



## **Homer City Hall**

491 E. Pioneer Avenue

Homer, Alaska 99603

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

# **City of Homer Agenda**

## **Planning Commission Special Meeting**

**Wednesday, January 06, 2021 at 5:30 PM**

**Cowles Council Chambers via Zoom Meeting**

**Dial: +1 669 900 6833 or +1 253 215 8782 or Toll Free 877 853 5247 or 888 788 0099**

**Meeting ID: 940 8082 9916 Passcode: 052186**

**CALL TO ORDER, 5:30 P.M.**

**AGENDA APPROVAL**

**NEW BUSINESS**

- a. Appeal Hearing on Appeal of City Planning Staff Issuance of Zoning Permit 1020-78 issued to Scott and Stacy Lowry for their property located at 541 Bonanza Avenue

**COMMENTS OF THE AUDIENCE** (3 minute time limit)

**ADJOURNMENT NO LATER THAN 6:30 P.M.**

Next Regular Meeting is WEDNESDAY, JANUARY 6, 2021, at 6:30 p.m. All meetings scheduled to be held via Zoom Webinar from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

APPEAL RECORD  
Index  
Appeal of City Planning Staff Issuance of  
Zoning Permit 1020-782

Notice of Appeal from Melissa Jacobsen, City Clerk	Page 2
Griswold Notice of Appeal	Page 3
Zoning Permit 1020-782 issued October 5, 2020	Page 5
Zoning Permit Application with attachments	Page 6
<ul style="list-style-type: none"><li>• External Lighting</li><li>• Site Plan</li><li>• Neighboring Properties Map</li><li>• Drawing and Photos</li><li>• Zoning Permit Payment Receipt</li><li>• Water Sewer Permit</li><li>• Utility Installation Instructions</li><li>• Drive-way Permit No. 1199 and 1432</li></ul>	



## 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

October 22, 2020

Dear Mr. and Mrs. Lowry,

A **Notice of Appeal** has been filed by Frank Griswold regarding the approval of Zoning Permit 1020-782 issued for the property located at 541 Bonanza Avenue, Homer, Alaska. Pursuant to HCC 21.93.020 decision on the appeal of a zoning permit is appealed to the Planning Commission.

I find the Notice of Appeal to be compliant with Homer City Code Sections § 21.93.070 and 21.93.080. Attached is a copy of the appeal.

The appeal record will now be prepared in accordance with HCC §21.93.520 and you will be notified when the record is complete. The appeal will be heard by the Planning Commission within 60 days after the appeal record has been prepared.

If you have any questions about this process please contact the City Clerk's Office.

Regards,

Melissa Jacobsen, MMC  
City Clerk

Encl. Appeal submitted by Frank Griswold  
HCC 21.93

Cc: Frank Griswold  
Scott and Stacy Lowry  
City Manager Dumouchel  
City Planner Abboud

OCT - 8 2020

City of Homer

NOTICE OF APPEAL TO PLANNING COMMISSION RE: ZONING PERMIT  
1020-782

Pursuant to HCC 21.93.20(a) and HCC 21.93.050(c), the October 5, 2020 issuance of Zoning Permit 1020-782 is hereby appealed by Frank Griswold whose address is 519 Klondike Avenue. The subject property is located at 541 Bonanza Avenue, Homer Alaska and its legal description is T 6S R 13W SEC 20 Seward Meridian HM 0930033 Glacier View SUB NO 23 Blocks 8 9 & 10 Lot 24A. The owners of the subject property are Scott and Stacy Lowry, 907 Daly Road, Ojai, CA. Mr. Griswold owns several lots in close proximity to the subject lot, including his residence at 519 Klondike Avenue. The subject structure is/was a Connex shipping container which constitutes a nuisance under HCC 21.18.080 and could diminish both the value of Mr. Griswold's real property in the CBD and his enjoyment of that property. Mr. Griswold has objected to the subject structure from the day it was illegally deposited onto the subject lot. Zoning Permit 1020-782 should be vitiated and the subject structure removed.

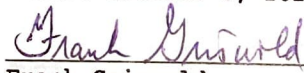
## Allegations of Error

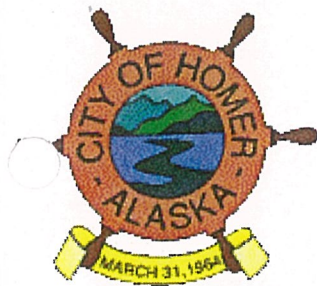
1. Planning Technician Travis Brown did not have the authority to issue Zoning Permit 1020-782. HCC 21.70.030(a).
2. Contrary to the caption on Zoning Permit 1020-782, the subject structure does not constitute "New Construction."
3. The subject structure, allegedly a single family residence, is not allowed on the subject lot because the lot already contains a single family dwelling. HCC 21.18.030(j) requires a conditional use permit for more than one building containing a permitted principal use on a lot.
4. The subject structure violates HCC 21.18.080.
5. Application procedures set forth under HCC 21.70.020 were not fully complied with.
6. The proper fee was not paid in violation of HCC 21.70.060.
7. Requirements of the zoning code and other applicable laws and regulations were waived in violation of HCC 21.70.030.

8. Zoning Permit 1020-782 was not obtained prior to commencement of the activity for which it was required in violation of HCC 21.70.010(b).

9. The former driveway was vacated when two lots were combined into one and a new (second) driveway permit was not obtained in violation of HCC 11.08.040(a).

DATED: October 8, 2020

  
\_\_\_\_\_  
Frank Griswold



**City of Homer**  
Planning & Zoning  
491 East Pioneer Avenue  
Homer, AK 99603-7624

**Residential Zoning Permit New Construction**

**Department Use Only**

**Permit: 1020-782**

Approved Date: **10/5/2020**

Start Date: **10/05/2020**

End Date: **04/05/2022**

Rcvd by

Paid by

Date Paid:

Check No.

**Job Site Information**

Address: **541 BONANZA AVE**  
City: **HOMER** State: **AK**  
Zone: **CBD**  
Parcel/Block/Lot: **17710421/BLK 9/LOT 24A**

**Owner Information**

Name: **LOWRY SCOTT**  
Address: **907 DALY RD**  
City/State/Zip: **OJAI, CA 93023**  
Telephone: **805-509-1757**

**Applicant Information**

Name: **LOWRY SCOTT**  
Address: **907 DALY RD**  
City/State/Zip: **OJAI, CA 93023**  
Telephone: **805-509-1757**  
Land Use:

**Contractor Information**

Name: **LOWRY SCOTT**  
Address: **907 DALY RD**  
City/State/Zip: **OJAI, CA 93023**  
Telephone: **805-509-1757**  
Building Use: **Res - Single Family**

**Legal Description: T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0930033 GLACIER VIEW SUB NO 23 BLOCKS 8 9 & 10 LOT 24A**

This permit shall be displayed in a prominent, readily visible place at the site. If the work is not completed within the above-specified time, application for extension MUST be made to the City of Homer, prior to the end date above. The City assumes no responsibility for the accuracy of any City-held as-built drawings or for the Permittee's interpretation thereof.

This permit is issued with the expressed understanding that the City of Homer assumes no responsibility hereunder with regard to maintenance of private drainage systems that terminate in City ditch lines or drainages, including but not limited to foundation drains; proper location of lot lines or site dimensions. It is the responsibility of the permittee to meet whatever requirements any agency may have which may apply to the project specified in this permit. It is the permittee's responsibility to comply with all continuing obligations imposed by the Code not to damage other property. It is the permittee's responsibility to comply with all other permit terms at his/her expense.

**Description of Work:**

360 square foot single family dwelling.

**Estimated Value: 40,000.00**

AN ASBUILT SURVEY IS REQUIRED UPON PROJECT COMPLETION ACCORDING TO HOMER CITY CODE 21.70.040

**Permit Fees**

Description	Work Being Done By	Units	Cost @	Sum
Planning Single Family /Duplex			\$200.00	\$300.00

Signature: 

Date: 10/5/20

**Grand Total:** **\$300.00**

**Construction Type:**



# 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

## Zoning Permit Application

### Property Owner

Name: Scott & Stacy Lowmy Phone #(s): 805-509-1757 / 299-4070  
Mailing Address: 907 Daly Rd City: Ojai State: CA Zip: 93023  
Email: SPL8@me.com

### Applicant (if different than the property owner)

Name: \_\_\_\_\_ Phone #(s): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email: \_\_\_\_\_

### Project Property Information

Address: 541 Bonanza Ave KPB Tax ID #: 17710421  
Legal Description: lot 24 A Glacier View Sub No. 23  
Lot Size: .28 Zoning District: CBD  
Describe the use of all existing structures: Existing residential 2BR / 1BA  
mobile home/house.

For each proposed structure, describe the use & list the square footage of each floor: \_\_\_\_\_  
Residential 1BR 1BA 360 sq ft

Estimated market value of finished improvements: \$40,000

Water Permit # (City) 3002 Sewer Permit # (City) 3002 Driveway Permit # Existing Approach #1432

Will site be served by a: well or cistern? Y or (N) (circle one) DEC approved septic system? Y or (N) (circle one) NA

### For staff use:

Date: 9/11/20 Fee \$ 300 Residential \$200/Commercial \$300. SWP \$200 additional. Late fee 1.5 times.  
Received by: TPB Date application accepted as complete 9/11/20

Finance Code 21-2106. Zoning Permit required by HCC 21.70

### ite development standards for all projects (applies to all development in the City)

- Drainage design must deposit all runoff into either an engineered drainage system or into a natural drainage. Building setbacks are 15ft. from open ditches and 10 ft. from closed drainage systems.
- All exposed, cleared, filled and disturbed soils must be revegetated within 9 months of initial earthwork or reseeded by the next August 31<sup>st</sup>.
- Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees, or other damaging physical impacts.

### All Projects in Any Zoning District (Check all that apply)

- ☒ A **Site Plan** is required for all projects. This "bird's eye view" must show the entire lot and include all of the details found on the site plan checklist. See the attached example site plan.
- ☒ An **As-built survey** is required for all structures upon completion of work  
The survey must show the location and dimensions of permitted structures (see HCC 21.70.040)
- ☒ A **Building Elevation** drawing is required for all proposed buildings. Building height from grade to the peak of the roof must be included. See the attached example building elevation drawing.
- ☒ **Lighting standards** apply to all projects (HCC 21.59.030)
  - Outdoor lighting must be installed so that it does not produce light trespass or glare
  - The maximum height for pole lighting is 28 ft. and for building-mounted lighting, it is 15 ft.
  - Outdoor lights installed 15 ft. or higher must be cut-off luminaires
- ☐ A **Wetlands Permit** may be required if your project is within a wetland. If the following map indicates wetlands on your property, then written authorization from the Army Corps of Engineers (ACOE) is required
  - Homer area wetland map source: <https://www.kpb.us/gis-dept/interactive-mapping>  
ACOE submission status: \_\_\_\_\_ ACOE POA #: \_\_\_\_\_
- ☐ A **Grading/Fill Plan** is required when 3 ft. of fill is placed over 25% of the lot area (HCC 21.50.150)
- ☐ **Slope Development Standards** apply when the project includes any of the following: (HCC 21.44)
  - The average slope of the lot is greater than 15% (A rise of 15 ft. to 100 ft. run)
  - Disturbance takes place within 40 ft. of the top, or 15 ft. of the toe of a steep slope (45%), bluff, coastal bluff or ravine
- ☐ A **Storm Water Plan (SWP)** is required when the project includes any of the following: (HCC 21.50.020)  
*For projects located in commercial zoning districts, skip this subsection & see SWP section below*
  - Creates 25,000 square feet of new impervious surface
  - Increases the total impervious surface coverage to one acre or greater
  - Grading that moves 1,000 cubic yards of material
  - Creates a permanent slope of 3:1 or more that exceeds 10 ft. from toe of slope to top of slope
- ☐ A **Sign Permit** is required for most projects that include advertising signage. Check with Planning Staff to find out if a permit is required for your project.
- ☐ A **Conditional Use Permit (CUP)** may be required under certain circumstances, including but not limited to the following:
  - The project includes a conditionally permitted use, as listed in the specific zoning district section of HCC Title 21
  - Building area exceeds 8,000 (all buildings combined) or 30% of the lot area
  - The project includes more than one building with a primary use
  - The project will generate traffic in excess of 100 vehicle trips per hour or 500 vehicle trips per day
- ☐ A **Coastal Flood Hazard Area Development Permit** is required when the project lies within mapped coastal flood hazard areas. For all projects on coastal properties, check with the Planning Office for current flood area designations.
- ☐ The **Bridge Creek Watershed Protection District** has additional restrictions for property development (see HCC 21.40)

**All Projects in Commercial Districts** including the Residential Office District when the project is commercial or multifamily residential (3-plex or larger) in nature (check all that apply)

- ☐ **State Fire Marshal** approval is required for all commercial buildings and apartment projects (4-units or more)  
Fire Marshal application Status: \_\_\_\_\_ Permit # \_\_\_\_\_
- ☒ **Landscaping requirements** apply to all projects (HCC 21.50.030(f))
- Landscaping shall include the retention of native vegetation to the maximum extent possible
  - A minimum buffer of 3 ft. along lot lines and 15 ft. along the top bank of a defined drainage
  - Topsoil addition, seeding, and plantings must be completed within 9 months of completion of project
  - Parking lots with 24 spaces or more have additional standards (see HCC 21.50.030(f)(1)(b))
- ☐ A **Development Activity Plan (DAP)** is required when your project includes any of the following (HCC 21.74):
- Clearing or grading of 10,000 square feet or more
  - 5,000 square feet or more of new impervious coverage. "Impervious" coverage includes all parking areas, driveways, roads, walkways, whether paved or not, and any areas covered by buildings or structures, concrete, or asphalt
  - Grading that moves 1,000 cubic yards of material
  - A temporary or permanent slope of 3:1 or more that exceeds 5 ft. from toe of slope to top of slope
  - Grading activities that will result in the diversion of existing drainage courses, both natural or human-made, from their existing point of entry or exit from the grading site
  - Any land clearing or grading on slopes steeper than 20%, or within 20 feet of wetlands.
- ☐ A **Storm Water Plan (SWP)** is required when your project includes any of the following (HCC 21.50.030):
- Creates 25,000 square feet of new impervious surface
  - Increases the impervious surface coverage to greater than 60% of the lot area
  - Grading of 1 acre or more
  - Grading that moves 10,000 cubic yards of material
  - A temporary or permanent slope of 3:1 or more that exceeds 10 ft. from toe of slope to top of slope
  - Land clearing or grading on slopes steeper than 25%, or within 10 feet of wetlands, streams, or ponds

*I/we certify that all the information contained in this application is true and accurate and that I am/we are authorized to act on behalf of the property owner(s). I/we hereby hold harmless the City of Homer, its employees and agents from all suits, actions, or claims arising from any work undertaken.*

*The permit will be issued with the understanding that the City of Homer assumes no responsibility with regard to maintenance of private drainage systems that terminate in City ditch lines or drainages, including but not limited to foundation drains, proper location of lot lines, or site dimensions. Further, the City assumes no responsibility for the accuracy of any City-held drawings, or for the permittee's interpretation thereof.*

*I/we understand that the application fee covers the costs associated with processing this application, and that payment of same is nonrefundable and does not assure approval of the site plan. I/we acknowledge that by signing this application I am/we are authorizing employees or agents of the City access for exterior site inspections. This permit must be displayed so that it is readily visible from the nearest street, at the site for which the permit was obtained. If the exterior work is not completed by the permit's expiration date, one reasonable extension may be granted for good cause shown.*

