



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer Agenda

**Planning Commission Regular Meeting
Wednesday, November 06, 2019 at 6:30 PM
City Hall Cowles Council Chambers**

CALL TO ORDER, 6:30 P.M.

AGENDA APPROVAL

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

RECONSIDERATION

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

- [A.](#) Minutes of the October 16, 2019 Planning Commission Meeting **p. 3**

PRESENTATIONS / VISITORS

REPORTS

- [A.](#) Staff Report 19-90, City Planner's Report **p. 9**

PUBLIC HEARINGS

- [A.](#) Staff Report 19-91, Conditional Use Permit 19-08 for two duplexes at 4155 Pennock St. **p. 45**
- [B.](#) Staff Report 19-92, Draft Ordinance 19-49 to place a six-month moratorium on professional offices and medical clinics in the Residential Office District **p. 69**
- [C.](#) Staff Report 19-93, Conditional Use Permit 19-07 to allow a parking lot expansion adjacent to the Seafarer's Memorial Park on Homer Spit Road **p. 75**

PLAT CONSIDERATION

PENDING BUSINESS

- [A.](#) Staff Report 19-94, Sign Code **p. 163**

NEW BUSINESS

INFORMATIONAL MATERIALS

[A.](#) City Manager Report for October 28, 2019 City Council Meeting **p. 167**

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

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

ADJOURNMENT

Next Regular Meeting is Wednesday, December 4, at 6:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission

Session 19-16, a Regular Meeting of the Planning Commission was called to order by Chair Venuti at 6:34 p.m. on October 16, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS DAVIS, BOS, VENUTI, BENTZ, PETSKA-RUBALCAVA AND
HIGHLAND

ABSENT: COMMISSIONERS SMITH (EXCUSED)

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY PLANNER ENGBRETSSEN
DEPUTY CITY CLERK KRAUSE

The Commission met for a joint worksession at 5:30 p.m. with members of the Parks, Art recreation & Culture Advisory Commission and Economic Development Advisory Commission. On the agenda was a discussion on Next Steps for the proposed Wayfinding and Streetscape Plan.

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BENTZ – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

- A. Approval of minutes of October 2, 2019
- B. Time Extension Request for Marley Subdivision Preliminary Plat

Chair Venuti requested a motion to approve the Consent Agenda.

HIGHLAND/BENTZ – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS

REPORTS

A. Staff Report 19-86, City Planner's Report

City Planner Abboud provided a summary of Staff Report 19-86. He provided comment on the following items:

- Public Hearing at the next meeting on the ordinance placing a moratorium on Profession Offices and Medical Clinics in Residential Office District
- Received the decision notice this afternoon that the City has prevailed on the appeal hearing for the Remand
If nothing further comes about they will be able to start talking about creation of a medical district at the December meeting.
- They have prevailed on the Windjammer CUP appeal on all counts

Commissioner Rubalcava volunteered for the December 9, 2019 City Council meeting

Commissioner Highland requested clarification from the chair to speak on the City Manager's Report.

Chair Venuti responded that it was on the agenda under informational items and that comments or questions should be done at that time.

A brief discussion was entertained on the basis and reasoning to place a moratorium on applications for Medical Clinics.

City Planner Abboud provided clarification on the appeal process remaining for the Windjammer CUP 14-05.

PUBLIC HEARING(S)

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 19-87, Sign Code

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

Deputy City Planner Engebretsen reviewed Staff Report 19-87 using visual components on the overhead monitors as samples of the proposed code changes. She noted some of the previous work done on the sign code in 2012 that applied to businesses on the Spit. She reviewed the three recommendations from staff and requested input from the Commission.

Large Businesses (buildings) on Corner Lots with multiple entrances – Example used was Kachemak Center

The Commission recommended that if additional free standing signage is permitted that there should be a specific distance between the signs.

Adding the staff recommendation of 75 sf was acceptable to the Commission

Corner Lots, Smaller Buildings, two stories

Staff recommended allowing 50% of existing to a maximum of 225sf that a building owner would be responsible for dividing among tenants.

Parking lot Entrance or exit signage with logo or colors

The Commission agreed that they would like further information on this concept. It was agreed that it would not be a widely used signage but could be implemented for businesses that may have multiple accesses referring to the Kachemak Center as an example.

Commissioner Highland offered comments on the controversy experienced during the previous sign code amendments and that every business owner wanted the biggest sign possible.

City Planner Abboud responded to Commissioner Davis' inquiry about Sign Design review and the recommendations made to applicants regarding signage design.

Staff will provide specifics for the commission to review at the next meeting.

B. Staff Report 19-88, Permitting

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

City Planner Abboud reviewed Staff Report 19-88 for the Commission. He requested the Commission to amend the draft ordinance to remove Lines 44-47 for the following reasons:

- Driveways are permitted by Public Works Department
- Entrances are self-explanatory
- Asbuilt survey shows the site plan and parking areas are quite easily figured
- Proof of compliance with applicable building, plumbing, electrical, mechanical, and other such codes are governed by the State and the planning staff is not trained to enforce this. A building inspector would be required as well as developing building codes. He is not sure who the legitimate authority is to provide this information.

- Additionally the State Fire Marshal would sign off on commercial projects and that information would be required to be submitted with the application.
- It would be another sheet a paper that is retained by the Planning Department but have no use to the department
- This ordinance has not been reviewed at this time.
- The Permit Application is not finalized

Chair Venuti recommended that lines 44-45 should be amended to add the word “commercial” to reflect the wording in lines 39-30 to make sense.

City Planner Abboud stated that the request to remove those requirements would still apply. He further advocated for their removal since their office cannot verify anything, they do not know the regulations, and he does not have the knowledge that commercial buildings are inspected. The applicant does not get a permit until they have a Fire Marshal approval.

Discussion ensued on asbuilt showing placement with a five foot discrepancy, enforcement steps and current policy, existing closeout process for current permits.

Commissioner Bentz commented that it appeared the language in lines 44-47 would not be beneficial for the planning department’s use and should amend the ordinance to reflect that change.

BENTZ/HIGHLAND MOVED TO AMEND ORDINANCE 19-XX TO REMOVE LINE 44-47 AND ALTER LINE 38, ANY ZONING PERMIT FOR A BUILDING OR STRUCTURE SHALL REQUIRE THE APPLICANT TO SUBMIT TO THE CITY PLANNER AN ASBUILT SURVEY COMPLETED BY A LICENSED SURVEYOR, OF THE LOCATION, FOUNDATION, DIMENSIONS, AND PROXIMITY TO ALL LOT LINES OF ALL BUILDINGS AND STRUCTURES COVERED BY THE PERMIT.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Highland noted that on the Zoning Permit Application, the page for the “Additional Approvals for All Projects” under Wetlands Permit second sentence, the contact phone number is missing.

Commissioner Bentz recommended checking the web address for the same since she believed it has changed.

Commissioner Bentz recommended inserting a statement something to the effect that a good site plan will assure that you are in compliance with the new asbuilt requirement.

Further discussion on developing a form to be submitted during Close out procedures, that the asbuilt will have all the information required, requesting the asbuilt come directly from the Surveyor and the authorized copies should come from the Surveyor.

NEW BUSINESS

Memorandum from Jenny Carroll re: Wayfinding, Next Steps

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

Deputy City Planner Engebretsen requested a motion of support from the Commission to forward to City Council.

BENTZ/BOS MOVED TO RECOMMEND THE PLANNING COMMISSION SUPPORTS THE INITIATIVE TO CREATE WAYFINDING AND STREETScape PLAN AND FORWARD TO CITY COUNCIL.

Commissioner Bentz provided a recap of the joint worksession between members of the Economic Development Advisory Commission, Parks Art Recreation & Cultures Advisory Commission and the Planning Commission. She noted the following was discussed and reviewed:

- Work product on the initiative
- Draft ordinance and outline of work efforts
- Timeline
- Consultant to develop wayfinding and streetscape plan
- Possibility of Updated map of the city
- Interest in working together to achieve multiple goals such as marketing , non-motorized transportation

Further comments from the Commission on the goals of the plan, interest from business owners, not getting bogged down in the color palette and not addressing technical design, meshing with current plans and that it will be more of a technical planning document.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Memo from the City Clerk, Meeting Schedule for 2020

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

City planner Abboud noted that the only item of note was that the first Wednesday in January was January 1st so the meeting is on the second which is a Thursday.

Commissioner Bentz asked about reducing the number of meetings held by the Commission.

The Commission did not object to the 2020 meeting schedule as presented.

INFORMATIONAL MATERIALS

A. City Manager Report for October 14, 2019 City Council Meeting

Commissioner Highland requested clarification on the process of addressing the extraterritorial water as she believed that the Commission should create a policy.

City Planner Abboud responded that direction from Council would be preferred since this is outside the purview of the commission as it is not planning and Zoning.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

Deputy City Clerk Krause commented that it was an interesting meeting.

COMMENTS OF THE COMMISSION

Commissioner Bos commented that he would not be at the meetings for November and December and added that he will not be seeking reappointment to the Commission when his term expires. He encouraged the staff and Commission to locate someone else to fill his spot but he would not be resigning before his term expires. He believed 11 years was long enough.

Commissioner Bentz did note that she may be missing meetings in the next two months and will let the Clerk know.

Chair Venuti commented that Commissioner Davis indicated that he will be absent over the winter so brought forth comments on filling Commissioner Bos' seat since it may affect the obtaining a quorum.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:15 p.m. The next regular meeting is scheduled for Wednesday, October 16, 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: _____



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TO: Homer Advisory Planning Commission
FROM: Rick Abboud AICP, City Planner
DATE: November 6, 2019
SUBJECT: Staff Report 19-90 City Planner's Report

City Council 11/28/19

Resolution 19-078, A Resolution of the City of Homer Supporting the Inclusion of Climate Adaptation and Mitigation Measures in the Kenai Peninsula Borough's 2019 Comprehensive Plan. Lord. Recommend adoption.

Ordinance 19-50, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.30 Marine Industrial Zoning District Section 21.30.020 Permitted Uses and Structures, to add Boat Sales, Rentals, Service, Repair and Storage, and Boat Manufacturing as Permitted Uses and Section 21.30.050 Conditional Uses and Structures to Remove Boat Sales, Rentals, Service, Repair and Storage, and Boat Manufacturing as Conditional Uses. Planning Commission. Recommended dates Introduction October 28, 2019 Public Hearing and Second Reading November 25, 2019.

Memorandum 19-140 from City Planner as backup
INTRODUCED with discussion.

Natural Hazards

I am anticipating presentations from both of the landslide analysis and coastal erosion folks in December and/or January.

Appeals

We have prevailed on all points of appeal regarding the CUP for Cycle Logical heard by the Superior Court of Alaska.

We also prevailed on all points of appeal regarding the appeal of the remand hearing for the medical clinic.

Work list

- Green Infrastructure – public works presentation on the work session agenda.
- Medical district – tentatively on agenda for next meeting
- Transportation plan – Memo to council

- Permit requirements – Attorney review
- Signs – on agenda

City Council report sign up

11.25.19 Smith

12.09.19 Petska-Rubalcava

1.13.20

1.27.20

Attachments

Appeal decision, Cycle Logical

Appeal decision, Medical Clinic remand hearing

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT HOMER

FRANK GRISWOLD,

Appellant,

vs.

HOMER ADVISORY PLANNING COMMISSION,
DEREK REYNOLDS, CATRIONA REYNOLDS,
and RICK ABBOUD,

Appellees.

CASE NO. 3HO-18-00240CI

DECISION

I. INTRODUCTION

Derek and Catriona Reynolds own property on Pioneer Avenue in the Central Business District in Homer, Alaska. The Reynolds run a bicycle rental shop out of the building, and sought permission from the city of Homer to build an awning on the front of their building. The awning would stretch into the 20-foot setback required between any structure and right-of-way in that zoning district. The Reynolds' application, Conditional Use Permit (CUP) 18-02, was addressed in a public hearing before the Homer Advisory Planning Commission (Commission) on March 7, 2018. Frank Griswold objected in writing to the granting of the CUP. The Commission approved the application, and Mr. Griswold appealed on legal, procedural, and factual grounds.

The appeal of the CUP application was heard by Judge Pederson of the Alaska Office of Administrative Hearings, and he affirmed the Commission's granting of the permit on August 14, 2018. Mr. Griswold appealed again to the Superior Court in September 2018, citing nearly identical legal, procedural, and factual grounds for his appeal.

Decision

Griswold v. Homer Advisory Planning Commission, et al., Case No. 3HO-18-00240CI

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The Planning Commission had the authority to consider and grant the Reynolds' application. Alaska state laws allow municipalities to adopt code that includes mechanisms for making setback reductions like the one contemplated in CUP 18-02, and the Homer City Code allows setback reductions to be sought via the CUP process. The Commission's decision to grant the Reynolds' CUP is supported by substantial evidence. Accordingly, the Commission's decision to grant CUP-2018-02 is AFFIRMED.

II. FACTS AND PROCEEDINGS

a. Homer's Conditional Use Permit Procedure

In Homer, applications for Conditional Use Permits are submitted to the City Planner.¹ The application is reviewed, and if complete, the application is set to be heard in a public hearing in front of the Commission.² Following the hearing, the Commission must issue a decision containing its written findings and reasoning supporting the decision.³

A person who "actively and substantively participated" in a matter before the Commission may appeal the decision of the Commission to grant or deny a CUP.⁴ The appeal may be heard by either the Board of Adjustment or a hearing officer appointed by the City Manager.⁵

Appeals are heard solely on the established record, unless there are allegations involving new evidence or changed circumstances, in which case the body hearing the appeal may remand the matter to the lower administrative body that issued the appealed decision.⁶ After briefing, an appeal hearing is held, and a decision is issued.⁷

¹ HCC 21.71.020.

² HCC 21.71.030, HCC 21.050(a).

³ HCC 21.71.050(b).

⁴ HCC 21.93.030(a), HCC 21.92.500(a).

⁵ HCC 21.93.030, HCC 21.93.500(a).

⁶ HCC 21.93.510(a).

⁷ HCC 21.93.530-550.

The decision of the Board of Adjustment or hearing officer may be appealed within 30 days to the superior court.⁸

b. The Conditional Use Permit Application

The Reynolds own a building located on 302 E. Pioneer Avenue in Homer, Alaska. The lot on which the building sits is located in Homer's Central Business District (CBD). The CBD requires that "[b]uildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed by subsection (b)(4) of this section."⁹ The Reynolds' building is simple and rectangular, with a small arctic entry along Pioneer Avenue. The door in the arctic entry opens to the west, at a right angle to Pioneer Avenue.¹⁰

The Reynolds operate a bicycle rental business out of the building, which had been vacant for 5 years when they purchased it. The Reynolds sought a CUP which would allow them to build an awning over the front of their building that would expand the existing entryway and facilitate rental bike storage along the Pioneer Avenue face of the building. The existing arctic entry already encroached into the setback, but the proposed awning would leave 12 feet remaining of the setback between the sidewalk along Pioneer Avenue and the Reynolds' building.¹¹

The Reynolds included in their application a description of the property, as well as a scale drawing of the proposed awning, photographs of the building before they bought it and since they started operating their store, as-built surveys depicting the building on its lot and the current state of the setback, and how far the building would encroach if granted the permit.¹²

c. The Planning Commission Hearing

The Reynolds' application was heard by the Planning Commission on March 7, 2018. The Homer City Planner's office issued their required written report which recommended approval of the application with ten factual findings:

⁸ HCC 21.91.130.

⁹ HC 21.18.040(b)(1).

¹⁰ Administrative Record (AR) 26,27,32.

¹¹ AR 16-33

¹² AR 16-33

1. "The relevant ordinance allows a setback reduction if approved through the CUP process.
2. "The proposal is compatible with the purpose of the zoning district."
3. "The proposal will not negatively affect adjoining property values more than other permitted or conditionally permitted uses in the district."
4. "The proposal is compatible with existing uses of surrounding land."
5. "Existing public, water, sewer, and fire services are adequate to serve the structure."
6. "The proposal will not cause undue harmful effect upon desirable neighborhood character."
7. "The covered outdoor space and entry way will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole."
8. "Following CUP approval and issuance of a zoning permit, this proposal will comply with applicable regulations of HCC Title 21."
9. "No evidence has been found that the proposal is contrary to the applicable land use goals and objectives of the Comprehensive Plan."
10. "The proposal will comply with the applicable provisions of the Community Design Manual."¹³

The Homer Bookstore is adjacent to the Reynolds' building, and on March 5, 2018, Ms. Post from the Homer Bookstore contacted the Planning Department and offered her support for the Reynolds' application:

We at the Homer bookstore would like to express our support of the proposed building frontage for Cycle Logical [the Reynolds' business]. We are thrilled to be seeing this eyesore of a building cleaned up. We feel this will be a great addition to this neighborhood and we look forward to the

¹³ AR 10-15.

improvements that we expect to see. We do not have a problem with the proposed frontage.¹⁴

The City Planner and the Reynolds spoke in support of the application of the application at the public hearing.¹⁵ At the hearing, the City Planner recommended that the Commission add another finding: “[t]hat the proposed activity will enhance the aesthetic environment of the community, providing gracious human scale entry ways and public ways, orienting the entry way toward the street.”¹⁶

Three other individuals spoke at the public hearing in support of granting the application. Their comments centered on the improvements the applicants had made to what had previously been an “eyesore.”¹⁷ Mr. Griswold registered his disapproval of the application by email to the Planning Commission on March 6, 2018, and filed additional objections the next day.¹⁸ Mr. Griswold did not speak at the public hearing, and was the only citizen who objected to the Reynolds’ application.

The Planning Commission unanimously voted to “approve the staff report PL 18-14 and CUP 2018-02” with the additional finding suggested by the City Planner.¹⁹ The meeting lasted just over an hour and included several other agenda items.²⁰ The Commission issued their written decision on March 22, 2018.²¹

d. The Appeals

Mr. Griswold timely appealed the Commission’s decision on CUP 2018-02 on April 3, 2018. Mr. Griswold requested that the appeal be heard by a hearing officer, instead of

¹⁴ AR 37, *see also* Arial Map, AR 36.

¹⁵ AR 37.

¹⁶ AR 49.

¹⁷ AR 37, 59.

¹⁸ AR 42-48.

¹⁹ AR 52.

²⁰ AR 9, 58-59.

²¹ AR 53.

the Homer Board of Adjustment.²² In accordance with HCC 21.93.030, the Homer City Manager appointed an administrative law judge employed by the Alaska Office of Administrative Hearings to serve as the hearing officer.

Mr. Griswold and Mr. Abboud, the City Planner, both filed hearing briefs, and the Reynolds did not. Oral argument was held on June 15, 2018. The Reynolds, Mr. Abboud, and Mr. Griswold all participated in the argument.

Judge Pederson issued his Decision on Appeal affirming the Commission's decision to grant the CUP on August 14, 2018. As permitted by HCC 21.91.130, Mr. Griswold timely appealed to the superior court in Homer on September 10, 2018.

III. STANDARD OF REVIEW

The court applies four standards of review when analyzing an administrative board's decisions: (1) substantial evidence, (2) reasonable basis, (3) substitution of judgment, and (4) reasonable and not arbitrary.²³

The substantial evidence standard applies to questions of fact.²⁴ "Judicial review of zoning board decisions is narrow, and board decisions are accorded a presumption of validity. A zoning body's decision shall not be reversed if it is supported by substantial evidence."²⁵ Substantial evidence is what a "reasonable mind might accept as adequate to support a conclusion."²⁶

The reasonable basis standard applies to questions of law "implicat[ing] agency expertise or the determination of fundamental policies within the scope of the agency's

²² AR 4.

²³ *Rubey v. Alaska Comm'n on Postsecondary Educ.*, 217 P.3d 413, 415 (Alaska 2009); *Amidon v. State*, 604 P.2d 575, 577 (Alaska 1979).

²⁴ *Rubey*, 217 P.3d at 415.

²⁵ *Griswold v. City of Homer*, 55 P.3d 64, 67 (Alaska 2002).

²⁶ *DeYonge v. NANA/Marriott*, 1 P.3d 90, 94 (Alaska 2000) (quoting *Miller v. ITT Arctic Servs.*, 577 P.2d 1044, 1046 (Alaska 1978)).

statutory functions.”²⁷ This standard requires the court to give “deference to the agency’s interpretation so long as it is reasonable.”²⁸

The substitution of judgment standard applies to questions of law that do not implicate agency expertise “or the formation of fundamental policies.”²⁹ This standard enables the court to “substitute its own judgment for that of the agency even if the agency’s decision had a reasonable basis in law.”³⁰

The reasonable and not arbitrary standard applies to claims that legislative enactments violate substantial due process.³¹

IV. DISCUSSION

Mr. Griswold raised 18 points on appeal from Judge Pederson’s administrative decision.³² Only those points substantively raised in the briefing are addressed; the rest are considered waived.³³

A. Legal Arguments

Mr. Griswold makes several arguments challenging the legal foundation of the conditional use process in Homer, the law surrounding variances in the state of Alaska, as well as legal arguments going to the process of appealing CUP 2018-02. For the reasons stated below, Mr. Griswold’s arguments are without merit.

a. The Commission properly used the conditional permitting process to determine whether or not to approve the Reynolds’ setback reduction.

Mr. Griswold argues that the Commission “did not have the authority to apply the conditional use permitting process to a (non-use) setback reduction and its approval of a

²⁷ *Marathon Oil Co. v. State, Dep’t of Nat. Res.*, 254 P.3d 1078, 1082 (Alaska 2011).

²⁸ *Id.*

²⁹ *Balough v. Fairbanks N. Star Borough*, 995 P.2d 245, 254 (Alaska 2000).

³⁰ *Tesoro Alaska Petroleum Co. v. Kenai Pipe Line Co.*, 746 P.2d 896, 903 (Alaska 1987).

³¹ *Jager v. State*, 537 P.2d 1100, 1107 n. 23 (Alaska 1975); *Concerned Citizens of S. Kenai Peninsula v. Kenai Peninsula Borough*, 527 P.2d 447, 452 (Alaska 1974).

³² Statement of Points on Appeal, September 10, 2018.

³³ *Great Divide Ins. Co. v. Carpenter ex rel. Reed*, 79 P.3d 599, 608 (Alaska 2003).

de-facto variance violated A.S. 29.40, HCC 21.72, and due process.”³⁴ Mr. Griswold raises three separate issues, which will be addressed individually: the Alaska code on variances AS 29.40, Homer’s code on variances HCC 21.72, and due process.

- i. Does the setback reduction requested in CUP 18-02 constitute a variance?

The Alaska legislature has not defined the term “variance” for the purposes of zoning decisions, but the Alaska Supreme Court has described a variance as “a sort of ‘escape hatch’ or safety valve’ function for the individual landholder who would suffer special hardships from the literal application of the terms of a particular zoning ordinance.”³⁵ “It may be said that a variance grants permission to engage in a use that an appropriate legislative authority has otherwise proscribed.”³⁶

Generally, variances fall into two categories: use variances and area variances. Use variances allow a lot to be used for a purpose not otherwise allowed by the zoning code (a gas station in a residential neighborhood), while area variances permit dimensional deviations from the zoning code (a four-story building in a neighborhood of single-family homes).³⁷ Depending on the structure of the zoning code in each municipality, area variances may be required to make adjustments to dimensional standards, like setbacks, or height and square footage requirements.³⁸ Generally, because they allow what is usually forbidden by law within a particular jurisdiction, variances are not haphazardly granted, but will be permitted when failing to grant the variance would cause undue hardship or practical difficulties.³⁹

³⁴ Appellant’s Brief (AB) 4.

³⁵ *City and Borough of Juneau v. Thibodeau*, 595 P.2d 626, 632 (Alaska 1979), overruled on other grounds by *State v. Alex*, 646 P.2d 203 (Alaska 1982).

³⁶ C.J.S. Zoning and Land Planning § 305 Variance Defined.

³⁷ See C.J.S. Zoning and Planning § 304 Use and Area Variances Distinguished.

³⁸ *Id.*

³⁹ See HCC 21.72.020; see also 2 Am. Law. Zoning § 13:3 Statutory Variance Provisions.

Many of Mr. Griswold's arguments are based on the assumption that a setback reduction by definition will always require a variance.⁴⁰ While this may frequently be the case in other localities because of how many municipal ordinances are structured, it is not the necessarily case for Homer. Previously, a variance would have been required to obtain a setback reduction in the CBD.⁴¹ However, the Homer City Council updated the Homer Zoning Code in 2008, and elected the CUP mechanism for reducing setbacks in the Central Business District.⁴²

HCC 21.18.040 (b)(1) sets the standard setback in the CBD at 20 feet from all dedicated rights-of-way.⁴³ HCC 21.18.040(b)(4) specifically permits the setback to be reduced by a conditional use permit.⁴⁴ A variance, by definition, is an excused violation of the zoning code in a municipality. Because the setback as requested by CUP 2018-02 is directly addressed and permitted by a section of the Homer code, it cannot constitute a variance and does not require the heightened requirements imposed for the approval of variances.

ii. Does HCC 21.18.040 violate AS 29.40.040?

Homer's Zoning Code provisions do not violate AS 29.40.040. AS 29.40.040 requires that municipalities adopt a comprehensive plan that may include zoning regulations restricting use of land and improvements by geographic districts, and other

⁴⁰ AB 4-10,

⁴¹ In his Reply, Mr. Griswold references CUP 2018-07, another CUP application filed with the Commission seeking a setback reduction in the CBD, which was withdrawn over a question as to whether or not a variance was required, rather than a CUP. The lot in question in CUP 2018-07 was granted a variance in 1988, which removed the need for the 2018 application. *See* Appellant's Reply at 3., Minutes of Commission's June 20, 2018 meeting at 2, available at https://www.cityofhomer-ak.gov/sites/default/files/fileattachments/advisory_planning_commission/meeting/33161/pc_062018.pdf; *see also* Minutes of Commission's July 18, 2018 Meeting at 47, available at https://www.cityofhomer-ak.gov/sites/default/files/fileattachments/advisory_planning_commission/meeting/packets/33181/packet_reduced.pdf (last visited Oct. 15, 2019).

⁴² Homer Ordinance 08-40, <https://www.cityofhomer-ak.gov/sites/default/files/archives/clerk/ordinance/ord0840.htm> (last visited Oct. 15, 2019).

⁴³ HCC 21.18.040(b)(1).

⁴⁴ HCC 21.18.040(b)(4).

measures to further the goal of the plan.⁴⁵ AS 29.40.040(b) sets the requirements for granting “a variance from a land use regulation adopted under this section.” The section leaves all other decisions regarding how zoning laws are to be structured in a municipality up to the citizens of that municipality in their elected officials.⁴⁶ AS 29.40.040 does not define “variance”, or indicate if the section is intended to apply to any variance, or simply one for the *use* of the lot (versus a dimensional restriction).⁴⁷

Regardless of whether or not the variances limited in AS 29.40.040(b) are strictly for use or also for dimensions, section (b) would only apply when the landowner’s request violates the zoning code adopted by the municipality, and that is not the case here. Homer chose to adopt a zoning code that allows property owners to request a setback reduction on their CBD lot by using the CUP process and standards, so following that procedure and granting that request does not violate Homer law.⁴⁸

Other zoning districts in Homer have different standard setbacks and standards for approving and allowing setback reductions, and a variance may be required to reduce a setback in those districts, but a variance is not required to reduce a setback in Homer’s CBD.⁴⁹

- iii. In light of Alaska and Homer’s law on variances, did Homer violate Mr. Griswold’s right to due process by using the CUP process to approve the setback?

The City of Homer did not violate Mr. Griswold’s right to due process by using the CUP application process to approve the Reynolds’ CUP. The city of Homer is authorized by the state of Alaska to develop the procedure and standards used within the city for granting deviations from its own code with limited exceptions, and Homer followed its own procedure.

⁴⁵ See AS 29.40.040.

⁴⁶ *Id.*

⁴⁷ See AS 29.40.040.

⁴⁸ HCC 21.18.040.

⁴⁹ See HCC 21.28.00 Marine Commercial District; *see also* Chapter HCC 21.20, Town Center District.

“Substantial due process is denied when a legislative enactment has no reasonable relationship to a legitimate governmental purpose. It is not a court's role to decide whether a particular statute or ordinance is a wise one; the choice between competing notions of public policy is to be made by elected representatives of the people. The constitutional guarantee of substantial due process assures only that a legislative body's decision is not arbitrary but instead based upon some rational policy.”⁵⁰

Homer’s decision to approve setback reductions through the CUP process in the Central Business District is not detached from all reason. HCC 21.72.040 instructs the Planning Commission to follow the conditional use permit application process for a granting a variance, and to apply the more stringent variance standards at the appropriate stages of the process. Homer appears to have chosen that it is best for Homer to streamline the application process for variances and CUPs by using the same method but applying the applicable standards in each case. This appears to simplify and clarify the process for property owners and neighbors alike. Homer does not violate the due process rights of its citizens by choosing the CUP procedure to grant setback reductions as it considers appropriate, and did not in granting CUP 2018-02.

b. Staff Report 18-14 was not biased and did not prejudice the proceedings.

Mr. Griswold alleges that “Staff Report 18-14 is biased and unduly prejudiced the Commissioners thereby violating due process which requires that quasi-judicial proceedings be objective, fair, and impartial.”⁵¹

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⁵⁰ *Concerned Citizens of S. Kenai Peninsula v. Kenai Peninsula Borough*, 527 P.2d 447, 452 (Alaska 1974); *Griswold v. City of Homer*, 925 P.2d 1015, 1019 (Alaska 1996).

⁵¹ AB 15.

Mr. Griswold raises two issues.

First, he argues that Staff Report 18-14 is biased and improperly influenced the Commissioners because it was written by a new and inexperienced planning staff member, and failed to include several sections of the Homer code on conditional use permits.⁵²

However, Staff Report 18-14 does discuss requirements the proposal did not meet, as well as setting a condition for approval, and indicates where a component of the application was missing, namely a lighting plan.⁵³ The fact that Mr. Griswold himself may have believed CUP 2018-02 conflicted with other, additional provisions is not evidence of bias in the report.

Second, Mr. Griswold asserts that bias in the staff report and the timing of its production negatively affected his due process rights.⁵⁴ “Substantial due process is denied when a legislative enactment has no reasonable relationship to a legitimate governmental purpose.”⁵⁵

HCC 2.58.050 outlines procedures for municipal boards and commissions in Homer. Section (f) addresses staff reports, and does not require that a staff report be generated after a hearing, and directs that the weight of the report be given the same as any other testimony offered. Additionally, the bylaws of the Commission include provisions for hearing and potentially adopting the staff report as part of the draft hearing agenda at a meeting of the commission.⁵⁶

⁵² AB 15-16; HCC 21.71.010(c); HCC 21.71.040(a).

⁵³ AR 14.

⁵⁴ AR 15

⁵⁵ *Concerned Citizens of S. Kenai Peninsula*, 527 P.2d at 452. *Griswold v. City of Homer*, 925 P.2d 1015, 1019 (Alaska 1996).

⁵⁶ HCC 2.58.050(f); Homer Advisory Planning Commission Bylaws 7, https://www.cityofhomer-ak.gov/sites/default/files/fileattachments/boards_and_commissions/page/8446/bylaws_adopted_may_13_2013.pdf (last visited Oct. 15, 2019).

The structure of the bylaws indicates that the Homer City Council expected that the common practice would be to generate the staff report before, not after, a hearing and considered what weight the Commission should give the report before hearing other evidence, choosing to adopt the findings of the report, or to incorporate them into another decision. While the testimony heard at the hearing may not be included in the report at first, Homer had a legitimate governmental purpose when it adopted the staff report procedure and Commission bylaws, and the Commission followed the procedure regarding CUP 2018-02. Accordingly, Mr. Griswold's due process rights were not violated by the Commission's handling of Staff Report 18-14 or the report itself.

c. The Commission did not err by not including the bicycle screening condition from the conclusion of its decision granting CUP 2018-02.

Mr. Griswold asserts that the Commission erred by not including in the Conclusion of its Decision its previously adopted condition that "[r]ental bicycles displayed outdoors must be screened from public view when remaining outdoors outside of open business hours, per HCC 21.18.080(b)."⁵⁷ The Planning Staff's report discusses this code, which requires that products for sale are screened from view outside business hours, under the possible conditions for approval of the CUP.⁵⁸ The Commission's decision did not explicitly require such screening as a condition of approval, and Mr. Griswold argues that this was error.⁵⁹

Failure to include an applicable section of the Homer Zoning Code as a condition of granting the application does not undermine the granting of the application as a whole. The screening requirement is generally applicable to all citizens of Homer, and accordingly the applicants would still be required to comply with the requirement and be subject to enforcement if they fail to do so, even if it is not specifically included in the

⁵⁷ AB 21.

⁵⁸ AR 14.

⁵⁹ AR 55-56.

conditions for approving the permit.⁶⁰ It was not error to omit a requirement that the Reynolds were already required to obey, whether or not their permit was granted.

d. The Commission did not err by failing to address HCC 11.08.110 (Driveway Construction Permits) in its Decision.

Mr. Griswold argues that “CUP 18-02 conflicts with HCC 11.08.110 (Driveway Construction Permits) and therefore cannot be sustained.”⁶¹ Mr. Griswold adds that structures near the roadway prevent effective snow removal and drainage, and do not properly protect the public.⁶² HCC 11.08.110 sets a minimum setback requirement of 20 feet to any property line abutting a road or right-of-way.⁶³

“Where the agency's expertise or questions of fundamental policy are involved, an agency's interpretation of a zoning ordinance should be reviewed under the deferential “reasonable basis” standard and should be accepted whenever reasonable.”⁶⁴ When two statutes conflict, “the more specific controls the general.”⁶⁵

Mr. Griswold registered his concerns about snow removal and drainage in writing before the meeting, where Mr. Abboud addressed Mr. Griswold's concerns about snow removal.⁶⁶ These seem to be the same concerns contemplated by the Homer City Council when they adopted HCC 11.08.110. However, Mr. Abboud shared that he had visited the site himself, which had alleviated his concerns.⁶⁷

While it does involve reducing a setback along a road, CUP 2018-02 is not an application for a driveway. Members of the Commission were able to view as-built surveys, as well as aerial photos of the Reynolds' building that were included in their application, which show where cars and people would move around the building.⁶⁸

⁶⁰ HCC 21.90 “Administration and Enforcement.”

⁶¹ AB 22.

⁶² *Id.*

⁶³ HCC 11.08.110.

⁶⁴ *Balough v. Fairbanks N. Star Borough*, 995 P.2d 245, 254 (Alaska 2000).

⁶⁵ *Allen v. Alaska Oil and Gas Conservation Com'n*, 147 P.3d 664, 668 (Alaska 2006).

⁶⁶ AR 50.

⁶⁷ AR 50.

⁶⁸ AR 39-42.

Mr. Abboud visited the location and offered testimony at the hearing, and each of the Commissioners was familiar with the site of the application. Based on Mr. Abboud's testimony and their own review of the surveys and maps provided by the Reynolds, a reasonable person could agree with the Commissioners' construction of applicable sections of Homer's code.

- e. It was appropriate for City Planner Rick Abboud to submit a brief and participate in the appeal proceedings below. City Planning Department employees may fully participate in appeals to a hearing officer, and Mr. Abboud did not commit the unauthorized practice of law.*

Mr. Griswold asserts that it was inappropriate for City Planner Rick Abboud to submit a brief and participate in the appeal proceedings below. However, under HCC 21.93.060 and 21.93.500, a City Planner or the City Planner's designee may be a party to an appeal to the Board of Adjustment or a hearing officer. HCC 21.93.530(a) and 21.93.540(b) specifically allow a party to file a brief and make oral argument. Further, the custom in Alaska allows this practice.⁶⁹ Therefore, the City Planner could be a party, file a brief, and make oral argument.

Mr. Griswold also argues that Mr. Abboud unauthorized practice of law by appearing before the hearing officer. The unauthorized practice of law occurs when: (1) someone "represent(s) oneself by words or conduct to be an attorney"; and "either (i) represent(s) another before a court or governmental body which is operating in its adjudicative capacity, including the submission of pleadings, or (ii), for compensation, provide(s) advice or prepar(es) documents for another which affect legal rights or duties."⁷⁰

⁶⁹ 1979 WL 22915 (Alaska A.G. Sept. 11, 1979).

⁷⁰ Alaska Bar R. 63(b); AS 08.08.230.

The City Planner's briefing to Judge Pederson never claims that the City Planner was acting as an attorney on behalf of the City.⁷¹ Mr. Griswold's assertion fails the first prong of the unauthorized practice of law test. Therefore, the court will not address the second prong. The court finds that the City Planner was not committing unauthorized practice of law.

B. Factual Arguments

Mr. Griswold makes several arguments concerning the sufficiency of the evidence before the Planning Commission, what evidence the Commission considered, and whether or not the Commission erred in making specific findings.

As outlined below, Mr. Griswold's arguments are unfounded.

- a. The Commission's findings of fact are supported by substantial evidence in the record and Judge Pederson properly reviewed the entire record before him in assessing the Commission's decision and findings of fact.*

Mr. Griswold asserts that "[t]he Commission's findings of fact are not supported by substantial evidence and Judge Pederson did not have the authority to make factual findings on behalf of the Commission."⁷² The court understands Mr. Griswold's argument to mean that the numbered findings in the Commission's decision are not followed by specific factual bases for each finding, and that Judge Pederson's citation to points in the record that support the Commission's determinations amounts to finding facts on behalf of the Commission.

In Alaska, "[a] decision of the board may not be overturned unless it is unsupported by substantial evidence on the record taken *as a whole*. It is not important that the particular situation before the board is subject to more than one inference. What matters is whether the determination of the board is supported by substantial evidence on

⁷¹ See AR 124-135, 159-162.

⁷² AB 12.

the whole record.”⁷³ Further, the Supreme Court of Alaska has upheld administrative decisions that included otherwise “relatively conclusory” findings when they were consistent with the decision affirmed by the reviewing body, and explained that the court may “safely assume that the board accepted” those findings.⁷⁴

The Commission specifically referenced the Staff Report, application, and the public hearing in drafting its Decision.⁷⁵ Accordingly, Judge Pederson was not limited to the numbered factual findings outlined in the Commission’s decision when considering whether or not the Commission erred in granting CUP 2018-02. Judge Pederson’s process of surveying the record and pointing out evidence that supported the Commission’s decision does not amount to findings of fact on the Commission’s behalf, but merely underscores the Commission’s decision.

Finally, the Commission made its decision based on a record that included a public hearing with in person and previously submitted written testimony, photographs and scale drawings of the building, as well as a site visit and personal knowledge of the area from the Commissioners.⁷⁶ Even though Mr. Griswold may disagree with the Commission and Judge Pederson’s decision, a reasonable person could find that their decisions were based on substantial evidence, and accordingly the Commission did not err.

b. The Commission gave suitable weight to the evidence before it in determining whether granting the CUP to reduce a setback was proper.

Mr. Griswold argues that “the Commission erroneously considering (sic) the effects of the retail bicycle store and its proposed appurtenances on neighborhood character, property values, etc., instead of focusing on the effects of the proposed setback reduction.”⁷⁷ Functionally, Mr. Griswold asserts that the Commission did not give

⁷³ *Anderson v. Employers Liab. Assur. Corp.*, 498 P.2d 288, 289–90 (Alaska 1972) (emphasis added).

⁷⁴ *See Brown v. Personnel Bd. For City of Kenai*, 327 P.3d 871, 876 (Alaska 2014).

⁷⁵ AR 53.

⁷⁶ *Id.*

⁷⁷ AB 10.

sufficient weight to the negative impacts of shrinking the setback that he anticipates versus the positive effects offered by the applicants and the other supporters of the CUP.

In Staff Report 18-14, Homer planning staff outlined findings addressing each 10 criteria required in HC 21.71.030 for approving a conditional use application, which is the standard chosen by Homer to approve setback reductions in the CBD.⁷⁸ Additionally, the Decision itself makes a finding for each criterion and explicitly references the Staff Report and the meeting held to address the application.

Further, the Commission specifically addressed concerns generated by the setback reduction itself, including sight lines for cars pulling out, as well as traffic pattern concerns, and potential adverse impacts on drainage and snow removal.⁷⁹ Mr. Abboud made a visit to the site of the CUP, and explained during the hearing that he also had concerns about visibility until he went and visited the location.⁸⁰ The fact that the Commission did not perform a comprehensive, data-driven analysis of potential impacts to property values in the CBD is not fatal to the application, or the Commission's decision. A reasonable person could find that the remarks from the site visit and neighbors, as well as the drawings provided by the Reynolds in their application provide a sufficient evidence to support granting the CUP and reducing the Pioneer Avenue setback on the Reynolds' lot.

c. The Commission did not err in finding that the proposal is compatible with the purpose of the zoning district as required by HCC 21.71.030(b).

HCC 21.71.030(b) requires that the proposed use and structure are compatible with the purpose of the zoning district in which the lot is located. Mr. Griswold provided little argument and no evidence to support his argument that "[t]he Commission erred in

⁷⁸ AR 19-24.

⁷⁹ AR 59.

⁸⁰ *Id.*

finding that the proposal is compatible with the purpose of the zoning district per HCC 21.71.030(b).”⁸¹

The purpose of the Central Business District in Homer is:

“to provide a centrally located area within the City for general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and other business uses listed in this chapter. The district is meant to accommodate a mixture of residential and nonresidential uses with conflicts being resolved in favor of nonresidential uses. Pedestrian-friendly designs and amenities are encouraged.”⁸²

CUP 2018-02 was submitted by the Reynolds to improve their bicycle rental storefront by adding an awning that would encroach into the setback. At the hearing addressing the application, multiple Homer citizens specifically addressed the goals of the CBD and supported the Reynolds’ application, even stating specifically that the application will further the goal to be more pedestrian-friendly.⁸³ A neighboring business operator also registered her support via email before the meeting.⁸⁴ Accordingly, a reasonable person could find (and several did) that there is sufficient evidence that CUP 2018-02 aligns with the goals of the Central Business District, and accordingly the Commission did not err in making that finding.

d. The Commission did not err in finding that the proposal will not cause undue harmful effect upon the neighborhood character as required by HCC 21.71.030(f).

Mr. Griswold contends that “[t]he Commission erred in finding that the proposal will not cause undue harmful effect upon desirable neighborhood character per HCC

⁸¹ AR 16.

⁸² HCC 21.18.010.

⁸³ AR 49-52.

⁸⁴ AR 37.

21.71.030(f) and failed to identify what effects were considered and whether they were desirable or undesirable.”⁸⁵

Mr. Griswold argues that the 20-foot setbacks in the CBD were installed to benefit the neighborhood character, and that as a result, reducing them would automatically detriment it.⁸⁶ However, multiple other Homer citizens testified to exactly the opposite, including the belief that “walkability and friendliness” would be improved by the awning.⁸⁷

There is substantial evidence in the record to support the commission’s finding in the testimony of the individuals who own property nearby to the lot in question.⁸⁸ A reasonable person could, and several spoke up to find that the proposed awning will not cause undue harmful effect on the neighborhood character within Homer’s Central Business district, and accordingly the Commission did not err.

e. The Commission did not err in finding that the proposal is not contrary to the applicable goals and objectives as required by HCC 21.71.030(i).

Mr. Griswold argues that the Commission erred in finding that the proposal is “not contrary” to the applicable land use goals and objectives of the Comprehensive Plan as required by HCC 21.71.030(i).⁸⁹ The Homer Code on conditional use permits or variances does not require CUP applicants to affirmatively demonstrate compliance to each goal in the Comprehensive Plan.

⁸⁵ AB 17.

⁸⁶ *Id.*

⁸⁷ AR 51.

⁸⁸ AR 59.

⁸⁹ AB 18.

Homer's Comprehensive Plan (Plan) "identifies a broad, long-term vision for Homer's future, and establishes goals and standards" for land use.⁹⁰ Mr. Griswold cites to several of the goals set out in Homer's Comprehensive Plan, which emphasize low density development "particularly in residential areas."⁹¹ However, the Plan also states that it seeks to encourage "a concentrated, pedestrian oriented, attractive business/commerce district in the CBD" and multiple individuals testified at the hearing directly addressed the benefit to walkability created by CUP 2018-02.⁹² A reasonable person could find that the encroaching awning described in CUP 18-02 not being contrary to the broad land use goals and objectives of the Comprehensive Plan is supported by substantial evidence, especially those applicable strictly to the Central Business District.

f. The Commission did not err in finding that CUP 18-02 complies with the Community Design Manual.

Mr. Griswold argued that the Commission "erred by finding that the proposal will comply with the applicable provisions of the Community Design Manual per HCC 21.71.030(j) and failed to identify what provisions of the CDM were applicable."⁹³ HCC 21.72.030(j) requires that a CUP must comply with all applicable provisions of the Community Design Manual.

Homer has developed an extensive Community Design Manual (Manual) in order to "[m]aintain and improve the overall quality of the built environment" in Homer.⁹⁴ The Manual applies to the CBD, and states that "quality design is more important than strict

⁹⁰ Homer Comprehensive Plan, Executive Summary viii, https://www.cityofhomer-ak.gov/sites/default/files/fileattachments/planning/page/30781/2018_homer_comprehensive_plan_final_adopted_version.pdf (last visited on Oct. 15, 2019) (Comprehensive Plan).

⁹¹ AB 19.

⁹² Comprehensive Plan at 4 – 8, AR 19.

⁹³ AB 19.

⁹⁴ Community Design Manual I, <https://www.cityofhomer-ak.gov/planning/community-design-manual> (last visited Oct. 15, 2019).

conformance.”⁹⁵ The Commission is only required to review applicable provisions of the Manual when reviewing a CUP.⁹⁶ CUP 2018-02 was narrowly focused and only addressed the awning set to be built in the setback, not a re-build of the entire building, or addition of landscaping or parking lot. Homer does not require the Commission to impose additional requirements that are not relevant to the scope of the application.

A reasonable person could find that based on the limited nature of the Reynolds’ application, the detailed drawings provided in their application, and thorough review of the application by planning staff, CUP 2018-02’s conformity with the applicable portions of the Manual is supported by substantial evidence.

g. The Commission’s Finding 11 is not prejudicial and does not undermine the Decision as a whole.

Mr. Griswold asserts that “[t]he Commission’s Finding 11 is excessively vague, subjective, and prejudicial,” but provides little argument to support the assertion.⁹⁷

At the hearing on March 7, 2018, Planner Abboud outlined Staff Report 18-14 to the Commission and recommended adding Finding 11, that “the proposed activity will enhance the aesthetic environment of the community, providing gracious human-scale entryways and public ways orienting the entry way toward the street”⁹⁸ After hearing the testimony at the meeting and asking a few clarifying questions, the Commission unanimously adopted the finding.⁹⁹

While the language in Finding 11 is broad, it is no more flowery than provisions and goals in the Homer code, Manual, and Plan cited elsewhere in this Decision. Further, the Commission voted unanimously to adopt the finding after hearing the analysis of the planning staff, as well as the testimony Mr. Griswold submitted and that offered by those

⁹⁵ *Id.* at 3.

⁹⁶ HCC 21.72.030(j).

⁹⁷ AB at 21

⁹⁸ AR at 61.

