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

City of Homer
Agenda

City Council Regular Meeting
Monday, June 27, 2022 at 6:00 PM
In Person at City Hall Cowles Council Chambers and by Zoom Webinar
https://cityofhomer.zoom.us/j/205093973?pwd=UmhJWEZ3ZVdvbDkxZ3Ntbld1NlNXQT09
Or Dial: +1 669 900 6833 or +1 253 215 8782 or Toll Free 877 853 5247 or 888 788 0099
Webinar ID: 205 093 973 Passcode: 610853

CALL TO ORDER, PLEDGE OF ALLEGIANCE

AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA (Items listed below will be enacted by one motion. If a separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

a. Homer City Council Unapproved Regular Meeting Minutes of June 13, 2022. Recommend adoption.

b. Memorandum 22-112 from Mayor Castner Re: Appointment of Bradley Parsons to the ADA Compliance Committee and reappointments of Franco Venuti and Brad Conley to the Planning Commission. Recommend approval.

c. Memorandum 22-113 from City Manager Re: Appointment to the Emergency Services Communications Advisory Board. Recommend approval.

d. Memorandum 22-114 from Deputy City Clerk Re: Liquor License Transfer for Grog Shop, Grog Shop East End, Patels, Patels 2, Homer Liquor and Wine, and Rum Locker. Recommend approval.

e. Resolution 22-056, A Resolution of the City Council of Homer, Alaska Approving an Amendment to the South Central Radar Lease by Adding an Additional Adjacent 1760 Square Feet of City Right-of-Way to the Leased Premises of Lot 88-1, Homer Spit Subdivision No. 2, KPB Parcel 18103431. City Manager. Recommend adoption.

Memorandum 22-115 from Harbormaster as backup.

VISITORS

a. COVID-19 Agency Update Derotha Ferraro, South Peninsula Hospital Public Information Officer and Lorne Carroll, State of Alaska Public Health Nurse III (10 minutes)

ANNOUNCEMENTS / PRESENTATIONS / REPORTS (5 Minute limit per report)

a. Committee of the Whole Report

b. Mayor's Report

c. Borough Report

d. Economic Development Advisory Commission

e. Parks Art Recreation and Culture Advisory Commission

   i. Memorandum from Parks Art Recreation and Culture Advisory Commission Re: Dogs on Leash in Designated Areas.

f. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

a. Ordinance 22-31, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 21.93 Administrative Appeals to Clarify General Appeal Procedures and Related Matters. City Clerk. Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

   Memorandum 22-099 from City Clerk as backup.
   Memorandum 22-100 from City Planner as backup.

b. Ordinance 22-32, An Ordinance of the City Council of Homer, Alaska Amending Title 21.03.040 Definitions used in Zoning Code, Title 21.44 Slopes, Title 21.50.020 Site Development Standards – Level One and Title 21.50.020 Site Development Standards – Level Two. Planning Commission. Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

   Memorandum 22-101 from City Planner as backup.

c. Ordinance 22-33, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget and Appropriating $11,838 from the General Fund Capital Asset Repair and Maintenance Allowance Fund to Replace Two Vending Stations at the Library. City Manage/Library Director. Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

   Memorandum 22-102 from Library Director as backup.

d. Ordinance 22-34(S), An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating $422,840 **$497,900** from the Sewer Capital Asset

Repair and Maintenance Allowance Fund to Implement a Solution to the Broken Clarifier Belt at the Waste Water Treatment Plant. City Manager/Public Works Director.Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

Memorandum 22-111 from Public Works Director as backup.
Memorandum 22-103 from Public Works Director as backup.

ORDINANCE(S)

a. Ordinance 22-35, An Ordinance of the City Council of Homer, Alaska, Amending the Homer City Zoning Map to Rezone a Portion of the Rural Residential (RR) Zoning District to Urban Residential (UR) Zoning District in the Lower West Hill Road Area. Planning Commission. Introduction June 27, 2022 Public Hearing and Second Reading July 25, 2022.

Memorandum 22-116 from City Planner as backup.
Memorandum 22-117 from City Manager as backup.

b. Ordinance 22-36, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget and Appropriating $_____ from the Water Capital Asset Repair and Maintenance Allowance Fund to Replace Six Fire Hydrants along the West Fairview Avenue Path. City Manager/Public Works Director. Introduction June 27, 2022 Public Hearing and Second Reading July 25, 2022.

Memorandum 22-118 from Public Works Director as backup.

CITY MANAGER'S REPORT

a. City Manager's Report

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

a. Resolution 22-057, A Resolution of the City Council of Homer, Alaska Awarding a Contract to a Firm to be Determined in an Amount to be Disclosed for the Construction of the West Fairview Path and Replacement of Fire Hydrants, and Authoring the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director.

Memorandum 22-118 from Public Works Director as backup.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

COMMENTS OF THE CITY MANAGER

COMMENTS OF THE MAYOR

COMMENTS OF THE CITY COUNCIL

ADJOURNMENT

Next Regular Meeting is Monday, July 25, 2022 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 22-11 a Regular Meeting of the City Council of Homer, Alaska was called to order on June 13, 2022 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS ADERHOLD, DAVIS, ERICKSON, HANSEN-CAVASOS, LORD, VENUTI

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON
PUBLIC WORKS DIRECTOR KEISER
INFORMATION TECHNOLOGY ANALYST SULCZYNSKI
CITY ATTORNEY GATTI

AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

Mayor Castner announced supplemental items and amendments- **CONSENT AGENDA** Ordinance 22-34, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating $422,840 from the Sewer Capital Asset Repair and Maintenance Allowance Fund to Implement a Solution to the Broken Clarifier Belt at the Waste Water Treatment Plant. City Manager/Public Works Director. Ordinance 22-34(S), Updating the expenditure to $497,900 and Memorandum 22-111 from Public Works Director as backup ; Resolution 22-050, A Resolution of the City Council of Homer, Alaska Establishing a 2022 Mil Rate of 1 Mil for the Ocean Drive Loop Special Service District. City Manager, Resolution 21-037 & Memorandum 21-082 provided as backup.; Resolution 22-054, A Resolution of the City Council of Homer, Alaska Authorizing a Task Order to RESPEC Company to Develop an Engineered Solution for the Waste Water Treatment Plant Clarifier and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Resolution 22-054(S) with the same title and Memorandum 22-110 from City Clerk as backup; and amending the agenda to take up New Business item A, Memorandum 22-109 to recess into executive session regarding VanZant et al vs City of Homer 3HO-20-00251CI at the end following Council member comments.

ADERHOLD/VENUTI MOVED TO ADOPT THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA (Items listed below will be enacted by one motion. If a separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

a. Homer City Council Unapproved Regular Meeting Minutes of May 23, 2022. Recommend adoption.

b. Memorandum 22-096 from Mayor Castner Re: Appointment of Tulio Perez to the Economic Development Advisory Commission. Recommend approval.

c. Memorandum 22-097 from Mayor Castner Re: Recommendation for the Homer City Seat on the Kenai Peninsula Borough Planning Commission. Recommend approval.

d. Memorandum 22-098 from City Clerk Re: Renewal of Liquor License for Oaken Keg and Liquor License Transfer for The Twisted Goat. Recommend approval.

e. Ordinance 22-31, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 21.93 Administrative Appeals to Clarify General Appeal Procedures and Related Matters. City Clerk. Recommended dates Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

   Memorandum 22-099 from City Clerk as backup.
   Memorandum 22-100 from City Planner as backup.

f. Ordinance 22-32, An Ordinance of the City Council of Homer, Alaska Amending Title 21.03.040 Definitions used in Zoning Code, Title 21.44 Slopes, Title 21.50.020 Site Development Standards – Level One and Title 21.50.020 Site Development Standards – Level Two. Planning Commission. Recommended dates Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

   Memorandum 22-101 from City Planner as backup.

g. Ordinance 22-33, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget and Appropriating $11,838 from the General Fund Capital Asset Repair and Maintenance Allowance Fund to Replace Two Vending Stations at the Library. City Manage/Library Director. Recommended dates Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

   Memorandum 22-102 from Library Director as backup.

h. Ordinance 22-34, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating $422,840 from the Sewer Capital Asset Repair and Maintenance Allowance Fund to Implement a Solution to the Broken Clarifier Belt at the

Waste Water Treatment Plant. City Manager/Public Works Director. Recommended dates Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

Memorandum 22-103 from Public Works Director as backup.

Moved to Ordinances item a. Aderhold

i. Resolution 22-050, A Resolution of the City Council of Homer, Alaska Establishing a 2022 Mil Rate of 1 Mil for the Ocean Drive Loop Special Service District. City Manager. Recommend adoption.

Memorandum 22-104 from Public Works Director as backup.

j. Resolution 22-051, A Resolution of the City Council of Homer, Alaska Adopting the City of Homer 2022 Local Hazards Mitigation Plan Update/Revision. City Manager. Recommend adoption.

Memorandum 22-105 from City Planner as backup.

k. Resolution 22-052, A Resolution of the City Council of Homer, Alaska Authorizing Task Orders to Kinney Engineering, HDL Engineering, and Nelson Engineering for Pavement Restoration Projects and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-106 from Public Works Director as backup.

l. Resolution 22-053, An Ordinance of the City Council of Homer, Alaska Authorizing Task Orders to Bishop Engineering, LLC to Design Non-Motorized Transportation Projects and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-107 from Public Works Director as backup.

m. Resolution 22-054, A Resolution of the City Council of Homer, Alaska Authorizing a Task Order to RESPEC Company to Develop an Engineered Solution for the Waste Water Treatment Plant Clarifier and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-108 from Public Works Director as backup.

Moved to Resolutions item a. Aderhold.

n. Resolution 22-055, A Resolution of the City Council of Homer, Alaska Directing the City Manager to Present an Ordinance to Fund the Demolition of the Homer Education and Recreation Complex (HERC) II Building. Mayor. Recommend adoption.

Item h. was moved to Ordinance item a. and item m. moved to Resolutions a. Aderhold

City Clerk Jacobsen read the consent agenda and recommendations.

ADERHOLD/LORD MOVED TO ADOPT THE CONSENT AGENDA AS READ.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VISITORS

a. End of Session Legislative Update - Representative Sarah Vance (10 minutes)

Representative Sarah Vance reported on highlights from the end of the legislative session. She shared her continued support for the port expansion, it continues to be her number one capital project priority for our district. Another project that is a priority for her is funding for abandoned vehicle removal, the senate was able to get it into the budget this year. Other funding for our district is $14.2 million of federal dollars for the Homer Airport phase II. The budget is still in the process of being transmitted to the Governor. She shared regarding the passage of HB325 regarding domestic violence and sexual assault that adds revenge porn to the category of domestic violence, and HB5 that was attached, the consent bill. She thanked Representative Geran Tarr for her work on this, along with the administration and Department of Law on getting language that would modernize our definition of consent related to rape and sexual assault. She also commented on the Alaska Reads Act that will help our system and school teachers be able to help kids read by age 9, or grade 3 and added funding for pre-K grants.

b. COVID-19 Agency Update Derotha Ferraro, South Peninsula Hospital Public Information Officer (10 minutes)

Derotha Ferraro reported on weekly dashboard updates for hospital visits, testing and vaccinations, treatments, and hospital staff status. She announced effective July 1st testing will be available Monday through Friday, 9am to 5pm and that insurance will be billed for COVID tests or a $50 self-pay will be charged at the time of testing or billed later. For weekends and off hours, free home tests are available at the hospital's main entrance and the Homer Chamber of Commerce. Ms. Ferraro also announced the winners of the Homer Steps Up Challenge.

ANNOUNCEMENTS / PRESENTATIONS / REPORTS (5 Minute limit per report)

a. Committee of the Whole Report

Councilmember Aderhold reported at Committee of the Whole Council discussed Ordinance 22-32 regarding zoning code in areas with coastal slopes, Ordinance 22-34 regarding the Waste Water Treatment Plant Clarifier Belt repair, Resolution 22-051 adopting the All Hazard Mitigation Plan, Resolution 22-050 amending the Ocean Drive Loop Special Service District Mil Rate, and Resolution 22-052 approving task orders for pavement projects. She added that Chief Kirko reported on the Bunnell Avenue fire.

b. Mayor's Report

Mayor Castner reported on his visit to sewer treatment plant after learning about the maintenance issue in Ordinance 22-34.

c. Borough Report

d. Planning Commission

e. Port and Harbor Advisory Commission

Port & Harbor Advisory Commissioner Casey Siekaniec reported on the Commissions recent discussion of harbor zoning districts related to employee housing and their review of the Spit Comprehensive Plan. The Commission is excited about grant funds that are possibly coming the harbors way.

f. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported the committee didn't have a quorum to hold a meeting.

PUBLIC HEARING(S)

a. Ordinance 22-29, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget and Authorizing an Additional Expenditure of $150,000 from the Sewer Capital Asset Repair and Maintenance Allowance (CARMA) Fund for Sewer Manhole Repair or Replacement Related to the Alaska Department of Transportation and Public Facilities (AKDOT/PF) East Hill Road Repaving Project. City Manager/Public Works Director. Introduction May 23, 2022 Public Hearing and Second Reading June 13, 2022.

   Memorandum 22-086 from Public Works Director as backup.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 22-29 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

At the request of Councilmember Erickson, Public Works Director Keiser reviewed the work being done on East Hill and explained the city's responsibility is the utilities along the road, the road repairs are the responsibility of the State.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

b. Ordinance 22-30, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating $18,150 from the General Fund Capital Asset Repair and Maintenance (CARMA) Fund for the Purpose of Upgrading Software Licenses for the City's Security-Camera Systems. City Manager. Introduction May 23, 2022 Public Hearing and Second Reading June 13, 2022.

   Memorandum 22-087 from Police Chief as backup.
   Memorandum 22-088 from Library Director as backup.

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

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 22-30 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

a. Ordinance 22-34, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating $422,840 from the Sewer Capital Asset Repair and Maintenance Allowance Fund to Implement a Solution to the Broken Clarifier Belt at the Waste Water Treatment Plant. City Manager/Public Works Director. Recommended dates Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

   Memorandum 22-103 from Public Works Director as backup.

ADERHOLD/VENUTI MOVED TO INTRODUCE ORDINANCE 22-34 BY READING OF TITLE ONLY.

ADERHOLD/VENUTI MOVED TO SUBSTITUTE ORDINANCE 22-34(S) FOR 22-34.

There was no discussion on the motion to substitute.

VOTE (motion to substitute): NON OBJECTION: UNANIMOUS CONSENT:

Motion carried.

Councilmember Lord noted this is about a half a million dollars of unanticipated expense to fix something at the sewer treatment plant that is integral to the treatment of the city's sewage. She appreciated information provided from the Public Works Director at Committee of the Whole and she's had discussions with Superintendent Todd Cook. She's impressed with the running our water and sewer plants. She looks forward to seeing proposals from staff and administration on water/sewer rates in the near future and will support the reinstatement of the capital percentage in the rates.

VOTE (introduction): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

CITY MANAGER'S REPORT

a. City Manager's Report

There were no additions to or questions about the City Manager's written report in the packet.

PENDING BUSINESS

NEW BUSINESS

a. Memorandum 22-109 from City Clerk re: Request for Executive Session Pursuant to AS 44.62.310 (C)(1 & 3) Matters, the Immediate Knowledge of Which would Clearly have an Adverse Effect upon the Finances of the Government Unit, Pending Litigation, and Attorney/Client Privilege. (VanZant et al vs City of Homer 3HO-20-00251 CI)

Amended during agenda approval to be taken up at the end after Council member comments.

RESOLUTIONS

a. Resolution 22-054, A Resolution of the City Council of Homer, Alaska Authorizing a Task Order to RESPEC Company to Develop an Engineered Solution for the Waste Water Treatment Plant Clarifier and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

   Memorandum 22-108 from Public Works Director as backup.

ADERHOLD/LORD MOVED TO ADOPT RESOLUTION 22-054.

ADERHOLD/LORD MOVED TO SUBSTITUTE RESOLUTION 22-054(S) FOR 22-054.

There was no discussion on the motion to substitute.

VOTE (motion to substitute): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Aderhold noted a typo that needed to be corrected.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

Representative Sarah Vance commented regarding the permanent fund dividend and a potential July distribution of the energy relief portion. The decision hasn't been finalized, there are legal and monetary considerations related to residents with low income status.

Donna Beran, non-resident, commented regarding a situation of an elderly person using the cross walk and having to step out into traffic and yell so a driver would stop for the pedestrian. She implored that drivers to be aware of crosswalks and to stop for pedestrians.

COMMENTS OF THE CITY ATTORNEY

Attorney Gatti had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel had no comments.

COMMENTS OF THE MAYOR

Mayor Castner commented regarding the dedication of the Duffy Memorial Bench. He thanked the city employees, particularly the police department, who made a strong showing there.

COMMENTS OF THE CITY COUNCIL

Councilmember Lord commented the Duffy Memorial Bench is beautiful and thanked everyone involved in the project. She also commented regarding additional traffic and people on the

road and reminded everyone to stop at stop signs and crosswalks. People have reached out to her about increased waste, particularly with all the new and wonderful food trucks, and she encouraged everyone to think about reducing waste and using recyclables. She reminded that the Reluctant Dragon is the Pier One Youth Theater production and wished her father-in-law happy birthday.

Councilmember Venuti added regarding food trucks that if people don't need the plastic-ware then don't take it, that would safe some. She noted that number 5 plastic isn't taken at our recycling location, and encouraged consideration of alternative recyclable take-out containers. She has noticed increased helicopter flights to the hospital and fire department activity around her house and encouraged safe driving and to watch for bike and pedestrian traffic. She reminded bikers to wear their helmets.

Councilmember Erickson commented about the earthquake trailer at the Middle School today. She gave a shout out to the Police Department for doing the women's safety training and hopes they can do things in the schools to help empower kids in situations that can be scary. The adult softball league and little league are going on and they are fun to watch. One of her mentors Trea Arno passed away and she shared stories of her. She wished her husband happy 41st anniversary.

Councilmember Davis thanked Representative Vance for her vote to amend Senate Bill 9 in a way that would have made it possible for Homer to have more breweries and wineries. He knows it wasn't an easy vote, it was brave of her to take that stand, and it was appreciated by several of the brewers and winemakers in town. The version that passed was a little better than the original draft, but as it stands now Homer will need to more than double its population in order to have one more new brewery or winery. He thinks that's unfortunate.

Councilmember Aderhold commented she went to the earthquake truck and it was really impressive to experience what it would be like in a bigger earthquake. The Department of Homeland Security had their mobile command center there and she was able to tour that also. She shared about her visit to Seldovia with other city administration and the Homer Chamber of Commerce. It was a great event and great to learn about Seldovia's economy. She appreciates that this Council is starting to think a lot about non-motorized transportation. She shared Alaska law 13.AAC.02.385 (a) the applicability of regulations to bicycles that states bicycles have all the rights and duties to use the roadways as other vehicles.

Councilmember Hansen-Cavasos wished Councilmember Erickson happy anniversary.

Upon the completion of Council Comments Mayor Castner brought to the floor Memorandum 22-109 from City Clerk re: Request for Executive Session Pursuant to AS 44.62.310 (C)(1 & 3) Matters, the Immediate Knowledge of Which would Clearly have an Adverse Effect upon the

Finances of the Government Unit, Pending Litigation, and Attorney/Client Privilege. (VanZant et al vs City of Homer 3HO-20-00251 CI).

Mayor Castner noted for the record City Manager Dumochel, Public Works Director Keiser, City Attorney Gatti and Attorney Bowman from JDO, and Jim Wilkins with AMLJIA will attend the executive session.

Public Works Director Keiser also attended the executive session.

ADERHOLD/LORD TO RECESS INTO EXECUTIVE SESSION PURSUANT TO AS 44.62.310 (C)(1 & 3) MATTERS, THE IMMEDIATE KNOWLEDGE OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT UPON THE FINANCES OF THE GOVERNMENT UNIT, PENDING LITIGATION, AND ATTORNEY/CLIENT PRIVILEGE, REGARDING VANZANT ET AL VS CITY OF HOMER

There was no discussion.

VOTE: YES: VENUTI, ERICKSON, ADERHOLD, LORD, DAVIS, HANSEN-CAVASOS

Motion carried.

Council recessed into executive session at 7:21 p.m. and reconvened the regular meeting at 7:55 p.m.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 7:55 p.m. The next Regular Meeting is Monday, June 27, 2022 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

_____
Melissa Jacobsen, MMC, City Clerk

Approved: _____

City of Homer
www.cityofhomer-ak.gov

Office of the Mayor
491 East Pioneer Avenue
Homer, Alaska 99603
mayor@ci.homer.ak.us
(p) 907-235-3130
(f) 907-235-3143

Memorandum 22-112

TO: HOMER CITY COUNCIL

FROM: MAYOR CASTNER

DATE: JUNE 22, 2022

SUBJECT: APPOINTMENT BRADLEY PARSONS TO THE AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE COMMITTEE AND REAPPOINTMENTS OF FRANCO VENUTI AND BRAD CONLEY TO THE PLANNING COMMISSION

Bradley Parsons is appointed to the ADA Compliance Committee to fill a seat created by Resolution 22-008, the term will expire August 21st 2024.

Franco Venuti and Brad Conley are reappointed to the Planning Commission. The terms will expire July 1, 2025.

Recommendation

Confirm the appointment of Bradley Parsons to the ADA Compliance Committee and reappointments of Franco Venuti and Brad Conley to the Planning Commission.

Advisory Body Application
For Appointment to Committees, Commissions, Board & Task Forces

Office of the City Clerk
491 East Pioneer Avenue
Homer, Alaska 99603
Phone: (907) 235-3130
Fax: (907) 235-3143
clerk@cityofhomer-ak.gov

The Information provided on this form will provide the basic information to the Mayor and City Council on your interest in serving on the selected Advisory Body. It is considered public and will be included in the City Council meeting packet. This information will be published in the City Directory and within city web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council.

Applicant Information

Full Name: Bradley John Parsons

Physical Address Where you Claim Residency: 136 W Fairview Ave

Mailing Address: 136 W Fairview Ave

City: Homer State: AK Zip: 99603

Phone Number(s): 734-353-5477

Email: bradleyjohnparsons@gmail.com

Advisory Body You Are Requesting Appointment To

☐ **Planning Commission** – Meetings held on the 1st and 3rd Wednesday of each month at 6:30 p.m. and Worksessions at 5:30 p.m. prior to each meeting. No first meeting in July or second meetings in November and December.

☐ **Parks, Art, Recreation & Culture Advisory Commission** – Meetings held on the 3rd Thursday of February through June and August through November at 5:30 p.m.

☐ **Port & Harbor Advisory Commission** – Meetings held on the 4th Wednesday of January, February, March, April, September, and October at 5:00 p.m.; the 4th Wednesday of May, June, July, and August at 6:00 p.m.; and the 2nd Wednesday of December at 5:00 p.m.

☐ **Economic Development Advisory Commission** – Meetings held on the 2nd Tuesday of each month at 6:00 p.m.

☐ **Library Advisory Board** – Meetings held on the 3rd Tuesday of each month, excluding June and July, at 5:30 p.m.

☒ **ADA Compliance Committee** – Meetings held on the 2nd Thursday in the months of April, May, June, July, October, November, and as needed.

☐ **Other** – Please Indicate _____

Please Answer the Following

Are you a City Resident? ☒ Yes ☐ No If yes, how long have you been a City resident? 6 Months

How long have you been a resident of the South Peninsula area? 6 Months

Background Information

Have you ever served on a similar advisory body? If so please list when, where, and how long:

Transportation Commission, City of Ann Arbor, Michigan 2017-2021

Please list any current memberships or organizations you belong to related to your selection(s):

Board of Directors, Washtenaw Bicycling and Walking Coalition, Ann Arbor, Michigan 2015-2021
Board of Directors, Common Cycle Bicycle Cooperative, Ann Arbor, Michigan 2015-2021
Co-Founder, Bicycle Alliance of Washtenaw, Ann Arbor, Michigan 2016-2021

Please list any special training, education, or background you may have which is related to your selection(s):

I have many years experience working with individuals with cognitive and physical disabilities, focused on mobility issues, while living in Ann Arbor, Michigan (2016-2021). Likewise, I served on the City of Ann Arbor Transportation Commission (2017-2021), and served in leadership roles on various 501c3 advocacy groups dedicated to improving Active Transportation options for vulnerable users. Masters degree in American Studies, with focus on transportation history (California State University, Fullerton; University of Iowa, Iowa City, IA)

Why are you interested in serving on the selected Advisory Body? This may include information on future goals or projects you wish to see accomplished or any additional information that may assist the Mayor in the decision making process. You may attach an additional page if needed.

Working daily with individuals with cognitive and physical disabilities was incredibly impactful in shaping how I advocate for, and work toward, mobility options for all users of our infrastructure. Many of my prior students will never be able to legally operate a motor vehicle and their single largest barrier to independent living was related to transportation. Specifically, for Homer, I am most interested in ensuring an ADA compliant and low-stress corridor between the Senior Center and important services they need on a regular basis: post office, pharmacy, library, grocery store, banking, as well as recreational opportunities.

FOR PLANNING COMMISSION ONLY:

Have you ever developed real property other than a personal residence? If yes, briefly explain:

FOR PORT & HARBOR ADVISORY COMMISSION ONLY:

Do you use the Homer Port and/or Harbor on a regular basis? ☐ Yes ☐ No

If yes, what is your primary use? ☐ Commercial ☐ Recreational ☐ Other: _____

JUN 14 2022 AM10:40

Advisory Body Application
For Reappointment to Committees, Commissions, Board & Task Forces

Office of the City Clerk
491 East Pioneer Avenue
Homer, Alaska 99603
Phone: (907) 235-3130
Fax: (907) 235-3143
clerk@cityofhomer-ak.gov

The Information provided on this form will provide the basic information to the Mayor and City Council on your interest in serving on the selected Advisory Body. It is considered public and will be included in the City Council meeting packet. This information will be published in the City Directory and within city web pages if you are reappointed by the Mayor and your reappointment is confirmed by the City Council.

Applicant Information

Full Name: FRANCO VENUTI

Physical Address Where you Claim Residency: 4066 KACHEMAK WAY

Mailing Address: SAME

City: HOMER State: ALASKA Zip: 99603

Phone Number(s): (907) 399-1550

Email: fcvenuti@gmail.com

Advisory Body You Are Requesting Reappointment To

- [x] Advisory Planning Commission
- [ ] Parks, Art, Recreation & Culture Advisory Commission
- [ ] Port & Harbor Advisory Commission
- [ ] Economic Development Advisory Commission
- [ ] Library Advisory Board
- [ ] Other – Please Indicate _____

Please Answer the Following

Do you have a current Public Official Conflict of Interest Disclosure Statement on file with the City Clerk as required by HCC 1.18.043? [x] Yes [ ] No

What resident type is your current seat? [x] City Resident [ ] Non-City Resident

Has your residency changed since your last appointment? [ ] Yes [x] No

How long have you served on this advisory body? SINCE 2010

Background Information

Please list any current memberships or organizations that you belong to related to the advisory body you serve on:

CURRENTLY SERVE AS HOMER REPRESENTATIVE ON THE KENAI BOROUGH PLANNING COMMISSION.

Please explain why you wish to be reappointed to the Advisory Body to which you currently serve. This may include information on accomplishments or projects completed, future goals for the body, or any additional information that may assist the Mayor in the decision making process. (You may attach an additional page if needed)

PLEASE SEE ATTACHED

I bring to the Homer Planning Commission my experience as an Alaskan tradesman, contractor and building inspector, as well as my many connections with friends and businesses on the Kenai Peninsula. I arrived in Homer in 1978 and quickly discovered what a vibrant, growing place it is. There was, and still is opportunity here and I have had the good fortune to grow along with this community. I believe that we all have a responsibility to serve our community and I have done so in more than one manner. I have served as a member of the Homer Planning Commission since 2010 and have twice been elected as the commission chair. Additionally I served two terms as a member of the City of Homer Public Library Advisory Board, served two terms as a member of the Homer Boys & Girls Club Advisory Board and was a member of the Homer Chamber of Commerce Board of Directors from 2003 to 2009. While serving the Chamber I was chair of the Homer Chamber of Commerce Building committee, chair of the Homer Chamber of Commerce Community Clean-Up Day committee, chair of the Homer Chamber of Commerce Scholarship committee and was a Member of the Homer Chamber of Commerce Finance committee.
I enjoy participating in public service and feel fortunate that I am able to do so. I am well organized and know how to communicate effectively with others. I enjoy challenges, helping others and solving problems.

