers missed supplying hair pins for each side of anchor rods. I purchased 5ea. 29 foot sticks of #4 (they don't sell #3 at spenard) and used a rebar bender to manufacture on site. Installed per detail @8 locations on grid 7 wall.
Carl Brinkerhoff | 07/03/19 | 06:39PM

Site Safety Observations

- Site safety protocols were observed onsite today.
Carl Brinkerhoff | 07/03/19 | 06:39PM

Quality Control Observations

1. All materials and workmanship performed onsite today met or exceeded project specifications.

Carl Brinkerhoff | 07/03/19 | 06:40PM

Survey

Questions	N/A	No	Yes	Description
1. Any accidents on site today?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Any schedule delays occur?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Did weather cause any delays?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Any visitors on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pat McNary was onsite this morning Carl Brinkerhoff 07/03/19 06:54PM
5. Any areas that can't be worked on?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Any equipment rented on site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Attachments



I, Carl Brinkerhoff, have reviewed and completed this report.

Carl Brinkerhoff | 07/03/19 | 06:54PM

Homer Public Safety Building

Grubstake Avenue Homer, Alaska 99603



Date Fri 07/12/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



Weather

6:00 AM

54°

Clear

Wind: 3 MPH | Precipitation: .0" | Humidity: 87%

12:00 PM

61°

Mostly Cloudy

Wind: 5 MPH | Precipitation: .0" | Humidity: 76%

4:00 PM

61°

Mostly Cloudy

Wind: 7 MPH | Precipitation: .0" | Humidity: 77%

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Matt Hanson, Ron Frazier, Tanner Stengel, Chad Albertsons, Ryan Fox	Supervision, coordination and documentation. Crew continued forming top of outside forms. Moved everything out of lower level in anticipation of rebar placers being here Monday. Installed hydrophilic water stop at both ends of grid 7 foundation where it joins grid A &K. Installed sleeves for mechanical penetrations at grid A. <small>Carl Brinkerhoff 07/12/19 04:47PM</small>	4	8	352
Total		4	32	1120.5

Time Cards

No entry

Notes, Issues, Concerns

1. Finished review of doors and sent to Anthony. Reviewed steel shops and elevator support rails. Got sleeve from Evers plumbing for elevator sump discharge.

Carl Brinkerhoff | 07/12/19 | 05:11PM

Site Safety Observations

1. Site safety protocols were observed onsite today.

Carl Brinkerhoff | 07/12/19 | 05:12PM

Quality Control Observations

1. All work and materials onsite today met or exceeded project specifications.

Carl Brinkerhoff | 07/12/19 | 05:12PM

Survey

Questions	N/A	No	Yes	Description
1. Any accidents on site today?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Any schedule delays occur?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Did weather cause any delays?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Any visitors on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Terry Hansen was onsite today. Carl Brinkerhoff 07/12/19 05:15PM
5. Any areas that can't be worked on?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Any equipment rented on site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Attachments



I, Carl Brinkerhoff, have reviewed and completed this report.

Carl Brinkerhoff | 07/12/19 | 05:15PM



Planning Department

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

Charlie Pierce
Borough Mayor

July 16, 2019

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE MEETING OF JULY 15, 2019

Re: Northern Enterprises No. 3 Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of July 15, 2019 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.25; 20.30; 20.40 and 20.60.

AMENDMENT MOTION

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

Findings

1. The subdivision is within the City of Homer.
2. Development within the subdivision must comply with the requirements of the zoning district.
3. The proposed plat is in the East End Mixed Use Zoning District.
4. Per HM 81-75, HM 83-31, and HM 2002-67, a building setback of 20 feet is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.
5. KPB Ordinance 80-4, Amending the Subdivision Ordinance to Clarify Building Setback Requirements in the Area of the Borough within the Boundaries of a First-Class City, was enacted on February 19, 1980.
6. Ordinance 83-25, enacted on May 3, 1983, delegated zoning regulations to the City of Homer.
7. The Planning Commission approved HM 81-75 on May 18, 1981; HM 83-31 on January 24, 1983; and HM 2002-57 on February 14, 2000.
8. Building setbacks within the subdivision must comply with the requirements of the zoning district per KPB 20.30.250.
9. Approval of the exception will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.
10. Plat Note 1 states the subdivision is subject to the zoning regulations of the City of Homer.
11. Homer Advisory Planning Commission conditionally approved the proposed subdivision on June 5, 2019 with no discussion or concern about building setback notes.