⁹⁹ *Id.*

in attendance at the meeting. There is no indication in the record that the finding carried any improper weight with the Commissioners, or inappropriately impacted their ability to make a reasonable decision, and Mr. Griswold does not raise such arguments.

A reasonable person could find that there is substantial evidence in the record in both the staff report and from testimony to support the finding that that the awning would improve the appearance of the storefront on Pioneer Avenue.

V. Conclusion

“The evidence presented to the board was sufficient for them to reasonably conclude that the proposed use would not be more appropriate. If appellant was dissatisfied with the nature or amount of the evidence (the lack of ‘impact studies’, for instance), it was incumbent upon appellant to object and to provide the additional evidence desired. The burden of proof in a case such as this is on the appellant.”¹⁰⁰

As outlined above, Appellant has failed to demonstrate that Homer’s system of granting setbacks and conditional use permits violates Alaska law, or that CUP 2018-02’s approval is not supported by substantial evidence. Further, Homer’s process of approving CUPs is not so detached from reason that it violates the Appellant’s due process rights.

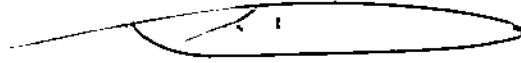
After reading through this two-inch high file (including the agency record and the court file), the court is left with the numb feeling that some old grudge is actually behind this litigation. Although there are generalized issues raised, the court sees no genuine issue that Mr. Griswold has with this particular bicycle shop’s awning; the attack is on the City of Homer. Catriona and Derek Reynolds appear to be collateral damage in that attack. To be sure, ensuring that government honors due process and the rule of law is consistent with being a good citizen. But so are civility, neighborliness and kindness.

For all of the above reasons, in addition to any reasoning the court may have missed in ALJ Peterson’s decision, which is adopted by reference here, the decision of

¹⁰⁰ *Kelly Supply Co. v. City of Anchorage*, 516 P.2d 1206, 1210–11 (Alaska 1973).

the hearing officer and the Homer Advisory Planning Commission to approve CUP 2018-02 is AFFIRMED.

DATED this 17th day of October, 2019, at Kenai, Alaska



LANCE JOANIS
SUPERIOR COURT JUDGE

I certify that a copy of the forgoing was
✓ mailed to Griswold, Reynolds (2)
placed in court box to _____
faxed to _____
✓ scanned to Wells
JSD 10-17-19
Judicial Assistant Date

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
BY THE CITY OF HOMER**

In the Matter of)	
)	
MATTER OF CONDITIONAL USE)	OAH No. 19-0676-MUN
PERMIT 2019-01)	Agency No. 19-01/18-09

DECISION ON APPEAL FROM PROCEEDINGS AFTER REMAND

I. Introduction

This decision is a follow-up decision relating to the conditional use permit (CUP) issued by the Homer Advisory Planning Commission for construction of a medical building at 267 Cityview Avenue in Homer. In an earlier appellate decision, the CUP was affirmed in all respects except one—whether access was adequate. Because the original CUP was unclear about whether access was adequate or inadequate, the matter was remanded to the Commission for further proceedings on this issue.

On remand, the Commission revised the CUP to eliminate any ambiguity and make a finding that access was adequate. Substantial evidence, in particular the site plan and the pictures of the access roads in the record, support the finding that access is or will be adequate. Accordingly, the decision is affirmed.

II. Facts and Proceedings

The facts and proceedings regarding the first appeal of the CUP issued for Raymond Property Management’s proposed medical building at 267 Cityview Avenue are described in the Decision on Appeal and Order of Remand issued by Judge Kennedy on May 3, 2019.¹ This decision will assume that the reader is familiar with the description of the proposed clinic and its siting, and these background facts will not be repeated here.

The narrow issue to be discussed in this decision is the adequacy of the access to the proposed clinic.² As Judge Kennedy found, the original CUP (CUP I) decision adopted by Homer Advisory Planning Commission on September 19, 2018, seemed to be internally inconsistent on the issue of whether the proposed access was adequate. First, in Finding 6, CUP I made a finding that existing public services “are or will be adequate.”³ This finding of adequacy appeared to

¹ Record on remand at 17-33. (The record in the first proceedings will be referred to as the “Record.” The record in the remand proceedings will be referred to as the “Record on remand.”)

² As explained in the May 3 Decision, the adequacy of the proposed access to the proposed clinic is at issue under HCC 21.71.030(e), which requires that “[p]ublic services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.”

³ Record at 263.

encompass access. Then, in Finding 7, CUP I recommended that “the applicant work with the City of Homer to share costs of improving roads so that access is adequate.”⁴ This finding implies that the proposed road access would be inadequate if the road were not improved. Because CUP I did not require that the road actually be improved, and Raymond Property Management had stated that it would not be improving the roads, this seeming inconsistency could not be resolved in appellate proceedings before the Office of Administrative Hearings. Accordingly, Judge Kennedy had no choice but to remand the question of access to the commission for further proceedings. His order of remand provided the following four directives to help the commission resolve the seeming inconsistency:

1. Gather additional facts as necessary to address the issue of road access in the context of Homer City Code 21.71.030(e), including, if desired, consultation with the applicant regarding his willingness and ability to secure adequate access;
2. Create a record on the issue of road access in the context of Homer City Code 21.71.030(e);
3. Make new findings regarding the criterion in Homer City Code 21.71.030(e), which shall be based on the augmented record; and
4. Impose any new Conditions related to access that the Commission, in its best judgment, feels are warranted.⁵

Following this order of remand, Commission staff prepared a staff report.⁶ The report included a new site plan prepared by Raymond Property Management and pictures of the roads leading to the proposed development.⁷ (As will be seen, the plan and the pictures will be very important evidence in deciding this appeal.)

The Commission deliberated on the issue of adequate access on June 5, 2019.⁸ It unanimously adopted the recommendation of staff. The decision reiterated Finding 6 from CUP I, which stated “Existing public services are or will be adequate to serve the medical clinic.”⁹ It retracted Finding 7—the recommendation that the applicant work with the city to improve the roads so that access is adequate.”¹⁰ It the adopted the following supplemental findings and condition:

Finding 1 Supplemental: Adequate access to the proposal will be provided

⁴ Record at 263.

⁵ Record on remand at 29.

⁶ Record on remand at 11-44.

⁷ Record on remand at 14, 35.

⁸ Record on remand at 53.

⁹ Record on remand at 56.

¹⁰ Record on remand at 56.

with design and construction approved by the Homer Volunteer Fire Department and/or the State Fire Marshal.

Finding 2 Supplemental: A licensed Civil Engineer can confirm that the access to the project meets the local Fire Department and Fire [Marshal] standards.

Condition 1 Supplemental. A written statement from [a] Licensed Civil Engineer shall be provided, to the Planning Office confirming that the access meets all standards required of the Homer Volunteer Fire Department and/or the State Fire Marshal.¹¹

Based on these findings, the final approval of the CUP 19-01 (CUP II) was distributed on June 26, 2019. On July 22, 2019, Mr. Robin Lund, the appellant in the CUP I appeal, filed a notice of appeal of CUP II. He requested that the appeal be decided by a hearing officer, and the City of Homer referred the appeal to the Office of Administrative Hearings. The matter was briefed and argued by the City Planner, Mr. Rick Abboud, Mr. Lund, and Dr. Raymond on behalf of Raymond Property Management.

III. Discussion

Mr. Lund raises 11 points on appeal. This decision, however, will discuss only the issues raised in his points on appeal 1-3. That is because under the law, I must affirm the decision of the Commission if it is consistent with the law and supported by substantial evidence. As will be seen, discussion of issues 1-3 leads inexorably to the conclusion that the decision must be affirmed. All other issues raised by Mr. Lund (although well-presented, and valid concerns for a neighbor to hold) are either subsumed and decided by, or outside the purview of, this decision.¹²

For clarity and ease of understanding, I will recast the salient issues raised by Mr. Lund (which are derived from his points on appeal 1-3); as follows:

The decision is not supported by substantial evidence because the Commission did not make findings, or require Raymond Property Management to submit evidence, that the roads (in particular the undeveloped roads) leading to the property were adequate (meaning safe, convenient, and built to code) for the increase in the traffic. Instead, the

¹¹ Record on remand at 56-57. Architect Lawrence Peek had provided a statement that the access will meet or exceed fire code on May 31, 2019. Record on remand at 43.

¹² Many of Mr. Lund's remaining points rely on similar arguments, citing the inadequacy of the undeveloped roads or the reliance on the fire marshal. *See, e.g.*, Lund Brief at 18-21 (explaining points on appeal 4-9). Each of these points is disposed of by the substantial evidence that access is or will be adequate because the short section of driveway on Cityview Avenue is already accessible and will be improved. Point on appeal number 10 addresses why the application for a Special Assessment District is not evidence of adequacy. This point does not need to be addressed because that application was not relied upon as evidence of adequacy. Point number 11 revisits the argument that approval of multiple CUPs is akin to rezoning by piecemeal rather than by proper process. This argument was fully discussed in the May 3 decision, and is outside the purview of this appeal.

Commission simply focused on one issue—access for emergency vehicles—while ignoring the issue of having adequate road access for non-emergency vehicles, pedestrians, bicycles, and other roadway users.¹³

If we were to look only at the words on the page of the Commission's decision, Mr. Lund's arguments would raise problematic issues. The decision does not make specific findings or cite evidence about the quality of the roads. Instead, it seems to assume that if access is approved by the fire marshal, it will be adequate (which may be true, but is not obvious from mere words).

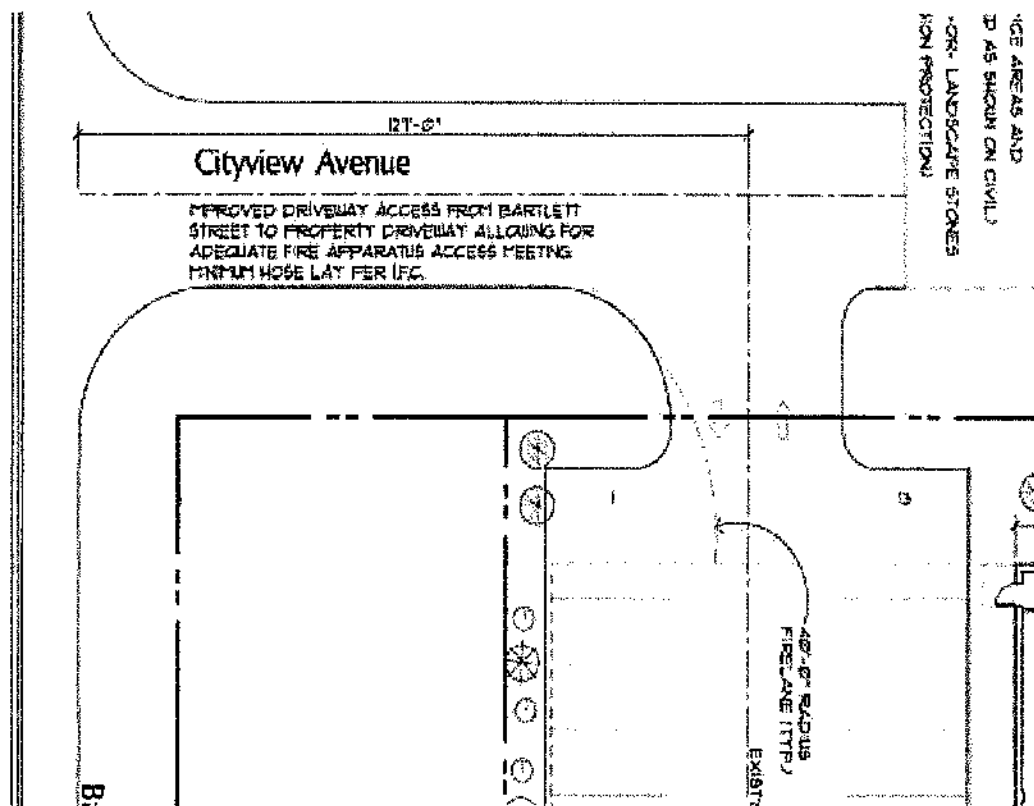
This is a case, however, where four pictures and a drawing are worth more than the proverbial thousand words. First, and foremost, the site plan in the record submitted by Raymond Property Management shows the following:¹⁴

¹³ See Lund Brief at 15-18. The language here is a summary, not a quote, from Mr. Lund's brief.

¹⁴ Record on remand at 35.

a collector street designed to accommodate traffic. Bartlett Street appears adequate in all respects, and no evidence indicates otherwise.¹⁵

With regard to the access over the short section of Cityview Avenue between Bartlett Street and the entrance to the proposed medical building, what disposes of the issues on appeal here is that this site plan shows that Raymond Property Management has committed to improving this section. This is made clear by the following excerpt from the site plan, which (enlarged) explains the detail plan for the section of Cityview Avenue from the entrance to the development to Bartlett Street:



As Mr. Abboud explained at oral argument, the City would view the connecting section of the undeveloped section of Cityview Avenue as “driveway” for the development. Raymond Property Management would be responsible for any upgrade necessary to the driveway. Any

¹⁵ As Mr. Lund explains in his brief: “Bartlett is an excellent choice to gather additional traffic. It was recently remodeled and brought up to code. It is identified as a collector street . . . It is well lighted and served with a sidewalk on one side of the street.” Lund Brief at 3. This quote is not presented as evidence, although this description is likely within the collective knowledge of the Commission, and, indeed, most residents of Homer. I quote Mr. Lund here, however, only to show that there is no dispute that access on Bartlett is adequate.

improvement made to the driveway in the right-of-way would be supervised by the City's Division of Public Works to whatever standard it required.

The record includes two details of roadway sections, submitted by Raymond Property Management, one for urban roads, and one for rural roads.¹⁶ The standard that will be required by Public Works is not clear, but not important for determining adequacy. As the following pictures in the record show, the short section of Cityview required for access to the development will be adequate, or more than adequate, for traffic, especially after being improved to the standard required by Public Works and the fire marshal.

Staff Report # 19-48
Homer Advisory Planning Commission
Meeting of June 5, 2019
Page 2 of 2

W Danview Ave at southern entrance (left)
facing East



W Danview Ave and Hohe St
facing West



Cityview Ave at north entrance
facing East



Cityview Ave and Bartlett St.
facing West



\\Cityhall\planning\PACKETS\2019 PC\Packet CUP\CU # 19-01 Medical Clinic at 287 Cityview Ave\BR 19-49 CUP 19-C1 Remand.docx

¹⁶ Record on remand at 37-38.

To be clear, the CUP does not require that Public Works approve the improvements to section of the driveway in the right-of-way. Indeed, the permit does not require any improvements except those required by the fire marshal. The pictures demonstrate that the short section of Cityview Avenue to the entrance to the property is already accessible.

As explained above, however, the larger point (and what makes this decision straightforward) is that Raymond Property Management has promised to improve the portion of Cityview Avenue that will serve as the driveway connector to Bartlett Street. Improvements made in the right-of-way will be subject to approval by Public Works. With that understanding, substantial evidence clearly supports the conclusion that the access will be adequate.¹⁷

IV. Conclusion

The Homer Advisory Planning Commission had substantial evidence to conclude that the proposed access on Bartlett Street to the driveway of the proposed development at 267 Cityview Avenue would be adequate for increased traffic and emergency vehicles. Therefore, the decision granting Conditional Use Permit 19-01 is affirmed in all respects.

This decision incorporates the May 3, 2019, decision affirming Conditional Use Permit 18-09 in all aspects other than access. Section II(C)(2)(b) of that decision, and the order of remand, are superseded and amended by this decision. All other sections of that decision remain extant and binding. The appeal rights that attach to this decision apply to that decision, with the same appeal deadline as applies to this decision.

DATED: October 16, 2019.



By: _____
Stephen Slotnick
Administrative Law Judge

¹⁷ Because the access will clearly be adequate for access on the short section of Cityview Avenue connecting to Bartlett Street, this decision does not need to address the dispute among the parties regarding the definition of “adequate.” In general, however, “adequate” does not mean, for example, the latest highest-speed network, but it also does not mean that we need to settle for dial-up.

NOTICE OF APPEAL RIGHTS

This is a final decision. If you wish to appeal this decision, you must file an administrative appeal to the Alaska Superior Court, within 30 days from the date this decision is distributed to you. See AS 29.40.060, HCC 21.91.130 and Alaska Rule of Appellate Procedure 602.

Certificate of Service: I certify that on October 16, 2019, this document was sent to: Rob Lund (by email); Rick Abboud, Representative (by email); Melissa Jacobsen (by email).

By: Stephani Fisher
Office of Administrative Hearings



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report 19-91

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: November 6, 2019
SUBJECT: Conditional Use Permit (CUP) 19-08

Synopsis The applicant proposes to build two 14' X 72' duplexes at 4155 Pennock Street. A Conditional Use Permit (CUP) is required per HCC 21.16.030(h).

Applicant: Jeff Murphy
3675 Main Street
Homer, AK 99603

Location: 4155 Pennock Street

Parcel ID: 177705311

Size of Existing Lot: .2 acres

Zoning Designation: Residential Office District

Existing Land Use: Vacant

Surrounding Land Use: North: Glacierview Baptist Church
South: residential/home office, physical therapy office
East: vacant
West: Duplex/Homer Flex High School

Comprehensive Plan: Chapter 4 Land Use, Goal 1: Guide Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions.

Wetland Status: No mapped wetlands.

Flood Plain Status: Not in a floodplain.

BCWPD: Not within the Bridge Creek Watershed Protection District

Utilities: Public utilities service the site.

Public Notice: Notice was sent to 19 property owners of 20 parcels as shown on the KPB tax assessor rolls.

ANALYSIS: The applicant is proposing to construct two duplexes. The duplexes are all one-bedroom units.

Density: In the Residential Office District (RR), density is not restricted other than lots having a minimum size of 7,500 square feet. While not applicable to the proposal, the floor area and open space meets the standards for multi-family developments.

Parking: 4 parking spaces are required for this proposal and the applicant displays 4 spaces.

Impervious: The proposal would create approximately 4,100 square feet of impervious surface, or 46% of the lot coverage. The project requires a level one site plan and is subject to the level one site development standards. The proposal creates less than 25,000 square feet of impervious surface and the development activities do not trigger a Stormwater Plan.

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

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

Analysis: The Rural Residential zoning district allows for more than one building containing a permitted principle use on a lot with an approved conditional use permit, per HCC 21.16.030(h). A duplex is authorized as a permitted use, per HCC 21.16.020(a).

Finding 1: Two duplexes may be authorized with an approved conditional use permit in the Residential Office District.

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

Residential Office District purpose: The Residential Office District is primarily intended for a mixture of low-density to medium-density residential uses and certain specified businesses and offices, which may include professional services, administrative services and personal services, but generally not including direct retail or wholesale transactions except for sales that are incidental to the provision of authorized services. A primary purpose of the district is to preserve and enhance the residential quality of the area while allowing certain services that typically have low traffic generation, similar scale and similar density. The district provides a transition zone between commercial and residential neighborhoods.

Finding 3: The proposal is compatible with the purpose of the district by meeting density requirements while providing residential development.

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

Analysis: Other allowed uses in this district, such as an apartment building, hospital, or school could dominate the site in terms of bulk, height and intensity more so than this proposal.

Finding 4: The value of adjoining property will not be negatively affected greater than multi-family dwellings or a conditionally permitted hospital or school.

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

Applicant: Matches residential office.

Analysis: The proposal is generally less impacting than the school, clinic, and church that surround it. Adding residential development helps retain the residential quality of the district.

Finding 5: The proposal is compatible with the existing uses of surrounding land.

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

Finding 6: Existing public, water, sewer, and fire services are adequate to serve the proposed development.

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

Applicant: No negative effects; Project is in harmony with existing & future goals for the area.

Analysis: Four single bedroom dwellings on this lot will be in line with the neighborhood character in terms of scale, bulk and coverage. The increased traffic will be easily handled by the site's access to existing city streets. Residential development of this nature help to maintain the residential qualities of the neighborhood.

Finding 7: Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

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

Analysis: The permitting process will require the applicant to meet Federal, State and local standards.

Finding 8: The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole when all applicable standards are met as required by city code.

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

Analysis: No relief from code is sought from the applicant. All known applicable regulations will be addressed through the permitting process. The proposed parking plan meets the standards of HCC 21.55 "Off-Street Parking." The proposal shall comply with all applicable regulations and conditions when the permitting process is successfully navigated as provided in the CUP and permitting process.

Finding 9: The proposal will comply with applicable regulations.

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

Analysis: This proposal promotes Goal 1: by providing infill of affordable housing in a location with existing road, water, and sewer infrastructure.

Finding 10: The proposal does not appear to contradict any applicable land use goals and objectives of the Comprehensive Plan. The proposal aligns Goal 1 and no evidence has been found that it is contrary to the applicable land use goals and objects of the Comprehensive Plan.

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

Analysis: The Outdoor Lighting section of the Community Design Manual is applicable. This section encourages outdoor lighting sources to be hidden from public view, to avoid excessive light throw, and to be downward directional lighting.

Condition 1: Outdoor lighting must be downward directional and must not produce light trespass or glare per the CDM and HCC 21.59.030.

Finding 11: Condition 1 will assure that the proposal complies with level one lighting standards and the Community Design Manual

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

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

PUBLIC WORKS COMMENTS: Water and sewer are currently run onto the property. The property owner is going to need to work with ADEC for a community sewer design, and confirm that the 1" water service is going to be sufficient for two duplexes.

FIRE DEPARTMENT COMMENTS: None

PUBLIC COMMENTS: None

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission approve CUP 18-13 with findings 1-11 and the following conditions:

Condition 1: Outdoor lighting must be downward directional and must not produce light trespass or glare per the CDM and HCC 21.59.030.

Condition 2: Dumpster must be screened on 3 sides.

Attachments

Site photographs

Application

Public Notice

Aerial Photograph



From Pennock looking west 10.30.19



SE corner of lot from Pennock looking west 10.30.19



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

Applicant

Name: Jeff Murphy Telephone No.: 907-235-6754

Address: 3675 Main St Email: jlmurphy@x4z

Property Owner (if different than the applicant):

Name: SAME Telephone No.: _____

Address: _____ Email: _____

PROPERTY INFORMATION:

Address: 4155 Pennock Lot Size: .203 acres KPB Tax ID # 177-033-11

Legal Description of Property: LOT 16-A2 A.A. Mattox Sub 2007 Addition

For staff use:

Date: 9/20/19 Fee submittal: Amount \$200.00

Received by: [Signature] Date application accepted as complete _____

Planning Commission Public Hearing Date: _____

Conditional Use Permit Application Requirements:

1. A Site Plan
2. Right of Way Access Plan
3. Parking Plan
4. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots. (Planning can provide a blank map for you to fill in).
5. Completed Application Form
6. Payment of application fee (nonrefundable)
7. Any other information required by code or staff, to review your project

Circle Your Zoning District

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	EEMU	BCWPD
Level 1 Site Plan	x	x	x			x			x			x
Level 1 ROW Access Plan	x	x							x			
Level 1 Site Development Standards	x	x										
Level 1 Lighting			x	x	x	x	x	x	x	x	x	
Level 2 Site Plan			x	x	x		x	x		x	x	
Level 2 ROW Access Plan			x	x	x		x	x		x	x	
Level 2 Site Development Standards			x*	x	x	x	x	x			x	
Level 3 Site Development Standards									x	x		
Level 3 ROW Access Plan						x						
DAP/SWP questionnaire				53	x	x	x	x			x	

Circle applicable permits. Planning staff will be glad to assist with these questions.

☒ Y ☐ N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: _____

☒ Y ☐ N Will your development trigger a Development Activity Plan?

Application Status: _____

☒ Y ☐ N Will your development trigger a Storm water Plan?

Application Status: _____

☒ Y ☐ N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: _____

☒ Y ☐ N Is your development in a floodplain? If yes, a Flood Development Permit is required.

☒ Y ☐ N Does your project trigger a Community Design Manual review?

If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>

☒ Y ☐ N Do you need a traffic impact analysis?

☒ Y ☐ N Are there any nonconforming uses or structures on the property?

☒ Y ☐ N Have they been formally accepted by the Homer Advisory Planning Commission?

☒ Y ☐ N Do you have a state or city driveway permit? Status: Driveway is approved

☒ Y ☐ N Do you have active City water and sewer permits? Status: WSS is approved

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

VACANT land

2. What is the proposed use of the property? How do you intend to develop the property? (Attach additional sheet if needed. Provide as much information as possible).

Residential

2 one bed room

Duplexes

CONDITIONAL USE INFORMATION: Please use additional sheets if necessary. HCC21.71.030

- a. What code citation authorizes each proposed use and structure by conditional use permit? *21.16.030 Ch)*
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district.
Residential in R0 district
- c. How will your proposed project affect adjoining property values?
NO NE
- d. How is your proposal compatible with existing uses of the surrounding land?
Matches Residential office
- e. Are/will public services adequate to serve the proposed uses and structures?
yes - discussed with Dan Gardner and he saw no issues
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?
NO negative effects; Project is harmonious with existing & Future city goals for the area
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole? *NO*
- h. How does your project relate to the goals of the Comprehensive Plan?
The Comprehensive Plan are online, *compatible*
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (**circle each answer**)
1. ☒ Y/☐ N Special yards and spaces. - *common area between buildings*
 2. ☒ Y/☐ N Fences, walls and screening. *one fence at west end of common area*
 3. ☒ Y/☐ N Surfacing of parking areas. - *gravel*
 4. ☒ Y/☐ N Street and road dedications and improvements (or bonds).
 5. ☒ Y/☐ N Control of points of vehicular ingress & egress.
 6. ☒ Y/☐ N Special provisions on signs.
 7. ☒ Y/☐ N Landscaping. - *within common area*
 8. ☒ Y/☐ N Maintenance of the grounds, buildings, or structures.

9. ☒ Y ☐ N Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
10. ☐ Y ☒ N Time for certain activities.
11. ☐ Y ☒ N A time period within which the proposed use shall be developed.
12. ☐ Y ☒ N A limit on total duration of use.
13. ☐ Y ☒ N Special dimensional requirements such as lot area, setbacks, building height.
14. ☐ Y ☒ N Other conditions deemed necessary to protect the interest of the community.

PARKING

1. How many parking spaces are required for your development? 4
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). _____
2. How many spaces are shown on your parking plan? 4
3. Are you requesting any reductions? NO

Include a site plan, drawn to a scale of not less than 1" = 20' which shows existing and proposed structures, clearing, fill, vegetation and drainage.

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

CIRCLE ONE:

☒ Owner of record

☐ Lessee

☐ Contract purchaser

Applicant signature: _____

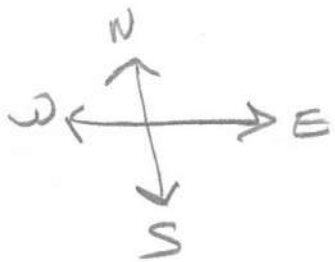
Date: 9/20/15

Property Owner's signature: _____

Date: 9/20/15

LAND USE IN Surrounding AREA of 4155 Penwork St





EAST END Road

Lot 16-A1

Lot 16-A2
4155 Pewnook ST
Drainage Graphic

notes:

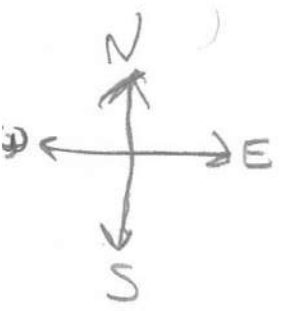
Lot 16-A2 is
basically flat with
a slight southeasterly
slope

arrows show existing
ditches and culverts

lot was leveled,
cleared, & driveway,
drainage & water sewer
installed by a previous
owner under Building
Permit # 0811-59

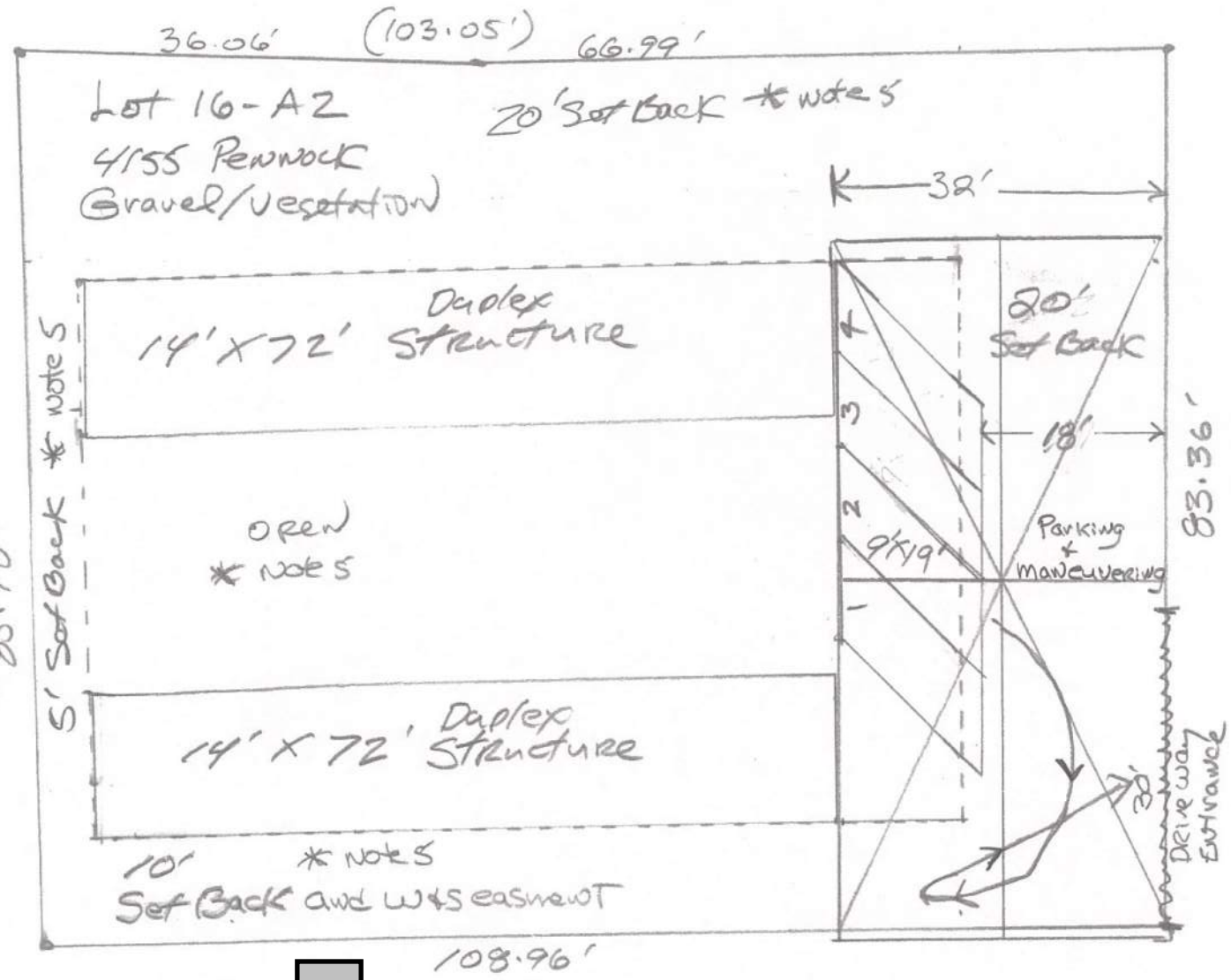
Pewnook
ST

Lot 16 B Driveway



EAST END Road

Lot 16-A1

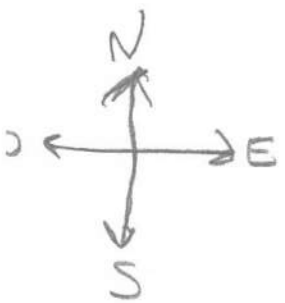


notes:

- 1 --- Set Back
- 2 9x19 parking spaces
- 3 30' existing Driveway off Pennock
- 4 [X] denotes graveled parking & maneuvering area
- 5 * grass & natural vegetation

Lot 16-B

Pennock St

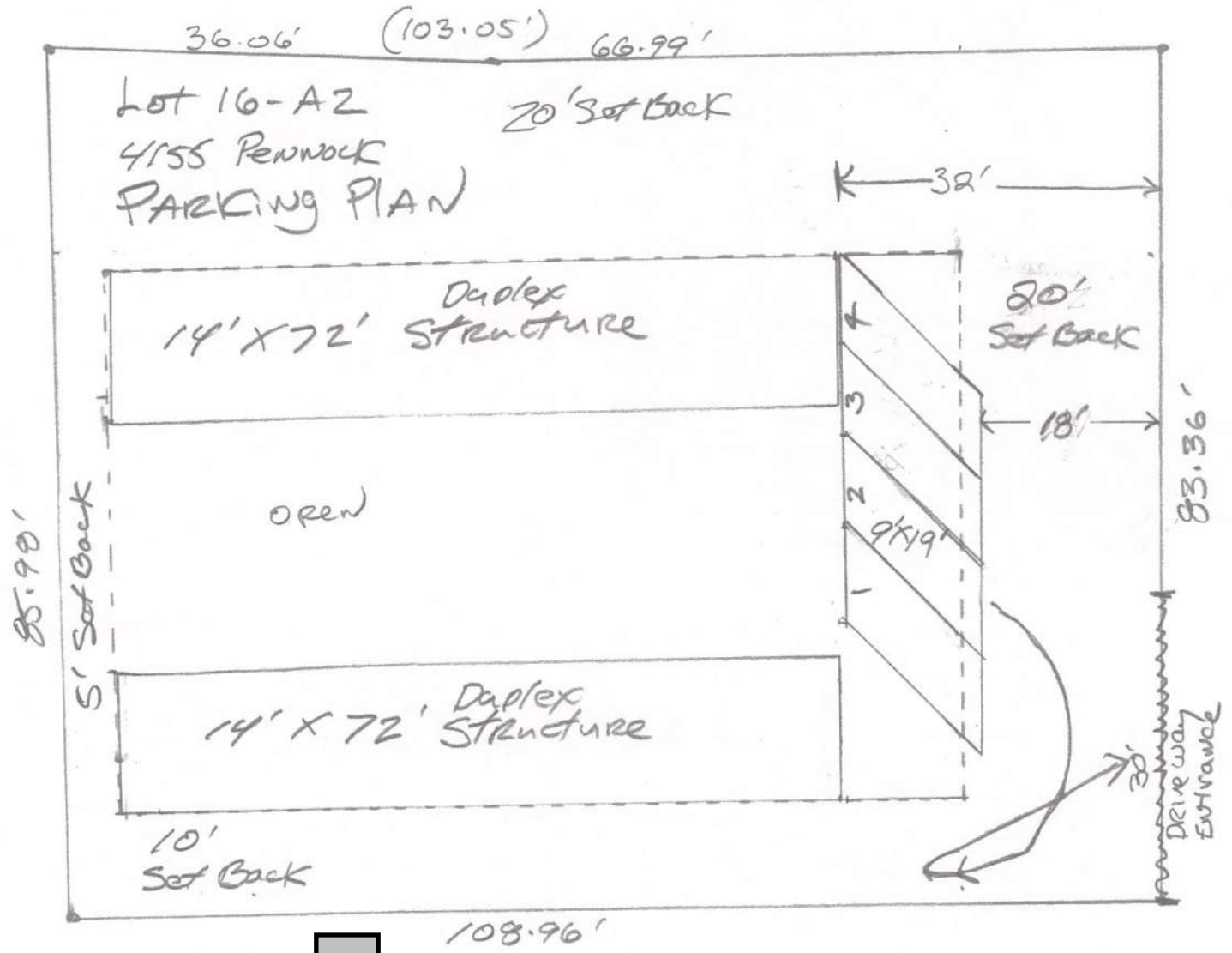


EAST END Road

Lot 16-A1

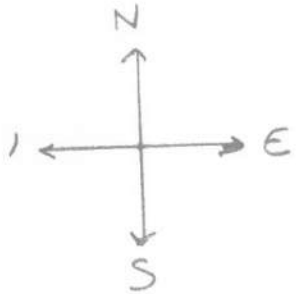
36.06' (103.05') 66.99'
Lot 16-A2 20' Set Back
4155 Pennock
PARKING PLAN

- Notes:
- 1. --- Set Back
 - 2. 9x19 Parking Spaces
 - 3. 30' Existing Driveway off Pennock
 - 4. Scale $\frac{1}{16}'' = 1'$



108.96'
Lot 16-B Drive Way

Pennock St



LOT 16-A1

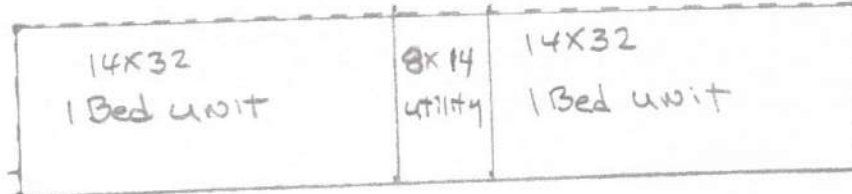
EAST END Road

LOT 16-A2
4155 PENNOCK ST
Site Plan

36.06' (103.05)

66.99'

20' SB



20' SB

Pennock ST

85.98

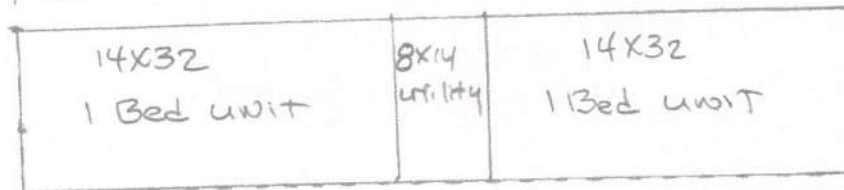
5' SB

Open Space
25' X 72'

83.36'

72

54'



14

84'

10' SB and water & sewer easement to Lot 16 A-1

0.5-20
30'

108.96'

61

Driveway TO Lot 16 B

Notes:

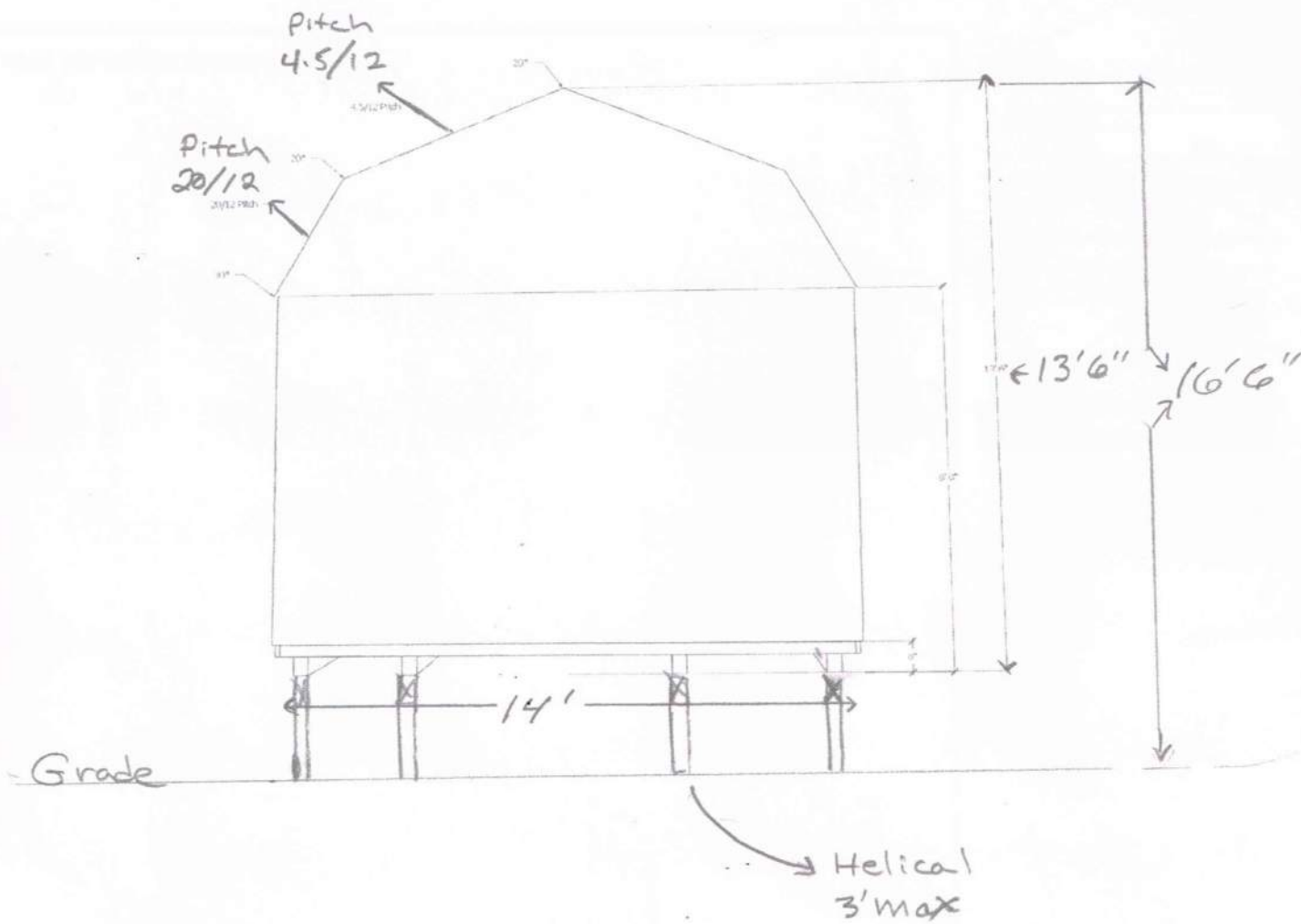
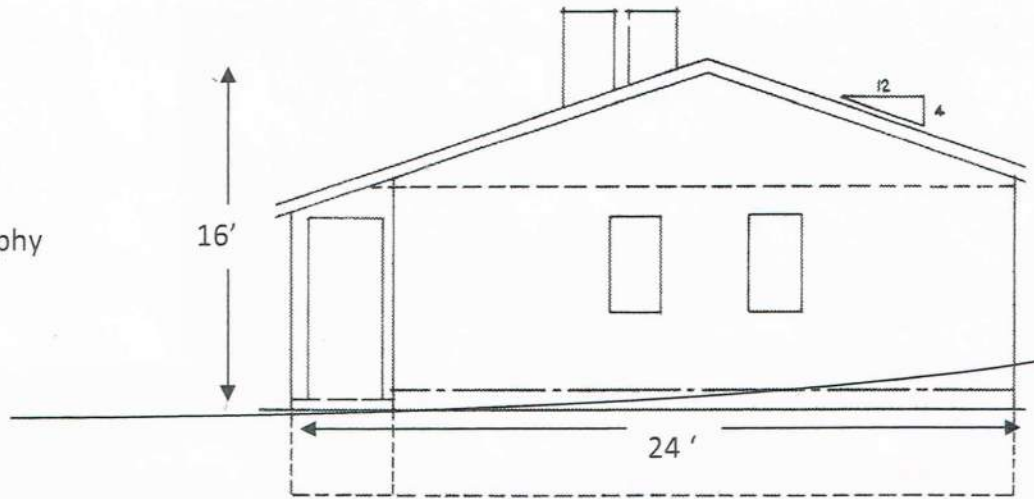
- 1 --- Set back
2. $\frac{1}{16}'' = 1'$ Scale
- 3 All units are one story

Building elevation drawing

Building height

Wall dimensions

Grade / topography



PUBLIC HEARING NOTICE

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

A request for Conditional Use Permit (CUP) 19-08 to allow two duplexes at 4155 Pennock St. A CUP is required for more than one building containing a permitted principal use on a lot, according to Homer City Code 21.16.030(h). The subject parcel is Lot 16-A2, A.A. Mattox Subdivision 2007 Addition, SE ¼ SEC. 17, T. 6 S., R. 13 W., S.M., HM 2007078.

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

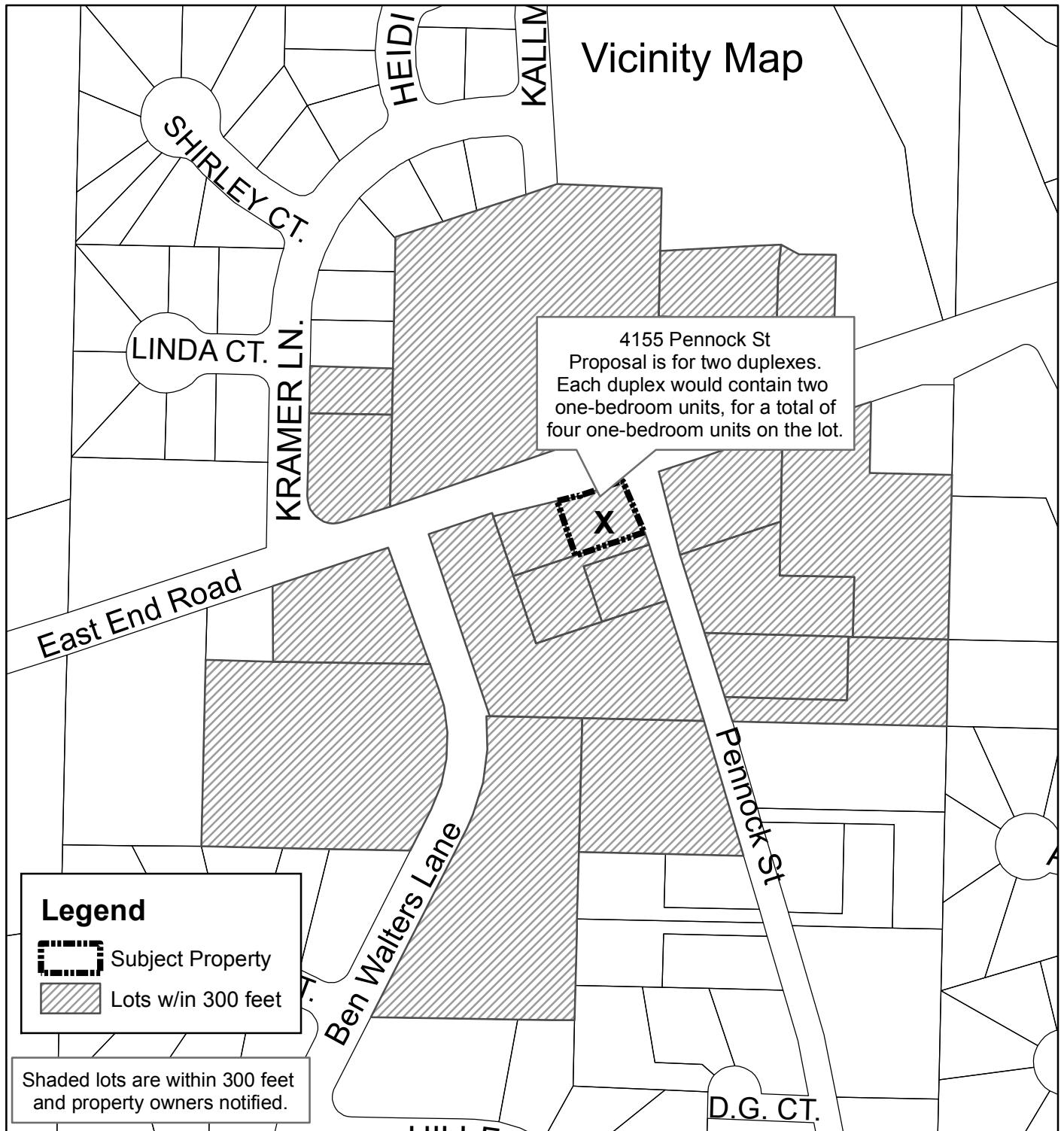
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

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

.....