JUN 15 2022 PM03:26 RK

Advisory Body Application
For Reappointment to Committees, Commissions, Board & Task Forces

Office of the City Clerk
491 East Pioneer Avenue
Homer, Alaska 99603
Phone: (907) 235-3130
Fax: (907) 235-3143
clerk@cityofhomer-ak.gov

The Information provided on this form will provide the basic information to the Mayor and City Council on your interest in serving on the selected Advisory Body. It is considered public and will be included in the City Council meeting packet. This information will be published in the City Directory and within city web pages if you are reappointed by the Mayor and your reappointment is confirmed by the City Council.

Applicant Information

Full Name: James Brad Conley

Physical Address Where you Claim Residency: 701 Fireweed Ave.

Mailing Address: Same

City: Homer State: Alaska Zip: 99603

Phone Number(s): 907-299-2323

Email: coldwaterak@gmail.com

Advisory Body You Are Requesting Reappointment To

- [X] Advisory Planning Commission
- [ ] Parks, Art, Recreation & Culture Advisory Commission
- [ ] Port & Harbor Advisory Commission
- [ ] Economic Development Advisory Commission
- [ ] Library Advisory Board
- [ ] Other – Please Indicate _____

Please Answer the Following

Do you have a current Public Official Conflict of Interest Disclosure Statement on file with the City Clerk as required by HCC 1.18.043? [X] Yes [ ] No

What resident type is your current seat? [X] City Resident [ ] Non-City Resident

Has your residency changed since your last appointment? [ ] Yes [X] No

How long have you served on this advisory body? 1 Year

Background Information

Please list any current memberships or organizations that you belong to related to the advisory body you serve on:

None

Please explain why you wish to be reappointed to the Advisory Body to which you currently serve. This may include information on accomplishments or projects completed, future goals for the body, or any additional information that may assist the Mayor in the decision making process. (You may attach an additional page if needed)

Continuity after my first year learning the process and information required to be a contributing commissioner. I hope to continue to serve; particularly as work and focus on harbor and drainage plans develop; both critical to a quickly growing community. Being a long-time resident of Homer with a family, I have a positive and invested interest in our community.

City of Homer
www.cityofhomer-ak.gov

Office of the City Manager
491 East Pioneer Avenue
Homer, Alaska 99603
citymanager@cityofhomer-ak.gov
(p) 907-235-8121 x2222
(f) 907-235-3148

Memorandum 22-113

TO: Mayor Castner and Homer City Council

FROM: Rob Dumouchel, City Manager

DATE: June 20, 2022

SUBJECT: Appointment to Kenai Peninsula Borough 9-1-1 Advisory Board

The Kenai Peninsula Borough Assembly has re-activated the Emergency Services Communications Advisory Board aka 9-1-1 Advisory Board with the adoption of Ordinance 2022-12 and there is a seat on the board for a representative from Homer Police Department (HPD).

Chief Robl has served on this advisory board in the past. It's my recommendation that he is appointed to continue to serve in this capacity and that HPD Communications Supervisor Lisa Linegar be appointed as his alternate.

Recommendation: Confirm the appointment of Police Chief Mark Robl to the Emergency Services Communications Advisory Board and that HPD Communications Supervisor Lisa Linegar be appointed as an alternate member.

City of Homer
www.cityofhomer-ak.gov

Office of the City Clerk
491 East Pioneer Avenue
Homer, Alaska 99603
clerk@cityofhomer-ak.gov
(p) 907-235-3130
(f) 907-235-3143

Memorandum 22-114

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

DATE: JUNE 27, 2022

SUBJECT: LIQUOR LICENSE TRANSFER OF OWNERSHIP FOR THEGROG SHOP, GROG SHOP EAST, HOMER LIQUOR & WINE COMPANY, PATEL'S, PATEL'S #2 AND THE RUM LOCKER

The City Clerk's Office has been notified by the AMCO Board of a Transfer of Ownership Applications for Liquor License Permits within the City of Homer for the following licenses:

Type:	Package Store
License #:	479
DBA Name:	The Grog Shop
Service Location:	369 East Pioneer Avenue, Homer, AK 99603
Owner:	MSA, Inc.
Mailing Address:	369 E. Pioneer Avenue, Homer, AK 99603
Transferee:	Uncle Thirsty's, LLC
Designated Licensee:	Patrick Driscoll

Type:	Package Store
License #:	2301
DBA Name:	Grog Shop East End
Service Location:	3125 East End Road, Homer, AK 99603

Type:	Package Store - Seasonal
License #:	3176
DBA Name:	Patel's
Service Location:	4470 Homer Spit Road, Homer, AK 99603

Type:	Package Store - Seasonal
License #:	3472
DBA Name:	Patel's #2
Service Location:	4287 Homer Spit Road, Homer, AK 99603

Type:	Package Store - Seasonal
License #:	2531
DBA Name:	Homer Liquor & Wine Company
Service Location:	4474 Homer Spit Road, Homer, AK 99603

Type: Package Store
License #: 4432
DBA Name: Rum Locker
Service Location: 276 Olsen Lane, Suite 3, Homer, AK 99603

RECOMMENDATION: Voice non objection and approval for the liquor license transfers of ownership applications.

Fiscal Note: Revenues.

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

June 22, 2022

Kenai Peninsula Borough
City of Homer

VIA Email: mjenkins@kpb.us; jvanhoose@kpb.us; jratky@kpb.us; cjackinsky@kpb.us; maldridge@kpb.us; ncarver@kpb.us; slopez@kpb.us; jblankenshi@kpb.us; assemblyclerk@kpb.us; mjacobsen@ci.homer.ak.us; clerk@cityofhomer-ak.gov

License Type:	Package Store	**License Number:**	479
Licensee:	Uncle Thirsty's LLC		
Doing Business As:	The Grog Shop		
Premises Address	369 E. Pioneer Ave		

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Joan M. Wilson

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Why is this form needed?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04** of **Alaska Statutes** and **Chapter 304** of the **Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's Anchorage office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Transferor Information

Enter information for the ***current*** licensee and licensed establishment.

Licensee:	MSA Inc-		**License #:** 479		
License Type:	Package store		**Statutory Reference:**		04.11.150
Doing Business As:	The Grog Shop				
Premises Address:	369 East Pioneer Ave				
City:	Homer	**State:**	AK	**ZIP:**	99603
Local Governing Body:	Homer City Council				

Transfer Type:

- ☐ Regular transfer
- ☒ Transfer with security interest
- ☐ Involuntary retransfer

OFFICE USE ONLY			
Complete Date:		***Transaction #:***	
Board Meeting Date:	9-20-2022	***License Years:***	
Issue Date:		***Examiner:***	KRS

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 2 – Transferee Information

Enter information for the *new* applicant and/or location seeking to be licensed.

Licensee:	Uncle Thirsty's LLC				
Doing Business As:	The Grog Shop				
Premises Address:	369 East Pioneer Ave				
City:	Homer	**State:**	Ak	**ZIP:**	99603
Community Council:	None				

Mailing Address:	369 East Pioneer Ave				
City:	Homer	**State:**	Ak	**ZIP:**	99603

Designated Licensee:	Patrick Driscoll		
Contact Phone:	907-744-4575	**Business Phone:**	907-235-5101
Contact Email:	p.driscoll1@gmail.com		

Seasonal License? Yes ☐ No ☒ **If "Yes", write your six-month operating period:** _____

Section 3 – Premises Information

Premises to be licensed is:

☒ an existing facility ☐ a new building ☐ a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

0.8 miles

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

0.17 miles

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		**State:**		**ZIP:**	

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		**State:**		**ZIP:**	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.
If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a **corporation**, the following information must be completed for each ***stockholder who owns 10% or more*** of the stock in the corporation, and for each ***president, vice-president, secretary,*** and ***managing officer***.
- If the applicant is a **limited liability organization**, the following information must be completed for each ***member with an ownership interest of 10% or more***, and for each ***manager***.
- If the applicant is a **partnership**, including a **limited partnership**, the following information must be completed for each ***partner with an interest of 10% or more***, and for each ***general partner***.

Entity Official:	Patrick Driscoll				
Title(s):	Member	**Phone:**	9077441575	**% Owned:**	80
Address:	369 E. Pioneer Ave				
City:	Homer	**State:**	AK	**ZIP:**	99603

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:	Thomas Beck				
Title(s):	Member	**Phone:**	907 235 5101	**% Owned:**	20
Address:	369 E. Pioneer Ave				
City:	Homer	**State:**	Ak	**ZIP:**	99603

Entity Official:					
Title(s):		**Phone:**		**% Owned:**	
Address:					
City:		**State:**		**ZIP:**	

Entity Official:					
Title(s):		**Phone:**		**% Owned:**	
Address:					
City:		**State:**		**ZIP:**	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10189583	**AK Formed Date:**	3/10/22	**Home State:**	Ak
Registered Agent:	Patricia Driscoll	**Agent's Phone:**	907 744 4575		
Agent's Mailing Address:	369 E. Pioneer Ave				
City:	Homer	**State:**	AK	**ZIP:**	99603

Residency of Agent: Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska? ☑ ☐

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

	Yes	No
Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?	☒	☐

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

See attached, applying for 6 transfers — No current financial interest.

Section 7 – Authorization

Communication with AMCO staff:

	Yes	No
Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?	☐	☒

If "Yes", disclose the name of the individual and the reason for this authorization:

SECTION 6 - Attachment

Full List of Licenses to be Transferred:

2301; Grog Shop East End; 3125 East End Rd., Homer Alaska 99501

3176; Patel's; 4470 Homer Spit Road, Homer, Alaska 99501

3472; Patel's #2; 4287 Homer Spit Road, Homer, Alaska 99501

2531; Homer Liquor & Wine Company; 4474 Homer Spit Road, Homer, Alaska 99501

4432; Rum Locker; 276 Olsen Lane Suite #3; Homer, Alaska 99501

479; The Grog Shop; 369 E Pioneer Ave; Homer, Alaska, 99501

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 8 – Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

Melvyn Strydom
Signature of transferor

MELVYN STRYDOM
Printed name of transferor

Subscribed and sworn to before me this 15TH day of MARCH, 2022.

LINDA J. MISHLER My Commission Expires NOTARY PUBLIC Mar 21, 2024 STATE OF ALASKA

Linda J. Mishler
Signature of Notary Public

Notary Public in and for the State of Alaska.

My commission expires: 3/21/2024

_____
Signature of transferor

_____
Printed name of transferor

Subscribed and sworn to before me this _____ day of _____, 20____.

_____
Signature of Notary Public

Notary Public in and for the State of _____.

My commission expires: _____

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

Read each line below, and then sign your initials in the box to the right of each statement: Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application. PD

I certify that all proposed licensees have been listed with the Division of Corporations. PD

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued. PD

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465. PD

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application. PD

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Signature of transferee

Patrick Driscoll

Printed name

Subscribed and sworn to before me this 24TH day of MARCH, 2022.

LILA STEWART
Notary Public
State of Alaska
My Commission Expires May 21, 2025

Signature of Notary Public

Notary Public in and for the State of ALASKA.

My commission expires: 5/21/2025

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

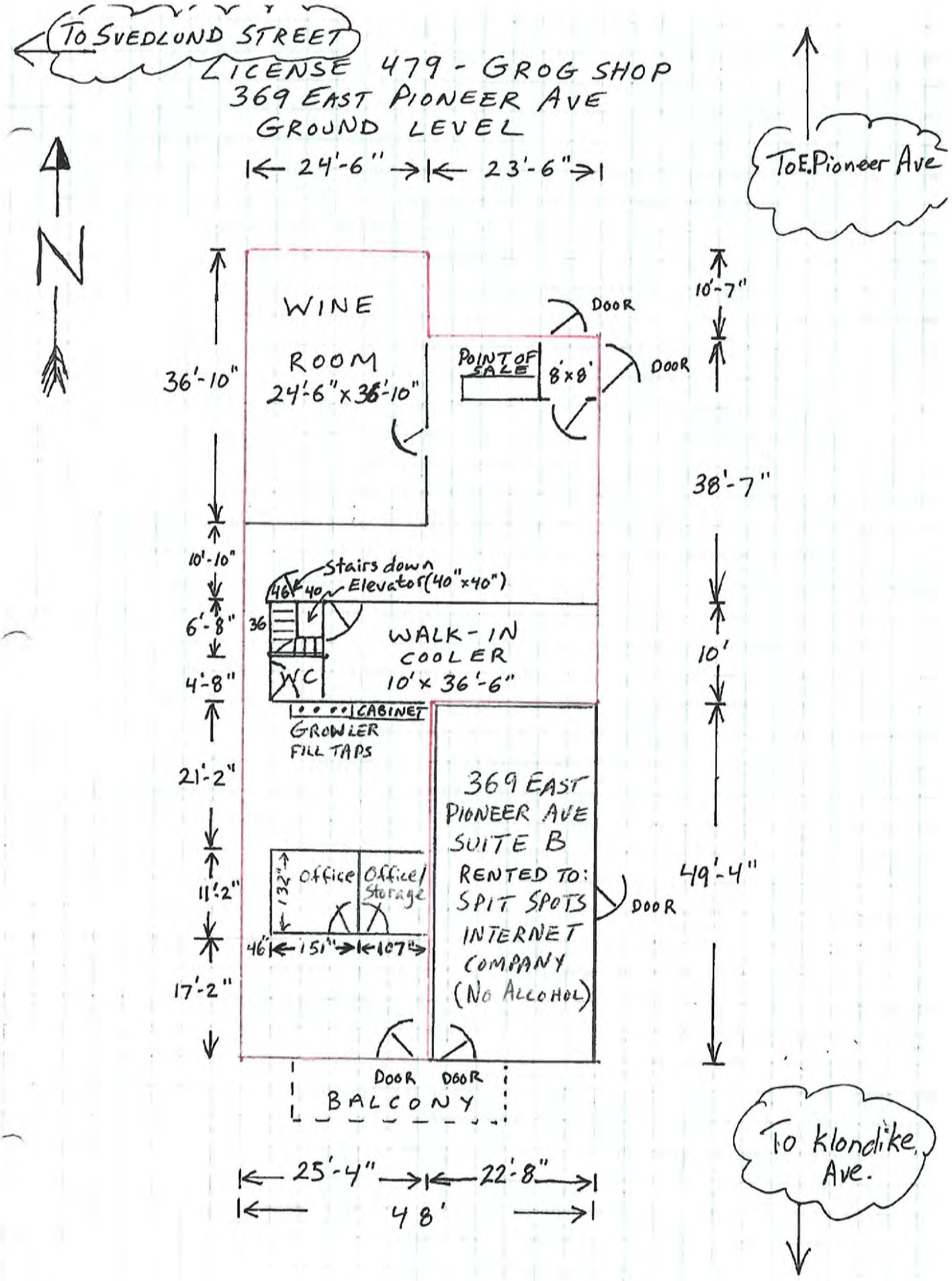
This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

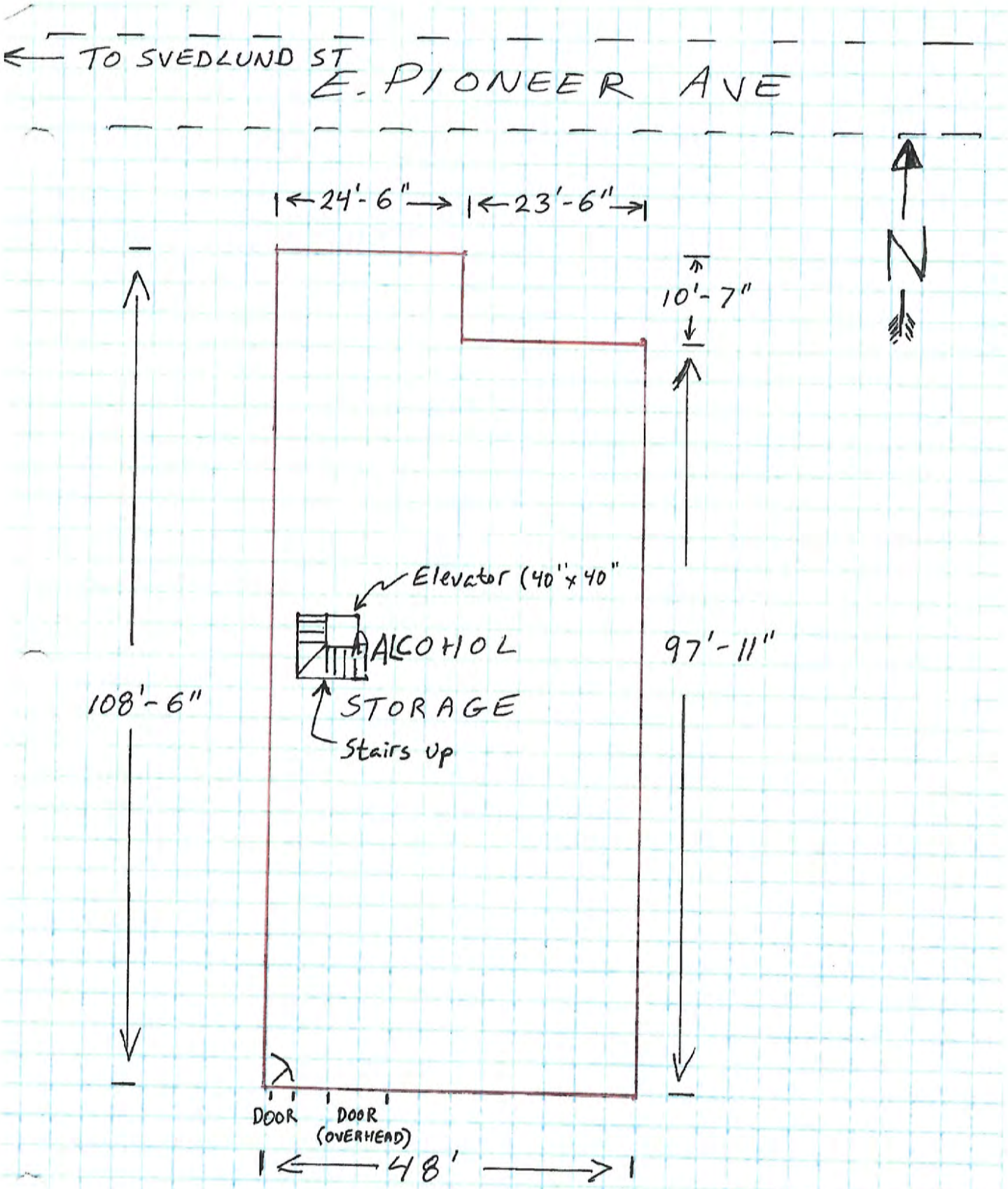
	Yes	No
I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.	X	

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Uncle Thirsty's LLC	**License Number:**	479		
License Type:	~~Off-premise~~ Package Store				
Doing Business As:	The Growy Shop				
Premises Address:	349 E. Pioneer Ave.				
City:	Homer	**State:**	AK	**ZIP:**	99603





LICENSE #479 - GROG SHOP - 369 E. PIONEER AVE

BASEMENT LEVEL

TO KLONDIKE AVE

Office of the Borough Clerk
144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Johni Blankenship, MMC
Borough Clerk

6/23/2022

Sent via email: clerk@ci.homer.ak.us

Homer City Hall
City of Homer Clerk

RE: Non-Objection of Application

Licensee/Applicant	:	Uncle Thirsty's LLC.
Business Name	:	Grog Shop, The
License Type	:	Package Store
License Location	:	369 E. Pioneer Avenue, Homer, AK 99603, City of Homer
License No.	:	479
Application Type	:	Transfer of Owner

Dear Ms. Jacobsen,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/JR

cc: p.driscoll1@gmail.com;

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

June 22, 2022

Kenai Peninsula Borough
City of Homer

VIA Email: mjenkins@kpb.us; jvanhoose@kpb.us; jratky@kpb.us; cjackinsky@kpb.us; maldridge@kpb.us; ncarver@kpb.us; slopez@kpb.us; jblankenshi@kpb.us; assemblyclerk@kpb.us; mjacobsen@ci.homer.ak.us; clerk@cityofhomer-ak.gov

License Type:	Package Store	**License Number:**	2301
Licensee:	Uncle Thirsty's LLC		
Doing Business As:	Grog Shop East End		
Premises Address	3125 E End Rd		

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Joan M. Wilson

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04** of **Alaska Statutes** and **Chapter 304** of the **Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Transferor Information

Enter information for the ***current*** licensee and licensed establishment.

Licensee:	MSA Inc		**License #:**	2301	
License Type:	Package Store		**Statutory Reference:**	04.11.150	
Doing Business As:	Gravy Shop East End				
Premises Address:	3125 East End Rd.				
City:	Homer	**State:**	AK	**ZIP:**	99603
Local Governing Body:	Homer City Council				

Transfer Type:

- ☐ Regular transfer
- ☒ Transfer with security interest
- ☐ Involuntary retransfer

OFFICE USE ONLY			
Complete Date:		***Transaction #:***	100356973
Board Meeting Date:	9-30-22	***License Years:***	22-23
Issue Date:		***BRE:***	KK

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 2 – Transferee Information

Enter information for the *new* applicant and/or location seeking to be licensed.

Licensee:	Uncle Thirsty's LLC				
Doing Business As:	Grog Shop East End				
Premises Address:	3125 East End Rd.				
City:	Homer	State:	AK	ZIP:	99603
Community Council:	~~Homer City Council~~				

Mailing Address:	369 E Pioneer Ave				
City:	Homer	State:	AK	ZIP:	99603

Designated Licensee:	Patrick Driscoll		
Contact Phone:	907-744-4075	Business Phone:	907-235-5701
Contact Email:	pdriscoll1@gmail.com		

Seasonal License? Yes ☐ No ☒ If "Yes", write your six-month operating period: _____

Section 3 – Premises Information

Premises to be licensed is:

☒ an existing facility ☐ a new building ☐ a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

2.3 miles

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

4 miles

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		**State:**		**ZIP:**	

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		**State:**		**ZIP:**	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.
If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a **corporation**, the following information must be completed for each ***stockholder who owns 10% or more*** of the stock in the corporation, and for each ***president, vice-president, secretary,*** and ***managing officer***.
- If the applicant is a **limited liability organization**, the following information must be completed for each ***member with an ownership interest of 10% or more***, and for each ***manager***.
- If the applicant is a **partnership**, including a **limited partnership**, the following information must be completed for each ***partner with an interest of 10% or more***, and for each ***general partner***.

Entity Official:	Patrick Driscoll				
Title(s):	Member	**Phone:**	9077441575	**% Owned:**	50
Address:	369 E. Pioneer Ave.				
City:	Homer	**State:**	AK	**ZIP:**	99603

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:	Thomas Beck				
Title(s):	Member	**Phone:**	907 235 5701	**% Owned:**	20
Address:	369 E. Pioneer Ave				
City:	Homer	**State:**	Ak	**ZIP:**	99603

Entity Official:					
Title(s):		**Phone:**		**% Owned:**	
Address:					
City:		**State:**		**ZIP:**	

Entity Official:					
Title(s):		**Phone:**		**% Owned:**	
Address:					
City:		**State:**		**ZIP:**	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10189583	**AK Formed Date:**	3/10/22	**Home State:**	Ak
Registered Agent:	Patricia Driscoll	**Agent's Phone:**	907 744 4575		
Agent's Mailing Address:	369 E. Pioneer Ave				
City:	Homer	**State:**	AK	**ZIP:**	99603

Residency of Agent:

	Yes	No
Is your corporation or LLC's registered agent an individual resident of the state of Alaska?	☑	☐

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

	Yes	No
Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?	☐	☐

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

See attached, applying for 6 transfers — No current financial interest.

Section 7 – Authorization

Communication with AMCO staff:

	Yes	No
Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?	☐	☒

If "Yes", disclose the name of the individual and the reason for this authorization:

SECTION 6- Attachment

Full List of Licenses to be Transferred:

2301; Grog Shop East End; 3125 East End Rd., Homer Alaska 99501

3176; Patel's; 4470 Homer Spit Road, Homer, Alaska 99501

3472; Patel's #2; 4287 Homer Spit Road, Homer, Alaska 99501

2531; Homer Liquor & Wine Company; 4474 Homer Spit Road, Homer, Alaska 99501

4432; Rum Locker; 276 Olsen Lane Suite #3; Homer, Alaska 99501

479; The Grog Shop; 369 E Pioneer Ave; Homer, Alaska, 99501

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 8 – Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

Melvyn Strydom
Signature of transferor

MELVYN STRYDOM
Printed name of transferor

Subscribed and sworn to before me this 15TH day of MARCH, 2022.

Linda J. Mishler
Signature of Notary Public

LINDA J. MISHLER
My Commission Expires
NOTARY PUBLIC
Mar 21, 2024
STATE OF ALASKA

Notary Public in and for the State of Alaska.

My commission expires: 3/21/2024

_____
Signature of transferor

_____
Printed name of transferor

Subscribed and sworn to before me this _____ day of _____, 20____.

_____
Signature of Notary Public

Notary Public in and for the State of _____.

My commission expires: _____

2301 GSEE

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

Read each line below, and then sign your initials in the box to the right of each statement:	Initials
I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.	PD
I certify that all proposed licensees have been listed with the Division of Corporations.	PD
I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.	PD
I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.	PD
I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.	PD

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Signature of transferee

Patrick Driscoll

Printed name

Subscribed and sworn to before me this 24TH day of MARCH, 20 22.

LILA STEWART
Notary Public
State of Alaska
My Commission Expires May 21, 2025

Signature of Notary Public

Notary Public in and for the State of ALASKA.

My commission expires: 5/21/2025

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Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

Why is this form needed?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form may not be required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

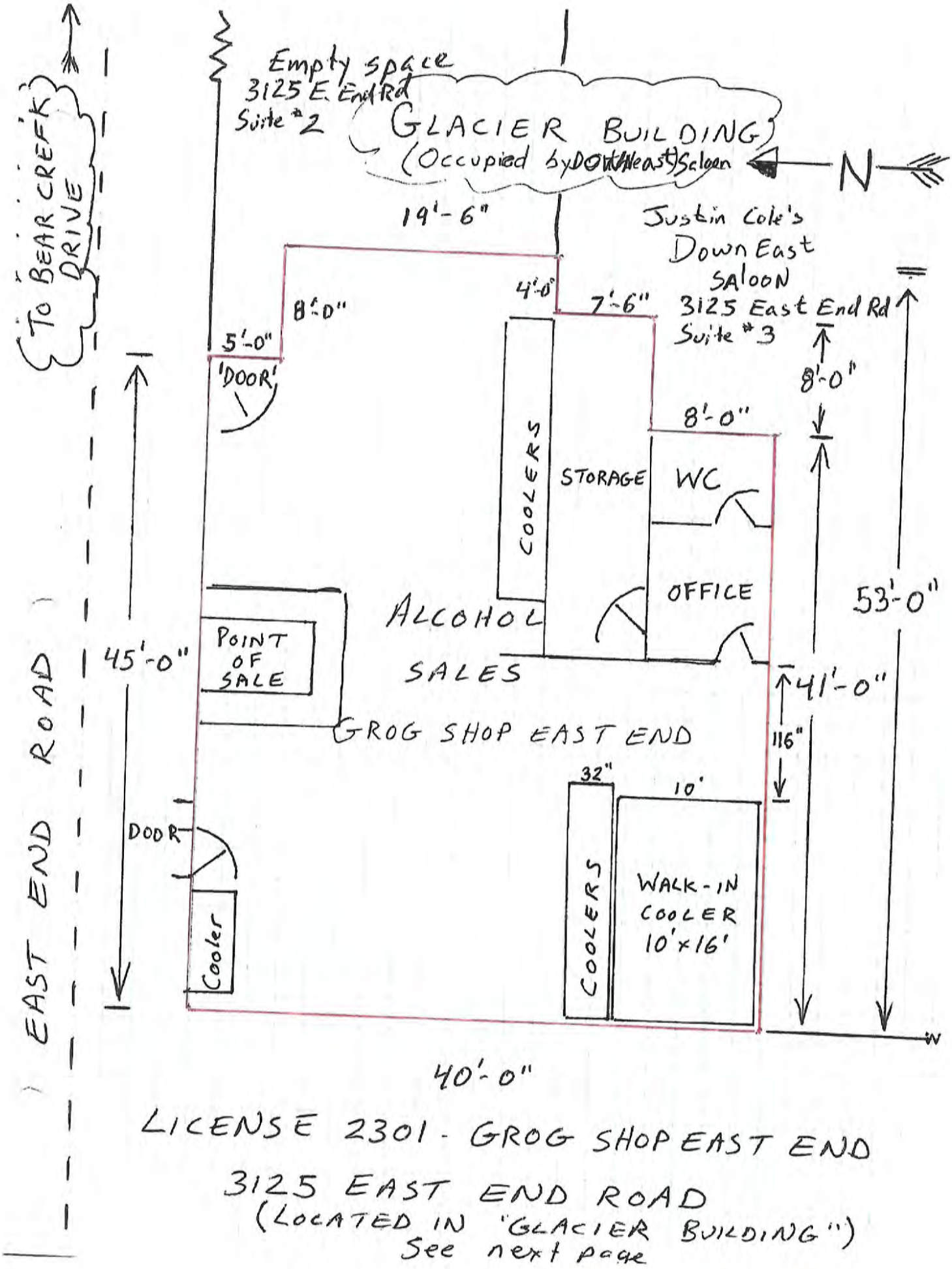
This form must be completed and submitted to AMCO's Anchorage office before any license application will be considered complete.

