



## Agenda

### Planning Commission Regular Meeting

Wednesday, September 04, 2024 at 6:30 PM

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

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#### Homer City Hall

491 E. Pioneer Avenue  
Homer, Alaska 99603  
[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

#### Zoom Webinar ID: 979 8816 0903 Password: 976062

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

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#### 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

- A. Staff Report 24-045, Storm Water Works Tracts One, Preliminary Plat Reconsideration

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

- A. Unapproved Regular Meeting Minutes of August 7, 2024
- B. Decisions and Findings CUP 24-11, 3869 Jennifer Place

#### PRESENTATIONS / VISITORS

#### REPORTS

- A. City Planner's Report, Staff Report 24-041
- B. Comprehensive Plan Steering Committee Report

#### PUBLIC HEARINGS

- A. AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE 21.10.030 AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RURAL RESIDENTIAL (RR) ZONING DISTRICT TO MEDICAL (M) ZONING DISTRICT, Staff Report 24-042

#### PLAT CONSIDERATION

- [A.](#) Staff Report 24-043, Thomas Court Subdivision, Preliminary Plat
- [B.](#) Staff Report 24-044, Bayview Gardens Subdivision Addn. 1 Jennings 2024 Replat, Preliminary Plat

**PENDING BUSINESS**

**NEW BUSINESS**

- [A.](#) Staff Report 24-045, Storm Water Works Tracts One, Preliminary Plat Reconsideration  
Memorandum from Deputy City Clerk as backup

**INFORMATIONAL MATERIALS**

- [A.](#) PC Annual Calendar 2024
- [B.](#) 2024 Meeting Dates & Submittal Deadlines

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

**COMMENTS OF THE STAFF**

**COMMENTS OF THE MAYOR/COUNCIL**

**COMMENTS OF THE COMMISSION**

**ADJOURNMENT**

Next Regular Meeting is **Wednesday, September 18, 2024 at 6:30 p.m.** A Worksession is scheduled for 5:30 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report PL 24-045

TO: Homer Planning Commission  
FROM: Ryan Foster, AICP, City Planner  
DATE: September 4, 2024  
SUBJECT: Storm Water Works Tracts One Preliminary Plat Reconsideration

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#### Synopsis:

At the August 7, 2024 Regular Planning Commission Meeting the Planning Commission had a Plat Consideration for the Storm Water Works Tracts One Preliminary Plat. On August 9, 2024, Commissioner Heath Smith issued a timely notice for reconsideration of Storm Water Works Tracts One Preliminary Plat.

#### Action:

The Planning Commission will vote on whether to reconsider Storm Water Works Tracts One Preliminary Plat.

## **CALL TO ORDER**

Session 24-13, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:33 p.m. on August 7<sup>th</sup>, 2024 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

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

**ABSENT:** COMMISSIONER CONLEY (EXCUSED)

**STAFF:** CITY PLANNER FOSTER, DEPUTY CITY CLERK PETTIT

## **AGENDA APPROVAL**

Chair S. Smith requested a motion and second to approve the agenda as presented.

SCHNEIDER/BARNWELL MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## **PUBLIC COMMENTS UPON MATTERAS AREADY ON THE AGENDA**

## **RECONSIDERATION**

## **CONSENT AGENDA**

A. Unapproved Regular Meeting Minutes of July 17, 2024

Chair S. Smith noted for the record that all items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. If a separate discussion is desired on an item, a Commissioner may request that item be removed from the Consent Agenda and placed on the Regular Agenda under New Business. He then requested a motion and second to adopt the consent agenda.

SCHNEIDER/BARNWELL MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

There were a few questions regarding the status of CUP 24-09 before City Planner Foster and Deputy City Clerk Pettit reaffirmed that the appeal period is still open, and therefore the Commission shouldn't be discussing the CUP.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.



## **PRESENTATIONS / VISITORS**

### **REPORTS**

#### **A. City Planner's Report, Staff Report 24-034**

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

- Comprehensive Plan Survey results are still being compiled along with the results of the Interactive Comment Map
- Joint Worksession between the Planning Commission and PARCAC in September
- Alaska Housing Summit will be taking place at the BP Energy Center in Anchorage on Thursday, August 29<sup>th</sup>
- Cancellation of the August 21<sup>st</sup> Planning Commission Worksession and Regular Meeting
- American Planning Association (Alaska Chapter) Commissioner Training on Sunday, October 27<sup>th</sup>

#### **B. Comprehensive Plan Steering Committee Report**

Commissioner Barnwell stated that the Comprehensive Plan Steering Committee was presented with the results of the community survey at their meeting this past Monday. He briefly discussed the extension of the project. Shelly Wade of Agnew::Beck took a moment to provide a recap of all the various events and meetings that the consultants have been a part of since they began working on the Comprehensive Plan. She outlined the remainder of the schedule, noting that the new Comprehensive Plan would likely be adopted in June after all the introductions and public hearings on it at various meetings.

### **PUBLIC HEARINGS**

#### **A. Staff Report 24-035, request for Conditional Use Permit (CUP) CUP 24-011 per HCC 21.12.030 (m), More than one building containing a permitted principal use on a lot without an approved conditional use permit at 3869 Jennifer Place.**

Chair S. Smith introduced the item by reading of the title. He then asked for disclosures of ex-parte communication or any potential conflicts of interest.

Commissioner Schneider stated that he needed to disclose a probable conflict of interest, claiming that he and the applicant have a business relationship.

VENUTI/H. SMITH MOVED THAT COMMISSIONER SCHNEIDER HAS A CONFLICT OF INTEREST.

Commissioner H. Smith questioned if the business relationship between the applicant and Mr. Schneider had any relation to the property under consideration at the moment, and further if Mr. Schneider would benefit in any way as a result of the decision the Commission makes. Mr. Schneider answered no to both questions.

Chair S. Smith then asked Commissioner Schneider if he would be able to uphold an unbiased opinion in evaluation of the CUP. Mr. Schneider stated that he would like to think so.

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

VOTE: NO: VENUTI, S. SMITH, H. SMITH, STARK, BARNWELL

Motion failed.

City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith invited the applicant to speak to the application, but no applicant was present.

Chair S. Smith then opened the floor for questions and comments from the Commission.

Commissioner Barnwell asked City Planner Foster to elaborate on the community sewer service and what that entails. City Planner Foster stated that this was the language he was provided by Public Works, but that after double checking he was able to confirm that there is city sewer and water providing access to this property.

Commissioner H. Smith made a point that if the Commission approved this CUP, what's to stop the other parcels in this neighborhood from doing the same thing. He shared some concerns he had for creating too much density in this area.

City Planner Foster reinforced that decisions made today had to be made with the current city code in consideration. He added that the Title 21 rewrite will be taking place immediately following the adoption of the Comprehensive Plan.

It was brought to the attention of the Commission that there were members of the public wanting to speak that weren't able to do so during the public comment period. Chair S. Smith requested a motion to suspend the rules to let members of the public provide testimony.

VENUTI/SCHNEIDER MOVED TO SUSPEND THE RULES TO ALLOW THE APPLICANT AND MEMBERS OF THE PUBLIC TO SPEAK

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Melody Martin, city resident, shared that she has lived just south of the proposed project for the past 25 years. She stated that her problem with this CUP is that the applicant is proposing to put four structures on one acre, and that there are only 3 existing homes in the neighborhood currently. She added that she's concerned about the project decreasing the value of her property, and that her biggest problem is that the property owner doesn't respect the aesthetics of the neighborhood. Ms. Martin noted that the applicant has been decent about keeping his property looking good.

Joshua Brege stated that he was a potential purchaser of property within this subdivision, and that he was just here to take interest in the direction that the neighborhood is heading.

Linda Rourke, city resident, stated that she and the rest of her neighborhood have been working on this project with the Planning Commission for about two years in an effort to preserve the neighborhood. She

voiced some concerns she had about the applicant having started work without obtaining the proper permits to do so. Ms. Rourke added that overcrowding neighborhoods with these types of developments is detrimental to the neighborhood.

Scott Adams, city resident, shared concerns that he has about the septic given that there doesn't appear to be a plan for the system. He added that he thinks the Commission is attempting to make a decision on something that they don't have all the answers they need to make an informed decision.

With no other members of the public wishing to comment, Chair S. Smith closed the public comment period and noted that the meeting would be returning to its standard operating procedures per the Planning Commission's bylaws.

City Planner Foster noted that his recommendation to the Commission was in accordance with City Code and how it is written at this very moment. He urged the Commissioners to take into consideration the current review criteria.

Commissioner H. Smith questioned if the proposed structures already have a foundation or pilings in place. City Planner Foster directed everyone to page 12 in the packet, noting that the picture on that page shows only two pieces of lumber on the property. Mr. Foster added that zoning permits fall under his purview in the Planning Division, and that would be something he would address if needed.

Commissioner Barnwell inquired if this development fits in with the rural residential characteristics, inserting that he doesn't feel that it does. Mr. Foster noted that this development would max out the density for this property in accordance with City Code as it's written today.

Commissioner H. Smith made a point that while there is technically enough space for this to meet the criteria of code, only about half of the lot is being utilized, noting that this creates an entirely different density on the property. Mr. Smith felt strongly that more information was needed for the Commission to make a decision.

Commissioner Stark suggested that the Commission vote on the CUP, adding that if it's voted down the applicant would have another opportunity to resubmit.

STARK/SCHNEIDER MOVED TO ADOPT STAFF REPORT 24-035 AND RECOMMEND APPROVAL WITH FINDINGS 1-10 AND THE FOLLOWING CONDITIONS: CONDITION 1 INSTALL APPROVED COMMUNITY SEWER SERVICE TO THE STRUCTURES, AND CONDITION 2 OUTDOOR LIGHTING MUST BE DOWN LIT PER HCC 21.59.030 AND THE COMMUNITY DESIGN MANUAL.

With no further discussion, Chair S. Smith request the Clerk to perform a roll-call vote:

VOTE: NO: S. SMITH, SCHNEIDER, H. SMITH, STARK, BARNWELL, VENUTI

Commissioner Stark explained his reasoning for voting against the CUP, noting that there's insufficient, inadequate information for the Commission to make an informed decision.

Commissioner Barnwell provided his reasons for voting against the CUP, stating that it's not compatible with existing uses of surrounding land, and that there aren't any public services or facilities in place prior to occupancy, emphasizing the word "prior."

Commissioner Venuti stated that he voted against the CUP due to the fact that it doesn't appear to be compatible with surrounding land use.

Commissioner H. Smith stated that he feels this project would negatively affect the harmony in scale, bulk, coverage, and density of the neighborhood's character.

Motion failed.

## **PLAT CONSIDERATION**

### **A. Staff Report 24-036, Storm Water Works Tract One, Preliminary Plat**

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith invited the applicant to comment on the application, but there was no applicant present.

Chair S. Smith then opened the floor for public comments.

Mike Arno shared that he is the property owner of the 10 acres to the north of this land. He stated that he is opposed to it for various reasons. His first reason being that he doesn't feel the city should be doing this with funds that the city doesn't have. He added that the city is going about their development backwards, stating that "there is no basic infrastructure, but all the frills on top of it." Mr. Arno referenced another property he owns on East End Road that is basically undevelopable because there's no water and sewer to it. He shared his frustration with the LID process that's currently in place at the city, stating that it makes development of infrastructure in the city extremely difficult. Mr. Arno also made a point that the city requires anyone developing property inside of it to create a right-of-way along their property line, and questioned why the city doesn't have to follow the same rules.

Chair S. Smith closed the public comment period and opened the floor to questions and comments from the Commission.

Chair S. Smith referenced the letter from Steve Smith on page 39 of the packet. He highlighted a sentence in the second paragraph that read, "the project requires acquiring various properties to be put off limits for future development..." He shared that this sentence was a huge red flag for him, adding that he views it as playing with a partial deck of cards, and not really knowing what they're playing with. Acknowledging Mr. Arno's comments, Mr. Smith shared that he doesn't think the city should ask for exception to things that are going to require tax-payer funding.

With no other questions posed, Chair S. Smith requested a motion and second.

**SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACT ONE PRELIMINARY PLAT.**

Commissioner Stark stated that this is a matter of due process and the Commission is responsible for looking at it that way. He added that all the issues raised will be investigated further in the next stage of the project.

**VOTE: NON-OBJECTION: UNANIMOUS CONSENT.**

Motion carried.

B. Staff Report 24-037, Ageya Homestead 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet. Mr. Foster noted that this plat is outside of Homer City limits, but is within the Bridge Creek Watershed Protection District, which is why it's in front of the Commission.

Chair S. Smith then opened the floor for the applicant. Katie Kirsis, with Seabright Survey + Design, stated that it was a pretty straight-forward application and made herself available for questions.

Chair S. Smith opened the floor for public comments. There were none.

Chair S. Smith then opened the floor for questions and comments from the Commission.

Commissioner H. Smith asked Ms. Kirsis if she had reviewed the easement information, and if she would be comfortable with the Commission including the easement information along with what they send to the Borough. Ms. Kirsis stated that she would need to review it in depth, but that they are planning on granting shared private access easements across some of those existing driveways shown. She added that private access easements aren't typically shown on plats.

With no other comments or questions from the Commission, Chair S. Smith requested a motion and second.

H. SMITH/BARNWELL MOVED TO ADOPT STAFF REPORT 24-037 AND RECOMMEND APPROVAL OF THE AGEYA HOMESTEAD 2024 REPLAT PRELIMINARY PLAT WITH THE FOLLOWING COMMENT: 1. REVIEW THE GRANT OF EASEMENT ON BOOK 0253 PAGE 684 AND CONSIDER WHETHER THIS SHOULD BE INCORPORATED INTO THIS REPLAT.

Chair S. Smith asked for clarification on what "Book 0253 Page 684" was referencing. Ms. Kirsis explained that it's the recording number of the document for the State of Alaska. She added that this area has a history of old trails that were used by different parties, rights-of-way were dedicated and easements were vacated and use was changed.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report 24-038, Ekers Estate No. 3 Tract A-1 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title. City Planner Foster then provided a summary of his report included in the packet.

Chair S. Smith then opened the floor for the applicant. Katie Kirsis, with Seabright Survey + Design, noted that there are some steep slopes affecting this property. She added that an application/waiver for a setback to steep slopes for the proposed septic system for the upper lot has been conditionally approved by the Department of Environmental Conservation.

Chair S. Smith opened the floor for public comments. There were none.

Chair S. Smith then opened the floor for questions and comments from the Commission.

Commissioner H. Smith asked Ms. Kirsis how much of the new subdivision would be 20% or more on grade. Ms. Kirsis informed Mr. Smith that all of the shaded areas on the map were 20% or more on grade.