VICINITY MAP ON REVERSE

Vicinity Map



City of Homer
Planning and Zoning Department

10/22/2019

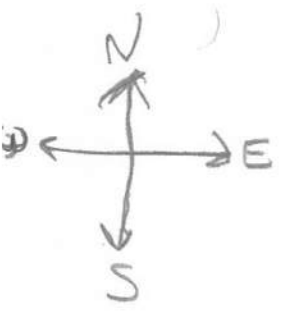
Request for
Conditional Use Permit 19-08
More than one building
containing a permitted
principle use on a lot

0 150 300
Feet

64

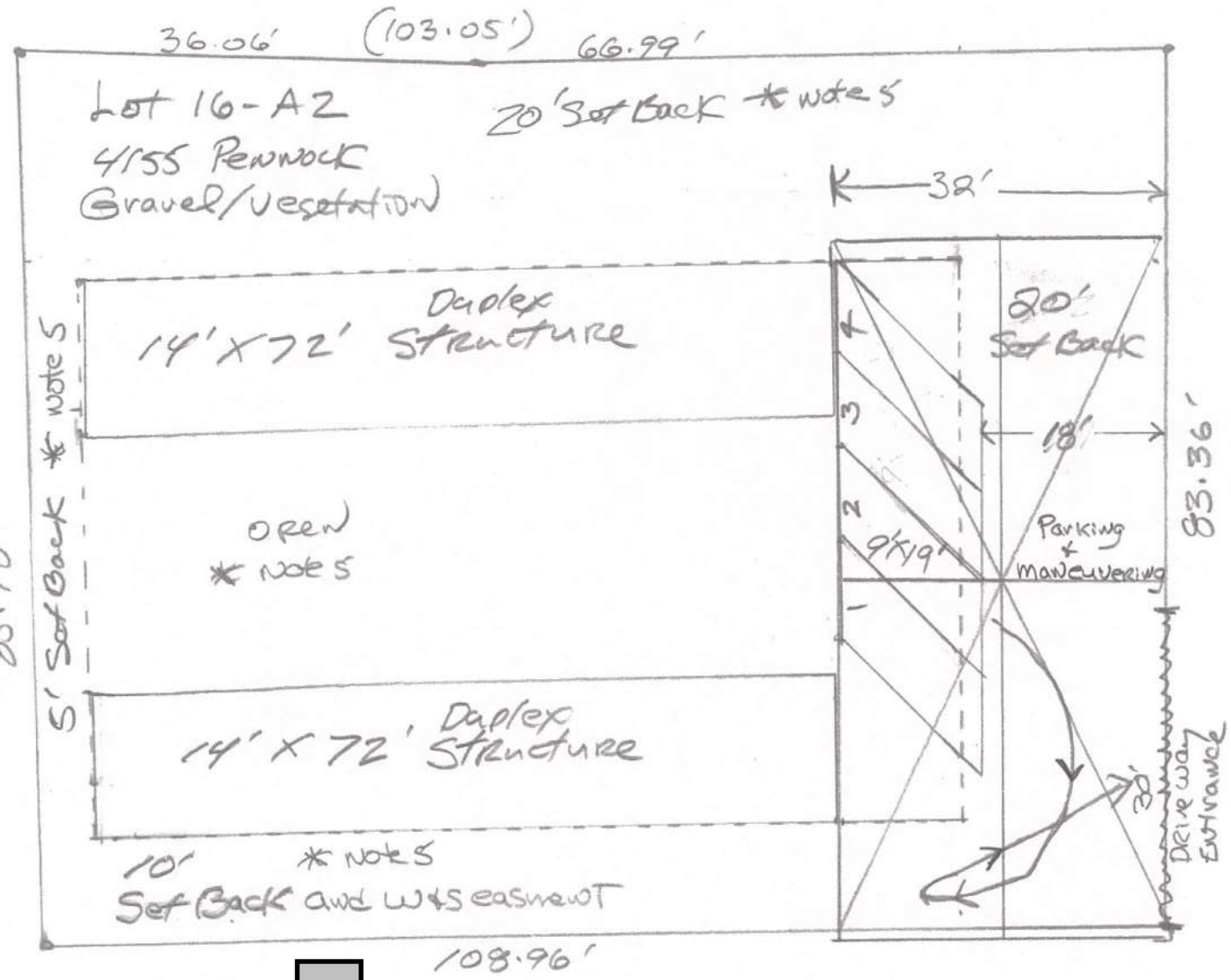


Disclaimer:
It is expressly understood the City of
Homer, its council, board,
departments, employees and agents are
not responsible for any errors or omissions
contained herein, or deductions, interpretations
or conclusions drawn therefrom.



EAST END Road

Lot 16-A1



notes:

- 1 --- Set Back
- 2 9x19 parking spaces
- 3 30' existing Driveway off Pennock
- 4 [X] denotes graveled parking & maneuvering area
- 5 * grass & natural vegetation

Lot 16-B

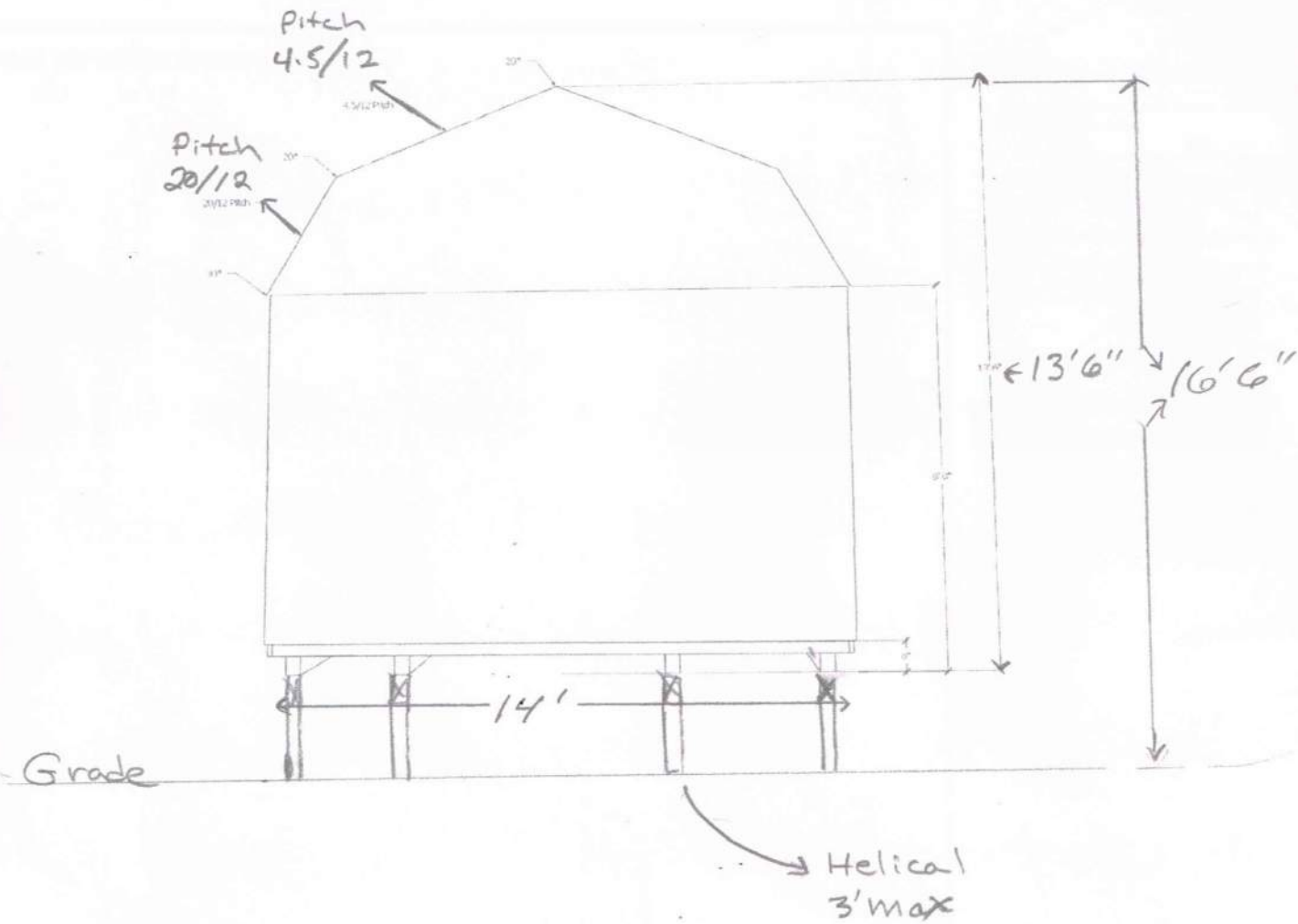
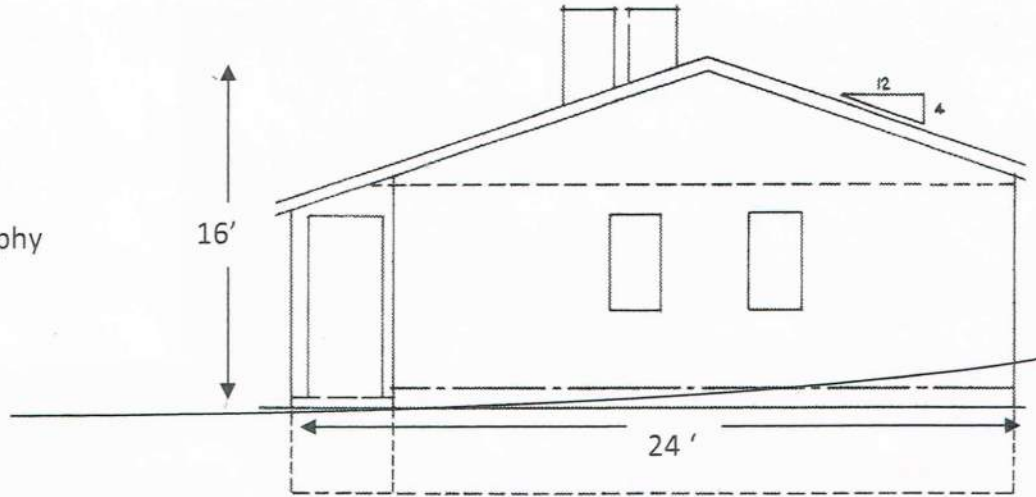
Pennock St

Building elevation drawing

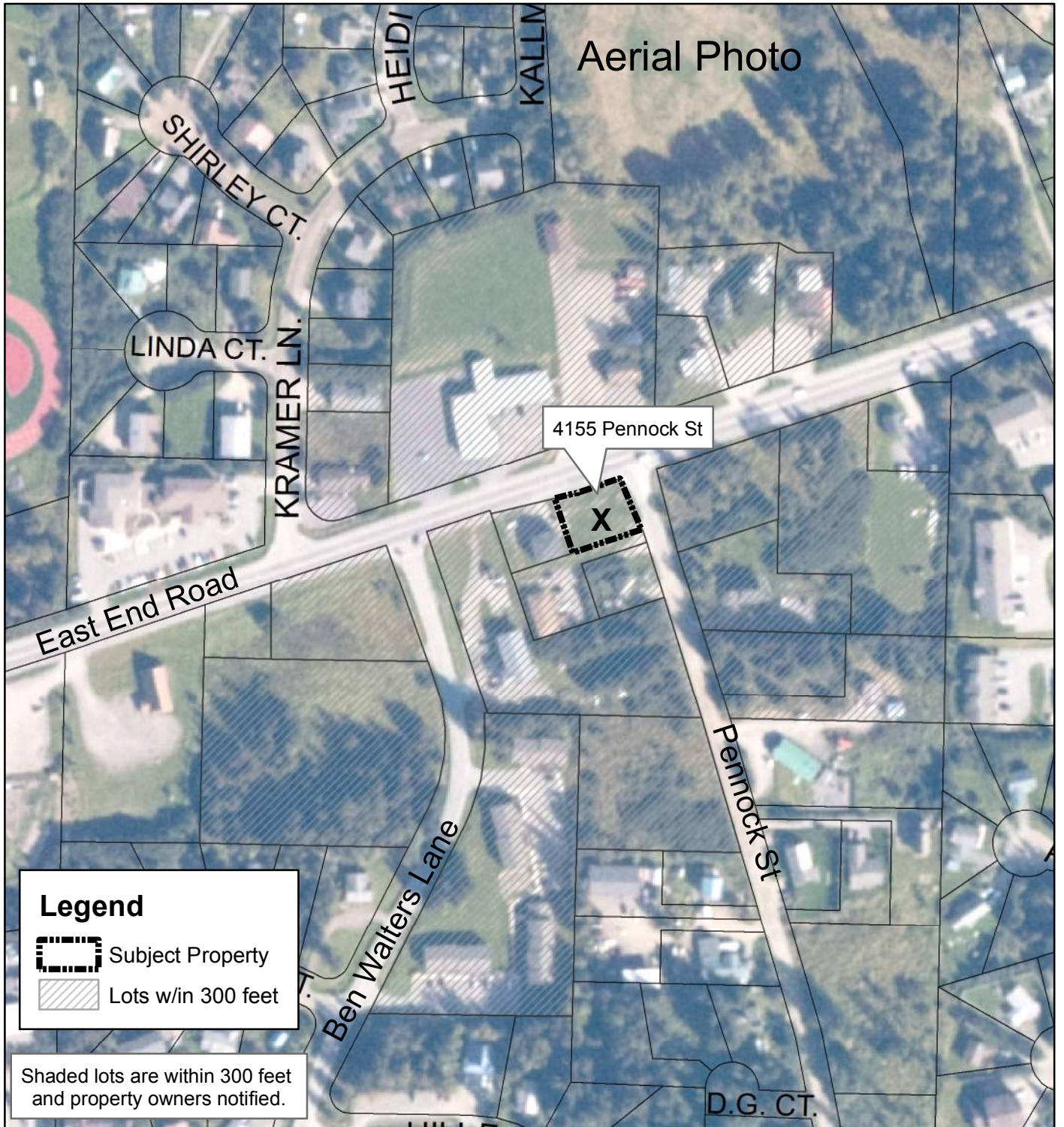
Building height

Wall dimensions

Grade / topography



Aerial Photo



Legend



Subject Property



Lots w/in 300 feet

Shaded lots are within 300 feet
and property owners notified.



City of Homer
Planning and Zoning Department

10/22/2019

Request for
Conditional Use Permit 19-08
More than one building
containing a permitted
principle use on a lot

0 150 300
Feet

67



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City of Homer

www.cityofhomer-ak.gov

Planning

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Homer, Alaska 99603

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Staff Report PL 19-92

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: November 6, 2019
SUBJECT: Draft Ordinance 19-90 six-month moratorium on medical clinics and professional offices in the Residential Office District

Introduction

Councilman Smith introduced the ordinance to the City Council and recommended that the Planning Commission review and make a recommendation.

Analysis

Mr. Smith seems to be concerned that CUP applications in the area to be considered for a medical office zoning may hinder the Planning Commissions ability to make a proposal regarding formulating a recommendation for a medical district. While I do not have a memo from Councilman Smith, I do have an excerpt from the discussion of the subject at the October 14th City Council meeting.

Heath said We've seen an uptick in CUP's up there and he thinks its been high on the PC's list to get this done. He believes we need to give them an opportunity to consider that without any other CUP's presented that might slow that progress down. Its currently on hold because of another project that's being contested, all it takes is one more person to protest and it completely stops it. And so he thinks we're getting to the point that they need to be able to deliberate and holistically look at the development of that district, and it's something that's in the comp plan, and that they can do that fully and with their attention completely on that without any further distraction.

Caroline asked if PC has this on their radar and we're going to put a moratorium on cups is it legal? Gatti, yes legal and appropriate to refer to PC.

Currently, in the area of consideration for a medical district, we have had a decision on the appeal of the remand hearing of the medical clinic and the appellant has until November 15th to appeal to the Superior Court. In my opinion, it is extremely unlikely that this item will be appealed. This should allow the Planning Commission take up the subject of a medical district at their first meeting in December.

Moratoriums

Typically, a moratorium is used for one of two purposes. The first being when a local government is preparing a comprehensive plan or extensive amendment of land development codes and is trying to avoid a rush of applications that would be contrary to the proposed plan or regulations. It may also be used when there is an inadequacy or lack of capacity in public facilities to serve new development.

A defensible moratorium ordinance is expected to have several components that courts use to weight the proposal. The proposal is expected to be a response to a compelling need, typically a significant threat to public health, safety, or welfare. A qualified professional should determine threats. As an example, the City Engineer may determine that water and sewer are inadequate to serve anticipated development. The moratorium should be specific to purpose, area, and have an end date.

This proposal has several of the elements identified above, but does not meet all the criteria. It does have a specific end date and a clearly defined area of applicability. It is stated that the moratorium applies to professional offices and medical clinics, but it could be made more specific to avoid confusion. Professional office is a permitted use and medical clinic is a conditional use. The ordinance should call out the specific type of permit that is subject to moratorium. It is not clear if the proposal is to stop all permitting or that it may or may not apply to an approved CUP that has not received a zoning permit, such as the recently approved medical clinic.

Ideally, the most defensible argument for a moratorium would be found in the comprehensive plan. No planning documents of the City of Homer addresses the need for moratoriums in the planning process. A moratorium should forward a legitimate government purpose and not be arbitrary or capricious, as a moratorium is a suspension of established rights. I do not find that the threat of another professional office or medical clinic in the Residential Office District near the hospital is enough to upset the integrity of the district, process, or represents a significant threat to health, safety, or welfare.

Staff Recommendation

Due to the lack of support by the comprehensive plan, or a convincing statement of problem, or evidence cited by a professional that infrastructure is inadequate; I do not recommend that a moratorium be enacted. Discuss and make recommendation to the City Council.

Attachments

Draft ordinance with attachment

**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 19-xx

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
IMPOSING A TEMPORARY SIX-MONTH MORATORIUM ON
APPLICATIONS FOR PROFESSIONAL OFFICES AND MEDICAL
CLINICS IN THE RESIDENTIAL OFFICE DISTRICT AND DIRECTING
THE PLANNING COMMISSION TO MAKE A RECOMMENDATION TO
THE CITY COUNCIL FOR THE CREATION OF A MEDICAL DISTRICT
IN THE VICINTY OF THE SOUTH PENINSULA HOSPITAL DURING
THIS TIME FRAME.

WHEREAS, The 2018 Homer Comprehensive Plan Land Use Recommendations Map
identifies areas in the Residential Office District south of the South Peninsula Hospital be
considered for a future medical district; and

WHEREAS, The 2018 Homer Comprehensive Plan Land Use Chapter Goal 1, Objective B
recommends updating the zoning map to reflect a desired pattern of growth; and

WHEREAS, Medical District planning is part of the Homer Planning Commission's
current work list; and

WHEREAS, A moratorium on the permitting of professional office and medical clinics
will allow the area under consideration for a medical district to remain consistent during the
planning process; and

WHEREAS, The Planning Commission is directed to work with the neighborhood and
produce a recommendation regarding the creation of a medical district by June 30, 2020.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. That the uncodified law of the City of Homer is amended to include the
following:

A moratorium of the permitting of professional offices and medical clinics for the area display
in Attachment A shall be in effect until June 30, 2020.

Section 2: This ordinance is of a temporary nature and shall not be included in the
City Code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS __ DAY OF _____,
2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

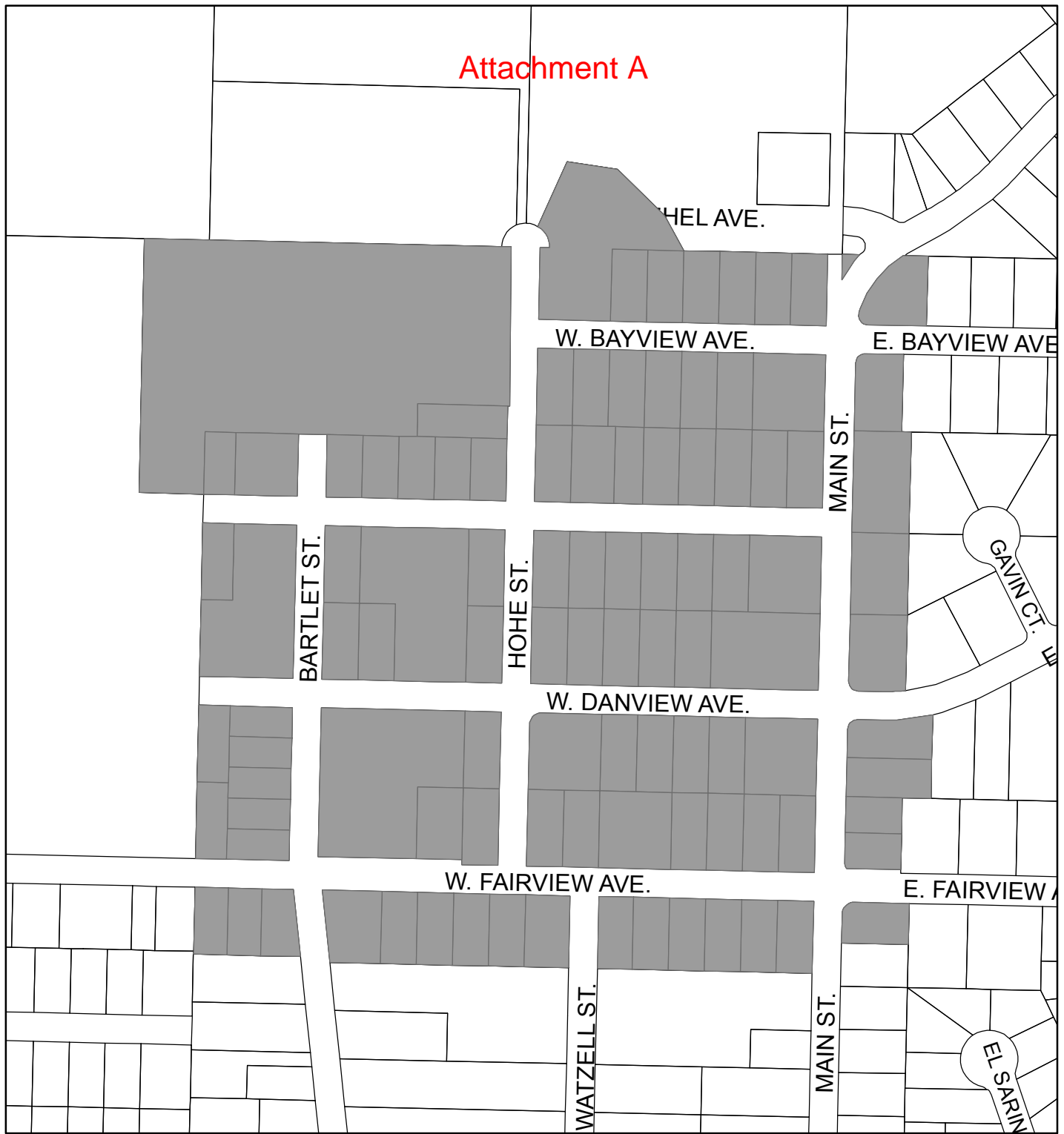
Katie Koester, City Manager

, City Attorney

Date:_____

Date:_____

Attachment A



City of Homer
Planning and Zoning Department

10/4/2019

Draft Map Subject Area Residential Office District

0 250 500
Feet

73



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Staff Report PL 19-93

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: November 6, 2019
SUBJECT: CUP 19-07, Seafarer's Memorial Parking Lot Expansion

Staff Recommendation

1. Review written comments received, attached photographs and any new information provided by the applicant.
2. Conduct a public hearing to take any new testimony.
3. Approve CUP 19-07 with findings and conditions written in Staff report 19-85 from the 10/2/2019 meeting.

Background

The Commission reviewed staff report 19-85 at the regular meeting of October 2, 2019, and closed the public hearing. After some discussion, the Commission requested additional information. A new public hearing has been advertised, and new information provided in this staff report. The applicant may also provide new information, and additional public testimony may be heard.

Requested Information and planning staff responses are italicized

1. Photo history or arials on the project area in question for the existing grassy areas. *See attachments. Harbormaster Response:* I had a drone take photos this summer of all our harbor uplands and I'll bring a few shots of that area.
2. Description on how the project relates to the goals of the Spit Comprehensive Plan in relation to specifically addressing the issues of ecosystems services and maintaining the value of the property in its natural functions, and the safety it provides to the property and neighboring properties. *Harbormaster Hawkins Response:* Not being an expert in the environmental field I'm not sure I can answer first part of this question to anyone's satisfaction. I can say that because this project is located behind the second storm berm on the beach it is the opinion of the Port Commission and myself that there will be no impact to neighboring properties. I think it would be helpful for folks to know that the seafarers memorial lot and the lower portion of the campground lot to the East were created using dredged

materials from the harbor entrance annual dredging projects and from what I can see there doesn't appear to be any negative impacts that have occurred from that build up project.

3. Current photos or aerials of the project. *New site photos are attached. Aerial photo included in the original staff report.* Harbormaster Hawkins Response: I will attend the next meeting and bring photos.
4. Clarification on where the grass and plants that will be removed from the project site will be put/stored. Response from Harbormaster Hawkins: To be clear we won't be removing all the beach grass from the phase two project site. We will only be removing what we feel we need in order to plant the side slopes, green spaces and vegetative swells with ryegrass sprigs. We will likely use a excavator or front end loader to pick up large clumps of grass roots soil and all. We have space on our lot 49 dredged materials dewatering lot where the sod can be laid out and left undisturbed while we ready the phase two project site for planting. I have been using the Beach Wildrye planting guide for Alaska handbook, written by Stony Wright for a guide.

Notes on old photo interpretation – 1986, 1992.

In our current era of Google Earth and very high resolution aerial photos, its easy to forget that not all photographs are taken at the same resolution. This is true of the older Homer Spit photos. A copy of the photos at their original scale is included, as is a zoomed in version. The 1986 and 1992 don't provide very much information on vegetation, but they do show a change in land use, from an older possible tent camping and beach access area, to the newer Seafarer's Memorial and associated parking lot. It's not really until the color photos of 2003 through 2016 that a person can easily discern the color and extent of the vegetation. Also, the tide is different on each photo, so casually trying to figure out how wide the beach is would likely lead to incorrect conclusions. Staff limited comparison to the extent of beach vegetation for 2003 and 2016, because those years had the clearest photography.

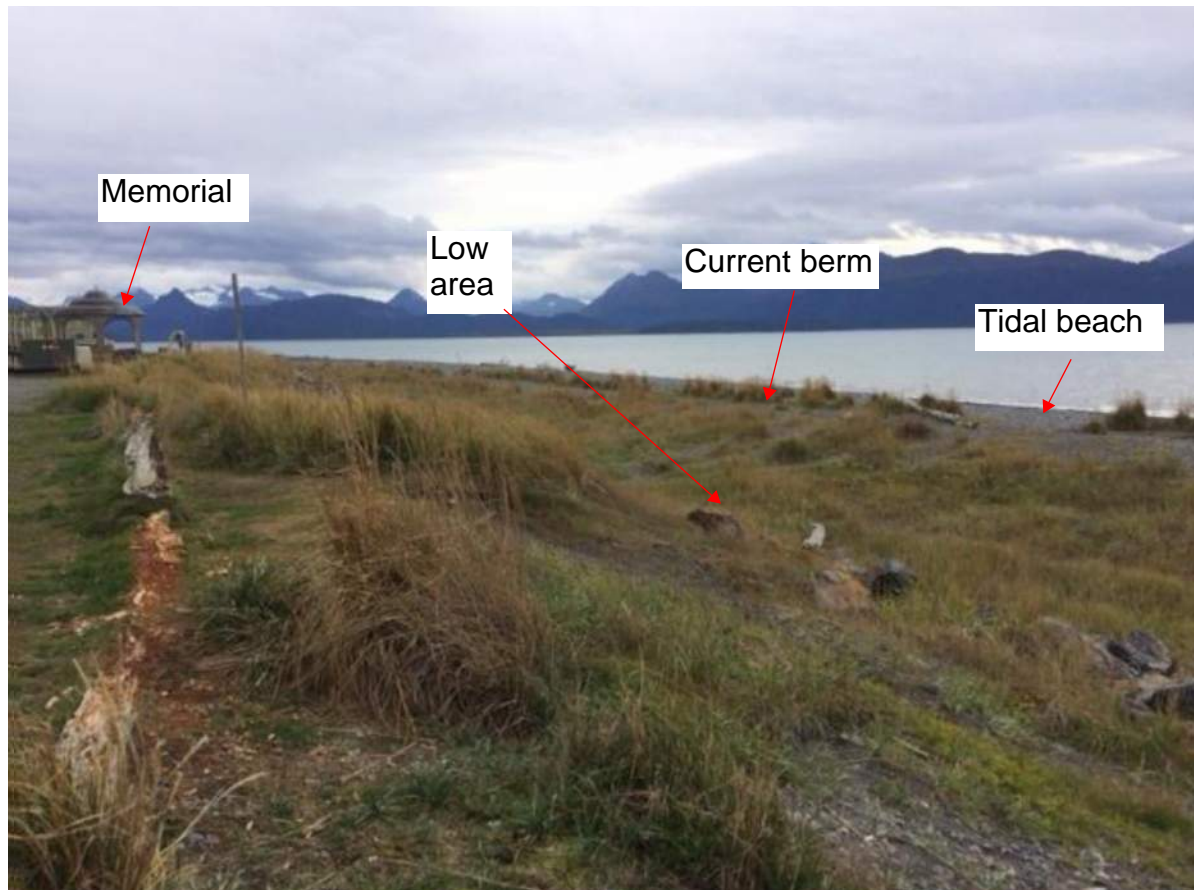
Attachments

1. Site photos fall 2019
2. Beach Vegetation Expansion Photos 2003 and 2016
3. 1986 aerial photo
4. 1992 aerial photo
5. Public Comment from John Faulkner
6. Public Comment from Penelope Haas
7. Homer News Article 10/31/19 "City Seeks Permit for Expanded Spit parking lot"
8. Staff Report 19-85 from 10/2/2019 meeting
9. Unapproved minutes excerpt from 10/2/2019

View looking NW toward
adjacent boardwalk property. Fall 2019

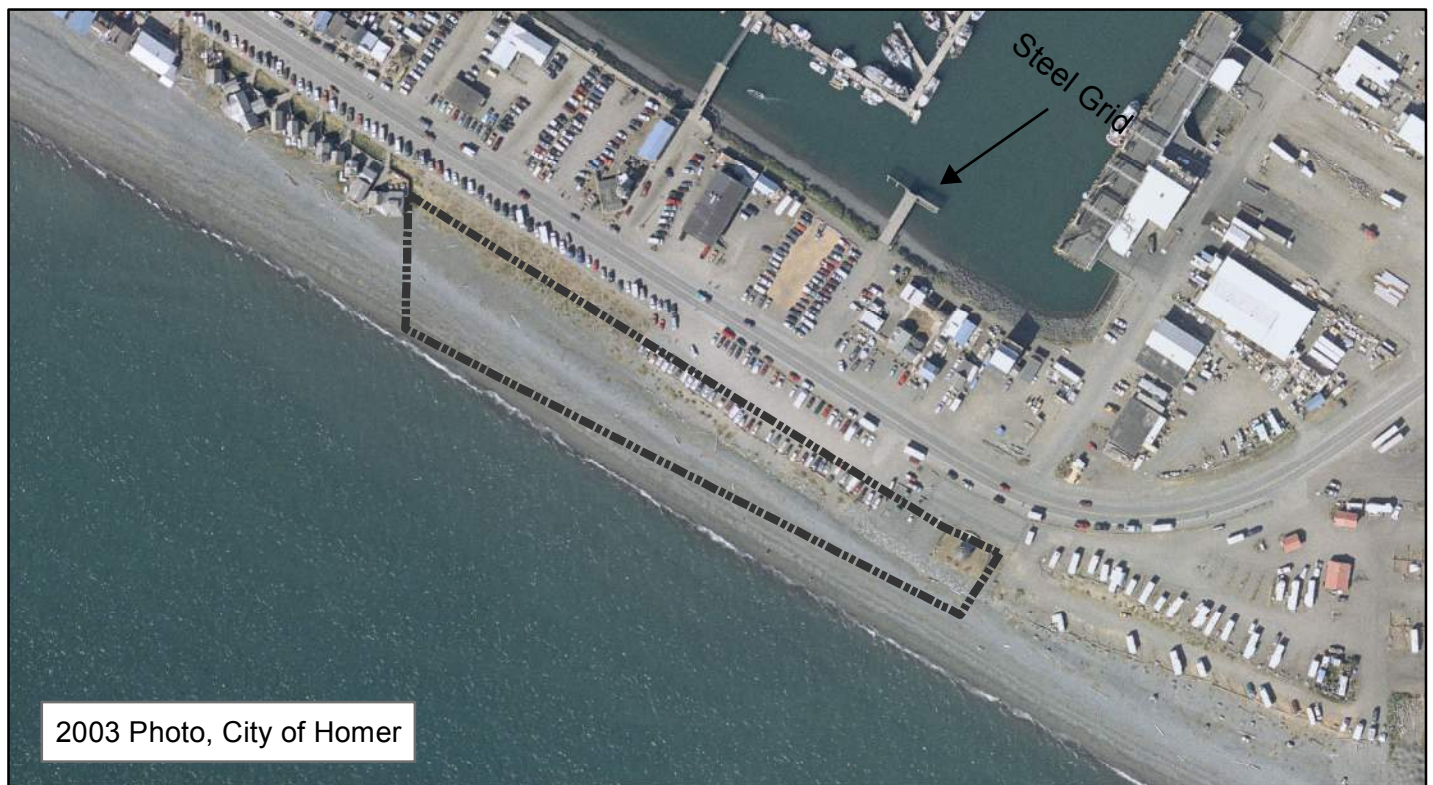
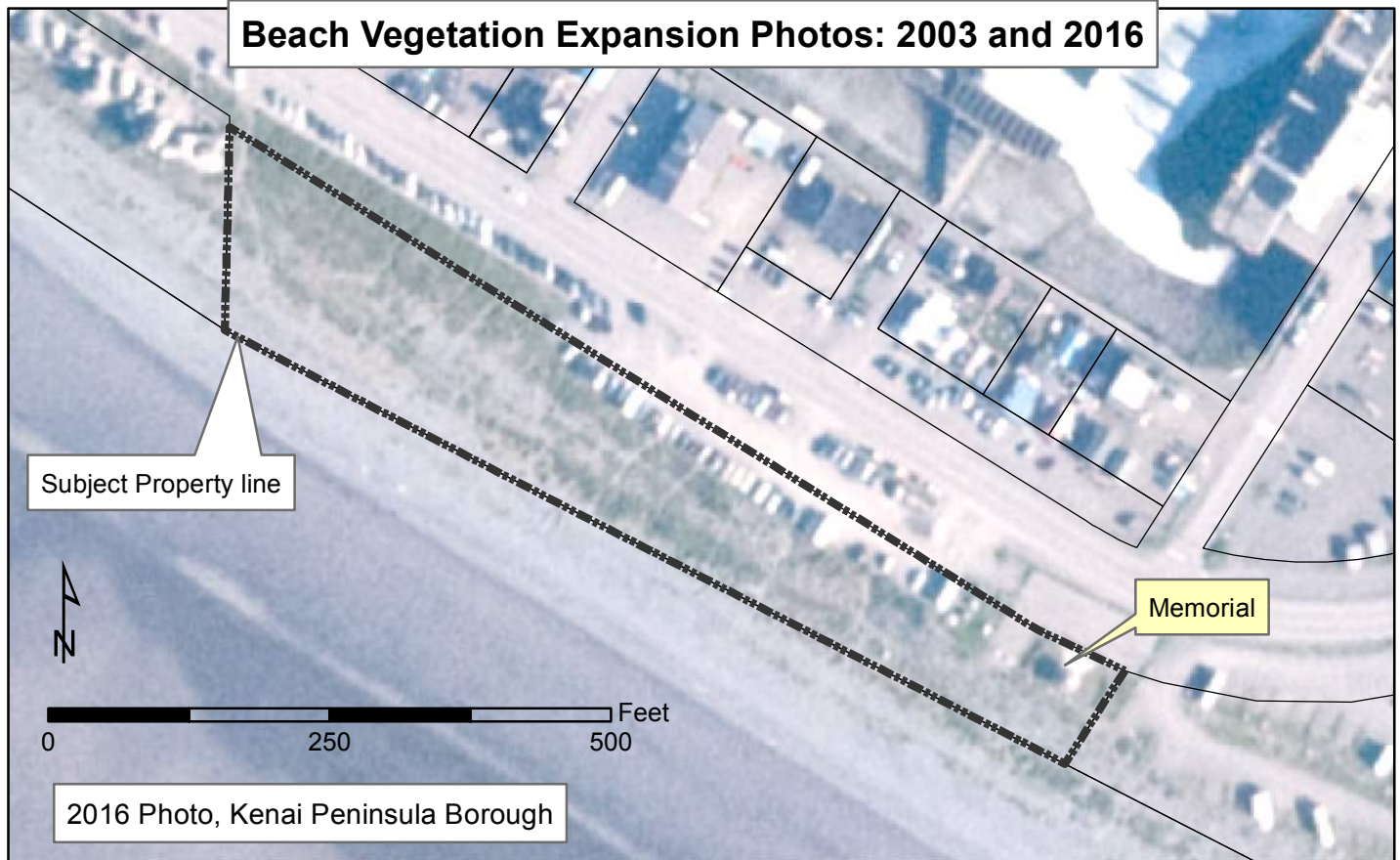


Existing rip rap in front
of the memorial



Looking SE towards Seafarer's Memorial.
From the parking lot elevation, the beach area drops, and then rises
again at the berm. The high tide area is not visible in this photo.

Beach Vegetation Expansion Photos: 2003 and 2016



Notes: Property lines are not exact, and the photos are not georectified (lined up) to the parcel lines the same. Height of the tide is not known for either photo, but it appears to be a lower tide in 2016, and a higher tide in 2003 when comparing the steel tidal grid. It appears that between 2003 and 2016, the beach vegetation extended its range toward the water.

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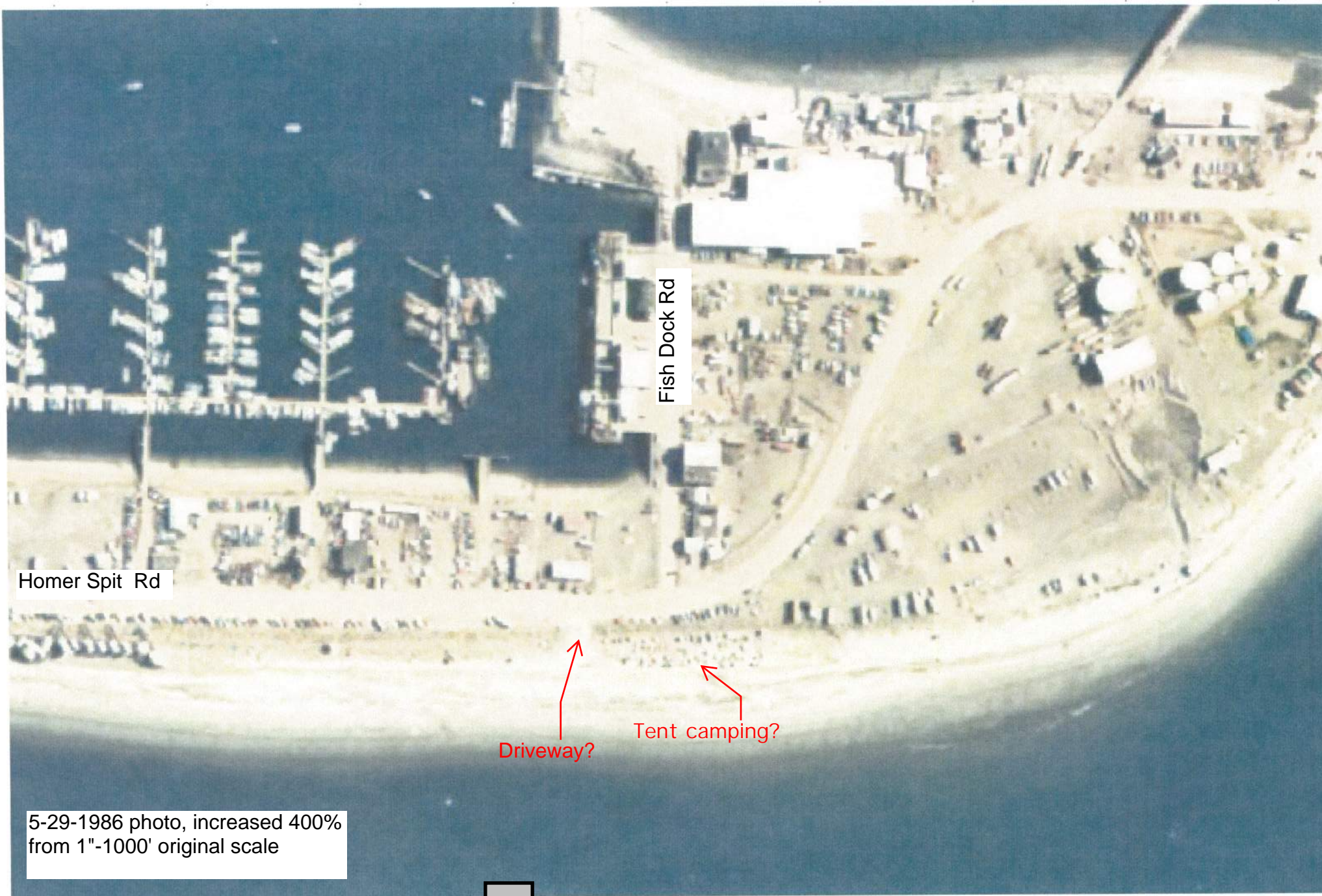
5-29-86 1"=1000'

HOMER SPIT

135X

7





5-29-1986 photo, increased 400%
from 1"-1000' original scale

Reduced to fit page



HOMER SPIT 1"-500'

9-29-92

999211

9-29-1992 photo 1"-500'



9-29-1992 Aerial Photo
1"-500' scale, increased 400%

Seafarer's Memorial?

Rick Abboud, Director
Planning and Zoning Department, City of Homer
491 East Pioneer Ave, Homer, 99603

Re: Testimony Related to CUP 19-07

October 14, 2019

Mr. Abboud:

Please accept the following testimony from Land's End relating to Conditional Use Permit 19-07, the Seafarer's Memorial Parking Lot Expansion. Land's End supports expanded day-use parking on the Spit, but with some clear conditions.

- 1) The vertical tidal datum should be very clearly noted on all plans, as well as the means of conversion to other datums. Engineers often use NAVD but most Homer citizens only know MLLW (i.e. their tide book datum) so the base of the rip-rap toe for example needs to be expressed in MLLW—which is a very different elevation (and can be quite deceiving) when expressed in terms of NAVD.
- 2) Controlled access into and out of this parking area should allow for paid parking, an overdue means of recovering costs from users of the service. Since parking lots require little overhead, parking fees should accrue to a reserve fund designated for a single purpose: protecting and restoring the Homer Spit for public use into the future.
- 3) All public improvements come at a cost to the public—actual cost and opportunity cost (alternative uses are precluded). On this point, the city recently renewed the Chappel RV Park lease, a decision which precludes using this adjacent land for expanded short-term parking. The city should consider the cost-benefit ratio to taxpayers of dedicating a portion of the Chappel leased land for public parking—thus saving CUP-19-07 funds to be allocated elsewhere. To ensure accountability for limited public resources, all decisions relating to land use allocation decision should be accompanied by a written finding of Highest and Best Use to the public.
- 4) CUP 19-07 results from an internal assessment that there is demand for increased day-use parking on the Homer Spit. This finding should be accompanied by documentation as to the likely capital and ongoing costs to taxpayers on a per-car, per-day basis; also by a finding of who will bear that cost into the future; and how those costs will be recovered. Such work today will document feasibility for the future and how the project is intended to be sustained.
- 5) Introducing “hard surface” erosion control measures in this area of the spit will have consequences that will almost certainly affect private property in the future. Adjacent leased land could be affected, resulting in public liability. For example, if RV spots are made unusable by virtue of perceived erosion caused by the placement of revetment, claims of lost revenue could be made.

Ocean currents and wave forces that impact shorelines are an intricate science. The definitive study on the geologic and ocean dynamics that created the spit, and which continuously act upon it, is "*Effects of the Earthquake of March 27, 1964 in the Homer Area, Alaska*", attached. One important conclusion of this study is that the source material for replenishment of the Homer Spit is the bluff northwest of Homer. This source of material has been depleted and in a state of equilibrium for 20+ years. Thus, throughout recent history, the Homer Spit has been in a constant state of erosion---absent man-made improvements and a policy of replenishment using dredge spoils.

A second source relied upon for this testimony is "*Waves and Beaches*", by Willard Bascom, a leading authority on the interaction of oceans and shorelines. It is imperative that decisions that affect erosion, deposition and sediment transport on the Homer spit are based upon the conclusion that the spit is one inter-connected erosion zone. What we do—or don't do-- in one location effects all downstream locations.

A third source of valuable information was obtained from the Kachemak Bay Research Reserve, an excellent source of raw data pertaining to wind velocity, wind direction, and duration of storm events.

Additionally, Land's End applied for and received a *Letter of Map Revision* or LOMR from the Corps of Engineers in 1999, which resulted from a professional and highly technical study of Homer Spit beach morphology and wave dynamics in the immediate vicinity of CUP 19-07. We cite this history to support evidence-based decision making.

Throughout its history, Land's End has been successful maintaining the natural processes in the inter-tidal area of the spit. Specifically, we have avoided placing permanent, protective improvements that interfere with littoral drift and natural sediment transport in the inter-tidal zone. Our beach erosion protection consists of "sub-surface" stone, designed to protect the beach from scour in a rare storm event.

Cerca 2002, when the city proposed extending the Ferry Terminal and parking lot adjacent to Land's End, we testified then that the construction of a hard, vertical surface in the inter-tidal surf zone under the dock could result in erosion adjacent to the project. In fact, this is what has occurred.

Combined with well-documented changes in recent weather patterns, the hard surface revetment has contributed to unprecedented erosion of the north beach in front of End of the Road Park and Land's End.

Furthermore, there is considerable material transport in this vicinity from north to south—from the city dock toward Land's End. This is contrary to popular opinion but is now supported by solid evidence. It is imperative, therefore, that the City of Homer conduct pre-construction beachfront surveys to establish the existing beach profile both in front of, and adjacent to, CUP 19-07. This way changes over time can be documented.