	Yes	No
I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.	☒	☐

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Uncle Thirsty's LLC	**License Number:**	2301		
License Type:	Package Store				
Doing Business As:	Grog Shop East End				
Premises Address:	3125 East End Rd				
City:	Homer, Ak	**State:**	Ak	**ZIP:**	99603

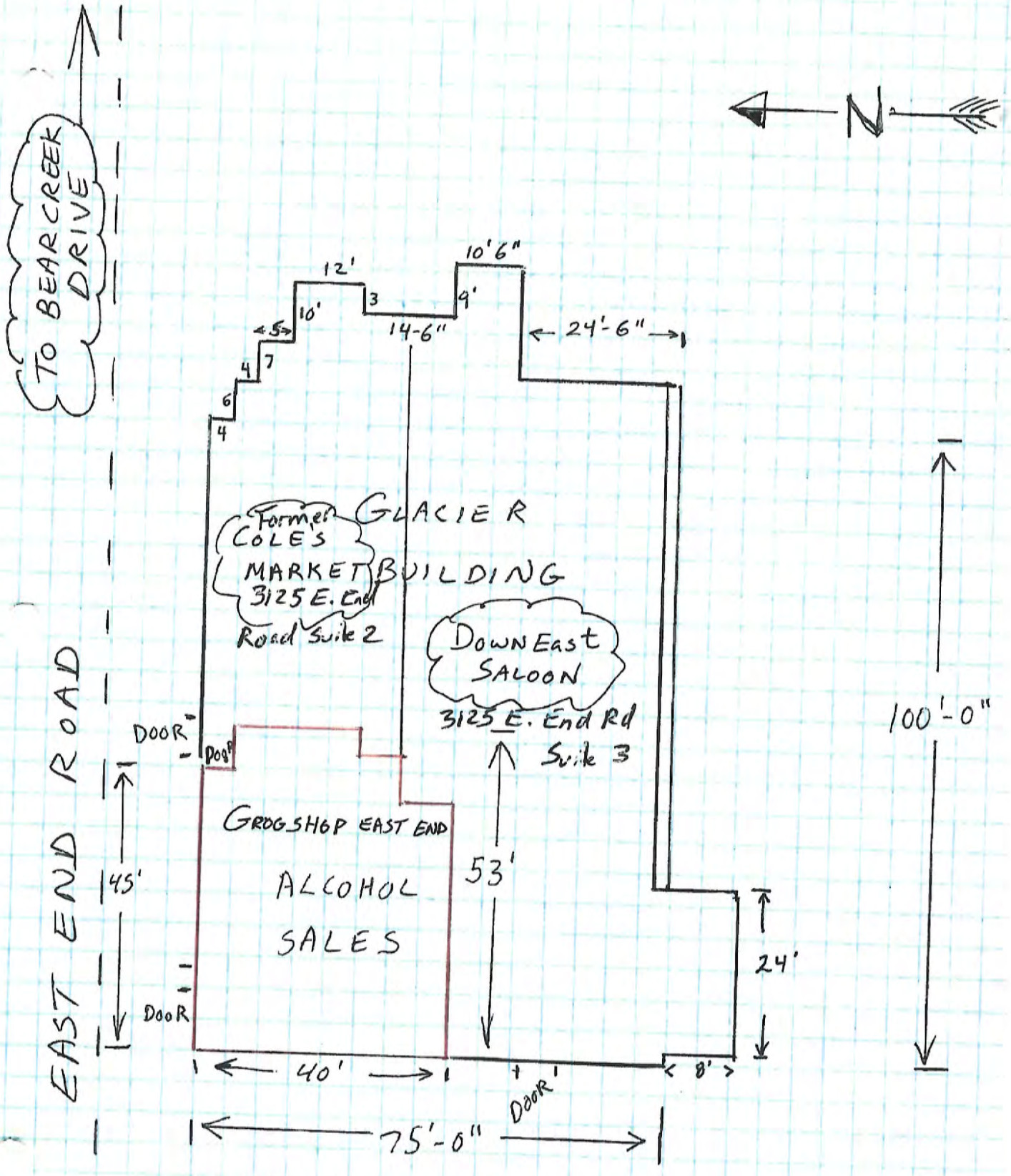


LICENSE 2301 - GROG SHOP EAST END

3125 EAST END ROAD

(LOCATED IN "GLACIER BUILDING")

See next page



LICENSE 2301- GROGSHOP EAST END
3125 EAST END ROAD
LOCATION OF PREMISES WITHIN GLACIER BLD.

Office of the Borough Clerk
144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Johni Blankenship, MMC
Borough Clerk

6/23/2022

Sent via email: clerk@ci.homer.ak.us

Homer City Hall
City of Homer Clerk

RE: Non-Objection of Application

Licensee/Applicant	:	Uncle Thirsty's LLC.
Business Name	:	Grog Shop East End
License Type	:	Package Store
License Location	:	3125 E End Road, City of Homer
License No.	:	2301
Application Type	:	Transfer of Owner

Dear Ms. Jacobsen,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/JR

cc: p.driscoll1@gmail.com;

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

June 22, 2022

Kenai Peninsula Borough
City of Homer

VIA Email: mjenkins@kpb.us; jvanhoose@kpb.us; jratky@kpb.us; cjackinsky@kpb.us; maldridge@kpb.us; ncarver@kpb.us; slopez@kpb.us; jblankenshi@kpb.us; assemblyclerk@kpb.us; mjacobsen@ci.homer.ak.us; clerk@cityofhomer-ak.gov

License Type:	Package Store-Seasonal	**License Number:**	2531
Licensee:	Uncle Thirsty's LLC		
Doing Business As:	Homer Liquor & Wine Company		
Premises Address	4474 Homer Spit Road #4		

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Joan M. Wilson

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04** of **Alaska Statutes** and **Chapter 304** of the **Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Transferor Information

Enter information for the ***current*** licensee and licensed establishment.

Licensee:	MSA Inc		**License #:**		2531
License Type:	Package Store-Seasonal		**Statutory Reference:**		44.11.150
Doing Business As:	Homer Liquor + Wine Company				
Premises Address:	~~4474~~ 4247 Homer Spit Rd. #4				
City:	Homer	**State:**	AK	**ZIP:**	99603
Local Governing Body:	Homer City Council				

Transfer Type:

- ☐ Regular transfer
- ☒ Transfer with security interest
- ☐ Involuntary retransfer

OFFICE USE ONLY			
Complete Date:		*Transaction #:*	100351097 3
Board Meeting Date:	9-20-2022	*License Years:*	21-22
Issue Date:		*BRE:*	KKS

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 2 – Transferee Information

Enter information for the *new* applicant and/or location seeking to be licensed.

Licensee:	Uncle Thirsty's LLC				
Doing Business As:	Homer Liquor & Wine Company				
Premises Address: ~~4434 Homer Spit Rd.~~	Homer Spit Rd.				
City:	Homer	State:	AK	ZIP:	99603
Community Council:	~~Homer City Council~~				

Mailing Address:	3604 E. Pioneer Ave				
City:	Homer	State:	AK	ZIP:	99603

Designated Licensee:	Patrick Driscoll		
Contact Phone:	907 744 4575	Business Phone:	907 235 5101
Contact Email:	p.driscoll1c@gmail.com		

Seasonal License? Yes ☒ No ☐ If "Yes", write your six-month operating period: 5/1/22 - 11/1/22

Section 3 – Premises Information

Premises to be licensed is:

☒ an existing facility ☐ a new building ☐ a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

5.9 miles

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

5.6 miles

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		**State:**		**ZIP:**	

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		**State:**		**ZIP:**	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.
If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a **corporation**, the following information must be completed for each ***stockholder who owns 10% or more*** of the stock in the corporation, and for each ***president, vice-president, secretary,*** and ***managing officer.***
- If the applicant is a **limited liability organization**, the following information must be completed for each ***member with an ownership interest of 10% or more***, and for each ***manager.***
- If the applicant is a **partnership**, including a **limited partnership**, the following information must be completed for each ***partner with an interest of 10% or more***, and for each ***general partner.***

Entity Official:	Patrick Driscoll				
Title(s):	Member	**Phone:**	9077441575	**% Owned:**	80
Address:	369 E. Pioneer Ave				
City:	Homer	**State:**	AK	**ZIP:**	99603

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:	Thomas Beck				
Title(s):	Member	Phone:	907 235 5701	% Owned:	20
Address:	369 E. Pioneer Ave				
City:	Homer	State:	Ak	ZIP:	99603

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10189583	AK Formed Date:	3/10/22	Home State:	Ak
Registered Agent:	Patricia Driscoll	Agent's Phone:	907 744 4575		
Agent's Mailing Address:	369 E. Pioneer Ave				
City:	Homer	State:	AK	ZIP:	99603

Residency of Agent:

	Yes	No
Is your corporation or LLC's registered agent an individual resident of the state of Alaska?	☑	☐

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

	Yes	No
Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?	☒	☐

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

See attached, applying for 6 transfers — No current financial interest.

Section 7 – Authorization

Communication with AMCO staff:

	Yes	No
Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?	☐	☒

If "Yes", disclose the name of the individual and the reason for this authorization:

Full List of Licenses to be Transferred:

2301; Grog Shop East End; 3125 East End Rd., Homer Alaska 99501

3176; Patel's; 4470 Homer Spit Road, Homer, Alaska 99501

3472; Patel's #2; 4287 Homer Spit Road, Homer, Alaska 99501

2531; Homer Liquor & Wine Company; 4474 Homer Spit Road, #4 Homer, Alaska 99501

4432; Rum Locker; 276 Olsen Lane Suite #3; Homer, Alaska 99501

479; The Grog Shop; 369 E Pioneer Ave; Homer, Alaska, 99501

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 8 – Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

Melvyn Strydom
Signature of transferor

MELVYN STRYDOM
Printed name of transferor

Subscribed and sworn to before me this 15TH day of MARCH, 2022.

LINDA J. MISHLER
My Commission Expires
NOTARY PUBLIC
Mar 21, 2024
STATE OF ALASKA

Linda J. Mishler
Signature of Notary Public

Notary Public in and for the State of Alaska.

My commission expires: 3/21/2024

_____
Signature of transferor

_____
Printed name of transferor

Subscribed and sworn to before me this _____ day of _____, 20____.

_____
Signature of Notary Public

Notary Public in and for the State of _____.

My commission expires: _____

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Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

Read each line below, and then sign your initials in the box to the right of each statement:	Initials
I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.	
I certify that all proposed licensees have been listed with the Division of Corporations.	
I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.	
I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.	
I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.	

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Signature of transferee

Patrick Driscoll

Printed name

Subscribed and sworn to before me this 24TH day of MARCH, 2022.

Signature of Notary Public

LILA STEWART
Notary Public
State of Alaska
My Commission Expires May 21, 2025

Notary Public in and for the State of ALASKA.

My commission expires: 5/21/2025

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Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

	Yes	No
I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.	☒	☒

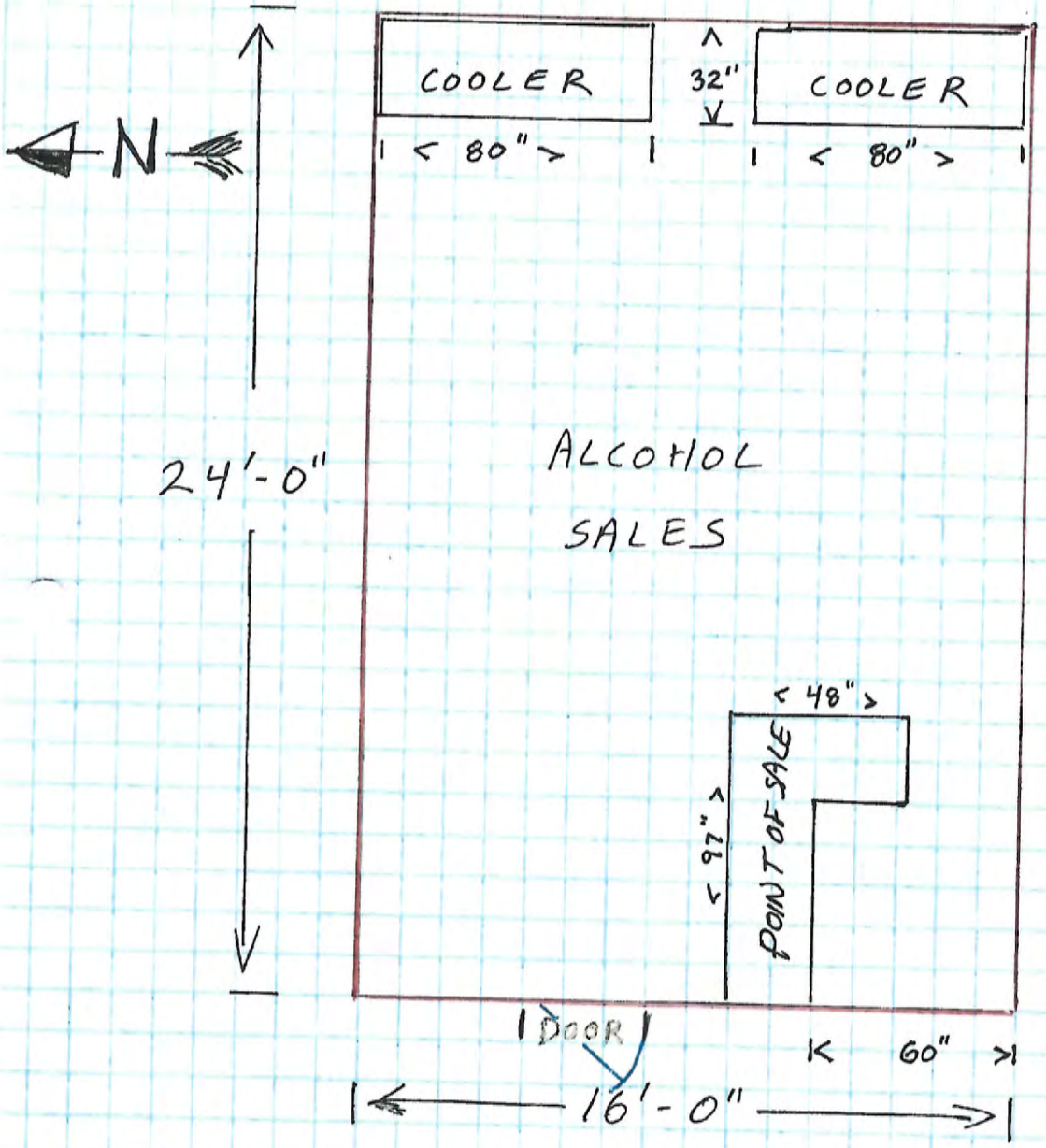
Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Uncle Thirsty's LLC	**License Number:**	~~[illegible]~~ 2531		
License Type:	~~Off premise~~ Package store - seasonal				
Doing Business As:	Homer Liquor & Wine Co.				
Premises Address:	~~4474/4241~~ Homer Spit Rd. #4				
City:	Homer	**State:**	AK	**ZIP:**	99603

AMCO Rcvd 6/13/2022

AMCO Received 6/21/2022



LICENSE # 2531 - HOMER LIQUOR & WINE CO.

4474-#4 HOMER SPIT RD.

HOMER SPIT RD.

TO FISH DOCK ROAD →

Office of the Borough Clerk
144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Johni Blankenship, MMC
Borough Clerk

6/23/2022

Sent via email: clerk@ci.homer.ak.us

Homer City Hall
City of Homer Clerk

RE: Non-Objection of Application

Licensee/Applicant	:	Uncle Thirsty's LLC.
Business Name	:	Homer Liquor & Wine Company
License Type	:	Package Store - Seasonal
License Location	:	4474 Homer Spit Road #4, Homer, AK 99603, City of Homer
License No.	:	2531
Application Type	:	Transfer of Owner

Dear Ms. Jacobsen,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/JR

cc: p.driscoll1@gmail.com;

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

June 22, 2022

Kenai Peninsula Borough
City of Homer

VIA Email: mjenkins@kpb.us; jvanhoose@kpb.us; jratky@kpb.us; cjackinsky@kpb.us; maldridge@kpb.us; ncarver@kpb.us; slopez@kpb.us; jblankenshi@kpb.us; assemblyclerk@kpb.us; mjacobsen@ci.homer.ak.us; clerk@cityofhomer-ak.gov

License Type:	Package Store-Seasonal	**License Number:**	3176
Licensee:	Uncle Thirsty's LLC		
Doing Business As:	Patel's		
Premises Address	4470 Homer Spit Rd		

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Joan M. Wilson

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04** of **Alaska Statutes** and **Chapter 304** of the **Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Transferor Information

Enter information for the ***current*** licensee and licensed establishment.

Licensee:	MSA Inc.		**License #:**		3176
License Type:	Package Store-Seasonal		**Statutory Reference:**		44.11.150
Doing Business As:	Patel's				
Premises Address:	4470 Homer Spit Rd.				
City:	Homer	**State:**	AK	**ZIP:**	99603
Local Governing Body:	Homer City Council				

Transfer Type:

- ☐ Regular transfer
- ☒ Transfer with security interest
- ☐ Involuntary retransfer

OFFICE USE ONLY			
Complete Date:		***Transaction #:***	100356973
Board Meeting Date:	9-20-2022	***License Years:***	21-22
Issue Date:		***BRE:***	KK

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 2 – Transferee Information

Enter information for the *new* applicant and/or location seeking to be licensed.

Licensee:	Uncle Thirsty's LLC				
Doing Business As:	Patel's				
Premises Address:	4470 ~~2765~~ Homer Spit Rd.				
City:	Homer	State:	AK	ZIP:	99603
Community Council:	~~Homer City Council~~				

Mailing Address:	369 E. Pioneer Ave				
City:	Homer	State:	AK	ZIP:	99603

Designated Licensee:	Patrick Driscoll		
Contact Phone:	907 744 4575	Business Phone:	907 235 5107
Contact Email:	P.driscoll@gmail.com		

Seasonal License? Yes [✓] No [ ] If "Yes", write your six-month operating period: 5/1 - 11/1

Section 3 – Premises Information

Premises to be licensed is:

[X] an existing facility [ ] a new building [ ] a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

5.9 miles

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

5.6 miles

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		**State:**		**ZIP:**	

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		**State:**		**ZIP:**	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.
If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a **corporation**, the following information must be completed for each ***stockholder who owns 10% or more*** of the stock in the corporation, and for each ***president, vice-president, secretary,*** and ***managing officer***.
- If the applicant is a **limited liability organization**, the following information must be completed for each ***member with an ownership interest of 10% or more***, and for each ***manager***.
- If the applicant is a **partnership**, including a **limited partnership**, the following information must be completed for each ***partner with an interest of 10% or more***, and for each ***general partner***.

Entity Official:	Patrick Driscoll				
Title(s):	Member	**Phone:**	9077441575	**% Owned:**	50
Address:	369 E. Pioneer Ave.				
City:	Homer	**State:**	AK	**ZIP:**	99603

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
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Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:	Thomas Beck				
Title(s):	Member	**Phone:**	907 235 5101	**% Owned:**	20
Address:	369 E. Pioneer Ave				
City:	Homer	**State:**	Ak	**ZIP:**	99603

Entity Official:					
Title(s):		**Phone:**		**% Owned:**	
Address:					
City:		**State:**		**ZIP:**	

Entity Official:					
Title(s):		**Phone:**		**% Owned:**	
Address:					
City:		**State:**		**ZIP:**	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10189583	**AK Formed Date:**	3/10/22	**Home State:**	Ak
Registered Agent:	Patricia Driscoll	**Agent's Phone:**	907 744 4578		
Agent's Mailing Address:	369 E. Pioneer Ave				
City:	Homer	**State:**	AK	**ZIP:**	99603

Residency of Agent:

	Yes	No
Is your corporation or LLC's registered agent an individual resident of the state of Alaska?	☑	☐

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

	Yes	No
Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?	☒	☐

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

See attached, applying for 6 transfers — No current financial interest.

Section 7 – Authorization

Communication with AMCO staff:

	Yes	No
Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?	☐	☒

If "Yes", disclose the name of the individual and the reason for this authorization:

Attachment 6

Full List of Licenses to be Transferred:

2301; Grog Shop East End; 3125 East End Rd., Homer Alaska 99501

3176; Patel's; 4470 Homer Spit Road, Homer, Alaska 99501

3472; Patel's #2; 4287 Homer Spit Road, Homer, Alaska 99501

2531; Homer Liquor & Wine Company; 4474 Homer Spit Road, Homer, Alaska 99501

4432; Rum Locker; 276 Olsen Lane Suite #3; Homer, Alaska 99501

479; The Grog Shop; 369 E Pioneer Ave; Homer, Alaska, 99501

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 8 – Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

Melvyn Strydom
Signature of transferor

MELVYN STRYDOM
Printed name of transferor

Subscribed and sworn to before me this 15TH day of MARCH, 2022.

Linda J. Mishler
Signature of Notary Public

LINDA J. MISHLER My Commission Expires NOTARY PUBLIC Mar 21, 2024 STATE OF ALASKA

Notary Public in and for the State of Alaska.

My commission expires: 3/21/2024

_____
Signature of transferor

_____
Printed name of transferor

Subscribed and sworn to before me this _____ day of _____, 20____.

_____
Signature of Notary Public

Notary Public in and for the State of _____.

My commission expires: _____

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

Read each line below, and then sign your initials in the box to the right of each statement:	Initials
I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.	
I certify that all proposed licensees have been listed with the Division of Corporations.	
I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.	
I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.	
I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.	

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Signature of transferee

Patrick Driscoll
Printed name

Subscribed and sworn to before me this 24TH day of MARCH, 2022.

LILA STEWART
Notary Public
State of Alaska
My Commission Expires May 21, 2025

Signature of Notary Public

Notary Public in and for the State of ALASKA

My commission expires: 5/21/2025

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Anchorage, AK 99501
alcohol.licensing@alaska.gov
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Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

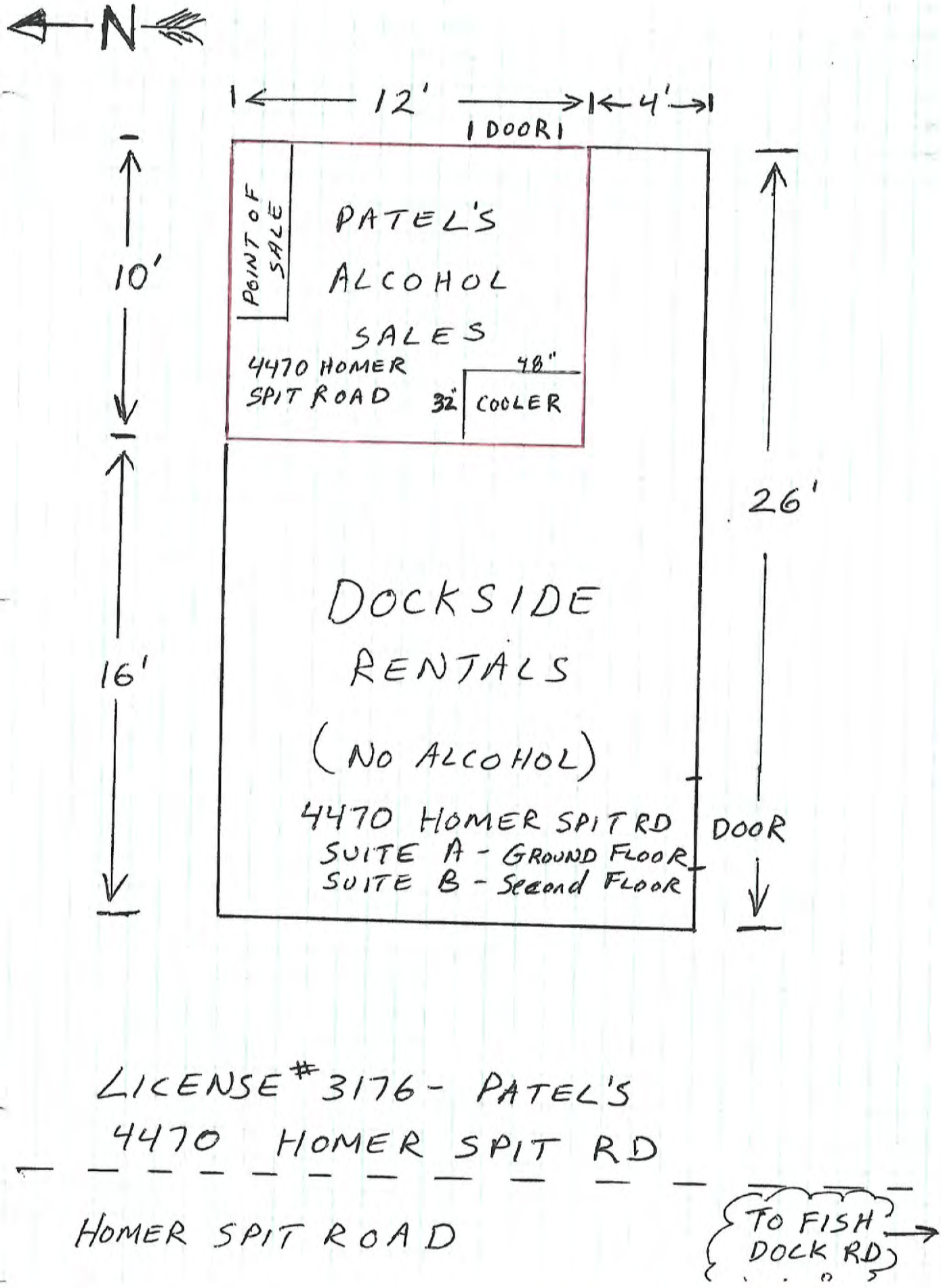
This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

	Yes	No
I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.	☒	☐

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Uncle Thirsty's LLC	**License Number:**	3196		
License Type:	~~Package Store~~ Package Store Seasonal				
Doing Business As:	Patel's				
Premises Address:	4470 Homer Spit Rd				
City:	Homer	**State:**	AK	**ZIP:**	99603



Office of the Borough Clerk
144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Johni Blankenship, MMC
Borough Clerk

6/23/2022

Sent via email: clerk@ci.homer.ak.us

Homer City Hall
City of Homer Clerk

RE: Non-Objection of Application

Licensee/Applicant	:	Uncle Thirsty's LLC
Business Name	:	Patel's
License Type	:	Package Store - Seasonal
License Location	:	4470 Homer Spit Road, Homer, AK, 99603, City of Homer
License No.	:	3176
Application Type	:	Transfer of Owner

Dear Ms. Jacobsen,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/JR

cc: p.driscoll1@gmail.com;

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

June 22, 2022

Kenai Peninsula Borough
City of Homer

VIA Email: mjenkins@kpb.us; jvanhoose@kpb.us; jratky@kpb.us; cjackinsky@kpb.us; maldridge@kpb.us; ncarver@kpb.us; slopez@kpb.us; jblankenshi@kpb.us; assemblyclerk@kpb.us; mjacobsen@ci.homer.ak.us; clerk@cityofhomer-ak.gov

License Type:	Package Store-Seasonal	**License Number:**	3472
Licensee:	Uncle Thirsty's LLC		
Doing Business As:	Patel's #2		
Premises Address	4287 Homer Spit Road #1		

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Joan M. Wilson

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04** of **Alaska Statutes** and **Chapter 304** of the **Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Transferor Information

Enter information for the ***current*** licensee and licensed establishment.