H. SMITH/SCHNEIDER MOVED TO ADOPT STAFF REPORT 24-038 AND RECOMMEND APPROVAL OF THE ETERS ESTATE NO. 3 TRACT A-1 2024 REPLAT PRELIMINARY PLAT.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **PENDING BUSINESS**

#### **A. Review of Capital Improvement Plan**

Chair S. Smith introduced the item by reading of the title. He then recapped the unofficial votes from the Commission during the Worksession, noting the following:

- HERC Hazardous Material Cleanup and Revitalization Plan, Homer Spit Coastal Erosion Mitigation, Homer Harbor Critical Float System Replacement: Float Systems 4 & 1, and the City Hall Access Barrier Removal all tallied one (1) vote each
- Slope Stability & Erosion Mitigation Program and Fire Hall Expansion, Phase 1 tallied two (2) votes each
- A-Frame Water Transmission Line Replacement and New Public Works Facility tallied three (3) votes each
- Homer Harbor Expansion tallied five (5) votes

With no further discussion, Chair S. Smith requested a motion and second.

SCHNEIDER/VENUTI MOVED THAT THE PLANNING COMMISSION RECOMMEND THE FOLLOWING THREE PROJECTS TO CITY COUNCIL FOR INCLUSION IN THE LEGISLATIVE PRIORITY SECTION OF THE CAPITAL IMPROVEMENT PLAN:

1. HOMER HARBOR EXPANSION - **#1 FEDERAL LEGISLATIVE PRIORITY PROJECT**
2. NEW PUBLIC WORKS FACILITY - **#2 FEDERAL LEGISLATIVE PRIORITY PROJECT**
3. A-FRAME WATER TRANSMISSION LINE REPLACEMENT

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **NEW BUSINESS**

A. Memorandum PC-24-039, Election of Officers

Chair S. Smith introduced the item by reading of the title, and briefed the Commission on the recommended process for the election of both the Chair and Vice Chair.

SCHNEIDER/H. SMITH MOVED THE COMMISSION HOLD OFFICER ELECTIONS BY SHOW OF HANDS VOTE.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair S. Smith opened the floor for nominations of Vice Chair.

Commissioner Barnwell was nominated for the position of Vice Chair.

With no other nominations called out, Chair S. Smith declared Commissioner Barnwell re-elected as Vice Chair. Mr. Smith then handed the gavel over to Vice Chair Barnwell.

Vice Chair Barnwell opened the floor for nominations of the Chair.

Commissioner S. Smith was nominated for the position of the Chair.

With no other nominations called out, Vice Chair Barnwell declared Commissioner S. Smith re-elected as Chair.

**INFORMATIONAL MATERIALS**

A. PC Annual Calendar 2024

B. 2024 Meeting Dates & Submittal Deadlines

Chair Smith noted the informational materials included in the packet.

**COMMENTS OF THE AUDIENCE**

Scott Adams, city resident, spoke to CUP 24-011, stating that the applicant has pushed the envelope with this development by beginning construction before obtaining the necessary permits from the City. He noted that the pictures provided by the applicant give the impression that only a foundation has been put into place, while claiming that the applicant has already started erecting structures on the property. He switched his focus to the Storm Water Works Tract One Preliminary Plat, stating that he finds it interesting that the City wants certain areas vacated. He shared concerns about the City land-locking people out that way, in addition to other concerns about the burden of development being placed on individuals.

**COMMENTS OF THE STAFF**

City Planner Foster thanked everyone for their hard work tonight.

**COMMENTS OF THE MAYOR/COUNCILMEMBER** (If Present)

**COMMENTS OF THE COMMISSION**

Commissioner Venuti noted that it was a very interesting meeting. He shared his praise for Kristen Faulkner, who recently won two gold medals at the 2024 Olympics in Paris.

Commissioner Stark thanked city staff and congratulated Chair S. Smith on his re-election. He also thanked Commissioner H. Smith for his input. He made a suggestion to Council to proactively address updating city code.

Commissioner Schneider stated that he gets a kick out of the meetings and learns something new every meeting. He briefly commented regarding the status of the HERC.

Commissioner Barnwell thanked city staff and the Commission. He noted that he was pleased with the decisions the Commission made on the CIP list. He shared that he feels the Commission let CUP 24-09 fall through the crack.

Chair S. Smith noted that Title 21 revisions can be addressed right now, even though it might not be ideal. He thanked everyone for their work in tonight's meeting, and stated that it's great to have Commissioner H. Smith on board.

**ADJOURN**

There being no further business to come before the Commission Chair S. Smith adjourned the meeting at 9:14 p.m. The next Regular Meeting is **Wednesday**, September 4, 2024 at 6:30 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

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Zach Pettit, Deputy City Clerk I

Approved:\_\_\_\_\_





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(f) 907-235-3118

## **HOMER PLANNING COMMISSION**

### **Denied CUP 2024-11 at the Meeting of August 7, 2024**

**RE:** Conditional Use Permit (CUP) 2024-11  
**Address:** 3869 Jennifer Place

**Legal Description:** T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0780056 HILLSIDE ACRE RESUB LOT 10 LOT 10-C

### **DECISION**

#### **Introduction**

Richard Yeater (the "Applicant") applied to the Homer Planning Commission (the "Commission") for a Conditional Use Permit (CUP) under Homer City Code HCC 21.12.030 (m), More than one building containing a permitted principal use on a lot. The applicant proposes a total of four single-family dwellings at 3869 Jennifer Place.

A public hearing was held for the application before the Commission on August 7, 2024, as required by Homer City Code 21.94. Notice of the public hearing was published in the local newspaper and sent to 23 property owners of 16 parcels as shown on the Kenai Peninsula Borough tax assessor rolls. Public notices contained information on how to submit written testimony, participate telephonically, or participate on the Zoom meeting platform.

At the August 7, 2024 meeting of the Commission, six Commissioners were present, Commissioner Conley had an excused absence. The Commission unanimously denied CUP 2024-11 citing several criteria that were not met by the application.

Chair Smith requested Commissioners to declare any ex parte communication and or conflict of interest at the beginning of the Public Hearings for the evening. Commissioner Schneider stated that he needed to disclose a probable conflict of interest, claiming that he and the applicant have a business relationship. The Commission unanimously voted 5-0 that Commissioner Schneider did not have a conflict of interest.

#### **Evidence Presented**

City Planner, Ryan Foster, provided a detailed review of Staff Report PC 24-035 for the Commission. The Applicant was not in attendance and was unavailable to provide responses

to Commissioners questions. Four City residents provided comments and or concerns regarding the application.

Commissioners expressed concerns regarding the following topics:

- Inadequate information
- Resulting density of the property
- Incompatibility with surrounding uses
- Negative effect on the harmony in scale, bulk, coverage, and density of the neighborhood's character

**Conclusion:** Based on the foregoing findings of fact and law, Conditional Use Permit 2024-11 is hereby denied, citing the application did not meet the following criteria:

1. Commissioner Stark explained his reasoning for voting against the CUP, noting that there's insufficient, inadequate information for the Commission to make an informed decision.
2. Commissioner Barnwell provided his reasons for voting against the CUP, stating that it's not compatible with existing uses of surrounding land, and that there aren't any public services or facilities in place prior to occupancy, emphasizing the word "prior."
3. Commissioner Venuti stated that he voted against the CUP due to the fact that it doesn't appear to be compatible with surrounding land use.
4. Commissioner H. Smith stated that he feels this project would negatively affect the harmony in scale, bulk, coverage, and density of the neighborhood's character.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair, Scott Smith

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Planner, Ryan Foster

71  
72  
73 NOTICE OF APPEAL RIGHTS

74 Pursuant to Homer City Code 21.93.020 any person with standing in this decision may appeal this  
75 decision to a hearing officer within fifteen (15) days of the date of distribution indicated below. A  
76 hearing officer will be appointed in accordance with Homer City Code 21.91.100. Any decision not  
77 appealed within that time shall be final. A notice of appeal shall be in writing and contain all the  
78 information required by Homer City Code Section 21.93.080 and shall be filed with the Homer City Clerk,  
79 491 E. Pioneer Avenue, Homer, Alaska 99603.

80  
81 CERTIFICATION OF DISTRIBUTION

82 I certify that a copy of this Decision was mailed to the below listed recipients on \_\_\_\_\_, 2024.  
83 A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same  
84 date.  
85

86  
87 \_\_\_\_\_  
88 Date Ed Gross, Associate Planner  
89

Richard Yeater  
3869 Jennifer Place  
Homer, AK 99603

Michael Gatti  
JDO Law  
3000 A Street, Suite 300  
Anchorage, AK 99503

Melissa Jacobsen, City Manager  
City of Homer  
491 E Pioneer Avenue  
Homer, AK 99603



# City of Homer

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## Planning

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[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report PI 24-041

TO: Homer Planning Commission  
FROM: Ryan Foster, AICP, City Planner  
DATE: September 4, 2024  
SUBJECT: City Planner's Report

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### Comprehensive Plan Update

The Homer Comprehensive Plan Community Survey and Interactive Mapper results are currently being compiled. We are anticipating having a Joint Work Session with the Planning Commission and Parks, Arts, Recreation and Culture Advisory Commission to review and comment on these results on September 18, 2024 from 5-6:20pm.

### Planning Commissioner Training

The Alaska Chapter of the American Planning Association will be hosting a two-part virtual Planning Commissioner Training for Sunday, October 27, 2024. Part 1 will be from 9am-12pm and Part 2 will be from 1pm-4pm. I'll let the Planning Commission know once registration is open.

### Meeting Schedule

The next regular meeting date is Wednesday, September 18, 2024.

### Commissioner Report to Council

9/9/24 \_\_\_\_\_



# City of Homer

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(f) 907-235-3118

### STAFF REPORT PL 24-042

**TO:** Homer Planning Commission  
**FROM:** Ryan Foster, City Planner  
**MEETING:** September 4, 2024  
**SUBJECT:** Application amending Zoning Map via Ordinance

**Requested Action:** Conduct a public hearing and recommend denial of the zoning map amendment to the Homer City Council

### GENERAL INFORMATION

The applicant requests a change in zoning from Rural Residential to Medical.

Applicant: Jeffery Murphy  
3675 Main Street  
Homer, AK 99603

Location: 4323 Main Street (a new address needs to be assigned)

Legal Description: T 6S R 13W SEC 18 SEWARD MERIDIAN HM 2007086 TSUNAMI VIEW SUB  
LOT 2

Parcel ID: 17504022

Size of Existing Lot: 4.82 acres

Zoning Designation: Rural Residential District

Existing Land Use: Vacant

Surrounding Land Use: North: Vacant  
South: Institutional  
East: Residential  
West: Vacant

Comprehensive Plan: Land Use: Medical or Rural Residential

Wetland Status: No KWF Wetlands Assessment on the lot.

Flood Plain Status: None

Utilities: Public utilities service the site.

Public Notice: Notice was sent to 12 property owners of 11 parcels as shown on the KPB tax assessor rolls.

## GENERAL INFORMATION

This application proposes a zoning map amendment to move the Medical District Boundary north to encompass the subject lot. The applicant states that buyers approach him looking for Medical District property and they are having a difficult time finding suitable parcels and that the rezoning will help fill this need.

### HCC 21.95.060 Review by Planning Commission

- a. The Planning Commission shall review each proposal to amend this title or to amend the official zoning map before it is submitted to the City Council.
- b. Within 30 days after determining that an amendment proposal is complete and complies with the requirements of this chapter, the Planning Department shall present the amendment to the Planning Commission with the Planning Department's comments and recommendations, accompanied by proposed findings consistent with those comments and recommendations.
- c. The Planning Department shall schedule one or more public hearings before the Planning Commission on an amendment proposal, and provide public notice of each hearing in accordance with Chapter 21.94 HCC.
- d. After receiving public testimony on an amendment proposal and completing its review, the Planning Commission shall submit to the City Council its written recommendations regarding the amendment proposal along with the Planning Department's report on the proposal, all written comments on the proposal, and an excerpt from its minutes showing its consideration of the proposal and all public testimony on the proposal.

### 21.95.050 Planning Department review of zoning map amendment.

The Planning Department shall evaluate each amendment to the official zoning map that is initiated in accordance with HCC 21.95.020 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

**a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.**

**Applicant:** See attached application.

**Analysis:** The 2018 Comprehensive Plan identifies Medical District as a new land use with the following intent:

“Acknowledge demand for medical services will increase with a larger, aging population. Enact zoning regulations that allow medical services to expand with the growing need for life long medical care, in a localized area near the hospital.”

The Comprehensive Plan Land Use Recommendations Map (see attached) identifies the new Medical District to be recommended south of the subject property.

Per the 2018 Comprehensive Plan, the Rural Residential land use is “intended to provide areas for low density residential development and limited agricultural pursuits.” The Comprehensive Plan Land Use Recommendations Map identifies the subject parcel as Rural Residential.

Staff Finding: The proposed zoning change is inconsistent with the Comprehensive Plan and the Comprehensive Plan Land Use Recommendations Map.

**b. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.**

**Applicant:** See attached application.

**Analysis:** The conditions of the subject property have not changed significantly since the creation of the Medical District. The steep slopes and development challenges of the subject property remain unchanged and the initial creation of the Medical District was appropriate.

#### Tsunami View Subdivision

Plat note #2 of the Tsunami View Subdivision (see attached) from 2007 notes the following restriction for development of the subject property.

- 2. Roads and other development shall not be constructed within areas designated as “slopes exceeding 30%” unless development plans, including a geotechnical study and hydrologic study of the area, have been submitted to and approved by the City of Homer



*The view of the subject property from the South Peninsula Hospital (facing north)*





*The view of the subject property from the South Peninsula Hospital with retaining wall (facing north)*

**Staff Finding:** The amendment would apply a zoning district that is not better suited to the area because conditions have not changed since the creation of the Medical District boundaries and the initial creation of the Medical District was appropriate.

**c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.**

**Applicant:** See attached application.

**Analysis:**

Public Services

City water and sewer are available at Hohe Street and access to the subject property would be via Hohe Street, a City maintained road, but the road would need to be extended. Full police and fire services are available. Public services and facilities are adequate to serve the property.

### Public Facilities and Environmental Conditions

The 2022 Local Hazard Mitigation Plan addresses the topic of landslides and the associated Landslide Hazard Areas Map (see attached) depicting the subject property in an area with slopes over 20 degrees (those at higher risk of landslides) and to the south, the South Peninsula Hospital as a critical facility.

### Slope Analysis

Based on the best current information, the average slope of the subject property is approximately 40% (see attached Slope Analysis Map). Per Homer City Code 21.44.030 Slope development standards:

b. Area of Development.

1. Except where the City Engineer approves a site plan under HCC 21.44.050 that provides for a larger area of development, the area of development on a lot with an average slope:

a. Of 15 to 30 percent shall not exceed 25 percent of the total lot area.

b. Greater than 30 percent but less than 45 percent shall not exceed 10 percent of the total lot area.