On the west side of the Spit, littoral drift runs from the base to the distal end. Aerial photos confirm a general accretion of offshore sediment in the vicinity of the Land's End Lodges. For years, local wisdom was that some residual sediment from west-side transport found its way around the tip of the Spit and into the entrance of the small boat harbor. However, there is no hard evidence supporting this view. Hence, no conclusive proof exists that a policy of west-side replenishment using dredge spoils leads to

an increased need to dredge the entrance to the small boat harbor. As discussed, on the north side of the Spit, there is recent proof of material transport in the opposite direction.

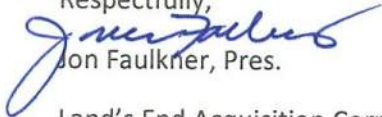
Regarding CUP 19-07, any future erosion will certainly mimic the historic southerly transport process—brought on by west-southwest wave forces acting upon the beach face. Erosion will progress toward the distal end of the spit, while the depth of the beach in front of CUP 19-07 will diminish. Absent replenishment, the beach berm will retreat in this area (i.e. toward the spit road) and revetment will become increasingly exposed to wave energy. When this occurs, dissipation of wave energy will dislodge native material and the erosion process will accelerate seaward and “down-drift”—i.e. toward Land’s End.

A private property owner who places improvements onto his property that damage or cause detrimental effect to a neighboring property is liable to his neighbor for damages. This is common law. However, when the Federal Government and Municipalities cause such damage, they are often immune or exempt from such liability---making it imperative that safeguards against private property loss are addresses BEFORE projects are undertaken.

Land’s End is insistent that a comprehensive view is taken with respect to the future of the West Side of Homer Spit. If, and how, west side beaches and private property are addressed over the long term should be decided upon before any erosion control work is initiated. For example, in this location, is a “sub-surface” erosion control system in the existing 24’ MLLW elevation a better solution?

In sum, a single project on Homer Spit should never be undertaken without consideration of the impacts to surrounding and “downstream” property. No planning—let alone construction—should occur without an understanding of potential consequences and public/private acceptance of the liability associated with those consequences.

Respectfully,



Jon Faulkner, Pres.

Land’s End Acquisition Corporation

RECEIVED

OCT 14 2019

CITY OF HOMER
PLANNING/ZONING

THE ALASKA EARTHQUAKE, MARCH 27, 1964:
EFFECTS ON COMMUNITIES

Effects of the Earthquake Of March 27, 1964 In the Homer Area, Alaska

By ROGER M. WALLER

With a Section on

BEACH CHANGES ON HOMER SPIT

By KIRK W. STANLEY

RECEIVED

OCT 14 2019

CITY OF HOMER
PLANNING/ZONING

*A description of the damage caused by landmass
subsidence, earthflows, landslides, seiche waves,
and submarine landslides resulting from the
earthquake in the Homer area, Alaska*

GEOLOGICAL SURVEY PROFESSIONAL PAPER 542-D

*Property of Jon Faulkner, Homer
cover removed + inserted in exhibit
March 1994*

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Base map from U.S. Army Map Service,
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THE ALASKA EARTHQUAKE, MARCH 27, 1964: EFFECTS ON COMMUNITIES

EFFECTS OF THE EARTHQUAKE OF MARCH 27, 1964, IN THE HOMER AREA, ALASKA

By Roger M. Waller

ABSTRACT

The March 27, 1964, earthquake shook the Homer area for about 3 minutes. Land effects consisted of a 2- to 6-foot subsidence of the mainland and Homer Spit, one earthflow at the mouth of a canyon, several landslides on the Homer escarpment and along the sea bluffs, and minor fissuring of the ground, principally at the edges of bluffs and on Homer Spit. Hydrologic effects consisted of at least one and possibly two submarine landslides at the end of the spit, seiche waves in Kachemak Bay, ice breakage on Beluga Lake, sanding of wells, and a temporary loss of water in some wells.

Seismic damage to the community was light in comparison with that of other communities closer to the epicenter. One submarine landslide, however, took out most of the harbor breakwater. The greatest damage was due to the subsidence of the spit, both tectonically (2-3 ft) and by differential compaction or lateral spreading (an additional 1-4 ft). Higher tides now flood much of the spit. The harbor and dock had to be replaced, and buildings on the end of the spit had to be elevated.

Protection works for other buildings and the highway were needed. These works included application of fill to raise the highway and parts of the spit above high tides. Reconstruction costs and disaster loans totaled about \$2½ million, but this amount includes added improvement costs over preexisting values.

Homer Spit in particular and the Homer area in general rank as areas where precautions must be taken in selecting building sites. The hazards of landslides, earthflows, compaction and submarine slumping—all of which might be triggered by an earthquake—should be considered in site selection.

In plan, Homer Spit resembles a scimitar with its curving blade pointed seaward. It is about 4 miles long and as much as 1,500 feet wide. The spit is composed largely of gravel intermixed with some sand.

After the earthquake and the resulting tectonic subsidence and compaction, much of the spit was below high-tide levels and consequently flooded periodically. The entire beach face has retreated. Much of the material eroded

from the beach has been redeposited to form a new storm or frontal berm, locally migrating around buildings and covering roads. Beach recession of 10-15 feet is probably the overall average; maximum recession 1 year after the earthquake was 56 feet along one limited section of the distal end of the spit.

Subsidence of the mainland has caused accelerated erosion of the beaches and headlands that have been—and are—source areas for the material deposited on Homer Spit. The resulting increased supply of gravel and sand probably will cause the spit to widen gradually on the Cook Inlet side. Similarly, the new frontal berm will probably grow to a height sufficient to prevent overtopping by all but the larger storm swashes. The nature of shore processes on the spit has not been materially altered by subsidence, but the rates of erosion and deposition have been accelerated. The lasting effect of subsidence (excluding flooding) will be enlargement of the beach on the Cook Inlet side and gradual wasting of the beach on the bay side of the spit.

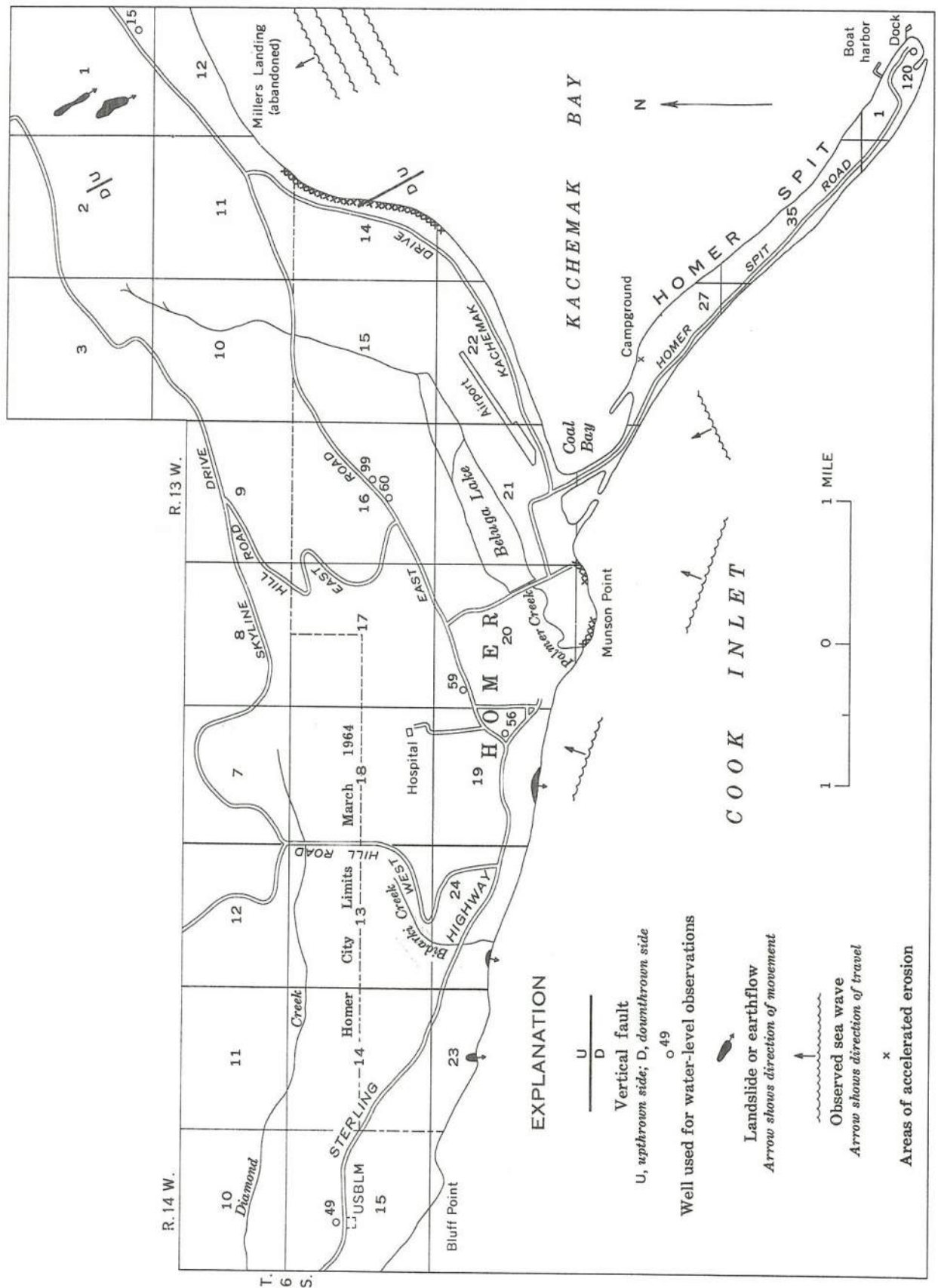
INTRODUCTION

Homer is located at the southern tip of the lowland part of the Kenai Peninsula in south-central Alaska (fig. 1). The lowland lies west of the Kenai Mountains and east of Cook Inlet. This paper deals with the earthquake effects in the general area along the shore of Kachemak Bay from Diamond Creek on the west to Fritz Creek,

about 6 miles east of Homer. Homer is about 160 miles southwest of the epicenter of the earthquake of March 1964.

Immediate field observations were limited because the writer's primary assignment was to Anchorage. Early observations in the Homer area were made by U.S. Geological Survey colleagues

Reuben Kachadoorian and George Plafker. Special thanks are due to the numerous people at Homer who provided their observations of the earthquake and to Mr. Al Billings, project engineer, U.S. Army Corps of Engineers, Homer, who helped make the offshore fathometer traverses.



2.—Map of the Homer area showing slide areas, beach erosion points, and locations of wells.

PERSONAL OBSERVATIONS

Most of the residents of the small town of Homer were settling down for the evening meal at 5:36 p.m. (Alaska standard time) on Good Friday, March 27, 1964. Several people were still out at the end of the Homer Spit which extends 4 miles into Kachemak Bay (fig. 2). The weather was mild; there was an overcast and near-freezing temperatures and light snow was falling. A thin snow cover lay over most of the land. A high tide of 19.4 feet was ebbing to a low which would occur at about 7:30 p.m.

To some people the first indication of something happening was the loss of electric power, but most persons realized that there was an earthquake when they felt the initial shock at about 5:37 p.m. As the shock waves continued, they realized this was an exceptionally severe earthquake. Estimates of the length of time of earth movement ranged from 1 to 5 minutes. Mr. Ralph Cowles, the mayor of Homer, stated (Grantz and others, 1964, p. 24) "that the total time of the tremor was from 2 to 2½ minutes and that its motion was 'wavy' and east-west." Mr. Paul Gardiner reported 2- to 3-foot ground waves moving east-west near the airport, and Mr. and Mrs. D. P. Lowcock sensed east-west motion on Munson Point. Many people stated, however, that the principal direction of movement was north-south and that the movement was so violent that standing unsupported was impossible. Mr. and Mrs. Albert Greer reported ground waves coming two at a time downhill from north to south. In general, the ground movement was reported to be a gradual buildup of a rolling motion to a peak intensity, then a lull, and then another buildup to a peak

before suddenly stopping. Mrs. Leo Rhodes, Mr. and Mrs. Vic Nelson, and Mrs. Gus Weber remarked on the great silence that prevailed during lulls in the earthquake, in contrast with the rumbling, cracking, and popping noises reported by Mr. Karl Baier, Mrs. Rhodes, the Nelsons, and others as prevalent during the violent-motion phases of the quake.

The violence of earth movement was noted by several witnesses. Mr. Tex Sharp, in his apartment when the quake occurred and the power failed, tried to cross the 10 feet from his apartment door to his place of business, the Waterfront Bar and Dining Establishment. He was unable to cross for about 4 minutes. When the shaking stopped, he entered the bar, in his bare feet, and found his stock of bottled goods and glassware almost totally destroyed. On East Road near Fritz Creek, Mr. Karl Baier was thrown to the ground and was unable to rise for some time. Near the airport, Mrs. Leo Rhodes and Mrs. Vic Nelson were unable to walk without support during the violent phases of the quake; Mr. and Mrs. D. P. Lowcock reported that they and their dog were thrown to the ground by the force of the motion on Munson Point.

Animals, too, were affected. Dogs, sheep, and geese were thrown to the ground. Mrs. Gus Weber reported that two moose ran from the woods into a clearing where they "jumped, bucked up and down like horses, reared up on their hind legs and ran back and forth as the earth moved in all directions." These experiences suggest that the quake had an in-

tensity of between VII and VIII on the Modified Mercalli scale.

At the height of the quake, earth fissures formed and closed in many parts of Homer and the vicinity. Near the airport, according to Mrs. Vic Nelson, the ground and snow cover "cracked like lightning," opening and closing. Mr. and Mrs. Albert Greer reported that fissures formed in the ground "with a cracking noise." Mr. Karl Baier saw a field crack in a checkerboard pattern and a 6-inch fissure traverse the ground and split a spruce tree. On Homer Spit, Mr. Glen Sewell (Grantz and others, 1964, p. 24) watched a fissure form on the oceanside of the spit and travel toward him. The ground split under his truck and between his legs, opening up to about 12 inches and allowing gravel to roll in. The fissure extended, splitting the concrete floor of the Porpoise Room. Paved roads were fissured in various places throughout the Homer area, but significant patterns and extensions of fissures into adjacent unpaved areas have not been recorded.

Exceptional sea waves, both in Cook Inlet and in Kachemak Bay, were seen by various observers. Inasmuch as the waves were observed within 5-10 minutes after the quake, the waves clearly did not originate near the epicenter, 160 miles distant. On the other hand, some reported waves apparently came in from the open ocean; hence it cannot be assumed that all of the waves were seiches although waves that traveled approximately at right angles to the shores of Cook Inlet may have been seiches. Submarine slumping occurred off the tip of Homer Spit. The possibility of larger

scale slumping or landsliding, or both, in uninhabited parts of Cook Inlet cannot be disregarded; however, there is no direct evidence that such sliding and slumping occurred to cause the sea waves. In short, the origin of the waves remains unexplained. The reported wave patterns are shown diagrammatically on figure 2.

Eyewitnesses reported that wave heights and patterns were markedly different in Cook Inlet and in Kachemak Bay. For example, while returning to Homer from the spit, shortly after the earthquake, Mr. Glen Sewell noticed a wave "rolling in from the ocean" about a mile offshore. Mr. and Mrs. D. P. Lowcock also saw a wave which probably was the same one seen by Mr. Sewell. After the ground motion stopped, the Lowcocks looked offshore and saw a wave "rolling in from Seldovia." It was perhaps a mile long, cresting, and aligned approximately northwest to southeast. They also observed another wave coming directly northwestward toward them. It was shorter and did not appear as high, but it was cresting also. The two waves gave the appearance of an "inverted V," but they were not joined (fig. 2).

The wave coming from the ocean was probably the same one observed also from downtown Homer. It reportedly (Mr. Velton Cason, oral commun., 1964) came in as a 9-foot swell about 5 minutes after the beginning of the earthquake motion, and there was a withdrawal of water on the beach before it struck.

Within Kachemak Bay, wave action developed also. Mrs. Fitzgerald, on East Road, reported that it looked as if "the land was being shoved under the bay" because of the curious breaking and surging of the waves on the tidal

flats. Her family had counted seven waves rolling in when their attention was diverted due to a "harder part of the shock." She reported that others counted 14 waves in the bay.

The U.S. Coast and Geodetic Survey (1964a, p. 82) reported from news excerpts that "Ten-foot waves at 2-minute intervals occurred at about the same time the ground shock was felt." This report agrees with Stanley's (1965) statement that the waves immediately after the earthquake were 9 feet high in Cook Inlet and 4 feet high in Kachemak Bay.

Evidently a series of waves was immediately generated in the bay. All except one of the observed waves were parallel to the north shore. Probably the same waves were noted by J. M. Moss (written commun., 1964) on the south shore at Peterson Bay (fig. 1) as the "Tide came and went for at least 15 hrs."

Kachadoorian (unpub. data, Apr. 1, 1964) recorded a fisherman's report of an estimated 50-foot wave seen after dark off the south tip of Kenai Peninsula (lat. $59^{\circ}07'$, long. $151^{\circ}35'$); the wave appeared to emit geysers or smoke. A 28-foot wave hit Perl Island, 35 miles south of Seldovia (fig. 1) at 8:40 p.m. (H. D. Hess, written commun., 1964). Wave action in the general area was also recorded by Jim Reardon, Alaska Department of Fish and Game at Homer, in his radio log (written commun., 1964) as follows: At 10:25 p.m. March 27 Seldovia radio reported the "tide slowly coming in." This rise was 3 hours before the high tide was due at 1:39 a.m. At the same time the radio station at Kasitsna Bay (first bay east of Seldovia, fig. 1) reported that water came in at 40 miles per hour. At 10:28 p.m. Seldovia radio reported "tide coming in fast," and

at 10:37 p.m. "water going back out." At 11:15 p.m. Seldovia radio reported "harbor damaged" and at 11:17 p.m. "water coming up fast, estimate 18 feet, going to higher ground." At 11:21 p.m. Seldovia radio said "Water receding" and at 11:55 p.m., "Water down to 12 feet, starting up." Meanwhile Perl Island radio reported a second wave (30 feet) at 11:40 p.m. At 1:40 a.m. March 28 Seldovia radio noted the "tide reached normal high, receding normally." Perl Island radio reported a third wave (30 feet) at 2:30 a.m. At 2:48 a.m. Seldovia radio again reported "water up to 25 feet and receding."

These records of wave action suggest that a tsunami could have arrived about 10:30 p.m. at Seldovia, a second at 11:18 p.m. before the normal high tide arrived and a third at 2:48 a.m. after the high tide. Halibut Cove (within bay almost due east of the end of Homer Spit, fig. 1) also reported a tide of 24 feet at 11:35 p.m. which could have been the same one that hit Seldovia at 11:18 p.m. If these waves were tsunamis, Homer would have been hit by them also.

There is some evidence that Homer did indeed experience tsunamis. A. G. Green reported (written commun., 1964) that a 20-foot wave arrived about 9:30 p.m. at Homer. Mr. Jim Reardon reported (H. S. Thompson, oral commun., 1964) overwash at the base of the spit in the late evening. The Inlet Courier [Homer] (March 30, 1964) also reported that at the end of the Homer Spit "Water rose in surges beyond the normal tide heights and covered the floor in the new Porpoise Room. Water rose to a height of 4 feet in the Salty Dawg * * * and also covered the floor * * *" of the Land's End Hotel.

The long single wave that was seen to approach Homer from the southwest on the oceanside of the spit may have originated from submarine slumping, possibly along the coastline near Seldovia; it may have been an oscillatory wave (seiche); or it may have been the response of the ocean to sudden lowering of the Kenai Peninsula and the floor of Kachemak Bay.

The complex pattern of smaller waves seen in Kachemak Bay perhaps had no relation to tsunamis. More probably these waves were generated by horizontal and vertical movement of the land during the earthquake. Tectonic subsid-

ence also doubtless contributed to the development of the waves in the bay. Alternatively—or additionally—submarine landslides may have contributed to the Kachemak Bay waves. Slumping along the front of the delta lying off Grewingk Glacier (fig. 1) is a likely source of energy for these waves. Tectonic movement probably was the cause of many or even all of the wave phenomena observed at Homer. Furthermore, the larger waves that appeared at intervals probably resulted when the oscillating waves reinforced one another, as is known to happen. It is noteworthy also that most waves be-

came visible only when they traversed the shoals that extend far out from the north shore of Kachemak Bay and Cook Inlet. But the alternative possibilities must be considered as well.

In any event, damage from waves was negligible at Homer for two reasons: (1) the incident waves were small, and (2) the larger waves impinged on the land when the tide was low and an 18-foot tidal freeboard protected the town. If larger waves occur when the tide is high during an earthquake in the future, the damage may be appreciable—especially on Homer Spit.

EFFECTS OF THE EARTHQUAKE

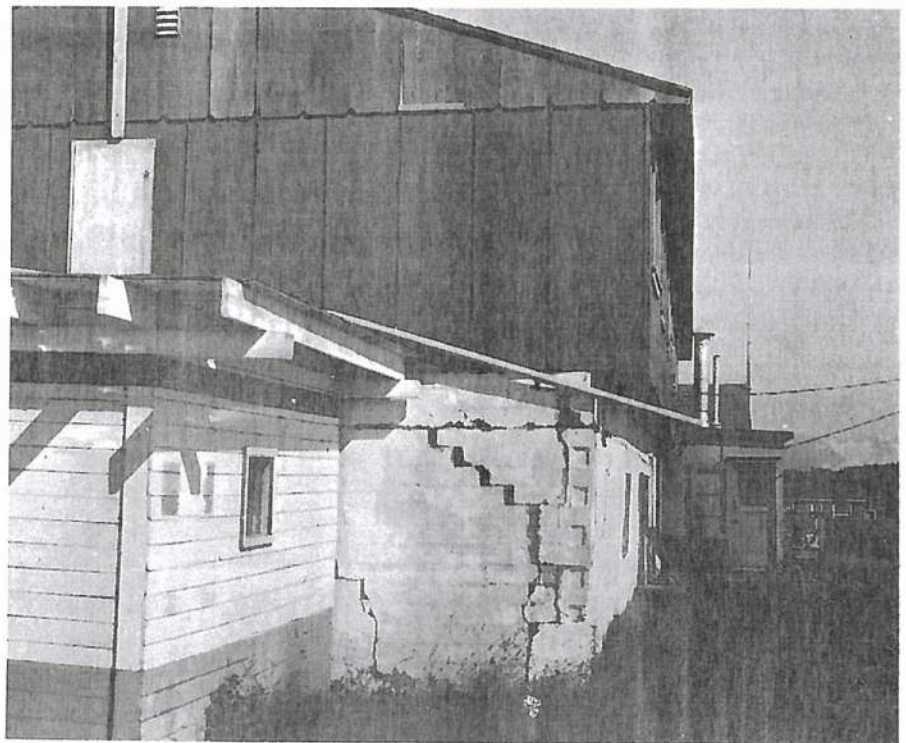
The effects of the earthquake in the Homer area were light compared to the catastrophic effects experienced elsewhere in Alaska. These effects will be considered in four classes: (1) general effects and damage to structures, (2) geologic effects on the mainland, (3) effects on Homer Spit, and (4) hydrologic effects. There is necessarily some overlap and repetition in the discussion.

GENERAL EFFECTS AND DAMAGES

One of the first effects of the shock noticed in Homer was loss of electric power. It was, however, restored in 17 minutes when a standby diesel plant went into operation. Long-distance telephone service was temporarily disrupted, but local service continued. The U.S. Federal Aviation Agency communications cable under Beluga Lake (fig. 2) was broken. Buildings throughout the area were severely shaken but survived, in general, with no damage

or only minor damage. At least five chimneys were knocked down, a few plate-glass windows were broken, and several foundations

(fig. 3) and concrete-slab floors were cracked or fissured. Dishes and glassware were broken in many homes and business estab-



3.—Damage to foundation walls of the Inlet Inn Hotel. Unreinforced concrete-block construction.



4.—Postearthquake erosion at Munson Point as of April 13, 1964. About 5 feet of the overhanging vegetal mat attests to recent erosion of the underlying glacial till as a result of higher water levels relative to land.

ishments. The most severe damage, however, was to the small-boat harbor near the end of Homer Spit. There the outer seawall largely disappeared as a submarine slide removed its foundations. A few small buildings at the distal end of the spit were overturned by falling into another slumped area. Private individuals experienced property losses of about \$1,040,000, the sum of 40 applications for Small Business Administration disaster loans (Inlet Courier, June 19, 1964). Total reconstruction costs for Homer are about \$21½ million. That sum, however, includes improvement of facilities—especially the small-boat harbor—and is not a reflection of actual damage alone.

Potential suffering and losses that might have resulted from food shortages because of destruction of highway bridges between Anchorage and Homer were averted by airlifts. In particular, airlifted fodder tided over the needs of cat-

tlemen caught by the earthquake with a short supply of feed for their animals.

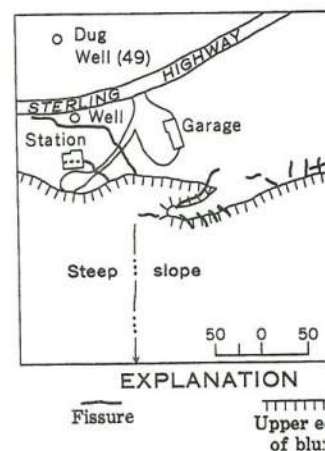
GEOLOGIC EFFECTS ON THE MAINLAND

Changes brought about by the earthquake on the mainland at Homer are of interest principally because they illustrate the types of disruption that under other circumstances have been damaging in other areas. The most far-reaching effect was tectonic subsidence that lowered most of the Kenai Peninsula a few feet relative to sea level (Grantz and others, 1964, fig. 3). This subsidence proved to be most damaging on Homer Spit (p. D7) but had little effect on the mainland other than to expose fresh areas to wave erosion along sea cliffs in the Homer area (fig. 4).

Only one landslide and one earthflow of any consequence occurred near Homer, both in sec. 1, S., R. 13 W. (fig. 2). This is surprising in view of the

incompetent nature of the bedrock and of the thin layer of soil that overlies the rock. The bedrock described by Barnes and Cobb (1959, p. 224) as “* * * moderately indurated sand, silt and clay in generally thin and intergrading beds and lenses * * *,” material that might readily yield to gravity when disturbed by seismic shocks.

The landslide (easternmost in sec. 1, fig. 2) debris covers an area about 600 feet long and 100 feet wide. The material that stood previously as a promontory along a bluff eroded into the Kenai Formation. The slide area is a fault in sec. 2 mapped by Barnes and Cobb (1959, pl. 18), but there is no evidence that this fault moved in 1964. Landslide scars exist in comparable sections near Homer—and in anywhere that promontories tend out from precipitous bluffs and cliffs. Bluff Point, north of Homer (fig. 2) is an example. A field station of the U.S. Bureau of Land Management is situated about 50 feet from the edge of the 700-foot bluff. Numerous fissures (fig. 5) developed during



5.—Sketch map of the ground surface pattern at the U.S. Bureau of Land Management field station at Homer. Traced from field compilation on aerial photographs by K. A. Roddy, U.S. Bureau of Land Management, May 1, 1964.

earthquake on the surface above the bluff, some of them several inches wide. A few could be traced about 20 feet down the bluff face. One earth fissure extended across the area of a field-station building and cracked the basement floor of the structure. Areas above and close below promontories where earthslides might occur must remain suspect as sites for any building.

An earthflow occurred in the first canyon southwest of the landslide (fig. 2); it created a jumbled mass of uprooted trees, mudflows, rafts of soil and vegetation, and collapsed ground. The area of disturbed ground is about 1,000 feet long and has a maximum width of about 400 feet. Horizontal displacement of material within the flow, however, probably did not exceed 200 feet. The material involved consists mainly of silt, some fine sand, and occasional layers of flat pebbles. The head of the flow is near the apex of an alluvial fan at the mouth of a small canyon occupied by an intermittent stream. Water was seeping from both disturbed and undisturbed material on June 21, 1964, and may have contributed to causing the flow.

Two large landslides in the Anchor River valley north of Homer (fig. 1) were seen from the air, and other fresh-looking scars appear on aerial photographs of the north shore of Kachemak Bay, taken after the quake. But whether the slides that caused these features were the result of the earthquake is not known.

The entire Homer area appears to be one where steep slopes, the fine texture and weak consolidation of the rocks of the Kenai Formation, and the common condition of saturation with water favor landslides and earthflows. These hazards should be considered when

locating sites for building, especially because the shaking incidental to earthquakes tends to weaken the cohesion of the rock materials and to cause them to move under the influence of gravity.

Ground fissuring occurred in the Homer area, but as in most other parts of south-central Alaska it was probably not caused by deep bedrock faulting. In general, the fissuring was of minor importance in the Homer area, except for the fissures occurring at the U.S. Bureau of Land Management station and on Homer Spit. Most of the fissures formed on the spit probably were caused by the submarine landslides or compaction. Other fissures were reported at the mouth of Thurston Canyon just west of Fritz Creek in the northeast corner of the study area, but were not checked in the field. These fissures were reportedly so large that a Shetland pony fell into one several days after the earthquake and could not get out.

No fissures formed on the mudflats of the Palmer Creek tidal area near Munson Point (fig. 2) although elsewhere in south-central Alaska such sites were characterized by extensive fissuring. Perhaps the depth of alluvium, estimated at about 200 feet, was not sufficient or the distance from the epicenter was too great for fissuring to develop during the earthquake. Fissuring of unconsolidated material from a seismic wave is a function of distance, topography, and geologic conditions, but thickness of the material probably is important also.

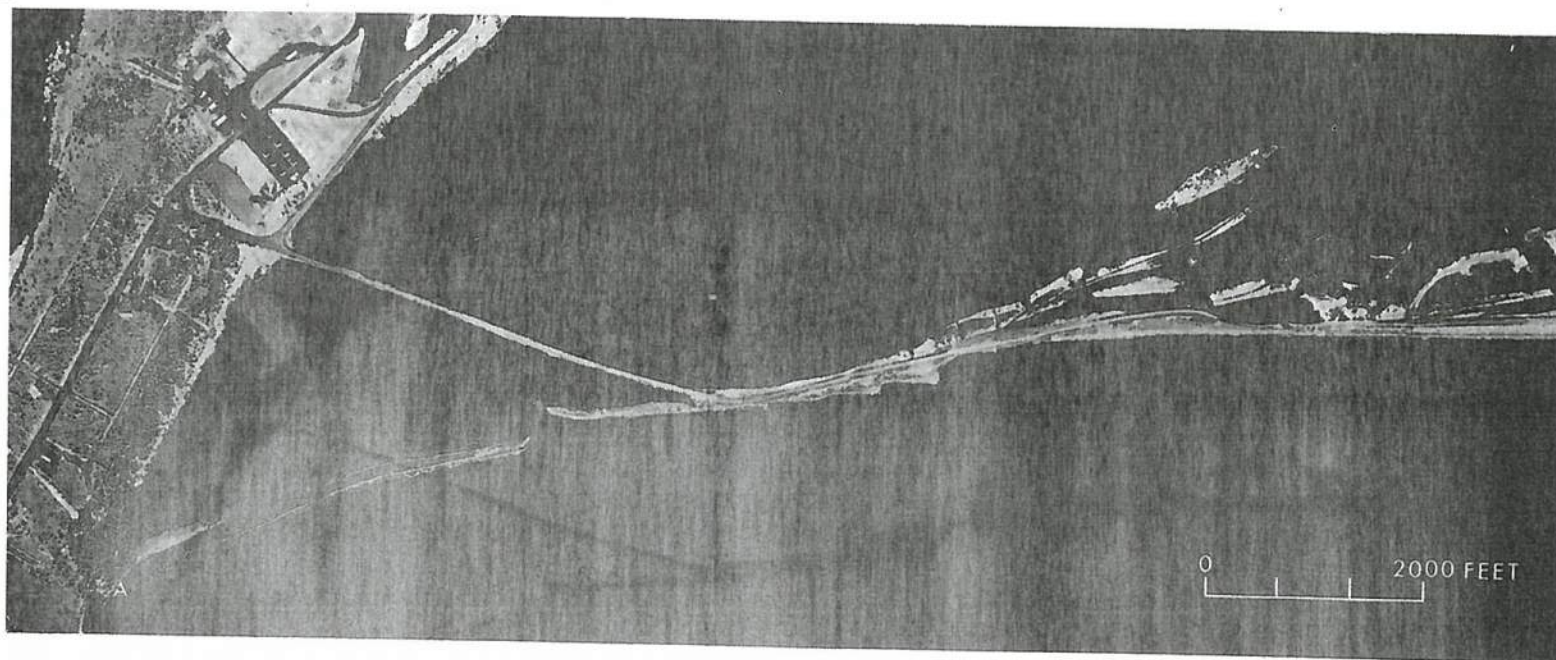
EFFECTS ON HOMER SPIT

The commercial and industrial center of the community is on Homer Spit. The port for both large vessels and small boats is there, and the spit is occupied by a hotel, food processing plants,

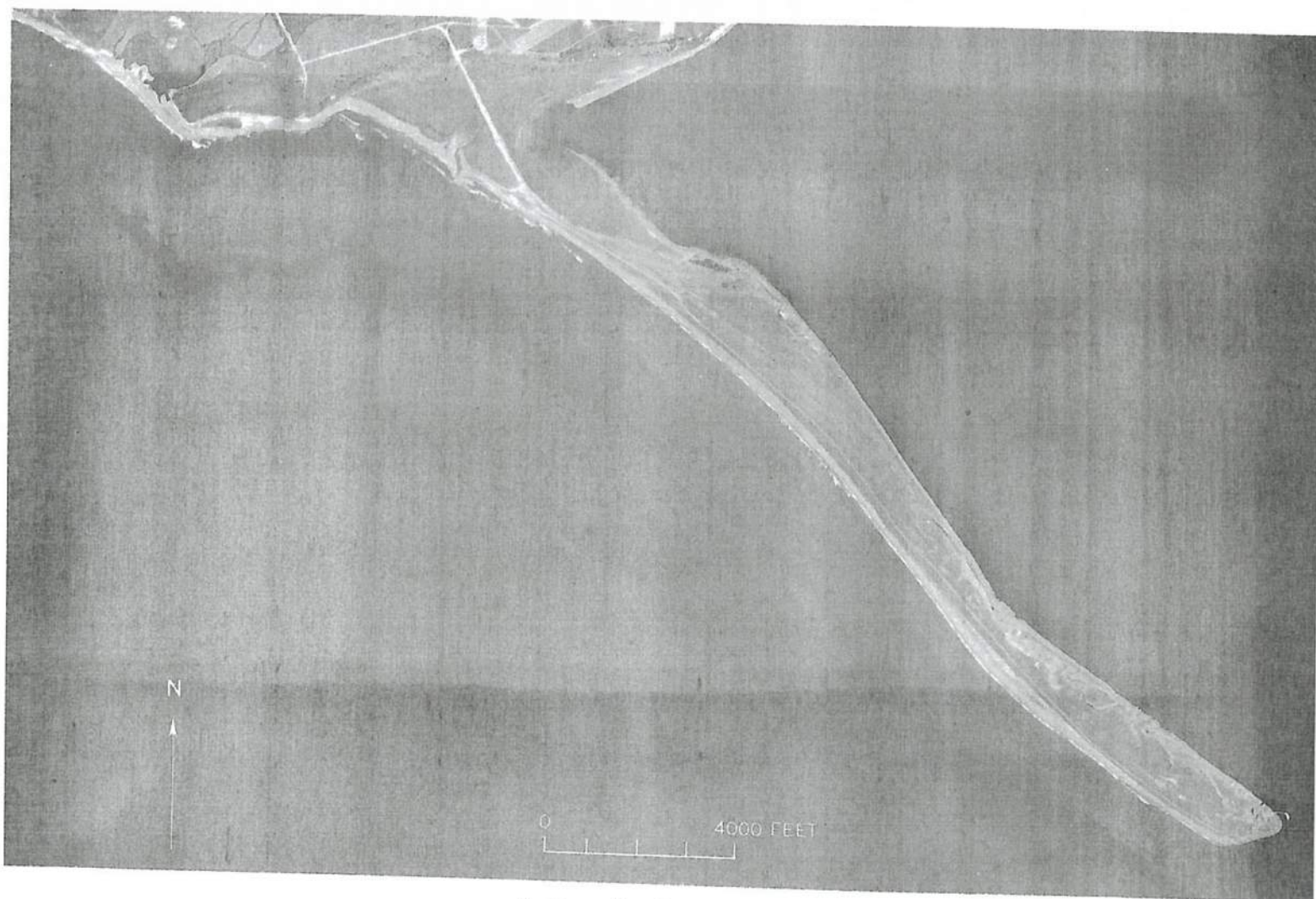
restaurants and bars, and other places of business. The entire spit subsided as a result of the earthquake. Part of the subsidence was tectonic and part—especially at the seaward end—was probably the result of compaction of the unconsolidated gravel that makes up most of the spit. Total subsidence at the end of the spit by June 1965 is reported by the U.S. Coast and Geodetic Survey (oral commun., 1965) to be 5.9 feet. In addition to extensive damage by flooding caused by subsidence, a submarine slide removed most of the seaward side of the small-boat harbor. The heaviest financial losses at Homer, therefore, occurred as a result of earthquake effects on the spit.

In addition to damage to man-made structures, the subsidence caused a change in the physical relations between the spit and the water surrounding it. As a result, the shape of the spit changed and beach stability was disrupted. The phenomena relating to beach changes on Homer Spit are the subject of the section by K. M. Stanley (p. D20). The extent of high-tide flooding of the spit is shown by Stanley (see fig. 15) in a pair of maps that contrast dry-land exposure on the spit before and after the earthquake. The devastating flooding on the spit immediately after the quake is further illustrated by figures 6 and 7 (on next page), aerial photographs of the spit taken before and after the earthquake.

Some of the specific damage to structures caused by the flooding may be seen in figure 8 (on next page), which shows the Land's End Hotel elevated on jacks to raise it above the postearthquake high-tide level. Figure 9 (p. D10) shows other scenes of the effects of the high tides. During the high tide of about 19 feet that occurred the night following the earth-



6.—Photomosaic of Homer Spit at high tide



7.—Preearthquake aerial photograph of Homer Spit.

D8



quake, material salt-water damage was done to the hotel, to the Porpoise Room, the Salty Dawg Saloon, two seafood-processing plants, and the Standard Oil Co. tank farm.

Fortunately the mid-April high tides were not accompanied by strong winds, and most of the facilities survived the first onslaught with only salt-water damage. Some structures that could not be raised on jacks were protected against further flooding by hurriedly built embankments. The only land not inundated at the end of the spit was the storm berm around the perimeter of the spit, older storm berms of the beach, and the spoil pile from the original dredging of the small-boat harbor (fig. 6). The asphalt-covered highway was eroded away near the base of the spit by normal wave action at high tide. The dock had only about 1 foot of free-board, the oil tanks were in water as much as 6 feet deep, water flowed through the windows of the Salty Dawg, one small warehouse building broke up, and the oil-tank farm warehouse tilted; all this indicated differential subsidence.

It was apparent that, in addition to repairs, remedial measures were needed to avoid future storm-wave damage as well as damage from normal high tides. Such measures were started immediately by some concerns, whereas others awaited aid from the Government, through the Federal Disaster Act, authorized under Public Law 81-875. As of August 30, 1964, the Office of Emergency Planning had authorized reconstruction projects totaling \$1,565,000 to replace or rehabilitate public facilities damaged by the earthquake and tides

(Federal Reconstruction and Development Planning Commission for Alaska, 1964, p. 80). The replacement of the Homer dock (\$195,000) and a small-boat harbor (\$964,200), with more than double the capacity of the old 80-boat harbor, were the principal costs, and construction of both was underway by November 1964. Adverse wind and tide conditions did not occur until late 1964, when wind-driven ice " * * * knocked out part of the new pier now under construction and did further damage to the * * * old pier * * *."



8.—Land's End Hotel jacked up 8 feet to avoid inundation by high tides. View from Homer dock looking west. View during first 20-foot tide. Middle part of hotel not yet raised.



A



B



C



D

9.—Effects of the high tides submerging the end of Homer Spit on April 12, 1964. A, Standard Oil Co. tank farm awash in as much as 6 feet of water. B, Lands End Hotel raised on jacks. C, Water rose high enough to flow through the windows of the Salty Dawg Saloon. D, New Storm berm encroaching on spit southwest of the Land's End Hotel.

(Anchorage Daily Times, Jan. 2, 1965). A subsequent storm with winds of as much as 50 knots from the southwest created heavy surf which churned under Land's End Hotel, but the only damage reported was to the road (Anchorage Daily Times, Feb. 16, 1965). By June 1965 the berm at the end of the spit had migrated about 80 feet.

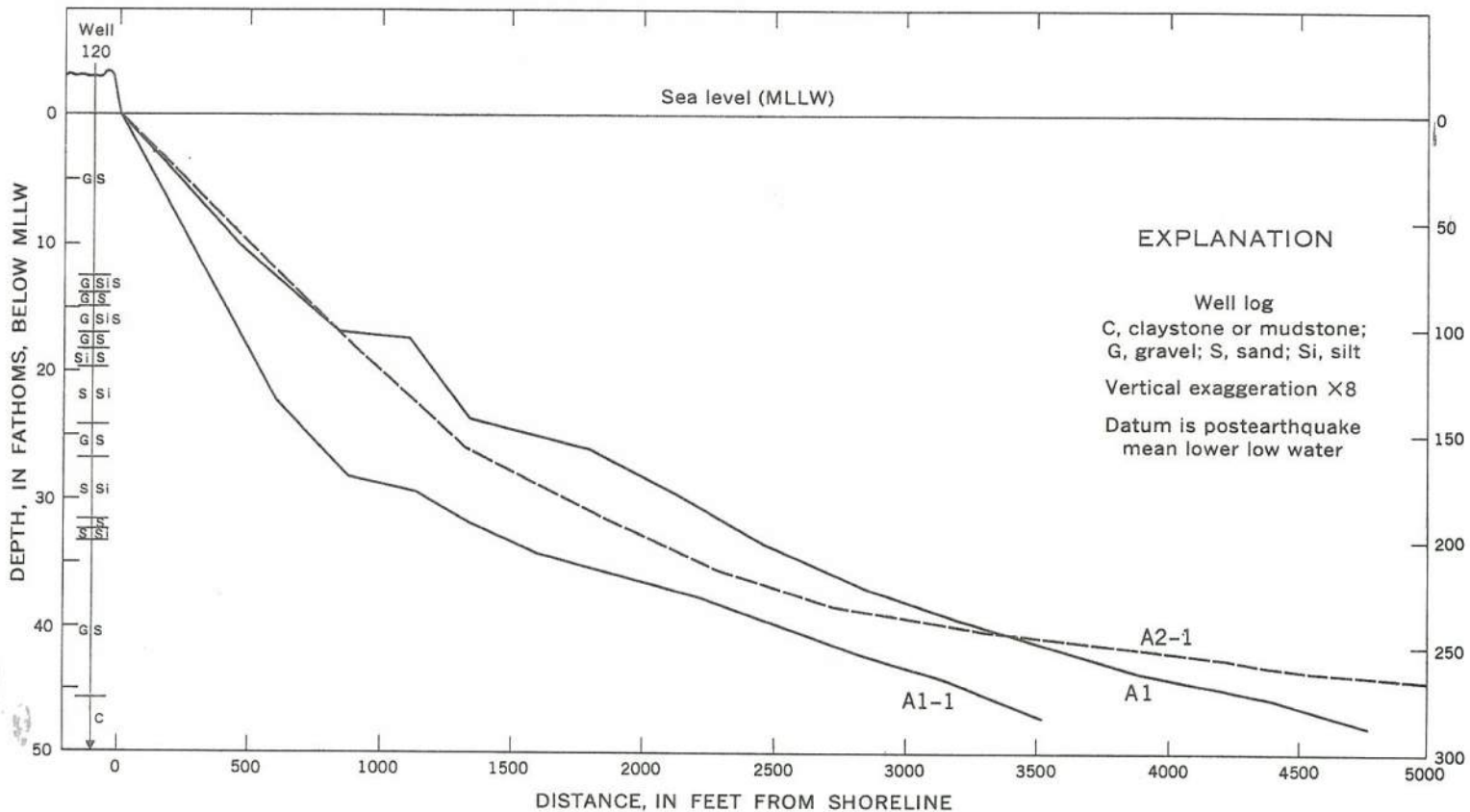
SUBMARINE LANDSLIDE

Available evidence indicates that one and possibly two submarine landslides occurred at the dis-

tal end of Homer Spit. The loss of the small-boat harbor breakwater was, of course, obvious, but whether only the breakwater slid or whether substantial material from the spit slid with it was not immediately apparent. Indications of another slide were contained in a report that "The area on the shore west of the Salty Dawg collapsed approximately 10 feet." (The Inlet Courier, Mar. 30, 1964, p. 1). An accompanying picture showed this "collapse" and several buildings slumped into it. The area was

covered in a matter of days by a new berm (fig. 9D) that prevented observation.

The writer noticed fissures in the area at the end of the spit on April 12, 1964, during observation of one of the first tidal inundations. The sound of air escaping from the ground was heard and bubbles were seen as the tidewaters overran the spit. The air bubbles occurred in linear patterns near the dock (pl. 1). After the tide receded close examinations of the surface showed three large fissures southwest of Land's End Hotel.



10.—Offshore profiles showing the slope off the end of the Homer Spit. Lines of profiles plotted on plate 1. Data from U.S. Army Corps of Engineers. Profile A1 is the easternmost of the two shown on plate 1.

Other fissures were noted near the Alaskan Seafood plant, along the road, and near the west shore.