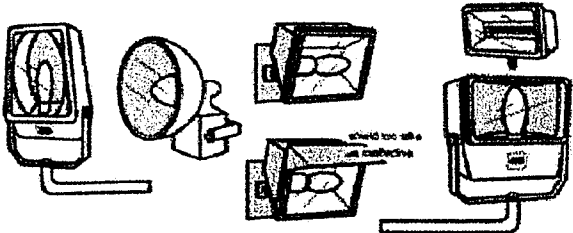
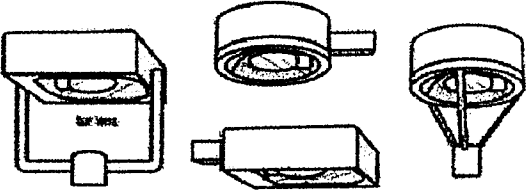
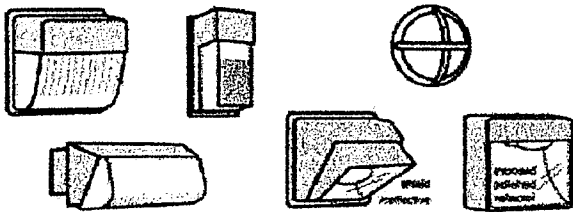
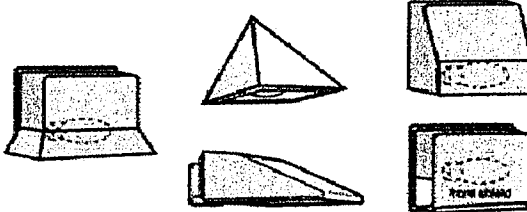
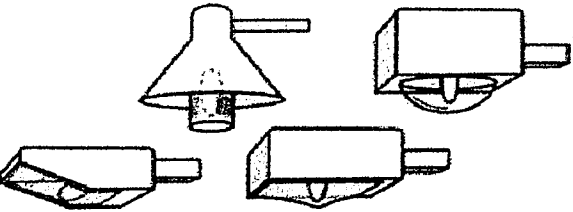
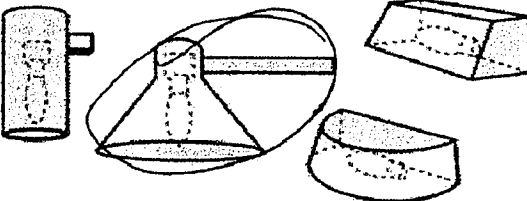
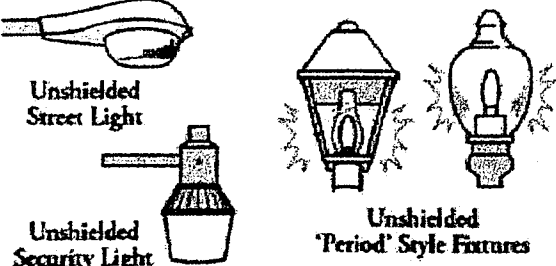
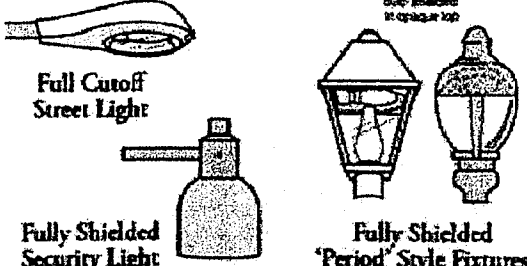
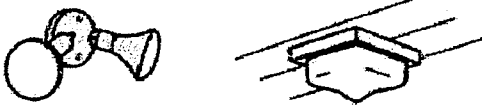
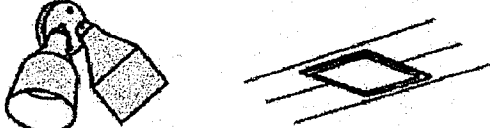
Owner Signature (required):  Date: 9/10/20

Applicant Signature:  Date: 9/10/20

## Circle the type(s) of exterior fixtures to be used in your project below

All exterior lighting is subject to level one lighting standards, according to HCC 21.59.030. Lighting standards aim to reduce glare and light trespass and to improve the nighttime visual environment.

☐ Check this box if exterior lighting will not be installed or replaced with your project

<p><b>UNACCEPTABLE</b> Fixtures that Produce Glare and Light Trespass</p>	<p><b>ACCEPTABLE</b> Fixtures that Shield the Light Source to Minimize Glare and Light Trespass - Facilitating Better Night Vision</p>
 <p>Unshielded or Poorly-shielded Floodlights</p>	 <p>Full Cutoff Fixtures</p>
 <p>Unshielded Wallpacks &amp; Poorly-shielded Wall Mount Fixtures</p>	 <p>Fully-shielded Wallpack &amp; Wall Mount Fixtures</p>
 <p>Drop-lens &amp; Sag-lens Fixtures with Exposed Bulb/Refractor Lens</p>	 <p>Fully-shielded Fixtures</p>
 <p>Unshielded Street Light</p> <p>Unshielded Security Light</p> <p>Unshielded 'Period' Style Fixtures</p>	 <p>Full Cutoff Street Light</p> <p>Fully Shielded Security Light</p> <p>Fully Shielded 'Period' Style Fixtures</p>
 <p>Unshielded PAR Floodlights</p> <p>Drop-lens Canopy Fixtures</p>	 <p>Shielded/Property Aimed PAR Floodlights</p> <p>Flush Mounted Canopy Fixtures</p>



# 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

### SITE PLAN

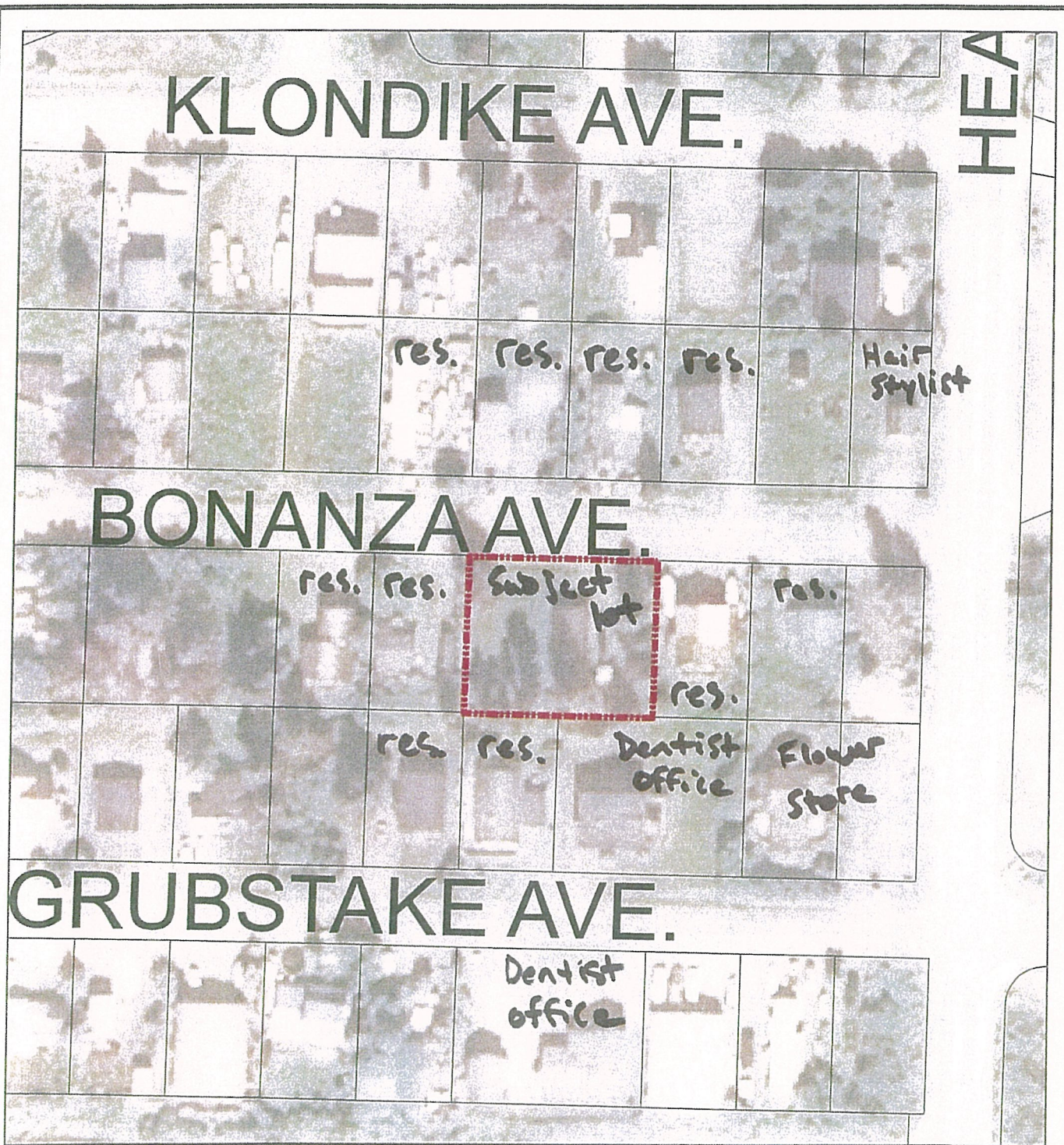
Address: 541 Bonanza Ave

A site plan is a detailed scaled drawing which depicts the current and proposed improvement and uses of a parcel of land.

Drawing your site plan is easier than you might expect. With accurate measurements, pencil, paper and a ruler you can draw a site plan right at home. For more complex projects you may need professional expertise.

**Below is a checklist of items that should be on your site plan.** For items that do not apply to your project simply indicate N/A over the checkbox.

- ☐ Scale factor. For example, 1" = 20 ft. for smaller lots or 1" = 50 ft. for larger lots.
- ☐ North arrow
- ☐ All property lines and their dimensions
- ☐ All known easements – utility, drainage, driveway, etc.
- ☐ Exterior dimensions of proposed and existing structures, including additions, decks, and stairways.
- ☐ Building setbacks - distance from all structures to nearest property lines. Front property line(s) (property lines abutting a right-of-way) require a 20 ft. setback. Setbacks for other property lines are 5 – 8 ft., depending on the number of stories. Setbacks are measured from the property lines, NOT the road.
- ☐ Site work - Areas affected by excavating, filling, grading, or vegetation removal (with soil disturbance)
  - ☐ label the building location(s) disturbed area
  - ☐ label areas used for driveway/parking/maneuvering
  - ☐ approximate volume of excavated material: \_\_\_\_\_ cubic yards
  - ☐ approximate volume of filled material: \_\_\_\_\_ cubic yards
  - ☐ label areas of disturbed soil that will be revegetated naturally or landscaped (indicate areas of seeded grass or plantings such as trees and shrubs)
  - ☐ label limits of undisturbed vegetation
- ☐ Draw and label adjacent roads
- ☐ Label length and width of driveways & parking spaces (standard space is 9' x 19')
- ☐ Drainage – Indicate direction of surface flow, label structures such as ditches, french drains & swales
- ☐ Show wetland boundary if applicable



City of Homer  
Planning and Zoning Department

8/18/2020

### Neighboring Properties Map

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

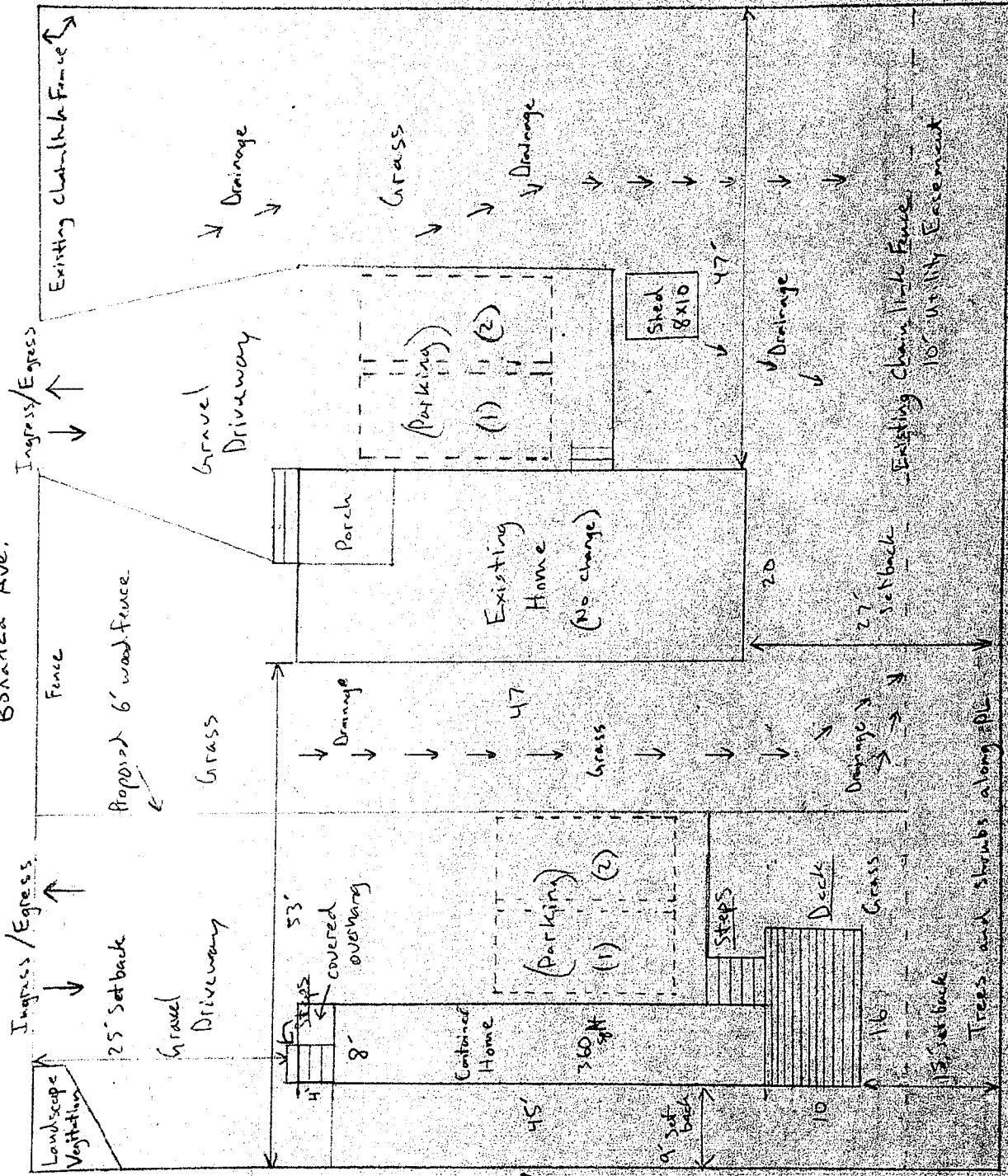
0 75 150 Feet



**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.

511 E. 20 Ave. KPB parcel # 17710421

Bonanza Ave.

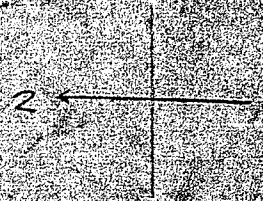


Vegetation, shrubs & trees along PL

Landscaping Vegetation

100' Vegetation, shrubs & trees along PL

Chain Link Fence



Site Plan 28 acres

Scale 1/16" = 1'

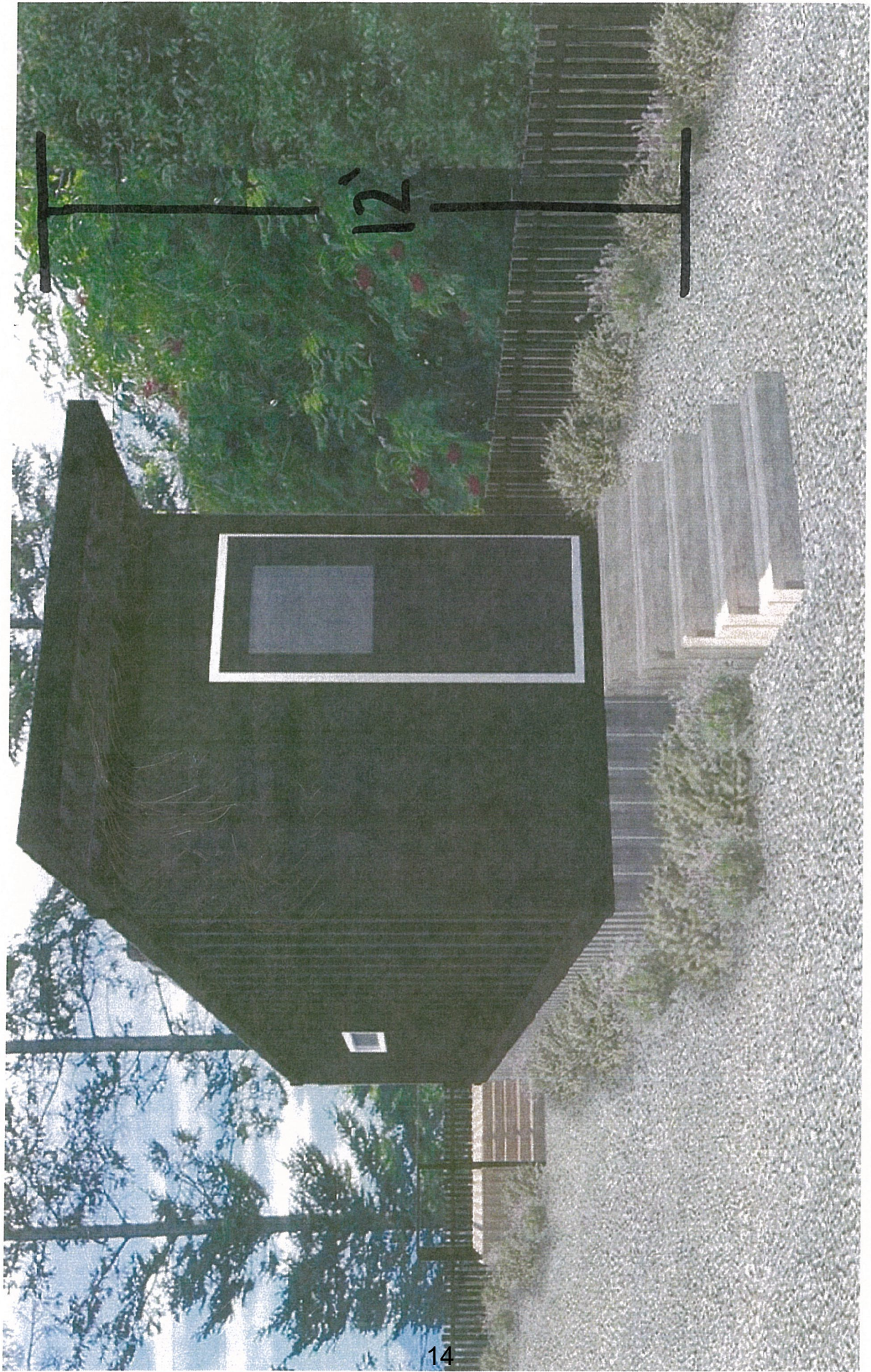
Existing  
Home



Container  
Here



Looking South from Bonanza Ave.