This notice and unapproved minutes of the subject portion of the meeting were sent July 16, 2019 to:

City of: City of Homer
491 East Pioneer Avenue
Homer, AK 99603-7624

Advisory Planning Commission/Community Council:

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

Survey Firm:

Ability Surveys
152 Dehel Ave.
Homer, AK 99603

Subdivider/Petitioner:

Kenneth & Roseleen Moore Alaska Community Property Trust
5140 Kachemak Dr.
Homer, AK 99603-9478

Northern Enterprises Boat Yard Inc.
5140 Kachemak Dr.
Homer, AK 99603-9478

KPB File Number:

2019-075

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

2. Northern Enterprises No. 3
KPB File No. 2019-075; Ability Surveys/Northern Enterprises Boat Yard, Inc. and
Kenneth & Roseleen Moore Alaska Community Property Trust

Staff Report given by Scott Huff

Plat Committee Meeting: 7/15/19

Location: off Kachemak Drive, City of Homer
Proposed Use: Residential, Commercial
Water/Sewer: City
Zoning: East End Mixed Use District
Assessing Use: Residential, Commercial
Parent Parcel Number(s): 174-201-12, 174-201-19, 174-201-20

Supporting Information:

The proposed subdivision reconfigures the interior common lines among three lots. Lot 1-A contains 1.8 acres; Lot 2-A contains 1.3 acres; and Lot 3-A contains 1.2 acres. The subdivision is served by city water and sewer. The subdivision fronts paved State maintained Kachemak Drive.

The surveyor is showing the Alaska Tideland Survey on the preliminary plat for informational purposes only. The Alaska Tideland Survey will be completed by a separate platting action through the State of Alaska. Alaska Tideland Surveys are not reviewed under KPB code and the Tideland Survey shown is not part of this review.

Per the Homer City staff report, the proposed replat is in conjunction with a new Tideland Survey and expansion of the boat haul-out facility.

Homer Advisory Planning Commission recommended approval of the proposed plat on June 5, 2019, subject to:

1. Add a plat note about the flood plain: "Kachemak Bay is subject to a 1-percent annual chance floodplain as identified by the FEMA Flood Insurance Study dated October 20, 2016, 02122cv001b. Property owner should contact the City of Homer prior to any development activity."
Platting Staff Comments: The City of Homer administers the floodplain program by HCC 21.41 Flood Prone Areas. The requested note is on the plat submitted for KPB review.

The preliminary plat submitted for review by the Homer Advisory Planning Commission showed the new Tideland lot containing 30,423 square feet and a 20-foot utility easement along Kachemak Drive. After the Homer Commission's review, the Tideland Survey lot was reduced to 8,410 square feet, and the utility easement adjoining Lot 1-A was reduced from 20 to 15 feet. The City of Homer advised staff that the city considered the changes minor, and a new review by the Homer Commission was not required.

Notice of the proposed plat was mailed to the beneficial interest holders on June 25, 2019. The beneficial interest holders will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

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

Exception Requested: KPB 20.30.240 – Building setback – exception is required so the 20-foot building setback plat note does not have to be carried forward from the parent plats.

Staff Discussion: All three parent plats (HM 81-75, HM 83-31, and HM 2002-67) had a 20-foot building setback note. The exception is a housekeeping matter to ensure the plat complies with the current requirements of the city's zoning district.

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

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

The proposed plat is within the City of Homer and is subject to the requirements of the zoning code. Granting the exception so the 20-foot building setback does not have to be carried forward again will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.