At approximately 40% average slope, the subject property shall not exceed 10 percent of the total lot area without a site plan approved by the City Engineer per HCC 21.44.050. The low density development imposed by the steep slopes on the subject property is more appropriate for a Rural Residential Zoning District.

Staff Finding: The rezoning of this 4.82-acre lot that from Rural Residential to Medical is not in the best interest of the public, as it is most suitable for Rural Residential development based on its current environmental conditions as stated above, which can limit the potential negative impacts development could have on critical infrastructure to the south, including the South Peninsula Hospital.

### **STAFF COMMENTS/RECOMMENDATIONS:**

Planning staff has reviewed the ordinance per 21.95.050 and recommends the Planning Commission conduct a public hearing, and recommend denial to the City Council.

## **ATTACHMENTS**

1. Application
2. Petition
3. Map of Rezone
4. Public Notice
5. Aerial Map
6. Comprehensive Plan Land Use Recommendations Map
7. Tsunami View Subdivision
8. Local Hazard Mitigation Plan Landslide Section and Map
9. 4323 Main Street Slope Analysis Map



# City of Homer

www.cityofhomer-ak.gov

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

## Rezoning Application

For Staff Use Only

Fee Amount:	Received by:	Planning Commission Public Hearing Date:
Date application accepted as complete:		HAPC approval or denial date:

### APPLICANT INFORMATION

Name: Jeffery L. Murphy Phone Number: 907-290-0069

Address: 3675 Main ST Homer, AK 99603

Property Owner (if different than applicant)

Name: Same Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

### PROPERTY INFORMATION (if more than one lot, list on separate page)

Street Address: 4323 Main ST Lot size: 4.62 Ac Tax parcel number: 17.504022

Legal Description: T6S R13W SEC 19 Seward Meridian Hm 2007086 T Seward  
Urean Sub Lot 2

Circle one: Is City water available? YES/NO City Sewer? YES/NO Electrical Service? YES/NO

What is the existing use of the property? Vacant undeveloped

What is the proposed use of the property? Medical office

What structures or land uses exist on the neighboring properties? (Examples: residential, commercial, vacant) List the zoning of these adjacent lots.

Structures/land use

Zoning

North: nothing

Rural Residential

South: Hospital

Medical District

East: Res office

Res. office

West: Open space - fair

Open Space Rec



1. What is the public need and why is this rezone justified?

lack of available undeveloped property in the medical district

2. Describe the benefits and detriments of this proposed rezoning to:

(a) the community.

(b) the neighboring landowners.

(c) you, the property owner.

There is no detriment and there is a huge need for larger developable properties in this district

3. Can the proposed land use be developed in a manner that is compatible with development in adjacent zoning districts? If so, how? What effect will this change have on the surrounding properties?

yes, no adverse effects

4. Can the existing public facilities, services, and utilities accommodate the proposed use without any detrimental affect on adjacent zoning districts? If so, how?

yes, all services (water, sewer, electric, gas) are adjacent to the property

5. Would rezoning to a district allowing the proposed use permit other uses, which would not be compatible with adjacent land use?

no negative impact

6. How does this proposal relate to the Comprehensive Plan and purposes of the zoning regulations?

is compatible

7. How would the proposed change affect the public health safety and welfare of the surrounding area?

improve it

OTHER REQUIREMENTS

1. The applicant shall provide a map showing the area to be rezoned.
2. The applicant shall provide a petition, signed by a majority of the landowners within the proposed zoning area saying that they support the proposed change.

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

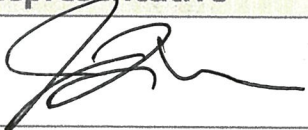
Owner of record ☒ Lessee \_\_\_\_\_ Contract purchase duly authorized to act for a person who has the following legal interest, \_\_\_\_\_ and that the owner of record is knowledgeable of this application if I am not the owner. I also understand that this item will be scheduled for the Planning Commission Agenda only if all application materials are submitted.

Applicant Signature: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_

## Petition

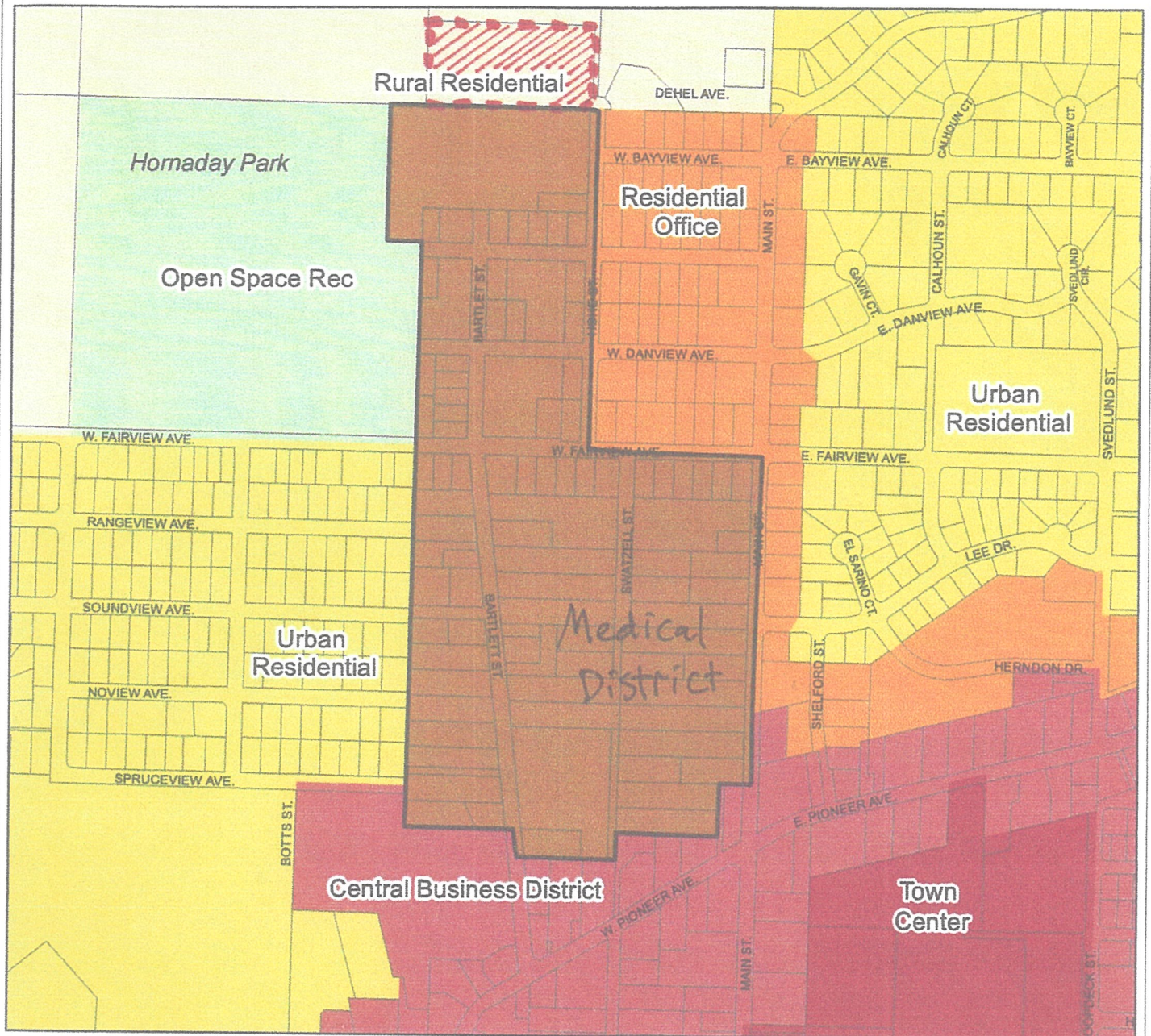
Proposed amendment:	The property at 4323 Main St. consists of one parcel which is 4.82 acres. Currently, the parcel is zoned Rural Residential. This request is to change the zoning of the entire property, Lot 2 Tsunami View Subdivision, to Medical District.
HCC 21.95.020(e)(3)(a)	"Each person signing this petition represents that the signer is a record owner of the lot whose description accompanies the signature; that the signer is familiar with the proposed zoning map amendment and the current zoning district of the lot; and that the signer supports the City Council's approval of the amendment."
Statement of Justification	I have buyers approaching me looking for medical District property and they are having a difficult time finding suitable parcels - This Rezoning will help fill this need.

Printed Name	Signature of Property Owner or Designated Representative	Legal Description	Tax parcel number
Jeffery L. Murphy		T6S R 13 W SEC 18 Seward Meridian HM 2007086 TSunami View Sub Lot 2	17504022

**MY SIGNATURE MEANS I AM IN FAVOR OF THIS AMENDMENT**



# Rezone Proposal



## Legend

### Zoning Districts

- Central Business District
- Town Center
- Rural Residential
- Urban Residential
- Residential Office
- Open Space Rec
- Medical District



- Proposed lot to be rezoned from Rural Residential to Medical



0 250 500 Feet



City of Homer  
Planning and Zoning Department

5/20/2020

**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.



# TOPOGRAPHIC SURVEY (4' CONTOURS)

LOT 1

40' BY 50' FOOTPRINT (2000 SQ FT)

LOT 2

SOUTH PENINSULA HOSPITAL

## LEGEND

- ⊕ FOUND BRASS CAP
- ⊙ FOUND REBAR WITH ALUMINUM CAP

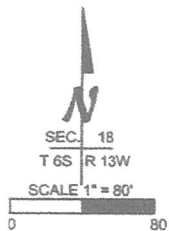
I hereby certify that I have performed a topographic survey of the following property:

LOT 2, TSUNAMI VIEW SUBDIVISION,  
SECTION 18, TOWNSHIP 6 SOUTH, RANGE 13 WEST,  
SEWARD MERIDIAN.

Homer Recording District, Alaska, and that the improvements situated thereon are within the property lines and do not overlap or encroach on any property lying adjacent thereto, and that no improvements on property lying adjacent thereto encroach on the premises in question, other than those shown.

**FINELINE SURVEYS**

P.O. Box 774  
Anchor Point, Alaska 99556  
Dmitri D. Kimbrell, RLS (907) 360 6382



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

A public hearing on the matters below are scheduled for Wednesday, September 4, 2024 at 5:30 p.m. during the Regular Planning Commission Meeting. Participation is available virtually via Zoom webinar or in-person at Homer City Hall.

**AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE 21.10.030 AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RURAL RESIDENTIAL (RR) ZONING DISTRICT TO MEDICAL (M) ZONING DISTRICT**

**The rezone from Rural Residential (RR) Zoning District to Medical (M) Zoning District is proposed for the following address:**

**4323 Main Street  
T 6S R 13W SEC 18 SEWARD MERIDIAN HM 2007086 TSUNAMI VIEW SUB LOT 2**

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

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

Meeting ID: 979 8816 0903  
Passcode: 976062

Additional information regarding this matter will be available by 5pm on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for August 30, 2024 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

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




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

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

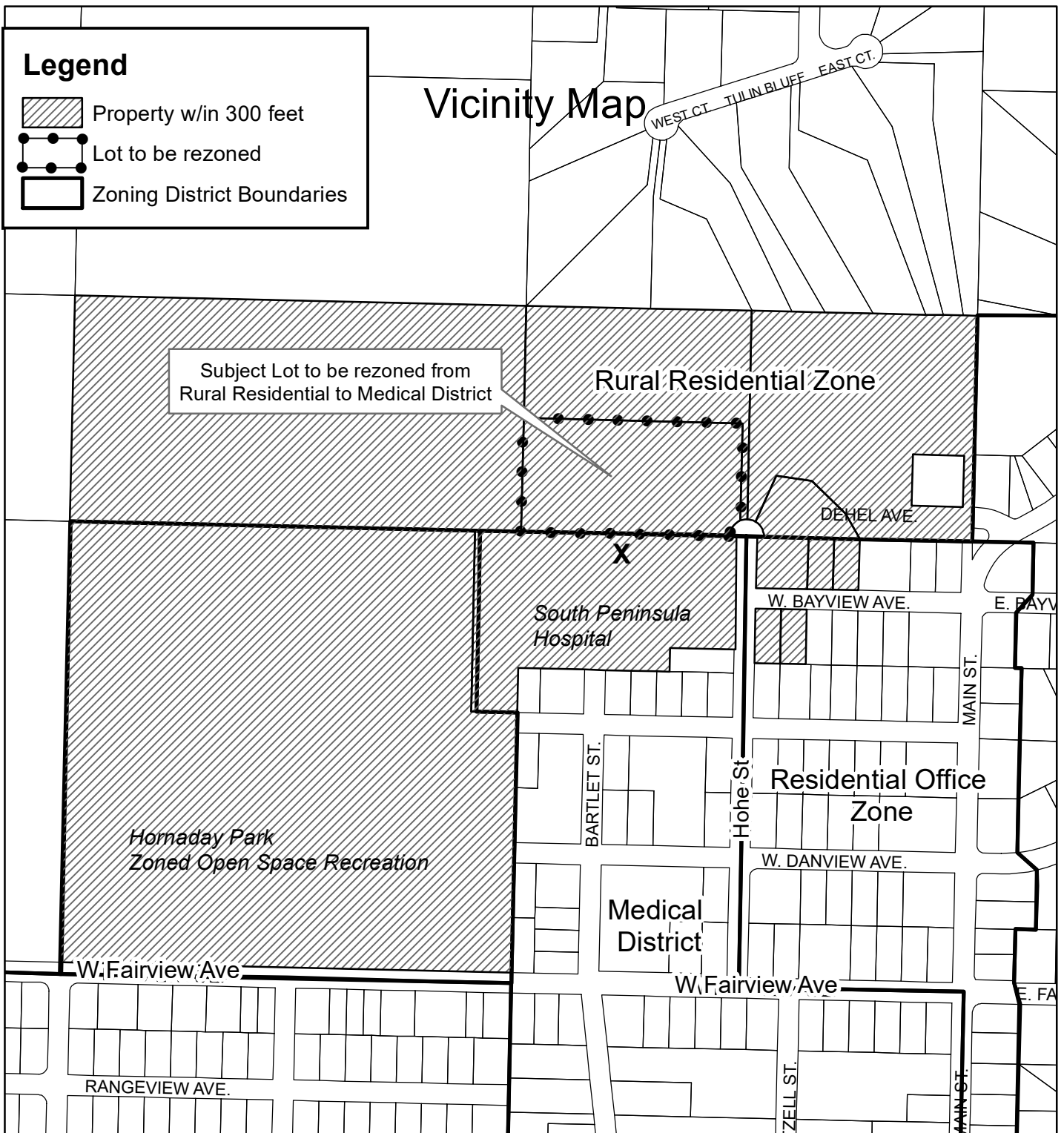
.....