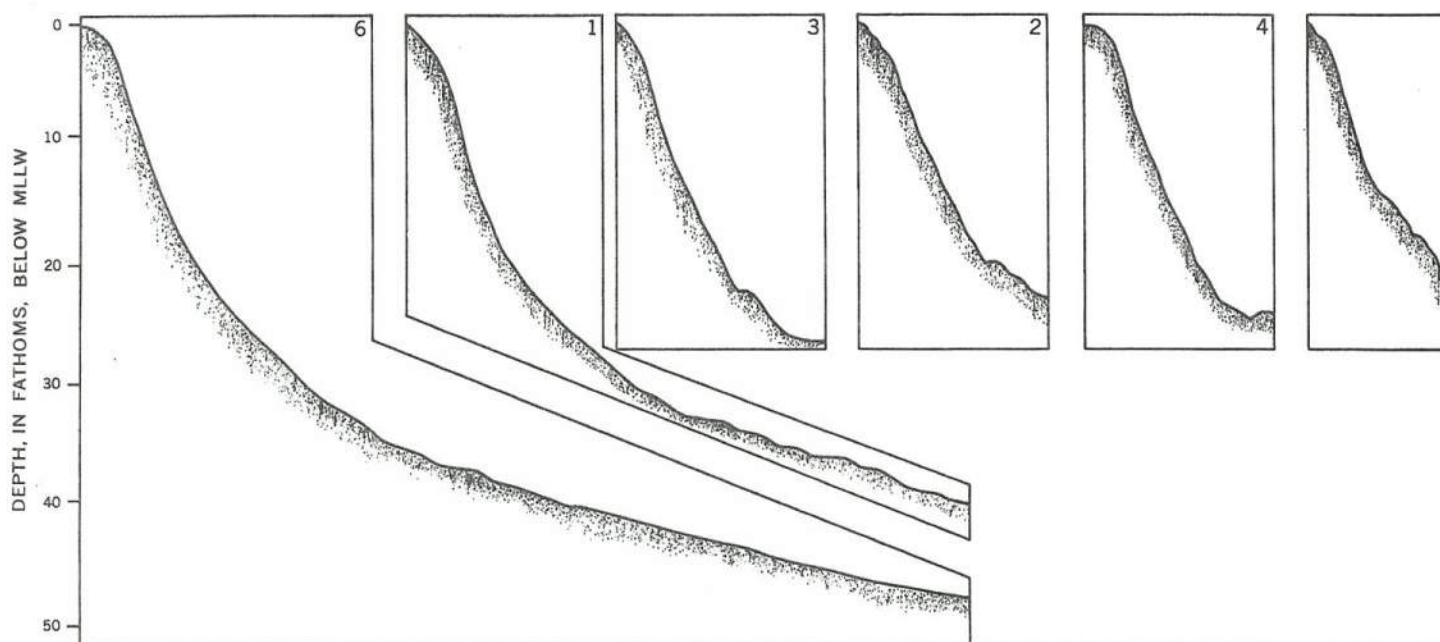
The fissures on Homer Spit were plotted (pl. 1) in their approximate locations. Many fissures were somewhat obscured by repeated inundation but, surprisingly, those in vegetated (dune grass) areas were still noticeable several months later. Grantz and others (1964, p. 24) reported that "Many of the fractures had vertical displacement, some as much as 8 inches, with the downdropped side toward the coast," presumably meaning both the bay and the ocean shoreline; hence the material was displaced downward between the fissures and the closest shoreline, a fact which suggests lateral spreading.

The fissures at the end of the spit were possibly related to the known

slip of the breakwater and the collapse of land west of the Salty Dawg Saloon. Offshore bathymetry that might indicate slides also became available. The U.S. Army Corps of Engineers made a bathymetric survey in July 1964 at and adjacent to the small-boat harbor to determine the bottom topography and the displacement of the breakwater remains. The bathymetry (pl. 1) does not extend far enough seaward to show the full extent of the slide nor far enough around the end of the spit to show the supposed second slide. It does, however, show the position of some of the remains of the breakwater. In addition, four lines (pl. 1) were run offshore, each about 5,000 feet long. Three of these profiles are shown on figure 10. The profile of test well 120

is also shown (fig. 10) to indicate the seeming coincidence of silty zones beneath the spit with offshore bulges or plateaus on the bathymetric profiles.

Rehabilitation of the Land's End Hotel and other facilities by the expenditure of Federal funds required that the Scientific and Engineering Task Force, established by the Federal Reconstruction and Development Planning Commission, evaluate the risk involved in reconstruction on the spit. The writer supplied data (Federal Reconstruction and Development Planning Commission for Alaska, 1964, p. 53) for the task force on earthquake effects at Homer and pointed out the potential slide danger. Further study of this hazard was requested. Extension of the Corps of Engineers'



11.—Fathometer profiles showing the slope off the end of Homer Spit. Lines of profiles plotted on plate 1. Line 6 approximates line A2-1 of figure 10.

bathymetric survey was not feasible at the time, so a portable fathometer (used successfully by other Survey geologists in determining subaqueous slides in Kenai Lake and elsewhere) was used to run a few continuous profiles offshore to try to determine slide areas (locations on plate 1). Although the runs were hampered by the writer's inexperience with the instrument, the results are believed to confirm the presence of another slide west of the Land's End Hotel.

The instrument, which measures and continually records the water depths on paper, was carried in a small metal boat powered by an outboard motor. The transducer was set on the floor of the boat in a puddle of water. Experience of previous Survey investigators had indicated that this is convenient and satisfactory for obtaining accurate depth soundings.

The depth soundings were made on August 18, 1964, during low tide and a calm sea. Relative tide-gage readings on the U.S. Coast and Geodetic Survey gage on the Homer dock were 23 feet at the

start of the first traverse and 21.5 feet at the end of the sixth traverse. The predicted low tide (preearthquake level of 7.3 feet) occurred just at the end of the last traverse. Hence, a relative sea level of 22 feet was used as an average. The boat was run out an estimated one-half mile, and a line bearing was taken on two prominent shore landmarks. The fathometer was turned on when the boat reached a preset throttle speed of about 3 miles per hour. The recording of each profile was stopped just as the boat touched shore. Although the traverses were run in a straight line, the lengths of the traverses could not be determined with much accuracy. The profiles made by the Corps (pl. 1) were not continuous, so detailed correlation with the writer's profiles (fig. 11) was not possible. The profiles in figure 11 show various irregularities in configuration of the bottom. Humps that are especially prominent on the steeper (profiles 2-5, fig. 11) are interpreted either as recently deposited loose material that has slid down

the slope or as the toes of incipient slides represented by the downward and fissured land on the shore (pl. 1).

Lack of horizontal control precluded contouring the offshore slope in detail, so the Corps of Engineers profile data (pl. 1) was used. The upper foreshore has slope of about 22 percent, whereas the offshore slopes range from 12 to 22 percent. The contours show part of a scarp extending north-northeast and south-southwest transversely to the spit. The scarp terminates the relatively shallow platform of the Archimandrite Shoals (see fig. 14). The spit has been built onto this platform and extends out into the deep entrance of the bay.

Slope failures off the end of the spit apparently may have occurred, or started to occur, as downward and outward adjustment—including lateral spreading—controlled by the platform scarp and the slope of the foreset bedding. Terzaghi (1956) indicates that subaqueous slides start by li

uefaction of a water-bearing silt layer. Internal hydrostatic pressure can be built up by shock waves until relief occurs by lateral movement of the water and silt. Subsidence and slope failure follows, causing a slump or slide. The breakwater slide had the added factor of a heavy artificial load which contributed to the extended movement of the slide. The possible relation of slide planes to subsurface silt zones has already been mentioned.

SUBSIDENCE

An understanding of the cause of the subsidence of Homer Spit is very important as a guide to future construction. If the geologic conditions of areas that become compacted during high-magnitude earthquakes can be determined, an informed decision can be made on whether or not to build in such areas.

Compaction on Homer Spit is indicated by evidence already mentioned. Further evidence confirming that compaction or lateral spreading, or both, occurred was provided by a resurvey of a highway profile. The Alaska Department of Highways had surveyed

the spit for a new road shortly before the earthquake. They resurveyed the line within a week after the earthquake and found that the spit was lower, principally on the outer end. A plot of the two surveys is shown on figure 12. The line of the profile is along the east side of the Spit road except near the outer end where it angles toward the dock (pl. 1).

The profiles were tied to a bench mark near the airport, which is considered to have been unaffected by compaction. The resurveyed profile shows little change at the landward end and thus supports this conclusion. The tectonic subsidence, of course, lowered the bench-mark area as well as the spit by about 2 feet. The regional tectonic subsidence increases southeastward toward the hinge zone (Plafker, 1965). The subsidence on bedrock at Seldovia is 3.7 feet (U.S. Coast and Geodetic Survey, 1964b, p. 3); hence the tectonic subsidence at Homer should increase toward the end of the spit, possibly by as much as 1 foot.

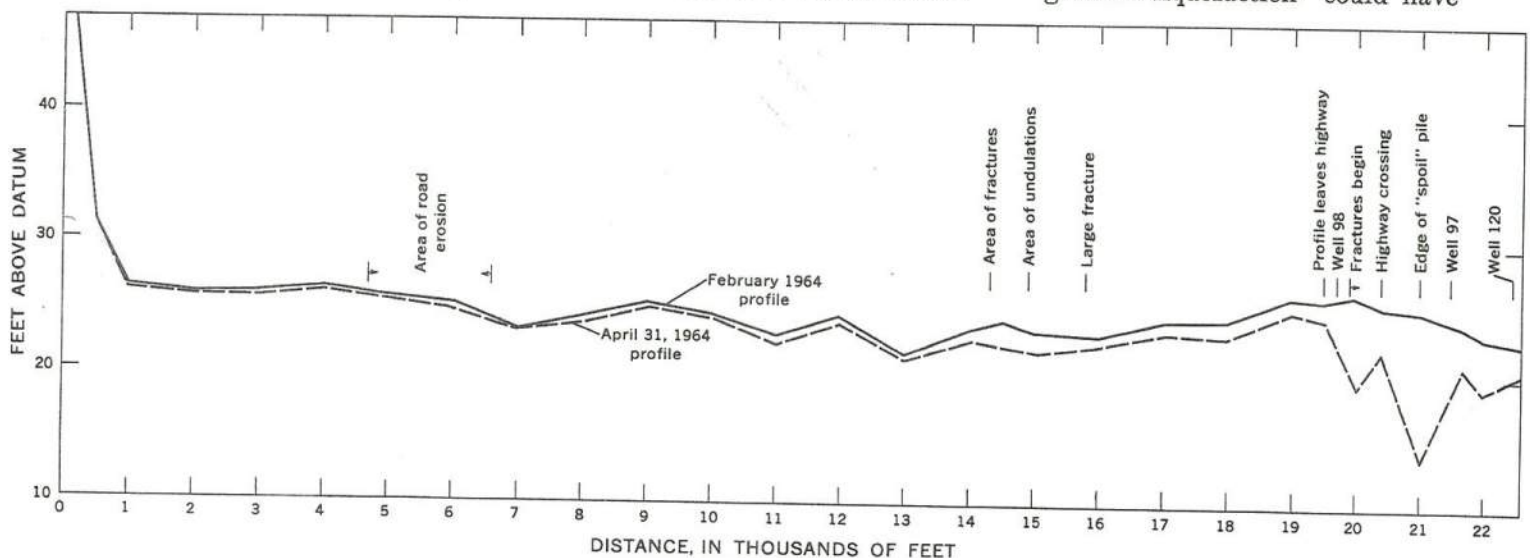
The total amount of subsidence, including that resulting from compaction or lateral spreading as well as that from tectonic move-

TABLE 1.—U.S. Coast and Geodetic Survey preliminary bench-mark altitudes on Homer Spit (based on April 1964 tide series)

Bench mark	Altitude above mean lower low water (feet)		Subsidence (feet)
	Pre-quake	Post-quake	
1.....	21.81	16.97	4.84
2.....	22.17	17.25	4.92
3.....	21.74	15.16	6.58
4.....	22.50	17.71	4.79
5.....	23.29	17.63	5.76
Homer East Base...	24.37	19.48	4.89

¹ Calculations based on U.S. Coast and Geodetic Survey adjustment factor used on other Homer Spit bench marks.

ments, has been determined at tidal bench marks (table 1) by the U.S. Coast and Geodetic Survey (1964b) and the Alaska Highway Department resurvey. The area of greatest subsidence, about 10 feet, is in the vicinity of the spoil pile formed by excavation of the small-boat harbor. Undoubtedly this material became compacted much more than the natural spit material. However, this area is adjacent to the breakwater slide, and the subsidence may be related to differential compaction or lateral spreading behind the submarine landslide. Release of pore pressure in a compacting silt accompanied the slide, and "progressive liquefaction" could have



12.—Profiles of Homer Spit surveys by the Alaska Highway Department. Datum is U.S. Bureau of Public Roads temporary bench mark 20, 70.25 feet above (preearthquake) datum. Vertical exaggeration $\times 200$.

extended landward (Terzaghi, 1956).

The conditions indicating differential compaction near the end of the spit may also be related to a submarine landslide. Apparently liquefaction of a water-bearing silt in the material underlying the end of the spit could provide an explanation for the compaction or lateral spreading. The log of well 120 (table 2) shows silty layers at 96-104, 110-123, 130-138, and 140-165 feet which can be correlated with the depths of the anomalous features on the profiles (fig. 11). The earthquake shocks probably liquefied the silt; the liquefaction in turn caused the slope failure and subsidence beyond the scarps. Fortunately, the offshore slopes are not very steep; otherwise an even greater subsidence of the land near shore might have occurred.

An area of the spit about half-way from the mainland (fig. 12) apparently subsided more than adjacent areas. A possible reason for this local difference is suggested by the presence of the adjacent barge harbor. The harbor was recently excavated to a shallow depth to permit barge unloading. The excavation may have provided for the release of water pressure in a metastable formation during the earthquake that caused compaction by progressive liquefaction of some of the silty sediments. Stanley reported postearthquake subsidence in an area south of the groin-protected shore (p. D25). Even the lower high tides flood this area now. Possible causes of postquake subsidence are: (1) the additional diurnal loading of the material in the spit by the high tides, and (2) the gradual release of pore pressure that may have been built up in fine-grained material during the earthquake, and a resultant compression of the material.

TABLE 2.—Log of well 120. Kachemak Water Co.

(Drilled and logged by A. H. Thorn)

Material	Thickness (feet)	Depth (feet)
Deposits of Quaternary age:		
Gravel and sand.....	16	16
Gravel and sand (salt water from here on).....	40	56
Sand, coal float, and gravel.....	6	62
Gravel, large, and sand.....	5	67
Gravel, small and medium, and sand.....	25	92
Gravel, large and medium, and sand.....	4	96
Silt, sand, gravel, and sea shells.....	8	104
Sand, coarse, and some gravel.....	6	110
Silt, sand, small gravel, and coal float.....	13	123
Gravel, large, and sand.....	2	125
Gravel and sand; some clay.....	3	128
Sand, coarse, and some gravel.....	2	130
Sand, fine, and silt.....	8	138
Gravel and sand.....	2	140
Silt, fine sand, and coal float.....	25	165
Gravel, large, and sand.....	6	171
Sand, medium.....	3	174
Gravel, large, and sand.....	8	182
Silt, sand, coal float, and some gravel.....	15	197
Silt, sand, coal float, and clay "glacial" (hit hard at about 200 ft).....	13	210
Sand, fine, and some gravel; solid.....	3	213
Sandstone, fine.....	1	214
Silt and sand, fine, blue.....	6	220
Sand, fine; hard packed.....	2	222
Sand and some clay; drilled 5 ft ahead.....	21	243
Sandstone.....	4	247
Sand, loose, medium; shells.....	5	252
Silt, sand, and clay chunks.....	5	257
Sand, clay, and coal float.....	6	263
Sand and blue clay; increasing clay to 289 (water shut off at 273 ft).....	26	289
Silt, sand, coal, and soft clay.....	4	293
Sand, fine (salt water ends).....	1	294
Sand and clay.....	3	297
Clay, blue, sand and gravel; unit gradually increasing in clay content.....	24	321
Clay, blue.....	6	327
Clay, blue; some gravel and gas (flammable).....	15	342
Clay, blue, and sand.....	1	343
Clay, blue, and semiliquid paste sand (salty water rises to 150 ft).....	6	349
Clay, soft (drilled ahead, still water).....	2	351
Gravel and clay (no water).....	15	366
Clay, "marine" (water slow).....	18	384
Clay, soft "marine"; gradually getting harder (no water).....	33	417
Clay, blue, hard.....	8	425
Clay, soft, semiliquid.....	4	429
Sandstone, fine; contains small shells and coal bits.....	2	431
Clay, soft.....	31	462
Clay, hard.....	6	468
Kenai Formation(?).....	9	477

NOTE.—The Kenai Formation may have been encountered at 289 ft. The presence of gas below 327 ft suggests the presence of the Kenai Formation.

HYDROLOGIC EFFECTS

Earthquake shock waves affect water bodies at great distances from the epicenters. Surface-water bodies act like inverted pendulums and are set in motion as

the land moves under them. Oscillating waves, called seiches, are formed and can, under some circumstances, develop into large waves that may be destructive. Seiches presumably were devel-

oped in Kachemak Bay, Beluga Lake, other smaller lakes, in free pools of water in the creeks, and in water tanks in the Homer area. Most of the lakes and streams were ice covered on March 27. Seiches develop in water standing in wells also, but generally they are not noticeable in artesian wells because the seismic waves are compressing and dilating the confined aquifers and are thus causing a much greater effect on the water in the casing. These surges in artesian wells are usually not noted unless water is forced out of the well or the motion is recorded instrumentally.

At Homer, most of the observed hydrologic effects of the March 1964 earthquake were negligible. Many possible effects cannot be ascertained because few hydrologic data had been collected in the area before the quake.

IMMEDIATE EFFECTS

The most noticeable effect of the earthquake on the hydrology of Homer was the breaking of ice and seiching of water in Beluga Lake. Presumably the other small lakes and ponds in the area reacted similarly. At Beluga Lake, nearshore ice was broken by compression and overriding, and the rest of the ice was broken in random patterns. The north and south shores apparently had the most overridden ice. The ice was not broken as much along the west shore, which is formed by the highway (fig. 2). However, this western section of the lake is probably the deepest part or has the steepest nearshore lake-bottom gradient; either characteristic would tend to reduce the overriding effect. Natural and artificial lakes in other areas appeared to show preferred directions of ice breakage related to the direction

of the earthquake-wave propagation (Grantz and others, 1964, p. 6).

Streams were near their lowest annual flow and had their thickest cover of ice at the time of the earthquake. All streams in this area are small and have narrow flood plains. Hence, very few effects on streams were noted by residents.

Increased or decreased stream discharge could not be determined because of lack of appropriate records. The only evidence that might indicate a greater discharge is the level of Beluga Lake. Four measurements made at the lake outlet in the May–August 1964 period showed that the lake level was averaging 2–3 feet higher than comparable periods in 1962 and 1963. This higher level may have been due to increased discharge of the escarpment streams feeding the lake.

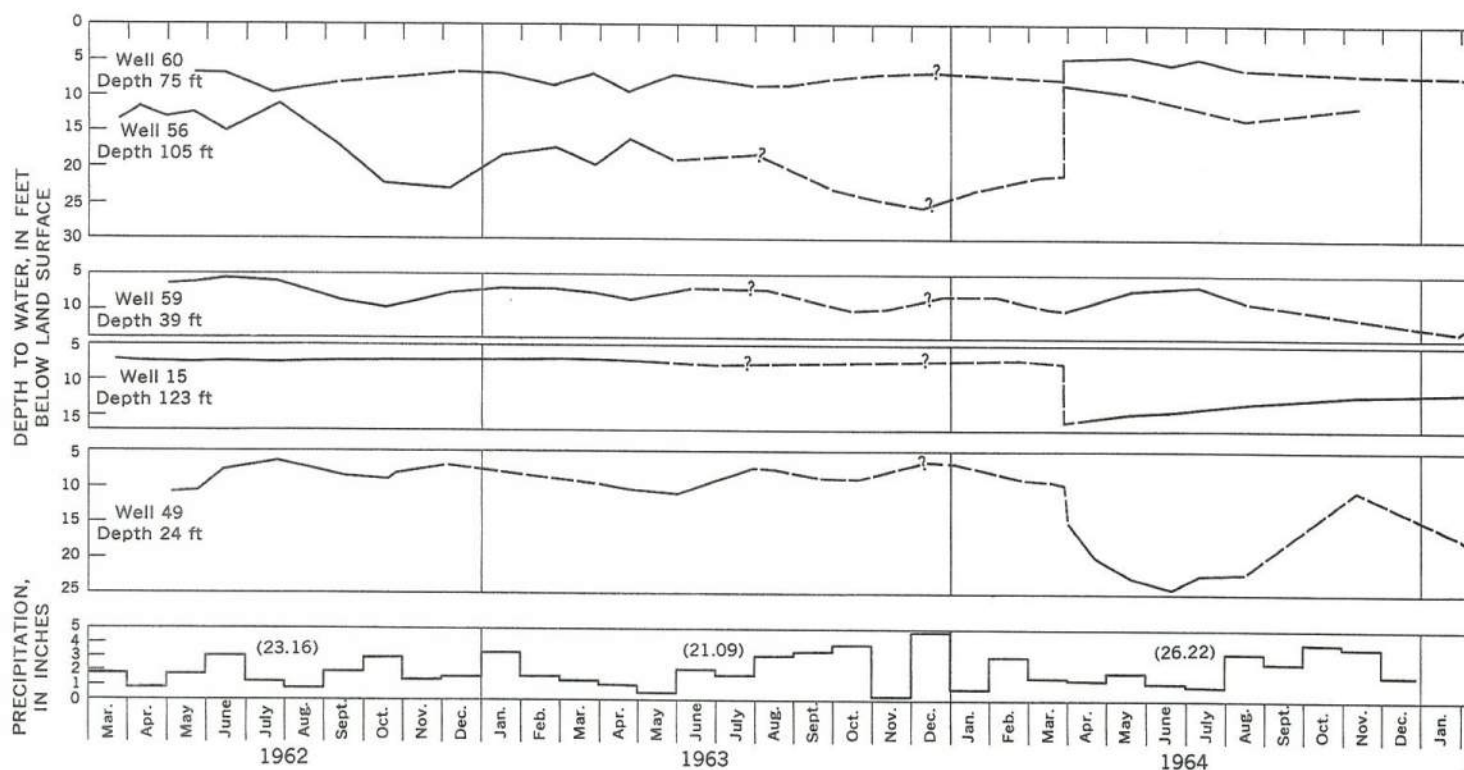
A temporary increase in sediment load probably resulted from landslides and rockfalls in the canyons along the escarpment; in May extremely silt-laden flows of the streams occurred. Precipitation in April and May was about average. Analogy with daily observations on a stream near Palmer (Waller, 1966) indicates that the increased sediment load probably lasted about a month. As soon as all the finer material of the slide debris was washed away, the streams resumed their normal erosive pattern. The sediment load presumably was carried to the lower reaches of the streams. Bear Creek and five lesser streams deposit their sediment loads in Beluga Lake.

The immediate effects on the ground water included a few failures of domestic water-well systems and muddied or turbid well or spring water. There were no water-level records in wells in

the Homer area, but the observed movement of the land, the effects noted above, and observations elsewhere (Plafker, 1965; Waller and others, 1965) indicate with certainty that ground water in the Homer area was affected by the earth tremors. These effects are shown by residual changes of water levels in wells which had records of water-level measurements extending back to 1962 (fig. 13, next page).

The failures of some of the well systems resulted from sanding or silting of the pump due to agitation of the wells and differential movement of well casings and the surrounding rock. Most of the wells are unscreened and have 1 to several feet of uncased hole (Waller, 1963, table 1). These conditions readily lend themselves to caving or slumping of the walls under earthquake stress. Hence, pumps turned on or automatically activated when electric power was restored pumped this material into the system and caused turbid water or malfunction of the pump. Other wells that have pumps requiring a full pipe of water for a prime probably lost their prime owing to surging in the well. Thus, reports of dry wells were common, as they usually are after most earthquakes.

Water quality is and has been a serious problem at Homer. The various aquifers differ from one another in chemical quality of the water. Gas is present in the water at many places. Temporary changes in water quality at Homer are probably related to turbidity, whereas any permanent changes that might be noticed later may be due to leakage between aquifers along loosened well casings. The stresses may also have caused local increases in fractures or permeability



13.—Hydrographs of five Homer wells showing long-term effects of the earthquake. Locations of wells shown on figure 2.

which would allow interchange of aquifer waters.

Many wells were reported to have become dry because of the earthquake, but only two of these reports were verified. One well (No. 99, fig. 2) was checked by the local driller who reported (A. H. Thorn, oral commun., July 11, 1964) that the well was "bone dry" and when he poured two pails of water in the well "they drained right out." Mr. Thorn also reported that other wells had sanded up and that one near Bluff Point lost most of its yield. This location is near the bluff, and the water level probably fell because of increased discharge from the aquifer through a fracture in the bluff. All the affected wells obtain water from sand in the Kenai Formation. The gradual loss of water in the other well verified dry is discussed on page D17.

LONG-TERM EFFECTS

Long-term hydrologic effects of earthquakes include increased or decreased stream discharge, increased sediment loads of streams, aggradation or buildup of stream channels resulting from lowered land surfaces, changes in water quality, and residual changes in water levels in wells. The only quantitative data available at Homer relate to water-level changes in wells. An observation-well network was maintained from March 1962 until August 1963 to aid in studying the ground-water hydrology of the area. Data on stream flow consisted of only a few random discharge measurements, and data on sediment load of streams were nonexistent. Data on the quality of ground water, on the other hand, were available for many (Waller, 1963, table 3), but long-term changes in

water quality appear to have occurred except in a shallow aquifer on Homer Spit.

GROUND WATER

Long-term changes in water levels in wells at Homer were indicated by residual changes from prequake levels. These residuals, whether permanent or semipermanent, indicate changes in the physical structure of the aquifers. Such residual changes in artesian pressure as a result of other earthquakes have been reported (Piper, 1933; Leggette and Taylor, 1935; Piper and others, 1939; Thomas, 1940; LaRocque, 1941; Brown and Ayer, 1948; Tsuya, 1950; Davis and others, 1955; Ferris and others, 1955; Swenson, 1964.) Many of the authors cited also discussed the mechanisms involved in causing the changes. In brief, residual changes are caused by a change in aquifer-pore space created by rearrangement of

grains or fractures as a result of the release or development of stress or strain imposed by an earthquake.

Of the 19 Homer wells for which previous periodic water-level observations were made, 15 were re-measured during 1964. The first two rounds of postearthquake measurements showed three wells in which water levels were unchanged, four in which water levels were higher, and eight in which water levels were lower than before the quake. These residual changes, some of which may be permanent, show no apparent correlation with location on the upland, bench, or lowland, nor with Tertiary versus Quaternary aquifers. Because the first measurements were not made until 9 days after the earthquake, the extremes of change are not known.

The hydrographs of the five wells previously used for observation that showed the largest residual changes in water levels are plotted in figure 13. The hydrograph for the 8-month period before March 27, when no water levels were determined, is estimated on the basis of the earlier records and depends on the writer's knowledge of hydrologic conditions at Homer and on correlative seasonal control by measurements in wells in the Matanuska Valley and Anchorage.

The record for well 49, dug on the escarpment near Bluff Point (fig. 2), is of special interest. The well is 24 feet deep and is unused; it taps an unconfined aquifer. The water level in the well dropped steadily for about 3 months after the earthquake. The June measurement found only moist mud at the bottom of the well; thus the water level dropped at least 9 feet and possibly as much as 14 feet. In July the water level made a recovery, and a complete recovery

was finally shown, nearly 8 months after the quake, by the November measurement. However, the 1965 winter measurements showed a decline that did not occur in preceding winter periods, but one that is comparable to the postearthquake decline.

Well 49 probably taps a local water body perched on virtually impermeable Tertiary rock. This impermeable layer fractured, probably minutely from surface fissures, and allowed the perched water to drain slowly downward or laterally toward a nearby topographic low. Recharge from summer and fall precipitation exceeded the percolation rate and allowed the water to accumulate to its former level. As winter frost developed and inhibited recharge, the water table again fell, but to a lower level than previously, attesting to an increase in permeability of at least a nearby part of the Tertiary rocks. Surface fissures were not noticed in the heavily grass-covered area, but numerous fissures were seen nearby (fig. 5). The behavior of this well and the local conditions are similar to those of a well described by Brown and Ayer (1948).

Well 15 on the lowland bench (fig. 2) also shows a change that is obviously due to the earthquake. It is a 123-foot drilled unused well tapping an artesian aquifer in sand of Tertiary age (Waller, 1963). The casing reportedly extends to 123 feet and is open ended. The water level in this well had not varied more than 0.6 foot in the 2 years of measurements before the earthquake. The water level in this well was displaced downward more than 8 feet when measured on April 5, 9 days after the earthquake. Subsequent measurements show a steady rise, and recovery to

preearthquake levels may be achieved in time.

The hydrograph for well 56 shows an immediate residual rise of about 12½ feet, perhaps because compaction of the aquifer caused decreased permeability and a higher static head. The persistence of the higher water level may be a result of decreased use during the summer of 1964. The well is normally used to supply water by tank truck to the Land's End Hotel during the summer tourist season, but the hotel's "face lifting" during the 1964 season cancelled the need for a fresh-water supply. Well 60 also shows a rise that may be due to seismic causes, such as a decrease in porosity of the sand aquifer. Well 59, as indicated by the hydrograph, showed little or no effect from the earthquake.

One well on East Hill Road near East Road should be mentioned for the record. Measurements, started soon after the well was drilled in 1963, showed a water level of about 30 feet in this 121-foot drilled well which taps an artesian aquifer in rocks of Tertiary age. Three measurements in the period from June 1964 to March 1965 show a water level of about 61 feet. The well owner reported that he had installed an automatic clothes washer and used it heavily in the interim between the 1963 and 1964 measurements. The lower water level in 1964 probably reflects the new conditions imposed on the well by relatively continuous withdrawals and not a 30-foot drop resulting from the earthquake.

In summary, some aquifers in the Homer area apparently were disturbed by the earthquake, but most show a gradual return to preearthquake conditions, insofar as these conditions are reflected by water levels in the wells.

QUALITY OF WATER

Changes in quality of water obtained from wells were not noticed by residents of the area, so no water samples were taken for chemical analysis.

A change in quality of the

ground water on the spit was made apparent, however, by the death of the evergreen trees at the campground (fig. 2). The low knoll at the campground is probably inundated by extreme high tides that contaminate the thin lens of fresh water available

for the trees prior to the earthquake. A thinning of the lens because of subsidence is also a possibility. A dug well at Munson Point reportedly was also salty after the earthquake but the water became fresh by late summer.

SEISMIC HISTORY AND CONCLUSIONS

Homer residents are quite used to earthquake shocks; however, no written history is known of the earthquakes recorded or felt in the area since it was settled about 1888. Heck and Eppley (1958) and Davis and Echols (1962) have compiled lists of Alaskan earthquakes from which the writer has excerpted data on the location, date, and time of earthquakes of magnitude 5 or greater that had a reported effect at Homer or that occurred within a radius of about 100 miles of Homer (table 3). It is hoped that this compilation may encourage a more complete recording of such events, possibly by local residents from local archives. The table shows that the earliest known major earthquake near the Homer area occurred in 1883 at nearby Augustine Island.

There have been four earthquakes of magnitude 6.75–7.75 within a radius of 100 miles of Homer. Two earthquakes at or near Homer had intensities of V to VI on the Modified Mercalli scale.

There is evidence of a large

landslide at Bluff Point which may have been set off by a prehistoric earthquake. Barnes and Cobb (1959, pl. 2) mapped the low bench beneath the bluff as a landslide deposit. Karlstrom (1964), however, mapped the same bench as a moraine of Naptowne age, but noted (p. 47) that the moraine is covered by landslide debris during a "sudden impulse" of deposition. In previous fieldwork (U.S. Geological Survey unpub. data) the writer noted the material as landslide debris also but followed Karlstrom's mapping scheme. The discussion above seems warranted to point out the potential of the bluffs—particularly the 700-foot Bluff Point—to slide if a major earthquake occurs close to Homer in the future (fig. 16).

Perhaps of greatest importance to Homer is the potential of future tsunamis acting upon Homer Spit. The 1883 volcanic eruption and (?) earthquake (Dall, 1884) created a wave that undoubtedly hit and probably overtopped the Homer Spit. The reports from Port Graham (fig. 1) observers

stated (Dall, 1884, p. 92–93) that an estimated 30-foot wave rolled in at 8:30 a.m. after they had seen and heard the volcano on Augustine Island erupt. The wave damaged houses on the lowland and washed boats and canoes away, even though the tide was "extremely low." Other waves of lesser height followed the first one. It seems certain that these waves were tsunamis and that they struck the Homer Spit also. Evidently tsunamis that would hit Homer could only be generated from seismic disturbance in the lower Cook Inlet area because of Homer's somewhat sheltered location from the open sea. Seiches, however, can develop with a major earthquake in the region and can be destructive if they coincide with high tide.

Submarine landslides, usually but not always, generated by earthquakes, are another potential hazard at the distal end of Homer Spit. Thus extensive building on the outer end of the spit seems very unwise.

TABLE 3.—Summary of larger earthquakes occurring within about 100 miles of the Homer area in the period 1788-1961

Date	Local time	Approximate location (lat. N.; long. W.)	Estimated magnitude (Richter scale)	Remarks
Oct. 6, 1883	0800	Augustine Island (59°, 154°).	-----	Volcanic activity; seismic wave struck Port Graham.
Aug. 1898	-----	South-central Alaska-----	-----	Trees swayed violently at Susitna Station.
July 11, 1899	-----	Tyonek (61°, 152°)-----	-----	Severe.
Oct. 7, 1900	-----	do-----	-----	Severe. Probably is same as following one.
Oct. 9, 1900	0216	South-central Alaska-----	-----	Severe, felt at Seldovia.
Dec. 30-31, 1901.	-----	Kenai-----	-----	Volcanic eruption and several sea waves.
Sept. 19, 1909	1000	Kenai Peninsula-----	-----	Strong at Seward.
Sept. 21, 1911	0701	Prince William Sound and Kenai Peninsula (60.5°, 149°).	6.9	Severe, felt at Kenai Lake.
Dec. 9, 1927	-----	South-central Alaska-----	-----	Kenai Lake severely shaken by three quakes.
Jan. 27, 1931	0429	-----do-----	5-6	Cracked walls in Seward.
Oct. 6, 1932	0705	Homer-----	-----	Awakened all.
Apr. 26, 1933	1703	Susitna Flats (61.25°, 150.5°).	-----	At Homer, worst shock in 15 years.
May 13, 1933	-----	Old Tyonek-----	-----	Severe, some damage.
June 13, 1933	0219	Northeast of Nikishki (61°, 151°).	6.25	
June 17, 1934	2314	Soldatna (60.5°, 151°)-----	6.75	
Oct. 10, 1940	2153	Mouth of Kachemak Bay (59.5°, 152°).	6	
July 29, 1941	1551	Northeast of Nikishki (61°, 151°).	6.25	Damage at Anchorage.
Dec. 5, 1942	0428	Mouth of Kachemak Bay (59.5°, 152°).	6.25	
Sept. 27, 1949	0530	Blying Sound (59.75°, 149°).	7	Strong aftershock also. Damage at Seward and Anchorage.
June 25, 1951	0612	Chickaloon Bay (61°, 150°).	6.25	Damage at Anchorage.
Oct. 3, 1954	0118	Caribou Hills (60°, 151°)-----	6.5-7	Damage at Homer.
Jan. 24, 1958	1317	North-northwest of Anchor Point (60°, 152°).	6.25-6.5	
Mar. 19, 1959	0503	South of Perl Island (58.6°, 152°).	6.25	
June 4, 1959	0231	50 miles W of Homer (59.5°, 153°).	5.5	
Dec. 26, 1959	0819	Stariski Creek (59.9°, 151.7°).	6.25	
Sept. 5, 1961	0134	Bradley Lake (59.8°, 150.6°).	6-6.25	Felt. Anchorage rocked.
Sept. 24, 1961	1627	North of Mount Iliamna (60.3°, 153°).	5.75-6	

BEACH CHANGES ON HOMER SPIT

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INTRODUCTION

Homer Spit is a well-known landmark on the Kenai Peninsula along the east shore of lower Cook Inlet (fig. 14). Along with its growing popularity as a recreational area, the spit provides one of the few deep-water ice-free ports along the east side of Cook Inlet. During the earthquake of March 27, 1964, the general area subsided tectonically, and the spit is now lower by 4.26–5.70 feet and is nearly 70 percent covered during the higher tides (fig. 15). The relatively higher stand of the sea upon the spit has caused changes in shore processes and beach morphology which are still in progress.

GENERAL SETTING

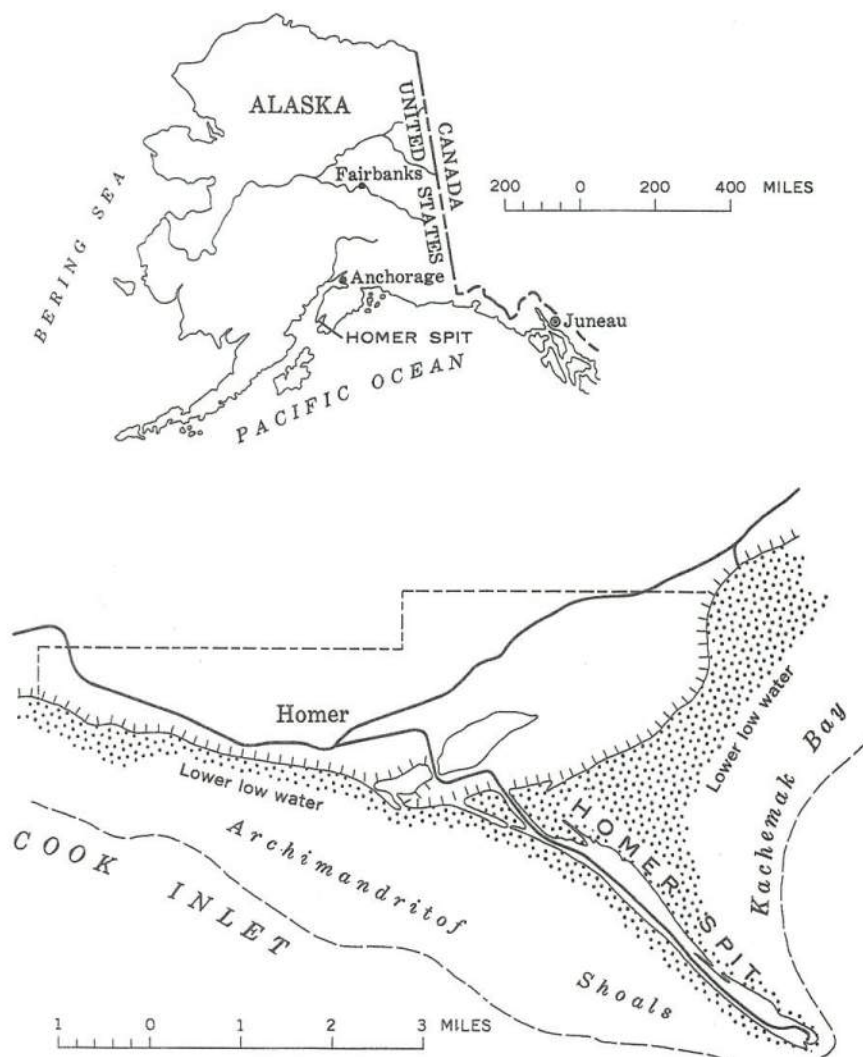
Homer Spit, about 4 miles long and as wide as 1,500 feet, lies partially athwart the entrance of Kachemak Bay on a shallow shelf called Archimandritof Shoals. In plan the spit resembles a scimitar, with its curved blade pointing seaward and its narrow hilt attached to the mainland (fig. 15). The spit is composed largely of medium gravel, or shingle, intermixed with some sand. Although Homer Spit is considered by Karlstrom (1964, p. 20) to be a relic glacial feature, the old lateral beach ridges upon the surface clearly illustrate that the spit is, at least in its present form, a product of littoral processes. The old beach ridges, moreover, indicate that the spit widened from east to west. During the past few decades, however, the west side of the spit has

receded slightly eastward near the base.

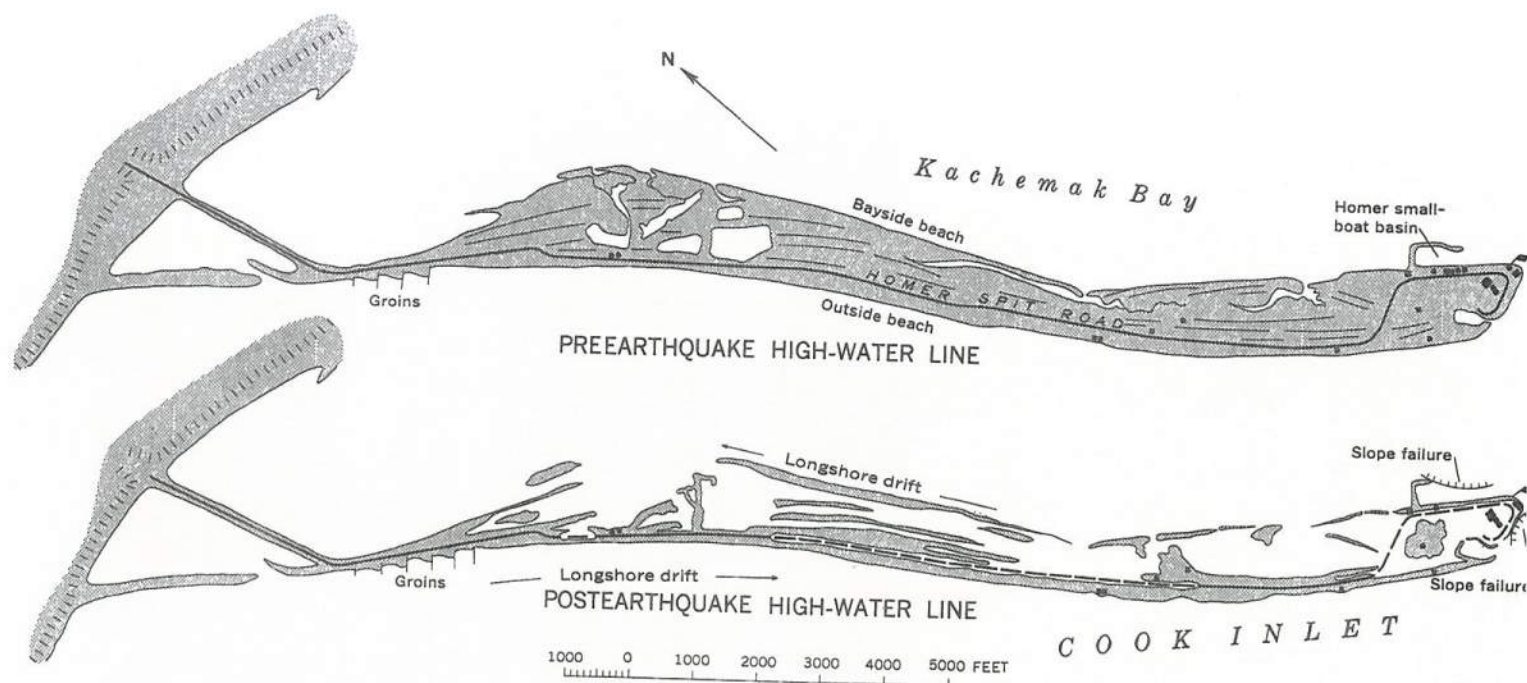
The source area of material composing the Homer Spit is probably the mainland to the west. The shoreline there is characterized by wave-cut bluffs composed of partially consolidated coal-bearing shale and sandstone (fig. 16). After the earthquake and subsidence, shoreline erosion in the source area increased and

much new material has entered the sea and the littoral drift.

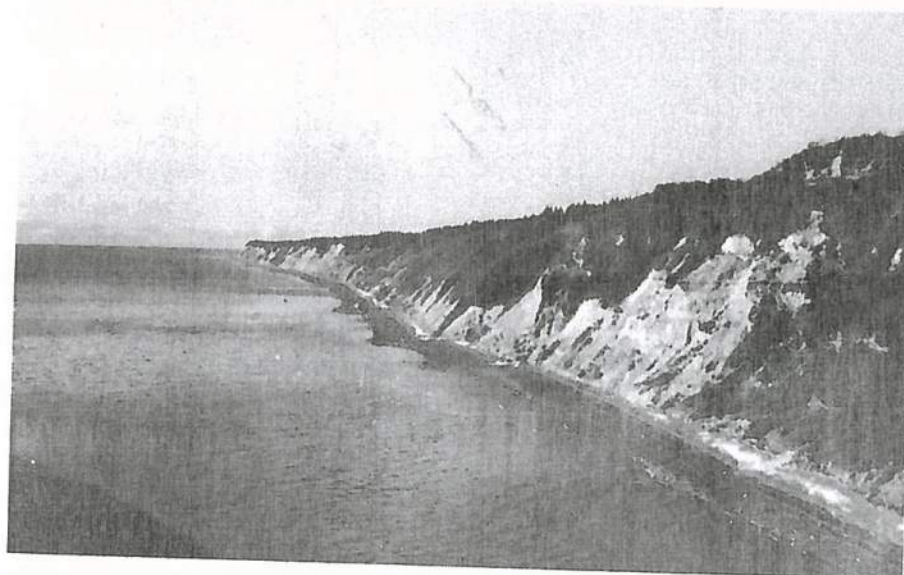
The net direction of the littoral drift along the Cook Inlet side of the spit is southeast, whereas along the bay side it is probably northwest. The maximum calculated wave height along the outside beach is about 10 feet, and along the bay side, about 4 feet. The tides are of the mixed type, two lows and two highs occur



14.—Index map of Homer Spit.



15. Comparison of the high-water line along Homer Spit before and after the earthquake and submergence of March 27, 1964. Light lines on Spit represent old beach berms. High-water line traced from U.S. Army Corps of Engineers aerial photographs, September 1959, and from U.S. Bureau of Land Management infrared photographs, August 1964.



16.—Shoreline west of Homer Spit, probably the source area of material composing

daily. The maximum tidal range is about 23 feet.

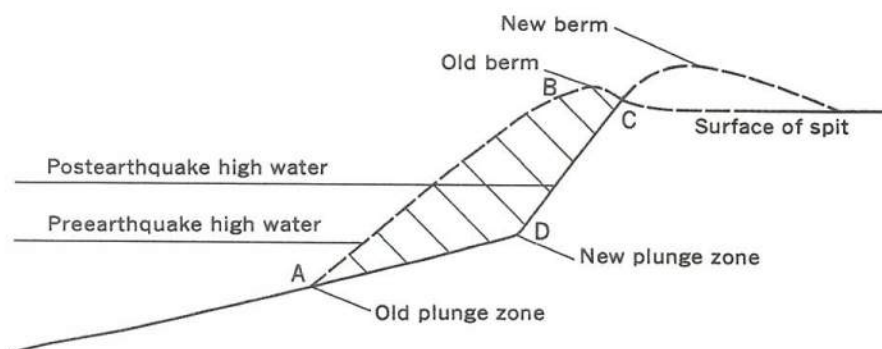
The beach along the spit can be conveniently subdivided into an upper and a lower foreshore. The upper foreshore along both sides of the spit slopes from 1:00 to 1:20, but it steepens to about 1:8 at the seaward, or distal, end. A storm, or frontal, berm forms the beach crest, but because the berm is higher than the old beach ridges along the interior, the spit is slightly basin shaped.

The plunge zone separating the upper and lower foreshore is 100–300 feet seaward of the beach crest and is generally marked along the outside beach by a conspicuous accumulation of cobbles at about the 10-foot level. Seaward of the plunge zone the lower foreshore is characterized by broad sandbars along the outside beach, and by wide silty mudflats along the bay side. The lower foreshore slopes as little as 1:150, but along both sides the slope gradually steepens and the width narrows toward the distal end of the spit where the slope of the lower foreshore steepens to as much as 1:10.

SUBSIDENCE AND POST-EARTHQUAKE CHANGES

The Homer area, including Homer Spit, subsided during the earthquake, as did other regions of south-central Alaska. However, the U.S. Coast and Geodetic Survey has not published final figures confirming the actual drop. The figures released to date are based on short-term tide gage readings and first-order leveling from Anchorage. These data show that the total subsidence, including regional subsidence, measured at the end of Homer Spit, ranges from 4.26 to 5.70 feet.