City of Homer  
491 East Pioneer Avenue  
Homer AK 99603-7645

907-235-8121

Receipt No: 2.001142

Sep 11, 2020

Scott Lowry

Previous Balance:	.00
PERMIT/CONNECTS/DEPOSITS - Building/zoning permit	300.00
100-0015-4303 Building Permit	
<hr/>	
Total:	300.00
<hr/>	
Credit Card      Check No: 06297D	300.00
Payor: Scott Lowry	
Total Applied:	300.00
<hr/>	
Change Tendered:	.00
<hr/>	

09/11/2020 9:46 AM  
Customer Copy



CITY OF HOMER

PERMIT NO. 3002

## WATER / SEWER PERMIT

SERVICE CODE \_\_\_\_\_

SERVICE ADDRESS 541 Bonanza AvenueAPPLICATION DATE 6-23-2020

ACCOUNT # \_\_\_\_\_

APPLICANT Scott LowryOWNER SameMAILING ADDRESS 201 E. Oak Street, Ojai CA 93023PHONE NUMBER (HOME) 805-509-1757

(WORK) \_\_\_\_\_

LOT 24A

BLOCK \_\_\_\_\_

SUBDIVISION Glacier View Sub No. 23KPB PARCEL # 177-104-21CONTRACTOR J.C. Johnson and Son

SIZE OF SERVICE \_\_\_\_\_

SIZE OF METER \_\_\_\_\_

DATE CONNECTED \_\_\_\_\_

ORION # \_\_\_\_\_

METER READING \_\_\_\_\_

RT/SEQ # \_\_\_\_\_

REQUESTED SERVICE: WATER \_\_\_\_\_

SEWER \_\_\_\_\_

WATER RATE: Commercial/ResidentialSEWER RATE: Commercial/Residential

Living Units in Apartments \_\_\_\_\_

Served by mainline lift station Y/N \_\_\_\_\_

## FEES

WATER PERMIT/INSPECTION PERMIT \_\_\_\_\_

WATER LEASE FEE \_\_\_\_\_

DEPOSIT \_\_\_\_\_

CONNECTION FEE \_\_\_\_\_

SEWER PERMIT/INSPECTION PERMIT \_\_\_\_\_

DEFERRED SERVICE - WATER \_\_\_\_\_

DEFERRED SERVICE - SEWER \_\_\_\_\_

CITY ROW PERMIT - MINOR \_\_\_\_\_

CITY ROW PERMIT - MAJOR \_\_\_\_\_

DEVELOPMENT PERMIT \_\_\_\_\_

OTHER \_\_\_\_\_

SUBTOTAL \_\_\_\_\_

TAX \_\_\_\_\_

TOTAL CHARGES \_\_\_\_\_

DATE PAID \_\_\_\_\_

AMOUNT PAID \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ 100.00

\$ \_\_\_\_\_

\$ \_\_\_\_\_

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\$ 100.00Code 2104 \$ 7.85\$ 107.85

\$ \_\_\_\_\_

\$ 107.85

## CODES

2107 T

2102 T (prv also)

2103

2101 T

2108 T

WADEF

SEDEF

2111

2112

122

Received By:JEH

Paid By:Scott Lawry

Date:6-23-2020

PAID VISA \$107.85

Re: 1174537 Con: 04644D

\*\*\* READ INSTALLATION INSTRUCTIONS ON SECOND PAGE \*\*\*

SIGNATURE \_\_\_\_\_

\*CUSTOMER RESPONSIBLE FOR MONTHLY BILLINGS

COMMENTS Inspection Permit Only

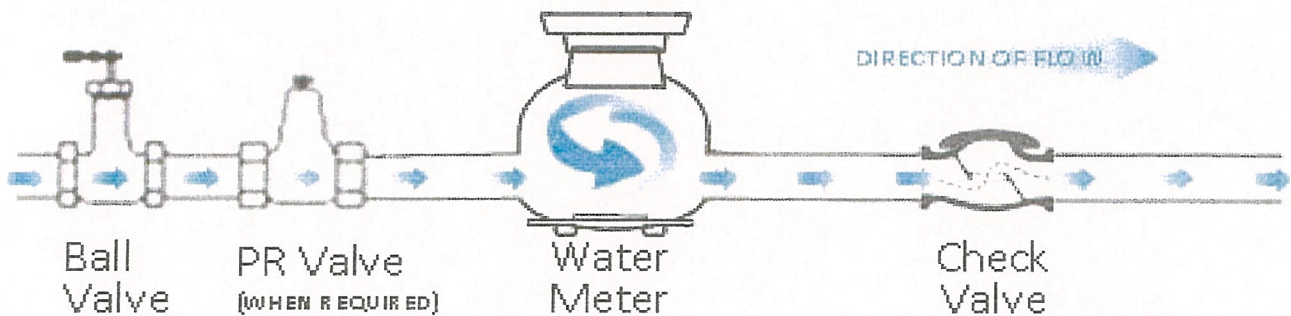
\*Customer must be owner or an authorized agent or renter/lessee.

Original - Applicant, Copy : Planning, PW, Finance)

## UTILITY INSTALLATION INSTRUCTIONS

1. The Applicant/Owner obtains a water & sewer permit at the Public Works Department.
2. The Applicant/Owner pays for all materials, labor and equipment required for the utility installation
3. Construction materials and practices must conform to Section 13 of the Homer City Code.
4. Work must be performed by a Licensed and Bonded Contractor.
5. Inspections must be performed for all utility installations by Public Works employees.  
24 HOUR NOTICE IS REQUIRED BEFORE ALL INSPECTIONS. Call Public Works at 235-3170.
6. The City assumes no responsibility for the accuracy of any City held Asbuilt Drawing or the Permittee's interpretation thereof.

### SAMPLE WATER METER INSTALLATION



Meter shall be installed in a horizontal, upright position.

Meter shall be inside a warm, dry, easily accessible place.

Meter shall be installed prior to providing any water service to customer.

The applicant is responsible for purchasing a pressure reducing valve and one way check valve, to be placed in line with all meter installations.

### WARNING

**IT IS ILLEGAL TO CONNECT RAIN GUTTERS, ROOF DRAINS, DRAIN TILE SYSTEMS, SUMP PUMPS OR OTHER FRESH WATER SOURCES TO THE CITY SEWER SYSTEM.**



CITY OF HOMER  
APPLICATION & PERMIT TO CONSTRUCT AND MAINTAIN DRIVEWAY  
ON PUBLIC RIGHT-OF-WAY

PART 1: To Be Completed by Permittee

Permit No: 1199

Permittee: Kenneth P. & Anna Knudsen

Date: April 2, 1993

Address: Box 271

Phone: 262-5153

Driveway Location: 551 ROMANZA AVE  
Street Address

Lot: 24 Block: 9

Sub: Glacier View Sub

KPB Parcel No.: 177-104-07



Residential



Commercial

Field inspection and notice required 24 hours in advance of construction. Call Public Works Department Inspector 235-3170.

The permittee certifies that: (1) he/she is the owner and/or authorized agent of the property, (2) that the conditions, restrictions and regulations of the City will be complied with, (3) that he/she will maintain the driveway in accordance with City standards, and (4) that the minimum clearance between the proposed finished driveway grade and the lowest aerial utility conductor shall not be less than 18 feet.

I have read the above application and know the contents thereof, the same is true and correct. I agree the above work will be done in accordance with all State and City laws and ordinances, and further agree to hold the City harmless from any and all claims of whatever kind or nature which may arise from activities under this permit.

Signed by Permittee Kenneth P. Knudsen \$15.00 fee rec'd by: B  
Initials

PART 2: For Public Works Department Use

( ) No ( ) Yes Culvert Required Minimum CMP Culvert \_\_\_\_\_  
( ) No ( ) Yes Paving Required Maximum driveway width at culvert \_\_\_\_\_  
( ) Applicant required to install a culvert if later conditions warrant.

SPECIAL INSTRUCTIONS

Initial inspection by: \_\_\_\_\_ Date: \_\_\_\_\_

Permit granted by: \_\_\_\_\_ Date: \_\_\_\_\_

Final inspection by: \_\_\_\_\_ Date: \_\_\_\_\_

Driveway ( ) Does ( ) Does not meet requirements

Improvements or corrections required: \_\_\_\_\_

CONSTRUCTION APPROVED BY: \_\_\_\_\_ Date: \_\_\_\_\_

Public Works Inspector

PERMIT APPROVED BY: \_\_\_\_\_ Date: \_\_\_\_\_

Director of Public Works

DISTRIBUTION: 1. WHITE - Permittee (completed part 1)  
2. YELLOW - Inspector (permit granted)  
3. PINK - Planning Dept. (address file)  
4. GOLDENROD - Inspector (final inspection/and approval)



CITY OF HOMER  
APPLICATION & PERMIT TO CONSTRUCT AND MAINTAIN DRIVEWAY  
ON PUBLIC RIGHT-OF-WAY

PART 1: To Be Completed by Permittee

Permit No: 1432

Permittee: Kenneth P & Anna Knudsen

Date: April 2, 1993

Address: 541 Bonanza Box 271

Phone: 262-5153

Driveway Location: 541 Bonanza

Lot: 25 Block: 9

Street Address

Sub: Glacier View Sub.

KPB Parcel No.: 177-104-06



Residential



Commercial

Field inspection and notice required 24 hours in advance of construction. Call Public Works Department Inspector 235-3170.

The permittee certifies that: (1) he/she is the owner and/or authorized agent of the property, (2) that the conditions, restrictions and regulations of the City will be complied with, (3) that he/she will maintain the driveway in accordance with City standards, and (4) that the minimum clearance between the proposed finished driveway grade and the lowest aerial utility conductor shall not be less than 18 feet.

I have read the above application and know the contents thereof, the same is true and correct. I agree the above work will be done in accordance with all State and City laws and ordinances, and further agree to hold the City harmless from any and all claims of whatever kind or nature which may arise from activities under this permit.

Signed by Permittee Kenneth P Knudsen \$15.00 fee rec'd by: Initials

PART 2: For Public Works Department Use

( ) No ( ) Yes Culvert Required Minimum CMP Culvert  
( ) No ( ) Yes Paving Required Maximum driveway width at culvert  
( ) Applicant required to install a culvert if later conditions warrant.

SPECIAL INSTRUCTIONS

Initial inspection by: Date:

Permit granted by: Date:

Final inspection by: Date:

Driveway ( ) Does ( ) Does not meet requirements

Improvements or corrections required:

CONSTRUCTION APPROVED BY: Date:

Public Works Inspector

PERMIT APPROVED BY: Date:

Director of Public Works

DISTRIBUTION: 1. WHITE - Permittee (completed part 1)  
2. YELLOW - Inspector (permit granted)  
3. PINK - Planning Dept. (address file)  
4. GOLDENROD - Inspector (final inspection/and approval)

SUPPLEMENTS TO THE APPEAL RECORD  
Index  
Appeal of City Planning Staff Issuance of  
Zoning Permit 1020-782

Planning Commission Meeting Minutes of October 2, 2020 - Requested by Griswold	Page 2
Conditional Use Permit 20-14 Documentation from September 2 and October 7 Planning Commission Regular Meetings – Requested by Griswold	Page 12
Audio Recording of the September 2, 2020 Planning Commission Regular Meeting – Requested by Griswold	
Photographs of subject property – Submitted by Griswold	Page 60

Session 20-12, a Regular Meeting of the Planning Commission was called to order by Chair Smith at 6:34 p.m. on September 2, 2020 at Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska via Zoom Webinar.

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

ABSENT: COMMISSIONERS PETSKA-RUBALCAVA AND BARNWELL (EXCUSED)

STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY CLERK KRAUSE

### **APPROVAL OF THE AGENDA**

Chair Smith requested a motion to approve the agenda.

HIGHLAND/VENUTI – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA**

### **RECONSIDERATION**

### **ADOPTION OF CONSENT AGENDA**

- A. Minutes of the August 19, 2020 Planning Commission Regular Meeting
- B. Decisions and Findings for Conditional Use Permit 20-12 for four dwellings on a lot at 3972 Bartlett Street

Chair Smith requested a motion to approve the Consent Agenda.

HIGHLAND/BENTZ – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **VISITORS/PRESENTATIONS**

## **REPORTS**

### **A. Staff Report 20-57, City Planner's Report**

City Planner Abboud commented he was in transition from the acting city manager position so there is not much in this report. He noted the Council passed action items mentioned in Staff Report 20-57.

## **PUBLIC HEARING(S)**

### **A. Staff Report 20-58, Conditional Use Permit 20-14 to allow a second mobile home at 541 Bonanza Avenue**

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

City Planner Abboud noted the late laydown from Mr. Griswold and confirmed that all commissioners were able to review this information before the meeting.

Commissioners verbally and visually confirmed that they had reviewed the information.

City Planner Abboud briefly reviewed the laydown for the Commission noting the concerns on access and mobile home park. He stated that there were some valid points brought forward by Mr. Griswold, but the majority did not apply. He further stated that Mr. Griswold brought forward his typical arguments but he has not prevailed on previous attempts.

City Planner Abboud then reviewed Staff Report 20-58 for the commission. He commented on the following:

- Comprehensive Plan Goals and Objectives
- One large lot that was previously two lots, this can be subdivided and no CUP would be required
- Single family connex home was placed on the property without a zoning permit and the options available to address the matter
- Mobile Home Park requirement review and considering the connex as a mobile home
  - o Access for Fire Department
- Compliance with the existing definition of mobile home
- Use of similar structure in other areas of the city
- Discussion needed on when a shipping container is no longer a shipping container
- Requested a correction by the commission to fix the double negative shown in Finding 9, line 4, Requested the Commission to amend the sentence to remove the word "not" before contrary

Scott and Stacy Lowry, applicant and owner, provided a verbal presentation on the proposed project explaining the planning and goals that they wanted to reach by placing the converted connex on the property. They noted that the lot was purchased and prior to them purchasing the lot, the lot line had been vacated to create one larger lot. There is an older mobile home on the property that is currently rented and that tenant has resided on the property prior to them purchasing the property. They intend to use the new structure as a vacation home as they come to Homer every summer since they have family here. They stated that they have photos of the interior and would be happy to share. The Applicant explained that they had future plans to replace the existing mobile home with a new structure. The applicant further explained that they have been working with the planning staff to meet all the requirements of the city.

Chair Smith opened the Public Hearing.

Bob Shavelson, representing his sister who owns the neighboring parcel, commented on being caught off guard with no notice, stated that a connex does not meet the definition of mobile home, commented on the nomenclature issue with the streets and defining this as a mobile home park since it is not one; he believed there would be difficulties in reestablishing the lot line. Mr. Shavelson then commented that the comp plan has some conflicting items as goal number three is to encourage high quality buildings and site development and he opined that a connex was not that. Mr. Shavelson stated he was not going to raise serious objections if the intent of the applicant is to improve the appearance of the lot.

Chair Smith confirmed with the Clerk there were no further members of the public to provide testimony and closed the Public Hearing and requested questions for the City Planner.