**VICINITY MAP ON REVERSE**

## Legend

-  Property w/in 300 feet
-  Lot to be rezoned
-  Zoning District Boundaries

## Vicinity Map



City of Homer  
Planning and Zoning Department

August 22, 2024

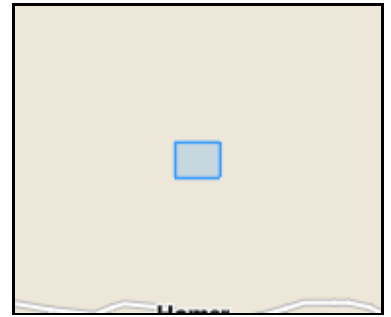
## Request for a Rezone from Rural Residential to Medical District

Marked lots are within 300 feet  
and property owners notified.

0 250 500 1,000 Feet



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



## Legend

### Transportation

#### Mileposts



#### Roads

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

### Parcels and PLSS

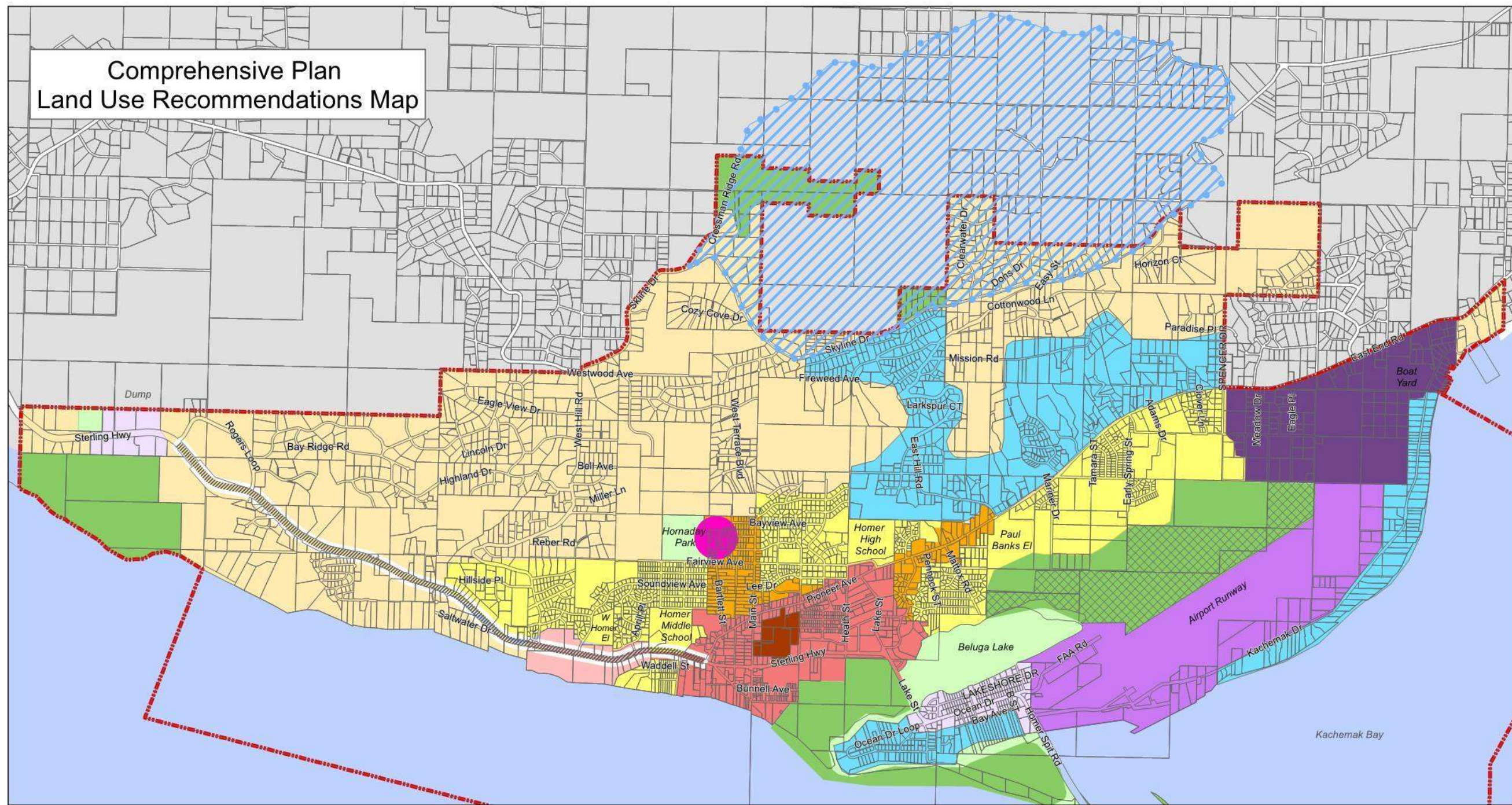
#### Tax Parcels



0 250 500  
ft

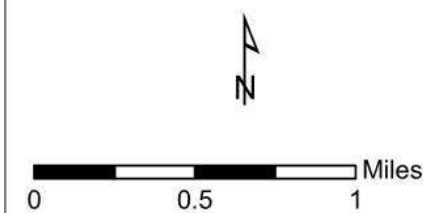
NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or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





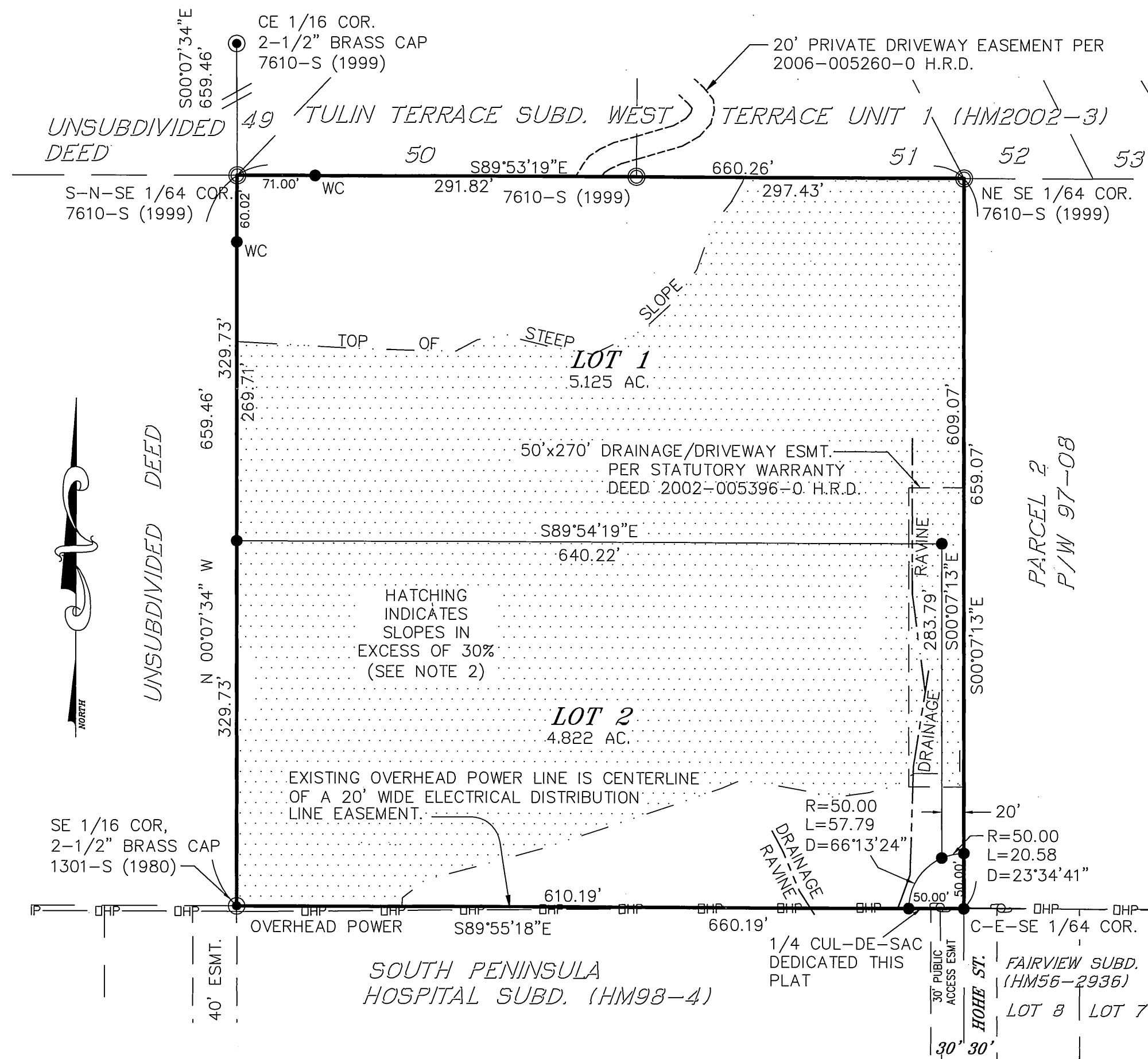
**Legend**

<b>Land Use Recommendations</b>	Town Center	Medical District	Rural Residential	City Limits
Bridge Creek Watershed	General Commercial 1	Residential Office	Open Space Rec	Airport Critical Habitat Area
Gateway Business District	General Commercial 2	Urban Residential	Conservation	
Downtown Mixed Use	East End Mixed Use	Residential Transition	Scenic Gateway Corridor Overlay	



City of Homer





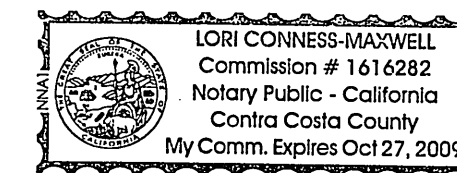
### CERTIFICATE OF OWNERSHIP

I hereby certify that I am the owner of the real property shown and described hereon, and that I hereby adopt this plan of subdivision, and by my free consent grant all easements to the use shown.

*Barbara Riley*  
Barbara Riley  
1004 Rock Ridge Way  
Pittsburg, CA 94656-4348

### NOTARY'S ACKNOWLEDGMENT

For Barbara Riley  
\*Subscribed and sworn to before me this 27<sup>th</sup> day  
of September, 2007.  
*Lori Conness-Maxwell* 10/27/2009  
Notary public for California My Commission Expires  
\* proved on the basis of satisfactory evidence



### NOTES

1. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
2. ROADS AND OTHER DEVELOPMENT SHALL NOT BE CONSTRUCTED WITHIN AREAS DESIGNATED AS "SLOPES EXCEEDING 30%" UNLESS DEVELOPMENT PLANS, INCLUDING A GEOTECHNICAL STUDY AND HYDROLOGIC STUDY OF THE AREA, HAVE BEEN SUBMITTED TO AND APPROVED BY THE CITY OF HOMER.
3. A MINIMUM OF 15 FEET SHALL BE PROVIDED BETWEEN ANY STRUCTURES AND THE TOP OF THE BANK OF ANY DEFINED DRAINAGE.
4. DEVELOPMENT ON THESE LOTS IS SUBJECT TO HOMER CITY CODE.
5. NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOT.
6. ACCEPTANCE OF THIS PLAT BY THE BOROUGH DOES NOT CONSTITUTE ACCEPTANCE OF ANY ENCROACHMENTS.
7. RESTRICTIVE COVENANTS AFFECTING LOT 1 ARE FILED AS SERIAL NO. 2006-05261, HOMER RECORDING DISTRICT, NOVEMBER 9, 2006.

#### WASTEWATER DISPOSAL FOR LOT 1

LOT 1 IS AT LEAST 200,000 SQUARE FEET, OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

#### WASTEWATER DISPOSAL FOR LOT 2

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

*Gary D. Nelson* 7610-S 9-11-2007  
SURVEYOR LICENSE # DATE

### LEGEND

- SET 2 1/2" AL-CAP ON 5/8" REBAR
- FOUND 2 1/2" BRASS CAP ON 3/4" GALVANIZED PIPE
- FOUND 2" AL-CAP ON 5/8" REBAR
- ⊕ POWER POLE
- OHP— OVERHEAD POWER LINE

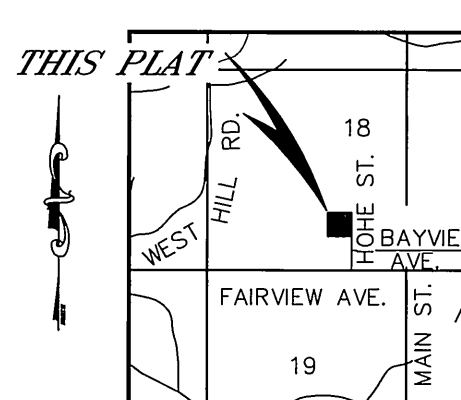
### PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of June 27, 2005  
KENAI PENINSULA BOROUGH  
BY *Max J. Beal*  
Authorized Official

2004-86  
Homer REC DIST  
Date 10/11 2007  
Time 2:03 PM  
Requested By *Barbara Riley*  
Address \_\_\_\_\_

### VICINITY MAP

SCALE: 1" = 1 MILE



DATE 6-15-2007  
SCALE 1"=100'  
JOB No. 3853  
DRAWING: 3853

### TSUNAMI VIEW SUBDIVISION

A SUBDIVISION OF PARCEL 3, P/W 97-08, (BK 261, PG 996, HRD) LOCATED IN THE SE1/4 SEC. 18, T6S, R13W, S.M., CITY OF HOMER, KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, ALASKA CONTAINING 9.992 ACRES