Licensee:	MJSA Inc.	**License #:**	3472
License Type:	Package Store-Seasonal	**Statutory Reference:**	04.11.150
Doing Business As:	Patel's #2		
Premises Address:	~~3784~~ 4287 Homer Spit Rd. #1		
City:	Homer	**State:** AK	**ZIP:** 99603
Local Governing Body:	Homer City Council		

Transfer Type:

- ☐ Regular transfer
- ☒ Transfer with security interest
- ☐ Involuntary retransfer

OFFICE USE ONLY			
Complete Date:		*Transaction #:*	100356973
Board Meeting Date:		*License Years:*	21-22
Issue Date:		*BRE:*	KH3

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
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Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 2 – Transferee Information

Enter information for the *new* applicant and/or location seeking to be licensed.

Licensee:	Uncle Thirsty's LLC				
Doing Business As:	Patel's #2				
Premises Address:	~~4887 Homer Spit Rd.~~ #1				
City:	Homer	State:	AK	ZIP:	99603
Community Council:	~~Homer City Council~~				

Mailing Address:	369 E Pioneer Ave				
City:	Homer	State:	AK	ZIP:	99603

Designated Licensee:	Patrick Driscoll		
Contact Phone:	907-744-4075	Business Phone:	907-235-5101
Contact Email:	Pdriscoll1@gmail.com		

Seasonal License? Yes ☒ No ☒ If "Yes", write your six-month operating period: 5/1 - 11/1

Section 3 – Premises Information

Premises to be licensed is:

☒ an existing facility ☐ a new building ☐ a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

5.7 miles

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

5.5 miles

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		**State:**		**ZIP:**	

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		**State:**		**ZIP:**	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.
If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a **corporation**, the following information must be completed for each ***stockholder who owns 10% or more*** of the stock in the corporation, and for each ***president, vice-president, secretary,*** and ***managing officer***.
- If the applicant is a **limited liability organization**, the following information must be completed for each ***member with an ownership interest of 10% or more***, and for each ***manager***.
- If the applicant is a **partnership**, including a **limited partnership**, the following information must be completed for each ***partner with an interest of 10% or more***, and for each ***general partner***.

Entity Official:	Patrick Driscoll				
Title(s):	Member	**Phone:**	9077441575	**% Owned:**	50
Address:	369 E. Pioneer Ave.				
City:	Homer	**State:**	AK	**ZIP:**	99603

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:	Thomas Beck				
Title(s):	Member	**Phone:**	907 235 5101	**% Owned:**	20
Address:	369 E. Pioneer Ave				
City:	Homer	**State:**	Ak	**ZIP:**	99603

Entity Official:					
Title(s):		**Phone:**		**% Owned:**	
Address:					
City:		**State:**		**ZIP:**	

Entity Official:					
Title(s):		**Phone:**		**% Owned:**	
Address:					
City:		**State:**		**ZIP:**	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10189583	**AK Formed Date:**	3/10/22	**Home State:**	Ak
Registered Agent:	Patricia Driscoll	**Agent's Phone:**	907 744 4578		
Agent's Mailing Address:	369 E. Pioneer Ave				
City:	Homer	**State:**	AK	**ZIP:**	99603

Residency of Agent: Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska? ☑ ☐

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Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

	Yes	No
Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?	☒	☐

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

See attached, applying for 6 transfers — No current financial interest.

Section 7 – Authorization

Communication with AMCO staff:

	Yes	No
Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?	☐	☒

If "Yes", disclose the name of the individual and the reason for this authorization:

SECTION 6 - Attachment

Full List of Licenses to be Transferred:

2301; Grog Shop East End; 3125 East End Rd., Homer Alaska 99501

3176; Patel's; 4470 Homer Spit Road, Homer, Alaska 99501

3472; Patel's #2; 4287 Homer Spit Road, Homer, Alaska 99501

2531; Homer Liquor & Wine Company; 4474 Homer Spit Road, Homer, Alaska 99501

4432; Rum Locker; 276 Olsen Lane Suite #3; Homer, Alaska 99501

479; The Grog Shop; 369 E Pioneer Ave; Homer, Alaska, 99501

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550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 8 – Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

Melvyn Strydom
Signature of transferor

MELVYN STRYDOM
Printed name of transferor

Subscribed and sworn to before me this 15TH day of MARCH, 2022.

Linda J. Mishler
Signature of Notary Public

LINDA J. MISHLER
My Commission Expires
NOTARY PUBLIC
May 21, 2024
STATE OF ALASKA

Notary Public in and for the State of Alaska.

My commission expires: 3/21/2024

_____
Signature of transferor

_____
Printed name of transferor

Subscribed and sworn to before me this _____ day of _____, 20____.

_____
Signature of Notary Public

Notary Public in and for the State of _____.

My commission expires: _____

3412 PTL #2

Alcohol and Marijuana Control Office
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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

Read each line below, and then sign your initials in the box to the right of each statement:	Initials
I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.	
I certify that all proposed licensees have been listed with the Division of Corporations.	
I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.	
I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.	
I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.	

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Signature of transferee

Patrick Driscoll
Printed name

Subscribed and sworn to before me this 24TH day of MARCH, 2022.

Signature of Notary Public

LILA STEWART
Notary Public
State of Alaska
My Commission Expires May 21, 2025

Notary Public in and for the State of ALASKA.

My commission expires: 5/21/2025

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Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

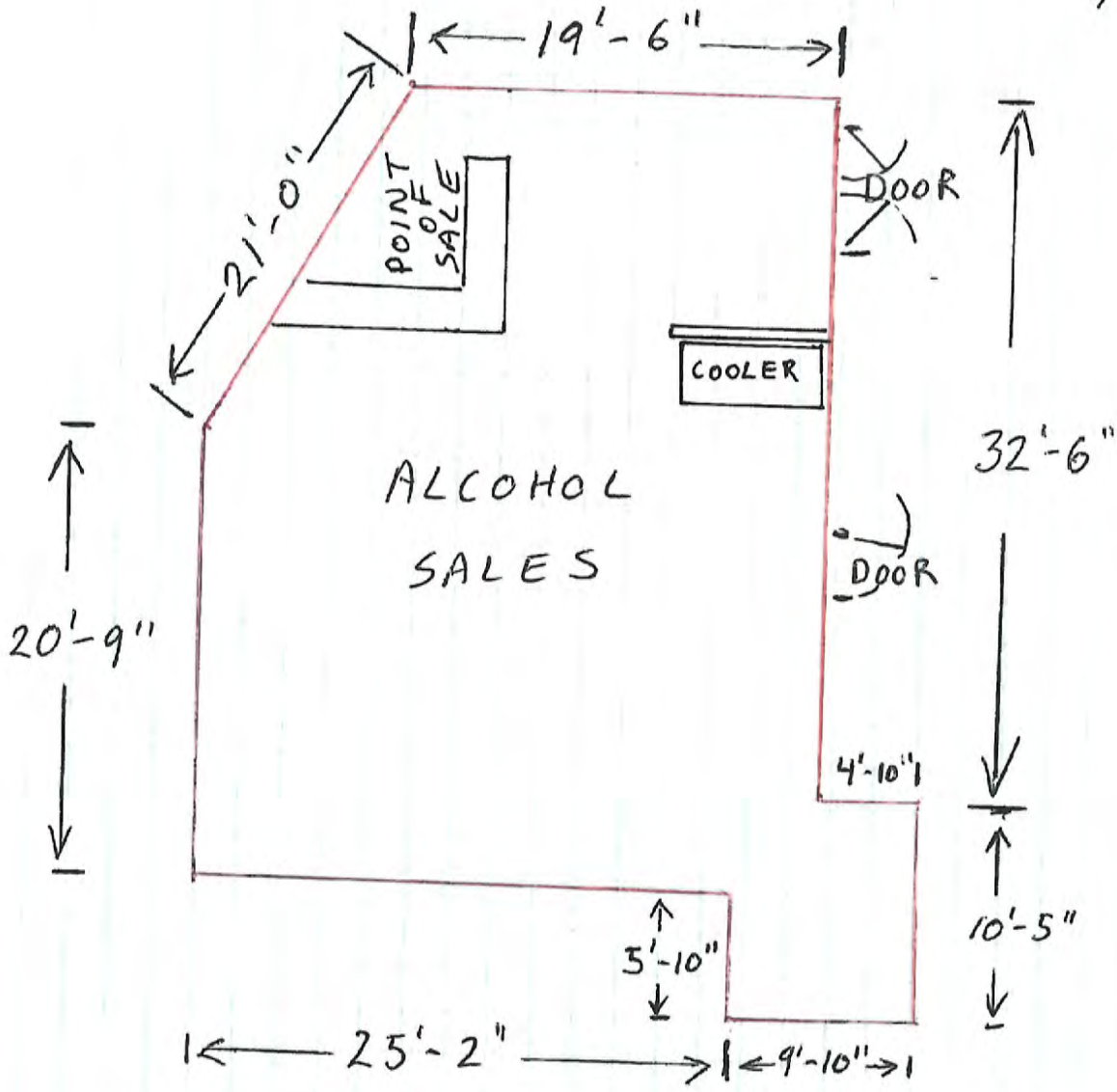
	Yes	No
I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.	☒	☐

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Uncle Thirsty's LLC	**License Number:**	3472		
License Type:	~~Off-premises~~ Package Store - Seasonal				
Doing Business As:	Patel's #2				
Premises Address:	~~4287~~ Homer Spit Rd #1				
City:	Homer	**State:**	AK	**ZIP:**	99603

4287



N

TO FISHDOCK

HOMER SPIT ROAD

TO FISH DOCK ROAD

LICENSE # 3472 - PATEL'S # 2

4287 # HOMER SPIT ROAD

#1 (Standalone building - not attached)

Office of the Borough Clerk
144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Johni Blankenship, MMC
Borough Clerk

6/23/2022

Sent via email: clerk@ci.homer.ak.us

Homer City Hall
City of Homer Clerk

RE: Non-Objection of Application

Licensee/Applicant	:	Uncle Thirsty's LLC
Business Name	:	Patel's 2
License Type	:	Package Store - Seasonal
License Location	:	4287 Homer Spit Road #1, Homer, AK 99603, City of Homer
License No.	:	3472
Application Type	:	Transfer of Owner

Dear Ms. Jacobsen,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/JR

cc: p.driscoll1@gmail.com;

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

June 22, 2022

Kenai Peninsula Borough
City of Homer

VIA Email: mjenkins@kpb.us; jvanhoose@kpb.us; jratky@kpb.us; cjackinsky@kpb.us; maldridge@kpb.us; ncarver@kpb.us; slopez@kpb.us; jblankenshi@kpb.us; assemblyclerk@kpb.us; mjacobsen@ci.homer.ak.us; clerk@cityofhomer-ak.gov

License Type:	Package Store	**License Number:**	4432
Licensee:	Uncle Thirsty's LLC		
Doing Business As:	Rum Locker		
Premises Address	276 Olsen Lane Suite #3		

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Joan M. Wilson

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04** of **Alaska Statutes** and **Chapter 304** of the **Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Transferor Information

Enter information for the ***current*** licensee and licensed establishment.

Licensee:	MSA Inc.		**License #:**	2880 4432-SP	
License Type:	Package Store		**Statutory Reference:**	04.11.150	
Doing Business As:	~~The~~ Rum Locker				
Premises Address:	274 Olsen Lane #3				
City:	Homer	**State:**	AK	**ZIP:**	99603
Local Governing Body:	Homer City Council				

Transfer Type:

- ☐ Regular transfer
- ☒ Transfer with security interest
- ☐ Involuntary retransfer

OFFICE USE ONLY			
Complete Date:		***Transaction #:***	100356973
Board Meeting Date:	9-20-2022	***License Years:***	21-22
Issue Date:		***BRE:***	KK

Alcohol and Marijuana Control Office
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alcohol.licensing@alaska.gov
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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 2 – Transferee Information

Enter information for the *new* applicant and/or location seeking to be licensed.

Licensee:	Uncle Thirsty's LLC				
Doing Business As:	The Rum Locker				
Premises Address:	2726 Olsen Lane Apt. Suite 43				
City:	Homer	State:	AK	ZIP:	99603
Community Council:	~~Homer City Council~~				

Mailing Address:	369 E Pioneer Ave				
City:	Homer	State:	AK	ZIP:	99603

Designated Licensee:	Patrick Driscoll		
Contact Phone:	907-744-4075	Business Phone:	907-235-5101
Contact Email:	P.driscoll1@gmail.com		

Seasonal License? Yes ☐ No ☒ If "Yes", write your six-month operating period: _____

Section 3 – Premises Information

Premises to be licensed is:

☒ an existing facility ☐ a new building ☐ a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

1.9 miles

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

1.2 miles

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		**State:**		**ZIP:**	

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		**State:**		**ZIP:**	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.
If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a **corporation**, the following information must be completed for each ***stockholder who owns 10% or more*** of the stock in the corporation, and for each ***president, vice-president, secretary,*** and ***managing officer***.
- If the applicant is a **limited liability organization**, the following information must be completed for each ***member with an ownership interest of 10% or more***, and for each ***manager***.
- If the applicant is a **partnership**, including a **limited partnership**, the following information must be completed for each ***partner with an interest of 10% or more***, and for each ***general partner***.

Entity Official:	Patrick Driscoll				
Title(s):	Member	**Phone:**	9077444575	**% Owned:**	80
Address:	3609 E. Pioneer Ave.				
City:	Homer	**State:**	AK	**ZIP:**	99603

Alcohol and Marijuana Control Office
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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:	Thomas Beck				
Title(s):	Member	**Phone:**	907 235 5101	**% Owned:**	20
Address:	369 E. Pioneer Ave				
City:	Homer	**State:**	Ak	**ZIP:**	99603

Entity Official:					
Title(s):		**Phone:**		**% Owned:**	
Address:					
City:		**State:**		**ZIP:**	

Entity Official:					
Title(s):		**Phone:**		**% Owned:**	
Address:					
City:		**State:**		**ZIP:**	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10189583	**AK Formed Date:**	3/10/22	**Home State:**	Ak
Registered Agent:	Patricia Driscoll	**Agent's Phone:**	907 744 4575		
Agent's Mailing Address:	369 E. Pioneer Ave				
City:	Homer	**State:**	AK	**ZIP:**	99603

Residency of Agent:

	Yes	No
Is your corporation or LLC's registered agent an individual resident of the state of Alaska?	☑	☐

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

	Yes	No
Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?	☒	☐

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

See attached, applying for 6 transfers — No current financial interest.

Section 7 – Authorization

Communication with AMCO staff:

	Yes	No
Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?	☐	☒

If "Yes", disclose the name of the individual and the reason for this authorization:

SECTION 6 - Attachment

Full List of Licenses to be Transferred:

2301; Grog Shop East End; 3125 East End Rd., Homer Alaska 99501

3176; Patel's; 4470 Homer Spit Road, Homer, Alaska 99501

3472; Patel's #2; 4287 Homer Spit Road, Homer, Alaska 99501

2531; Homer Liquor & Wine Company; 4474 Homer Spit Road, Homer, Alaska 99501

4432; Rum Locker; 276 Olsen Lane Suite #3; Homer, Alaska 99501

479; The Grog Shop; 369 E Pioneer Ave; Homer, Alaska, 99501

Alcohol and Marijuana Control Office
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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 8 – Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

Melvyn Strydom
Signature of transferor

MELVYN STRYDOM
Printed name of transferor

Subscribed and sworn to before me this 15TH day of MARCH, 2022.

LINDA J. MISHLER
My Commission Expires
NOTARY PUBLIC
Mar 21, 2024
STATE OF ALASKA

Linda J. Mishler
Signature of Notary Public

Notary Public in and for the State of Alaska.

My commission expires: 3/21/2024

_____
Signature of transferor

_____
Printed name of transferor

Subscribed and sworn to before me this _____ day of _____, 20____.

_____
Signature of Notary Public

Notary Public in and for the State of _____.

My commission expires: _____

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

Read each line below, and then sign your initials in the box to the right of each statement: Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application. PD

I certify that all proposed licensees have been listed with the Division of Corporations. PD

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued. PD

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465. PD

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application. PD

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Signature of transferee

Patrick Driscoll
Printed name

Subscribed and sworn to before me this 24TH day of MARCH, 2022.

Signature of Notary Public

LILA STEWART
Notary Public
State of Alaska
My Commission Expires May 21, 2025

Notary Public in and for the State of ALASKA.

My commission expires: 5/21/2025

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Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

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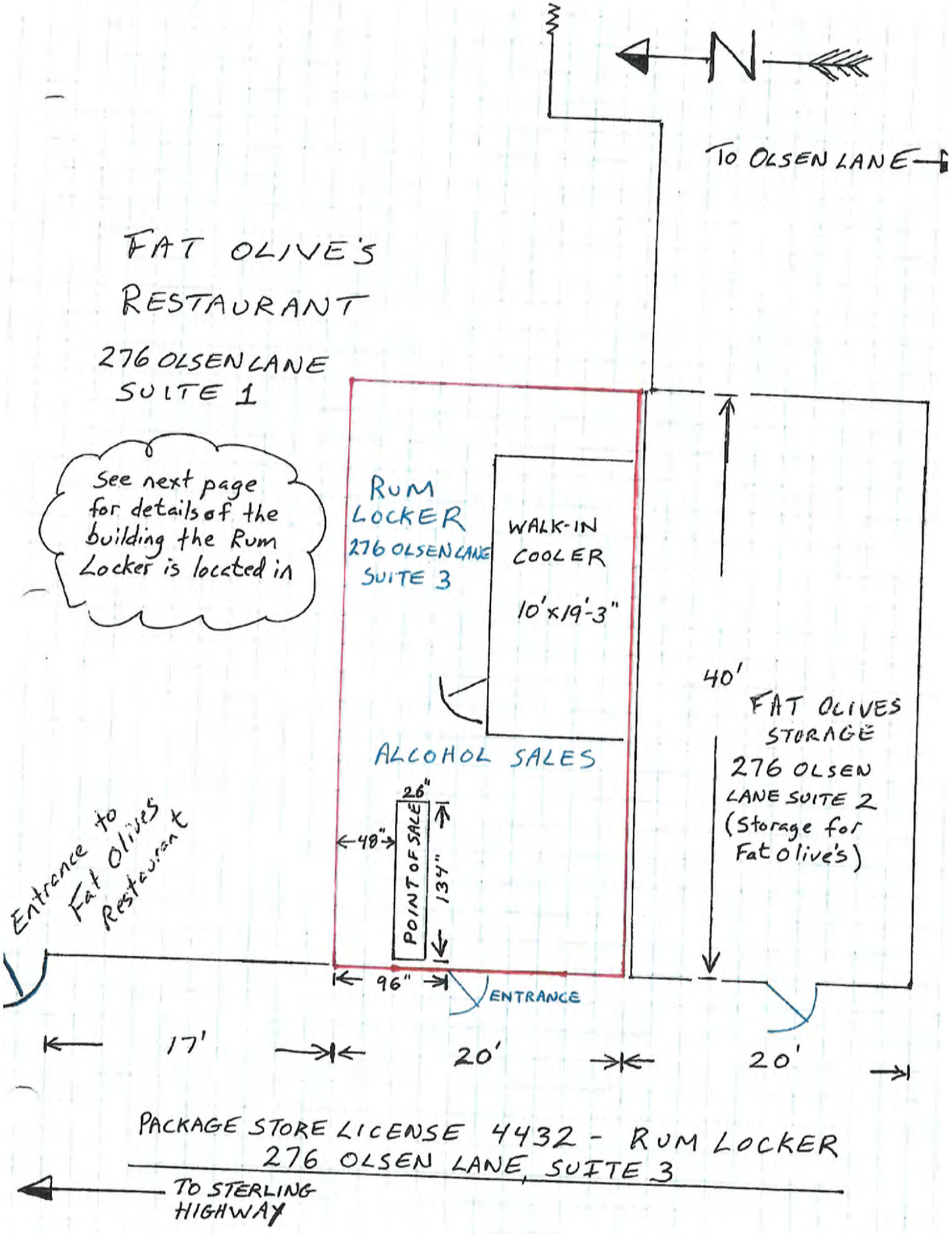
This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

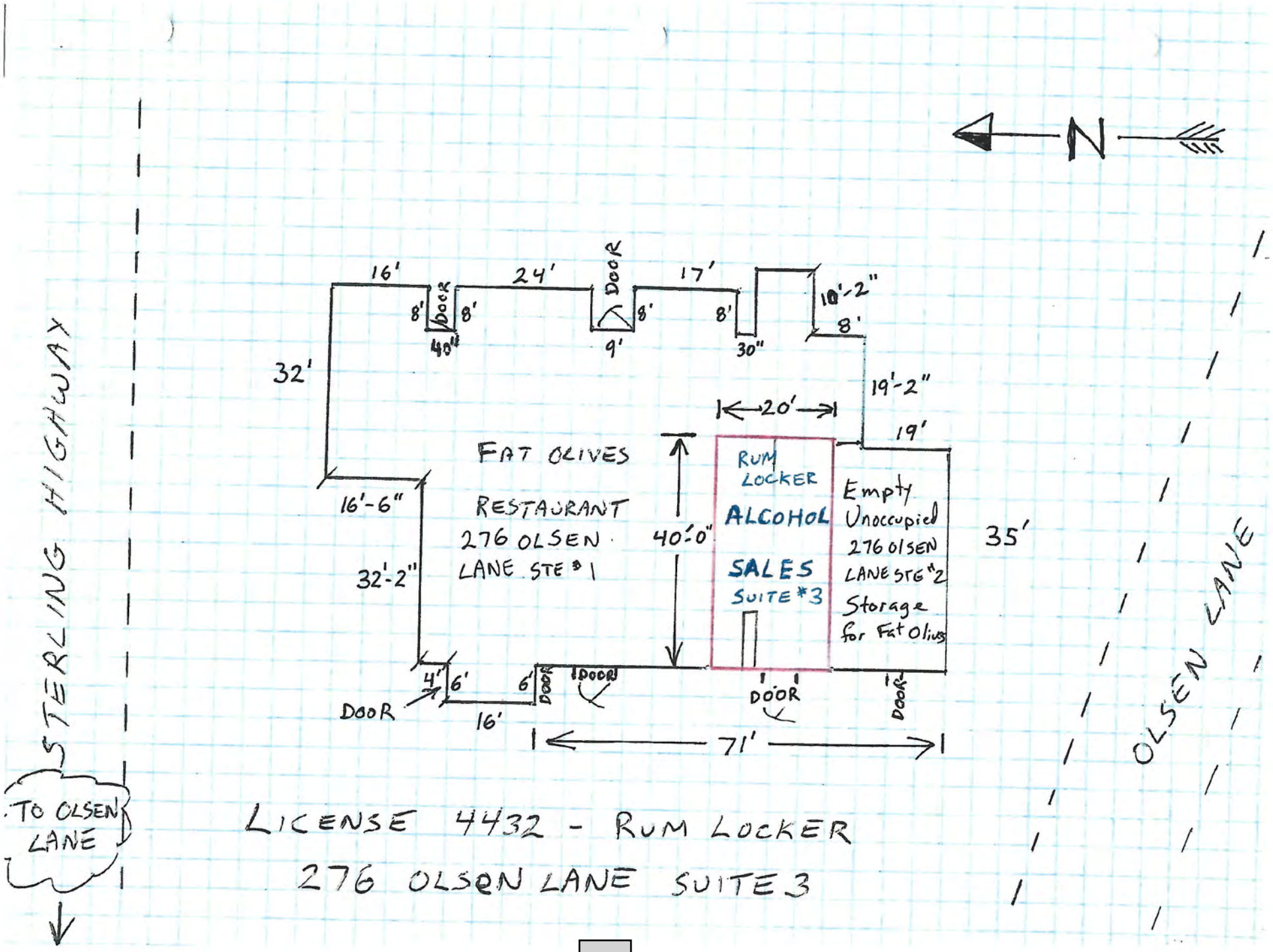
	Yes	No
I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.	X	

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Uncle Timothy's LLC	**License Number:**	4432 / ~~2880~~		
License Type:	~~Off-Premises~~ Package Store				
Doing Business As:	The Rum Locker				
Premises Address:	276 Olsen Lane #3				
City:	Homer	**State:**	AK	**ZIP:**	99603





LICENSE 4432 - RUM LOCKER

276 OLSON LANE SUITE 3

Office of the Borough Clerk
144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Johni Blankenship, MMC
Borough Clerk

6/23/2022

Sent via email: clerk@ci.homer.ak.us

Homer City Hall
City of Homer Clerk

RE: Non-Objection of Application

Licensee/Applicant	:	Uncle Thirsty's LLC
Business Name	:	Rum Locker, The
License Type	:	Package Store
License Location	:	276 Olsen Lane, Suite #3, Homer, AK 99603, City of Homer
License No.	:	4432
Application Type	:	Transfer of Owner

Dear Ms. Jacobsen,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/JR

cc: p.driscoll1@gmail.com;

City of Homer
www.cityofhomer-ak.gov

Police Department
625 Grubstake Avenue
Homer, Alaska 99603
police@cityofhomer-ak.gov
(p) 907-235-3150
(f) 907-235-3151/ 907-226-3009

Memorandum

TO: Renee Krause, MMC., Deputy City Clerk II

FROM: Mark Robl Chief of Police

DATE: 06/23/2022

SUBJECT: Liquor License Transfer of Ownership for The Grog Shop, Grog Shop East, Homer Liquor & Wine Company, Patel's, Patel's #2 and The Rum Locker

---

I have no objections to the Transfer of Ownership Applications for Liquor License Permits with in the City of Homer:

Type:	Package Store
License #	479
DBA Name:	The Grog Shop
Service Location:	369 East Pioneer Ave. Homer, AK 99603
Owner:	MSA, Inc.
Mailing Address:	369 E. Pioneer Ave. Homer, AK 99603
Transferee:	Uncle Thirsty's LLC
Designated Licensee:	Patrick Driscoll

Type:	Package Store
License #:	2301
DBA Name:	Grog Shop East End
Service Location:	3125 East End Road, Homer, AK 99603
Designated Licensee:	Patrick Driscoll

Type:	Package Store – Seasonal
License #:	3176
DBA Name:	Patel's
Service Location:	4470 Home Spit Road, Homer, AK 99603
Designated Licensee:	Patrick Driscoll

Type:	Package Store – Seasonal
License #:	3472
DBA Name:	Patel's #2
Service Location:	4287 Homer Spit Road, Homer, AK 99603
Designated Licensee:	Patrick Driscoll

Type:	Package Store – Seasonal
License #:	2531
DBA Name:	Homer Liquor & Wine Company
Service Location:	4474 Homer Spit Road, Homer, AK 99603
Designated Licensee:	Patrick Driscoll

Type:	Package Store
License #:	4432
DBA Name:	Rum Locker
Service Location:	276 Olhson Lane, Suite #3, Homer, AK 99603
Designated Licensee:	Patrick Driscoll

CITY OF HOMER
HOMER, ALASKA

City Manager

RESOLUTION 22-056

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA APPROVING AN AMENDMENT TO THE SOUTH CENTRAL RADAR LEASE BY ADDING AN ADDITIONAL ADJACENT 1760 SF OF CITY RIGHT-OF-WAY TO THE LEASED PREMISES OF LOT 88-1, HOMER SPIT SUBDIVISION NO. 2, KPB PARCEL 18103431.

WHEREAS, South Central Radar entered into a 10 year lease (option of two additional consecutive five year extensions) with the City on November 09 2012 for Lot 88-1, Homer Spit Subdivision No.2, Homer Recording District, State of Alaska consisting of approximately 10,235 square feet; and

WHEREAS, On April 6, 2022 the City received a letter from South Central Radar requesting an amendment to lease to add an additional 1,760 square feet of City of Homer right-of-way (ROW) adjacent to their current leased lot, with the intention of combining the two small parking lots (current South Central Radar parking and small adjacent City ROW parking) into one larger parking lot allowing for less cramped conditions and better parking flow overall; and

WHEREAS, The current purpose of use for the City ROW land will remain as parking, and the amendment to the lease includes use restrictions on the ROW portion prohibiting any kind of structures; and

WHEREAS, The additional 1,760 sq. ft. of City ROW would be priced at the same sq. ft. rate as the existing leased lot, adding an additional $1689.60 to the annual rent of the lease; and

WHEREAS, City staff have reviewed South Central's proposal and have no objection to their request or their plans to create a cohesive organization of the parking area; and

WHEREAS, On May 25, 2022 the Port and Harbor Advisory Commission discussed the proposed change and recommend that Council approve South Central Radar's lease amendment; and

WHEREAS, HCC 18.08.160(e) states that any significant changes in the terms (use) of the existing lease must be reviewed by the Port and Harbor Commission and approved by City Council by resolution as an amendment to the lease; and

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves the amendment to add an additional adjacent 1,760 sq. ft. of City right-of-way to the leased premises of Lot 88-1 leased by South Central Radar, at the same sq. ft. cost and subject to the same conditions of CPI increase and appraisals as the main leased lot, for the purpose of creating a more efficient parking lot and traffic flow, and authorizes the City manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council on this 27th day of June, 2022.