The spit in subsiding apparently underwent progressive, but not



17.—Beach-face recession diagram showing the preearthquake upper foreshore slope (line *AB*) and the postearthquake slope (line *CD*). After subsidence, material within *ABCD*, as a result of the higher water level, was scoured and in part carried onto the spit where it formed a new frontal berm.



18.—Storm berm developed along spit within 6 months after subsidence. Berm before subsidence was less than 3 feet high and 4–5 feet wide at the base.

uniform, consolidation and compaction of sediments from the landward to the distal end. To determine how much the spit proper had subsided, the Alaska Department of Highways (1964, p. 8) made a resurvey of the spit soon after the earthquake. The control used for the survey was an existing U.S. Coast and Geodetic Survey bench mark on the mainland. The survey showed the distal end of the spit to be 2.5 feet lower, rela-

tive to this bench mark, than it was prior to the earthquake. Early evidence indicated that the spit subsided progressively from the landward to the distal end, however, much of the subsidence due to compaction apparently occurred at the distal end (see p. D13).

At least one beach slope failure or submarine landslide, and possibly others (p. D10), occurred at the distal end of the spit (fig. 15). There is no direct evidence of slope

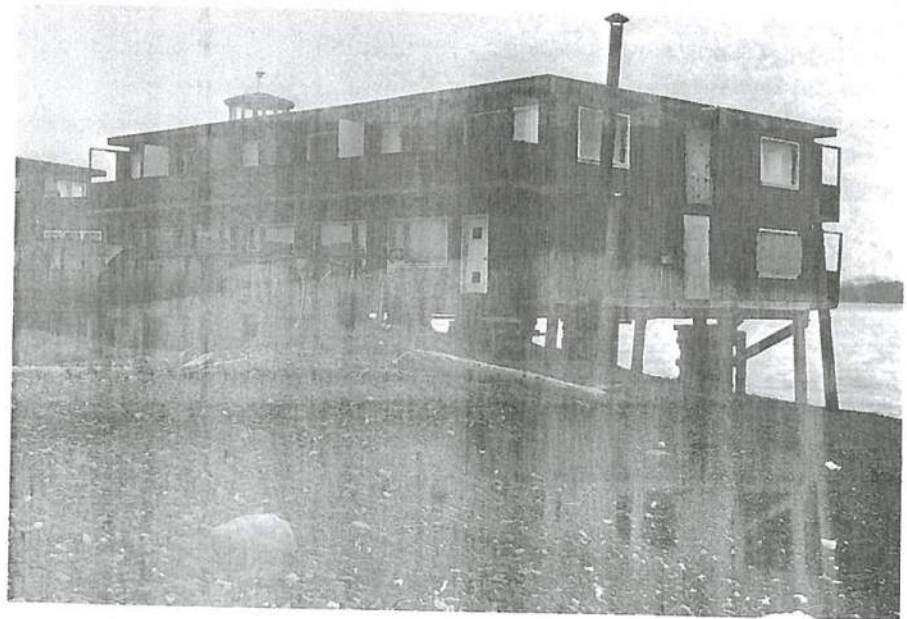
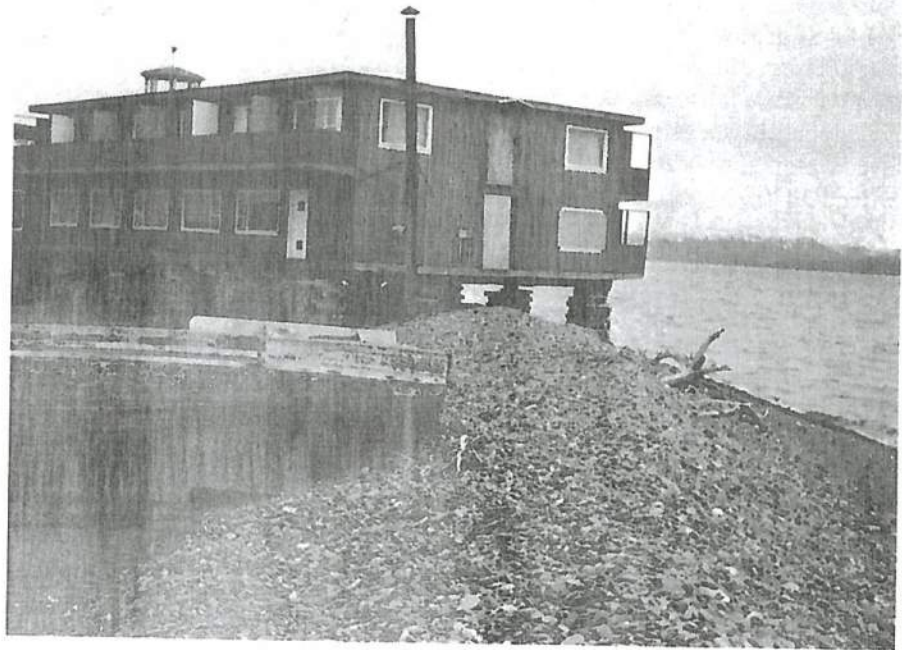
failures elsewhere. Instead, the changes and alterations of the beach along the Homer Spit are related to slow shore processes that can be attributed to: (1) the ability of storm waves to act higher upon the beach face and (2) the increased quantity of material carried to and deposited along the spit by the littoral drift.

BERM DEVELOPMENT AND BEACH-FACE RESSION

Immediately after subsidence the relative higher stand of the sea resulted in erosion and the consequent recession of the upper beach face. A large part of the material eroded from the face was carried onto the spit where it formed a new storm or frontal berm. The most conspicuous berm development is along sections of the outside beach. The process of berm development and beach-face recession is shown by figure 17. The relative higher water level has shifted the plunge zone shoreward and caused material within area ABCD of figure 17 to be scoured by wave action. Part of the scoured material is transported onto the spit by the swash and accumulates as a new berm.

As an illustration of berm growth, the preearthquake berm at the distal end of the spit was less than 3 feet high, and 4-5 feet wide at the base. Six months after the earthquake, the berm, as shown by figure 18, had built up to 6 feet in height and had widened to nearly 60 feet. The same berm after another 6-month period had widened an additional 20 feet. Elsewhere the berm has migrated around buildings and covered and blocked roads.

The size of the new berm is not in proportion to material lost from, nor to the recession of, the adjacent beach face. Figure 19



19.—Photographs taken 6 months after subsidence (top) and a year after subsidence (bottom) show that the size of frontal berm is not proportional to the recession of the beach face.

shows an example of this disparity. Such examples show that a large part of the material scoured from the beach face was not carried onto the spit and deposited as part of the berm. According to King (1959, p.

280), most of the scoured material is carried seaward and is lost. To what extent this is true along Homer Spit is not known. However, the absence of noticeable new shingle along the lower fore-shore fails to support the conten-

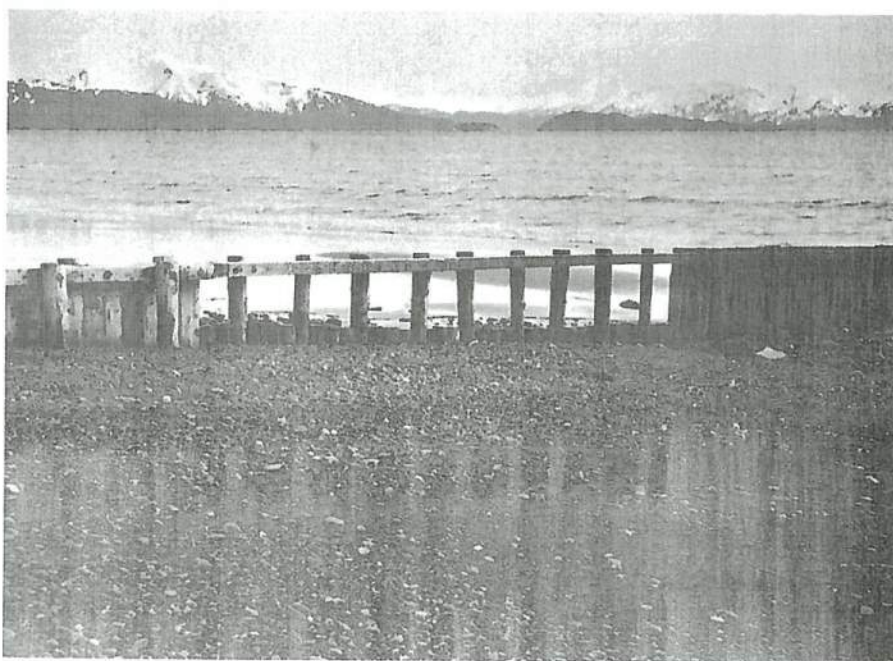
tion that any appreciable material is migrating toward the sea. More likely, the bulk of material scoured from any one section of the beach has merely drifted farther along the beach. Material drifted to the distal end and not deposited on the beach there is probably lost to the sea.

The entire beach face along the spit has retreated, but not uniformly so. The most noticeable recession is along the outside beach where local areas show a loss of nearly 30 feet, but 10–15 feet probably approximates the overall average. The maximum beach-face recession was about 56 feet and occurred along one limited section at the distal end of the spit.

MATERIAL SUPPLY AND TRANSPORT

Subsidence has ushered in what can be loosely described as a new cycle of shoreline erosion. As a result of accelerated erosion in the source area, much additional material has entered the littoral drift and migrated to the spit. The quantity of material now being transported by the littoral drift can only be estimated, but it clearly exceeds the quantity carried before the earthquake. For example, observations of groins along the spit (fig. 15) indicate that about 1 month after subsidence the fill behind the groins began to enlarge noticeably. The 1-month lag apparently represents the time required for material to enter the drift and migrate from the source area to the spit.

As more material is eroded from the source area and migrates to the spit, it replaces and augments that lost by scour from the beach face. Moreover, the frontal berm has grown in height and width to the extent that after 1 year it is overtopped by only the stronger storm swashes. Thus, although



20.—Section removed from seaward end of groin to allow bypassing of material.



21.—Erosion on the lee side of the last of a series of four groins, a few days after the earthquake.

more material has become available to the spit, less is carried onto the frontal berm and a larger amount remains upon the beach face. As a result, the outside beach is beginning to build, particularly

along the outer two-thirds of its length.

Only a minor quantity of material migrates from the outside beach around the end of the spit to the bay side. Moreover, since sub-

SHORE PROTECTION WORKS

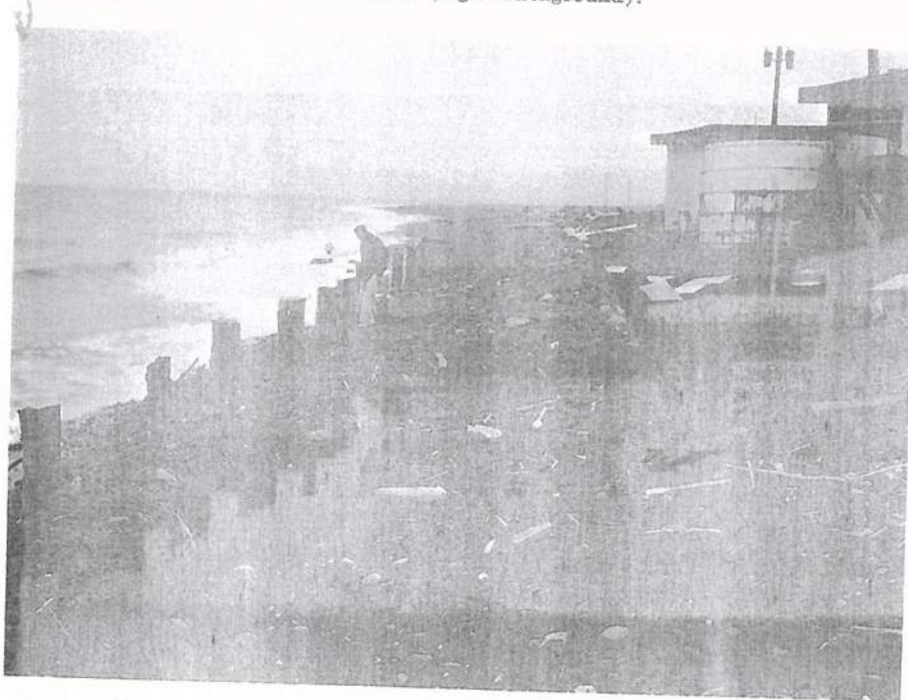
Erosion, always a problem along the exposed side of the spit near its base, was controlled in one area prior to the earthquake by four timber groins (fig. 15). Shortly after the earthquake the fill between the groins was eroded and the face receded, but after 1 month additional material accumulated and the fill exceeded the preearthquake level. Because the groins were adequately protecting the shoreline, additionally entrapped material served only to deplete the amount moving along the beach. Therefore, to allow bypassing but still preserve the existing fill, a 50-foot section near the end of the last two groins was removed (fig. 20). Some loss of fill occurred, but in general the slope of the fill adjusted to the new conditions. However, erosion on the downdrift or lee side of the last groin became critical. The eroding area on the lee side of the groin is shown by figure 21, taken a few days after the earthquake. To protect the lee side, two additional groins were constructed. Figure 22, taken 1 year after the earthquake, shows the extent of accretion in that area.

Prior to the earthquake, old car bodies were placed along one eroding section on the exposed side of the spit, and they provided some protection. Within a few weeks after subsidence, however, the larger waves scattered the car bodies about the beach.

At one location a small cannery was endangered by undermining. Specially manufactured and prefabricated wire baskets were filled with cobbles and placed along the beach face (fig. 23). After 1 year the beach has built up and has shown no tendency to scour in front of the cobble-filled baskets.



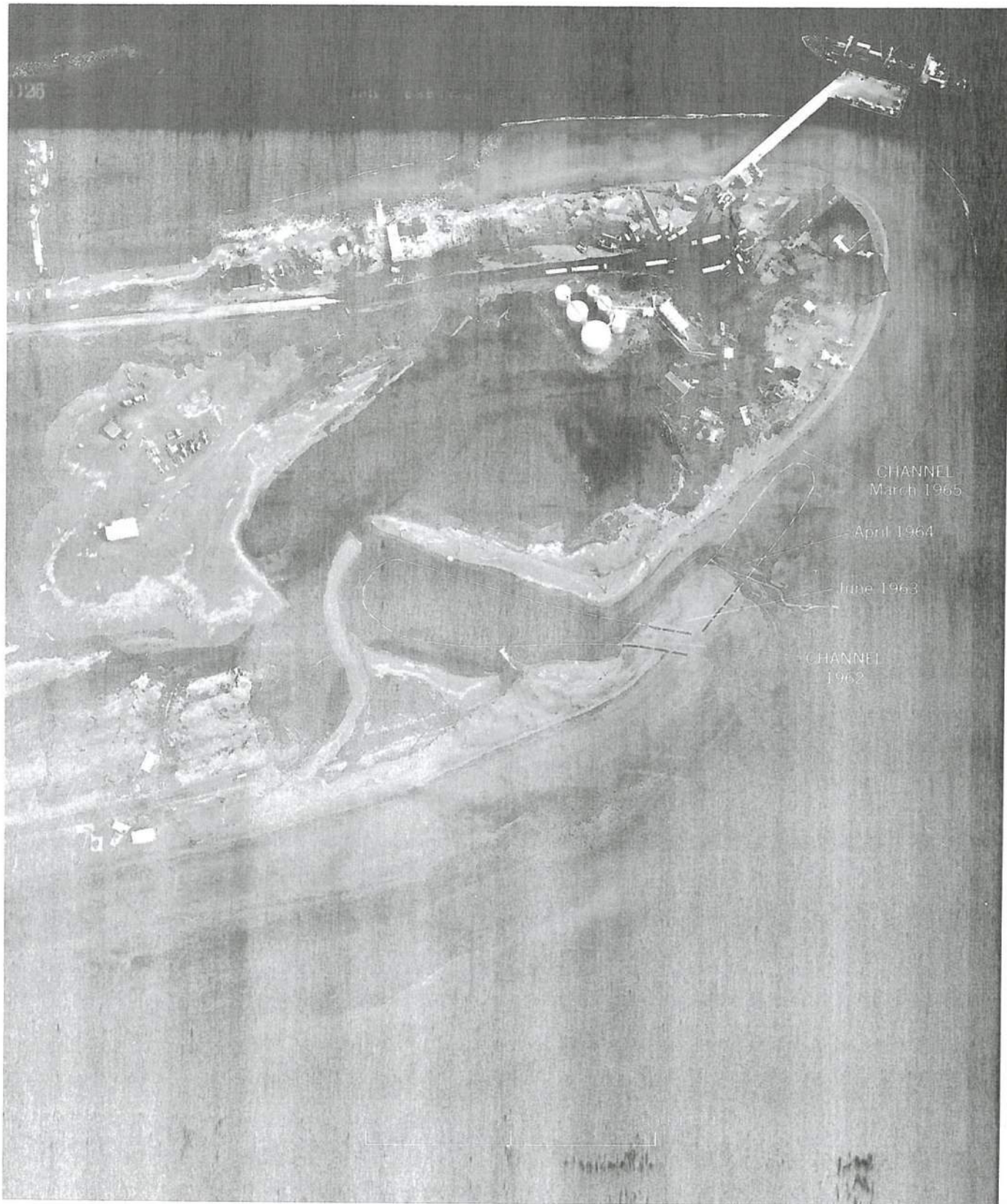
22.—The same area as shown in figure 21, 1 year later, after construction of two new groins (right background).



23.—Cobble-filled baskets placed on beach face to prevent erosion.

sidence the flooding of the low areas along the bay side at high tide separates the beach into relatively short sections. Material that does find its way around the spit or is scoured from the bay-side

beach face is obstructed in its longshore migration by these numerous inlets. The bay-side beach therefore is gradually wasting (Stanley and Grey, 1963, p. 5), a condition also evident before the earthquake.



24.—Bar being built across the entrance of a tidal inlet at distal end of Homer Spit. Photograph by U.S. Army Corps of Engineers April 30, 1964.

TIDAL INLETS

Since the earthquake and subsidence, more water enters and leaves the tidal inlets on each tidal change. During the flood tide, material drifting along the beach is deflected inward toward the basin, whereas on the ebb tide the outflow tends to deflect the material seaward. As a result, the tidal entrances tend to interrupt longshore drifting.

Some of the finer material migrates into the tidal entrances, and considerable sand and silt are being deposited in each basin. The coarser material tends to be deposited near the entrances where it forms deltalike features. As the delta features enlarge, they tend to further obstruct material drifting along the beach by promoting additional deposition or by deflecting the drift seaward.

A somewhat different situation has developed at the tidal entrance on the distal end of the spit (fig. 24). There the increased rate of deposition brought about by the added load of material in the littoral drift has caused a bar to build outward from the updrift

side across the original tidal entrance. As the bar has enlarged, the entrance channel has gradually shifted toward the downdrift side. Deprived of natural increase by the bar, the downdrift side of the channel is gradually wasting.

SUMMARY

Prior to the earthquake, Homer Spit had probably attained a stage of maturity. Active erosion along the landward third of the spit on the Cook Inlet side reflected an absence or scarcity of nourishment from the source area. Material, while accreting along the outer two-thirds of the spit, was partially derived from the landward third. The growth rate of the spit may therefore have been declining through a lack of adequate material supply.

Following subsidence the upper beach face along the spit was eroded and receded. But regional subsidence also accelerated erosion in the source area—the mainland adjacent to the spit. More material thus began to enter the littoral drift and migrate to the spit. This added material has tended to

offset the loss of material eroded from the beach face along the spit following subsidence.

The increased supply of material is not likely to decline appreciably for many years, and eventually the frontal berm will, if not artificially disturbed, achieve a height sufficient to prevent overtopping by all but the larger storm swashes. As the process of deposition continues, the beach along the Cook Inlet side, especially along the outer two-thirds of the spit, will gradually widen. Along the bay side, the beach face will probably recede further, and its stability will depend, in part, on the type and location of artificial improvements that may obstruct longshore drifting.

Subsidence has not materially altered the nature of shore processes along the spit; instead it has merely accelerated their rate. Therefore, the lasting effect of subsidence upon the spit (excluding flooding) will be the accentuation of deposition along the beach on the Cook Inlet side and continued erosion and gradual wasting of the beach along the bay side of the spit.

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From: Penelope Anne Haas <pah02003@mymail.pomona.edu>
Sent: Tuesday, October 15, 2019 2:22 PM
To: Department Planning
Subject: Conditional Use Permit (CUP) 2019-07

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

Many residents, local businesses and visitors value the natural beauty of the Spit; we also depend on its resistance to erosion. Before paving such a significant area of the spit–

- Please do an analysis of ecological impact.
- What plants live in this area and what animals does it support?
- What impact will this have on coastal erosion?
- What impact will it have on community members, visitors and businesses who value the natural beauty and stability of the Spit?

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through the twists and turns of the vessel, navigating its tight hallways and steep staircases while crew members dressed in the most macabre garb attempt to scare them silly.

The Hickory crew hosts a less scary version of the haunted house for an hour earlier in the night for young children, and then pulls out all the stops for the older crowd.

Admission into the event is nonperishable food items, all of which are given to the Homer Food Pantry. This year, the event raised 2,980 pounds of food for the pantry, Nelson said.

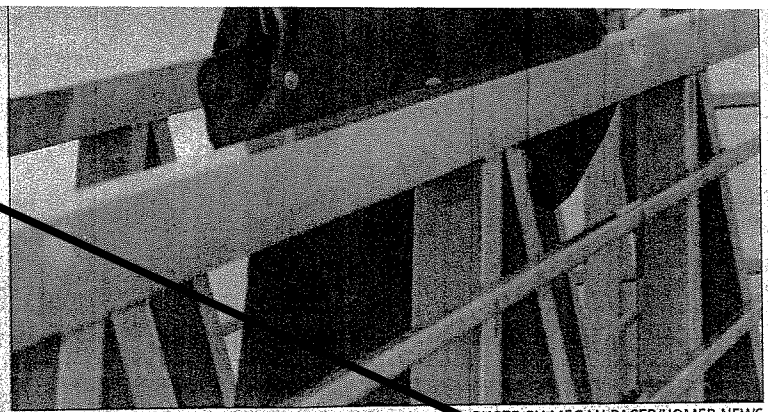


PHOTO BY MEGAN PACER/HOMER NEWS
Lt. Cmdr. Jeannette Greene, captain of the US Coast Guard Cutter Hickory, prepares to greet guests at this year's Haunted Hickory event Friday, Oct. 25 at the harbor in Homer.

City seeks permit for expanded Spit parking lot

BY MICHAEL ARMSTRONG
Homer News

In the context of the continual friction between serving the needs of harbor and Homer Spit users while protecting some of the environmental values that make Homer attractive, the Homer Planning Commission is set to hold a second public hearing on a conditional use permit application to expand and improve a parking lot by the Seafarers Memorial on the Spit.

The hearing will be at 6:30 p.m. next Wednesday at Homer City Hall.

"There's definitely competing space demands out there, whether it's camping, demand for parking," said Deputy City Planner Julie Engebretsen. "... This whole land-use conversation is bigger than this one parking lot. I feel like that's what's swirling around in the background there."

If approved, conditional use permit 19-07 would allow the city to improve the existing lot between the Cannery Row Boardwalk and the Seafarers Memorial by filling in

a section along the existing Kachemak Bay side of the lot. In the first phase, beach grass and roots would be dug up and temporarily stored.

Spoils from periodic harbor and channel dredging would be placed along the lot and compacted. The beach grass would then be replanted along the edge of the parking lot to stabilize the slope. The fill would cover an existing grassy area of the beach, but would still be behind the storm berm. Unlike other sections of the Spit, a wide, grass filled beach runs along the bay, and the beach is relatively stable.

Harbormaster Bryan Hawkins said he does not know if the fill would be in tidelands that requires a U.S. Army Corps of Engineers permit, but that the city would apply for a permit anyway and let the Corps decide.

Hawkins noted that improved parking has been a long-term goal of the Port and Harbor Commission, the group that makes recommendations on use of the harbor and surrounding area.

"From their perspective ... That

would be a fairly low-cost project to do using dredge materials to fill the space," he said.

Commissioners are divided on if the lot should be paved or left as gravel.

According to the CUP application, in Phase 1, the parking lot would remain gravel, but bumpers would be put in the lot to organize angled parking. Americans with Disability Act, or ADA, compliant spaces also would be put in. Angled parking along the Homer Spit Road from the southeast end of the Cannery Row Boardwalk would be removed. A 10-foot wide pedestrian lane would go through the parking lot to allow access from the Seafarers Memorial to the boardwalk area. An ADA-accessible gravel path also would be built down to the beach. The lot also would include some landscaped areas.

In Phase 2, another section would be filled in, adding 50 more spaces, and the parking lot would be paved. Most likely the estimated \$635,000 cost of the project would

See LOT, Page A3

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be paid for over time by parking fees, Hawkins said. When both phases are done, about 70 spaces would be added, he said, creating a lot of about 200 spaces. The project is part of the city's Capital Improvement Plan, with \$15,000 already appropriated from the Homer Area Roads and Trails fund for preliminary engineering design and permitting.

"As far as parking lots go, when we're done with green spaces and grasses and things, it would be a pretty good looking parking lot," Hawkins said. "But it would be a parking lot. That's the rub."

The improvements also would better organize entering and leaving the lot. Concrete curbs would prevent people from parking along the road, as they do now. The Homer Spit Road is a state highway managed by the city. State law prohibits parking within 8 feet of the edge of a state road.

The planning commission held an initial public hearing at its Oct. 2 meeting and tabled action to the Nov. 6 meeting to allow for more public input. Five people raised questions about the project and the impact on Spit green space while one supported adding parking. Most everyone noted the need for more organized parking on the Spit. The zoning designation is Open Space Recreation District and thus requires a conditional use permit.

If the project was private, the commission's discussion would be driven by code,

Engebretsen said.

"The issue before the planning commission is this particular conditional-use permit application, but there's definitely more room for that conversation about what's happening outside on the Spit," she said.

In 2008, the city rewrote rules to better manage Spit parking. The angled parking spaces in front of the Cannery Row boardwalk were limited to three-hour parking, with some 15-minute loading zones. Parking in front of the Coal Point Trading buildings also was limited to 15-minute loading and unloading parking. Lots were paved at several ramps, with paid parking charged except for drop-off zones. All other areas are free.

Most lots are gravel, with spaces delineated not at all, or by ropes and pylons marking out rows. Seven-day parking is allowed in most lots, including the Seafarers Memorial lot. As the Homer Spit Comprehensive Plan notes, "Areas considered prime parking for day users and retail customers are used extensively by long-term parkers."

Hawkins noted one common habit of motorists.

"Nobody walks any further than they absolutely have to," he said. "...I don't know how to deal with that other than to recognize that's a fact, that people will park as close as possible."

The Spit comprehensive plan identifies 15 parking areas from in front of the Nick Dudiak Fishing Lagoon to the lot at the end of the road. That doesn't include areas like a space at the corner of Fish Dock Road and the Homer Spit Road used to store fishing gear or another lot near

the Homer Spit Campground used to store dredge spoils.

"Just remember, every access area in the harbor has mixed use," Hawkins said. "...I get a lot of comments from folks they can't find a space — everything's used up."

One person commenting at the Oct. 2 meeting, Nancy Hillstrand, raised concerns about erosion. Hillstrand favored keeping the beach undeveloped below the Seafarers Memorial lot. She said the city should pay attention to erosion and consider the Green Infrastructure planning philosophy. Green Infrastructure is an idea that considers things like erosion, flooding and groundwater movement as part of planning decisions and development.

Hawkins said mitigating erosion is part of Spit planning. At Monday's Homer City Council meeting, City Manager Katie Koester wrote in her manager's report that the city has asked the Corps of Engineers and the Alaska Department of Transportation and Public Facilities to work together to develop a long-term maintenance plan to mitigate and stabilize erosion on the Spit. That could include things like beach protection and beach nourishment.

On the larger issue of Spit parking, Hawkins said the city has limited tools.

"You can create more parking," he said. "You can put in time limits. You can start charging. You can change people's behavior by doing these things. ... Nobody likes the idea, but if you come down June to mid-August, you shake your head."

Reach Michael Armstrong at marmstrong@homernews.com.

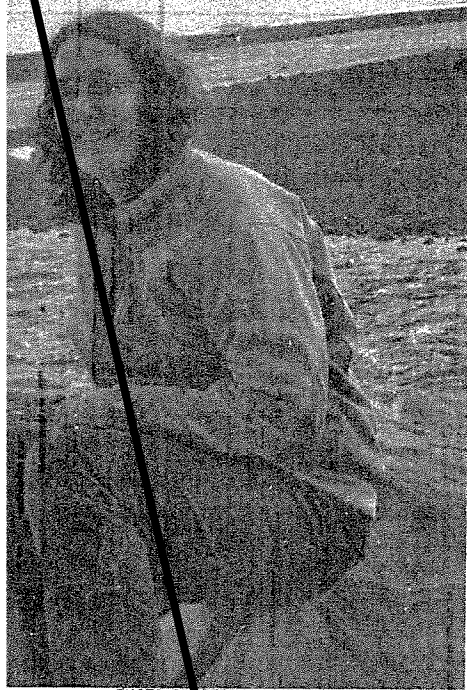


PHOTO COURTESY HOMER POLICE DEPARTMENT
Murnane "Duffy" Murnane, missing since Oct.

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Murnane from all over Alaska, including Haines, Kenai and Anchorage.

"We've probably talked to 100, 200 people so far," Browning said. "So far, nothing. No leads."

Murnane's family also has consulted several psychics. One psychic said Murnane might be near a town with the word "river" in it.

"On the Kenai, that pretty much comes down to Funny River," Berg said.

When he worked at the Kenai National Wildlife Refuge in Soldotna, Berg had a place in Funny River — the area on the south bank of the Kenai River.

"One thing that struck me about that was there were a lot of empty, seasonably unoccupied cabins," Berg said. "It would be the perfect place to squirrel away a kidnap victim."

The family also canvassed the Funny River Road area, Berg said.

Police aren't discounting the tips from psychics, Browning said.

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The family also canvassed the Funny River Road area, Berg said.

Police aren't discounting the tips from psychics, Browning said.

"We're prone to follow up leads in places they've suggested, but nothing really concrete has come out of that," he said.

On the theory that her daughter might have been abducted, Murnane's mother, Sara Berg, put out an appeal.

"Please release her," she said. "I'm just begging these people to release her."

Reach Michael Armstrong at marmstrong@homernews.com.

parking on the Spit. The zoning designation is Open Space Recreation District and thus requires a conditional use permit.

If the project was private, the commission's discussion would be driven by code,

areas from in front of the Nick Dudiak Fishing Lagoon to the lot at the end of the road. That doesn't include areas like a space at the corner of Fish Dock Road and the Homer Spit Road used to store fishing gear or another lot near

people's behavior by doing these things. ... Nobody likes the idea, but if you come down June to mid-August, you shake your head."

Reach Michael Armstrong at marmstrong@homernews.com.



PHOTO BY MICHAEL ARMSTRONG/HOMER NEWS
The Seafarers Memorial parking lot is mostly empty on Oct. 25 on the Homer Spit in Homer. The city has applied for a conditional use permit to fill in and extend the parking lot to the left in this photo, or toward the beach. The angled parking spaces by the Homer Spit Road also would be removed except in front of the Cannery Row Boardwalk.

Rotary Health Fair this weekend

top shop- relations and marketing for the hospital.

Also available will be blood tests at a reduced price. Though appointment for these tests are encouraged, walk ins are welcome after 10 a.m. the day of the fair. A basic blood panel will cost \$55, according to the flyer for the fair. Specialized labs have the following costs:

- Thyroid free T4: \$55
- Testosterone: \$55
- Hepatitis C: \$50
- PSA: \$50
- TSH: \$50
- Cardiac CRP: \$55
- Vitamin D: \$75
- Hemoglobin A1C: \$50

Those who have already had their blood tested at the

hospital in advance of the fair can pick up their results at the school on Saturday and have a free consultation with a medical professional, who will help them review their results.

In addition, SVT Health and Wellness has 200 free flu shots to give to attendees, provided by the Rotary. There is a limited supply of the senior dose of the vaccine.

There are also a number of free health screenings available, including screenings for vision, hearing diabetes risk assessment, grip strength, gait assessment, longevity test, blood pressure, sit to stand balance, driving evaluation, diabetic

foot assessment and more, according to information provided by Ferraro.

Those who take the time to complete a community health needs assessment survey while at the fair will be entered for the chance to win a \$100 gift certificate to Ulmer's Drug and Hardware or Safeway.

For those bringing the kids along, the Great Candy Exchange will also be held during the fair. This is a time for children 10 and younger to bring their candy from trick or treating and trade it for prizes. The candy is then used to help fill out holiday care packages sent to U.S. service men and women,

according to Ferraro.

This year marks the year in the three-year rotation used to collect input from the community on the fair. Hospital Auxiliary volunteers will greet people at the doors to the fair and will have short surveys asking about individual and family health needs.

"This helps inform the hospital and MAPP community health coalition what the needs are in the community," Ferraro wrote. "This is a very important opportunity to be heard."

For more information, call the Health Fair Hotline at 907-399-3158 or go to aphosp.org.

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Staff Report 19-85

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: October 2, 2019
SUBJECT: Conditional Use Permit (CUP) 2019-07

Synopsis The applicant proposes to expand an existing parking lot on the Open Space Recreation Zoning District. A Conditional Use Permit (CUP) is required per HCC 21.32.030(f).

Applicant: City of Homer Katie Koester, City Manager
491 E Pioneer Ave Carey Meyer, Public Works Director
Homer, AK 99603

Location: Lot 31, Homer Spit Road Subdivision Amended
Parcel ID: 18103401
Size of Existing Lot: 2.52 acres
Zoning Designation: Open Space Recreation District
Existing Land Use: Parking lot, Seafarer's Memorial, Beach
Surrounding Land Use: North: Shops, boat house gathering facility, small boat harbor
South: Kachemak Bay
East: Parking lot, RV Park
West: Shops, restaurants, boardwalk, beach

Comprehensive Plan: Homer Spit Plan Goal: Wise land management of the Spit and its resources to accommodate natural processes, while allowing fishing, tourism other marine related development, and open space/recreational uses. (p 20)

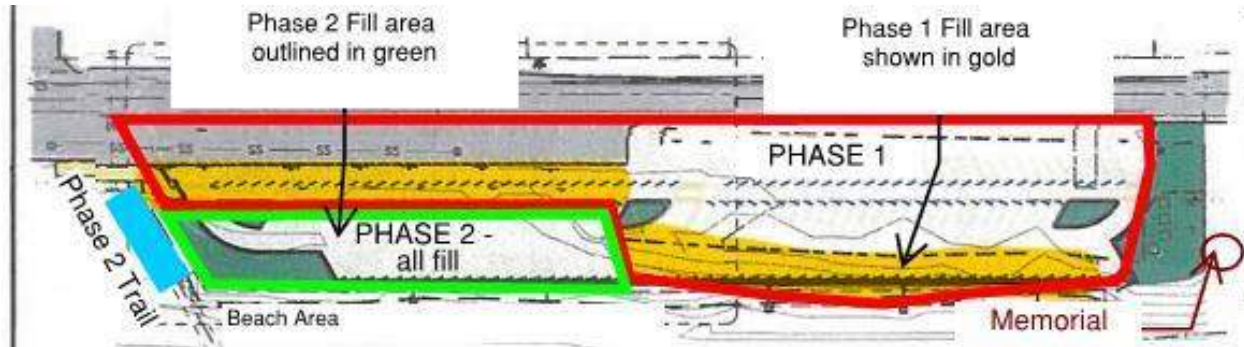
Flood Plain Status: VE 28, Velocity Zone Elevation 28 feet
BCWPD: Not within the Bridge Creek Watershed Protection District
Utilities: Public utilities are available at the site.
Public Notice: Notice was sent to 25 parcels and 8 land owners, 103 leased parcels or condominiums and 79 leases or condo owners as shown on the KPB tax assessor rolls.

Applicant statement from application: Proposed use: provide additional parking on the Homer Spit (see attached five construction drawings). Work includes placement of fill material with Rip-Rap Armor rock at the face adjacent to Kachemak Bay. This project will be done in phases. In Phase 1, a front end loader will first be used to pick up large sections of the existing beach grass and set it aside for transplanting later in the project. We will then fill in the project area with dredged materials, approximately to the level of the highway. Materials will be compacted into place as the lot is built up. Once the area is built up to the correct elevation, the beach grass will be moved out to the seaward side of the fill and transplanted onto the bank to help stabilize the ground. Beach grass will also be transplanted onto the bank of the new lot next to the access trail for slope stabilization. In Phase 2, the surface will be paved with asphalt and five drainage outfalls will be constructed, daylighting just below elevation 23.4' (MLLW). Phase 2 will determine the amount and type of shoreline protection needed and will include the installation of riprap shoreline protection. Current plans also include an additional sea grass transition swale between the parking lot and the shoreline protection. There will be approximately 197 parking spaces with striping and parking bumpers. The number of parking spaces may be reduced contingent upon addition of 6 ADA parking spaces. The site plan will be amended to include ADA parking. Phase 2 will complete the project which will include drainage, slope protection, paving, marking, and walkways.

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Planning Staff Analysis:

In staff's discussions with the Port, the phasing was further refined as follows:



Phase 1:

1. Pave all ADA parking spaces
2. Pave pedestrian trail through the parking lot (this will require some fill placement)
3. Curb Homer Spit road to organize parallel parking and to limit entrances and exits onto Homer Spit Road
4. Focus on the SW half of the project, nearest to the Seafarer's Memorial. The existing parking lot would be extended approximately 21 feet seaward.
5. This portion would be completed first, over an approximately three year period, resulting in a completed parking area
6. Parking area will be capped with gravel, and parking stops installed (also called a wheel stop)
7. Replant beach grass along slopes

Phase 2:

1. Fill the remainder of the project area to create an additional 50 parking spaces
2. Construct ADA pathway to beach
3. Cap with gravel and install parking stops

Paving could be accomplished in the long term, but is not necessary to improve the parking area, and adds significant expense.

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

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

Analysis: HCC 21.32.020(b) authorizes open space, such as park, playground and related recreation activities. Under HCC 21.32.030(f), parking areas are authorized as a conditional use.

Finding 1: HCC 21.32.030(f) authorizes parking areas.

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

HCC 21.32.010: The purposes of the Open Space – Recreation District are primarily to promote public recreational opportunities while protecting and preserving the natural and scenic resources of the area and public access to tidelands. Generally, pedestrian uses are given priority over motorized uses

Applicant: The proposed parking area is compatible with the zoning district as it will provide localized parking as well as allow direct access to a city park (Seafarer's Memorial), the beach, and nearby businesses. It is not assumed that the structure will negatively impact adjoining properties, or be out of harmony or proportion in relation to other nearby parking areas.

Finding 2: The purpose of the Open Space – Recreation includes providing for public recreational opportunities and public access to tidelands. The parking lot will provide ease of access to Homer Spit attractions such as the beach and small boat harbor. The pedestrian trail to the beach will enhance beach access opportunities for all users, and is compatible with the purpose of the district.

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

Applicant: Increasing parking capacity in this area has the potential to increase economic activity which may have a positive effect on property values and increased sales tax generation from local businesses.

Analysis: Adjoining uses include an RV park t, and a boardwalk with several shops and restaurants. Many uses in the Open Space Recreation district have greater negative impacts than would be realized from a parking lot. Pipelines, railroads, fishing gear and boat storage, and indoor and outdoor recreational facilities would have a greater impact on nearby property values. Pipelines and railroad could create a lot of noise and visual impact, and indoor and outdoor recreational facilities could create more traffic.

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

Finding 4: The proposal is compatible with existing uses of surrounding land, including an RV park and a boardwalk containing shops and restaurants.

Analysis: City of Homer Fire Department commented that they should have more than adequate clearances for Fire Department access.

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

Applicant: Theoretically, the parking expansion will reduce existing parking issues. Also, a well-organized parking area with established ingress and egress points may reduce problems with traffic congestion as well as reduce the potential for vehicle/pedestrian conflict; improving safety overall. With the improvements, parked vehicles will no longer have to back directly onto the roadway/oncoming traffic of the Sterling Hwy (Homer Spit Rd), and an ADA pedestrian walkway will provide a safe access to the adjacent recreational beach area. State traffic engineer has approved the parking access configuration for this project.

Analysis: Desirable neighborhood character could be described by a portion of the Purpose statement for the district, to promote public recreation while protecting and preserving the natural and scenic resources of the area and public access to tidelands.

- Public recreation will be promoted by addressing the organization of the parking lot, creation of ADA parking spaces and paved pedestrian pathway to the Seafarer's Memorial and to local businesses. The parking spaces will serve

beach visitors, business customers, and harbor users on their way to enjoying Kachemak Bay.

- Public access to tidelands will be preserved and enhanced by the phase two construction of a pathway down to the beach area.
- Full construction of phases one and two will result in the loss of public beach area, particularly with phase two.

Finding 6: The Commission finds the proposal will not cause undue harmful effect upon desirable neighborhood character as described in the purpose statement of the district.

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

Analysis: The parking lot itself does not pose a health and safety issue to the surrounding area, or the city itself. The reconfiguration of existing spaces will increase the safety of the immediate area of both vehicle and pedestrian flow. The current project is in uplands and is not expected to cause erosion damage to adjacent properties at this time.

Finding 7: The project is not expected to be detrimental to the health, safety or welfare of the surrounding area or the City as a whole.

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

Analysis: Gaining a CUP along with the zoning permit process addresses the applicable regulations.

Finding 8: The proposal will comply with applicable regulations.

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

Applicant:

HOMER SPIT COMPREHENSIVE PLAN 2011 Chapter 4: Land Use and Community Design, Goal 1.5 - Ensure that high demand seasonal uses are given priority

HOMER COMPREHENSIVE PLAN 2018

Chapter 7: Economic Vitality Goal 5 -Strengthen Homer as a tourism destination.

Chapter 6: Facilities and Services, Goal 1 -Provide and improve city-operated facilities and services to meet the current needs of the community, anticipate growth, conserve energy, and keep pace with future demands. Goal 2 Objective C -VISITOR SERVICES -Provide and sustain public services and facilities to serve visitors

- 2.2 improve traffic flow and safety on the Sterling Highway (Homer Spit Road)
- Limit number of access points to the Sterling Highway.

Analysis: The Homer Spit Comprehensive Plan (2011) has goals and objective specific to the Spit. Relevant goals and objectives include:

Transportation Goals

- 2.2 improve traffic flow and safety on the Sterling Highway (Homer Spit Road)
- 2.3 provide adequate and safe facilities for pedestrians and bicyclists
- 2.5 Improve organization, wayfinding and management of parking.

Land Use Goals

- 1.4 Encourage the use of native plant materials for all landscaped areas.
- 1.5 Ensure that high demand seasonal uses are given priority. Rationalize parking areas to make sure demand is met but at the same time, reduce the overall footprint and visual impact.

Map 5 shows the majority of the property as Conservation and Beach Access, while on Map 6, shows the subject area as 4 hours free parking.

Finding 9: The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan. The proposal aligns Goal 1.4 and no evidence has been found that it is not contrary to the applicable land use goals and objects of the Comprehensive Plan.

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

Analysis: No portion of the Community Design Manual applies in the Open Space Recreation Zoning District.

Finding 10: The Community Design Manual does not apply in the Open Space Recreation Zoning District.

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

1. Special yards and spaces: No specific conditions deemed necessary

2. Fences and walls: No specific conditions deemed necessary



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

Applicant

Name: City of Homer Telephone No.: 235-3170

Address: 3575 Heath St. Email: cmeyer@ci.homer.ak.us

Property Owner (if different than the applicant):

Name: City of Homer Telephone No.: 235-3170

Address: 491 E. Pioneer Ave Email: cmeyer@ci.homer.ak.us

PROPERTY INFORMATION:

Address: No Address Lot Size: 2.52 acres KPB Tax ID # 18103401

Legal Description of Property: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER
SPIT SUB AMENDED LOT 31

For staff use:

Date: 9/11/19 Fee submittal: Amount /
Received by: [Signature] Date application accepted as complete 9/11/19
Planning Commission Public Hearing Date: _____

Conditional Use Permit Application Requirements:

1. A Site Plan
2. Right of Way Access Plan
3. Parking Plan
4. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots. (Planning can provide a blank map for you to fill in).
5. Completed Application Form
6. Payment of application fee (nonrefundable)
7. Any other information required by code or staff, to review your project

Circle Your Zoning District

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	EEMU	BCWPD
Level 1 Site Plan	x	x	x			x			x			x
Level 1 ROW Access Plan	x	x							x			
Level 1 Site Development Standards	x	x										
Level 1 Lighting			x	x	x	x	x	x	x	x	x	
Level 2 Site Plan			x	x	x		x	x		x	x	
Level 2 ROW Access Plan			x	x	x		x	x		x	x	
Level 2 Site Development Standards			x*	x	x	x	x	x			x	
Level 3 Site Development Standards									x	x		
Level 3 ROW Access Plan						x						
DAP/SWP questionnaire					x	x	x	x			x	

Circle applicable permits. Planning staff will be glad to assist with these questions.

Y/N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: _____

Y/N Will your development trigger a Development Activity Plan?

Application Status: _____

Y/N Will your development trigger a Storm water Plan?

Application Status: **ADEC will be notified of our activities.**

Y/N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required.

Y/N Is your development in a floodplain? If yes, a Flood Development Permit is required.

Application Status: **Will be submitted soon**

Y/N Does your project trigger a Community Design Manual review?

If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>

Y/N Do you need a traffic impact analysis?

Y/N Are there any nonconforming uses or structures on the property?

Y/N Have they been formally accepted by the Homer Advisory Planning Commission?

Y/N Do you have a state or city driveway permit? Status: _____

Y/N Do you have active City water and sewer permits? Status: _____

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

Public Parking and Seafarers Memorial. Yes – the memorial. 314 sq. feet. Uses within the Memorial: public remembrance and community events.

2. What is the proposed use of the property? How do you intend to develop the property? (Attach additional sheet if needed. Provide as much information as possible).

Proposed use: provide additional parking on the Homer Spit (see attached five construction drawings). Work includes placement of fill material with Rip-Rap Armor rock at the face adjacent to Kachemak Bay. This project will be done in phases. In Phase 1, a front end loader will first be used to pick up large sections of the existing beach grass and set it aside for transplanting later in the project. We will then fill in the project area with dredged materials, approximately to the level of the highway. Materials will be compacted into place as the lot is built up. Once the area is built up to the correct elevation, the beach grass will be moved out to the seaward side of the fill and transplanted onto the bank to help stabilize the ground. Beach grass will also be transplanted onto the bank of the new lot next to the access trail for slope stabilization. In Phase 2, the surface will be paved with asphalt and five drainage outfalls will be constructed, daylighting just below elevation 23.4' (MLLW). Phase 2 will determine the amount and type of shoreline protection needed and will include the installation of riprap shoreline protection. Current plans also include an additional sea grass transition swale between the parking lot and the shoreline protection. There will be approximately 197 parking spaces with striping and parking bumpers. The number of parking spaces may be reduced contingent upon addition of 6 ADA parking spaces. The site plan will be amended to include ADA

parking. Phase 2 will complete the project which will include drainage, slope protection, paving, marking, and walkways.