### ABILITY SURVEYS

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

KPB FILE No. 2005-162

### 3.5 LANDSLIDE

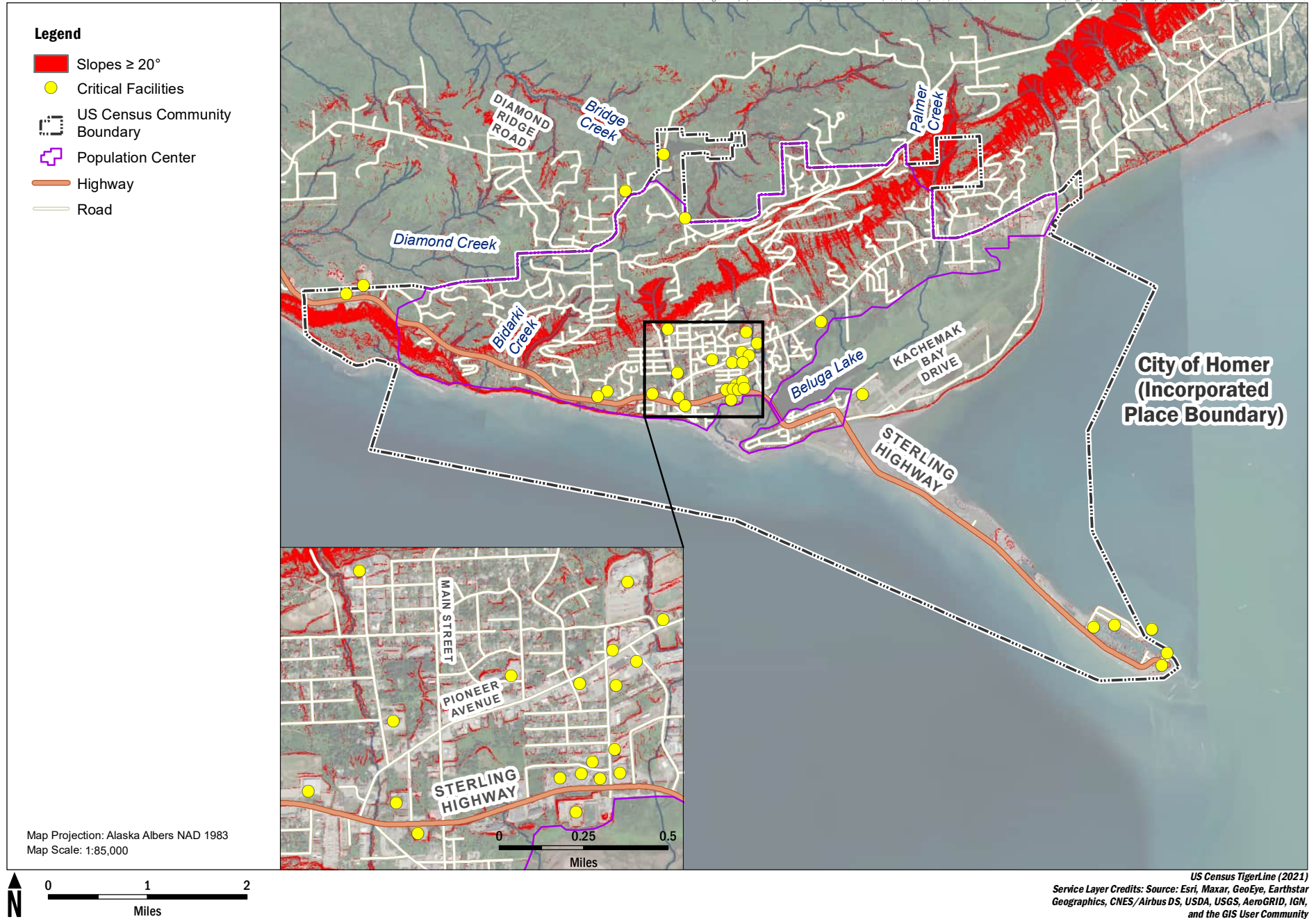
**Table 3-6: Landslide**

Profile	Description
Nature	<p>Landslide is a general term for the dislodging and fall of a mass of soil or rocks along a sloped surface, or for the dislodged mass itself. The term is used for varying phenomena including mudflows, mudslides, debris flows, rock falls, rockslides, debris avalanches, debris slides, and slump-earth flows. Landslides may result from a wide range of combinations of natural rock, soil, or artificial fill. The susceptibility of hillside and mountainous areas to landslides depends on variations in geology, topography, vegetation, and weather. Landslides may also occur because of indiscriminate development of sloping ground or the creation of cut-and-fill slopes in areas of unstable or inadequately stable geologic conditions. Landslides often occur together with other hazards, which can exacerbate conditions as described below:</p> <ul style="list-style-type: none"> <li>• Shaking due to earthquakes can trigger events ranging from rock falls and topples to massive slides</li> <li>• Intense or prolonged precipitation that causes flooding can also saturate slopes and cause failures leading to landslides</li> <li>• Wildfires can remove vegetation from hillsides, significantly increasing runoff and debris flow potential</li> <li>• Landslides into a reservoir can indirectly compromise dam safety; a landslide can even affect the dam itself</li> <li>• Saturation by water is also a primary cause of landslides. Saturation can occur in the form of intense or prolonged rainfall, snowmelt, changes in groundwater levels, and surface water level changes along coastlines, earth dams, and banks of lakes.</li> </ul> <p>Another type of landslide occurs in areas cut by perennial streams; as floodwaters erode channel banks, rivers have undercut clay-rich sedimentary rocks along their southern bank, thereby destabilizing the ground and causing the ground above it to slide.</p>
Location	<p>In North America, there is an association between landslides and hilly terrain (particularly with slopes ranging from about 20 to 40 degrees). Areas on the mountainous terrain in the city which includes slopes greater than 20 degrees, are shown in Figure 4. The highest concentration of these slopes is along the bluffs running between Skyline Drive East End Road and on the west end of the city, just south of the Sterling Highway (Bluff Point).</p> <p>The Bluff Point landslide is well documented and shown in Figure 5.</p>
History	<p>The ADGGS has identified over 1,000 slope failure scars using aerial photographs and light detection and ranging (LIDAR) data from the Homer and Kachemak areas. At least one severe landslide occurred in Homer above Kachemak following the Great Alaskan Earthquake.</p> <p>Notable landslide failures in Homer since the 2010 LHMP include:</p> <ul style="list-style-type: none"> <li>• In 2013, heavy rains caused a 16-foot mudslide down Bear Creek Drive (3 miles east on East End Road). Uphill, when heavy rains saturated the narrow Bear Creek Canyon, it “let go,” which sent trees and debris down Bear Creek, jamming a culvert on the uphill side of East End Road. A disaster declaration was made for several rain-soaked areas in the Kenai Peninsula Borough.</li> <li>• In 2015, a landslide occurred along a stretch of Kachemak Drive near the Homer Airport. The slide resulted in the closure of Kachemak Drive approximately 0.5-mile from Homer Spit Road to the top of the hill by the old airport. The slide took out a 100-foot section of the east bound lane of Kachemak Drive, pushing clumps of spruce and alder trees into Mud Bay.</li> </ul>

**Table 3-6: Landslide**

Profile	Description
Extent / Severity	No official landslide dataset exists for the City of Homer. However, in North America, there is an association between landslides and hilly terrain (particularly with slopes ranging from about 20 to 40 degrees). As such, the mountainous terrain in Homer that includes slopes greater than 20 degrees is at greatest risk of slide. Approximately 17% (1,504 acres) of Homer is in this hazard area.
Recurrence Probability	Shallow landslides can occur at any time but are more likely to happen when the ground is nearly saturated. However, deep-seated landslides are generally triggered by deep infiltration of rainfall (which can take weeks or months to occur) and therefore typically follow major storm events. It is assumed that the probability of a future landslide event will be highly tied to winter storm/rain events. Based on historical occurrences, severe winter storm conditions are likely in the City of Homer every 2 to 7 years.

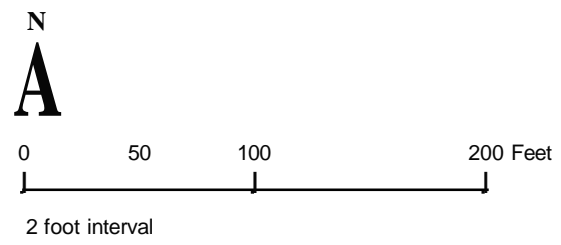
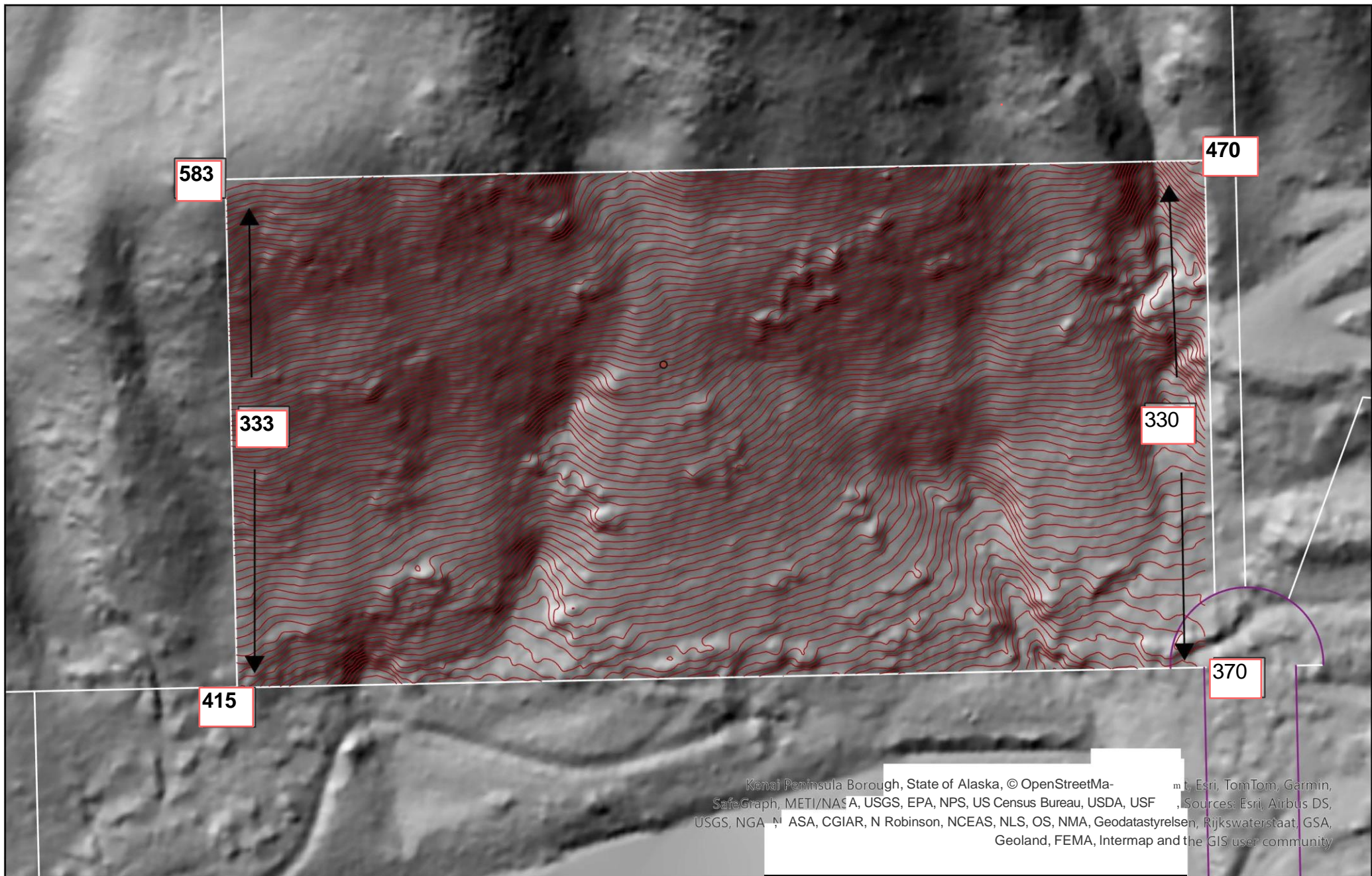




## LAND FAILURE HAZARD AREAS

Figure 4





# 4323 Main St Re-Zone Slope Analysis

Average Slope 38 %





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

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

### Staff Report 24-043

TO: Homer Planning Commission **24-043**  
FROM: Ryan Foster, AICP, City Planner  
DATE: September 4, 2024  
SUBJECT: Thomas Court Subdivision, Revised Submission 2

**Requested Action:** Approval of a preliminary plat to divide lot 1-E, Subdivision of Tr. No. 1, James Waddell Boundary Survey (HM 63-495), into 2 lots.

### General Information:

Applicants:	Karen Ann Christopher & Larry Scott Chambers 4510 Thomas Court Homer, AK 99603	FineLine Surveys PO Box 774 Anchor Point, AK 99556
Location:	Thomas Court, North of East Hill Road	
Parcel ID:	17904014	
Size of Existing Lot(s):	2.02 acres	
Size of Proposed Lots(s):	0.606 acres and 1.419 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Residential South: Vacant East: Vacant West: Residential	
Comprehensive Plan:	1-C-1 Promote infill development in all housing districts.	
Wetland Status:	KFW Wetland/Upland Complex in the southeast portion of the property.	
Flood Plain Status:	Not in a floodplain.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are present on East Hill Road.	
Public Notice:	Notice was sent to 40 property owners of 32 parcels as shown on the KPB tax assessor rolls.	

**Analysis:** This subdivision is within the Rural Residential District. This plat subdivides one larger lot into two smaller lots. This preliminary plat has been revised a second time and resubmitted for consideration. Access to the lots to the north would remain through an existing access easement.

**Homer City Code 22.10.051 Easements and rights-of-way**

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** City sewer and water mains are located on East Hill Road. The owner will need to enter into an installation agreement with the City. A new water and sewer service will need to be provided to Lot 1-E-1. Both existing houses will need to be served by their own water and sewer services with no lines crossing property lines, except where the line comes from the main line in the public right-of-way to the property being served.

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

**Staff Response:** The plat meets these requirements.

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

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

**Staff Response:** The plat meets these requirements.

- B. North point;

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements. *No such areas are proposed.*

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

**Staff Response:** The plat meets these requirements. *An access agreement provides access to the proposed properties.*

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.



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

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

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

**Staff Response:** The plat does not meet these requirements. No slopes are identified, though there are steep slopes present. Recommend the surveyor provides approximate locations of slopes over 20 percent in grade or demonstrates that there are no slopes over 20 percent.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

**Public Works Comments:** The owner will need to enter into an installation agreement with the City. A new water and sewer service will need to be provided to Lot 1-E-1. Both existing houses will need to be served by their own water and sewer services with no lines crossing property lines, except where the line comes from the main line in the public right-of-way to the property being served.

**Staff Recommendation:**

Planning Commission recommends approval of the preliminary plat with the following additional comments.

1. Recommend the surveyor provides approximate locations of slopes over 20 percent in grade or demonstrates that there are no slopes over 20 percent.
2. The owner will need to enter into an installation agreement with the City. A new water and sewer service will need to be provided to Lot 1-E-1. Both existing houses will need to be served by their own water and sewer services with no lines crossing property lines, except where the line comes from the main line in the public right-of-way to the property being served.

**Attachments:**

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

NOTES:

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 15 FEET OF THE 20 FOOT BUILDING SET BACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.
3. WASTEWATER DISPOSAL: PLANS FOR WASTEWATER THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
4. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION, IF APPLICABLE.
5. HOMER ELECTRIC ASSOCIATION, INC. WAS GRANTED A GENERAL EASEMENT TO ENTER, MAINTAIN, REPAIR, AND CLEAR SHRUBBERY (1/12/1960 BK19, PG104) & (1/10/1961 BK21, PG217).
6. ADDITIONAL EASEMENTS:  
ACCESS EASEMENT (10/3/1972 BK66, PG407),  
TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR, AND CLEAR SHRUBBERY (GLACIER STATE TELEPHONE CO. 7/1/1982 BK128, PG 662)  
TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR, AND CLEAR SHRUBBERY (TELEPHONE UTILITIES OF THE NORTHLAND 4/23/1987 BK176, PG110)
6. EXCEPTIONS TO 20.30.030 PROPOSED STREET LAYOUT, 20.30.050 LEGAL ACCESS, 20.30.090 MAXIMUM GRADES, 20.30.120 STREET WIDTHS, 20.30.190 LOT DIMENSIONS(LOT 1-E-3) WERE GRANTED BY THE PLANNING COMMISSION. MEETING DATE

CERTIFICATE OF OWNERSHIP:

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN, AND WE HEREBY ADOPT THIS SUBDIVISION PLAN AND BY OUR FREE CONSENT GRANT ALL EASEMENTS TO USE SHOWN.