CITY OF HOMER

_____
KEN CASTNER, MAYOR

ATTEST:

_____
MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: $1689.60 in additional rent revenues

City of Homer
www.cityofhomer-ak.gov

Port and Harbor
4311 Freight Dock Road
Homer, AK 99603
port@cityofhomer-ak.gov
(p) 907-235-3160
(f) 907-235-3152

Memorandum 22-115

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: ROB DUMOUCHEL, CITY MANAGER

THRU: BRYAN HAWKINS, HARBORMASTER

DATE: JUNE 8, 2022

SUBJECT: RESO 22-056 SOUTH CENTRAL RADAR - PROPOSED AMENDMENT TO LEASE

South Central Radar (SCR) has submitted a proposal requesting an amendment to their lease that would add a 20 ft. x 88 ft. strip of City Right of Way (ROW), for an additional 1,760 square feet, to their existing leased land for the purpose of expanding their parking lot to allow a more unified plan and better traffic flow pattern.

Staff has reviewed the proposal, located the boundaries of the City and State Right-of-Way (ROW) sections, and determined that it would be possible to expand the parking area as proposed. It is our opinion that this proposal will not negatively affect the public parking but will instead be a more efficient use of space. At this time the area in question is used for long term permit parking and free short term parking.

Staff does not recommend that Lot 33 be re-plated or that the existing lot line of the plot be moved as this would be president setting, expensive, and unnecessary. The amendment to the lease will describe the portion of land as existing City ROW leased to the tenant. The additional space would be rented at the same rate per sq. ft. as the current lease and would be subject to CPI increases and appraisals in the same manner as the main leased square footage.

There are two other examples of leases that we have amended for purposes such as this. The lessees in both cases pay for and utilize the space in a similar manner, and specifically for uses that prohibit permanent structures or changes to the ROW. This means that the transient buffering nature of the ROW remains intact. The drafted amendment for SCR contains the same restrictions on the City ROW portion.

The Port and Harbor Advisory Commission reviewed SCR's proposal at their May 25, 2022 meeting and made a motion to support the approval of the South Central Radar's proposed lease amendment to expand the parking lot and recommended adoption by City Council.

Recommendation - City Council approve the proposed lease amendment to expand South Central Radar's parking lot by adding 1,760 additional sq. ft. of adjacent City ROW to South Central Radar's leased premises and authorize the City manager to execute the appropriate documents.

Attachments: SCR e-mail proposal for lease amendment adding portion of City ROW to add additional parking
PW mapping of City ROW and DOT ROW locations and boundaries
Plat Map
Draft Amendment
PHC Meeting Minutes Excerpt from May 25 2022

From: Mark Zeiset
To: Erica Hollis
Cc: Bryan Hawkins
Subject: Re: South Central Parking
Date: Wednesday, April 6, 2022 8:16:45 AM
Attachments: image001.png

I attached a letter and copied the text below in case the attachment doesn't work. Let me know if this is what you were looking for.

Mark

Port and Harbor, and City of Homer,

My name is Mark Zeiset, owner of South Central Radar. We are the marine electronics shop on the Homer Spit at 4406 Homer Spit Rd Homer, AK 99603.

We are requesting more parking area for our business. You can see our proposal and current parking on the map sheets.

Here are our reasons for expanding.

-We have had parking issues since I took over the store in 2012. Our lot is very small. It is hard for customers to park in our lot due to the odd shape and small size. We have had several “fender benders” in our lot because of its size.

-During the peak summer season the public parking outside of our lot fills up and we have many folks that will double park or block the entrance of our store lot. Also the public area gets dangerous to pedestrians due to cars pulling in so close to our business. It creates a false walkway behind cars and between cars.

-The expansion will improve our parking and public parking. By expanding our parking it will get rid of the large area of false walkway behind cars.

-The expansion will improve public parking. The expansion we are proposing will not eliminate any public parking. It will add public parking as it creates spots on the end of the paved lot between South Central Radar and Baleen Café.

-The expansion will still allow for cars to back out of the public parking without having to back directly onto the highway.

Please let me know if you have questions.

Thank you for your time

Mark Zeiset

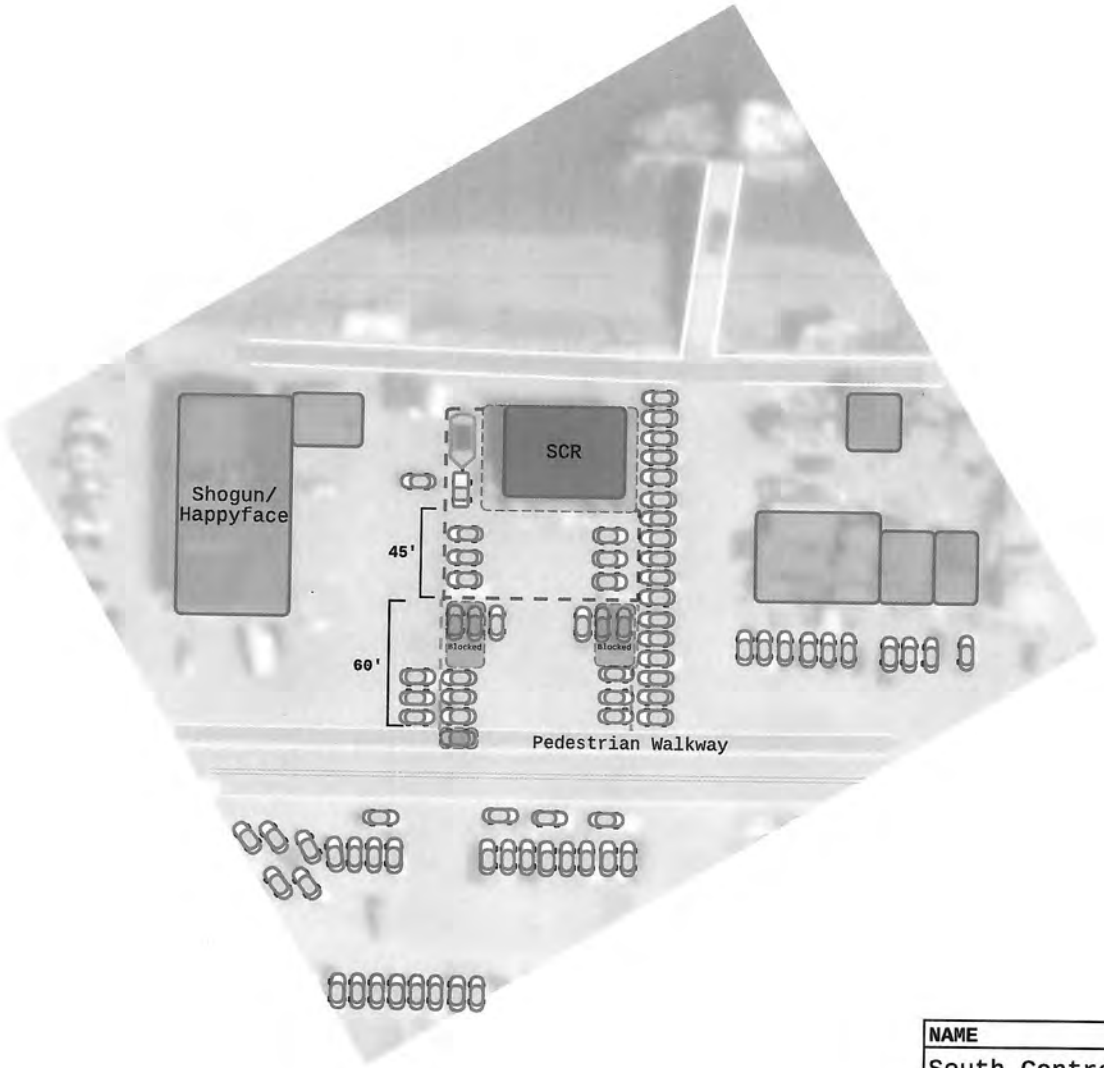
907-235-8008 work

907-351-1610

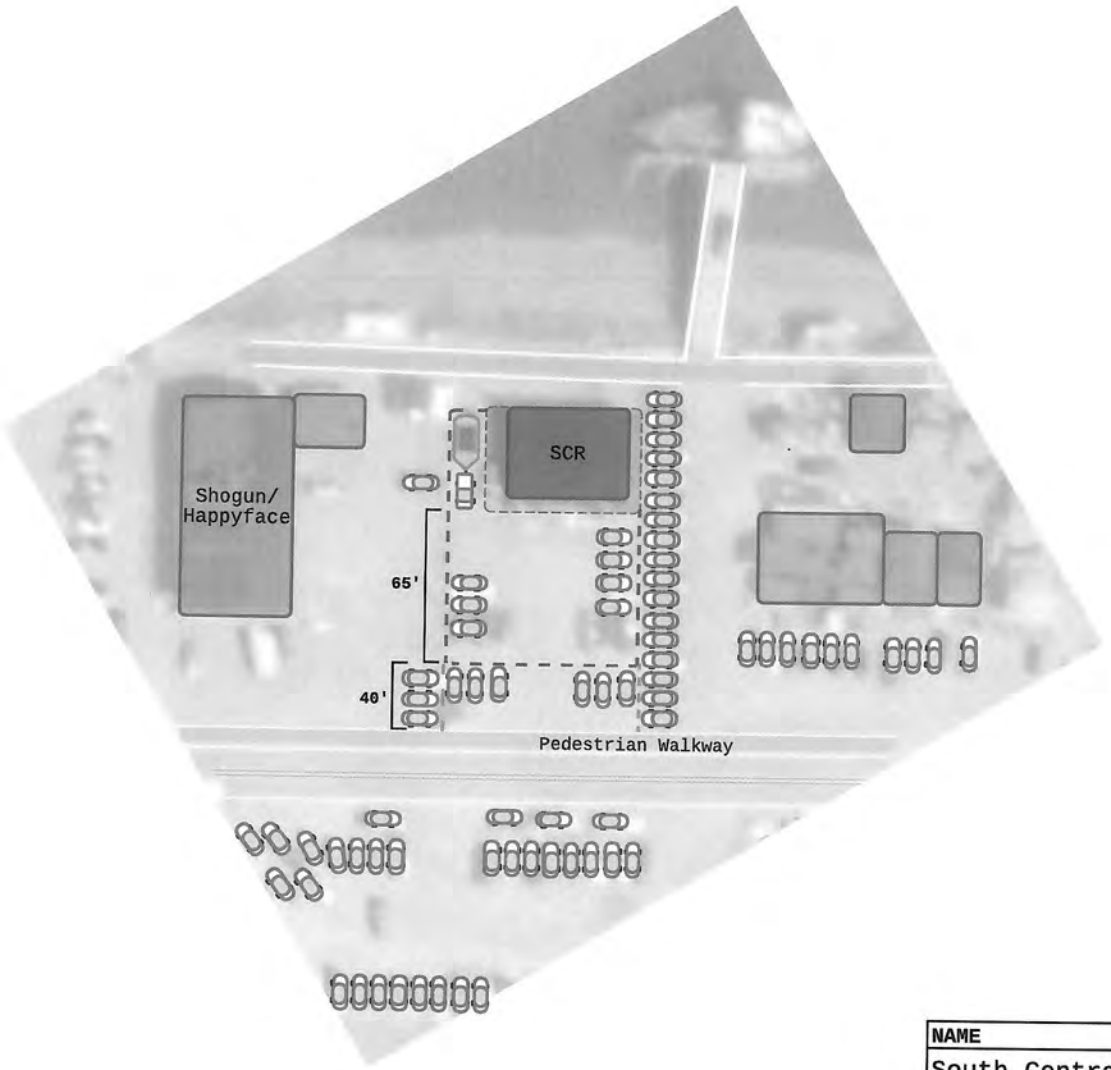
mark@southcentralradar.com

On Mon, Apr 4, 2022 at 5:30 PM Erica Hollis <ehollis@ci.homer.ak.us> wrote:

> Hi Mark,

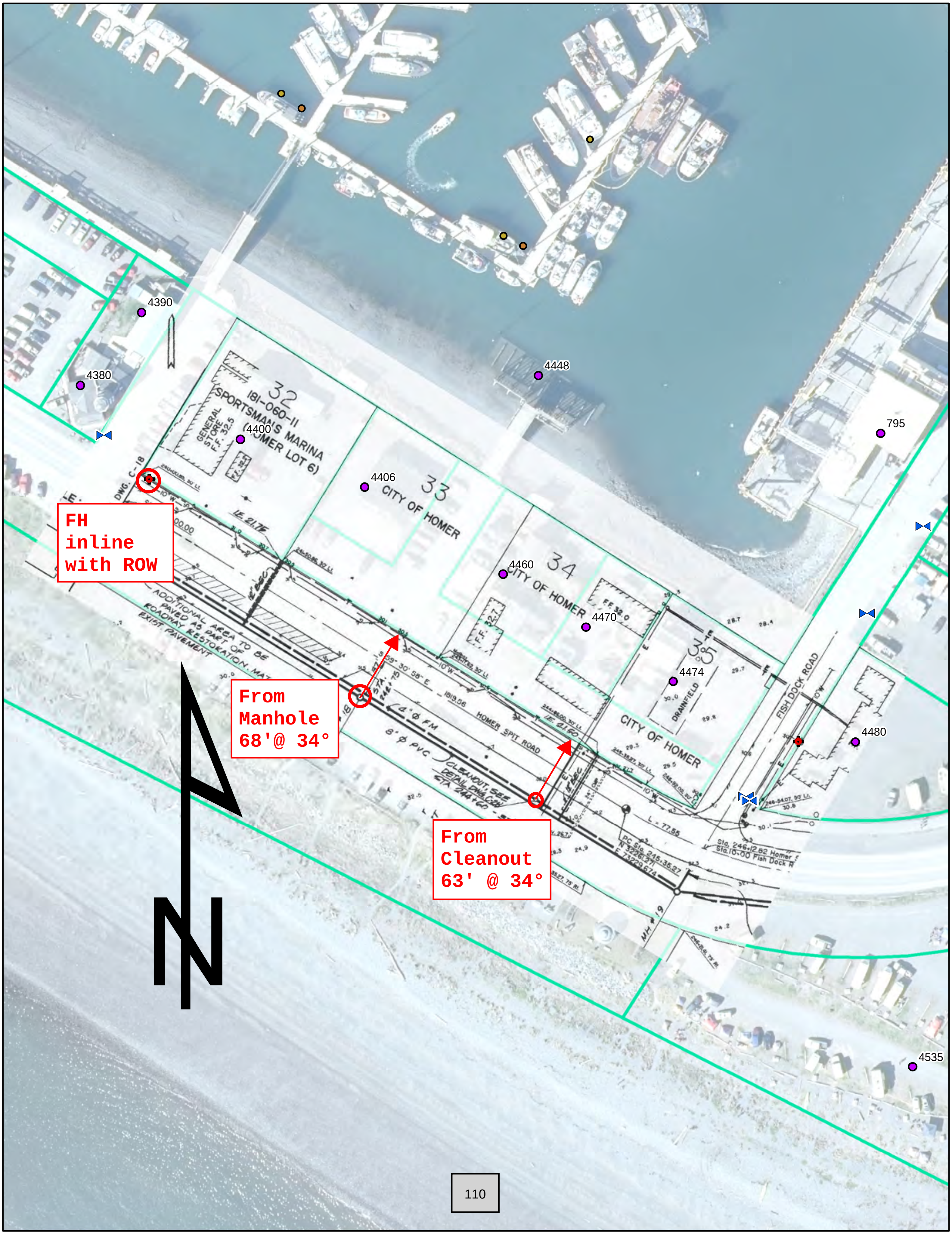


NAME	VESSEL
South Central Radar	
DATE: 02/09/2022	
Current Parking	
NOTES:	



NAME	VESSEL
South Central Radar	
DATE: 02/09/2022	
Proposed Parking	
NOTES:	

South Central Radar LLC


FH
inline
with ROW
From
Manhole
68'@ 34°
From
Cleanout
63' @ 34°
4390
4380
4400
4406
4448
795
4460
4470
4474
4480
4535
32
181-060-11
SPORTSMAN'S MARINA
(HOMER LOT 6)
GENERAL STORE
33
CITY OF HOMER
34
CITY OF HOMER
35
CITY OF HOMER
DRAINFIELD
FISH DOCK ROAD
HOMER SPIT ROAD
DWG. C-18
ADDITIONAL AREA TO BE PAVED AS PART OF ROADWAY RESTORATION. MATCH EXIST. PAVEMENT
4" Ø FM
8" Ø PVC
CLEANOUT, SEE DETAIL DWG.C-21
MH #19

GRAPHIC SCALE

150 0 75 150 300 600

(IN FEET)
1 inch = 150 ft.

ATS-612 (77-64 HRD)

NOTES:

No access to State maintained Rights of Way is permitted unless approved by the State of Alaska Department of transportation.

Soils on these lots may or may not be suitable for conventional on-site waste disposal systems. No person may construct, install, operate or maintain a pressurized water system or a water-borne waste disposal system unless approval of the Alaska Department of Environmental Conservation is obtained. The burden of providing soils data, groundwater information, engineering designs and any other information required by the Department to complete a review of the proposed system rests solely on the individual lot owner.

All depiction of ATS 1373, and the associated survey data was taken from the official plat, and related data furnished by the CITY OF HOMER, and prepared by Stephen C. Smith RLS.

All survey monumentation shown is of record. Individual lot corners will be established as needed, upon completion of road and utility construction and parcel utilization.

SURVEYORS AFFIDAVIT

THE FOLLOWING CHANGES HAVE BEEN MADE TO THE PLAT:

1. THE WORDS "AMENDED PLAT" HAVE BEEN ADDED TO THE TITLE BLOCK;
2. THE DIMENSION ALONG THE SOUTHWESTERLY BOUNDARY OF LOTS 8-D AND 8-E WAS CORRECTED TO READ "367.57".

NO OTHER CHANGES OR MODIFICATIONS WERE MADE TO THIS PLAT.

11-3-92
JERRY A. ANDERSON RLS 3686-S

ELEVATION 18.0, APPROXIMATE MEAN HIGH WATER

S58°42'48"E 1559.46'

S41°21'32"E 277.76'

N80°29'54"E 370.19'

S24°12'45"E 734.43'

S57°59'44"E 112.39'

S80°29'54"W 153.16'

S41°21'32"E 93.07'

S61°12'34"E 361.18'

S09°46'26"E 677.70'

S77°34'32"W 275.39'

S30°44'26"W 277.89'

S58°47'19"E 72.51'

TRACT A
4.188 Ac.

ATS 1373
11.908 Ac.

8-A R-V PARKING & CAMPING
757,860 S.F.
17.398 Ac.

8-B
6000 S.F.
KLUKWAN

8-C 450.26
98,683 S.F.
2.036 Ac.
OCEANTRAWL RESERVE

8-D
39,090 S.F.

8-E
29,645 S.F.

8-F
7.584 Ac.

5.223 Ac. 8-G (RESERVE AREA)

12-A
1.591 Ac.

DENOTES 15' UTILITY EASEMENT (TYPICAL)

DENOTES 15' UNDERGROUND UTILITY EASEMENT

INDICATES 10'x10' PEDESTAL EASEMENT FOR HEA

APPROX. LOCATION OF FUTURE SEWER MAIN.

APPROX. LOCATION OF FUTURE 10" WATER MAIN

APPROXIMATE LOCATION EXISTING HEA CABLE, CENTER OF 15' EASEMENT.

BOAT TRAILER PARKING & STORAGE

DOCK STAGING AREA RESERVE

(RESERVE AND MARINE REPAIR)

FREIGHT DOCK ROAD (60' R/W)

DOCK ROAD (100' R/W)

HOMER SPIT (89-15 HRD)

STERLING HIGHWAY (HOMER SPIT ROAD)

FISH DOCK ROAD (50' R/W)

PARKING & ACCESS

LEGEND

- BRASS OR ALUMINUM CAP MONUMENT
- 5/8" x 30" REBAR & SURV-KAP, 3686-S
- ⊥ NOT MONUMENTED THIS SURVEY

Basis of Bearing is the City of Homer Coordinate system, as shown on Plat 87-37RS HRD, "CITY OF HOMER AREA RECORD OF SURVEY", and referenced on the parent plat, 89-34 HRD.

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	90°00'00"	300.27	471.66	424.84	N76°17'12"E
C2	90°00'00"	135.00	196.35	176.78	S13°47'19"E
C3	55°33'27"	50.00	48.48	46.61	N72°27'55"W
C4	03°35'05"	1828.23	114.38	114.16	N50°03'22"W
C5	90°01'36"	25.00	39.28	35.36	N76°18'00"E
C6	07°56'53"	379.10	52.59	52.55	S63°29'36"E

WASTEWATER DISPOSAL

The Alaska Department of Environmental Conservation has reviewed plans for this Subdivision's wastewater disposal, and approves this subdivision for platting.

David E. Johnson — SIGNATURE — EE III — TITLE — 1-14-91 DATE

The City of Homer shall not issue any future building permits on TRACT A, AND LOTS 8A,8B,8C,8D,8E,8F,8G of the above referenced Subdivision until Department of Environmental Conservation approval is obtained.

SMALL BOAT HARBOR
72.940 Ac.

LEASE HOLD INTEREST SIGNATORIES

Paul G. Lowejoy, Pres. Homer Co-op
4480 Homer Spit Road
Homer, Alaska 99603

NOTARY'S ACKNOWLEDGEMENT
For: Paul G. Lowejoy, Pres. Homer Co-op
Subscribed and sworn to before me this 19th day of July 1990
Notary public for Alaska — My Commission Expires 8/4

Lonna Hobbs
FOR: OCEANTRAWL INC.
1200 MARKET PLACE TOWER
2025 FIRST AVENUE
SEATTLE WASHINGTON 98121

NOTARY'S ACKNOWLEDGEMENT
For: Lonna Hobbs, for Oceantrawl
Subscribed and sworn to before me this 10th day of January 1990 1991
Notary public for [illegible] — My Commission Expires

Hylden R. Ellyson
2170 Homer Spit Road
Homer, Alaska 99603

JERRY ANDERSON NOTARY PUBLIC STATE OF ALASKA

NOTARY'S ACKNOWLEDGEMENT
For: Hylden R. Ellyson
Subscribed and sworn to before me this 20th day of July 1990
Notary public for Alaska — 11-7-91 My Commission Expires

Klukwan Forest Products Inc.
Chief Operating Officer

NOTARY'S ACKNOWLEDGEMENT
For: [illegible]
Subscribed and sworn to before me this 9th day of October 1990
Notary public for Alaska — July 6, 1994 My Commission Expires

William B. Edens, Vice Pres. Terminal Oil Sales
4755 Homer Spit Road
Homer, Alaska 99603

JERRY ANDERSON NOTARY PUBLIC STATE OF ALASKA

NOTARY'S ACKNOWLEDGEMENT
For: William B. Edens, Vice Pres. Terminal Oil Sales
Subscribed and sworn to before me this 1st day of June 1990
Notary public for Alaska — 11-7-91 My Commission Expires

Roland Schwanke
Roland Schwanke, President, Ketch Cumming Co., Inc.
Po Box 2713
Soldotna, AK 99669

NOTARY'S ACKNOWLEDGEMENT
For: Roland Schwanke, Pres. Ketch Cumming Co. Inc.
Subscribed and sworn to before me this 14th day of January 1990
Eileen R Buchtel — Notary public for Alaska — May 9, 1991 My Commission Expires

CERTIFICATE OF OWNERSHIP

I hereby certify that I am the owner of the property shown and described hereon. I hereby request approval of this plat showing such easements for public utilities and roadways dedicated by me for public use, or to the uses shown

C.E. Swackhammer — 6-11-90 DATE:
C.E. SWACKHAMMER
HOMER CITY MANAGER
491 EAST PIONEER AVENUE
HOMER, ALASKA 99603

JERRY ANDERSON NOTARY PUBLIC STATE OF ALASKA

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 11th day of June 1990
Notary public for Alaska — 11-7-91 My Commission Expires

SURVEYORS CERTIFICATE

I hereby certify that this survey was performed by me or under my direct supervision. I declare that the information shown hereon is true and correct to the best of my knowledge and belief.

Jerry A. Anderson PLS No. 3686 — 7-11-90 Date:

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of June 4, 1990

KENAI PENINSULA BORUGH
BY [signature]
Authorized Official

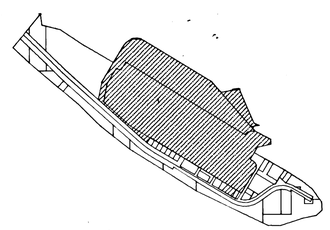
91-3

RECORDED FILED 20' — HOMER REC DIST — DATE 1-16-91 — TIME 3:03 PM — REQUESTED BY Ability Surveys — ADDRESS Box 378 Homer Ak 99603

92-50

RECORDED FILED 20' — Homer REC DIST — DATE 11-24-92 — TIME 11:24 AM — REQUESTED BY Family Freedom Trust

VICINITY MAP SCALE: 1" = 1500'



DATE	FEB. 1990
SCALE	1" = 150'
GRID No.	H1 - H5
FLD. BK. No.	176
DISK No.	C.1.18
JOB No.	0457

STATE OF ALASKA 49TH — Jerry A. Anderson NO. 3686-S REGISTERED PROFESSIONAL LAND SURVEYOR

HOMER SPIT No. TWO

AMENDED HOMER RECORDING DISTRICT PLAT

A REPLAT OF LOTS 8, 12, 33, 35, & THE BOAT HARBOR OF THE HOMER SPIT, ACCORDING TO PLAT 89-15, HRD, A PORTION OF ATS-612, ACCORDING TO PLAT 77-64 HRD, AND LOT 7 OF PLAT 87-444, HRD, ALL WITHIN Sec. 35 & 36, Twn. 6S. & Sec. 1 & 2, Twp. 7S Rge. 13W S.M., WITHIN THE CITY OF HOMER, ALASKA CONTAINING 121.195 ACRES

ABILITY SURVEYS
JERRY A. ANDERSON PLS
(907) 235-8440
BOX 378, HOMER ALASKA 99603

Homer 91-093

1ST AMENDMENT TO LEASE AGREEMENT

This amendment is made and entered into effect as of_____, 2022 between the City of Homer, an Alaska municipal corporation ("Landlord") whose address is 491 East Pioneer Avenue, Homer, Alaska 99603, and South Central Radar, an Alaskan LLC ("Tenant"), whose address is PO Box 2145, Homer AK 99603 , and amends the Ground Lease Agreement ("Lease") entered into between South Central Radar, and the City of Homer, dated November 9 2012 and recorded by the Kenai Peninsula Borough's recorder's office on November 16 2012, Number 2012-003723-0, Homer Recording District 309, Alaska.

Landlord and Tenant agree as follows:

ARTICLE 2. THE PROPERTY, section 2.01 Lease of Property. Shall be amended to read as follows:

2.01 Lease of Property. Subject to the terms and conditions of this Lease, Landlord leases to Tenant and Tenant leases from Landlord the following described property ("Property"):

> Lot 88-1, Homer Spit Subdivision No.2, homer Recording District, State of Alaska, consisting of approximately 10,235 square feet, also known as Kenai Peninsula Borough Tax Parcel No. 181803431.
>
> **A portion of Homer Spit Sub No. Two Amended Parking and Access Area, Homer Recording District State of Alaska, namely a 20 foot wide and 88 foot long area of land adjacent to the southwest lot line of Lot 88-1, containing of 1,760 square feet, more or less, and located within the City of Homer's Right-of-Way; also known as a portion of KPB Tax Parcel No. 181-03-441;**

The two described areas total 11,995 square feet, and are subject, however to reservations restrictions, easements and encumbrances of record, and to encroachments that may be revealed by an inspection of the Property

AND

ARTICLE 4 RENT, TAXES, ASSESSMENTS AND UTILITIES, section 4.01 Base Rent. Shall be amended to read as follows:

4.01 Base Rent.

(a) Tenant shall pay to Landlord an initial annual rent of $8.703.12. Base Rent is payable monthly in advance in equal installments of $725.26. plus tax, on December 1 2012. And on the 1st day of each month

thereafter, at the office of the City of Homer 491 East Pioneer Avenue, Homer AK 99603-7645, or at such other place as Landlord may designate in writing.