Findings

1. The subdivision is within the City of Homer.
2. Development within the subdivision must comply with the requirements of the zoning district.
3. The proposed plat is in the East End Mixed Use Zoning District.
4. Per HM 81-75, HM 83-31, and HM 2002-67, a building setback of 20 feet is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.
5. KPB Ordinance 80-4, Amending the Subdivision Ordinance to Clarify Building Setback Requirements in the Area of the Borough within the Boundaries of a First-Class City, was enacted on February 19, 1980.
6. Ordinance 83-25, enacted on May 3, 1983, delegated zoning regulations to the City of Homer.
7. The Planning Commission approved HM 81-75 on May 18, 1981; HM 83-31 on January 24, 1983; and HM 2002-57 on February 14, 2000.
8. Building setbacks within the subdivision must comply with the requirements of the zoning district per KPB 20.30.250.
9. Approval of the exception will allow the building setback to conform to current city codes as well as create the flexibility of changing if the building setback in the zoning district changes.
10. Plat Note 1 states the subdivision is subject to the zoning regulations of the City of Homer.
11. Homer Advisory Planning Commission conditionally approved the proposed subdivision on June 5, 2019 with no discussion or concern about building setback notes.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-11 appear to support this standard.

2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-11 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-11 appear to support this standard.

KPB 20.25.070 - Form and contents required.

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

- A. Within the Title Block
 1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
*Platting Staff Comments: Staff appreciates the new Tideland Survey information. **Staff recommends** the Tideland Survey replat be removed before final plat. **Staff recommends** the plat name for HM 83-31 be revised to include 'subdivision'.*
- 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;
*Platting Staff Comments: **Staff recommends:***
 1. *Show and label the boundaries of the City of Homer and City of Kachemak.*
 2. *Since the two cities adjoin, use two different distinctive line styles for each city's boundaries.*
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
*Platting Staff Comments: **Staff recommends** a plat note for the driveway access easement per HM 2007-002461-0 be provided including the recording information. **Staff recommends** the easement be shown and labeled if its location can be determined. If the easement is no longer needed, then the dominant estate can terminate, or release, the easement.*
- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
*Platting Staff Comments: **Staff recommends:***
 1. *Correct the plat name for HM 61-49 (H. K. Davis Subdivision Amended).*
 2. *Correct the lot numbers for ATS 1234-A. If the ATS survey is completed before the subdivision plat, show the current status for the ATS*
- I. Approximate locations of areas subject to tidal inundation and the mean high water line;
Platting Staff Comments: The 2019 mean high water, as shown on the plat, will be the boundary of this subdivision. The 1982 mean high water can be shown as the former boundary.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
*Platting Staff Comments: Lot 1-A cannot retain the same number as its parent lot. **Staff recommends** the number be modified, such as 1-A-1.*

Lots 2-A and 3-A have the same number as one of the parent plats (HM 83-31); however, since it's

been 36 years and the subject lots were replatted after 1983, 2-A and 3-A are acceptable in this case.

All lots could be re-numbered following the sequence of the Moore-Holt replats and simplified, such as 6, 7, and 8. Staff would prefer that all lots be re-numbered so that the lot numbers are clear and unique. This is only a suggestion.

- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval; and
Platting Staff Comments: Imagery indicates structures are close to the lot lines. Staff recommends the surveyor confirm no encroachments exist. If there are existing encroachments, staff recommends compliance with KPB 20.25.070.

KPB 20.25.080. Petition required. A petition shall be submitted with each subdivision, abbreviated subdivision and plat waiver subdivision and shall include:

Platting staff comments: Additional information is provided for the following portions of 20.25.080 or additional information, revision or corrections are required:

- F. Other information the subdivider may care to present.
Platting Staff Comments: Lots 1-5 in the adjoining Tideland Survey (HM 93-3) will be replatted into a new Tideland Survey adjoining Lot 3-A.

Unless staff receives a request for a review from the State of Alaska, KPB will not review the new Tideland Survey. The proposed new tideland lot is for the Committee's information since it is related to the proposed subdivision. Finalization of the new Tideland Survey will be accomplished by a separate plat as agreed between the owners and State of Alaska.

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review:
 - 5140, 5110, and 5070 Kachemak Dr. - will need to be updated by the City of Homer
 - Existing street names are correct.
- KPB Planner: The subdivision is within city limits; no review is required.
- KPB Roads Department: Out of KPB Roads Department jurisdiction.
- State Department of Fish & Game: Not available when the staff report was prepared.
- State Division of Mining, Land, and Water: This plat appears to abut a township line. If section line easements exist the DNR, DML&W Survey Section requests that it or they be depicted and labeled on the final plat.
 - *Platting Staff Comments: The 33-foot section line easement affecting the subject plat was vacated in 1976 by EV-2-19 (HM 76-6).*
- State Parks: No comments.