(Note: There may be a period of time between Phase 1 and Phase 2. At the completion of Phase 1 if there is no funding available to move on to Phase 2, staff will work to sign and layout the newly created gravel space for public parking.)

CONDITIONAL USE INFORMATION: Please use additional sheets if necessary. HCC21.71.030

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

HCC 21.32.030 Conditional uses and structures. f. Parking areas

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

The proposed parking area is compatible with the zoning district as it will provide localized parking as well as allow direct access to a city park (Seafarer's Memorial), the beach, and nearby businesses. It is not assumed that the structure will negatively impact adjoining properties, or be out of harmony or proportion in relation to other nearby parking areas.

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

Increasing parking capacity in this area has the potential to increase economic activity which may have a positive effect on property values and increased sales tax generation from local businesses.

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

The Homer Spit has many parking lots that provide residents and visitors access to commercial, industrial and recreational areas. This parking lot will satisfy the need to provide more access for commercial and recreational purposes. Vessel owners using the harbor will benefit from improving the overcrowded parking conditions that exist in that area of the Spit from May to September. South side Kachemak Bay residents who use the Homer Spit will be positively impacted by the additional parking spaces in the vicinity of Ramps 1 through 3.

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

Yes.

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

Theoretically, the parking expansion will reduce existing parking issues. Also, a well-organized parking area with established ingress and egress points may reduce problems with traffic congestion as well as reduce the potential for vehicle/pedestrian conflict; improving safety overall. With the improvements, parked vehicles will no longer have to back directly onto the roadway/oncoming traffic of the Sterling Hwy (Homer Spit Rd), and an ADA pedestrian walkway will

provide a safe access to the adjacent recreational beach area. State traffic engineer has approved the parking access configuration for this project.

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

No.

- h. How does your project relate to the goals of the Comprehensive Plan?

HOMER SPIT COMPREHENSIVE PLAN 2011

Chapter 4: Land Use and Community Design

Goal 1.5 - Ensure that high demand seasonal uses are given priority

HOMER COMPREHENSIVE PLAN 2018

Chapter 7: Economic Vitality

Goal 5 - Strengthen Homer as a tourism destination.

Chapter 6: Facilities and Services

Goal 1 - Provide and improve city-operated facilities and services to meet the current needs of the community, anticipate growth, conserve energy, and keep pace with future demands.

Goal 2

Objective C - VISITOR SERVICES – Provide and sustain public services and facilities to serve visitors

- **2.2 improve traffic flow and safety on the Sterling Highway (Homer Spit Road)**
- **Limit number of access points to the Sterling Highway.**

- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? **(circle each answer)**

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

13. Y/N Special dimensional requirements such as lot area, setbacks, building height.
14. Y/N Other conditions deemed necessary to protect the interest of the community.

First and foremost, the special improvements of this project are made with an increase in safety for both pedestrians and vehicles in mind. The new parking lot layout provides controlled points of ingress and egress and removes the need for vehicles to back directly into the on-coming traffic of the Sterling Hwy when trying to exit a parking space. A 10' wide paved pedestrian corridor running down the middle of the parking lot allows connecting pedestrian access between local businesses and the adjacent park, eliminating the need for pedestrian foot traffic along the roadside. The planned 10' wide paved pedestrian corridor will also run alongside 6 new designated handicap spaces allowing people with limited mobility easier access to these same businesses and the public park. With the same public access and enjoyment in mind, an ADA compliant gravel trail will connect the parking area to the public beach recreation area. There is currently no nearby ADA compliant trail that provides access to the base of the natural swale where the beach level begins. The Homer Spit has spectacular vista views from the beach and everyone should have access to enjoy this valuable and beautiful public recreation area. Along this trail, in areas along the pedestrian path, and in the areas surrounding the parking lot, the natural beach grasses that were transplanted at the beginning of the project will be planted back into the landscape. The native beach grass is not only aesthetically pleasing, but has the added benefit of helping with hillslope integrity and preventing erosion. Also, because the native grasses are naturally occurring in the area, it is low maintenance in terms of landscaping when used ornamentally and will create a seamless blended border into the natural areas surrounding and around the project area.

We would like to recommend an additional special improvement of hydrodynamic separators during Phase 2 of the project. While the current Phase 1 gravel parking lot drainage plan lists dry manholes for overflow rainwater catchment, once the parking lot receives paving the natural filtration benefit provided by the soil will be limited. We feel it would be in the best interest of the area to install hydrodynamic separators as a replacement to the dry manhole rainwater collectors to prevent oils or other compounds from the parking lot being deposited through rainwater runoff onto the beach or enter into the marine environment.

PARKING

1. How many parking spaces are required for your development? **197**
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). **This plan complies.**
2. How many spaces are shown on your parking plan? **197**
3. Are you requesting any reductions? **No, see plans.**

Include a site plan, drawn to a scale of not less than 1" = 20' which shows existing and proposed structures, clearing, fill, vegetation and drainage.

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

CIRCLE ONE:

Owner of record

Lessee

Contract purchaser

Applicant signature: _____

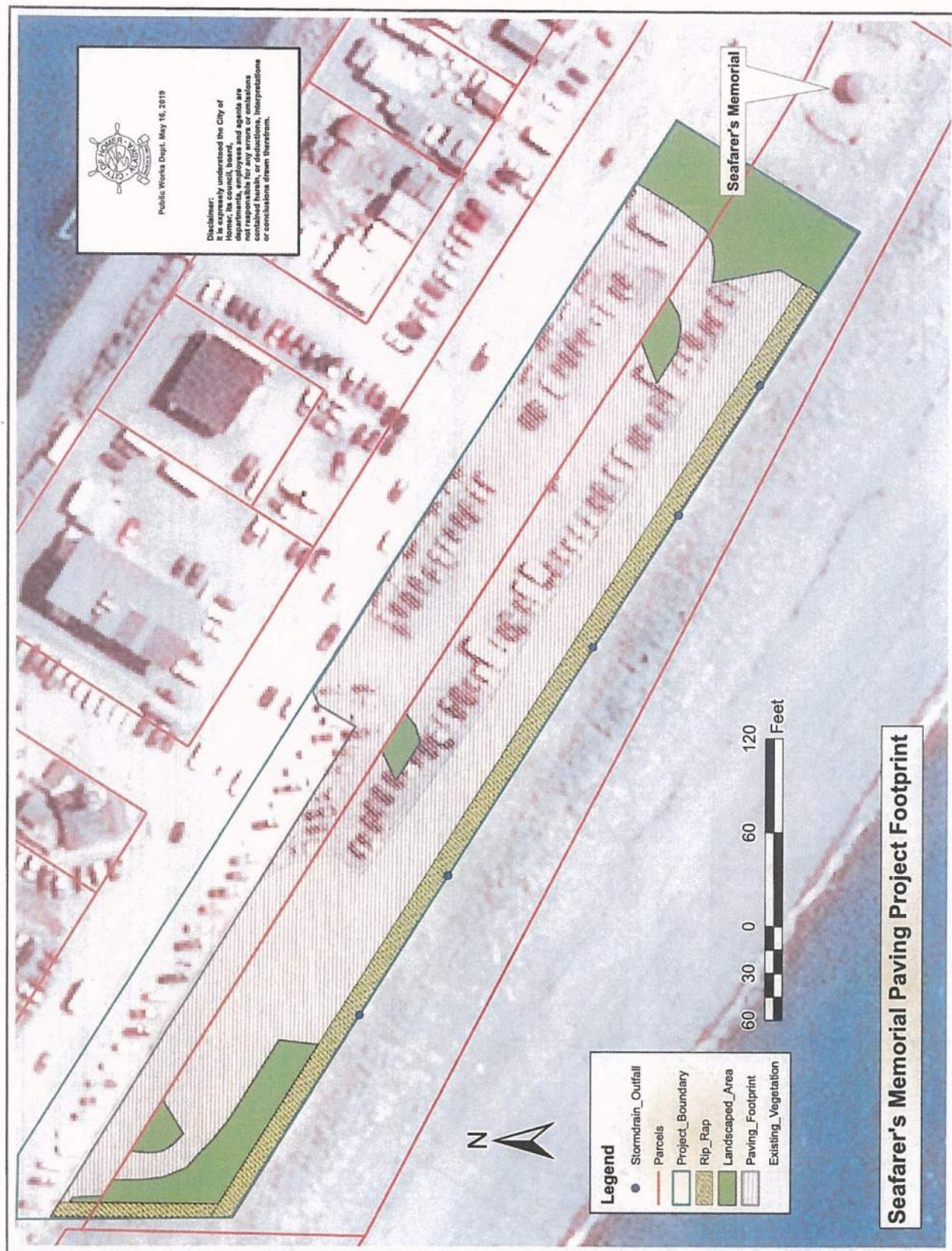
Carly Meyer

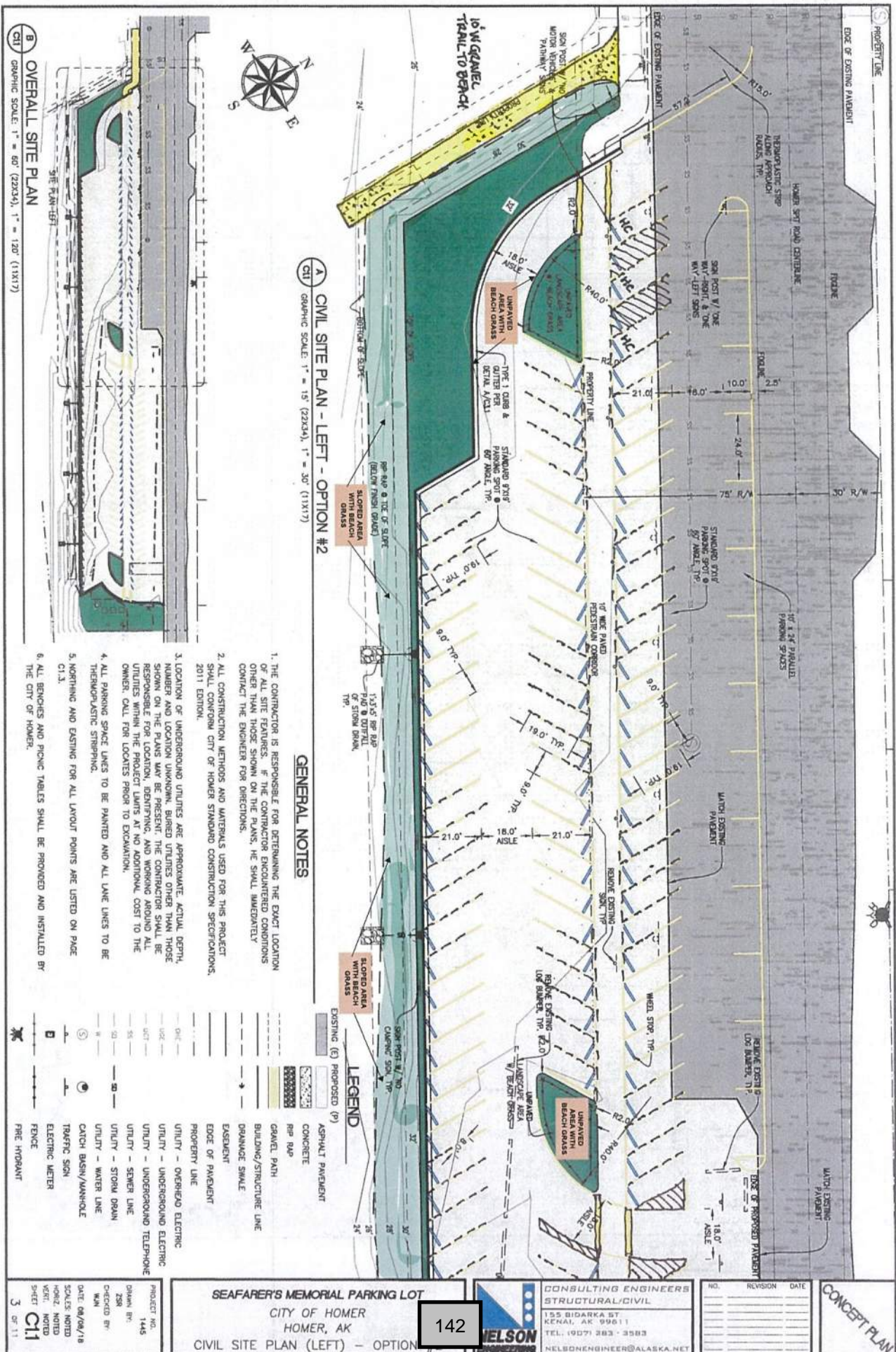
Date: *9/11/19*

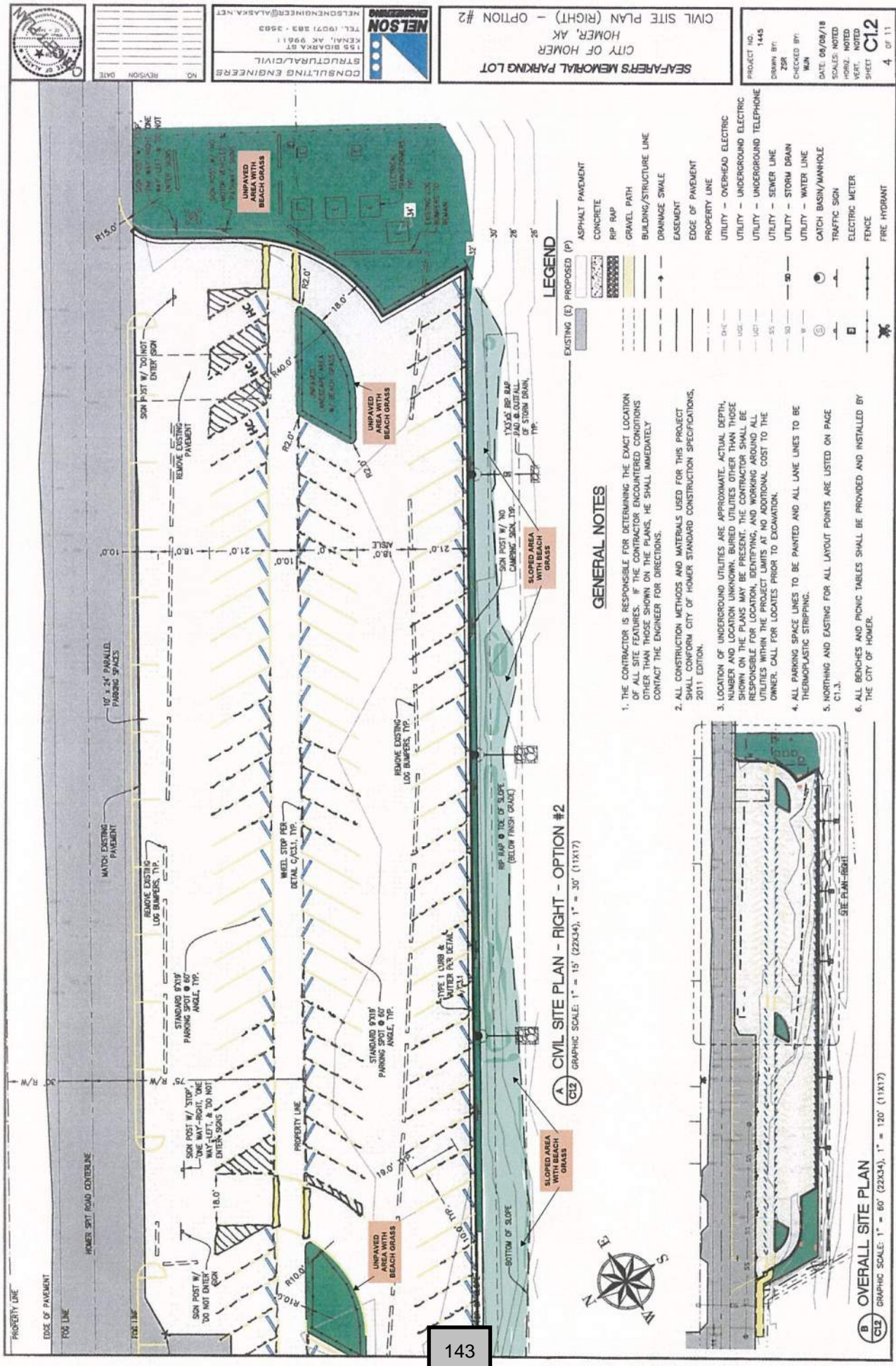
Property Owner's signature: _____

Kate Koester

Date: *9.11.19*







NO.	REVISION	DATE

NELSON ENGINEERING
CONSULTING ENGINEERS
155 BROADWAY
KENAI, AK 99501
TEL: (907) 383-3583
NELSONENGINEERING@ALASKA.NET

SEAFARER'S MEMORIAL PARKING LOT
CITY OF HOMER, AK
CIVIL SITE PLAN (RIGHT) - OPTION #2

PROJECT NO. 1445
DRAWN BY: ZSR
CHECKED BY: NUN
DATE: 09/08/18
SCALE: NOTED
HORIZ. NOTED
VERT. NOTED
SHEET C12
4 OF 11

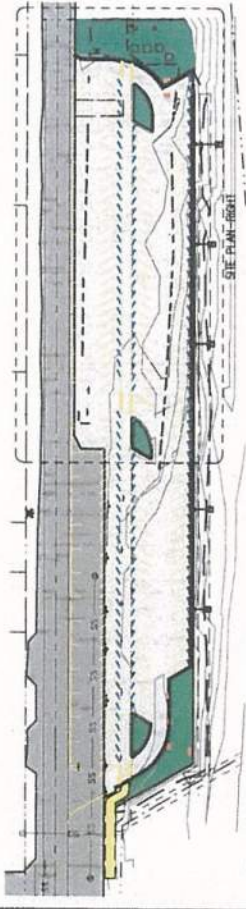
LEGEND

EXISTING (E)	PROPOSED (P)
	ASPHALT PAVEMENT
	CONCRETE
	RIP RAP
	GRAVEL PATH
	BUILDING/STRUCTURE LINE
	DRAINAGE SWALE
	EASEMENT
	EDGE OF PAVEMENT
	PROPERTY LINE
	UTILITY - OVERHEAD ELECTRIC
	UTILITY - UNDERGROUND ELECTRIC
	UTILITY - SEWER LINE
	UTILITY - STORM DRAIN
	UTILITY - WATER LINE
	CATCH BASIN/MANHOLE
	TRAFFIC SIGN
	ELECTRIC METER
	FENCE
	FIRE HYDRANT

GENERAL NOTES

1. THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE EXACT LOCATION OF ALL SITE FEATURES. IF THE CONTRACTOR ENCOUNTERS CONDITIONS OTHER THAN THOSE SHOWN ON THE PLANS, HE SHALL IMMEDIATELY CONTACT THE ENGINEER FOR DIRECTIONS.
2. ALL CONSTRUCTION METHODS AND MATERIALS USED FOR THIS PROJECT SHALL CONFORM TO CITY OF HOMER STANDARD CONSTRUCTION SPECIFICATIONS, 2011 EDITION.
3. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE. ACTUAL DEPTH, NUMBER AND LOCATION UNKNOWN. BURIED UTILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATION, IDENTIFYING, AND WORKING AROUND ALL UTILITIES WITHIN THE PROJECT LIMITS AT NO ADDITIONAL COST TO THE OWNER. CALL FOR LOCATES PRIOR TO EXCAVATION.
4. ALL PARKING SPACE LINES TO BE PAINTED AND ALL LANE LINES TO BE THERMOPLASTIC STRIPPING.
5. NORTHING AND EASTING FOR ALL LAYOUT POINTS ARE LISTED ON PAGE C1.3.
6. ALL BENCHES AND PIVOT TABLES SHALL BE PROVIDED AND INSTALLED BY THE CITY OF HOMER.

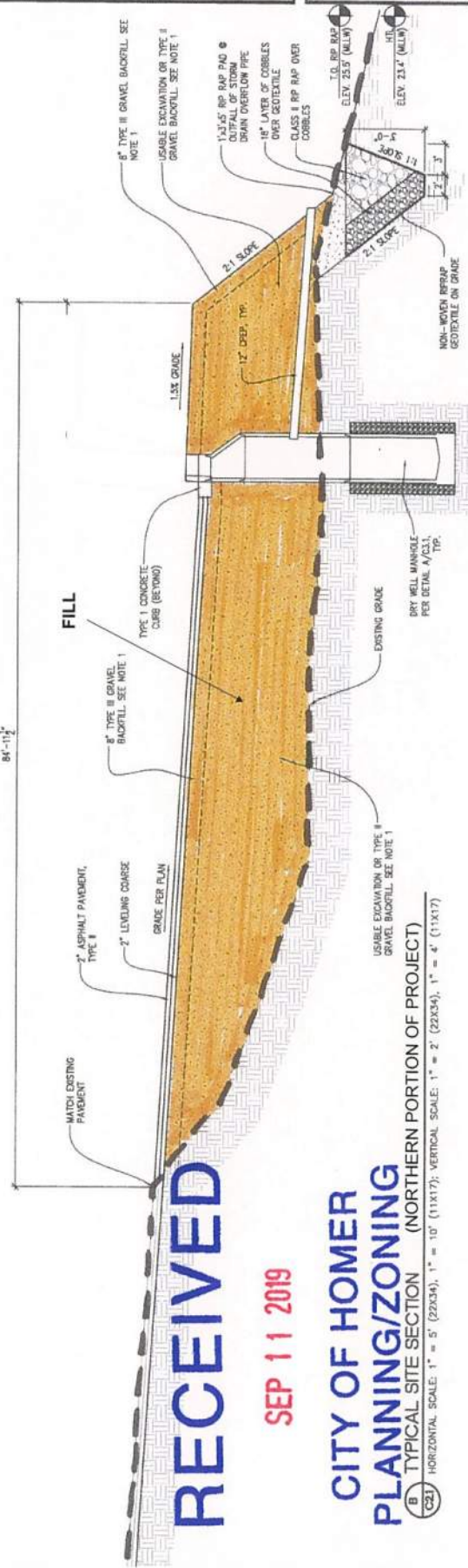
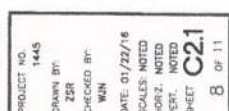
A CIVIL SITE PLAN - RIGHT - OPTION #2
GRAPHIC SCALE: 1" = 15' (22X34), 1" = 30' (11X17)



B OVERALL SITE PLAN
GRAPHIC SCALE: 1" = 60' (22X34), 1" = 120' (11X17)



Aerial Overview



B TYPICAL SITE SECTION (NORTHERN PORTION OF PROJECT)

Grading and drainage plan

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, October 2, 2019 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

A request for Conditional Use Permit (CUP) 19-07 to expand the parking area adjacent to the Seafarer's Memorial Park on Homer Spit Road from approximately 120 spaces to approximately 197 spaces. A CUP is required for parking areas according to Homer City Code 21.32.030(f). The subject parcel is lot 31 Homer Spit Amended, T. 7 S., R. 13 W., SEC. 1, S.M. HM 0890034.

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

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

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 700 FEET OF PROPERTY. THE NOTICE AREA HAS BEEN EXPANDED BEYOND THE REQUIRED 300 FEET IN ORDER TO REACH MORE BUSINESSES AND PROPERTY OWNERS

.....

VICINITY MAP ON REVERSE

Vicinity Map

City Limits

Boat Harbor

Ice Dock Rd

Fish Dock Rd

Ramp 3

Ramp 2

Homer Spit Road

Seafarer's Memorial Park.
Proposed project would expand the
parking lot.

Kachemak Bay



City of Homer
Planning and Zoning Department

9/18/2019

Request for CUP 19-07 Seafarer's Memorial Park Parking Lot Expansion

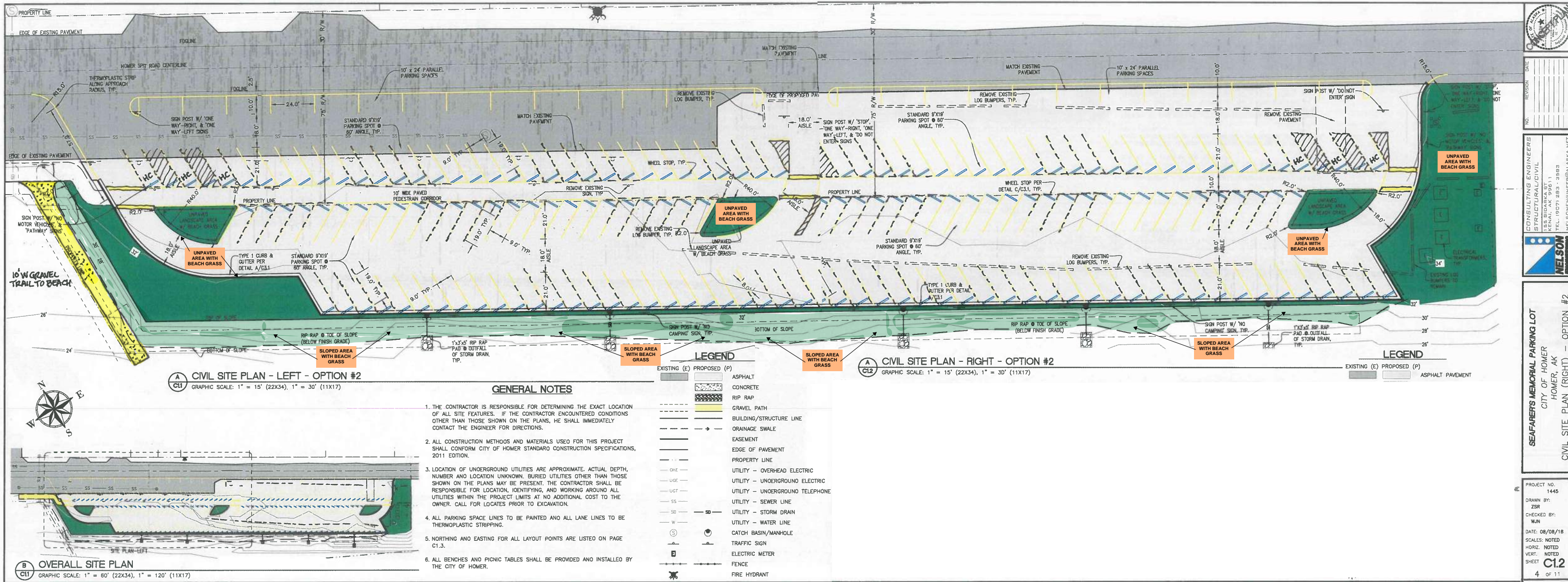
Marked lots are w/in 700 feet
and property owners notified.

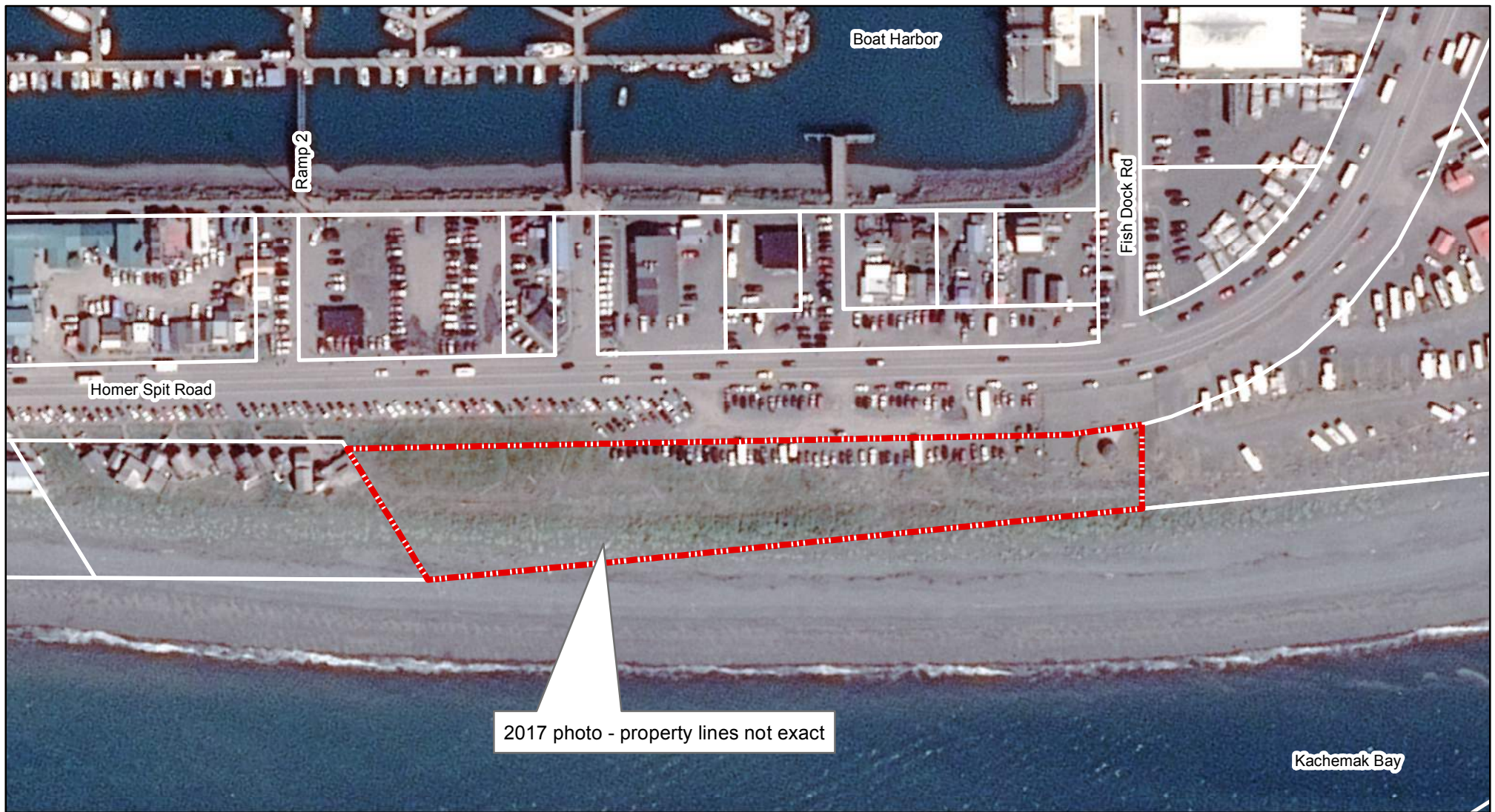
0 250 500 1,000 Feet

148



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





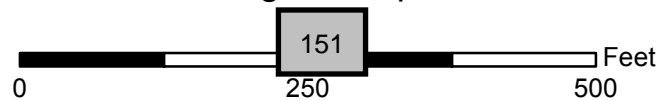
Aerial Map



City of Homer
Planning and Zoning Department

9/18/2019

Request for CUP 19-07 Seafarer's Memorial Park Parking Lot Expansion



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contained herein, or deductions, interpretations
or conclusions drawn therefrom.*

HOMER SMALL BOAT HARBOR

Parcel "A" 6(f)(3) Boundary Area Legal Description:

Beginning at the west corner of Lot 28-A, Homer Spit Amended, as shown on Plat # 2017-32, recorded at the Homer Recording District, Alaska; thence 60 feet, N 31° 12' 41" E along the northwest property line of said Lot 28-A, thence leaving said northwest property line S 59° 30' 58" E, a distance of 75'; thence 60 feet, S 31° 12' 41" W to the southwest property line of said Lot 28-A, thence N 59° 30' 58" W, along the southwest property line of said Lot 28-A a distance of 75 feet to the point of beginning; containing 4,500 square feet, more or less.

CONCURRENCE:

Rich Ahlberg ACM

Katie Koester
City Manager
City of Homer, Alaska

PARCEL "A"

Lot 28-A

Lot 27

PARCEL "B"

20 ft

Lot 31

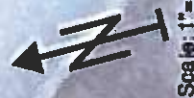
STERLING HIGHWAY

FISH DOCK ROAD

Lot 50

PARCEL "C"

CITY OF HOMER TIDELANDS



Scale: 1" = 200'

Parcel "B" 6(f)(3) Boundary Area Legal Description:

The northwestern twenty feet (20') of Lot 31, Homer Spit Amended, as shown on KPB Plat #89-34, recorded in the Homer Recording District Alaska, T6S, R13W, S1, Seward Meridian; being a strip of land twenty feet wide, immediately adjacent and parallel to the northwest property line, and also being immediately adjacent to Lot 27; containing 3,595 square feet, more or less.

Parcel "C" 6(f)(3) Boundary Area Legal Description:

Beginning at the west corner of Lot 31, Homer Spit Amended, as shown on KPB Plat #89-34, recorded in the Homer Recording District Alaska, T6S, R13W, S1, Seward Meridian; thence along the southwestern boundary of said Lot 31, 296.69', S 63° 54' 10" E; thence 545.92', S 64° 09' 06" E; thence leaving said Lot 31 boundary and along the southwest boundary of Lot 50, 625.71', S 64° 09' 06" E, to the south corner of said Lot 50, thence 250', S 25° 50' 54" W; thence parallel to the southwest property line of said Lot 50, N 64° 09' 06" W, thence parallel to the southwest boundary of said Lot 31, 545.92', N 64° 09' 06" W, thence 296.69', N 64° 09' 06" W, thence 250', N 25° 50' 54" E to the point of beginning; containing 367,080 square feet, more or less.

DIRECTOR'S LINE - TIDELAND BOUNDARY

Map 5: FUTURE LAND USE CONCEPT ENLARGEMENT



Map 6: FUTURE PARKING CONCEPT



Motion carried.

B. Staff Report 19-85, Conditional Use Permit 19-07 to allow a parking lot expansion adjacent to the Seafarer's Memorial Park on Homer Spit Road Chair Venuti introduced the item into the record by reading of the title.

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

Deputy City Planner Engebretsen provided a summary of the Staff Report 19-85, description of the intended project and used the overhead monitor to display larger diagrams for visual assistance. She noted staff recommended approval with the three conditions noted in the report.

Chair Venuti requested declaration of any ex-parte discussion or conflict of interest regarding this matter which would include emails, conversations or discussion between Commissioners, Staff, and or the public.

Commissioner Davis declared with the narrative that he had ex parte discussion that he was a new Commissioner and his understanding of the regulation as it was written. He reported that he emailed the City Planner and the Chair a number of times asking questions and expressing opinions and that he spoke to his neighbor asking if she was aware of the this action before the Commission tonight and she expressed the opinion that it would be a shame to pave over those grassy areas.

Commissioner Davis expressed that he believed he could render an impartial decision on this matter.

Chair Venuti inquired if the Commission believed Commissioner Davis was in Conflict with this issue.

City Planner Abboud responding to Commissioner Highland's question regarding CUP process, that Commissioner Davis included Chair Venuti on the emails. Chair Venuti did not respond to any of the emails he received regarding material issues and some procedural questions. City Planner Abboud reported that he reminded Commissioner Davis that they are a quasi-judicial body and as such that any communicated on the subject must be communicated in the open so the applicant and public can rebut or comment on it as well.

City Planner Abboud then responded to Commissioner Rubalcava on the issue of speaking to someone on a CUP and what context that they could speak to someone by stating that the Commissioner's could tell a person at the first opportunity that their question or comment was a good one and that they should attend the meeting or submit it in writing to the Planning Dept for the meeting. They should also declare the content of the discussion similar to tonight and then the Commission can make a motion to declare if there is a conflict or not.

Commissioner Davis commented that he will in the future direct people to attend the meeting or submit their views during the meeting but questioned if it was appropriate for him to tell someone about the notice in the paper about the hearing on the subject.

City Planner Abboud responded that advising someone about the opportunity of the Public Hearing on a subject matter is allowed but not to go into extensive discussion on the matter and hopefully the person they were speaking with would understand that to.

Carey Meyer, Public Works Director, representing the applicant and stating that he will do his best to represent the Harbormaster in answering questions the Commission may have during their deliberations.

Chair Venuti opened the Public Hearing.

Kevin Walker, non-resident, Please do not pave paradise to put up a parking lot. He stated that it may not look like paradise but it is the only public space left on the spit. Putting in 88 and whatever more parking spaces will draw in more people and more cars which means more traffic, more pollution which leads to global warming, leads to warm water, means fish won't come back, which means that there won't be commercial fishing, sports fishing, it's all kind of out there but they are the Planning Commission and they need to start planning for long range future. He wishes that there were kids here like at a recent event on global warming and he is concerned for the long range future. There are people walking back and forth across the road and they are wanting to add 88 more cars out there. They could do coupons, get trolleys as alternatives and asked the Commission to be productive and not pave the last open space on the spit.

Nancy Hillstrand, resident, commented that there are not a lot of people here because they do not understand what is going on and that is erosion. She advocated for the creation of a park, not a parking lot, she requested a delay in the decision regarding the project. She cited the Green Infrastructure movement and work that has been done to control erosion issues in states in the south. The availability of literature on resiliency of coastal erosion that was just released, a 2016 Corps of Engineers report includes addressing Green Infrastructure. The City of Homer is behind on this and needs to adjust. This area is the last vestige where one can view what the spit looked like. She read a brief excerpt from the article regarding resiliency of coastal erosion, *"Transdisciplinary Collaboration to Enhance Coastal Resilience Envisioning a National Community Modeling Initiative. An interdisciplinary, collaborative program is needed to facilitate predictions of the inter-connected factors that will impact coastal systems and the resilience of coastal communities over the next few decades."* She stated that they were in trouble and cannot act like they did 10 years ago and cannot make arbitrary decisions based on little knowledge and requested again that the Commission delay acting on this.

Adele Person, city resident and south side resident in Halibut Cove during the summer. She understood that parking can be a problem in the summer but questioned the need for more parking for the approximate 6 weeks that it may be needed during the summer. She noted that

Alaskans have no spatial awareness as there is 20-40% fail rate as vehicles are parked with 7-8 feet between vehicles. Ms. Person commented that she could park her old Subaru in those spaces. She commended the staff in the Planning and Harbor departments for the work they do to improve the Spit. Ms. Person referred to the parking available at the new Boathouse pavilion, and the area by the Little Mermaid the lot is huge and believed there to be a 30% waste there. Ms. Person recommended reviewing what space is already used before they create new parking. She understands that July is intense, but when people say there is no parking available that just means that there is nothing available three feet from the business that they want to go to. There is the wonderful pedestrian infrastructure that can take them to any business they want to go. She does not enjoy paying for parking but when you charge for parking they always have accessibility. If you build something for free you only get more. Ms. Person provided a personal experience living in Houston Texas where they have widen the roads and traffic only increased.

Miranda Weiss, city resident and writer, a couple of years ago she wrote a column regarding the spit and various happenings out there. The Spit is a wacky mashup of industrial, wild, cute, practical, junky and gentrified. She is also a recreational boat owner. This past summer they spent quite a bit of time on the spit and were always able to find parking available. She noted that the Commission's job is a big one and they do not need her telling them that their job is nothing short of envisioning the type of community that they want to have; she hopes that that is the lens that they view this through. Ms. Weiss stated that she has done some research on parking and what she found is that every community has a desire for more parking but never is the answer, more parking, let alone free parking. She has previously worked with the Harbormaster and Public Works Director on the Boathouse Pavilion and helped determined the highest best use for the area where the former Harbormaster's Office was located was not for 12 empty parked cars it was for people and advocated the same for the grassy dune area in question. She further encouraged the Commission to postpone any action on this, take the time to gather data, study the alternatives that were provided and really think hard on ways to be proactive in making a decision on this issue.

Heath Smith, city resident, when looking at the spit, you can see the transformation over time and the increase in the size of the harbor. This is a self-perpetuated problem. The City has a long term vision to have a large vessel harbor. This will increase the number of cars that will need to be on the spit. Mr. Smith stated that he travels to the Harbor on his delivery route every day and views the increased use and need of the harbor. There is a 100-125 feet of grassland that people have started to park on their own, yes you may be able to find a spot but people are making their own parking too. He acknowledged the need for organized parking. They need to remember the growth that has happened and the planned growth for the harbor. We can say we have enough but it is obvious the need has grown.

Marianne Aplin, city resident, stated she cares a lot about spit and spends lots of time there and sending visitors also and in her 15 years here in Homer she would really hate to see one of the last natural areas paved over and echoed many of the sentiments expressed here tonight.

Chair Venuti Closed the Public Hearing and opened the floor to rebuttal by Applicant and Staff.

Deputy City Planner Engebretsen rebutted that the project would provide increased safety and additional parking in an area that is heavily visited. She acknowledged that there is a need for a larger parking discussion. That is outside of the Commission's consideration for this action before them. There was discussion on this being a paid parking but that is a policy issue which is not under consideration with this application.

Chair Venuti opened the floor to questions from Commission.

Questions presented by the Commission to Deputy City Planner Engebretsen and Public Works Director Meyer and their responses related to the following:

- How is building a new parking area is not contrary to the Spit Comprehensive Plan long term goal 1.5 to reduce the footprint and lessen the visual impact.

Deputy City Planner Engebretsen responded that it was a component of that but if your overall goal for the whole Spit is less parking or better parking and screening that is one thing but whether each individual project is going to meet that, for example the Boathouse parking does not meet that, and would be part of that larger parking conversation on managing the parking and landscaping on such projects, she did not apply the literal interpretation to this project and then referenced the phased approach used on the project.

Deputy City Planner Engebretsen responded that the 2011 Spit Comprehensive Plan contained the parking study and the plan should have been distributed to all new Commissioners. She did note that Staff has discussed a review and update to the Spit Comprehensive Plan. Ms. Engebretsen commented that when the study was conducted the Seldovia Ferry and the Harbormasters Office was not there and it covered the area from the Pier One Theater south on the western side.

- Rip Rap placement in Phase 1 and Phase 2 of the project

Deputy City Planner Engebretsen explained that there would be rip rap placement in Phase 1 and noted that paving may never happen with the exception of the ADA parking spaces.

- Consideration of suggestions submitted by the public

Deputy City Planner Engebretsen responded that she reviewed the application based on the proposal submitted. The City has the Capital Improvement Plan process and does not have a Public Design process in place.

Public Works Director Meyer added that this is the public venue where a project may be vetted by the public to encourage changes or to not do the project at all. He provided explanation on the process to present a design for a project. He did clarify that the parking would be a paid parking lot to pay for the improvements. He also reminded the Commission that tourism is the

city tax base and while there has been no official study it is clear that a significant number of people come to the Spit and leave because they cannot find a parking space that suits their requirements.

- Input was desired by Harbormaster Hawkins on the necessity of the additional parking and the substantiation of numbers on the people who have left the Spit due to lack of parking.

Public Works Director Meyer speaking on behalf of Harbormaster Hawkins noted that the Harbormaster could probably explain it better and provide some examples that support the need for the additional parking.

- The status of the existing angled parking along the road in the area of the proposed project.

Deputy City Planner Engebretsen explained that the angled parking in the D.O.T. right of way would go away and those spaces would be incorporated into the new extended parking lot.

- What type of fill materials would be used and why the parking lot would have to be paved.

Deputy City Planner Engebretsen responded that the fill materials used would be the dredge spoils capped with gravel.

Public Works Director Meyer responded that the parking lot did not require paving but since people could not parking efficiently without striping they would lose the 30% efficiency by paving the parking lot. Where this has been done the efficiency of parking goes way up.

Chair Venuti recounted anecdotal story of a proposal to put a gate at the base of the spit and charging an entrance fee.

A brief discussion ensued on the availability of parking and people just have to walk, personal experiences with parking on the Spit, the desire to preserve the natural beauty of the area and getting input from the Harbormaster on the necessity for more parking.

- Is the area or grassland in question part of the original spit or has it built up over time.

Deputy City Planner Engebretsen responded that if the Commission postpones the topic to the next meeting staff can provide a pictorial history of the area of the proposed project for review.

- Concern that placing rip rap wall at a right angle would be detrimental to the transference of the sediment

Deputy City Planner Engebretsen and Public Works Director Meyer provided clarification on the placement of rip rap to protect the toe of the slope and that the area in question is recognized as a velocity energy zone, and tides can reach quite high.

Public Works Director Meyer explained that this project has been presented to the Port & Harbor Commission and Council has approved design monies for the project. This project has not been submitted to the Corps of Engineers yet.

There was a brief discussion on process.

HIGHLAND/DAVIS MOVED TO POSTPONE THIS ITEM CONDITIONAL USE PERMIT 19-07 UNTIL THE REGULAR MEETING ON NOVEMBER 6, 2019.

There was a discussion on the additional informational for photo history or aerials on the project area in question for the existing grassy areas, description on how the project relates to the goals of the Spit Comprehensive Plan in relation to the specifically addressing the issues of ecosystems services and maintaining the value of the property in its natural functions and the safety it provides to that property and neighboring properties; Current photos or aerials of the project were also requested and if not available, attendance by Harbormaster Hawkins, clarification on where the grass and plants that will be removed from the project site will be put/stored.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

A. Staff Report 19-82 AA Mattox Aplin 2019 Replat Preliminary Plat

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

Commissioner Highland requested a short recess.

Chair Venuti called for a recess at 7:58 p.m. The meeting was called back to order at 8:05 p.m.

City Planner Abboud provided a summary of Staff Report 19-82 for the Commission.

Applicants Marianne Aplin and Tony Neal explained the reason for the plat was to add a buffer to the back of Ms. Aplin home since Mr. Neal was developing the properties along Nelson Avenue.

Chair Venuti opened the Public Hearing; seeing no public present he closed the Public Hearing and opened the floor to questions from the Commission.



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Staff Report PL 19-94

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: November 6, 2019
SUBJECT: Sign code update

Introduction

Staff has refined the ideas presented at the last meeting. Please ask any questions or recommend changes. When the Commission is done with discussing this staff report, the next step is for staff/attorney to prepare an ordinance for public hearing.

Analysis

There are five areas of code this staff report addresses

1. Creates an allowance for a parking lot identification sign. Code already allows for "entrance" or regulatory signage, but does not allow for business identification.
2. Additional freestanding sign for parcels with more than one access street.
3. Additional sign allowance for multitenant, multiple street access buildings (corner lots)
4. Additional sign allowance for split level buildings and buildings two or more businesses deep
5. Creation of an Optional Master Sign Permit Plan

Parking lot and freestanding signs

Staff note: staff recommends adding only one of these to city code. Parking lot identification would increase ease of wayfinding in our community. Additional freestanding signs could increase sign clutter and may not be effective business signage. Staff recommends allowing parking lot signage

1. Parking Lot Identification Signage

Concept: One directional parking lot identification sign may be erected without a sign permit if restricted to identifying a parking lot with its owner, operator, or name of the business providing the lot. The sign may include the logo, corporate colors or name of the business but no advertising other than the name of the business shall be included. The total sign area shall not exceed six square feet and shall not exceed a sign height of six feet.

Staff Recommendation 1: Move to amend the sign code to include allowance for one parking lot identification sign per parcel.

2. Additional Freestanding sign

Concept: Each multiple-tenant building is permitted one freestanding sign on each street on which it adjoins and has access. Such signs shall be at least 75 feet apart, measured in a straight line from the base of the sign.

Staff Recommendation 2: Do not add this to city code. There are very few locations that would meet the separation requirement. A parking lot identification sign would be a less visually obtrusive, and still enhance wayfinding for drivers.