Commissioners and City Planner Abboud discussed the following points:

- Review of the section of city code regarding the Central Business District (CBD) 20.18.020, Permitted uses and structures (ii.) One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single-family dwelling on a lot; arguing that this could be used to define this project, to avoid the discussion of mobile homes
- Consideration of a connex as a nuisance
- City does not have a building code
- Confusion of the two mobile homes on one lot
- Bringing a connex into the CBD without permits, setting precedent that it is allowed, and the Commission's intent to limit or decrease the use of mobile homes in the city
- Conditional Use Permit would be after the fact but would bring the action into compliance
- Applicant has not been fined since they are actively working with the Planning Department to bringing the project into compliance.
- Defining this structure as a mobile home is incorrect since it is a connex.
- Staff would recommend or the applicants can consider the pulling the application and bringing it back under the additional dwelling, a CUP would not be required.
- Commissioner perspectives on the connex since that is what it is

- The trend to sustainable, affordable housing by using modular, pre-fab, manufactured homes and tiny homes

There were no further questions for the City Planner and Chair Smith requested questions from the Commission for the Applicant.

Commissioners and the Applicant discussed the following points:

- Basis and reasons for moving a connex into a developed neighborhood
- Sustainable housing, trend for tiny homes, a connex does present a modern appearance, placement on the far eastern edge, the foundation is permanent.
- Consideration that it is a modular home, not a connex, as it is tied into existing water and sewer and will have exterior improvements
- Can subdivide the property back again and keep the structure as a permanent dwelling
- Timeline for the improvements to be completed on the appearance of the connex
- Retrofitting a connex into a dwelling and electrical, plumbing standards since there are standards for mobile homes
- Additional questions could be presented in writing and the applicant would respond with photos and certifications to address those concerns of the Commission

Chair Smith called for additional questions for the applicant, there were none so he redirected the discussion back to the question on evaluating this as an Accessory Dwelling Unit (ADU) rather than for a CUP.

City Planner Abboud noted that it appeared there was agreement among the Commissioners that this structure is not a mobile home and as such it does not appear to be appropriate that the term mobile home park applies. He then reviewed the nuisance standard and noted that it is no longer a shipping container, there are no other standards to apply.

Further discussion ensued on the application of code, renovation of the connex so that it is no longer a shipping container, if they amend to reflect a permitted use then a CUP is not required, clarification on the number of structures on the property, the connex does not meet the definition of mobile home and where a challenge will come from the neighbor by appeal.

City Planner Abboud stated that it should be failed since they are not dealing with a mobile home or mobile home park as it did not meet the definition.

Commissioner Bentz then recognized the city code that addressed nuisance standards HCC 21.18.080 (c.) Commercial vehicles, trailers, shipping containers and other similar equipment used for transporting merchandise shall remain on the premises only as long as required for loading and unloading operations, and shall not be maintained on the premises for storage purposes unless screened from public view. She noted that in the packet there is a photo showing the interior of the connex and did not believe that it was capable of transporting merchandise and provided a description of the interior represented by the photo.

Commissioner Highland also noted that a shipping container is allowed if screened from public view as described in the same section of city code Commissioner Bentz referenced.

Commissioner Bentz additionally stated that a connex could fall under the designated permitted use of mini storage. She observed that the Commission could not show bias against a structure based on the materials used, noting the blue tarps being used on Bonanza Street as roofing materials and the applicants have undergone a level of scrutiny that the Commission does not talk about with people such as the renovated construction with fire alarms and electrical systems.

City Planner Abboud responding to the question of changing it from a mobile home, that since Homer does not have a building code, and until the city adopts building codes, a dwelling can be built out of any material. This is a dwelling and has all the features that is expected in a structure defined as such.

Chair Smith requested a motion.

*VENUTI/ HIGHLAND MOVE TO ADOPT STAFF REPORT 20-58 AND APPROVE CUP 20-14 WITH FINDINGS 1-10 AND CONDITIONS 1-7*

- 1. ALL DEVELOPMENT MUST BE COMPLETED BY AUGUST 1, 2021. THIS INCLUDES PAINTING, SKIRTING, PORCH CONSTRUCTION AND COMPLETE SITE DEVELOPMENT AS SHOWN ON THE SITE PLAN AND PROJECT ELEVATIONS.*
- 2. THE ZONING PERMIT AND CUP MAY ONLY BE EXTENDED BY THE PLANNING COMMISSION.*
- 3. FAILURE TO COMPLETE DEVELOPMENT BY AUGUST 1, 2021 MAY RESULT IN A ZONING VIOLATION AND FINES UNTIL THE STRUCTURE IS REMOVED OR BROUGHT INTO COMPLIANCE.*
- 4. BOTH MOBILE HOMES SHALL MEET THE REQUIREMENTS OF HCC 21.54.100*
- 5. COVERED STORAGE MEETING REQUIREMENTS OF HCC 21.54.070, NOT LESS THAN 200 CUBIC FEET OF COVERED STORAGE PER UNIT SHALL BE PROVIDED.*
- 6. PLANT OR SCREEN THE EASTERN AND SOUTHERN PROPERTY LINES WITH A FENCE OR COMBINATION EVERGREEN DECIDUOUS PLANTINGS TO PROVIDE EFFECTIVE SCREENING.*
- 7. OUTDOOR LIGHTING MUST BE DOWN LIT PER HCC 21.59.030*

It was noted that there was a typographical error in the staff report numbers, it was stated that it can be corrected by the Clerk.

City Planner Abboud provided clarification that the Commission could fail the motion and the Applicant would apply for a permit under the ADU and it would be handled administratively. He stated that there are three choices for the Commission: Approve the Conditional Use Permit, Approve with more conditions or deny the permit.

The Commission and City Planner Abboud entertained a brief discussion on amending the findings to substantiate the denial of the CUP by amending the cited city code citation from Finding 1, HCC 20.18.020 (m) and replace with Finding 1 HCC 20.18.020(ii) one

detached dwelling unit, excluding mobile homes, as an accessory building to a principal single-family dwelling on a lot and that two the Commission finds that the structure in question, the shipping container was not used for transportation of merchandise and therefore HCC 21.18.080 Nuisance standards, item c, does not apply.

Chair Smith called for a roll call vote.

VOTE. NO, BENTZ, DAVIS, HIGHLAND, VENUTI, SMITH

Motion failed.

Chair Smith thanked the applicants for a very interesting topic and he wanted to make them aware that the Commission was trying to advocate for the them while addressing the concerns presented by Mr. Griswold and being applicable to city code.

Mr. Lowry responded that he was appreciative of the Commission processes and just wanted to do what was easiest for the Commission and city in regards to paperwork and permits. He had noted through the chat option that they could withdraw the permit application if that was easier but it sounds as if it is past that point. He thanked everyone for their time and discussion tonight.

City Planner Abboud clarified that the applicant can contact the planning department to proceed to the next step for their project.

#### B. Staff Report 20-60, Medical Zoning District

Chair Smith introduced the item by reading of the title.

City Planner Abboud provided a brief summary of the previous actions on the draft ordinance.

There is no applicant as the city is the applicant.

Chair Smith opened the public hearing and seeing no members of the audience coming forward to provide testimony he closed the public hearing and opened the floor to questions from the Commission.

There were no questions from the Commissioners for the City Planner.

Chair Smith Requested a motion.

VENUTI/ BENTZ MOVE TO ADOPT STAFF REPORT 20-60 AND FORWARD THE DRAFT ORDINANCE CREATING A MEDICAL ZONING DISTRICT TO CITY COUNCIL.

There was a brief commentary from Commissioner Highland explaining her reason that she would not be supporting this ordinance was that she did not support the sixty five foot building height.

VOTE. YES. BENTZ, DAVIS, VENUTI, SMITH

VOTE. NO. HIGHLAND

Motion carried.

### **PLAT CONSIDERATION**

- A. Staff Report 20-61, Guy Waddell Subd. No. 3 June's Addn. Lot 1-E 2020 Replat Preliminary Plat

Chair Smith introduced the item by reading of the title.

City Planner Abboud provided a summary of Staff Report 20-61.

There was no applicant or representative present.

Chair Smith opened the floor to public comment on the project. Having no one in the audience come forward to comment on this project he closed the public comment period and opened the floor to questions from the Commission.

The Commission had no questions for the City Planner.

BENTZ/HIGHLAND MOVED TO ADOPT STAFF REPORT 20-61 AND RECOMMEND APPROVAL OF GUY WADDELL SUBDIVISION NUMBER 3 JUNE'S ADDITION LOT 1-E 2020 REPLAT PRELIMINARY PLAT WITH COMMENTS ONE AND TWO:

1. INCLUDE PLAT NOTE STATING "PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ONSITE 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.
2. A CITY OF HOMER DEVELOPMENT AGREEMENT OR CONSTRUCTION AGREEMENT IS REQUIRED FOR THE INSTALLATION OF WATER AND SEWER SERVICES.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PENDING BUSINESS**

## **NEW BUSINESS**

### **INFORMATIONAL MATERIALS**

#### **A. City Manager's Report for the August 24th City Council Meetings**

### **COMMENTS OF THE AUDIENCE**

Bob Shavelson, city resident, commented on the amount of development being done during this time of COVID 19 and did not appreciate Mr. Griswold being called out tonight as some of the tone and content was negative. He did not see any place for that. Mr. Griswold may be a thorn in the side of the city but he is a resident of the city and cares about the community.

### **COMMENTS OF THE STAFF**

Deputy City Clerk Krause thanked the Commission for an interesting meeting, noting that she will be brushing up on city code.

City Planner Abboud commented that it was nice to be back, he found that he can do a lot of work in COVID time and he thought they may look at their worklist and maybe have a worksession in the future. He noted that Julie will be out of the office for approximately two month so it may present challenges.

### **COMMENTS OF THE COMMISSION**

Commissioner Highland commented it was a good meeting and welcomed Rick back.

Commissioner Bentz commented on appreciated the input from the public and is a very important part of the process and that they initially had a few points of confusion with one of the applications but the public comment helps the commission. It made them go back to reread city code and really understand what the decision they were being asked to make is; interesting to read in the City Manager's Report that there is an opportunity for a NEA grant partnership. She mentioned moving forward on the transportation as a priority and to wait until they get the new census information.

Commissioner Davis commented on sharing Commissioner Highland's concern with the 65 foot building height especially as applied in the district without concern for viewshed, he voted in favor as they have worked on this for a long time but he will always side on the effect a tall building will have on someone's viewshed. He agreed that public comment is important and they can just focus on the pertinent comments that apply and ignore the non-relevant comments.

Commissioner Venuti welcomed Rick back and commented on seeing him in action as the Acting City Manager and complemented him on doing a great job. He responded to Mr. Shavelson

remarks regarding talking negatively about anybody although he understands why an individual who has been a pain in the neck for a long time could be considered in a negative manner. His concern is the possibility of litigation from Mr. Griswold if more connex homes catches on, so we have to watch what they do because he seems to be setting policy. Mr. Venuti stated it was a good meeting and complimented Chair Smith on a great job.

Chair Smith echoed the sentiments previously expressed about public comment and hoped that his comments were not perceived as negative, that was not his desire. He appreciated Commissioner Bentz' attention to detail and providing the alternative solution for the commission and applicant tonight. He thanked Rick for his knowledge regarding these matters and providing direction for the Commission. It was a good meeting and believed that they need to ask themselves a couple of questions such as Do we want trailer parks as part of our language and do they want connex as a part of the building possibilities they will need to have some future conversations.

#### **ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 7:45 p.m. The next Regular Meeting is scheduled for Wednesday, September 16, 2020 at 6:30 p.m. All meetings are scheduled to be held virtually by Zoom Webinar from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska



RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: October 7, 2020





# 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 20-58

TO: Homer Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: September 2, 2020  
SUBJECT: Conditional Use Permit (CUP) 20-14

---

**Synopsis** The applicant proposes to add a second mobile home to a lot with an existing mobile home. A Conditional Use Permit (CUP) is required per HCC 21.18.030(c).

Applicant: Scott and Stacy Lowry  
907 Daly Road  
Ojai, CA 93023

Legal Description: LEGAL T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0930033  
GLACIER VIEW SUB NO 23 BLOCKS 8 9 & 10 LOT 24A

Parcel ID: 17710421

Size of Existing Lot: 12,017 square feet.  
Minimum lot size in the CBD is 6,000 square feet.  
Minimum lot size for a mobile home park is 3,000 square feet per unit.

Zoning Designation: Central Business District

Existing Land Use: Residential mobile home

Surrounding Land Use: North: Residential, mobile homes  
South: Residential  
East: Residential  
West: Residential

Comprehensive Plan: Goal 1 Objective C: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options. Promote infill development in all housing districts.

Wetland Status: No wetlands mapped

Flood Plain Status: Zone D, Flood Hazards not determined

BCWPD: Not within the Bridge Creek Watershed Protection District

Utilities: Public utilities service the site.

Public Notice: Notice was sent to 50 property owners of 40 parcels as shown on the KPB tax assessor rolls.

**ANALYSIS:** The current property is one large lot. At one point it was two lots, but the interior lot line was vacated in 1993 so the current configuration is one large lot. Staff brings this to the Commission's attention because it is possible for the applicant to re-subdivide the lot, and have one mobile home on each lot without a conditional use permit.

The applicant placed a 'connex' single family dwelling on the property on July 20<sup>th</sup>, 2020. No zoning permit was applied for, so the structure is in violation of city code. Staff contacted the land owner to inform them of the need for a zoning permit and a conditional use permit. The land owner then submitted a conditional use permit. If this CUP is approved, in addition to any CUP conditions, the land owner will need to apply for and receive a zoning permit to bring the structure into compliance.



Photo 1. Existing Mobile Home, and planned shared driveway.



Photo 2. Existing Mobile home and new mobile home. Under the CUP, this driveway access would be eliminated, and a fence erected. Both homes would use the eastern driveway.



Photo 3. East view of structure



Photo 4. South or back side of the dwelling.

### **Mobile Home Park Review**

City code is provided below, with responses italicized. See Right of way Plan Drawing for depiction.

#### **21.54.010 Standards for mobile home parks – General.**

This article establishes minimum standards governing mobile home parks. [Ord. 08-29, 2008].

#### **21.54.020 Where allowed.**

Mobile home parks will be allowed only in those zoning districts that list mobile home parks as permitted or conditionally permitted. [Ord. 08-29, 2008].

**Response:** *HCC 21.18.030(c) allows for mobile home parks with an approved conditional use permit.*

#### **21.54.030 Spaces and occupancy.**

a. Only one mobile home or duplex mobile home shall occupy a space.

**Response:** *Only one home occupies each space.*

b. More than one space may be located on a lot, subject to the following: Each space for a mobile home shall contain not less than 3,000 square feet, exclusive of space provided for the common use of tenants, such as roadways, general use structures, guest parking, walkways,

and areas for recreation and landscaping. Spaces designed and rented for duplex mobile homes shall have a minimum of 4,500 square feet. [Ord. 08-29, 2008].

**Response:** *The property is 12,017 square feet. The western mobile home space is just over 3,000 square feet. The eastern space is just under 4,300 square feet.*

#### **21.54.040 Lot size and setbacks.**

a. Minimum Lot Size. Lots used for mobile home parks shall be no smaller than the minimum lot size for the zoning district in which the mobile home park is located.

**Response:** *The property meets the minimum lot size requirements per HCC 21.18.040 (a)(1), of 6,000 square feet. The property is 12,017 square feet.*

b. Setbacks. In addition to the required setbacks from lot lines and rights-of-way applicable to the zoning district:

1. No mobile home in the park shall be located closer than 15 feet from another mobile home or from a general use building in the park.

**Response:** *The existing shed is more than 15 feet from the existing mobile home. The mobile homes are more than 15 feet apart.*

2. No building or structure accessory to a mobile home on a mobile home space shall be closer than 10 feet from another mobile home, another accessory building or another mobile home space.

**Response:** *The existing shed is more than 10 feet from the existing mobile home. The mobile homes are more than 10 feet apart.*

3. Along any vehicular right-of-way within the mobile home park, mobile homes and other buildings shall be set back a minimum of 10 feet from the edge of the right-of-way. [Ord. 08-29, 2008].

**Response:** *The driveway entrance is the vehicular right of way within the mobile home park.*

#### **21.54.050 Open space and recreation areas.**

A minimum of 10 percent of the total area of all lots used for a mobile home park shall be devoted to a common open space for use by residents of the mobile home park. This open space shall not include areas used for vehicle parking or maneuvering, vehicle access, or any area within a mobile home space. The open space may include lawns and other landscaped areas, walkways, paved terraces, and sitting areas. The common open space shall be reasonably secluded from view from streets and shall be maintained in a neat appearance. [Ord. 08-29, 2008].

**Response:** *The eastern quarter of the lot has a lawn area. Exclusive of the storage shed, there is approximately 3,200 square feet of open space. Ten percent of the total lot area is approximately 1,200 square feet of open area.*

**21.54.070 Required improvements.**

a. Storage. Not less than 200 cubic feet of covered storage shall be provided for each mobile home space (but not necessarily on each space).