(b) Additionally, tenant shall pay to Landlord rent for the portion of the City of Homer's Right-0f-Way listed in Article 2.01 for an initial annual rent of $1,689.60 , payable monthly in advanced in equal installments of $ 140.80 plus tax starting on 1 2022, and on the 1st day of each month thereafter, at the office of the City of Homer 491 East Pioneer Avenue, Homer AK 99603-7645, or at such other place as Landlord may designate in writing. Annual rent for the portion of the City of Homer's Right-of-Way shall be calculated based on the current per square foot price of, and in addition to, the rent installment listed in 4.01 Base Rent (a). The combined rents shall hereafter be known collectively as "Base Rent"

All Base Rent shall be paid without prior demand or notice and without deduction or offset. Base Rent that is not paid on or before the due date will bear interest at the Default Rate. Base Rent is subject to adjustment as provided by Section 4.02

AND

ARTICLE 6. USE AND IMPROVEMENT OF PROPERTY, section 6.01 Use of Property. Shall be amended to read as follows:

6.01 Use of Property.

(a) Lot 88-1: Tenant's undertaking to use and improve the Property as described in Tenant's proposal to Landlord is a material inducement to Landlord leasing the Property to Tenant. Tenant shall improve and use the Property in the manner described in Tenant's proposal. Tenant's proposed use of the Property is a recreational Marine Electronics retail and repair facility and related activities. Tenant shall not use or improve the Property for any purpose other than as described in Tenant's proposal without Landlord's written consent, which consent Landlord may withhold in its sole discretion.

(b) Portion of City of Homer's Right-of-Way: shall be used strictly for the sole purpose of parking for the business located on the adjacent property Lot 88-1. No structures or improvements will be allowed in the City's Right-of Way.

IN WITNESS WHEREOF, the parties have executed this Lease Amendment as of the date set forth above.

Landlord:
City of Homer

By: _____

_____
Rob Dumouchel, City Manager

Tenant:
TENANT

By: _____

_____
Printed Name, Title

ACKNOWLEDGMENTS

STATE OF ALASKA)
) SS.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me on _____, 20 __ by Katie Koester, City Manager of the City of Homer, an Alaska municipal corporation, on behalf of the City of Homer.

_____
Notary Public in and for Alaska
My Commission Expires: _____

STATE OF)
) SS.
)

The foregoing instrument was acknowledged before me on _____, 20 __ by _name , as __title__ of business/tenant__.

_____
Notary Public in and for the state of _____
My Commission Expires: _____

After recording return to:
Melissa Jacobsen, MMC, City Clerk
City of Homer
491 E. Pioneer Avenue
Homer, AK 99603

would like to see; City Council has been discussing the topic of housing so they should not feel restricted to any set box.

Chair Matthews inquired with Mr. Hawkins if these housing code amendments would have any Terminal Tariff policy effects/changes to allowing live-aboards or Airbnbs on vessels in the harbor, or renting vessel space out (i.e. subleasing stalls). Commissioner Friend added the question on if there was an impact on infrastructure and if there are any restrictions or utility limitations. Mr. Hawkins explained the reasons for why the Homer Terminal Tariff is written the way it is to prevent problematic live-aboard situations, derelict vessels, private businesses operating in public thoroughfares, and the lack of infrastructure on the float system for permanent residents. He noted it will be an interesting conversation with the Planning Commission to work out these code amendments.

SHAVELSON/SIEKANIEC MOVED TO RECOMMEND TO THE PLANNING COMMISSION THEY UPDATE HOMER CITY CODE TO EXPAND WORKER HOUSING OPPORTUNITIES UNDER THE MARINE INDUSTRIAL AND MARINE COMMERCIAL DISTRICTS ON THE HOMER SPIT.

Commissioner Siekaniec opined it is important to make sure it be an accessory permit to an authorized use, but that basically be the only restriction. Commissioner Shavelson responded his intent was to keep the motion broad as there are many issues around the housing issue, and would leave it up to the Planning Commission to have that discussion.

Chair Matthews commented on Mayor Castner's roundtable meeting with all the chairs from the board and commissions. There was a great consensus from everyone there to see housing be explored, look at the code to make the changes necessary to make Homer friendly to all walks of life, ensure our commerce is in place and supported, and it's going to come from housing and job stability.

Mayor Castner commented the need for worker housing, not more guest housing out on the Spit.

Deputy City Clerk Tussey confirmed with the commission they did not need clarifying information from past meeting minutes in regards to the Copper River Seafood lease amendment questions. She noted the lack of year-round potable water in the harbor is another utility limitation. Commissioner Friend corrected staff that his infrastructure question pertained to land structures, not the float system. Mr. Hawkins noted that there was established utility infrastructure for any buildings on land.

At Commissioner Ulmer's request, Commissioner Shavelson clarified his motion.

VOTE: YES: ULMER, ZEISET, FRIEND, SIEKANIEC, MATTHEWS, PITZMAN, SHAVELSON

Motion carried.

Chair Matthews pointed out how housing is a recognized goal in the Economic Development Advisory Commission's strategic plan and goals, and is provided in their supplemental packet.

B. South Central Radar Lease Amendment Request for Additional Parking
   i. South Central Radar Email – Lease Amendment Proposal for Additional Parking
   ii. Map of City & ADOT&PF Right-of-Ways & Boundaries
   iii. Plat Map
   iv. DRAFT 1st Amendment to Lease Agreement

Chair Matthews introduced the item by reading the title.

Commissioner Zeiset declared a conflict of interest and recused himself from the dais. Chair Matthews verified with the commission that there was no opposition to allowing Mr. Zeiset be available to answer any questions on the amendment proposal.

Port and Harbor Director Hawkins facilitated discussion and responded to questions from the commission on the following:

- Clarifying that the rent amount is calculated based on square footage and the fair market value, and increases from additionally-used space, the 5-year appraisal, and annual Consumer Price Index (CPI) amount.
- Other leases with similar arrangements to utilize the extra space outside of the lot boundaries; this area is usable City space and is not in the State Right-of-Way.
- Who will be conducting the labor of installing the new parking boundaries and sign installations; will be a collaborative effort between the lessee and Harbor Staff.
- What the new parking layout will look like for both the outer public parking area and South Central Radar's expanded parking area.

SHAVELSON/SIEKANIEC MOVED TO SUPPORT THE APPROVAL OF THE SOUTH CENTRAL RADAR'S PROPOSED LEASE AMENDMENT TO EXPAND THE PARKING LOT AND RECOMMEND ADOPTION TO CITY COUNCIL.

There was no further discussion.

VOTE: YES: FRIEND, SHAVELSON, PITZMAN, ULMER, SIEKANIEC, MATTHEWS
ABSTAIN: ZEISET

Motion carried.

Commissioner Zeiset returned to the dais.

C. Homer Spit Comprehensive Plan Review & Discussion
   i. Spit Comp Plan Overview 2022 Calendar
   ii. City Planner Staff Report 22-34, Comprehensive Plan & Attachments
   iii. City Planner Supplement Memo to SR 22-34: Trails & Sidewalks in Code

Chair Matthews introduced the item by reading the title. She spoke to her proposal for having the PHC be involved with rewriting the Spit Comprehensive Plan and promoting their recommendations to City staff, City Council, and the Planning Commission over the next year. She explained the resources and information gathered from City Planner Abboud and the meeting/implementation calendar she prepared for the commission. She opened the floor for discussion.

The commission discussed the following initial thoughts and recommendations on the Spit Comprehensive Plan:

- Calling out the "blue economy" or "blue zone": anything having to do with businesses on the ocean; that way it includes not just fishing but also things like seaweed farming. Goal is to allow areas for fishing, tourism, and other marine related developments beyond just fishing and transportation.

City of Homer
www.cityofhomer-ak.gov

Office of the City Clerk
491 East Pioneer Avenue
Homer, Alaska 99603
clerk@cityofhomer-ak.gov
(p) 907-235-3130
(f) 907-235-3143

Memorandum

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

THRU: ROB DUMOUCHEL, CITY MANAGER

FROM: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION

DATE: SEPTEMBER 12, 2018

SUBJECT: AMENDING CHAPTER 20, ANIMALS TO ADD A SECTION REQUIRING DOGS TO BE ON LEASH IN CITY CAMPGROUNDS, PARKS, PARKING LOTS AND SENSITIVE WILDLIFE HABITAT AREAS

Background:

Over the years the Parks, Arts, Recreation & Culture Advisory Commission (PARC) has fielded complaints regarding unfavorable interactions between dogs, humans and wildlife in areas such as city owned campgrounds, beaches, parks, parking lots and sensitive or protected habitats such as Beluga Slough. These interactions have increased exponentially over the last few years and Staff has fielded numerous complaints and witnessed several incidents of dogs at large and not under the direct control of their owner.

The PARC Commission has attempted to address the actions of owners who allowed their dogs to be at large by implementing non-punitive measures such as educational campaigns and they have not worked. At their regular meeting on June 16, 2022 at the request of the Parks Superintendent and Public Works Director the PARC Commission reviewed and discussed proposed changes to Homer City Code Chapter 20, Animals regarding possible amendments to definitions, fees and adding language that designates specific areas where dogs must be on leash and under control. Consideration was also given to apply the requirement generally to animals but it was determined that while there may be incidents with other barnyard animals, there are substantially more issues and complaints received regarding dogs in the areas of city campgrounds, parks, parking lots and sensitive wildlife habitat areas. The Commission considered having a city wide leash law but under advisement of Staff determined that addressing areas where there were the most interactions mentioned previously would be the best first steps to address this growing problem of dogs being off leash and not under control.

Attached is the excerpt of the June 16, 2022 minutes regarding the PARC Commission's discussion and relevant motion made to support the following recommendation.

Recommendation

The Parks, Art Recreation & Culture Advisory Commission strongly urges the City Council to Review and Amend the Existing Language in Chapter 20 Animals to Require Leashes and Restraint for dogs in City Parks, Campgrounds, Parking Lots and other Sensitive Wildlife Habitat Areas.

Excerpt from the June 16, 2022 Parks, Art Recreation and Culture Advisory Commission Regular Meeting Unapproved Meeting Minutes

NEW BUSINESS

E. Memorandum from Parks Superintendent re: Amending City Code and Leash Laws in Parks

Acting Chair Archibald introduced item and deferred to Parks Superintendent Steffy.

Parks Superintendent Steffy provided the background leading up to the request to require dogs being leashed within city parks, parking lots and sensitive wildlife habitat areas. He noted that current city code does not require a dog to be on leash and defines a dog that is at large is one who is off the property of its owner and not under the direct control of a competent person. He noted that the Deputy City Clerk has provided in the supplemental packet a draft of amended code language to start the discussion. He noted that Public Works would like the Commission to require dogs to be on leash in these areas and make that recommendation to City Council. Mr. Steffy further stated that legally by implying voice control there is no preventative law regarding restraint of an animal there is only punitive law once an animal has bitten, attacked before action can be taken to address the animal. Lieutenant Browning with the Police Department has expressed that they would not oppose the changes.

Discussion on the following topics and issues with relevant questions ensued between the Commission, Public Works Director Keiser and Parks Superintendent Steffy:

- Enforcement if a leash law is put into effect
- Attitude change for the community
- it may take time but if a person is vigilant and reports incidents by reporting a plate number
- Signage reflecting that dogs must be on lease in accordance with HCC and the fine for the first offense
- remove voice control as that does not work
- This will be a cultural change for the city and surrounding community, address the immediate areas of campgrounds, parks, parking lots and sensitive wildlife habitat i.e. Beluga Slough.
- Clarification that dogs would be allowed to be off leash in the area near the water but should remain on leash from the vehicle to the beach where people would tend to congregate.
- Add new section 20.08.015 that states dogs must be restrained when in campgrounds, parking lots, parks and designated protected wildlife habitat
- Clarification on why it states “direct control” instead of “voice control”
- The City Attorney will be reviewing any proposed amendments to City Code, further the Commission would have a Public Hearing on the proposed changes before going to City Council otherwise if submitted to Council they will just refer it back to the Commission.
- Preference for specific areas where leashes will be required
- Add a definition on what restrained by leash and what exactly a leash is can also be defined
- Direct Control is very ambiguous
- Addressing other areas in the next go around

There was additional dialogue on getting some teeth into controlling these issues due to the increase in the number of contacts and incidents and the following clarification was determined:
Remove the proposed amendments in the supplemental packet and add the following new Section 20.08.015 On Leash Requirements
a. All dogs are required to be on leash in these specific areas identified as Beluga Slough, sensitive habitat area, city campgrounds, parking lots and parks.

Deputy City Clerk Krause requested a motion to postpone to the next meeting or to adopt and forward the proposed amendments to City Council.

Discussion ensued on whether the Commission needs to have all the code language before sending the message that the Commission wants City Council to fix the code. Public Works Director Keiser provided some language for the recommendation to City Council as follows:
The Parks Art Recreation and Culture Advisory Commission strongly urges the City Council to review and amend the existing language in Chapter 20 Animals to require dogs to be on leashes in city parks, campgrounds, parking lots, Beluga Slough and other sensitive habitat areas.

Acting Chair Archibald requested a motion to extend the meeting to 8:15 p.m.

HARRALD/ROEDL MOVED TO EXTEND THE MEETING TO 8:15 P.M.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMIUS CONSENT.

Motion carried.

Acting Chair Archibald inquired if there was any further discussion on this matter. Hearing none he asked the Clerk if a motion was needed to forward the Commission's recommendations to City Council.

Deputy City Clerk Krause confirmed that a motion would be appropriate.

FAIR/HARRALD THE PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION STRONGLY URGES THE CITY COUNCIL TO REVIEW AND AMEND THE EXISTING LANGUAGE IN CHAPTER 20 ANIMALS TO REQUIRE LEASHES AND RESTRAINT IN CITY PARKS, CAMPGROUNDS, PARKING LOTS, AND OTHER SENSITIVE HABITAT AREAS.

There was a brief discussion on specifying dogs only or animals in general clarifying that there have been complaints received regarding goats. Public Works Director Keiser advocated for keeping the focus on dogs. It was noted that there have been numerous incidents related to dogs, complaints received regarding dogs menacing people and dogs in sensitive habitat areas and they have only increased in recent time.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-31

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 21.93 Administrative Appeals to Clarify General Appeal Procedures and Related Matters.

Sponsor: City Clerk

1. City Council Regular Meeting June 13, 2022 Introduction

   Memorandum 22-099 from City Clerk as backup.
   Memorandum 22-100 from City Planner as backup.

2. City Council Regular Meeting June 27, 2022 Public Hearing and Second Reading

CITY OF HOMER
HOMER, ALASKA

City Clerk

ORDINANCE 22-31

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE CHAPTER 21.93 ADMINISTRATIVE APPEALS TO CLARIFY GENERAL APPEAL PROCEDURES AND RELATED MATTERS.

WHEREAS, Ordinance 22-44(S) was adopted on August 9, 2021 and amended Homer City Code to establish that administrative appeals from certain final City Planning decisions shall be filed before a hearing officer; and

WHEREAS, The amendments in this ordinance further clarify the appeal process.

NOW THEREFORE THE CITY OF HOMER ORDAINS

Section 1. Homer City Code Chapter 21.93.020 Decisions subject to appeal is hereby amended as follows:

21.93.020 Decisions subject to appeal.

a. The following final decisions made under this title by the City Manager, City Planner, City Planner's designee may be appealed by a person with standing:

1. Approval or denial of a zoning permit.
2. Approval or denial of a sign permit.
3. Approval or denial of any other permit that is within the authority of the City Planner to approve or deny.
4. An enforcement order issued under HCC 21.90.060.
~~5. Any other decision that is expressly made appealable to the Commission by other provisions of the Homer Zoning Code.~~

b. The following final decisions of the Commission may be appealed by a person with standing:

1. Grant or denial of a conditional use permit.
2. Grant or denial of a variance.
3. Grant or denial of formal recognition of a nonconforming use or structure, or a decision terminating a nonconforming use or structure.
4. Grant or denial of a conditional fence permit.
5. A decision by the Commission in a matter appealed to the Commission under HCC 21.93.020.

~~6. Any other final decision that is expressly made appealable to a hearing officer by other provisions of the code.~~

Section 2. Homer City Code Chapter 21.93.100 General appeals procedure is hereby amended as follows:

21.93.100 General appeals procedure.

a. A hearing officer shall be appointed in accordance with HCC 21.91.100.

b. The City Clerk shall notify all parties by mail of the appointed hearing officer. All parties shall have ten days from the date of mailing of the notice to object in writing to the hearing officer based upon conflicts of interest, personal bias or ex parte contacts. Failure to file an objection to the hearing officer within the ten days shall waive any objection to the hearing officer.

~~b~~ **c**. All appeals must be heard and a decision rendered within 90 days after the appeal record has been prepared. The hearing officer may, for good cause shown, extend the time for hearing.

d. The hearing officer will hold a preconference hearing to develop a briefing schedule, set a hearing date, and address other matters as needed related to the appeal hearing.

~~c~~ **e**. The appellant, appellee, owner of the property that is the subject of the action or determination, and their representatives shall be provided not less than 15 days' written notice of the time and place of the appeal hearing.

~~d. The City Clerk shall identify the hearing officer in the notice of hearing. All parties shall have five days from the date of the notice to object to the hearing officer based upon conflicts of interest, personal bias or ex parte contacts. Failure to file an objection to the hearing officer within the 10 days shall waive any objection to the hearing officer.~~

~~e~~ **f**. A notice of hearing shall be published at least once during the calendar week prior to the appeal hearing date and the notice shall contain:

1. A brief description of the proposal on which the public body is to act;
2. A legal or common description of the property involved and a street address;
3. Date, time and place of the public hearing;
4. A statement that the complete proposal is available for review, specifying the particular City office where the proposal may be examined.

Two weeks prior to the appeal hearing, the notice of hearing discussed in this subsection shall be mailed to owners of record on the Borough Assessor's records of real property within a 300-foot periphery of the site that is the subject of the proposed action.

~~f~~ **g**. An electronic recording shall be kept of the entire proceeding. The electronic recording shall be preserved for one year unless required for further appeals. No recording or minutes shall be kept of deliberations that are not open to the public.

~~21.93.530 Prehearing conference.~~
~~The hearing officer will hold a preconference hearing to develop a briefing schedule, set a hearing date, and address other matters as needed related to the appeal hearing.~~

Section 3. Homer City Code 21.93.550 Hearing officer decision is hereby amended as follows:

21.93.550 Hearing officer decision.

The hearing officer may affirm or reverse the decision of the lower administrative body in whole or in part. A decision affirming, reversing, or modifying the decision appealed from shall be in a form that finally disposes of the case on appeal, except where the case is remanded for further proceedings. **A decision by the hearing officer is a final administrative decision appealable under Homer City Code 21.91.130 and is not subject to reconsideration.**

Section 4. Homer City Code 21.93.710 Ex parte communication prohibited is hereby amended as follows:

21.93.710 Ex parte communication prohibited.

a. The hearing officer appointed to review a decision issued by the Commission shall not have ex parte communication with any person. “Ex parte communication” means to communicate, directly or indirectly, with the appellant, other parties or persons affected by the appeal, or members of the public concerning an appeal or issues specifically presented in the notice of appeal, either before the appeal hearing or during any period of time the matter is under consideration ~~or subject to reconsideration~~, without notice and opportunity for all parties to participate in the communication.

b. This section does not prohibit:

1. Communications between municipal staff and Commission or the hearing officer where:

a. Such staff members are not themselves parties to the appeal; and

b. Such communications do not furnish, augment, diminish, or modify the evidence in the record on appeal.

2. Communications between the Commission and its legal counsel.

c. *Repealed by Ord. 21-44(S).*

d. *Repealed by Ord. 21-44(S).*

e. *Repealed by Ord. 21-44(S).*

f. It is a violation, subject to penalties and other enforcement remedies under this title:

1. For any person to knowingly have or attempt to have ex parte communication with a hearing officer in violation of subsection (a) of this section.

2. For the hearing officer to knowingly receive an ex parte communication in violation of subsection (a) of this section.

3. For the hearing examiner to knowingly fail to place on the record any matter that is an ex parte contact.

Section 5. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this __ day of_____, 2022.

CITY OF HOMER

_____
KEN CASTNER, MAYOR

ATTEST:

_____
MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

City of Homer
www.cityofhomer-ak.gov

Office of the City Clerk
491 East Pioneer Avenue
Homer, Alaska 99603
clerk@cityofhomer-ak.gov
(p) 907-235-3130
(f) 907-235-3143

Memorandum 22-099

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: JUNE 2, 2022

SUBJECT: AMENDMENTS TO HOMER CITY CODE CHAPTER 21.93

Homer City Council amended Homer City Code Chapter 21.93 to establish that all appeals of Planning and Zoning matters will be heard by a hearing officer with the adoption of Ordinance 21-44(S).

After working with this updated code, further edits are needed to better clarify the appeal process. The edits are related to:

- Removing ambiguous language regarding decisions subject to appeal,
- Noticing parties of the assignment of a hearing officer,
- Moving the information of the prehearing conference from its own section to the general appeals procedure section,
- Adding language to clarify that the decision of the hearing officer is final and not subject to reconsideration, and
- Removing reference to the matter being subject to reconsideration under ex parte communication prohibited.

Recommendation: Adopt Ordinance 22-31.

City of Homer
www.cityofhomer-ak.gov

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

Memorandum 22-100 (PL 22-06)

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: RICK ABBOUD, AICP, CITY PLANNER

DATE: MAY 25, 2022

SUBJECT: AMENDMENTS TO CHAPTER 21.93 ADMINISTRATIVE APPEALS

After gaining experience with the recently amended appeal code, the City Clerk has submitted some amendments to better clarify the process.

The Planning Commission reviewed the edits and held a public hearing on the item at their meeting on May 18, 2022. No one from the public offered testimony at the hearing. With six Commissioners present, they Commission voted with unanimous support to recommend the draft ordinance be adopted by the Homer City Council.

Attachments:

Planning Staff Report 22-36 w/attachment
Planning Commission Minutes Excerpt

City of Homer
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491 East Pioneer Avenue
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Staff Report PL 22-36

TO: HOMER PLANNING COMMISSION
FROM: RICK ABBOUD, AICP, CITY PLANNER
DATE: MAY 18, 2022
SUBJECT: APPEAL CODE

Introduction

After gaining some experience with the new appeal code, the City Clerk has some clean-up proposed for the language found in Title 21.

Analysis

The City Clerk has provided a memo regarding the proposed changes to the appeal code. The Planning Commission is required to make a recommendation on all proposed amendments to Title 21.

Staff Recommendation

Review the proposed amendment, hold public hearing, and make recommendation to the City Council for adoption.

Attachments

City Clerk memo
Proposed ordinance

City of Homer
www.cityofhomer-ak.gov

Office of the City Clerk
491 East Pioneer Avenue
Homer, Alaska 99603
clerk@cityofhomer-ak.gov
(p) 907-235-3130
(f) 907-235-3143

Memorandum

TO: CHAIR SMITH AND PLANNING COMMISSION

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: MAY 11, 2022

SUBJECT: AMENDMENTS TO HOMER CITY CODE CHAPTER 21.93

Homer City Council amended Homer City Code Chapter 21.93 to establish that all appeals of Planning and Zoning matters will be heard by a hearing officer with the adoption of Ordinance 21-44(S).

After working with this updated code further edits are needed to better clarify the appeal process. The edits are related to:

- Removing ambiguous language regarding decisions subject to appeal,
- Noticing parties of the assignment of a hearing officer,
- Moving the information of the prehearing conference from its own section to the general appeals procedure section,
- Adding language to clarify that the decision of the hearing officer is final and not subject to reconsideration, and
- Removing reference to the matter being subject to reconsideration under ex parte communication prohibited.

Recommendation: Conduct a public hearing and forward to City Council with a recommendation to adopt the ordinance.

A. Staff Report 22-35, City Planner's Report

City Planner Abboud provided a summary of Staff Report 22-35. At his request for a volunteer, no Commissioners stepped forward to give the PC report to City Council at their May 23rd meeting. Chair Smith will provide a written report to the Clerk.

Commissioner Venuti commented on attending a webinar regarding Tiny Homes.

PUBLIC HEARINGS

A. Staff Report 22-36, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.93 Administrative Appeals. City Clerk.

Chair Smith introduced the item by reading the title. He invited City Planner Abboud to speak to the memoranda provided.

City Planner Abboud spoke to Staff Report 22-36, highlighting the following:

- After the City Clerk has reviewed the revisions it was found that there were items that needed minor clarifications and procedures.
- Review of the draft ordinance which was provided in the Supplemental Packet

Chair Smith opened the public hearing, after verifying with the Clerk that there was no members of the public present on Zoom or present in the Chambers he closed the public hearing. He opened the floor to questions from the commission.

City Planner Abboud provided clarification on the date for the Public Hearing on the Rezone for Commissioner Barnwell in the previous item on the agenda.

Chair Smith commented on the action removing the responsibility from the Commission.

Chair Smith requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 22-36 AND FORWARD A RECOMMENDATION THAT CITY COUNCIL APPROVE THE ORDINANCE AMENDING HOMER CITY CODE 21.93 ADMINISTRATIVE APPEALS TO CLARIFY GENERAL APPEAL PROCEDURES AND RELATED MATTERS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 22-37, An Ordinance of the City Council of Homer, Alaska, Amending Title 21.03.040 Definitions Used in Zoning Code, Title 21.44 Slopes, Title 21.50.020 Site Development Standards - Level One and Title 21.50.020 Site Development Standards - Level Two Redefining Coastal Bluff and Setback Therefrom. Planning Commission.

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-37. He highlighted the following points:

- Review of the draft ordinance which was provided in the Supplemental Packet which provided the documentation that recommended changes fit well within the Comprehensive Plan guidelines

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-32

An Ordinance of the City Council of Homer, Alaska Amending Title 21.03.040 Definitions used in Zoning Code, Title 21.44 Slopes, Title 21.50.020 Site Development Standards – Level One and Title 21.50.020 Site Development Standards – Level Two.

Sponsor: Planning Commission

1. City Council Regular Meeting June 13, 2022 Introduction

   Memorandum 22-101 from City Planner as backup.

2. City Council Regular Meeting June 27, 2022 Public Hearing and Second Reading

CITY OF HOMER
HOMER, ALASKA

Planning Commission

ORDINANCE 22-32

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING TITLE 21.03.040 DEFINITIONS USED IN ZONING CODE, TITLE 21.44 SLOPES, TITLE 21.50.020 SITE DEVELOPMENT STANDARDS – LEVEL ONE, AND TITLE 21.50.020 SITE DEVELOPMENT STANDARDS – LEVEL TWO.

WHEREAS, The State of Alaska Division of Geological & Geophysical Surveys (DGGS) provided a study titled Coastal Bluff Stability Assessment for Homer Alaska; and

WHEREAS, The study provided information and technical assistance to improve regulation of the coastline susceptible to erosion; and

WHEREAS, The 2018 Homer Comprehensive Plan concludes that new strategies will be needed to protect the environment as the community grows – particularly regarding drainage, erosion, open space, [and] climate change; and

WHEREAS, The 2018 Homer Comprehensive Plan identifies that a need exists for the community to take seriously the issue of allowing ongoing shoreline development; and

WHEREAS, The Homer Planning Commission has considered the recommendations for coastal bluff definition and coastal setback policies developed by the DGGS study; and

WHEREAS, The Homer Planning Commission has found that the proposed amendments provide better measures of safety for those developing in proximity to the coastline than current code.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.03.040 Definitions used in zoning code is hereby amended to read as follows:

"Coastal ~~bluff~~**edge**" means ~~a bluff whose toe is~~ **the seaward extent of a relatively flat land where a slope break or scarp occurs that is adjacent and** within 300 feet of the mean high water line of Kachemak Bay. **The chosen coastal edge must represent the seaward extent of land that is neither part of a previous landslide nor a bench on a slope.**

Section 2. Homer City Code Chapter 21.44 Slopes is hereby amended to read as follows:

Chapter 21.44 SLOPES **& COASTAL DEVELOPMENT**

21.44.010 Purpose and intent.

This chapter regulates development activity and structures in areas affected by slopes, bluffs, ~~coastal bluffs~~, ~~and~~ ravines, **and the coastal edge,** and provides the means for additional review and protection to encourage safe and orderly growth to promote the health, welfare and safety of Homer residents.