KAREN ANN CHRISTOPHER  
4510 THOMAS CT.  
HOMER, AK 99603

LARRY SCOTT CHAMBERS  
4510 THOMAS CT.  
HOMER, AK 99603

NOTARY'S ACKNOWLEDGEMENT:

FOR: KAREN ANN CHRISTOPHER

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ 20 \_\_\_\_  
DAY OF \_\_\_\_\_

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES

NOTARY'S ACKNOWLEDGEMENT:

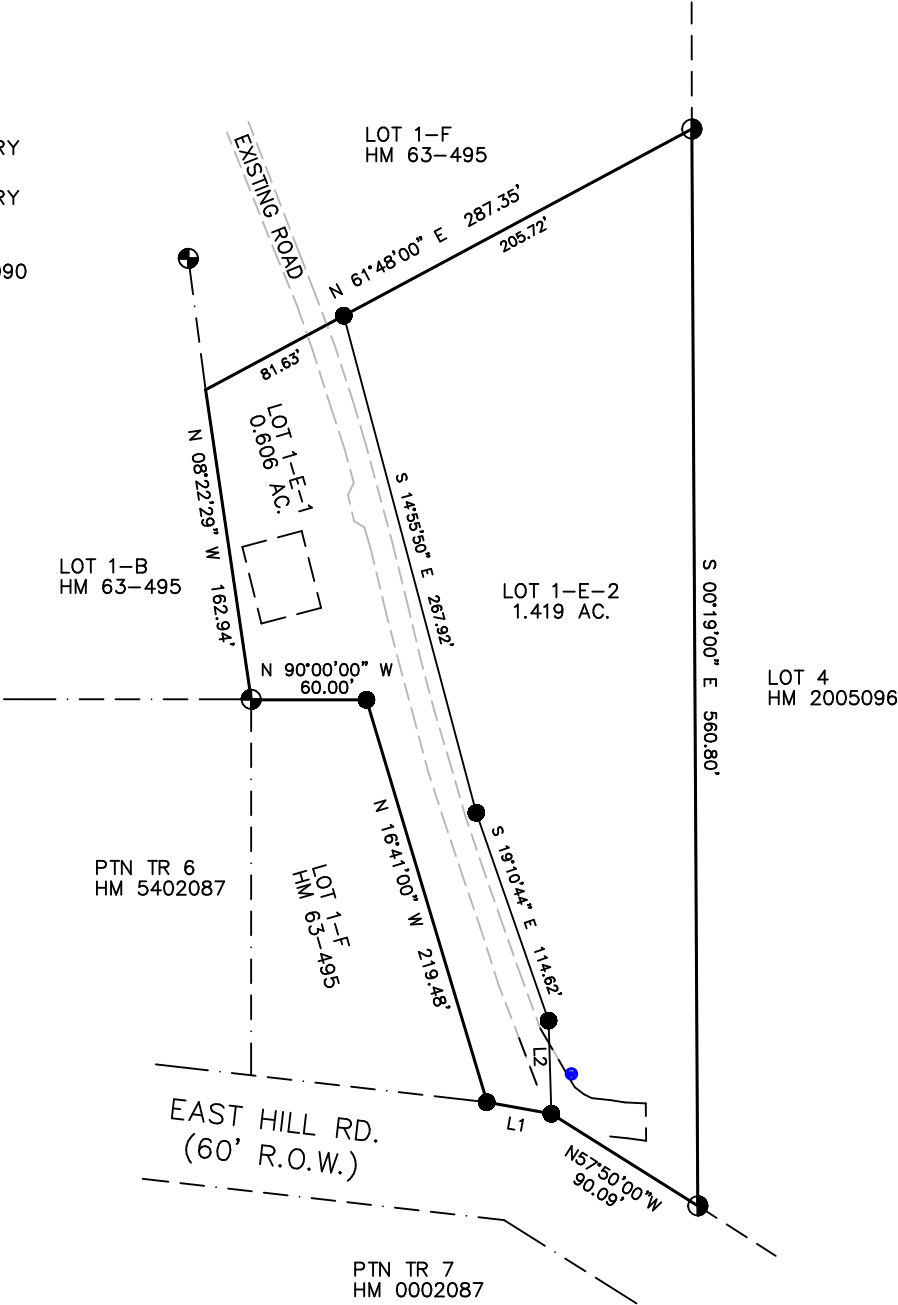
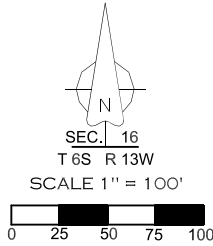
FOR: LARRY SCOTT CHAMBERS

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ 20 \_\_\_\_  
DAY OF \_\_\_\_\_

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES

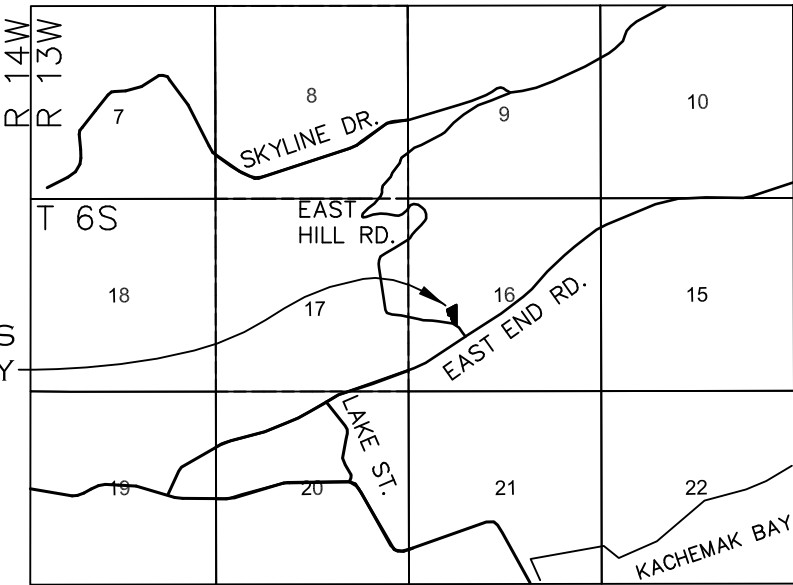
LEGEND:

- FOUND IRON 3/4" IRON PIPE
- ⊕ FOUND REBAR WITH 2"ALUMINUM CAP
- ⦿ FOUND 5/8" REBAR
- SET REBAR WITH ALUMINUM CAP (10771-S 2024)



LINE	BEARING	DISTANCE
L1	N 79°51'00" W	34.22'
L2	S 01°43'11" E	48.51'

THIS  
SURVEY



VICINITY MAP 1 INCH = 1 MILE

PLAT APPROVAL:

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING DATED, \_\_\_\_\_

KENAI PENINSULA BOROUGH

BY: \_\_\_\_\_

AUTHORIZED OFFICIAL:

SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THE PLAT REPRESENTS A SURVEY MADE BY ME, AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THOMAS COURT SUBD.

K.P.B. FILE # 2023-

A SUBDIVISION OF LOT 1-E, JAMES WADDELL BOUNDARY SURVEY, SECTION 16, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, ALASKA. HOMER RECORDING DISTRICT. containing 2.024 acres.

KAREN ANN CHRISTOPHER & LARRY SCOTT CHAMBERS  
4510 THOMAS CT. HOMER, AK 99603

FINELINE SURVEYS

P.O. Box 774  
Anchor Point, Alaska 99556  
Dmitri D. Kimbrell, RLS (907) 360 6382

SCALE: 1"=100' DATE: 6/28/2024

FineLine Surveys

P.O. 774

Anchor Point, AK 99556

Attn.: Ryan Foster

Re: Thomas Court Subd.

Ryan

This proposed platting action would divide lot 1-E, Subdivision of Tr. No. 1, James Waddell Boundary Survey(HM 63-495), into 2 lots. Access to the lots to the north would remain through an existing access easement.

Please call with any questions or concerns.

dmitri kimbrell

907 360 6382



## NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

### **Thomas Court Subdivision Preliminary Plat**

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

A public meeting will be held by the Homer Planning Commission on Wednesday, September 4, 2024 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit [zoom.us](https://zoom.us) and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5 p.m. on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for August 30, 2024 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

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

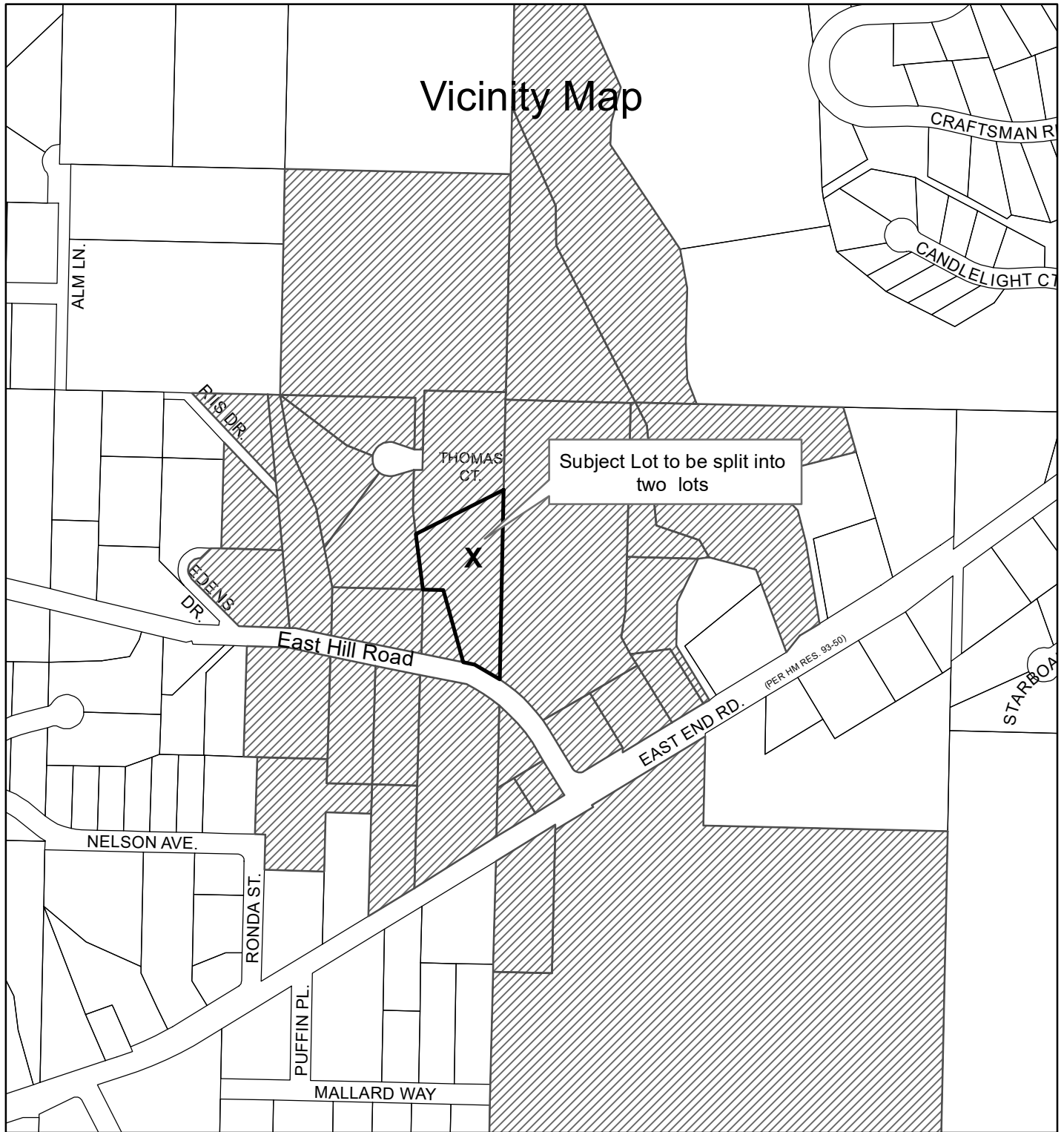
If you have questions or would like additional information, contact Ryan Foster at the Planning and Zoning Office. Phone: (907) 235-3106, email: [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov), or in-person at Homer City Hall.

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

.....

## VICINITY MAP ON REVERSE

# Vicinity Map



City of Homer  
Planning and Zoning Department

August 21, 2024

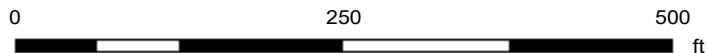
## Request for Thomas Court Subdivision Preliminary Plat

Marked lots are within 500 feet  
and property owners notified.

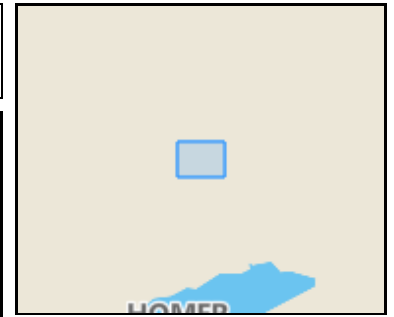
0 250 500 1,000 Feet



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



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



## Legend

### Transportation

#### Mileposts



#### Roads

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

### Parcels and PLSS

#### Tax Parcels





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

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

### Staff Report 24-044

TO: Homer Planning Commission **24-044**  
FROM: Ryan Foster, AICP, Acting City Planner  
DATE: September 4, 2024  
SUBJECT: Bayview Gardens Subdivision Addn. 1 Jennings 2024 Replat

**Requested Action:** Approval of a preliminary plat to adjust the lot line between Lot 8 and Lot 12.

#### General Information:

Applicants:	Jennings Community Property Trust 969 S Larkspur Circle Homer, AK 99603	Seabright Survey & Design 1044 East End Rd, Suite A Homer, AK 99603
Location:	South of S Larkspur Circle and Larkspur Court	
Parcel ID:	17701030 and 17701029	
Size of Existing Lot(s):	1.63 acres and 2.47 acres	
Size of Proposed Lots(s):	1 acre and 3.099 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Vacant and Residential	
Surrounding Land Use:	North: Residential South: Residential East: Residential West: Residential	
Comprehensive Plan:	1-C-1 Promote infill development in all housing districts.	
Wetland Status:	No wetlands present.	
Flood Plain Status:	Not in a floodplain.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are present on Larkspur Court.	
Public Notice:	Notice was sent to 37 property owners of 32 parcels as shown on the KPB tax assessor rolls.	