**Response:** *The existing storage shed may or may not be adequate, depending on the interior headroom of the space, which is currently unknown. The shed is 8 feet by 10 feet, or 80 square feet in area. If there is 5 feet of head room in the shed, then it contains at least 400 cubic feet of covered storage and would meet this requirement the way it is (8 ft. x 10 ft. x 5 ft. = 400 cu. ft.).* **See Condition 5:** *Covered storage meeting the requirements of HCC 21.54.070, not less than 200 cubic feet of covered storage per unit, shall be provided.*

b. Perimeter. The land used for mobile home park purposes shall be effectively screened, except at entry and exit places, by a wall, fence or other sight-obscuring screening. Such screening shall be of a height adequate to screen the mobile home park from view and shall be maintained in a neat appearance.

**Response:** *The western lot line is screened by alders. The northern property line along Bonanza Ave will have a six foot wooden fence.*

**Condition 7:** *Plant or screen the eastern and southern property lines with a fence or combination evergreen and deciduous plantings to provide effective screening.*

c. Water and Sewer. All mobile homes in the park shall be connected to water and sewage systems before they are occupied. Evidence shall be provided with the application for a mobile home park that the park will meet the standards of the Alaska Department of Environmental Conservation. [Ord. 08-29, 2008].

**Response:** *City water and sewer connections have been made and approved by the Public Works Department.*

**21.54.080 Access and parking.**

a. Access. Each mobile home space shall be directly accessible by a vehicle from an internal street without the necessity of crossing any other space. Direct vehicular access from public streets to a mobile home space is prohibited.

**Response:** *The mobile home park has a single point of access onto Bonanza Ave. The portion of the driveway immediately on the property is the internal street.*

b. Parking. A minimum of two parking spaces shall be provided for each mobile home space. An additional common parking area for guests shall be provided with one space for every four mobile homes. [Ord. 08-29, 2008].

**Response:** *Two spaces per home and one additional guest space are provided for a total of five parking spaces.*

#### **21.54.090 Street standards.**

a. Circulation. The internal street system of a mobile home park shall provide convenient circulation by means of minor streets and collector streets. Dead-end streets shall be provided with an adequate turning circle at least 80 feet in diameter.

**Response:** *The internal street system for the two mobile home terminates in parking for one mobile home space, and driveway access for a second space. There is adequate maneuvering area within the property.*

b. Street Widths. The width of internal streets shall be adequate to accommodate the contemplated traffic load, and no less than the following minimums:

	<b>Minimum Width (in feet)</b>
Collector streets with no parking	28
Minor streets with no parking	22

**Response:** *The shared driveway access to Bonanza Ave is 22 feet wide.*

c. If utilities are planned to be in or next to streets, additional width may be required by the Commission to accommodate the utilities. [Ord. 08-29, 2008].

**Response:** *Utilities are already installed within existing public rights of ways and utility easements.*

#### **21.54.100 Standards for mobile homes.**

Each mobile home structure, whether located in a mobile home park or on an individual lot, shall meet the following standards:

a. The mobile home shall contain sleeping accommodations, a flush toilet, a tub or shower and kitchen facilities, with plumbing and electrical connections provided for attachment to public utilities or approved private systems.

**Response:** *Condition: The applicant shall provide evidence that both homes meet the requirements of this section.*

b. The mobile home shall be fully skirted and, if a single-wide unit, shall be tied down with devices that meet State standards. [Ord. 10-01(S) § 4, 2010].

**Response: Condition 4:** *Both mobile homes shall meet the requirements of HCC 21.54.100.*

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

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

**Analysis:** The structure meets the definition of a mobile home under HCC 21.030 Definitions.

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

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

The structure is considered a mobile home because it is 8 feet wide, 45 feet long, and 360 square feet. It is connected to city water and sewer and is fully equipped as a dwelling unit. It could be picked up via crane and moved again by truck in the future and is therefore transportable in one or more sections.

HCC 21.18.080(c) further discusses shipping containers in the CBD.

HCC 21.18.080(c) Nuisance standards states c. Commercial vehicles, trailers, shipping containers and other similar equipment used for transporting merchandise shall remain on the premises only as long as required for loading and unloading operations, and shall not be maintained on the premises for storage purposes unless screened from public view.

The subject structure is no longer functional as a shipping container as it has been modified with doors and windows. It has further been retrofitted to serve as a residential dwelling.

**Finding 1:** HCC 21.18.020(m) authorizes mobile homes, and HCC 21.18.030(c) authorizes mobile home parks if approved by a Conditional Use Permit.

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

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

**Applicant:** There are other homes adjacent to this property.

**Analysis:** The purpose of the Central Business District includes accommodating a mixture of residential and non-residential uses. A mobile home park is a form of residential use.

**Finding 2:** The proposed use and structures of the mobile home park are compatible with the purpose of the district.

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

**Applicant:** We are improving the property and cleaning up the overall appearance. This is a first step to our plans to improve the property.

**Analysis:** Several uses in the CBD have the potential to have a greater negative impact on property values. A club or drinking establishment could generate noise during hours objectionable to residential uses, and affect the value of the adjoining land as a residential use.

**Finding 3:** A two unit mobile home park is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

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

**Applicant:** Similar to the surrounding homes and land.

**Analysis:** The residential use is compatible with the existing surrounding homes. However, the new structure is currently unpainted and generally in an unattractive, incomplete state. Staff recommends the following conditions:

1. All development must be completed by August 1, 2021. This includes painting, skirting, porch construction and complete site development as shown on the site plan and project elevations.
2. The zoning permit and CUP may only be extended by the Planning Commission.
3. Failure to complete development by August 1<sup>st</sup> may result in a zoning violation and fines until the structure is removed or brought into compliance.

**Finding 4:** The proposal when completed is compatible with existing uses of surrounding land which include single family homes and mobile homes on individual lots.

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

**Finding 5:** Existing public, water, sewer, and fire services are adequate to serve the mobile home park.

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

**Applicant:** Impact will be very minimal. Also, the guest house is very small and tucked away in the property.

**Analysis:** Desirable neighborhood character could be described by a portion of the Purpose statement for the district, which includes the accommodation of residential uses. Individual mobile homes as well as mobile home parks are listed permitted and conditionally permitted uses within the district.

**Finding 6:** The Commission finds the proposal will not cause undue harmful effect upon desirable neighborhood character as described in the purpose statement of the district, when conditions 1-7 are met.

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

**Analysis:** City utilities, police, fire and road maintenance services are available and adequately serve the lot.

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

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

**Analysis:** Utility connection permits have been acquired. If a CUP is granted, a zoning permit must be applied for and approved to bring the property into compliance.

**Finding 8:** The proposal shall comply with applicable regulations and conditions specified in Title 21.

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

**Analysis:** Goals of the Land Use Chapter of the Homer Comprehensive Plan include Goal 1 Objective C: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options. Promote infill development in all housing districts. Conditions 1-7 address the current state of the property and require project completion within a specific timeframe. The current incomplete structure does not meet the comprehensive plan goal of a high quality residential neighborhood. With completion of the structure and planned improvements including skirting, painting and a fence, the new structure will be closer to meeting the intent of the Comprehensive Plan.

**Finding 9:** The proposal when completed in adherence to the conditions set forth by this permit is not contrary to the applicable land use goals and objects of the Comprehensive Plan. The proposal aligns with Goal 1 Objective C and no evidence has been found that it is not contrary to the applicable land use goals and objects of the Comprehensive Plan.

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

**Analysis:** The outdoor lighting section of the CDM applies.

**Condition 7:** Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

**Finding 10:** Project complies with the applicable provisions of the CDM.

**HCC 21.71.040(b).** b. In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will

continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

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

**PUBLIC WORKS COMMENTS:** No comments

**PUBLIC COMMENTS:** None as of the writing of the staff report. Staff expects comments to be provided prior to and at the Commission public hearing.

**STAFF COMMENTS/RECOMMENDATIONS:**

Conduct a public hearing and consider public testimony. Approve CUP 20-14 with findings 1-10 and the following conditions:

1. All development must be completed by August 1, 2021. This includes painting, skirting, porch construction and complete site development as shown on the site plan and project elevations.
2. The zoning permit and CUP may only be extended by the Planning Commission.
3. Failure to complete development by August 1<sup>st</sup> may result in a zoning violation and fines until the structure is removed or brought into compliance.
4. Both mobile homes shall meet the requirements of HCC 21.54.100.
5. Covered storage meeting the requirements of HCC 21.54.070, not less than 200 cubic feet of covered storage per unit, shall be provided.
6. Plant or screen the eastern and southern property lines with a fence or combination evergreen and deciduous plantings to provide effective screening.
7. Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

### **Attachments**

Application

Site Plan 8.14.20 Right of Way

Additional Site Photos

Public Notice

Aerial Photograph



# City of Homer

www.cityofhomer-ak.gov

**Planning**  
491 East Pioneer Avenue  
Homer, Alaska 99603

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

## Applicant

Name: Scott & Stacy Lowry Telephone No.: 805-509-1757, 907-299-4070

Address: 907 Daly Rd. Ojai, CA 93023 Email: SRL8@me.com

## Property Owner (if different than the applicant):

Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

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

## PROPERTY INFORMATION:

Address: 541 Bonanza Lot Size: .28 acres KPB Tax ID # 17710421

Legal Description of Property: Residential City/Residential B

For staff use:

Date: \_\_\_\_\_ Fee submittal: Amount \_\_\_\_\_

Received by: \_\_\_\_\_ Date application accepted as complete \_\_\_\_\_

Planning Commission Public Hearing Date: \_\_\_\_\_

## Conditional Use Permit Application Requirements:

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

## Circle Your Zoning District

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

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

- Y/N ☒ Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: \_\_\_\_\_
- Y/N ☒ Will your development trigger a Development Activity Plan?  
Application Status: \_\_\_\_\_
- Y/N ☒ Will your development trigger a Storm water Plan?  
Application Status: \_\_\_\_\_
- Y/N ☒ Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: \_\_\_\_\_
- Y/N ☒ Is your development in a floodplain? If yes, a Flood Development Permit is required.
- Y/N ☒ Does your project trigger a Community Design Manual review?  
If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>
- Y/N ☒ Do you need a traffic impact analysis?
- Y/N ☒ Are there any nonconforming uses or structures on the property?
- Y/N ☒ Have they been formally accepted by the Homer Advisory Planning Commission?
- Y/N ☒ Do you have a state or city driveway permit? Status: Existing driveway approach
- Y/N ☒ Do you have active City water and sewer permits? Status: Existing

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

- Manufactured home with improvement structure. 470 sq ft
- Used for a home. 840 total

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

- We intend to add the new structure as a guest house to stay in when we visit and have family members stay while in town.

- a. What code citation authorizes each proposed use and structure by conditional use permit? **21.18.030(c)**
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district.  
**There are other homes adjacent to this property.**
- c. How will your proposed project affect adjoining property values?  
**We are improving the property and cleaning up the overall appearance. This is a first step to our plans to improve the property.**
- d. How is your proposal compatible with existing uses of the surrounding land?  
**Similar to the surrounding homes and land.**
- e. Are/will public services adequate to serve the proposed uses and structures?  
**yes**
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?  
**Impact will be very minimal. Also, the guest house is very small and tucked away in the property.**
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?  
**No**
- h. How does your project relate to the goals of the Comprehensive Plan?  
The Comprehensive Plan are online,  
**Chapter 4, Goal #1 - Increasing supply of housing. and encouraging infill development.**
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? **(circle each answer)**
1. Y/N Special yards and spaces.
  2. ☒ Y/N Fences, walls and screening.
  3. Y/N Surfacing of parking areas.
  4. Y/N Street and road dedications and improvements (or bonds).
  5. Y/N Control of points of vehicular ingress & egress.
  6. Y/N Special provisions on signs.
  7. ☒ Y/N Landscaping.
  8. Y/N Maintenance of the grounds, buildings, or structures.

9. Y/N Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances. (2)050.81.15
10. Y/N Time for certain activities.
11. Y/N A time period within which the proposed use shall be developed.
12. Y/N A limit on total duration of use.
13. Y/N Special dimensional requirements such as lot area, setbacks, building height. There are other zoning rules that apply to this property.
14. Y/N Other conditions deemed necessary to protect the interest of the community. Similar to the surrounding areas and lots.

### PARKING

1. How many parking spaces are required for your development? ~~4~~ 5

If more than 24 spaces are required see HCC 21.50.030(f)(1)(b).

2. How many spaces are shown on your parking plan? ~~4~~ 5

3. Are you requesting any reductions? NO

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

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

**CIRCLE ONE:**

Owner of record

Lessee

Contract purchaser

Applicant signature: \_\_\_\_\_

Date: 8/6/20

Property Owner's signature: \_\_\_\_\_

Date: 8/6/20

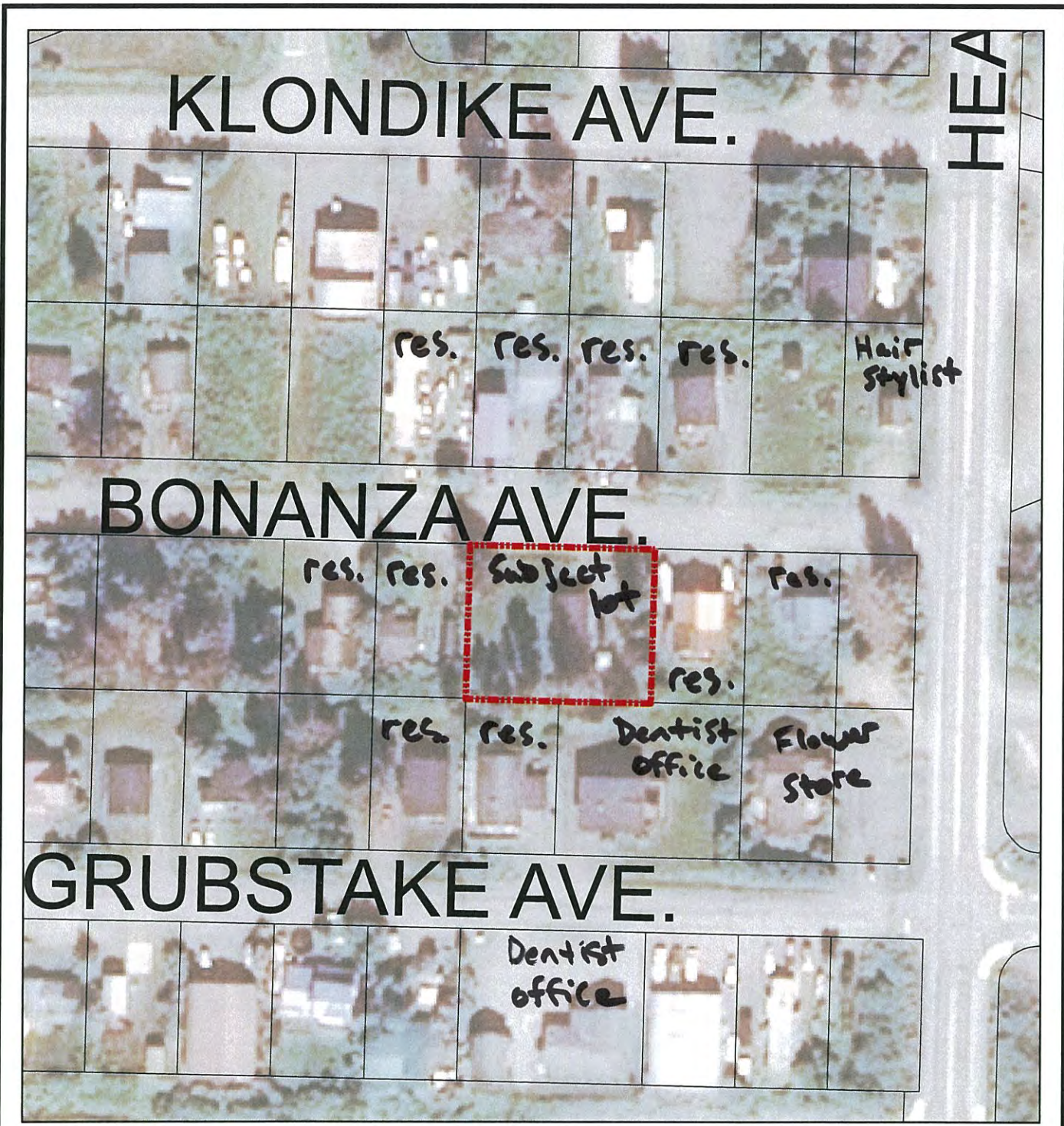


Looking South from Bonanza Ave.



Looking Southwest from Bonanza Ave.