21.44.020 Applicability.

a. This chapter applies to all development activity that disturbs the existing land surface, including without limitation clearing, grading, excavating and filling in areas that are subject to any of the following conditions:

1. Lots with average slopes 15 percent or greater, bluffs, coastal ~~bluffs~~ **edge** and ravines;

2. Located within 40 feet of the top or within 15 feet of the toe of a steep slope, bluff, coastal ~~bluff~~ **edge** or ravine; and

3. Any other location where the City Engineer determines that adverse conditions associated with slope stability, erosion or sedimentation are present.

b. This chapter imposes regulations and standards in addition to the requirements of the underlying zoning district(s). [Ord. 08-29, 2008].

21.44.030 Slope development standards.

The following standards apply to all development activity on a site described in HCC 21.44.020:

a. No development activity, including clearing and grading, may occur before the issuance of a zoning permit under Chapter 21.70 HCC.

b. Area of Development.

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

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

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

2. The area of development on a lot with an average slope of 45 percent or greater shall not exceed the area of development described in a site plan approved by the City Engineer under HCC 21.44.050.

c. Setbacks. Subject to the exceptions to setback requirements in HCC 21.44.040, all development activity is subject to the following setback requirements:

1. No structure may be closer to the top of a ravine, steep slope or ~~**noncoastal**~~ bluff than the lesser of:

a. Forty feet; or

b. One-third of the height of the bluff or steep slope, but not less than 15 feet.

2. No structure may be closer than 15 feet to the toe of a bluff ~~**other than a coastal bluff**~~.

3.~~ No structure may be closer than 40 feet to the top of a coastal bluff and closer than 15 feet to the toe of a coastal bluff.~~ **Structures shall be setback 40 feet from the coastal edge starting at the eastern extent of the City of Homer, adjacent to Kachemak Bay extending to the north-south Section Line dividing Sections 19 & 24 Township 6 South Range 14 West Seward Meridian, and excluding all property South of Mile Post 175 of the Sterling Highway. All structures west of the section line shall be setback 60 foot from the coastal edge. No structure may be placed closer than 15 feet from the toe of a coastal edge.**

d. Natural Drainage. The site design and development activity shall not restrict natural drainage patterns, except as provided in this subsection.

1. To the maximum extent feasible, the natural surface drainage patterns unique to the topography and vegetation of the site shall be preserved. Natural surface drainage patterns may be modified only pursuant to a site plan approved by the City Engineer under HCC 21.44.050, and upon a showing that there will be no significant adverse environmental impacts on the site or on adjacent properties. If natural drainage patterns are modified, appropriate soil stabilization techniques shall be employed.

2. The site shall be graded as necessary to ensure that drainage flows away from all structures for a distance of at least 10 feet, especially where building pads are cut into hillsides.

3. The development activity shall not cause an adverse effect on adjacent land and surrounding drainage patterns.

e. Erosion Control.

1. Erosion control methods approved by the ~~**City Planner and**~~ City Engineer, including without limitation sediment traps, small dams and barriers, shall be used during construction and site development to protect water quality, control soil erosion and control the velocity of runoff.

2. Winter Erosion Control Blankets. If development on a slope is not stabilized by October 15th, erosion control blankets (or a product with equivalent performance characteristics) must be installed upon completion of the seasonal work, but no later than October 15th. The erosion control blankets shall remain in place until at least the following May.

3. Vegetation shall remain undisturbed except as necessary to construct improvements and to eliminate hazardous conditions, in which case it must be replanted with approved materials including ground cover, shrubs and trees. Native vegetation is preferred for replanting operations, and will be used where practicable.

4. Grading shall not alter the natural contours of the terrain except as necessary for building sites or to correct unsafe conditions. The locations of buildings and roads shall be planned to follow and conform to existing contours as nearly as possible. [Ord. 08-29, 2008].

21.44.040 Exceptions to setback requirements.

a. Any of the following may be located within a setback required by HCC 21.44.030(c):

1. A deck extending no more than five feet into the required setback.

2. An unoccupied accessory structure having a building area not greater than 200 square feet that is no closer than 15 feet to the top of any bluff or ravine.

3. A boardwalk, sidewalk, foot path or stairway that provides access to a beach, bluff or accessory structure, and that is located at or within three feet above ground level.

4. Development activity that the ~~**City Planner**~~ **City Engineer** determines is reasonably intended to stabilize an eroding coastal ~~**bluff**~~ **edge**.

b. No structure other than a structure described in subsection (a) of this section may be located in a required setback without a conditional use permit issued in accordance with Chapter 21.71 HCC and a site plan approved by the City Engineer under HCC 21.44.050. [Ord. 08-29, 2008].

21.44.050 Site plan requirements for slope development.

a. No permit for development activity for which HCC 21.44.030 or 21.44.040(b) requires a site plan may be approved unless the City Engineer approves a site plan for the development activity that conforms to the requirements of this section. The City Engineer shall accept or reject the plan as submitted or may require that specific conditions be complied with in order for the plan to meet approval.

b. The site plan shall be prepared by a qualified geotechnical engineer licensed to practice in the State of Alaska and shall include the following information:

1. The location of all watercourses, water bodies, and wetlands within 100 feet of the location of the proposed development activity.

2. The location of all existing and proposed drainage structures and patterns.

3. Site topography shown by contours with a maximum vertical interval of five feet.

4. The location of all proposed and existing buildings, utilities (including on-site well and septic facilities), driveways and streets.

5. The location of all existing vegetation types including meadow, forest and scrub lands, identifying all areas of vegetation that will be removed as well as vegetation to be preserved or replaced. Specifications for revegetation shall also be included.

6. Specific methods that will be used to control soil erosion, sedimentation, and excessive stormwater runoff during and after construction.

7. A description of the stability of the existing soils on site and a narrative and other detail sufficient to demonstrate the appropriateness of the development and construction methods proposed.

8. A grading plan for all areas that will be disturbed by the development activity.

9. A slope stability analysis including the following:

a. Summary of all subsurface exploration data, including subsurface soil profile, exploration logs, laboratory or in situ test results, and groundwater information;

b. Interpretation and analysis of the subsurface data;

c. Summary of seismic concerns and recommended mitigation;

d. Specific engineering recommendations for design;

e. Discussion of conditions for solution of anticipated problems;

f. Recommended geotechnical special provisions;

g. An opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

Section 3. Homer City Code Chapter 21.50.020 Site development standards – level one is hereby amended to read as follows:

21.50.020 Site development standards – Level one.

This section establishes level one site development standards.

a. Slopes. All development on a site affected by a slope of 15 percent or more, bluff, coastal ~~**bluff**~~ **edge** or ravine, as described in HCC 21.44.020, shall be subject to the requirements of Chapter 21.44 HCC in addition to the requirements of this section.

b. Drainage. All development activity on lands shall conform to the following:

1. Development shall provide a drainage system that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage.

2. Where open-ditch construction is used to handle drainage within the development, a minimum of 15 feet shall be provided between any structures and the top of the bank of the defined channel of the drainage ditch.

3. When a closed system is used to handle drainage within the development, all structures shall be a minimum of 10 feet from the closed system.

c. Landscaping Requirements. All development activity on lands shall conform to the following:

1. 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. The property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.

2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods such as, but not limited to, landscaping, maintenance of native vegetative cover, or plantings to minimize invasive species.

3. All exposed, cleared, filled and disturbed soils shall be revegetated within nine months following the initiation of earthwork, or reseeded by the next August 31st. Native revegetation is acceptable if the site naturally revegetates within that nine-month period. If native revegetation is not successful within that nine-month period, the property owner and developer shall revegetate by other means no later than the end of that nine-month period.

4. Drainage can be stabilized by other means than vegetation, if approved in writing by the City Engineer.

d. A stormwater plan approved under Chapter 21.75 HCC is required for development that:

1. Creates more than 25,000 square feet of new impervious surface area on a lot;

2. Increases the total impervious surface area of a lot beyond one acre;

3. Includes grading, excavation or filling that cumulatively moves 1,000 cubic yards or more of material; or

4. Includes grading, excavation or filling that creates a permanent slope of 3:1 or more, and that has a total height, measured vertically from toe of slope to top of slope, exceeding 10 feet.

Section 4. Homer City Code Chapter 21.50.030 Site development standards – level two is hereby amended to read as follows:

21.50.030 Site development standards – Level two.

This section establishes level two site development standards.

a. Site Development.

1. Development shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, or root damage to neighboring trees, or other adverse effects.

2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods such as, but not limited to, landscaping, planting, and maintenance of vegetative cover.

3. All exposed, cleared, filled and disturbed soils shall be revegetated within nine months following the initiation of earthwork.

b. Slopes. All development on a site affected by a slope of 15 percent or more, bluff, coastal ~~**bluff**~~ **edge** or ravine, as described in HCC 21.44.020, shall be subject to the requirements of Chapter 21.44 HCC in addition to the requirements of this section.

c. Drainage.

1. Development shall provide a drainage system, as approved by the City, that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage.

2. Where open-ditch construction is used to handle drainage within the development, a minimum of 15 feet shall be provided between any structures and the top of the bank of the defined channel of the drainage ditch.

3. When a closed system is used to handle drainage within the development, all structures shall be a minimum of 10 feet horizontally from the closed system.

4. Drainage can be stabilized by methods other than vegetation, if approved in writing by the City Engineer.

d. A development activity plan (DAP) approved by the City under Chapter 21.74 HCC is required if the project includes:

1. Land clearing or grading of 10,000 square feet or greater surface area;

2. The cumulative addition of 5,000 square feet or greater of impervious surface area from pre-development conditions;

3. Grading involving the movement of 1,000 cubic yards or more of material;

4. Grading that will result in a temporary or permanent slope having a steepness of 3:1 or greater and having a total slope height, measured vertically from toe of slope to top of slope, exceeding five feet;

5. Grading that will result in the diversion of an existing drainage course, either natural or human-made, from its existing point of entry to or exit from the grading site; or

6. Any land clearing or grading on a slope steeper than 20 percent, or within 20 feet of any wetland, watercourse, or water body.

e. A stormwater plan (SWP) approved under Chapter 21.75 HCC is required if the project includes:

1. An impervious surface coverage that is greater than 60 percent of the lot area (existing and proposed development combined);

2. The cumulative addition of 25,000 square feet or greater of impervious surface area from the pre-development conditions;

3. Land grading of one acre or greater surface area;

4. Grading involving the movement of 10,000 cubic yards or more of material;

5. Grading that will result in a temporary or permanent slope having a steepness of 3:1 or greater and having a total slope height, measured vertically from toe of slope to top of slope, exceeding 10 feet; or

6. Any land clearing or grading on a slope steeper than 25 percent, or within 10 feet of any wetland, watercourse, or water body.

f. Landscaping Requirements. All development shall conform to the following landscaping requirements:

1. Landscaping shall include the retention of native vegetation to the maximum extent possible and shall include, but is not limited to, the following:

a. Buffers.

i. A buffer of three feet minimum width along all lot lines where setbacks permit; except where a single use is contiguous across common lot lines, such as, but not limited to, shared driveways and parking areas. Whenever such contiguous uses cease the required buffers shall be installed.

ii. A buffer of 15 feet minimum width from the top of the bank of any defined drainage channel or stream.

b. Parking Lots.

i. A minimum of 10 percent of the area of parking lots with 24 spaces or more shall be landscaped in islands, dividers, or a combination of the two;

ii. Parking lots with 24 spaces or more must have a minimum 10-foot landscaped buffer adjacent to road rights-of-way;

iii. Parking lots with only one single-loaded or one double-loaded aisle that have a 15-foot minimum landscaped buffer adjacent to road rights-of-way are exempt from the requirement of subsection (f)(1)(b)(i) of this section.

2. Topsoil addition, final grading, seeding, and all plantings of flora must be completed within nine months of substantial completion of the project, or within the first full growing season after substantial completion of the project, whichever comes first.

Required landscaping will be maintained thereafter, with all shrubs, trees, and ground cover being replaced as needed.

Section 5. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this _____day of _____, 2022.

CITY OF HOMER

_____
KEN CASTNER, MAYOR

ATTEST:

_____
MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

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Memorandum 22-101

MEMORANDUM PL 22-07

TO: MAYOR CASTNER AND THE HOMER CITY COUNCIL
FROM: RICK ABBOUD, AICP, CITY PLANNER
DATE: May 26, 2022
SUBJECT: COASTAL SETBACKS

After evaluating a an analysis of coastal bluff stability and policy completed by the Alaska Department of Natural Resources Division of Geological and Geophysical Surveys (DGGS), the Homer Planning Commission recommends an amendment to code that regulates setback from the coast of the City of Homer.

The recommendation of a 40' setback starting from the eastern boundary of Homer to below Soundview Avenue is widely accepted as a reasonable distance that gives most everyone an option to develop without an engineering study. One may develop with a smaller setback if it is recommended by an engineer, accepted by the City Engineer and approved with a CUP. The 60' setback designated for the coastal edge near Soundview Avenue continuing to the western boundary of the City recognizes the additional hazard predicted in the study. These lots are larger in size, have some of the tallest cliff faces, and some are unlikely to be developed such as those belonging of the Department of Natural Resources.

The use of the term 'coast bluff' has been modified to better describe features that represent appropriate points from which to measure the setback. The coastal edge is not solely dependent on bluff height, as the height of the bluff is not the only factor that contributes to the rate of erosion near the coast. This term 'coastal bluff' has been replaced with 'coastal edge', which necessitates that the term 'coastal bluff' be replaced where ever it is used in code.

The Commission finds that it is valuable to create a more practical setback now, but there are other actions and review to consider for the future. It is recognized that this ordinance should be revisited every five years or after any significant erosive event for consideration of modification. It is foreseeable that the City will need to work on additional measures to ensure responsible site development work near the coastal edge.

The subject of coastal setback was an agenda item at 6 Planning Commission meetings. The Commission held a public hearing on the proposed ordinance at their meeting of May 18, 2022 and voted with unanimous consent to recommend that the City Council adopt the draft ordinance.

Coastal Bluff Stability Mapping
Homer, Alaska

December 1, 2021

Jacquelyn Overbeck and Richard Buzard
Alaska Division of Geological & Geophysical Surveys

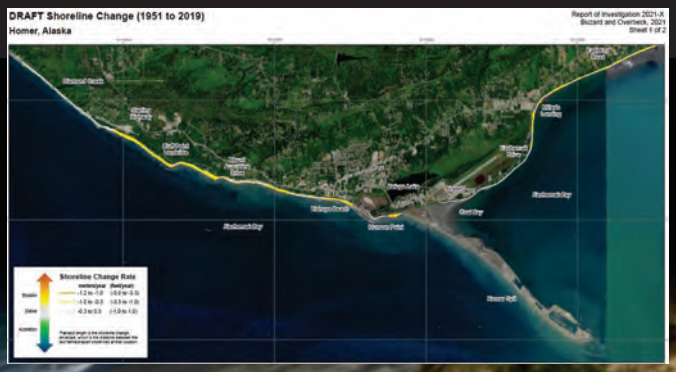
Coastal Bluff Stability Mapping: Project History

- 2018 DGGS Collects lidar to support landslide hazard project.
- 2019 initiate FEMA funded Coastal Bluff Stability Analysis.
- 2020-2021 present to Homer Planning Commission and for focus group for detailed feedback.
- 2021 provide final deliverables and outreach meetings.
- December 31, 2021 project completed.
- Future guidance through SOA.

Alaska Division of Geological & Geophysical Surveys | **Coastal Hazards Program**

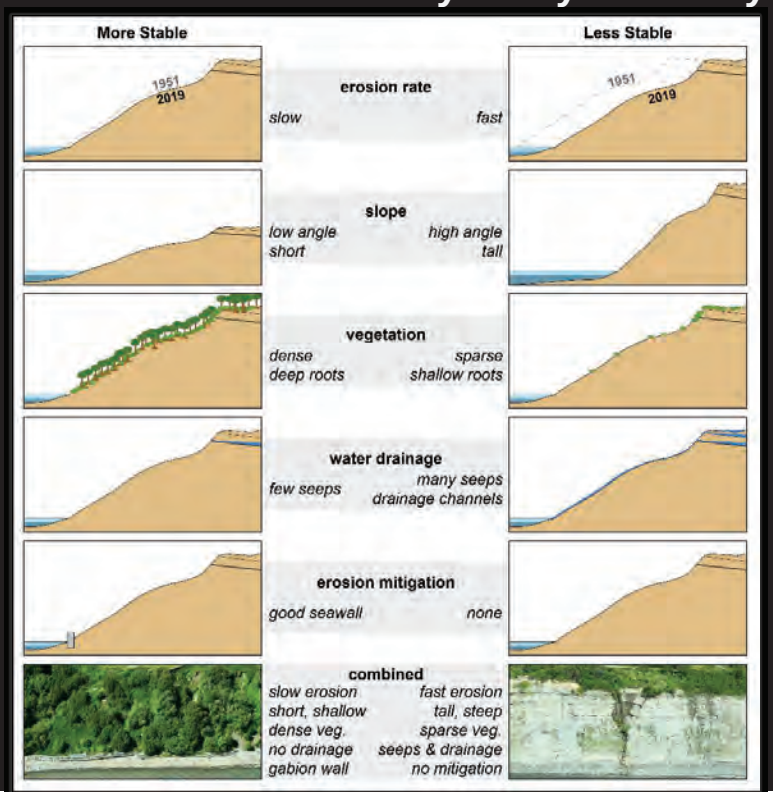
Coastal Bluff Stability Mapping: Project Overview & Deliverables

- Update shoreline change assessment (from Baird and Pegau).
- Use existing methods to define coastal bluff stability metrics and map bluffs in Homer.
- Provide data in relevant format for decision making on City Zoning policies.



Assessing the Hazard – Where?

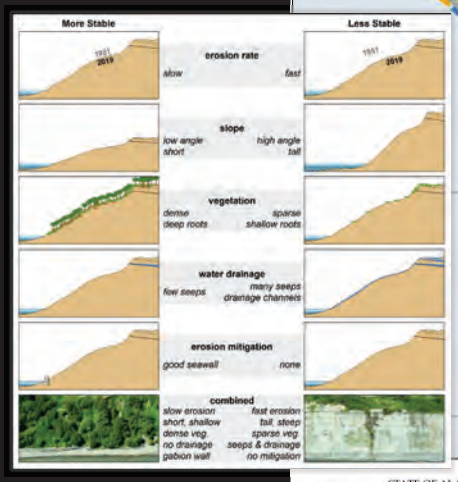
Coastal Bluff Stability Analysis: Analysis

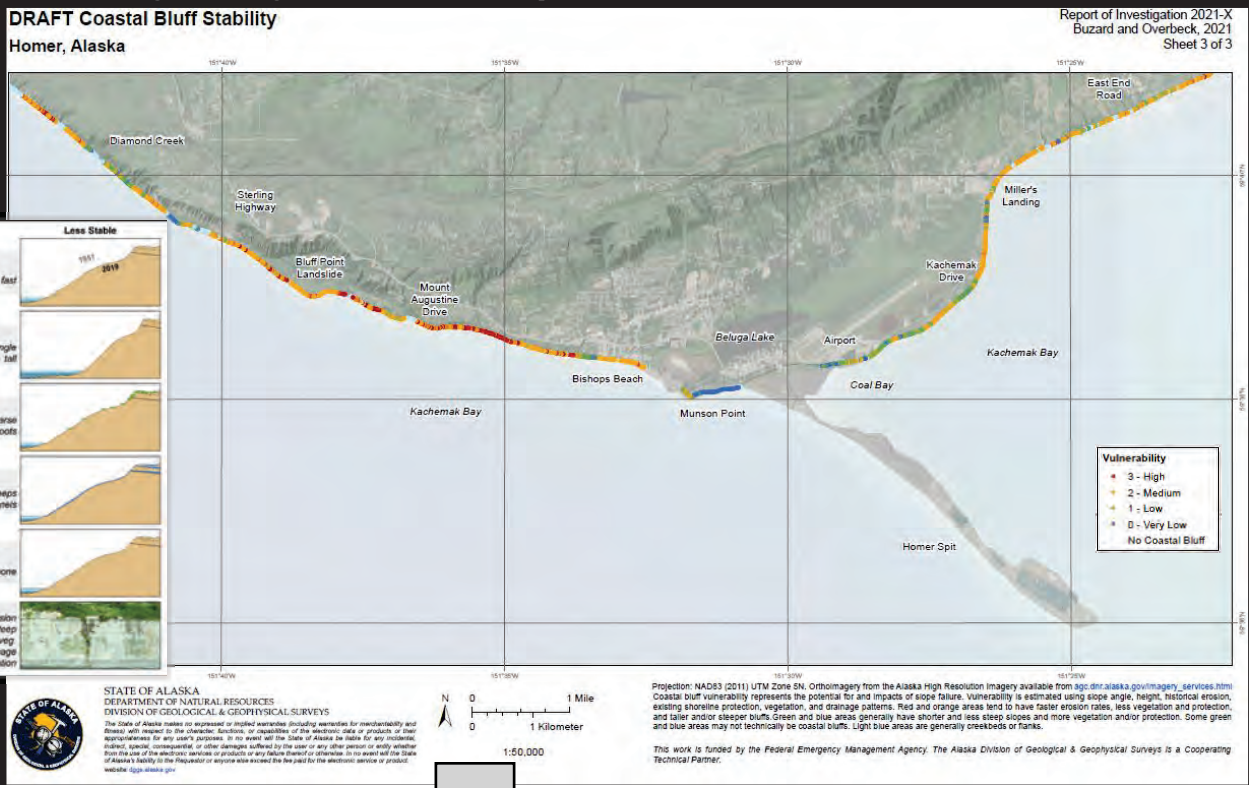


Bluff Stability Analysis based on Maine Geological Survey, 2015, Coastal bluffs maps: Maine Geological Survey [website]:
www.maine.gov/dacf/mgs/pubs/mapuse/series/descrip-bluff.htm

https://www.youtube.com/channel/UCs0-6PGoKbrO3jrnREdKKqQ/videos

Coastal Bluff Stability Analysis: Final Map





Data for Decision Making – How Much?

Coastal Bluff Stability Mapping: Data for Decision Making

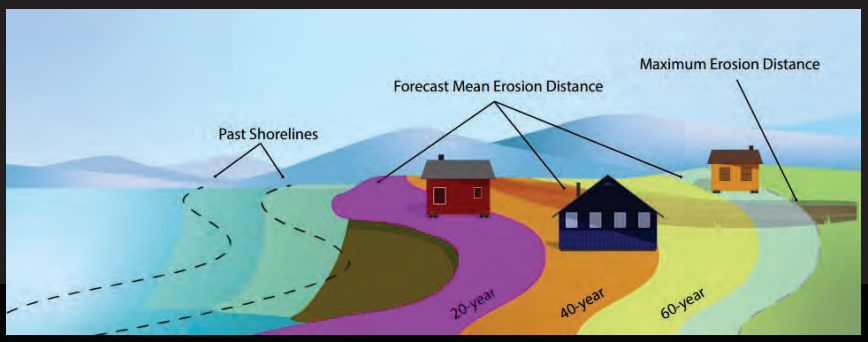
"Bluff" means an abrupt elevation change in topography of at least 15 feet, with an average slope of not less than 200 percent (two feet difference in elevation per one foot of horizontal distance). – City of Homer

In Homer, most coastal bluffs have slopes between 31 and 87 percent.

Alaska Division of Geological & Geophysical Surveys | **Coastal Hazards Program**

Coastal Bluff Stability Mapping: Data for Decision Making

No structure may be closer than **40 ft from the top of a coastal bluff**, and not closer than 15 feet from the toe.—City of Homer

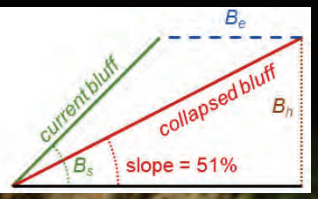


Two methods for evaluating potential erosion forecast **distance** within the bluff stability parameters:

- Historical Shoreline Change Rate
- Computed Bluff Failure Distance

$$B_e = B_h \times (B_s - 0.51)$$

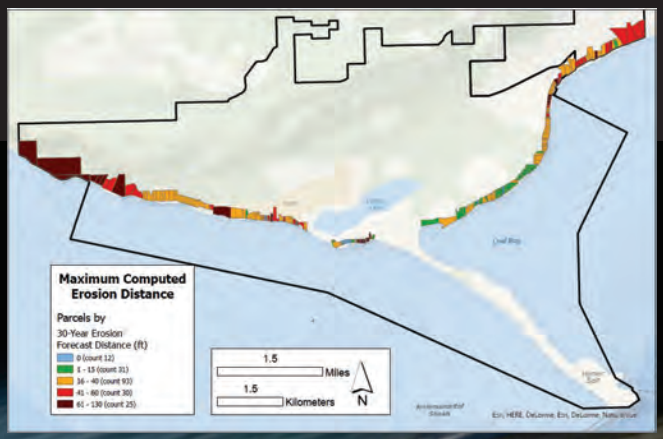
B_e = Horizontal bluff erosion due to slope failure
B_h = Bluff height
B_s = Average bluff slope percent (as a fraction)

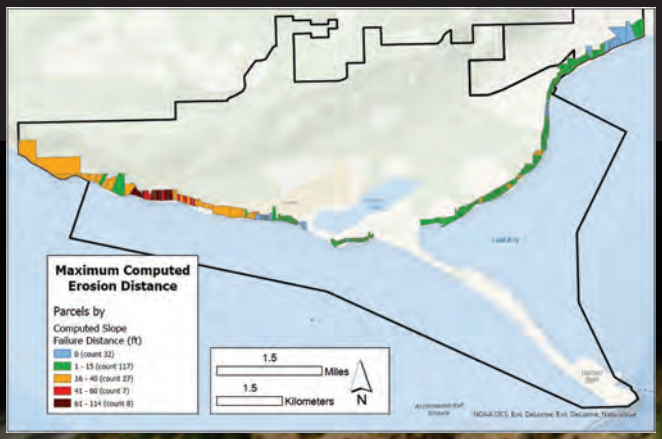


Coastal Bluff Stability Mapping: Data for Decision Making

Determining forecasted erosion distance and slope failure distance based on parcel.