**Analysis:** This subdivision is within the Rural Residential District. This plat adjusts the lot line between Lot 8 and Lot 12 resulting in Lot 8-A of 1 acre and a lot 12-A of 3.099 acres.

### **Homer City Code 22.10.051 Easements and rights-of-way**

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

**Staff Response:** The utility easement is depicted as a 10' utility easement per (HM 76-104), however it spells it out as a 15' utility easement in note #1. A 15' utility easement should be depicted on the plat too.

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

**Staff Response:** City sewer and water mains are located on Larkspur Court.

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

**Staff Response:** The plat meets these requirements.

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

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

**Staff Response:** The plat meets these requirements.

- B. North point;

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.



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

**Staff Response:** The plat meets these requirements. *No such areas are proposed.*

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

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

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

**Staff Response:** The plat meets this requirement. Areas over 20 percent grade are indicated on the plat.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

**Public Works Comments:** I noticed the utility easement is depicted as a 10' utility easement per (HM 76-104), however it spells it out as a 15' utility easement in note #1. We want 15' and it should be depicted that way on the plat.

**Staff Recommendation:**

Planning Commission recommends approval of the preliminary plat with the following additional comments.

1. The utility easement is depicted as a 10' utility easement per (HM 76-104), however it spells it out as a 15' utility easement in note #1. A 15' utility easement should be depicted on the plat too.

**Attachments:**

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

NOTES

1. THE FRONT 15' ALONG THE RIGHT-OF-WAY AND THE 5' ADJACENT TO SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
2. DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF HOMER ZONING REGULATIONS. REFER TO HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.
3. LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER.
4. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.

NOTARY'S ACKNOWLEDGMENT

FOR: \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2024.  
  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

PLAT APPROVAL

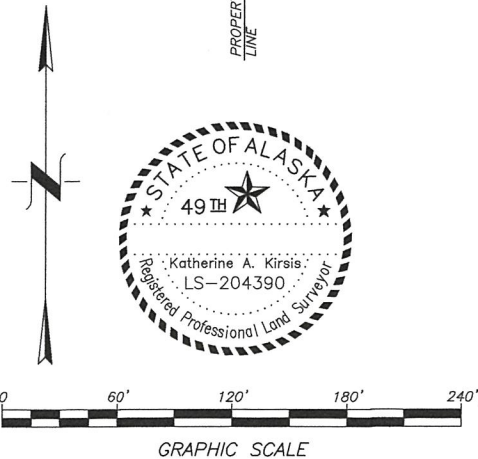
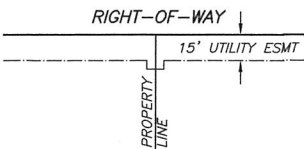
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

LEGEND

APPROX. AREAS OF 20% SLOPE OR GREATER (KPB GIS)

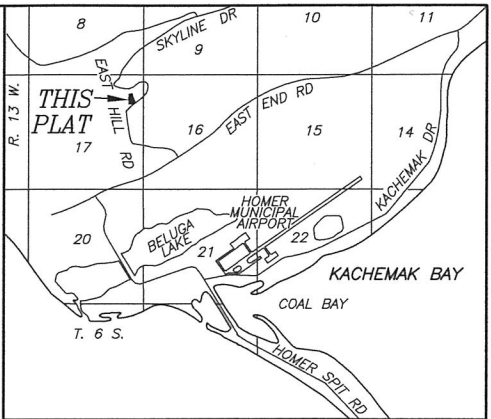
R/W TYPICAL DETAIL



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C1	44.94'	50.00'	51°30'00"	N59°45'23"E	43.44'
C2	65.77'	50.00'	75°22'12"	N3°40'43"W	61.13'
C3	32.18'	50.00'	36°52'12"	N22°55'43"W	31.62'
C4	31.42'	20.00'	90°00'00"	N40°30'23"E	28.28'

WASTEWATER DISPOSAL

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



VICINITY MAP

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

CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT THE JENNINGS COMMUNITY PROPERTY TRUST ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF THE JENNINGS COMMUNITY PROPERTY TRUST, WE HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

RICHARD JENNINGS, TRUSTEE  
JENNINGS COMMUNITY PROPERTY TRUST  
969 S. LARKSPUR CIRCLE  
HOMER, 99603

ROSEMARY JENNINGS, TRUSTEE  
JENNINGS COMMUNITY PROPERTY TRUST  
969 S. LARKSPUR CIRCLE  
HOMER, 99603

NOTARY'S ACKNOWLEDGMENT

FOR: \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2024.  
  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

HOMER RECORDING DISTRICT KPB FILE NO. 2024-XXX

BAYVIEW GARDENS SUBDIVISION ADDN. 1  
JENNINGS 2024 REPLAT

A SUBDIVISION OF LOTS 8 & 12, BLOCK 9, BAYVIEW GARDENS SUBDIVISION ADDITION 1 (HM 76-104), LOCATED IN THE N1/2 NE1/4 SEC. 17, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, ALASKA

CONTAINING 4.099 ACRES

SEABRIGHT SURVEY + DESIGN  
KATHERINE A. KIRSIS, P.L.S.

1044 EAST END ROAD, SUITE A  
HOMER, ALASKA 99603  
(907) 299-1580

CLIENTS: JENNINGS COMMUNITY PROPERTY TRUST  
969 S. LARKSPUR CIRCLE, HOMER, AK 99603

DRAWN BY: KK CHKD BY: KK JOB #2024-71  
DATE: 08/2024 SCALE: 1"=60' SHEET #1 OF 1

RECEIVED

AUG 16 2024  
CITY OF HOMER  
PLANNING/ZONING



## SEABRIGHT SURVEY + DESIGN

Katherine A. Kirsis, P.L.S.

1044 East End Road Suite A

Homer, Alaska 99603

(907) 299-1580

[seabrightz@yahoo.com](mailto:seabrightz@yahoo.com)

RECEIVED

AUG 16 2024

CITY OF HOMER  
PLANNING/ZONING

August 16, 2024

City of Homer  
491 East Pioneer Ave  
Homer, AK 99603

RE: Preliminary Submittal for "Bayview Gardens Subd. Addn. 1 Jennings 2024 Replat"

Dear Planning Department,

We are pleased to submit the above referenced preliminary plat for your review.  
Included in this submittal packet you will find:

- 1 full size plat copy
- 1 11x17 plat copy
- Signed KPB plat submittal form
- Check for \$300 plat review fee

In addition, we are emailing you a digital copy of the 11x17 plat.

Please let us know if there are any concerns or clarifications we can address.

Cordially,

*Katherine A. Kirsis*

Katherine A. Kirsis, PLS  
Seabright Survey + Design

## NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

### **Bayview Gardens Subdivision Addn. 1 Jennings 2024 Replat Preliminary Plat**

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

A public meeting will be held by the Homer Planning Commission on Wednesday, September 4, 2024 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit [zoom.us](https://zoom.us) and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5 p.m. on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for August 30, 2024 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

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

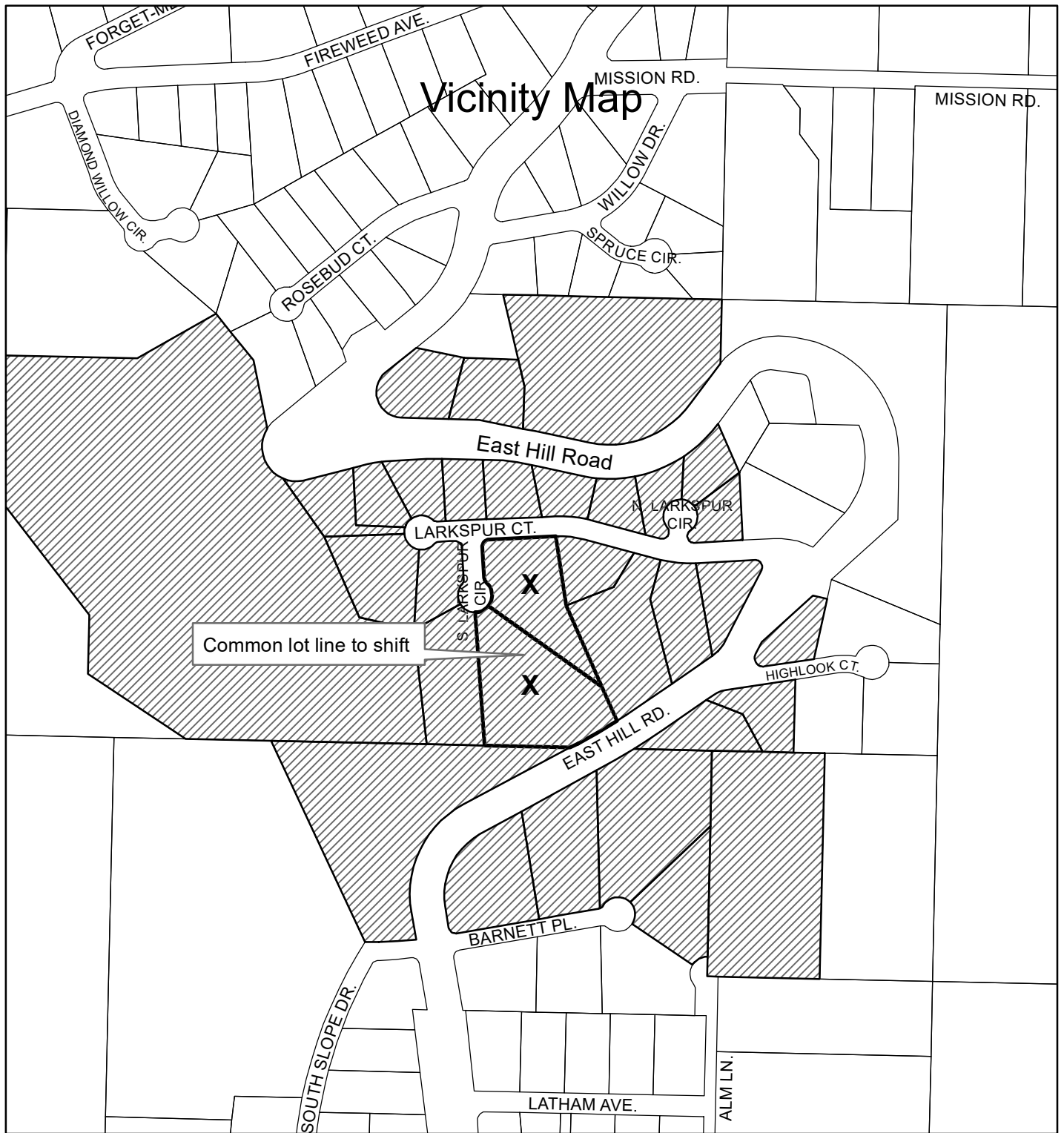
If you have questions or would like additional information, contact Ryan Foster at the Planning and Zoning Office. Phone: (907) 235-3106, email: [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov), or in-person at Homer City Hall.

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

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## VICINITY MAP ON REVERSE

# Vicinity Map



City of Homer  
Planning and Zoning Department

August 22, 2024

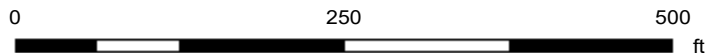
## Request for Bayview Gardens Subdivision No 1 Jennings 2024 Replat Preliminary Plat

Marked lots are within 500 feet  
and property owners notified.

0 250 500 1,000 Feet



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



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

## Legend

### Transportation

#### Mileposts



#### Roads

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

### Parcels and PLSS

#### Tax Parcels







# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

To: PLANNING COMMISSION  
From: ZACH PETTIT, DEPUTY CITY CLERK I  
Date: SEPTEMBER 4, 2024  
Subject: STORM WATER WORKS TRACTS ONE, PRELIMINARY PLAT RECONSIDERATION

---

**Background:** The packet materials from the August 7<sup>th</sup>, 2024 Planning Commission Regular Meeting pertaining to the Storm Water Works Tracts One Preliminary Plat have been re-attached to this packet in the event that the Commission votes to reconsider the plat. If the Commission votes against reconsideration at this time the attachments need not apply. If the motion to reconsider is carried, the motion from the August 7<sup>th</sup>, 2024 Planning Commission Regular Meeting will be back on the floor, as follows: "SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACT ONE PRELIMINARY PLAT."

**Requested Action:** Discuss and vote on whether or not the Commission wishes to approve this preliminary plat reconsideration.



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

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

### Staff Report 24-036

TO: Homer Planning Commission **24-036**  
FROM: Julie Engebretsen, Community Development Director  
DATE: August 7, 2024  
SUBJECT: Storm Water Works Tracts One Preliminary Plat

**Requested Action:** Approval of a preliminary plat to divide one large lot into two smaller lots. The larger tract is proposed for a conservation storm water project.

### General Information:

Applicants:	George M. Kennedy 844 Ocean Drive Loop Homer, AK 99603	Geovera LLC PO Box 3235 Homer, Alaska 99603
Location:	East End Mixed area, south of East End Road and north of the Airport.	
Parcel ID:	17908030	
Size of Existing Lot(s):	39 acres	
Size of Proposed Lots(s):	11.902 and 26.5 acres	
Zoning Designation:	East End Mixed Use District	
Existing Land Use:	Vacant	
Surrounding Land Use:	North: Vacant, commercial South: Airport lands East: Vacant West: Conservation, vacant commercial	
Comprehensive Plan:	Chapter 4 Goal 2 Objective C: Provide extra protection for areas with highest environmental value or development constraints.	
Wetland Status:	Property contains discharge slope and drainage way wetlands.	
Flood Plain Status:	Flood Hazard Area Zone X, outside the 0.2% annual flood chance	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are not available at this time.	
Public Notice:	Notice was sent to 31 property owners of 29 parcels as shown on the KPB tax assessor rolls.	



**Analysis:** This subdivision is within the East End Mixed Use Zoning District. The purpose of this plat is to divide a large lot into two tracts. The larger tract, Tract B, is proposed to be purchased for a green infrastructure storm water project. The City is working with the Kachemak Bay National Estuarine Research Reserve, part of the University of Alaska Anchorage, to use NOAA grant funds to acquire this property for conservation status. The City will be the end owner and allow for a green infrastructure storm water outfall swale. This project will provide storm water treatment for a portion of the industrial areas in the zoning district. Tract A would remain in private ownership.

Rights of way: Please see the surveyors letter regarding right of way dedications. Staff, and the surveyor met with KPB platting staff to discuss dedications and arrived at the dedications presented on the preliminary plat.

- On the north lot line, Spruce Lane slopes downhill on the eastern end, and the surveyor reports shin deep water. This area is not suitable for road construction, so a cul de sac has been dedicated. Tracts A-2 and Tract A-1A have a preliminary plat which would create alternate access; they do not rely on the extension of Spruce Lane for further development or subdivision.
- On the western boundary of this plat, Ternview Place dedicates a cul de sac at the terminus of developable land. Tract P and the lower western lot adjacent to the ROW are held in conservation by Moose Habitat Inc., and carry deed restrictions. Tract A within this plat would have a full dedication along the length of the lot, down to Tract B.