City of Homer  
Planning and Zoning Department

8/18/2020

### Neighboring Properties Map

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

0 75 150 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.

[illegible]

# SITE PLAN

PERMIT: 08/12/2020

A1.0

SITE PLAN			SCALE 1" = 15'-0"		2			
<div><div><div>LOT 24A 12,017 SQ FT 0.28 ACRES</div><div>PROPERTY ADDRESS: 541 BONANZA AVE HOMER, ALASKA, 99603</div></div><div><div>TOTAL LOT AREA</div><div>12,017 SF</div></div><div><div>EXISTING SINGLE STORY RESIDENCE</div><div>430 SF</div></div><div><div>NEW CONTAINER HOME</div><div>360 SF</div></div><div><div>TOTAL +</div><div>790 SF</div></div><div><div>EXISTING ON-SITE PARKING</div><div>2 UNCOVERED SPACES</div></div><div><div>NEW ON-SITE PARKING</div><div>3 UNCOVERED SPACES</div></div></div>			<div><div>GRAVEL</div><div>GRASS</div><div>TREE</div><div>LOW PLANTING</div><div>LOW PLANTING</div></div>			<div><div>SETBACK LINE</div><div>UTILITY EASEMENT</div><div>PROPERTY LINE</div><div>BUILDING FOOTPRINT</div><div>FENCE</div><div>SITE DRAINAGE, 2% SLOPE MINIMUM</div></div>		
SITE INFORMATION			SCALE N/A		7			
LEGEND			SCALE N/A		4			
LEGEND			SCALE N/A		1			

## Additional Photos



Photo 5. Internal picture of mobile home (through window)



Photo 6. South lot line and fence

## Additional Photos



Photo 7. Eastern Lot line



Photo 8. Utility connections

## PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Planning Commission on Wednesday, September 2<sup>nd</sup>, 2020 at 6:30 p.m. via a virtual meeting, on the following matter:

**A request for Conditional Use Permit (CUP) 20-14 to allow a mobile home park consisting of two mobile homes at 541 Bonanza Ave., Lot 24A Glacier View Subdivision No. 23, SE ¼, NW ¼ Sec. 20, T. 6 S., R. 13W., S.M., HM 0930033. A CUP is required according to HCC 21.18.030(c) mobile home parks.**

Anyone wishing to view the meeting packet, attend the virtual meeting, or participate in the virtual meeting may do so by visiting the Planning Commission Regular Meeting page on the City's online calendar at <https://www.cityofhomer-ak.gov/calendar>. This information will be posted by 5pm on the Friday before the meeting.

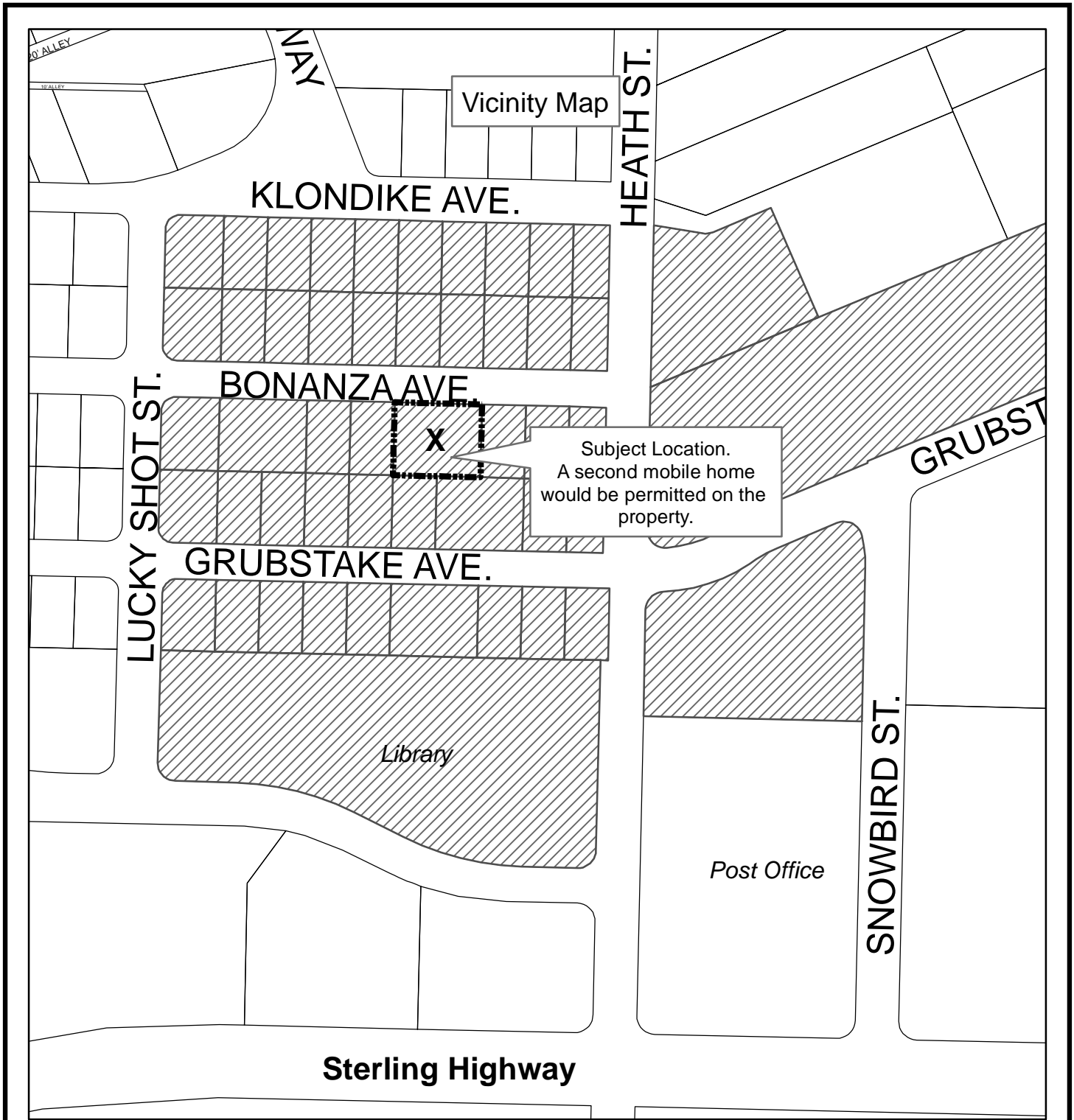
Visit the link above or call the City Clerk's Office to learn how to provide verbal testimony during the meeting via telephone or the Zoom online platform. Written comments can be emailed to [planning@ci.homer.ak.us](mailto:planning@ci.homer.ak.us) or mailed to Homer City Hall, 491 E. Pioneer Ave., Homer, AK, 99603. They may also be placed in the Homer City Hall drop box at any time. Comments must be received by 4pm on the day of the meeting.

If you have questions or would like additional information about the proposal, please contact Travis Brown with the Planning and Zoning Office at 235-3106. If you have questions about how to participate in the virtual meeting, please contact Renee Krause with the City Clerk's Office at 235-3130.

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

.....

**VICINITY MAP ON REVERSE**



City of Homer  
Planning and Zoning Department

8/18/2020

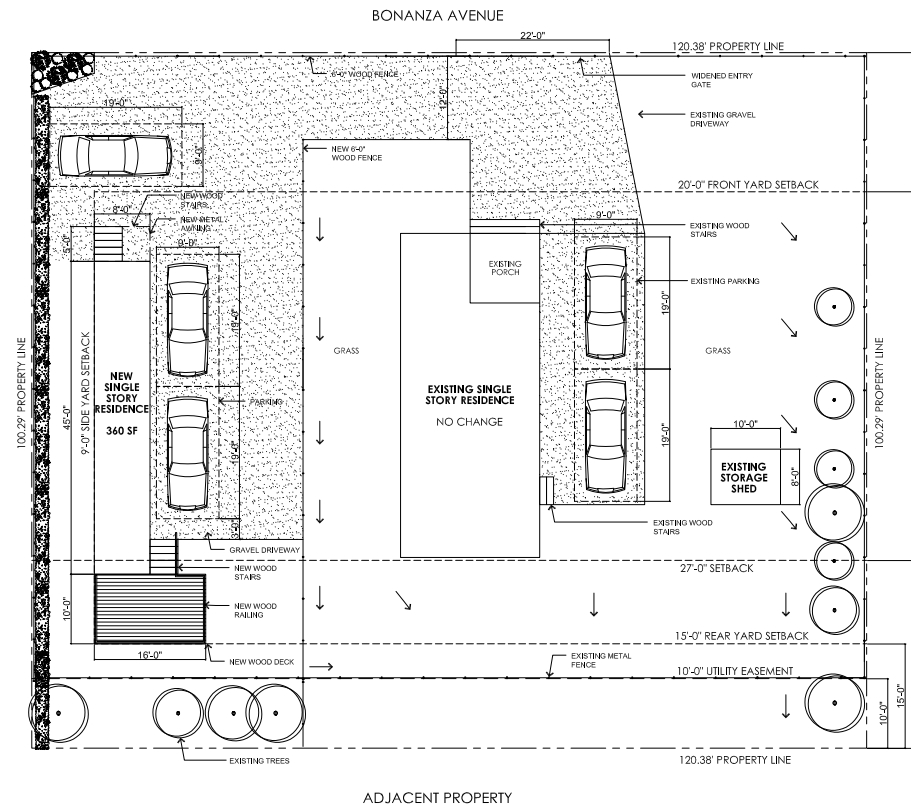
# Request for Conditional Use Permit 20-14 541 Bonanza Ave

Marked lots are within 300 feet and  
property owners notified.

0 150 300 Feet



Disclaimer:  
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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.



OWNER:  
Scott Lowry  
Lowry Construction

CONTRACTOR:  
Scott Lowry  
Lowry Construction

PROJECT:  
542 Bonanza Avenue,  
Homer, Alaska 99603

## SITE PLAN

SCALE  
1" = 15'-0"

2

LOT 24A  
12,017 SQ FT  
0.28 ACRES

PROPERTY ADDRESS:  
541 BONANZA AVE  
HOMER, ALASKA, 99603

TOTAL LOT AREA 12,017 SF

EXISTING SINGLE STORY RESIDENCE 430 SF

NEW CONTAINER HOME 360 SF

TOTAL + 790 SF

EXISTING ON-SITE PARKING 2 UNCOVERED SPACES

NEW ON-SITE PARKING 3 UNCOVERED SPACES

GRAVEL

GRASS



TREE



LOW PLANTING



LOW PLANTING

----- SETBACK LINE

- - - - - UTILITY EASEMENT

----- PROPERTY LINE

----- BUILDING FOOTPRINT

----- FENCE

→ SITE DRAINAGE, 2% SLOPE MINIMUM

## SITE INFORMATION

SCALE  
N/A

7

## LEGEND

SCALE  
N/A

4

## LEGEND

SCALE  
N/A

1

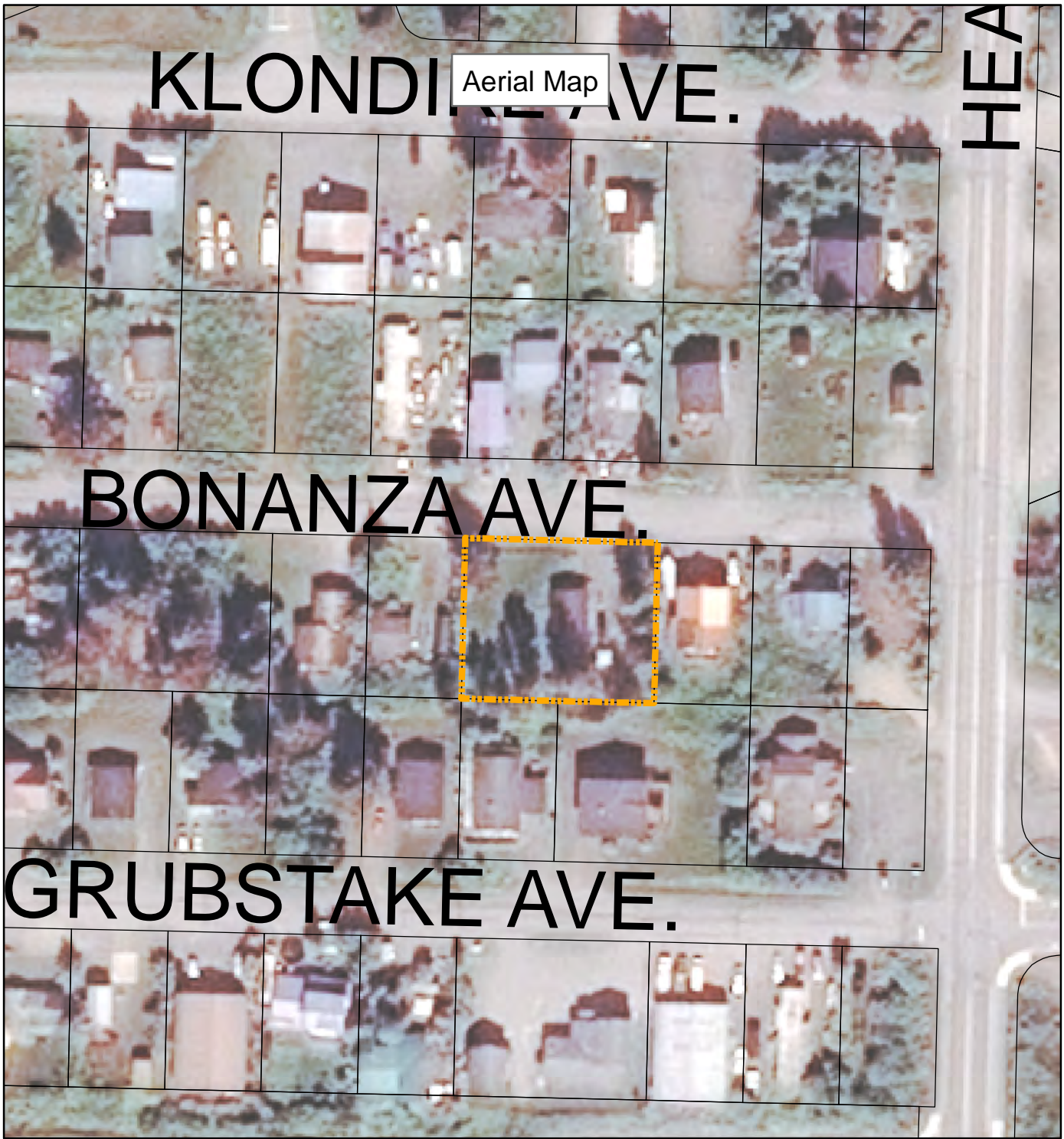
## SITE PLAN

PERMIT: 08125000

A1.0

View is from Bonanza Avenue looking south  
toward "New Single Story Residence"





City of Homer  
Planning and Zoning Department

8/18/2020

# **Request for Conditional Use Permit 20-13 541 Bonanza Ave**

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

0 75 150 Feet



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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.*

**From:** Frank Griswold <fsgriz@alaska.net>  
**Sent:** Wednesday, September 2, 2020 3:34 PM  
**To:** Department Planning  
**Cc:** Julie Engebretsen  
**Subject:** CUP 20-14

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

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

Dear Commissioners,

1. The subject structure does not and cannot as a matter of law constitute a mobile home. HCC 21.03.040 (not HCC 21.030 as cited in Staff Report 20-58) defines mobile home in significant part as a structure that is **built on a permanent chassis and is designed for use as a dwelling.** The subject Connex was not built on a permanent chassis and was not designed for use as a dwelling. A "chassis" is the base frame of a motor vehicle or other wheeled conveyance. A Connex shipping container is designed to be transported on a trailer towed by a truck and therefore has no permanent chassis. (The truck has a permanent chassis and the trailer has a permanent chassis but the Connex shipping container does not). HCC 21.03.040 states in part as follows: "A mobile home shall be construed to remain a mobile home whether or not wheels, axles, hitch or other appurtenances are removed, and regardless of the nature of the foundation provided." It would follow that a Connex shipping container shall be construed to remain a shipping container whether or not it is modified into a dwelling unit. According to the Manufactured Housing Institute's National Communities Council (MHINCC), manufactured homes are homes built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The MHINCC distinguishes among several types of factory-built housing: manufactured homes, modular homes, panelized homes, pre-cut homes, and mobile homes. Shipping containers are not designed or manufactured to comply with a nationally recognized model building code for site-built housing and the MHINCC does not consider modified shipping containers to be factory-built housing of any sort. Neither does HCC. Shipping containers are considered a nuisance and prohibited in the CBD. (HCC 21.18.080(c)). Modifying a shipping container does not magically transform it into something else. No matter how much lipstick one puts on a pig, at the end of the day it is still a pig. The fact that the subject structure may no longer be functional as a shipping container is irrelevant. It belongs in the dump, not in the CBD.