3. Multiple-Tenant Buildings which adjoin and have which have more than one entrance for clients that access more than one improved street.

Concept: Allow for additional signage above 150 square feet per building, in the above conditions.

- A.** Secondary and tertiary entrances must be commonly used by clients and must access the interior of the building and conversely the entrance must access a parking lot, sidewalk or road. These entrances are approved at the sole direction of the planning department. Alleys, stairways to upper levels, Emergency Exits likely do not apply.
- B.** Additional signage is allowed based $\frac{1}{2}$ the allowance on Table 2 part B to existing per secondary or tertiary street wall frontage. Signage must be placed on the wall face of the building the allowance was based on.

Example: a building with 200 x 12 feet [greater than 750] of wall frontage on a main road are allotted 150 square feet of sign space. With two other public accesses of secondary and tertiary frontage measuring 80 feet by 20 feet [greater than 750] on the east side of the building and 80 feet by 20 feet [greater than 750] on the west side of the building.

- 2400 square feet = 150 square feet original signage
- East side 1600 square feet = secondary allotment $150 \text{ sq feet} / 2 = 75 \text{ square feet}$
- West side 1600 square feet = tertiary allotment $150 \text{ sq feet} / 2 = 75 \text{ square feet}$
- Total of 300 square feet of signage approved.

Staff Recommendation 3: Move to amend the sign code to include allowance for additional signage on secondary or tertiary building walls.

- 4.** Additional sign allowance for multitenant split level buildings and buildings two or more businesses deep

Concept: Allowance for additional signage for multitenant buildings that have more than one entrance for clients, where the building is split level or two or more businesses deep.

- In a building that has one frontage, which is the only frontage that has access to a public street, and is split level or is more than one business in depth – the owner may apply for additional signage if #3 above does not provide additional signage. (Staff note: a parcel can only get additional signage by one method - i.e. more than one access, multi-story, or interior tenants. Will work out details of technical language with the attorney.)
- Additional signage is allowed based on ½ the allowance of Table 2 Part B.

EDC Example: If the building is split level, then the larger of the two levels will be applied to the original allotment and smaller level will be assigned additional sign square footage based on a calculation of the surface area of the smaller level divided by two. Such as if 150 square foot would be allotted for the largest level, then 75 square feet is added to the original allotment for a total of 225 square feet of signage.

Staff comment: This is too specific, and there may be unintended consequences. In cases where the upper story has more wall face due to the peak of a roof, the signage could appear ‘top heavy’ on the structure. Further, some of the signage might be used on another side of the structure. The simplest way to administer this code change would be to grant the additional sign allowance and let the building owner determine how and where it will be used among the tenants. Homer has only a few buildings that would use this additional signage allowance.

- If the building is more than one business deep, and at least two businesses are not represented by the frontage calculation, then ½ of the original frontage calculation will be applied to the original frontage allotment. Therefore, if the original frontage gained the building 150 square feet of signage – 75 square feet would be added for a total of 225 square feet.

Staff comment: Very few structures in Homer would qualify for this allowance (ie interior tenants). Most multitenant buildings with interior spaces have more than one story, or are on a corner lot, and would use one of those methods for additional signage. But it is a good idea to include in code as this situation could occur.

Staff Recommendation 4: Move to amend the sign code to allow additional signage for multitenant split level buildings and buildings two or more businesses deep

5. Creation of an Optional Master Sign Permit Plan

Concept: Create a mechanism in code for an optional permanent approval of multitenant building signage. This would be an approval of the overall area of signage,

and allow a land lord to assign each unit wall and freestanding signage area and location. When a new tenant comes in to learn about sign regulations, planning staff would provide the master permit information on how much and the location of their approved signage. No new sign permit application, signed by the land owner, would be required. The tenant can then move forward with sign plans that fit within the already approved parameters. Staff would not review the proposed new signage, unless requested by the tenant.

If another building tenant is out of compliance, staff and the land lord can work on that violation independently of other tenants. Ideally the sign information would also be included in lease documents so tenants would know up front when they enter into a lease agreement.

This amendment would require staff and landlord effort to set up for a building, but should save staff and businesses time in the long term. Several multitenant buildings have frequent tenant changes, such as the Hillas building, and it would be much easier to administer the sign code with a master permit.

Staff Recommendation 5: Move to amend the sign code to create a code provision for an optional master sign permit plan

Conclusion

Staff recommends the Commission review and discuss items 1-5, and make recommendations accordingly. Staff does not recommend applying an additional freestanding sign on a lot (#2).

Move to amend the sign code to:

1. Include an allowance for one parking lot identification sign per parcel.
2. *(excluded)*
3. Include an allowance for additional signage on secondary or tertiary building walls.
4. Allow additional signage for multitenant split level buildings and buildings two or more businesses deep
5. Create a code provision for an optional master sign permit plan



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Memorandum

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: October 22, 2019
SUBJECT: City Manager's Report

Travel Report: International City Manager Association Conference

I am writing this report in Nashville at the tail end of an engaging, whirlwind International City Manager Association conference. It has been an exhausting but satisfying week of networking, learning, and reflecting and I am excited to head back and implement everything I am learning. I would like to take the opportunity to share a few highlights with you so you understand the value of sending me to these professional development opportunities.

A theme of the conference was how to be your best self professionally, whether that means self-care, finding your purpose, or cultivating your passion. One speaker discussed micro-resilience strategies (small seconds, long breaks) to refocus your attention; for example, focusing on your pinky toe to bring you back to the present moment. During a breakout session with Keynote speaker Bonnie Saint John, we worked on how to hone in our sense of purpose to bring vision and energy into the work day. I have included her inspirational worksession exercise as I feel many of you will find interest in this material. It is my goal to incorporate a couple of these types of exercises with my leadership team as a way to go beyond the to-do lists and remember why we serve this great community. A keynote speaker from the tech industry spoke on how important it is to fail and learn from your failures – a concept that is hard for risk-adverse city managers to come to terms with.

I sought out opportunities to learn about improving communication with Council, which is a cornerstone of good government. I got great insight on strategic planning and visioning with Council and templates on onboarding new Councilmembers, and how to facilitate Council communication with departments. One theme that came up repeatedly was the importance of all Councilmembers having the same set of information. If one member asks a question, it is likely other members have the same curiosity so it is important to share the answers with everyone so all decision makers get the information they need to make good decisions. I will be working on incorporating these strategies and am excited about the timing with the upcoming Council retreat in January.

Equity and inclusion have been themes of ICMA conferences for some time and breakout sessions worked on ways to not only invite new voices to the table but make sure their voices are heard. Various speakers talked about how all of us possess diversity in multiple ways and how to cultivate diverse perspectives from the team you work with (City Council or staff) to be more effective.

Specific worksession topics I attended included managing chaos; how we are living in an era where technological advancement will change society to the scale of the industrial revolution and how that shapes the perspective of our constituents and the future of our communities; unlocking blockchain; helping your bo

off to a good start; avoiding career killers; how to be family friendly in the workplace; cultivating your purpose; creating value in government budgets by deeply analyzing operations and the front line; bringing the heart and mind together in your work; and non-cash employee benefits. Whew! If Councilmembers have questions on any of these topics, I welcome the opportunity to share and reflect on what I have learned.

Thank you again for this amazing opportunity be inspired and motivated.

Visit with Governor Dunleavy

Mayor Castner, Port and Harbor Advisory Commission Chair Zimmerman, and I met with Governor Dunleavy on Thursday, October 17 when he was visiting Homer. We took our 15 minutes to update the Governor on the Large Vessel Harbor Expansion project and asked him to support the Department of Transportation partnering with the City as a non-federal sponsor in the General Investigation Study with the Army Corps-- a \$250,000 per year, 3 year commitment. The Corps has put a request to fund their share of the General Investigation study in their 2020 and 2021 work plan (which means we could get notice of funding as early as February 2020). The study requires a 50% nonfederal match (\$1.5m over 3 years). In the past, this project and associated costs have been shared by the state – a great and appropriate partner for a regional and statewide transportation project like the Large Vessel Harbor Expansion. The Governor was very receptive to the project and overall was engaged, inquiring about the City’s interest in public private partnerships. We responded that the City is open to partnerships and acknowledged their importance with a project of this scale, keeping in mind that the details matter.

Application to Amend Certificate of Public Convenience Regarding Swell LLC Submitted

The application to the RCA for amending the City’s certificate of public convenience to also service the Swell LLC property water has been submitted. The application is available online here under Docket U-19-092 (you can also use the tracking number TR1905587):

<http://rca.alaska.gov/RCAWeb/Filings/FilingDetails.aspx?id=53ddb93c-783d-41b5-bd67-d4ae811c83dd>

The RCA provided the following information in regards to the application’s timeline:

“Commission’s determination of completeness: 11/8/19

Public Comment period closed: 11/14/19

Notice of intent to compete for service area due: 11/23/19

Competing Applications (if applicable) due: 1/22/19

Please note that these dates have not been finalized and are subject to change based on the publication date of the notice. If the application is found to be complete by 11/8/19, the Commission will issue its decision on the matter no later than 180 days from the date the complete application was filed (see AS 42.05.175(a)(2)). All other timelines regarding Commission actions/decisions will be detailed in subsequent Commission Orders within the docket. Although this proceeding will not likely require the entire statutory timeline permitted, Staff cannot share such details with the applicant while the docket is under deliberation.”

Erosion Control on the Homer Spit – Next step with the Army Corps

The City of Homer has requested that the Army Corps of Engineers (ACOE), the Alaska Department of Transportation (DOT), and the City work in a cooperative effort to develop and implement a long term maintenance plan to mitigate and stabilize erosion conditions on the Homer Spit. In May of 2019, Homer City staff, the AK DOT’s Chief of Planning, the Soldotna M&O Superintendent, USACE Operations Branch Chief and staff from Civil Works, Environmental Resources, Hydrology and Hydrology departments, and representat

from Alaska Legislative offices all met for a joint worksession to discuss the recent and long term erosion on the Homer Spit. Past research work on Homer Spit erosion was reviewed, and short term items such as survey analysis, grain size analysis, and use of dredged materials were discussed. Long term options in the areas of protection and beach nourishment were also explored and each member of the group discussed their possible authorities and limitations within the scope of these ideas to develop a cohesive long term approach. During this discussion, the Army Corps of Engineers offered that a Sediment Management Plan for the Homer Spit could be prepared under the Planning Assistance to States Authority, which would allow them to cost share 50% of the study and plan's development. A completed comprehensive plan will not only assist with long term management of erosion on the Spit from a planning standpoint, but also provides supporting documentation to validate the need. The members present at the worksession felt this would assist them with acquisition of funds and materials for future maintenance efforts from their agencies.

Moratorium on Clearing in ROW

With the passage of Resolution 19-073(S) at the last Council meeting (placing a moratorium on right-of-way clearing and maintenance for City of Homer Public Works Department), I wanted to take the opportunity to clarify work the City will and will not be doing in case there are any complaints or confusion when members of the Council or public see Public Works equipment in the field. Public works will continue to complete ditch clearing where tree cutting is not required, issue permits to allow property owners/ contractors/ utilities to clear rights-of-way when necessary to complete their projects, perform locates for utilities doing work in the right of way (as required by state law), and clear trees in city parks consistent with the parks master plan and for safety. Public works will suspend tree cutting in any easement, alley or right of way. Any tree cutting during the moratorium period required to respond to public requests for safety reasons including sight distance, falling hazards, or access to fire hydrants will need to be approved on a case by case basis by City Council. In the meantime, staff is working with Mayor Castner to fulfill his request in the accompanying Memorandum to "obtain an opinion from the City Attorney regarding the prevailing Alaska law of the liability of municipal trespass and/or disregard of covenant protection."

HAWSP Review

The Finance Department has been in conversations with Altman & Rogers, the firm Council has hired to consult on the HAWSP fund and governmental accounting. The department will provide the firm with a basic overview of what we are specifically looking for and determining what documents the firm will need to accomplish the task. The next step is to figure out how to schedule one on one meetings with Council members. I think it would be best to schedule these meetings in person given the detailed and complicated subject matter (even though that means an extra trip to Homer, which is \$300 per trip in their proposal). The worksession is scheduled for November 25th, and Finance suggests holding individual meetings at least 2 weeks prior so the firm has time to respond to any specific questions that come up, which would be the week of November 11th. I will work with Council on a day that week that works for the majority of members. I would also like feedback on if the Mayor and Council would like to schedule an extended worksession on the 25th to go over the topic.

Update on Implementing the Bag Ban

Since reporting last month about our plans to reach out to Homer businesses and residents about the upcoming single use plastic bag ban, we have developed a direct mailing and a City website article with FAQs and downloadable informational outreach materials (a flyer, tent card and social media posts). I have attached the informational outreach materials to this report. Staff will also personally visit stores to inform them of the regulation change, offer outreach materials, and field questions/concerns. Working proactively with retailers will help make the transition smooth so that businesses and City shoppers aren't caught off guard about the new carryout bag regulations. As part of the effort to make implementation after January 1 smooth as well, I will be bringing you an ordinance next month clarifying details for implementation of the single use plastic bag ban.

Enc:

Exercise: Tap into the Power of Purpose by Bonnie St. John

Plastic bag graphic/ hand out to stores

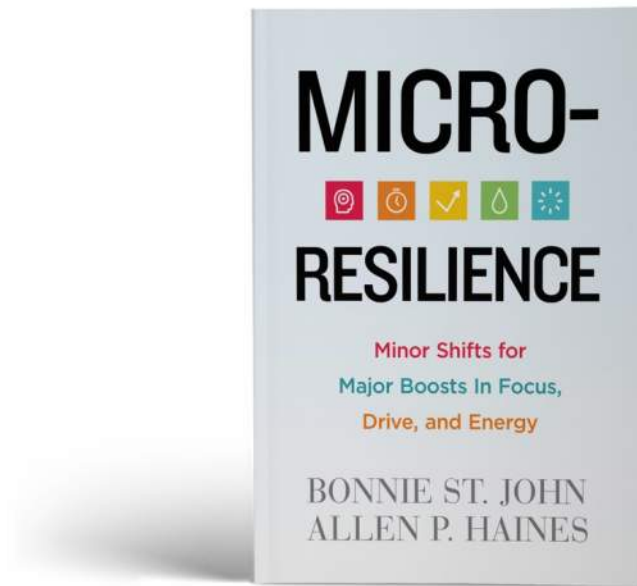
Letter of Interest in Planning Assistance to States Grant to Army Corps

Cook Inlet RCAC report

Two Letters of Support for Kachemak Bay State Park Grants

Letter from Chief Kirko to Governor Dunleavy

State of Alaska Homer Commercial Passenger Vessel Tax Report: Information Request



Exercises:

Tap into the Power of Purpose

Values Detective – Renew Your Spirit

In 1926 a young Englishwoman, Joanna Field, began to feel that she was not living a truly authentic life, that she did not know what made her truly happy. To remedy this she kept a secret journal in order to discover what specifically triggered the feeling of delight in her daily life. The journal was published in 1934. It was written, she confided, in the spirit of a detective who searches through the minutiae of the mundane in hope of finding clues.



She discovered that she delighted in red shoes, good food, sudden bursts of laughter, reading in French, answering letters, loitering in a crowd at the fair, and a new idea when it is first grasped.

-- from Sarah Ban Breathnach, Simple Abundance

Exercise:

Our values and priorities are not always what we list on a survey...they are what we do and how we live. Let's investigate!

- Pick a partner at your table.
- Choose who will be the detective first. Make sure the detective has the questions below while their partner gets ready with a blank piece of paper and some colored pens.
- Move your chairs further from other people if you need more space.

The detective begins by asking a question. Make sure the partner being questioned doesn't just put down answers, but also reflects on what their answer says about their values. When a value is revealed, the partner writes it on the blank paper. It doesn't have to be a list—use the page as a collage space to express your feelings. Make some values bigger or brighter than others. When we reach the time limit, I will ask you to switch places. Have fun uncovering your passions, joys, and beliefs!

Detective's List of Questions:

- What kinds of things irritate you that others do wrong?
What does that mean about what you believe is important?
- Where does your discretionary time go?

Parties, social life, children, family, volunteering, faith-based activities, shopping, decorating, reading, walking, nature, travel, exercise, hobbies, education, relaxing, TV, etc.

- Pick the top 2-3 items.
What does that mean about your values?

- Where does your discretionary money go?
See list above - pick 2-3.
- Whom do you admire at work? Elsewhere?
- What are the things you do in your job where the time flies by—you would probably do these things for no pay!
- What are the things that drain your energy at work?
- What do people say you are good at? Do you agree?
- What do you find yourself teaching to others?
- When you choose someone to mentor, what characteristics do you look for?
- Think of a child you care about—your own or someone else's—what are the most important values to teach that child?
- What are the most important qualities in a leader? Why?

Detective: *Feel free to add some of your own questions. Go to the heart of the person that you are interviewing. What is unique and special about their values?*

Life Goals – Renew Your Spirit

- Make a list of fifteen to twenty things you would like to have, do, or be in the life of your dreams—a life that is rich in meaning and satisfying to you on every level. It's fun and exciting to boldly write down a description of your ideal life.
- Circle the most important thing on the list, the one you would most like to have, do, or be if the others weren't possible.
- Choose the second-most-important thing in the same way. If you could only make one more thing on the list a reality, which one would it be?
- Continue on in this way until you have your top five. What bubbles to the top may pleasantly surprise you.

Tagline - Renew Your Spirit

- Take inventory of the things you have done well, enjoyed doing, and were asked by others to do more of in the past. These experiences could arise from the jobs you've held, your volunteer activities, and even the role you play among family and friends.
- Ask yourself the following three questions:
 - What did you especially love to do when you were a child, before the world told you what you should and shouldn't like?
 - Write about two of your most challenging life experiences. How have they shaped you?
 - What do you enjoy in life that helps you sing your song?
- Draft a purpose statement based on your personal inventory and your answers to the three questions above. Your first attempt may come out full of jargon, platitudes, and convolution. Don't worry: this is just the clay you shape into something more useful and beautiful. Reduce the complexity and use simple words as you do so.
- Choose words that have meaning for you, not necessarily for the people who will hear them. Personalize the language in ways that add inspiration, humor, and personality.
- Check in with others who know you well in various contexts. Your statement should be something that people recognize as you.
- Don't be afraid to change your tagline if it doesn't feel right. As you grow, you will want to reevaluate it from time to time. And you may just want to change it whenever you feel the need to be reinvigorated.

Touchstone - Renew Your Spirit

Creating a personal touchstone—a concrete, visual embodiment of your purpose in life and your most important values—gives depth and meaning to your personal and professional activities. It serves to remind you to get back on track when superficial annoyances threaten to distract you from your ultimate goals and values. It also helps you keep the things that inspire you front and center every day.

- Brainstorm—by yourself or with a group—a list of tangible representations of the abstract feelings and ideas that fuel your purpose
- Choose a specific symbol that can instantly move, touch, and inspire you
- Find ways to use your touchstone to keep you focused:
 - a) Use it as your avatar on social media
 - b) Use it as the wallpaper or screen saver on your computer or phone
 - c) Put it on your bathroom mirror, in your car, or in other places where you look every day
- Discuss the touchstone with people at work to bring them back to a sense of purpose

Flow – Renew Your Spirit

To boost your energy, consider redesigning some of the things you repeatedly do. Flow can be defined as the state in which you are at one with your work—time seems to fly by and you are completely lost in your task. Keep a log of your energy levels while performing specific tasks that you do repeatedly during the course of a single week or month.

- Where your energy is dropping, can you redesign the activity so that it gets you closer to a state of flow?
- Add rituals to onerous tasks like: new music, accepting help, or doing them in a visually pleasing location.

**PLEASE
BRING
YOUR
OWN
BAG**



Homer's Single Use Plastic Bag Ban Goes Into Effect January 1, 2020



What is going to change?

Starting January 1, businesses in the City of Homer, including but not limited to

- grocery stores
- general retail stores
- pharmacies
- restaurants and
- vendors at fairs and markets

will no longer be able to provide customers with single use plastic bags to carry their purchases.

What is a single-use plastic disposable shopping bag?

A bag made of plastic, less than 2.5 mils thick which is neither intended nor suitable for continuous reuse.

Are there penalties for violations?

The City will work with business owners and the public to achieve voluntary compliance; however, any business that violates the new rules after January 1, 2020 is subject to a fine.

Can stores give out paper bags, and can they charge for them?

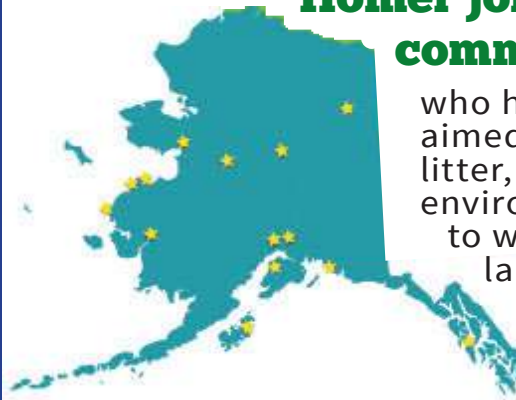
Yes, stores may choose to offer paper bags instead of plastic. The choice to offer a different type of bag or charge customers for bags is up to individual sellers.

Tip for remembering your reusable bags:

Put your reusable bags back in your car, your handbag or on a shelf near the door after you unpack them so you won't forget them.

In the 2019 General Election, Homer voters approved Prop 1, which prohibits single use plastic shopping bags.

Homer joins 14 other Alaskan communities



who have already enacted bans aimed at reducing plastic bag litter, which is harmful to the environment, poses a danger to wildlife, is a burden on the landfill and often clogs storm water drains.

Are ALL plastic bags prohibited?

No. Several types of plastic bags are still allowed:

1 Bags used to contain dampness or leaks from items such as frozen foods, meat, or fish, flowers or potted plants.



2 Bags provided by pharmacists to contain prescription drugs.

4 Bags used to protect prepared foods or bakery goods.



5 Newspaper bags, laundry, or dry cleaning bags.

3 Bags used inside stores to package bulk items like fruit, nuts, grains, vegetables, candy, or nails, screws, nuts and bolts.



6 Garbage bags sold in packages and other similar bags for collection of pet or yard waste.



Facebook / Instagram

**PLEASE
BRING
YOUR
OWN
BAG**

HOMER'S SINGLE USE PLASTIC BAG BAN

BEGINS JANUARY 1, 2020

JANUARY 1, 2020

FOR MORE INFO VISIT

WWW.CITYOFHOMER-AK.GOV

200+ Years

%6

12 Minutes

The average time that a plastic bag is used.

200+ Years

%6

12 Minutes

The average time that a plastic bag is used.

BEGINS JANUARY 1, 2020



FOR MORE INFO VISIT

PLEASE
BRING
YOUR
OWN
HOMER'S SINGLE USE PLASTIC BAG BAN

WWW.CITYOFHOMER-AK.GOV



FOR MORE INFO VISIT

PLEASE BRING YOUR OWN
HOMER'S SINGLE USE PLASTIC BAG BAN

**PLEASE
BRING
YOUR
OWN
BAG**



**Homer's
Single Use
Plastic Bag Ban
Goes Into Effect**

January 1, 2020



What is going to change?

Starting January 1, businesses in the City of Homer will no longer be able to provide thin, single use plastic bags to their customers.

Why the change?

In the 2019 General Election, Homer voters approved Prop 1, which prohibits single use plastic shopping bags.



Homer joins 14 other Alaskan communities

who have
already

enacted bans to reduce the number of plastic bags, which are harmful to the environment, pose a danger to wildlife, are a burden on the landfill and often clog storm water drains.

180

**PLEASE
BRING
YOUR
OWN
BAG**



**Homer's
Single Use
Plastic Bag Ban
Goes Into Effect**

January 1, 2020



What is going to change?

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123



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

October 23, 2019

Alaska District, U.S. Army Corps of Engineers
ATTN: CEPOA-PM-C
P.O. Box 6898
Joint Base Elmendorf-Richardson, AK 99506-0898

To Whom It May Concern:

This is in reference to the U. S. Army Corps of Engineers' Planning Assistance to States Program. We understand that the provisions of Section 22 of the Water Resources Development Act of 1974, as amended, provides authority for the Corps to assist in the development, use, and conservation of water and related resources.

The City of Homer requests planning assistance from the Corps - Alaska District to provide data collection, planning, and study services, and to provide recommendations related to the Homer Spit Erosion Mitigation and Management Plan.

This effort would be in support of the State's Hazard Mitigation Plan as listed below:

OPTION 2 (Erosion Hazard):

Goal 5.9.3 Goals, Objectives, and Actions for Erosion:

Goal 1: Identify erosion prone areas

Objective 1.1: Identify erosion prone areas in communities and their erosion rates, including long and short term, maximum and the causes. Incorporate this information into hazard mitigation planning.

Action 1.1.1: Support and fund local community erosion studies and incorporate them into their hazard mitigation planning.

Lead: DNR/DGGS, DCCED, and USACE

Support: NRCS, DHS&EM

The City of Homer's interest in a long term erosion management plan for the Homer Spit is directly tied to protecting the Homer Spit's role in marine commerce, transportation, and the support of the vessels and businesses that provide both. The Homer Spit is a valuable land asset to both the community and the State as a transportation hub. We feel this interest to protect the Spit and mitigate erosion hazards parallels the State's Hazard Mitigation Plan's goal of identifying erosion prone areas in communities and incorporating this information into hazard mitigation planning.

We would like to discuss the availability of information, required schedule, and level of effort required to negotiate a cost-sharing agreement to initiate a Section 22 study. We understand a rough cost estimate for such a study is \$ 100,000. Our staff would work with the Corps to develop the detailed scope, schedule, and cost estimate.

budget for the study. The budget developed would be the basis for entering into an agreement between the City of Homer and the Corps. The study would be cost shared at 50/50; the non-Federal share of a \$100,000 study would be \$50,000. We further understand the non-Federal share can be provided in cash and/or work-In-kind (WIK) services as long as the WIK services occur after the agreement is signed.

Please contact me at your earliest convenience to arrange a further discussion of this request.

Best,

Bryan Hawkins
Homer Harbormaster/Port Director

Directors Update

From Carla Stanley

Representing the City of Homer

Cook Inlet Regional Citizens Advisory Council



The Cook Inlet Regional Citizens Advisory Council (CIRCAC) meets three times a year—in Kenai in April, Anchorage in November/December and, on a rotating basis, Kodiak, Homer or Seldovia in September. We were looking forward to holding this year's September 6th meeting in Seldovia. Regrettably, the community is facing a severe water shortage. We moved our meeting to Homer so as not to tax their already stressed supply. We wish the community the best as it contends with this emergency and will see our friends in Seldovia next September.

In Homer, we received a warm welcome from Mayor Ken Castner, also a former Chair of CIRCAC's PROPS Committee. On the agenda were presentations from Hilcorp Alaska, the U.S. Coast Guard, and Nuka Research. Hilcorp chose to submit their report in writing. Also joining us were Denise Koch, the Director of the Division of Spill Prevention and Response for the Alaska Department of Environmental Conservation (ADEC), and members of the public.

Denise Koch informed us of the status of ADEC's review of C-Plan regulations. This review will entail a public scoping process beginning in the fall, and CIRCAC is participating in this review. Regarding personnel, ADEC has hired Crystal Smith as the new State On-Scene Coordinator to replace Geoff Merrell.

During the public comment portion of our meeting, Bob Shavelson, Advocacy Director for Cook Inletkeeper and Environmental Representative for Prince William Sound RCAC, and Jim Herbert, who serves on Prince William Sound RCAC's Oil Spill Prevention and Response committee, focused their comments on Hilcorp's seismic testing and acquisition of BP assets. Mr. Shavelson questioned Hilcorp's conclusions that seismic testing was not harmful to wildlife; noting the science and knowledge of seismic impacts are limited but growing. Mr. Herbert stated that Hilcorp's acquisition of BP assets raises many questions for Prince William Sound and the Trans-Alaska Pipeline.

U.S. Coast Guard Alaska Operations

Captain Sean MacKenzie, Commander Sector Anchorage; Captain Patrick Hilbert, District 17 Chief of Prevention (photo below right); and Lt. Edward "Kahi" Kaaua, Supervisor of the Homer Marine Safety Detachment provided a broad but detailed overview of the U.S. Coast Guard's operations in Alaska, including mission, search and rescue, current and future assets, and jurisdictional responsibilities. Congress has approved six USCG national security cutters to increase America's presence in the Polar region, the Bering Sea and the Arctic to 365 days a year. Captain MacKenzie, while speaking about CIRCAC's work and progress within Cook Inlet commended the Cook Inlet Harbor Safety Committee for taking ownership of the Ice Guidelines formerly managed by the USCG. All the Directors appreciated their presentations.



Nuka Research, Pipeline Project Update

Tim Robertson of Nuka Research reported steady progress with the Cook Inlet Pipeline Study, having completed Phases 1 and 2 (regulatory framework and a validated inventory). Phase 3— Panel of Experts review and recommendations—is ongoing. Under the charter, the Expert Panel is to recommend measures to reduce risks of failures that could threaten structural integrity. The Panel has met once in person and multiple times by teleconference. They have developed 230 scenarios associated with the potential loss of integrity and are scoring them by likelihood and consequences—environmental, social, and economic impacts. The Panel will review their differences and then meet September 31/October 1 in Anchorage to develop recommendations. We expect a report to be forthcoming by year's end.

With a grant to CIRCAC from the Pipeline Hazardous Materials Safety Administration (PHMSA), Nuka developed a [website](#) with background information on Cook Inlet pipelines, and conducted a survey, public webinar, and public meeting. Questions from the participants pertained to emergency response, information/data, infrastructure, Inspection/Maintenance, Other/General. Nuka's presentation is posted on CIRCAC's web page, [here](#).

Reports from the Executive Committee and Executive Director

President John Williams reported the organization's finances are sound. The auditor Lambe, Tuter, and Associates found no financial discrepancies during this year's audit.

Executive Director Mike Munger confirmed that the U.S. Coast Guard recertified CIRCAC without qualification for the 28th consecutive year. He spoke in detail about the history of the pipeline assessment, which is nearing completion and noted that Hilcorp was very transparent in sharing pipeline information. Mr. Munger met with Alaska's Congressional Delegation regarding legislation to extend the Oil Spill Liability Trust Fund. We are working very closely with PWSRCAC to garner support throughout Congress to get this bill passed. Mr. Munger also spoke in detail regarding the Chapter 11 Bankruptcy filing by Furie Operating Alaska LLC, one of CIRCAC's funding companies. AVTEC will begin administering the new \$2500 joint CIRCAC/Marathon scholarship immediately.

Hilcorp asked Mr. Munger to point out that Hilcorp has set up a hotline number for subsistence users to share information on seismic activity. He said the company is working diligently to decommission Drift River Oil Terminal and that the facility's pipes and storage containers are now oil-free. The oil in the ground is a long-term ADEC remediation clean-up project. CIRCAC was instrumental in advancing the subsea pipeline and Drift River Oil Terminal removal.



Status of Programs and Projects

Detailed Staff reports are [online](#). Here are some highlights:

Environmental Monitoring Committee (Sue Saupe, Director of Science and Research)

Ms. Saupe is providing training in the Cook Inlet Response Tool and ShoreZone for ADEC and Marathon this month. She is also in discussion with coastal educators about classroom training. NOAA Coastal and Oceans Resources Center is developing a "Human Impressions" exhibit modeled after the Coastal Impressions ShoreZone Exhibits. There are new reports of range extensions for *Macrocystis* kelp on the other side of Cook Inlet caused by warming temperatures. These beds are very dense and could retain oil during a spill, which could hamper clean-up efforts. The kelp is an essential habitat for forage fish and otters in heavy weather. CIRCAC continues its support of [marine snow research](#) which continued this summer with the addition of sampling on Albatross and Portlock banks off of Kodiak.

Staff worked with contractors and the Protocol Committee to submit reviews for several permits, including the National Marine Fisheries Service (NMFS) Marine Mammal Take Permit for Hilcorp activities over the next five years, as well as the seismic work which will begin in a few days. Staff still has concerns that were not resolved by the NMFS. Chief among them, the permit should contain, but does not, a requirement for additional passive acoustic monitoring in Cook Inlet. The permit also proposes, without discussion, a quarter-mile causeway in Chinitna Bay. CIRCAC's technical review found a shocking lack of information on which to base these decisions. CIRCAC's comments are at www.circac.org/wp-content/uploads/Taking-of-marine-mammals.pdf

CIRCAC is also not satisfied with the APDES General Oil and Gas Permit for Cook Inlet and the Individual Permit for the Osprey Platform which we believe are oversimplified and contain misinformation. The permits would also increase the sources and total contaminant loadings to Cook Inlet. We are awaiting comments to our concerns from ADEC.

PROPS Committee (Steve "Vinnie" Catalano, Director of Operations)

The Harbor Safety Committee workgroup's annual review of the Harbor Safety Plan is complete. The Ice Monitoring System of Cameras is improved with the installation of two new cameras—one on A Platform and one on Granite Point Platform. Another new camera is in the works for the Tyonek Platform. We are testing the GRID program during a drill on October 26 with Marathon. Mr. Catalano is working with Logistics and the Public Outreach Director in the Joint Information Center. Staff is developing new Geographic Response Strategies for stream crossings along the truck route used by tank trucks carrying crude oil from the BlueCrest Cosmopolitan Facility.

Administration (Jerry Rombach, Director of Administration)

Board seats with expiring terms in 2020 are Environmental, Alaska Native, Kodiak Island Borough and Kenai Peninsula Borough. The elections process will begin in mid-November. Special interest groups are elected and the Borough seats are appointed.

Upcoming Meetings and Conferences

September 19, 2019 – Western States Harbor Safety Committee, Long Beach, CA

November 13, 2019 - [Pacific States/BC Task Force](#), Bellingham, WA

November 14, 2019 - [Salish Sea Shared Waters Forum](#), Bellingham, WA

November 21-23 - [Pacific Marine Expo](#), Seattle, WA

December 5 and 6, 2019 – CIRCAC Board of Directors Meeting, Anchorage



Photo by Cindy Sanguinetti



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Eric Clarke
Alaska State Parks
95 Sterling Hwy Ste. 2
Homer AK 99603

October 23, 2019

Mr. Clark,

The City of Homer is in support of Kachemak Bay State Park's efforts to receive grant funding for improvements along the existing Saddle Trail alignment from the trailhead to the junction of Glacier Lake Trail.

The improvements proposed include reshaping the trail's tread surface, backslope, critical edge and the slope below the tread to ensure proper water drainage with minimal amount of erosion along slopes. With Kachemak Bay being a critical habitat area, any efforts to enhance trail safety while minimizing our footprint in the Park will be of great benefit to the environment and Homer residents and visitors alike.

Best,

Katie Koester
City Manager



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Eric Clarke
Alaska State Parks
95 Sterling Hwy Ste. 2
Homer AK 99603

October 23, 2019

Mr. Clark,

The City of Homer is in support of Kachemak Bay State Park's efforts to receive grant funding for the restoration of neglected trails in the Grewingk Valley and China Poot Lake areas while opening up the other portion of the Lagoon Trail between Halibut creek and Halibut Cove Lagoon.

The trail restoration work will be completed on a portion of the Emerald Lake Trail from Humpy Creek to Emerald Lake via the tram and Grewingk Lake, Blue Ice Trail, Alpine Ridge Trail, the southern end of the Lagoon Trail, Moose Valley Trail from the junction of China Poot Lake Trail to the campsite at Mile 3, and Wosnesenski River trail from China Poot Lake to the river.

According to the 2018 Kachemak Bay State Park and Kachemak Bay State Wilderness Park Management Plan, "in the first 10 months of 2017, more than 270,000 people are estimated to have visited the park" with 81% of park visitors coming during June, July, of August. The primary reason people visited the park was to enjoy the scenery, the second to hike an established trail. It is imperative trails within Kachemak Bay State Park are well maintained and in good "walking" order, especially with such a high demand for trail use occurring in just a few short months each year.

Best,

Katie Koester
City Manager



City of Homer

www.cityofhomer-ak.gov

Volunteer Fire Department

604 East Pioneer Ave
Homer, Alaska 99603

fire@cityofhomer-ak.gov

(p) 907-235-3155

(f) 907-235-3157

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

October 23, 2019

Governor Dunleavy:

The Local Emergency Planning Committee (LEPC) is a local committee based in various boroughs and areas throughout the state. Originally formed based on Community Right to Know legislation regarding hazardous materials, these LEPCs have expanded to address all-hazard preparedness, preparing our communities, and mitigating risks for various hazards experienced by the State.

The emergency management and preparedness community within the State recognizes the difficult fiscal situation that we have been experiencing statewide. The recent vetoes to the state budget included removal of state funding for the LEPC through the Department of Military & Veterans Affairs in the amount of \$300,000. This funding is then distributed to local committees to direct based on the local needs. In many smaller communities, the LEPC may be the only source of preparedness/emergency management projects. The removal of this funding affects all communities, urban and rural, and the preparedness activities that are enabled by the local funds.

As a percentage of the state budget, that \$300,000 amount is a very small percentage of the total but has a great impact on the local jurisdictions that take advantage of this funding to build preparedness and resilience in communities across the state. Public safety and emergency response is an essential function of government, and the funding loss of the LEPC is negatively affecting communities statewide.

Please consider restoring this funding for the current fiscal year and future budget cycles. This investment pays back dividends many times over to our state that has more than its share of hazards demonstrated by wildfires, droughts, and other emergencies this past summer in Southcentral and across Alaska.

Respectfully,

Chief Mark Kirko



THE STATE
of ALASKA

GOVERNOR MICHAEL J. DUNLEAVY

*Department of Commerce, Community,
and Economic Development*

DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

550 West Seventh Avenue, Suite 1640
Anchorage, AK 99501
Main: 907.269.4501 / 907.269.4581
Programs fax: 907.269.4539

October 21, 2019

Katie Koester, City Manager
City of Homer
491 E. Pioneer Avenue
Homer, AK 99603

Dear Ms. Koester:

The Alaska Department of Commerce, Community, and Economic Development (DCCED) is responsible for preparing a triennial report to the governor, legislature, and public related to the Commercial Passenger Vessel Excise Tax (CPV). Specifically- AS 43.52.260 requires DCCED to prepare a report that

"Addresses the projected needs of communities to safely and efficiently host passengers that pay taxes under AS 43.52.200 - 43.52.295; and summarizes the extent to which appropriations of the proceeds of the tax have been used to defray the cost of meeting the needs described in (1) of this section."

I am writing to ensure you are familiar with the reporting requirement and let you know that the Division of Community and Regional Affairs (DCRA) is collecting data for the next report due in January 2019. DCRA staff will contact each port community during the next few weeks and we request your assistance in gathering the necessary information from the City of Homer 1) the decision-making process for selecting projects funded by CPV tax revenue; 2) projected capital projects and service needs and priorities; and 3) CPV tax revenue expenditures and estimated expenditures through 12/31/2019.

If you have any questions or comments, please feel free to contact Emma Hatcher directly at 907-465-4733, or by email at emma.hatcher@alaska.gov. We look forward to your participation and feedback as DCRA works to meet reporting requirements outlined in AS 43.52.260.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sandra Moller".

Sandra Moller
Director

cc: Finance Director
Bryan Hawkins, Harbormaster

Rachel Friedlander

From: Hatcher, Emma Z (CED) <emma.hatcher@alaska.gov>
Sent: Tuesday, October 22, 2019 1:06 PM
To: Department City Manager
Cc: Department Port and Harbor
Subject: Homer Commercial Passenger Vessel Tax Report: Information Request
Attachments: Notice of CPV Report to Legislature - Homer 10.21.2019.pdf; DRAFT Homer Profile 10 21 2019.docx

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

Hello Katie,

Attached is a letter from Sandra Moller, Director of the Division of Community & Regional Affairs, requesting your assistance with a report on the Commercial Passenger Vessel Excise Tax (CPV) due to the legislature on January 1, 2020. I will be your contact for the report and am available to answer any questions you might have.

In the 2020 report, we will be updating information you provided for the prior CPV report to the legislature (released January 2017). For your convenience, I have included links to those documents below and have attached a draft profile for your community that includes the most recent revenue sharing distributions and cruise passenger numbers. You may edit & return the attached profile directly or provide responses the prompts in the checklist below.

If you choose to edit the profile directly, the checklist below provides a useful guide for editing the profile directly. For ease of review, please pay particular attention to the information highlighted in yellow. Highlights done in blue indicate information for which we are waiting on the non-city-based authoritative source to provide.

Commercial Passenger Vessel Excise Tax: Community needs, Priorities, Shared Revenue, and Expenditures (Fiscal Years 2007-2016)

<https://www.commerce.alaska.gov/web/Portals/6/pub/TourismResearch/00%20FULL%20CPV%20RPT%2016%202017.pdf?ver=2017-03-23-160339-903>

A Performance Audit of the Department Of Commerce, Community, and Economic Development and Department Of Revenue Commercial Passenger Vessel (CPV) Tax Program

<http://legaudit.akleg.gov/docs/audits/special/dor/30083rpt-2016.pdf>

Please let me know if you have any questions. Thank you very much for your time!

INFORMATION CHECKLIST: **DUE DATE: November 15, 2019**

- PROFILE
 - Provide highlights from 2017, 2018, 2019 cruise ship seasons or news for the 2020 cruise ship season (major changes in passenger volume, port calls, etc.)
- PROJECTED NEEDS OF COMMUNITY
 - This section should describe the process your city/borough/municipality employs to make decisions regarding expending CPV tax revenue (e.g. planning commission, assembly, public outreach/comment, etc.). Review text and edit text if the method for determining how CPV revenues are spent has changed.

- Update the list of priority projects for current and future CPV expenditures. What are your community's needs to host safely and efficiently host cruise ship passengers?
- **LEGISLATIVE GRANTS**
 - List legislative grants appropriated to your government entity (if any) during the last legislative session (spring 2019)
- **SHARED CPV REVENUE EXPENDITURES**
 - Add a description and expenditure amount for CPV expenditures during FY2019 and project expenditures during FY2020. Categories include Port Facilities, Harbor Infrastructure, and Other CPV Services. Only include expenditures from state CPV revenues. Does not include grants or local taxes on cruise ship passengers.
- **RELATED INFORMATION**
 - Please identify reference documents that provide additional background (research, plans, budget appropriations) to the info in your community's profile. Attach a copy to your response.
- **CONTACT**
 - Provide a contact for the information in this report.
- **PHOTOS**
 - Please send project photos you'd like to share that we can use in the report.

Sincerely,
Emma

Emma Z. Hatcher
GIS Analyst II
Division of Community and Regional Affairs
Dept of Commerce, Community & Economic Development
907-465-4733 | emma.hatcher@alaska.gov

[DCRA Data Portal](#)



CITY OF HOMER

First Class City

2018 Population: 5,443

FY2010 to FY2019 CPV Excise Tax Revenue: \$



PROFILE

The City of Homer, located within the Kenai Peninsula Borough, has more than 5,000 residents. Commercial fishing has been the traditional mainstay of the Homer economy; however, the city also has a growing arts community and tourism is becoming increasingly important. Homer is also a gateway to destinations such as Kachemak Bay State Park and Lake Clark National Park and Preserve.

In past years, Homer primarily received small and medium-sized cruise ships, but regular visits from Holland America Line vessels between 2008 and 2012 and during 2015 and 2016 boosted annual passenger numbers to near or more than 10,000 visitors during those years. Throughout the past 10 years, Homer has hosted ship calls and nearly passengers.

Homer Cruise Ship Visitors 2010 to 2019		
Calendar Year	Ship Calls	Passengers
2010	9	12,828
2011	14	14,990
2012	7	8,833
2013	1	254
2014	5	5,662
2015	10	11,399
2016	9	10,071
2017		
2018		
2019		
Total		

Source: Cruise Line Agencies of Alaska.

PROJECTED NEEDS OF COMMUNITY

To plan for the community's cruise vessel and passenger needs, the harbor master, city manager, and public works director identify priority projects and propose them to the Ports and Harbor Commission. The commission sends approved projects to the city council to be vetted through the public process.

Priority Projects for CPV Revenue	
Category	Description
Other CPV Services	Cruise ship passenger staging amenities (benches and signage at drop off points)
Port Facilities	Cruise ship staging area/restroom
Port Facilities	Restroom and cruise ship passenger staging area on the Homer Spit at Ramp 2

Source: City of Homer.

CPV REVENUE DISTRIBUTION

When eligible ports of call, such as Homer, are cities located in a borough, the city and the borough each receive \$2.50 of every \$5 passenger fee shared with the port community. To date, the City of Homer's share of CPV Excise Tax revenue is \$.

CPV Revenue Distribution FY2010 to FY2019		
Fiscal Year	City Share	Passengers ¹
2010	\$3,725	1,490
2011	\$31,788	12,715
2012	-	-
2013	\$21,710	8,684
2014 ¹	\$33,542	13,417
2015	\$13,925	5,570
2016	\$27,055	10,822
2017		
2018		
2019		
Total		

Source: Alaska Department of Revenue, Tax Division.

¹ In January 2016, Homer received shared revenue due in FY2012 in January 2014.

The Kenai Peninsula Borough assembly passed an ordinance making the borough's share of the CPV Excise Tax available to Homer and Seward through a grant process. The ordinance stipulates that the funds must be used for port and harbor improvements that benefit cruise ship passengers for purposes that comply with AS 43.52.200-298, SB 256, and HB 310. Homer and Seward city managers submit letters to the Kenai Peninsula Borough mayor to request funding. The grant request must specify how the

project meets the expenditure requirements established in state law. Homer has received an additional \$134,643 in grants from the Kenai Peninsula Borough that was the borough's share of CPV revenue during the same time period.

LEGISLATIVE GRANTS

In addition to sharing in CPV revenue, the City of Homer has received one legislative grant from the Commercial Vessel Passenger Tax Account for cruise ship dock infrastructure.

CPV-Related Legislative Grants		
Fiscal Year	Project	Amount
2012	Cruise ship dock and passenger facility improvements	\$6,000,000
Total		

Sources: Alaska Division of Community and Regional Affairs and Alaska State Legislature, Division of Legislative Audit, Audit 04-30083-16.

CPV REVENUE EXPENDITURES

Homer used its share of CPV revenue for harbor restrooms and a passenger staging area. Since 2014, the City of Homer has let the state CPV revenue accumulate to apply to larger capital improvement projects. Plans include a restroom and cruise ship

passenger staging area on the Homer Spit at Ramp 2 from which many shore-side excursions launch.

CPV Revenue Expenditures FY2007 to FY2019		
Category	Description	Expenditures
Harbor Infrastructure	Cruise ship passenger staging area	\$31,000
Other CPV Services	Guard house restrooms	\$30,000
Port Facilities	Ramp 3	\$35,000
Total		\$96,000

Sources: City of Homer and Alaska State Legislature, Division of Legislative Audit, Audit 04-30083-16

RELATED INFORMATION

- City of Homer. 2011. *Homer Spit Comprehensive Plan*. (<http://www.cityofhomer-ak.gov/planning/spit-comprehensive-plan-2011>)
- City of Homer. 2011. *Proposed Layout for Staging at Ramp 2 Including New Restrooms*.

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