#### **Homer City Code 22.10.051 Easements and rights-of-way**

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

**Staff Response:** The plat meets these requirements. See plat note 4.

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

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

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

**Staff Response:** The plat meets these requirements. No streets are proposed for acceptance by the City for maintenance therefore HCC 11.04.120 does not apply.

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

A. Within the Title Block:

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

**Staff Response:** The plat meets these requirements.

B. North point;

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements. Wetlands are shown and noted in plat note 6.

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

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

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

**Staff Response:** The plat meets these requirements.

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

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

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

**Staff Response:** The plat meets these requirements. The land slopes gently; see attachments.

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

**Staff Response:** The plat meets these requirements. No areas over 20 percent grade. The land slopes gently to the southeast.

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

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

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

**Staff Response:** The plat meets these requirements.

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

**Staff Recommendation:** Planning Commission recommend approval of the preliminary plat.

**Attachments:**

1. Preliminary Plat
2. Surveyor's Letter to City of Homer
3. Plat w topo shown
4. Public Notice
5. Aerial Map

NOTES

1. BASIS OF BEARING FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY HiPer V RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED WITH MAGNET OFFICE VERSION 3.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" (PID TT0155).

2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -1°17'13.4". TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.

3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN U.S. SURVEY FEET ORIENTED TO TRUE NORTH.

4. THE FRONT 15 FEET ADJOINING THE TERNVIEW PLACE AND SPRUCE LANE RIGHTS-OF-WAY IS A UTILITY EASEMENT GRANTED BY THIS PLAT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

5. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS. CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.

6. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.

WASTEWATER DISPOSAL

TRACTS A AND B

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

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:

THE TERNVIEW PL. RIGHT-OF-WAY

THE SPRUCE LN. RIGHT-OF-WAY

THE 15 FOOT UTILITY EASEMENTS ADJOINING THE RIGHT-OF-WAY DEDICATIONS

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
MELISSA JACOBSEN, CITY MANAGER  
CITY OF HOMER, ALASKA

LEGEND

- INDICATES 3-1/4" ALUM. CAP MONUMENT (7538-S 2017) RECOVERED THIS SURVEY
- INDICATES 3" ALUM. CAP MONUMENT (3686-S 1996) RECOVERED THIS SURVEY
- INDICATES 1/2" GIP WITH TACK IN WOOD PLUG RECOVERED THIS SURVEY
- INDICATES X IN GRANITE BOULDER (RECORD HM 2004-8) RECOVERED THIS SURVEY
- INDICATES 2" ALCAP ON 5/8"x30" REBAR (7538-S 2024) SET THIS SURVEY

INDICATES POTENTIAL WETLAND/UPLAND COMPLEX AND/OR DRAINAGEWAY PER KENAI WATERSHED FORUM WETLANDS MAPPING

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 89°54'30" E	208.71'
L2	N 0°04'36" W	208.71'
L3	N 0°04'36" W	208.71'
L4	N 89°54'30" E	208.71'

CURVE TABLE

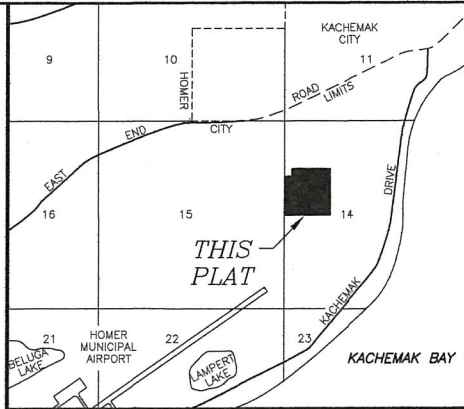
CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG	CHORD DIST
C1	138°42'00"	50.00'	121.04'	N 20°34'24" E	93.58'
C2	123°00'40"	50.00'	107.35'	N 28°25'04" E	87.89'
C3	15°41'20"	50.00'	13.69'	N 40°55'56" W	13.65'
C4	143°07'48"	50.00'	124.90'	N 71°28'24" E	94.87'

PLAT APPROVAL

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

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

SCALE 1"=100'



VICINITY MAP

SCALE: 1" = 1/2 MILE U.S.G.S. QUAD. SELDOVA (C-4)

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

GEORGE M. KENNEDY  
844 OCEAN DRIVE LOOP  
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FOR GEORGE M. KENNEDY  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2024.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: \_\_\_\_\_

HOMER RECORDING DISTRICT KPB FILE No. 2024-???

STORMWATER WORKS TRACTS ONE

CREATING TRACTS A AND B  
LOCATED WITHIN THE SW 1/4 NW1/4 SECTION 14,  
EXCLUDING THE NORTH 208.71' OF THE WEST 208.71'  
T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA  
BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA  
CONTAINING 38.973 ACRES  
OWNER:  
GEORGE M. KENNEDY 844 OCEAN DRIVE LOOP HOMER, AK 99603

GEOVERA, LLC

PO BOX 3235  
HOMER ALASKA 99603  
(907) 399-4345  
EMAIL: scsmith@gci.net

DRAWN BY: SCS DATE: JULY 2024 SCALE: 1" = 100'

CHK BY: SCS JOB #2023-12 SHEET 1 OF 1



0 100' 200' 300' 400'

62

GRAPHIC SCALE

# Geovera, LLC

PO Box 3235 • Homer, Alaska 99603 • (907) 399-4345 • scsmith@gci.net

July 18, 2024

City of Homer  
Planning Department  
Ryan Foster, City Planner  
491 E. Pioneer Ave.  
Homer, Alaska 99603

RE: Stormwater Works Tracts One Preliminary Submittal

Ryan,


Please find enclosed 1 full size and 2 half size copies of the preliminary plat of Stormwater Works Tracts One and the signed plat submittal form.

This plat subdivides the SW1/4 NW1/4, Section 14, T. 6 S., R. 13, W S.M., Alaska into two lots. Both lots will have legal access by way of the Ternview Place and Spruce Lane rights-of-way. The subdivision is part of a wetland preservation project being undertaken by the City of Homer funded in part through a NOAA grant. The project requires acquiring various properties to be put off limits to future development, one in the SW1/4 NW1/4 Section 14 (Tract B this plat), and several in the NE1/4 NW1/4 Section 14 (future plat).

The city is asking for an exception to KPB 20.30.30 Proposed Street Layout Requirements (justification letter attached). Since the project is for the purpose of protecting wetlands, the city is asking that right-of-way along the east and south boundaries, and the portion of matching Spruce Lane right-of-way within wetlands not be dedicated. The city is also asking that the matching Ternview Place right-of-way south of adjoining tracts L-2 and L-3 HM 76-103 not be dedicated. There is an existing 33 foot section line easement along the west boundary of this subdivision. The properties to the south of Tracts L-2 and L-3 HM 76-103 are reserved as moose habitat. The property to the south of this subdivision is state DNR land. The property to the southwest of this subdivision is state DNR land and is part of the Homer Airport Critical Habitat Area. The 40 acres east of this subdivision has legal access by way of Kachemak Drive through city owned property.

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

Sincerely,

  
Stephen C. Smith P.L.S.



### 5 Foot Topo Shown

DRAWN BY: SCS	DATE: JULY 2024	SCALE: 1" = 100'
CHK BY: SCS	JOB #2023-12	SHEET 1 OF 1



## NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

### **Stormwater Works Tracts One Preliminary Plat**

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

A public meeting will be held by the Homer Planning Commission on Wednesday, August 7, 2024 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit [zoom.us](https://zoom.us) and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5 p.m. on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for August 2, 2024 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

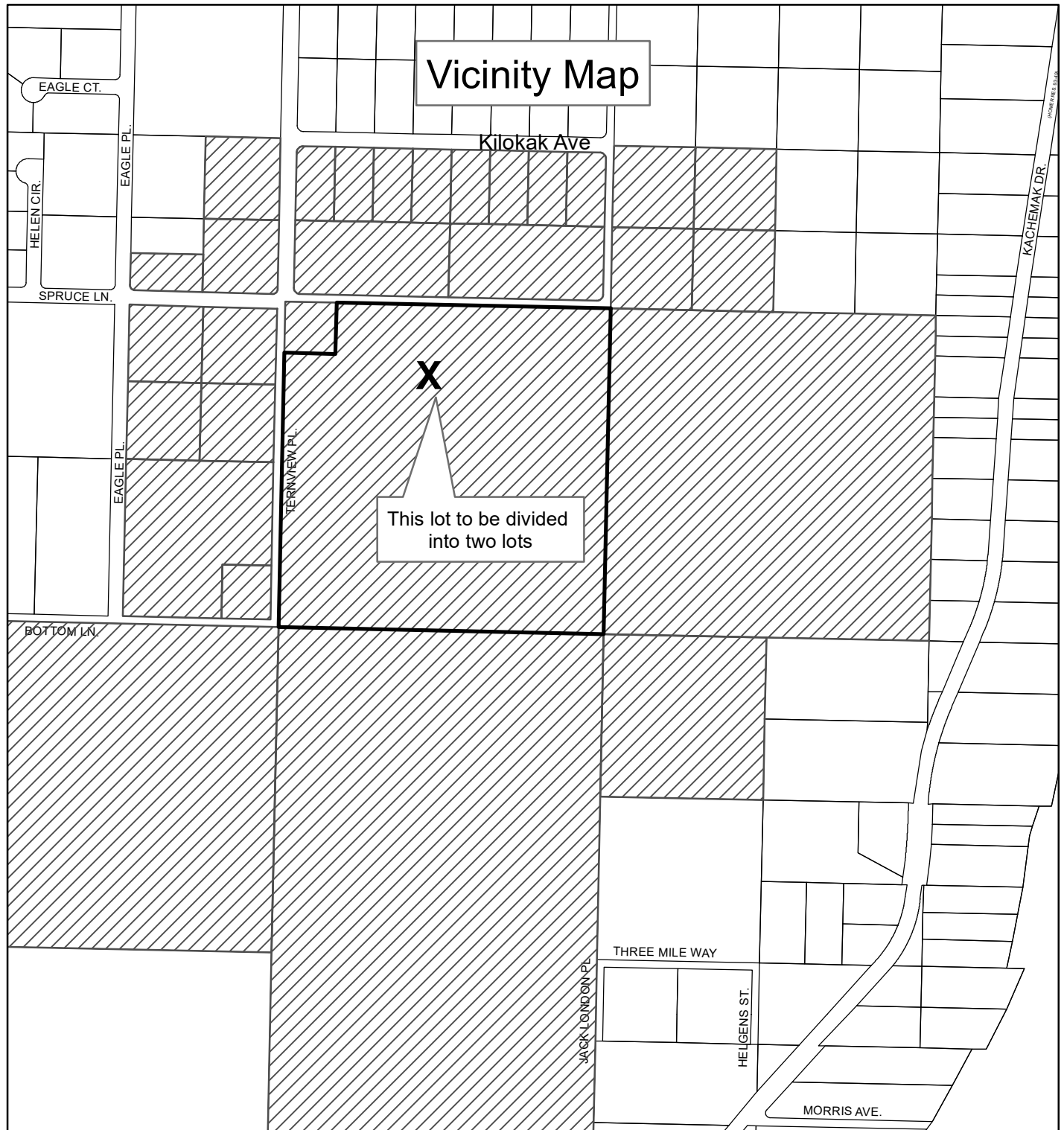
Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4 p.m. on the day of the meeting.

If you have questions or would like additional information, contact Ryan Foster at the Planning and Zoning Office. Phone: (907) 235-3106, email: [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov), or in-person at Homer City Hall.

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

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## VICINITY MAP ON REVERSE



**City of Homer**  
**Planning and Zoning Department**  
 July 22, 2024

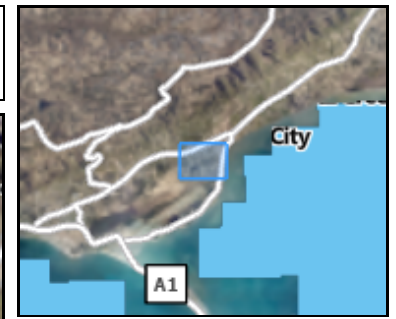
## Storm Water Tracts One Preliminary Plat

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

0 250 500 1,000 1,500  
 Feet



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



## Legend

Physical Addresses

Transportation

Mileposts

Roads

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

Parcels and PLSS

Tax Parcels



9" Imagery

- Red: Red
- Green: Green
- Blue: Blue

0 1000 2000  
ft

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

**PLANNING COMMISSION  
2024 Calendar**

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



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

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

# 2024 Meeting Dates & Submittal Deadlines

## Homer Planning Commission

*Meeting dates are bolded and submittal deadlines are underneath*

### **January 3, 2024**

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

### **January 17, 2024**

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

### **January 31, 2024**

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

### **February 7, 2024**

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

### **February 21, 2024**

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

### **March 6, 2024**

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

### **March 20, 2024**

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

### **April 3, 2024**

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

### **April 17, 2024**

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

### **May 1, 2024**

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

### **May 15, 2024**

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

### **June 5, 2024**

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

# 2024 Meeting Dates & Submittal Deadlines

## Homer Planning Commission

*Meeting dates are bolded and submittal deadlines are underneath*

### **June 19, 2024**

May 29 for Public Hearing Items

May 31 for Preliminary Plat Submittal

June 7 for Regular Agenda Items

### **July 17, 2024**

June 26 for Public Hearing Items

June 28 for Preliminary Plat Submittal

July 5 for Regular Agenda Items

### **August 7, 2024**

July 17 for Public Hearing Items

July 19 for Preliminary Plat Submittal

July 26 for Regular Agenda Items

### **August 21, 2024**

July 31 for Public Hearing Items

August 2 for Preliminary Plat Submittal

August 9 for Regular Agenda Items

### **September 4, 2024**

August 14 for Public Hearing Items

August 16 for Prelim. Plat Submittal

August 23 for Regular Agenda Items

### **September 18, 2024**

August 28 for Public Hearing Items

August 30 for Preliminary Plat Submittal

September 6 for Regular Agenda Items

### **October 2, 2024**

September 11 for Public Hearing Items

September 13 for Preliminary Plat Submittal

September 20 for Regular Agenda Items

### **October 16, 2024**

September 25 for Public Hearing Items

September 27 for Preliminary Plat Submittal

October 4 for Regular Agenda Items

### **November 6, 2024**

October 16 for Public Hearing Items

October 17 for Preliminary Plat Submittal

October 25 for Regular Agenda Item

### **December 4, 2024**

November 13 for Public Hearing Items

November 15 for Preliminary Plat Submittal

November 20 for Regular Agenda Item