2. At page 3 of Staff Report 20-58 it states "Both homes would use the eastern **driveway.**" But HCC 21.54.080 mandates that "each mobile home space shall be directly accessible by a vehicle from an internal street without the necessity of crossing any other space. **Direct vehicular access from public streets to a mobile home space is prohibited.**" HCC 21.03.040 defines street as follows: "Street" means a public thoroughfare including a public street, road or highway of any description that affords a principal means of access to abutting property. **Street does not include alley or driveway.**" (Emphasis added). Furthermore, HCC 21.54.090 states: "The internal street system of a mobile home park shall provide convenient circulation by means of minor streets and collector streets. Dead-end streets shall be provided with an adequate turning circle at least 80 feet in diameter." The proposed mobile home park contains no minor streets or collector streets and therefore cannot be sustained. Applicants recently removed chain link fencing to install a new driveway providing direct vehicular access from Bonanza Avenue to the Connex. This new driveway did not exist prior to the illegal installation of the Connex. There is no evidence in the record that a

driveway permit was issued for the construction of the new driveway and it seems unlikely that it will now be abandoned. The driveway to the east provides direct vehicular access from Bonanza Avenue to the other structure on the subject lot. This direct access from Bonanza to the existing structure would be prohibited in a mobile home park under the provisions of HCC 21.54.080 cited above. There is no evidence in the record that a prerequisite driveway permit was issued for that driveway either.

3. Most building contractors quickly learn that forgiveness is easier to obtain than permission. California *contractor* Scott Lowry and his wife had the Connex placed on the subject lot before obtaining prerequisite zoning permits thereby violating HCC 21.90.090(a)(3), HCC 21.90.090(a)(6), and HCC 21.90.090(a)(7). The applicants are therefore zoning code violators per HCC 21.90.090(c). Every day upon which the act or condition occurs constitutes a separate violation. (HCC 21.90.090(b)). Violators are subject to a fine of not less than \$75 and not more than \$300 for each violation. (HCC 21.90.100). The Applicants would never get away with such flagrant zoning violations in Ojai California; its Planning Department would likely order the immediate removal of the subject structure and/or initiate other measures to enforce its zoning code.

4. The proposed structure is incompatible with the purpose of the CBD. The primary purpose of the CBD is to provide a centrally located area within the City for general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and other listed business uses. The primary purpose of the CBD is not to provide mobile home parks for modified Connex dwellings. The proposed structure would create conflict with nearby non-residential uses including Glacierview Garage located at 519 Klondike Avenue which I have owned and operated for over 40 years. The design of the modified Connex is not pedestrian-friendly. One has to wonder how horrible and/or illegal a CUP proposal would have to be for Planning Staff to recommend its denial.

5. The value of adjoining property will likely be negatively affected greater than that anticipated from other permitted or conditionally **permitted** (vs. **permissible**) uses in the CBD. HCC 21.71.030 mandates that the applicant "must produce evidence sufficient to enable meaningful review of the application." Thus, the applicants have the burden to prove that their proposal will not negatively affect adjoining property values greater than that anticipated ... etc. Applicants have not and likely cannot meet this burden. The review criteria prescribed under HCC 21.71.030(c) is excessively ambiguous, totally subjective, and requires the applicant to prove a negative fact. As recently argued by counsel for the City of Homer, the law rarely requires a party to prove a negative fact. *Hewing v. Alaska Workmen's Compensation Bd*, 512 P.2d 896, 900 n.14 (Alaska 1973). HCC 21.18.030(f) lists railroads as a **permissible** conditional use in the CBD. Even though no CUP application for railroad has ever been applied for or approved in the CBD, is this extremely low bar one of the standards for judging whether a different proposal will negatively affect the value of adjoining property? Or is the standard a use that has already been conditionally **permitted** and currently exists? Can it exist anywhere in the CBD or must it exist in the surrounding neighborhood of the proposed CUP? If a proposed use or structure must simply be less deleterious to adjoining property values than that anticipated from a freight train then the Commission's consideration of HCC 21.71.030(c) is pointless. HCC 21.18.010 mandates that conflicts between residential uses and nonresidential uses are to be resolved in favor of nonresidential uses so the fact that a drinking establishment could adversely affect the value of adjoining residential land is moot because owners of residential CBD properties apparently forfeit all of their constitutional property rights to the owners of nonresidential properties.

6. The proposal is not compatible with uses of surrounding land. None of the **surrounding land** (undefined) contains modified Connex dwellings or mobile home parks. HCC 21.71.020(a)(6) required Applicants to provide a map showing **neighboring lots** (undefined) and a narrative description of the existing uses those neighboring lots but they failed to do so. "Neighboring lots" is not synonymous with "abutting lots" and would arguably include all properties located within 300 feet of the subject property since the Notice of Public Hearing was sent to all (neighboring) property owners within 300 feet. The Commission should not consider this application until HCC 21.71.020(a)(6) is fully complied with. HCC 21.71.020(a)(3) required Applicants to provide the legal description of the subject lot but they did not. The Homer City Clerk rejected my initial Notice of Appeal re: CUP 14-05 because I neglected to include therein the formal legal description of the subject property in addition to its street address and KPB parcel number which were included.

7. Existing fire services may not be adequate to extinguish a meth lab fire in a modified shipping container dwelling. No input from HVFD was sought or received.

8. The fact that mobile homes and mobile home parks are listed as permitted uses and conditionally permitted uses respectively in the CBD is irrelevant since the proposed use is not a mobile home. Being compatible with the purpose of the CBD is a distinct review criteria and compatibility with the purpose of the CBD does not guarantee that the proposal will not cause undue harmful effect upon desirable neighborhood character. If the modified Connex is rented to drug dealers this would clearly cause undue harmful effect upon desirable neighborhood character. Applicants assert that the proposed dwelling is to be used "as a guest house to stay in when we visit and have family members stay while in town" but this would not be binding on Applicants or future owners unless a condition were imposed that the alleged "guest house" not become a rental or put to some other more objectionable use. Note that the Applicants and visiting family members could stay in the existing mobile home instead of in the cramped and unsightly Connex which seems better suited to drug dealers and miscreants. A mild earthquake could easily topple the existing fuel oil tank (conveniently omitted from the Applicants' fanciful conceptual drawing) spilling hundreds of gallons of fuel oil onto the adjacent property. No Commissioner or Planning Department employee would likely support the approval of CUP 20-14 if they lived next door to the subject Connex.

9. Staff's analysis pertaining to HCC 21.71.030(g) fails to address whether the proposal will be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole. The fact that city utilities, police, fire and road maintenance services are available and adequately serve the lot may apply to HCC 21.71.030(f) but is irrelevant to HCC 21.71.030(g). HCC 21.71.030(g) is one of the review criteria that must be met before the CUP 20-14 can be approved. Staff circuitously asserts that if all applicable standards required by code are met, including this one, then this review criteria will be met. Such a finding is evasive and inadequate. If Connex shipping containers were not considered nuisances and unduly detrimental to the health, safety and/or welfare of the surrounding area they would not be prohibited in the CBD under HCC 21.18.080(c).

10. The proposal cannot comply with the applicable regulations and conditions specified in the zoning code unless the subject structure is first removed. HCC 21.70.010(a)(1) mandates that a zoning permit shall be obtained from the City Planner for the erection, construction or moving of any building or structure. HCC 21.70.010(b) states: "The zoning permit required by this section shall be obtained **prior to the commencement of any activity for which the permit is required**. Failure to do so is a violation." There is no provision in HCC for issuing after-the fact zoning permits. HCC 21.70.070 states as follows: "Nothing in this chapter shall relieve the applicant of the obligation to obtain a conditional use permit, sign permit, variance, or

other permit or approval required by other provisions of the zoning code. The zoning permit required by this chapter shall be in addition to any other applicable permit or approval requirements. If any such additional permits or approvals are required, they must be obtained **prior** to the issuance of the zoning permit under this chapter. Thus, CUP 20-14 would need to be approved before the issuance of a zoning permit and the structure would have to be removed before that zoning permit could be issued. HCC 21.70.030(c) provides that in granting a zoning permit, no City official or employee has authority to grant a waiver, variance, or deviation from the requirements of the zoning code and other applicable laws and regulations, unless such authority is expressly contained therein. There is no evidence in the record that either driveway permit has been acquired or that the CUP application fee has been paid.

11. The proposal is contrary to many applicable land use goals and objectives of the Homer Comprehensive Plan. Applicants failed to meet their burden of proof that their proposal is not contrary to the applicable goals and objectives of the Comprehensive Plan (once again Applicants were unreasonably required by city code to prove a negative) and Planning Staff ignored several applicable provisions of the Comprehensive Plan with which the proposal clearly does not comport while creatively presenting others in a favorable light. As pointed out on page 1 of Staff Report 20-58, Goal 1, Objective C is to maintain high quality residential neighborhoods. Allowing a Connex shipping container to be occupied as a dwelling unit in the CBD is clearly contrary to the goal of maintaining high quality residential neighborhoods and potentially sets a precedent would generate an influx of additional substandard housing in the CBD. The overly-broad goal of promoting infill development in all housing districts is not a legitimate zoning objective because it would support any and all development thus defeating the purpose for adopting a comprehensive development plan in the first place. "Not all of the goals articulated by the City can be considered legitimate per se. For example, any zoning change which eases restrictions on property use could be said to further the goal of "filling in vacant places." *Griswold v. City of Homer*, 925 P.2d 1015, 1023 n. 9 (Alaska 1996). In any event, the subject lot is already infilled with a single-family dwelling. Furthermore, it is not clear that the Central Business District constitutes a "housing district" which is undefined in HCC 21.03.040. Planning Staff's finding that the proposed structure may at some point "be closer to meeting the intent of the Comprehensive Plan" is not only damnation by faint praise but inadequate to support the prerequisite review criteria i.e., not being contrary to the Comprehensive Plan's applicable land use goals and objectives. Planning Staff's finding that "no evidence has been found that it is **not** contrary to the applicable land use goals and objects [sic] of the Comprehensive Plan," while very true and therefore automatic grounds for denial of the application for CUP 20-14, appears to be a Freudian slip. The photos of the subject Connex that are included in the Commission's packet constitute substantial evidence that the proposal is contrary to the applicable goals and objectives of the Comprehensive Plan. The proposed development is flagrantly contrary to many Chapter 4 land use goals and objectives including protecting community character, maintaining high quality residential neighborhoods, maintaining the quality of Homer's natural environment and scenic beauty, and encouragement of high quality buildings and site development that complement Homer's beautiful natural setting. No matter how much lipstick is applied to it, a Connex shipping container does not constitute a high quality building. Even if no evidence had been found by Planning Staff that the proposal is contrary to the applicable goals and objectives of the Comprehensive Plan, that would not constitute evidence that the proposal is not contrary to the applicable goals and objectives of the Comprehensive Plan. Quasi-judicial findings must be based on substantial evidence and a lack of evidence does not constitute evidence of any kind. (Ask your attorney).

12. Finding #10 of Staff Report 20-58 states that the project will comply with the applicable provisions of the Community Design Manual but erroneously suggests that only the outdoor lighting section of the CDM applies to the application for CUP 20-14. Applicants erroneously state that their project does not trigger a Community Design Review CDM review. Accordingly, they did not complete the design review application form. Downward lighting is required by HCC 21.59.030 but no outdoor lighting plan was submitted by the

Applicants. Because this is an application for CUP, all applicable provisions of the CDM apply, even those provisions that would not otherwise apply. If this were not the case, HCC 21.71.030(j) would be superfluous. The Commission should make a finding of law as to whether other provisions of the CDM (besides outdoor downward lighting) are applicable to the application for CUP 20-14 and therefore prerequisite for its approval. To this end, it would be prudent for the Commission to seek legal advice from an unbiased attorney not affiliated with or influenced by the Planning Department or Administration. That attorney could also advise the Commission whether a modified Connex can constitute a mobile home. Neither Planning Staff nor the Administration has the authority to deny independent legal representation to the Commission if it is requested.

13. Black's Law Dictionary defines testimony as follows: "Evidence given by a competent witness under oath or affirmation; as distinguished from evidence derived from writings, and other sources. Testimony is particular kind of evidence that comes to tribunal through live witnesses speaking under oath of affirmation in presence of tribunal, judicial or quasi-judicial." Thus, those testifying before the quasi-judicial Commission, including the Applicants, should first be sworn in.

14. HCC 21.71.010(c) states that nothing in the zoning code shall be construed to require the granting of a conditional use permit. Staff Report 20-58 was prepared before critical evidence was presented. The Commission should reject the biased, unsubstantiated, circuitous off-point, conclusionary, and blatantly erroneous findings of Staff Report 20-58, except for the Freudian slip, and deny the application for CUP 20-14. In accordance with HCC 21.71.050(b), the Commission has 45 days to issue its Decision and Findings and, within that 45-day period, may deliberate in executive session, with or without legal representation, as many times as it deems necessary. The City Planner is not a member of the Homer Advisory Planning Commission and therefore has no authority to attend the executive sessions or sign the *Commission's* Decision.

Frank Griswold

## REPORTS

### A. Staff Report 20-57, City Planner's Report

City Planner Abboud commented he was in transition from the acting city manager position so there is not much in this report. He noted the Council passed action items mentioned in Staff Report 20-57.

## PUBLIC HEARING(S)

### A. Staff Report 20-58, Conditional Use Permit 20-14 to allow a second mobile home at 541 Bonanza Avenue

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

City Planner Abboud noted the late laydown from Mr. Griswold and confirmed that all commissioners were able to review this information before the meeting.

Commissioners verbally and visually confirmed that they had reviewed the information.

City Planner Abboud briefly reviewed the laydown for the Commission noting the concerns on access and mobile home park. He stated that there were some valid points brought forward by Mr. Griswold, but the majority did not apply. He further stated that Mr. Griswold brought forward his typical arguments but he has not prevailed on previous attempts.

City Planner Abboud then reviewed Staff Report 20-58 for the commission. He commented on the following:

- Comprehensive Plan Goals and Objectives
- One large lot that was previously two lots, this can be subdivided and no CUP would be required
- Single family connex home was placed on the property without a zoning permit and the options available to address the matter
- Mobile Home Park requirement review and considering the connex as a mobile home
  - o Access for Fire Department
- Compliance with the existing definition of mobile home
- Use of similar structure in other areas of the city
- Discussion needed on when a shipping container is no longer a shipping container
- Requested a correction by the commission to fix the double negative shown in Finding 9, line 4, Requested the Commission to amend the sentence to remove the word “not” before contrary

Scott and Stacy Lowry, applicant and owner, provided a verbal presentation on the proposed project explaining the planning and goals that they wanted to reach by placing the converted connex on the property. They noted that the lot was purchased and prior to them purchasing the lot, the lot line had been vacated to create one larger lot. There is an older mobile home on the property that is currently rented and that tenant has resided on the property prior to them purchasing the property. They intend to use the new structure as a vacation home as they come to Homer every summer since they have family here. They stated that they have photos of the interior and would be happy to share. The Applicant explained that they had future plans to replace the existing mobile home with a new structure. The applicant further explained that they have been working with the planning staff to meet all the requirements of the city.

Chair Smith opened the Public Hearing.

Bob Shavelson, representing his sister who owns the neighboring parcel, commented on being caught off guard with no notice, stated that a connex does not meet the definition of mobile home, commented on the nomenclature issue with the streets and defining this as a mobile home park since it is not one; he believed there would be difficulties in reestablishing the lot line. Mr. Shavelson then commented that the comp plan has some conflicting items as goal number three is to encourage high quality buildings and site development and he opined that a connex was not that. Mr. Shavelson stated he was not going to raise serious objections if the intent of the applicant is to improve the appearance of the lot.

Chair Smith confirmed with the Clerk there were no further members of the public to provide testimony and closed the Public Hearing and requested questions for the City Planner.

Commissioners and City Planner Abboud discussed the following points:

- Review of the section of city code regarding the Central Business District (CBD) 20.18.020, Permitted uses and structures (ii.) One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single-family dwelling on a lot; arguing that this could be used to define this project, to avoid the discussion of mobile homes
- Consideration of a connex as a nuisance
- City does not have a building code
- Confusion of the two mobile homes on one lot
- Bringing a connex into the CBD without permits, setting precedent that it is allowed, and the Commission's intent to limit or decrease the use of mobile homes in the city
- Conditional Use Permit would be after the fact but would bring the action into compliance
- Applicant has not been fined since they are actively working with the Planning Department to bringing the project into compliance.
- Defining this structure as a mobile home is incorrect since it is a connex.
- Staff would recommend or the applicants can consider the pulling the application and bringing it back under the additional dwelling, a CUP would not be required.
- Commissioner perspectives on the connex since that is what it is

- The trend to sustainable, affordable housing by using modular, pre-fab, manufactured homes and tiny homes

There were no further questions for the City Planner and Chair Smith requested questions from the Commission for the Applicant.