KPB 20.30 Design Requirements

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

20.30.030. Proposed street layout-Requirements.

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

State Department of Transportation Comments: The ROW for Kachemak Drive appears to be 60' per plat 81-75 HRD.

Platting Staff Comments: All three parent plats show the width of Kachemak Drive adjoining the proposed subdivision as 60 feet.

20.30.060. Easements-Requirements.

C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.

Platting Staff Comments: ENSTAR submitted a statement of no comments.

Homer Electric Association requested a 20-foot utility easement centered on their existing power line.

Staff recommends compliance with 20.30.060.

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

Platting Staff Comments: This subdivision abuts a 33-foot wide section line easement to the south of the subdivision boundary, which was overlain by a 33-foot wide patent right-of-way, and can serve as a pedestrian way.

20.30.280. Floodplain requirements.

Platting Staff Comments: The City of Homer administers the floodplain program by HCC 21.41 Flood Prone Areas. The proposed subdivision is affected by Zones X and VE 24. The note requested by the Homer Advisory Planning Commission is on the plat submitted for KPB review.

20.30.290. Anadromous habitat protection district.

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

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

KPB 20.60 – Final Plat

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

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

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

20.60.030. Certificate of borough finance department required.

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

Per KPB GIS mapping, the proposed subdivision is not within a KPB special assessment district. The proposed subdivision is affected by City of Homer improvement districts for sewer, water, and natural gas.

Staff recommends compliance with 20.60.030.

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

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

20.60.110. Dimensional data required.

- A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled.
- B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

*Platting Staff Comments: Provide witness distances to the 2019 mean high water line boundary. **Staff recommends** the source of the MHW be cited.*

Staff recommends compliance with 20.60.110.

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

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

20.60.130. Boundary of subdivision. The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data.

*Platting Staff Comments: **Staff recommends** the 2019 meander line be shown as the boundary of the subdivision. Update areas and distance labels accordingly.*

20.60.150. Utility easements.

- B. The following note shall be shown on the final plat:
No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.150.*

20.60.160. Easements.

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

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

20.60.190. Certificates, statements, and signatures required.

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

1. *Revise the wording in the Certificate of Ownership to show to which original parcel each signatory attests. For example, the corporation owns Lot 2-A-1; the trust owns Lots 1-A and 3-A-1.*
2. *Provide documentation confirming the authorized signatory/signatories for the corporation.*

3. *Ensure the corporation's name matches the final Certificate to Plat (Northern Enterprises Boat Yard Inc.).*

20.60.200. Survey and monumentation.

Platting Staff Comments:

- *Provide survey marker symbols at all new and found property corners.*
- *Remove extraneous survey markers on the former lot lines.*
- *Show, or note, which two survey markers were held for the Basis of Bearing.*
- *Provide two ties to BLM/GLO aliquot section corners.*

Staff recommends compliance with 20.60.200.

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

END OF STAFF REPORT

Mr. Huff added that an email was received by the surveyor in regards to the language found in the staff report. The staff report recommends that the boundary of the subdivision be the 2019 mean high water line. This was affected during the 1964 earthquake and subsided. That would fix the boundaries. In discussion with the surveyor those items should be removed from the staff report and the surveyor will work with the State of Alaska to determine the boundary of the subdivision.

Chairman Carluccio opened the meeting for public comment and read the rules by which public testimony is taken.

1. Gary Nelson, 152 Dehel Ave., Homer, AK
Mr. Nelson is the surveyor on the project was available for questions.

Seeing and hearing no one else wishing to comment public comment was closed and discussion was opened among the committee.

MAIN MOTION: Commissioner Whitney moved, seconded by Commissioner Brantley, to approve the preliminary plat for Northern Enterprises No. 3 based on staff recommendations and compliance with borough code.

AMENDMENT MOTION: Commissioner Whitney moved, seconded by Commissioner Brantley, to approve the exception requested to KPB 20.30.240 – building setback – exception is required so the 20-foot building setback plat note does not have to be carried forward from the parent plats, citing staff report findings 1 through 11 in support of the three standards.

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

consent.

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

UNAPPROVED