Commissioners and the Applicant discussed the following points:

- Basis and reasons for moving a connex into a developed neighborhood
- Sustainable housing, trend for tiny homes, a connex does present a modern appearance, placement on the far eastern edge, the foundation is permanent.
- Consideration that it is a modular home, not a connex, as it is tied into existing water and sewer and will have exterior improvements
- Can subdivide the property back again and keep the structure as a permanent dwelling
- Timeline for the improvements to be completed on the appearance of the connex
- Retrofitting a connex into a dwelling and electrical, plumbing standards since there are standards for mobile homes
- Additional questions could be presented in writing and the applicant would respond with photos and certifications to address those concerns of the Commission

Chair Smith called for additional questions for the applicant, there were none so he redirected the discussion back to the question on evaluating this as an Accessory Dwelling Unit (ADU) rather than for a CUP.

City Planner Abboud noted that it appeared there was agreement among the Commissioners that this structure is not a mobile home and as such it does not appear to be appropriate that the term mobile home park applies. He then reviewed the nuisance standard and noted that it is no longer a shipping container, there are no other standards to apply.

Further discussion ensued on the application of code, renovation of the connex so that it is no longer a shipping container, if they amend to reflect a permitted use then a CUP is not required, clarification on the number of structures on the property, the connex does not meet the definition of mobile home and where a challenge will come from the neighbor by appeal.

City Planner Abboud stated that it should be failed since they are not dealing with a mobile home or mobile home park as it did not meet the definition.

Commissioner Bentz then recognized the city code that addressed nuisance standards HCC 21.18.080 (c.) Commercial vehicles, trailers, shipping containers and other similar equipment used for transporting merchandise shall remain on the premises only as long as required for loading and unloading operations, and shall not be maintained on the premises for storage purposes unless screened from public view. She noted that in the packet there is a photo showing the interior of the connex and did not believe that it was capable of transporting merchandise and provided a description of the interior represented by the photo.

Commissioner Highland also noted that a shipping container is allowed if screened from public view as described in the same section of city code Commissioner Bentz referenced.

Commissioner Bentz additionally stated that a connex could fall under the designated permitted use of mini storage. She observed that the Commission could not show bias against a structure based on the materials used, noting the blue tarps being used on Bonanza Street as roofing materials and the applicants have undergone a level of scrutiny that the Commission does not talk about with people such as the renovated construction with fire alarms and electrical systems.

City Planner Abboud responding to the question of changing it from a mobile home, that since Homer does not have a building code, and until the city adopts building codes, a dwelling can be built out of any material. This is a dwelling and has all the features that is expected in a structure defined as such.

Chair Smith requested a motion.

*VENUTI/ HIGHLAND MOVE TO ADOPT STAFF REPORT 20-58 AND APPROVE CUP 20-14 WITH FINDINGS 1-10 AND CONDITIONS 1-7*

- 1. ALL DEVELOPMENT MUST BE COMPLETED BY AUGUST 1, 2021. THIS INCLUDES PAINTING, SKIRTING, PORCH CONSTRUCTION AND COMPLETE SITE DEVELOPMENT AS SHOWN ON THE SITE PLAN AND PROJECT ELEVATIONS.*
- 2. THE ZONING PERMIT AND CUP MAY ONLY BE EXTENDED BY THE PLANNING COMMISSION.*
- 3. FAILURE TO COMPLETE DEVELOPMENT BY AUGUST 1, 2021 MAY RESULT IN A ZONING VIOLATION AND FINES UNTIL THE STRUCTURE IS REMOVED OR BROUGHT INTO COMPLIANCE.*
- 4. BOTH MOBILE HOMES SHALL MEET THE REQUIREMENTS OF HCC 21.54.100*
- 5. COVERED STORAGE MEETING REQUIREMENTS OF HCC 21.54.070, NOT LESS THAN 200 CUBIC FEET OF COVERED STORAGE PER UNIT SHALL BE PROVIDED.*
- 6. PLANT OR SCREEN THE EASTERN AND SOUTHERN PROPERTY LINES WITH A FENCE OR COMBINATION EVERGREEN DECIDUOUS PLANTINGS TO PROVIDE EFFECTIVE SCREENING.*
- 7. OUTDOOR LIGHTING MUST BE DOWN LIT PER HCC 21.59.030*

It was noted that there was a typographical error in the staff report numbers, it was stated that it can be corrected by the Clerk.

City Planner Abboud provided clarification that the Commission could fail the motion and the Applicant would apply for a permit under the ADU and it would be handled administratively. He stated that there are three choices for the Commission: Approve the Conditional Use Permit, Approve with more conditions or deny the permit.

The Commission and City Planner Abboud entertained a brief discussion on amending the findings to substantiate the denial of the CUP by amending the cited city code citation from Finding 1, HCC 20.18.020 (m) and replace with Finding 1 HCC 20.18.020(ii) one

detached dwelling unit, excluding mobile homes, as an accessory building to a principal single-family dwelling on a lot and that two the Commission finds that the structure in question, the shipping container was not used for transportation of merchandise and therefore HCC 21.18.080 Nuisance standards, item c, does not apply.

Chair Smith called for a roll call vote.

VOTE. NO, BENTZ, DAVIS, HIGHLAND, VENUTI, SMITH

Motion failed.

Chair Smith thanked the applicants for a very interesting topic and he wanted to make them aware that the Commission was trying to advocate for the them while addressing the concerns presented by Mr. Griswold and being applicable to city code.

Mr. Lowry responded that he was appreciative of the Commission processes and just wanted to do what was easiest for the Commission and city in regards to paperwork and permits. He had noted through the chat option that they could withdraw the permit application if that was easier but it sounds as if it is past that point. He thanked everyone for their time and discussion tonight.

City Planner Abboud clarified that the applicant can contact the planning department to proceed to the next step for their project.

#### B. Staff Report 20-60, Medical Zoning District

Chair Smith introduced the item by reading of the title.

City Planner Abboud provided a brief summary of the previous actions on the draft ordinance.

There is no applicant as the city is the applicant.

Chair Smith opened the public hearing and seeing no members of the audience coming forward to provide testimony he closed the public hearing and opened the floor to questions from the Commission.

There were no questions from the Commissioners for the City Planner.

Chair Smith Requested a motion.

VENUTI/ BENTZ MOVE TO ADOPT STAFF REPORT 20-60 AND FORWARD THE DRAFT ORDINANCE CREATING A MEDICAL ZONING DISTRICT TO CITY COUNCIL.



**HOMER ADVISORY PLANNING COMMISSION**

**September 2, 2020**

**RE:** Conditional Use Permit (CUP) 20-14  
**Address:** 541 Bonanza Ave  
**Legal:** LEGAL T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0930033  
GLACIER VIEW SUB NO 23 BLOCKS 8 9 & 10 LOT 24A

**DECISION**

**Introduction:** Scott and Stacy Lowry (the “Applicants”) applied to the Homer Advisory Planning Commission (the “Commission”) for a Conditional Use Permit (CUP) under Homer City Code HCC 21.18.030(c) for “mobile home parks” at 541 Bonanza Avenue.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on September 2, 2020. Notice of the public hearing was published in the local newspaper and sent to 40 property owners of 50 parcels.

The Commission hereby denies the request for Conditional Use Permit 20-14. Five Commissioners were present and voted unanimously to deny the proposal.

**Background and Facts:**

**Evidence Presented:** City Planner Abboud confirmed that the Commissioners had time to read the laydown presented by Frank Griswold in opposition to the proposal. The Applicants reviewed their plan to add an additional dwelling to the site to be used as a vacation home.

**Public Testimony:** Bob Shavelson, representing his sister with a nearby property interest, was concerned that the connex shipping container refurbished into a dwelling does not meet the definition of mobile home and that it conflicts with the goal of encouraging high quality buildings and site development found in the comprehensive plan.

**Written Testimony:** Frank Griswold provided a written comment in opposition that was provided to the Commission prior to the meeting.

**Discussion:** A discussion regarding the status of the use of a repurposed Connex container for a dwelling ensued. The Commissioners determined that the proposed second structure was not a mobile home. The Commission also noted that the structure was not used for the transportation of merchandise, so it did not constitute equipment used for the transporting of merchandise as described in HCC 21.18.080 (c).

**Findings of Fact:** After careful review of the record and consideration of the testimony presented at the hearing, the Commission determines that Conditional Use Permit 20-14 does not satisfy all the review criteria under HCC 21.71.030 and thus denies the conditional use.

Pursuant to HCC 21.71.030 and HCC 21.71.040, a conditional use must satisfy the following criteria:

- a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district.
- b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.
- c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.
- d. The proposal is compatible with existing uses of surrounding land.
- e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.
- f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.
- g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.
- h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.

- i. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.
- j. The proposal will comply with all applicable provisions of the Community Design Manual.

**Based on the finding(s) below the proposed conditional use fails to satisfy all the criteria identified in HCC 21.71.030. The Commission hereby denies Conditional Use Permit 20-14 the following finding(s).**

**Finding 1:** The converted dwelling was not designed to meet the standards for a manufactured home (mobile home) determined by the U. S. Department of Housing and Urban Development and does not constitute a mobile home.

**Finding 2:** The proposal does not satisfy the criteria under HCC 21.71.030 (a) as “Mobile Home Park” is not applicable code in consideration of the proposed structure.

## Conclusion

Based on the foregoing findings of fact and law, Conditional Use Permit 20-14 is hereby denied.

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Planner, Rick Abboud, AICP

## NOTICE OF APPEAL RIGHTS

Pursuant to Homer City Code, Chapter 21.93.060, any person with standing that is affected by this decision may appeal this decision to the Homer Board of Adjustment within thirty (30) days of the date of distribution indicated below. Any decision not appealed within that time shall be final. A notice of appeal shall be in writing, shall contain all the information required by Homer City Code, Section 21.93.080, and shall be filed with the Homer City Clerk, 491 East Pioneer Avenue, Homer, Alaska 99603-7645.

## CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on \_\_\_\_\_, 2020. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Travis Brown, Planning Technician

Scott & Stacy Lowry  
907 Daly Road  
Ojai, CA 9323

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

Rob Dumouchel, City Manager  
491 E Pioneer Avenue  
Homer, AK 99603



## HOMER ADVISORY PLANNING COMMISSION

September 2, 2020

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### DECISION

**Introduction:** Scott and Stacy Lowry (the "Applicants") applied to the Homer Advisory Planning Commission (the "Commission") for a Conditional Use Permit (CUP) under Homer City Code HCC 21.18.030(c) for "mobile home parks" at 541 Bonanza Avenue.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on September 2, 2020. Notice of the public hearing was published in the local newspaper and sent to 40 property owners of 50 parcels.

The Commission hereby denies the request for Conditional Use Permit 20-14. Five Commissioners were present and voted unanimously to deny the proposal.

### Background and Facts:

**Evidence Presented:** City Planner Abboud confirmed that the Commissioners had time to read the laydown presented by Frank Griswold in opposition to the proposal. The Applicants reviewed their plan to add an additional dwelling to the site to be used as a vacation home.

**Public Testimony:** Bob Shavelson, representing his sister with a nearby property interest, was concerned that the connex shipping container refurbished into a dwelling does not meet the definition of mobile home and that it conflicts with the goal of encouraging high quality buildings and site development found in the comprehensive plan.

**Written Testimony:** Frank Griswold provided a written comment in opposition that was provided to the Commission prior to the meeting.

**Discussion:** A discussion regarding the status of the use of a repurposed Connex container for a dwelling ensued. The Commissioners determined that the proposed second structure was not a mobile home. The Commission also noted that the structure was not used for the transportation of merchandise, so it did not constitute equipment used for the transporting of merchandise as described in HCC 21.18.080 (c).

**Findings of Fact:** After careful review of the record and consideration of the testimony presented at the hearing, the Commission determines that Conditional Use Permit 20-14 does not satisfy all the review criteria under HCC 21.71.030 and thus denies the conditional use.

Pursuant to HCC 21.71.030 and HCC 21.71.040, a conditional use must satisfy the following criteria:

- a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district.
- b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.
- c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.
- d. The proposal is compatible with existing uses of surrounding land.
- e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.
- f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.
- g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.
- h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.

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

j. The proposal will comply with all applicable provisions of the Community Design Manual.

**Based on the finding(s) below the proposed conditional use fails to satisfy all the criteria identified in HCC 21.71.030. The Commission hereby denies Conditional Use Permit 20-14 the following finding(s).**

**Finding 1:** The converted dwelling was not designed to meet the standards for a manufactured home (mobile home) determined by the U. S. Department of Housing and Urban Development and does not constitute a mobile home.

**Finding 2:** The proposal does not satisfy the criteria under HCC 21.71.030 (a) as “Mobile Home Park” is not applicable code in consideration of the proposed structure.

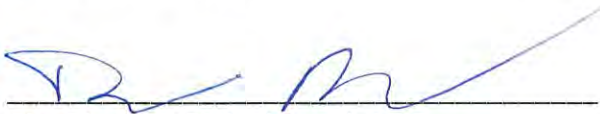
## Conclusion

Based on the foregoing findings of fact and law, Conditional Use Permit 20-14 is hereby denied.

Oct 22, 2020  
Date

  
Chair, Scott Smith

10/22/2020  
Date

  
City Planner, Rick Abboud, AICP

## NOTICE OF APPEAL RIGHTS

Pursuant to Homer City Code, Chapter 21.93.060, any person with standing that is affected by this decision may appeal this decision to the Homer Board of Adjustment within thirty (30) days of the date of distribution indicated below. Any decision not appealed within that time shall be final. A notice of appeal shall be in writing, shall contain all the information required by Homer City Code, Section 21.93.080, and shall be filed with the Homer City Clerk, 491 East Pioneer Avenue, Homer, Alaska 99603-7645.

## CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on 10.22, 2020. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

10.22.2020  
Date

  
Rick Abboud, AICP, City Planner

Scott & Stacy Lowry  
907 Daly Road  
Ojai, CA 9323

Rob Dumouchel, City Manager  
491 E Pioneer Avenue  
Homer, AK 99603

Michael Gatti  
JDO Law  
3000 A Street, Suite 300  
Anchorage, AK 99503  
Frank Griswold  
519 Klondike Ave  
Homer, AK 99603

Further discussion ensued on the screening requirement and height of screening landscape and the Commissioners expressed that the applicant could work it out with Planning Staff the landscape requirement.

VOTE.(Amendment). YES. BARNWELL, BENTZ, HIGHLAND, PETSKA-RUBALCAVA, SMITH

Chair Smith called for the vote on the main motion as amended.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Venuti was invited back to the meeting.

## **PLAT CONSIDERATION**

## **PENDING BUSINESS**

## **NEW BUSINESS**

- A. Decisions and Findings for Conditional Use Permit 20-14 to allow a second mobile home at 541 Bonanza Avenue.

Chair Smith introduced the item by reading of the title and invited City Planner Abboud to provide some clarification on changes.

City Planner Abboud provided clarification on Finding two to make sure it was tied to the criteria and wanted to make sure the Commission reviewed the document and does not have anything to amend.

Chair Smith requested a motion to adopt the Decisions and Findings as written.

BENTZ/VENUTI MOVED TO ADOPT THE DECISIONS AND FINDINGS FOR CONDITIONAL USE PERMIT 20-14 TO ALLOW A SECOND MOBILE HOME AT 541 BONANZA AVE AND ATTACHED FINDING TWO.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **INFORMATIONAL MATERIALS**

From: [Frank Griswold](#)  
To: [Melissa Jacobson](#)  
Cc: [Betsy Krause](#)  
Subject: For the Record Re: Appeal of ZP 1020-782, Non-Renderings Taken by Appellant on December 16, 2020.  
Date: Tuesday, December 29, 2020 4:06:26 PM

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From: [Frank Griswold](#)  
To: [Melissa Jacobsen](#)  
Cc: [Betsy Krause](#)  
Subject: For Inclusion Into ZP 1020-782 Appeal Record and Packet (Taken by Appellant on 12/30/2020)  
Date: Wednesday, December 30, 2020 1:16:22 PM

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From: [Frank Griswold](#)  
To: [Melissa Jacobsen](#)  
Cc: [Betsy Krause](#)  
Subject: Additional Photos For Inclusion Into ZP 1020-782 Appeal Record and Packet (Taken by Appellant on 12/30/2020)  
Date: Wednesday, December 30, 2020 1:47:21 PM

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