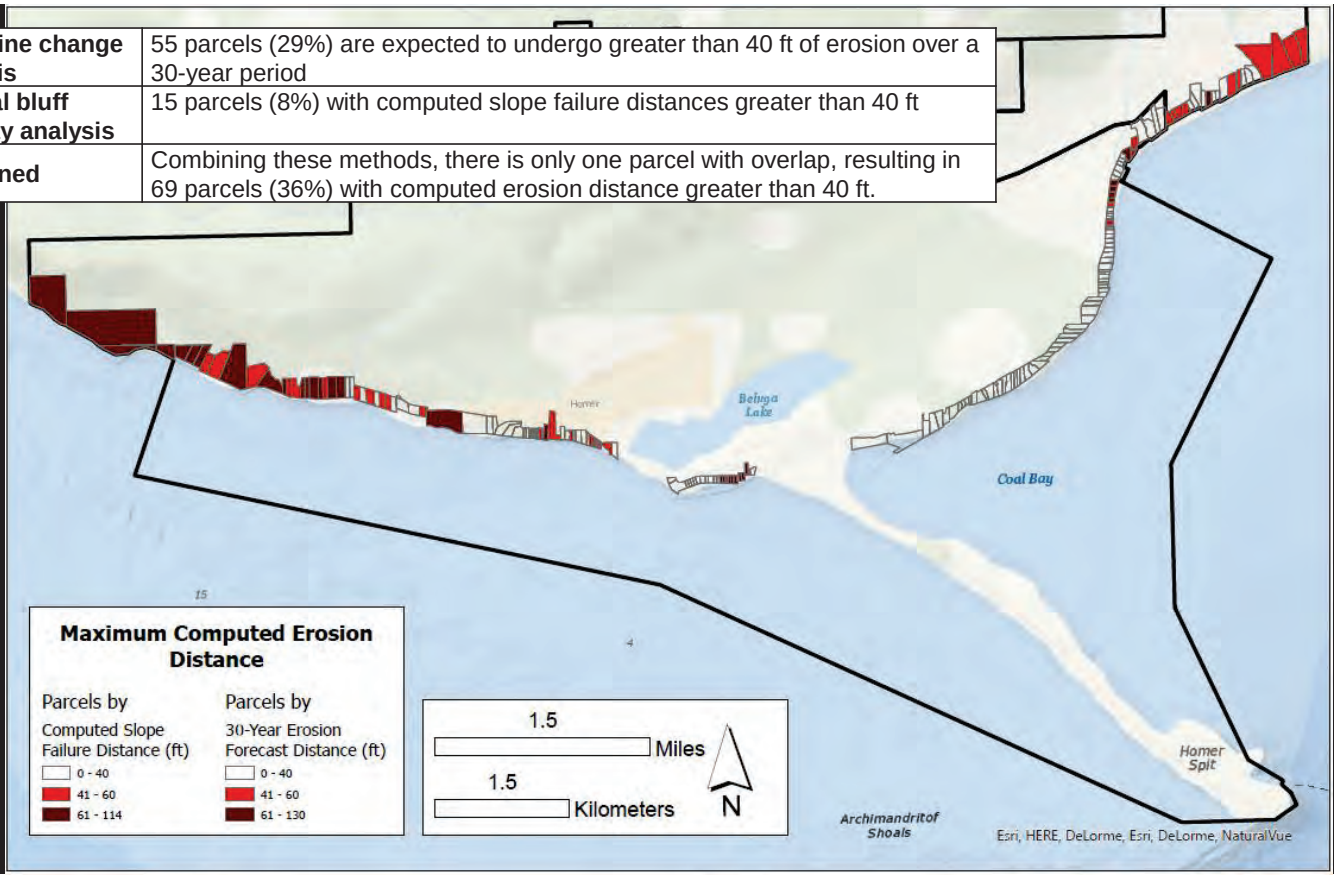
Parcels are not differentiated between developed and undeveloped.





Alaska Division of Geological & Geophysical Surveys | **Coastal Hazards Program**

Shoreline change analysis	55 parcels (29%) are expected to undergo greater than 40 ft of erosion over a 30-year period
Coastal bluff stability analysis	15 parcels (8%) with computed slope failure distances greater than 40 ft
Combined	Combining these methods, there is only one parcel with overlap, resulting in 69 parcels (36%) with computed erosion distance greater than 40 ft.



Coastal Bluff Stability Mapping: Summary

Key Findings

- Data to assist in changes to City Zoning Code:
  - Bluff Definition
  - Coastal Setback

Many of the parcels within the City boundary are already developed.

Next Steps

- Report and maps awaiting administrative review in DGGS. Report makes for outreach materials with the public.
- FEMA project coming to an end. DGGS available for future public meetings and technical guidance.

Contact Information
https://dggs.alaska.gov/hazards/coastal/

Jacquelyn Overbeck
Coastal Hazards Program Manager
Phone: 907-451-5026
Email: jacquelyn.overbeck@alaska.gov

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Staff Report PL 21-70

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: December 1, 2021
SUBJECT: Coastal Bluff Analysis

Introduction

Jaci from Alaska Department of Natural Resources Division of Geological and Geophysical Surveys (DGGS) will present on the latest draft of her report during the work session.

Analysis

My initial thought is that we have developed a good assessment of some hazards that affect coastal bluff stability. There are still a few things to consider and we may require some additional input.

First we must consider the measure of protection that we which to legislate. In general, I believe that most of the coastal areas would benefit from a 40' setback in all circumstances without the input of an engineer. There does seem to be some exception to this that may be a consideration. Will wait for feedback from the presentation before further addressing.

The other item is the concern is that our definitions that incorporate the bluff definition of a 2/1 slope and topography of at least 15 feet of elevation change. While this definition is a good rule of thumb for generally describing a slope that may be prone to failure, it really does not address an eroding shoreline. The erosion rate does not necessarily translate well to a slope and height calculation. One may be at 5 feet in elevation and be experiencing a high rate of erosion.

My goal is not to necessarily solve this issue at this meeting, but I would like to describe concerns and further develop solutions after receiving some input from the Commission after Jaci's presentation.

HCC 21.03.040

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

"Coastal bluff" means a bluff whose toe is within 300 feet of the mean high water line of Kachemak Bay.

HCC 21.44.030 Slope development standards

c. Setbacks. Subject to the exceptions to setback requirements in HCC 21.44.040, all development activity is subject to the following setback requirements:

1. No structure may be closer to the top of a ravine, steep slope or noncoastal bluff than the lesser of:

a. Forty feet; or

b. One-third of the height of the bluff or steep slope, but not less than 15 feet.

2. No structure may be closer than 15 feet to the toe of a bluff other than a coastal bluff.

3. No structure may be closer than 40 feet to the top of a coastal bluff and closer than 15 feet to the toe of a coastal bluff.

Staff Recommendation
Discuss and make recommendations for further considerations of the Commission

  - it is not expected that nine additional residences will impact the natural drainage any more than what is actually going on currently
- what development is proposed for Lot A since the majority of the parcel is over 20% slope
  - Parcel A does not really lend itself for development and be feasible
  - Make that parcel a nature conservancy if possible
  - There is a spot in the NW corner that could be developed and possibly could be accessed from Alpine Way

HIGHLAND/MOVE TO ADOPT STAFF REPORT 21-69 AND RECOMMEND APPROVAL OF THE REVISED TERRA BELLA PRELIMINARY PLAT TO CREATE NINE RESIDENTIAL LOTS ALONG FAIRVIEW AVENUE AND ONE LARGE TRACT ACCESSED FROM ALPINE WAY WITH THE FOLLOWING COMMENTS:

1. DEDICATE A PUBLIC ACCESS EASEMENT OVER THE EXISTING CAMPGROUND ROAD WHERE IT ENCROACHES ON TRACT A
2. GRANT A PUBLIC ACCESS OR TRAIL EASEMENT FROM THE NORTHWEST CORNER OF KAREN HORNADAY PARK TO THE CITY PARCEL
3. CORRECT PLAT NOTE 6 TO SPECIFY WHICH LOTS HAVE ACCESS TO CITY WATER AND SEWER
4. DEDICATE A 60 FOOT DRAINAGE EASEMENT CENTERED ON THE EASTERN CREEK.
5. ACCEPT A 40 FOOT DRAINAGE EASEMENT ON THE WESTERN CREEK AS SHOWN ON THE PLAT (TO BE PROVIDED AS A LAYDOWN AT THE MEETING.)

A lengthy discussion ensued on approving the plat with development of the steeper parcels that will create drainage issues for the downslope properties. City Planner Abboud counseled the Commission on denial of the plat without the basis of standing regulations. Further discussion on postponement to have the applicant present or respond to their concerns ensued as well as points made on supporting their recommendation by the Borough and if the issue went to Court, and development versus subdivision is where these issues can be addressed.

VOTE. YES. BENTZ, CONLEY, BARNWELL, VENUTI, SMITH, CHIAPPONE
VOTE. NO. HIGHLAND.

Motion carried.

PENDING BUSINESS

A. Staff Report 21-70 Coastal Bluff Analysis

Chair Smith Introduced the item by reading of the title and invited City Planner Abboud to provide his report.

City Planner Abboud stated that this is a follow-up to the presentation and believed that Ms. Overbeck did a great job on what is in existing code. He facilitated discussions and responses to questions on the following:

- Recommended 40 foot setback requirement
    - Commented on the approval and construction of the cabin on the bluff side just at the entrance of the Homer
    - location of the 40 feet may not be adequate
        - increasing to 60 feet or more may not be advisable
- defining coastal bluff that would be relative to Homer
- when the coast line marches back those definitions should still be applicable
    - is 30 years the right term to plan for
- changing environmental conditions will policy and definitions still be effective
- review definitions to determine better ones that identify or describe coastal bluffs
- determine if a thirty year planning horizon the right term limit to consider
    - Environmental conditions
    - Infill on coastal bluffs
        - having policy and definitions that will address these conditions
- gradual erosion rate versus historic erosion rates
    - Hard data available to 60 years in the past
    - erosion versus evulsion regulations
    - description of the bluffs since they will move
- getting professional assistance
    - providing property at the end of West Hill is not described in the definitions
        - this may be a location where the bluff will let go all at once
        - the capacity to perform a buyout
        - application is 100 pages
        - rules and regulations pertaining to this
- satisfying the needs of the lender over the home owner and selecting a term that is in between
- the impact of the chemicals and toxins not to mention the human aspect when those house go into the ocean
- receding shoreline and the willingness of property owners in 20-30 years for implementing shoreline hardening and what that will look like for the community

NEW BUSINESS

A. Staff Report 21-71, Rezoning Portions of Rural Residential District to Urban Residential

Chair Smith introduced the item by reading of title and invited City Planner Abboud to provide his report.

City Planner Abboud provided a summary of Staff Report 21-71 for the Commission.
He facilitated discussion on the following:

- green infrastructure to mitigate drainage issues
- the inherent need of housing
- natural infrastructure is like fingers of green that are necessary for drainage connectivity trails or non-motorized access
- concerns on the wetlands
    - all area is wet, some of the larger lots they can have a discussion and some property owners may have to go to the Corps of Engineers

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Staff Report PL 22-03

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: January 5, 2022
SUBJECT: Consideration of bluff setbacks

Introduction We heard from Jaci Overbeck at our last meeting concerning bluff stability.

Analysis Now that we have the study it is time to consider actions. One item that I plan to address is creating a definition of Coastal Bluff that works for Homer. I have talked to the Public Works Director to help find the appropriate professional among the engineering firms that the City has under contract.

Next is to consider the amount of regulation that is appropriate to apply. I propose to start the conversation with the consideration of having a set 40' setback from the bluff starting on the east side of town and then transition to a 60' setback from the bluff starting south of Saltwater Drive. Due to still having technical issues with our GIS system, I plan to screen share the Borough Parcel Viewer to provide the Commission with a view and sense of dimensions of the lots that are found along the coast from Saltwater Drive to the west. Using the maps attached to the study, you can see the increased erosion rates and decreased bluff stability from below Saltwater Drive and to the west.

Third is to consider the allowance for a land owner to develop closer than the setback with the guidance of an engineer. This item is intertwined with the consideration of the amount of regulation that is decided upon. Generally, our numbers from the study are based off of the consideration of a 30 year time frame. This is where we may make an allowance for an erosion mitigation device or methods.

Based on the discussion I will draft up some draft language for technical review and I will seek out answers to any technical question that we may have about the consideration of regulations. I do wish to make regulations that will work well with established building regulations and won't interfere with the possibility of Homer adopting a building code.

Staff Recommendation
Have a discussion and make recommendations regarding general regulations and standards that will be considered for adoption and/or further study

Attachments

Draft Coastal Bluff Stability Analysis
Draft Homer Map 1 Shoreline Change Analysis
Draft Homer Map 2 Coastal Bluff Stability
Final Latter Homer Bluff Considerations DGGS

Report of Investigation 202X-X

COASTAL BLUFF STABILITY ASSESSMENT FOR HOMER, ALASKA

Richard M. Buzard and Jacquelyn R. Overbeck

Published by
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF GEOLOGICAL & GEOPHYSICAL SURVEYS
2022

Cover. Coastal bluff by the Sterling Highway, Homer, Alaska.

COASTAL BLUFF STABILITY ASSESSMENT FOR HOMER, ALASKA

Richard M. Buzard and Jacquelyn R. Overbeck

Report of Investigation 202X-X

State of Alaska
Department of Natural Resources
Division of Geological & Geophysical Surveys

STATE OF ALASKA
Mike Dunleavy, Governor

DEPARTMENT OF NATURAL RESOURCES
Corri A. Feige, Commissioner

DIVISION OF GEOLOGICAL & GEOPHYSICAL SURVEYS
Steve Masterman, State Geologist and Director

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Anchorage, Alaska 99503

Suggested citation:
Buzard, R.M., and Overbeck, J.R., 202X, Coastal bluff stability assessment for Homer, Alaska: Alaska Division of Geological & Geophysical Surveys Report of Investigation 202X-X, XX p. https://doi.org/10.14509/xxxxx

Contents

Figures

Tables

COASTAL BLUFF STABILITY ASSESSMENT FOR HOMER, ALASKA

Richard M. Buzard[1] and Jacquelyn R. Overbeck[1]

Abstract

We evaluate the stability of coastal bluffs in Homer, Alaska, using aerial imagery and modern elevation data. We produce maps of historical shoreline change and an alongshore bluff instability hazard score. Shoreline change is calculated by comparing the bluff top and toe positions in historical and modern orthorectified aerial imagery. Since 1951, Homer's coastal bluffs have eroded at an average rate of -1.0 ft/yr (-0.29 m/yr). Key indicators of bluff instability are historical shoreline change rates, bluff slope and height, vegetation, existing erosion protection structures, and water drainage. Most of the Homer coastline has a low to medium bluff instability hazard score. These coastal hazard products can guide decisions to reduce risk.

INTRODUCTION

Coastal bluff failure poses a hazard to the City of Homer (Baird and Pegau, 2011; Kenai Peninsula Borough, 2019; Salisbury, 2021). To assess this hazard, the Alaska Division of Geological & Geophysical Surveys (DGGS) created this report, associated maps, and GIS layers and data tables. This project is funded by the Federal Emergency Management Agency (FEMA) Cooperating Technical Partners (CTP) Program. This report is suitable to guide potential future updates to the FEMA Multi-Hazard Risk MAP analysis for Homer, should such an analysis be launched, and provide critical technical information for the next update of the Homer Local Hazard Mitigation Plan and future development plans or policies.

BACKGROUND

Geologic and Coastal Setting

The City of Homer, near the southwestern end of the Kenai Peninsula, is characterized by a prominent spit that extends into Kachemak Bay referred to locally as "Homer Spit" (Kenai Peninsula Borough, 2019; fig. 1). West of Homer Spit, bluffs near the coast rise to 800 ft (240 m) above mean sea level (MSL). The predominate rock type (the Kenai Group) comprises layers of poorly consolidated sands, silts, and clays, with intergraded beds of medium- to low-grade coal (Barnes and Cobb, 1959). Coal beds dip less than 10 degrees away from the shoreline and act as aquicludes, resulting in suspended water tables. The bluffs are partially vegetated with shrubs and trees. Exposed bluffs display visible groundwater seeps at coal beds. Properties at the top of the bluff overlook Kachemak Bay and Cook Inlet, with unimpeded views of the Kenai Mountains to the south and the volcanic Aleutian Range to the west. Coastal bluffs east of the spit are typically below 100 ft (30 m) above MSL and have numerous drainage channels. Residences and other infrastructure are built on the hilltops from Diamond Creek to past East End Road.

The majority of the Homer coastline consists of gently sloping (1 to 15 degrees) beaches of sand, pebbles, and cobbles (Kenai Peninsula Borough, 2021). Homer has semidiurnal tides with a great diurnal range of 18.4 ft (5.62 m; National Oceanic and Atmospheric Administration Center for Operational Oceanographic Products and Services [NOAA CO-OPS], 2020a; table 1). The local tidal datum was established in 2019, but the nearby Seldovia tide gage has been in operation since 1975 and has a similar datum (NOAA CO-OPS, 2020b; table 1). The highest water level recorded

[1]Alaska Division of Geological & Geophysical Surveys, 3354 College Rd., Fairbanks, Alaska 99709-3707.

in Seldovia reached 25.3 ft (7.72 m) above mean lower low water (MLLW) on November 5, 2002. Since 1964, relative sea level has fallen 1.8 ft (0.56 m; NOAA CO-OPS, 2020b).

Understanding Bluffs, Coastal Bluffs, and Erosion Rates

Bluffs are landforms that are steepened by erosion processes including wind, water, weathering,

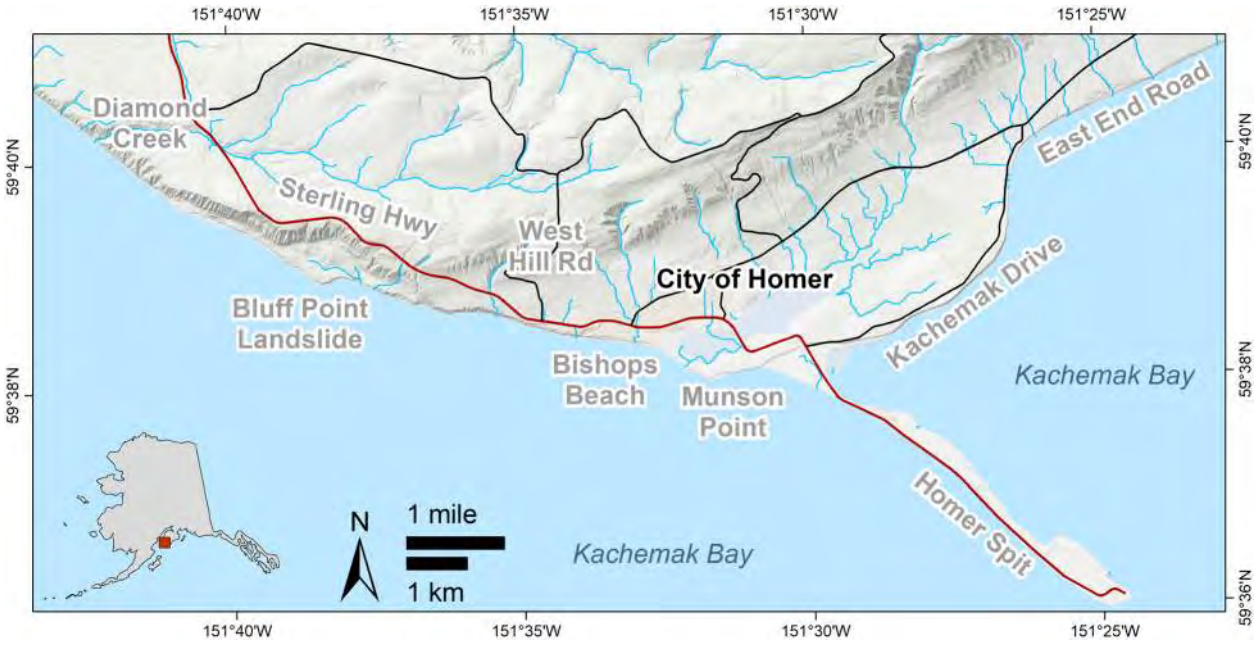

Figure 1. The area of interest for coastal bluff stability analysis includes the City of Homer and surrounding area. The hillshade elevation model shown was collected by Salisbury and others (2021).

Table 1. Tidal datums for Homer, Alaska (Coal Point; station 9455558), and nearby Seldovia (station 9455500).

Datum	Datum abbreviation	Homer ft (m) above MLLW	Seldovia ft (m) above MLLW
Mean Higher-High Water	MHHW	18.432 (5.618)	18.041 (5.499)
Mean High Water	MHW	17.592 (5.362)	17.231 (5.252)
Mean Tide Level	MTL	9.626 (2.934)	9.462 (2.884)
Mean Sea Level	MSL	9.734 (2.967)	9.554 (2.912)
Mean Diurnal Tide Level	DTL	9.216 (2.809)	9.091 (2.771)
Mean Low Water	MLW	1.657 (0.505)	1.696 (0.517)
Mean Lower-Low Water	MLLW	0.000 (0.000)	0.000 (0.000)
North American Vertical Datum of 1988	NAVD88	5.095 (1.553)	5.161 (1.573)
Great Diurnal Range	GT	18.432 (5.618)	17.231 (7.072)
Mean Range of Tide	MN	15.935 (4.857)	7.766 (6.308)
Highest Astronomical Tide	HAT	N/A	23.110 (7.042)

and tectonic motion. Bluffs and steep slopes are often the focus for hazard assessments because they can gradually or rapidly erode and have the potential for massive failure (Highland and Bobrowsky, 2008). Several factors can contribute to destabilize a slope, including earthquakes, undercutting, increased load (such as from groundwater or surface water flooding), stratigraphy and aquicludes, or weak vegetation (Hampton and Griggs, 2004; Highland and Bobrowsky, 2008; Kokutse and others, 2016).

There is not a quantitative definition for a coastal bluff. "Coastal bluff" is a general term to describe a steep slope that is eroded by coastal processes like tides, waves, and currents (Hampton and Griggs, 2004). Coastal bluffs (and lake and riverine bluffs) can erode faster than inland bluffs due to frequent undercutting from water bodies. Coastal areas are also natural end points for watershed drainage, so ground and surface water accumulation may be higher than in inland areas (Heath, 1983).

Erosion of composite coastal bluffs (containing more than one type of material) commonly occurs in a two-step cycle of undercutting and steepening (toe erosion) via wave action, then mass movement (top erosion; Maine Geological Survey, 2015; fig. 2). The typical speed of this paired failure can dictate the proper method to assess a hazard: if there is annual to sub-decadal erosion, the hazard is described using long-term linear erosion rates (Himmelstoss and others, 2018). If erosion occurs rarely, such as on centennial or longer timescales, then it becomes more appropriate to describe hazards using probability or categorical hazard levels (such as Hapke and Plant, 2010). This is especially the case for extreme mass movements like deep-seated landslides (Varnes, 1978; Salisbury, 2021).

Coastal Bluff Erosion and Stability in Homer

The majority of Homer's coastal boundary comprises bluffs. Using sets of aerial images from 1951 to 2003, Baird and Pegau (2011) calculate average erosion rates of 2.6 ft/yr (0.8 m/yr) west of the spit and 2.0 ft/yr (0.6 m/yr) east. The period of greatest erosion occurred after March 27, 1964, when the magnitude 9.2 Good Friday earthquake caused an average 3.5 ft (1.1 m) of subsidence in the region (Stanley, 1968). High tide mostly submerged the spit, and waves reached the toes of many coastal bluffs (Gronewald and Duncan, 1965). Due to the unprecedented wave action, bluffs eroded as much as 8 ft (2.4 m) back in just 6 months (Stanley, 1968). Other than this major event, bluff erosion in Homer has been a slow process relative to many Alaska communities (Overbeck and others, 2020). Still, several structures are near eroding bluffs and have potential to be exposed to erosion in the coming decades.

METHODS

This analysis focuses on two goals: (1) calculate historical bluff erosion, and (2) estimate current bluff stability. Historical bluff erosion is computed using orthorectified aerial imagery and the Digital Shoreline Analysis System (DSAS; Himmelstoss and others, 2018). Bluff stability is estimated by combining variables that factor into instability: height, slope angle, vegetation, drainage, erosion history, and shoreline armoring.

Lidar-derived elevation models are critical for this analysis. In 2019, DGGS collected lidar over Homer and created a bare earth digital terrain model (DTM) and digital surface model (DSM) with a ground sampling distance (GSD) of 1.6 ft (0.5 m; Salisbury and others, 2021; fig. 1). DGGS also collected oblique alongshore imagery. In the same year, the U.S. Army Corps of Engineers (USACE) collected topobathymetric lidar from the Homer spit northwest to Diamond Creek, creating a DTM with 3.3-ft (1.0 m) GSD (OCM Partners, 2021). USACE also created two orthomosaics (at high tide and low tide) with 2-inch (0.05 m) GSD.

Identifying Coastal Bluffs and Study Extent

The extent of the DGGS lidar is used as the study area boundary (fig. 1). All slopes with toes reaching a coastal area are examined for this study. We extract the Mean High Water (MHW) line

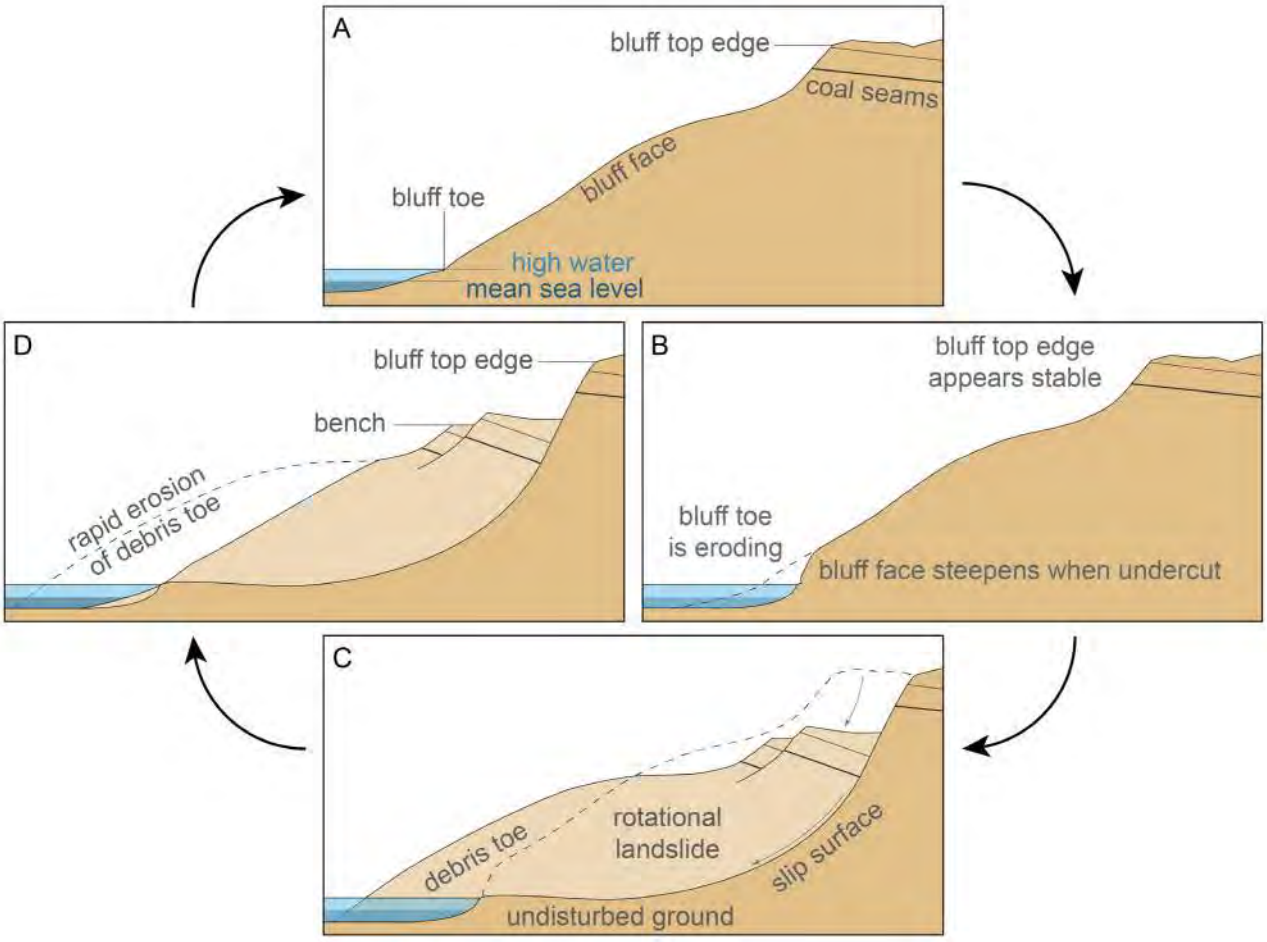

Figure 2. This schematic expands the two-step (top and toe) coastal bluff erosion cycle into four phases. **A.** The bluff is being eroded and undercut at the toe by storm-driven waves. **B.** Although the bluff top edge remains stable, the angle between the toe and top is steepening, leading to unstable conditions. **C.** A landslide (rotational slump) occurs and debris flows toward the ocean, lowering the blocks at the former bluff top edge along the slip surface. **D.** The debris in the intertidal and storm tide zone is eroded relatively quickly. Erosion slows because the remaining bluff is outside the intertidal zone. The new bluff face is at a shallower angle than before, and the cycle renews.

(12.50 ft [3.809 m] NAVD88) using the DGGS DTM and smooth it to contour the coastline. Along this line, we delineate the 2019 bluff toe and top using a combination of digital elevation models (DEM), orthomosaics, and oblique aerial imagery. The toe is generally defined as the seaward extent of a slope where a break to relatively flat land occurs (often a sediment transition), land continues down to the MHW line, and along that transect there exists no topography higher than the bluff toe (fig. 3). The bluff top edge is identified as the seaward extent of relatively flat land where a slope break or scarp occurs. For complex slopes with benches, the bluff top edge is landward of the benches (fig. 3). These manually delineated bluff features define the envelope where bluff face characteristics are measured.

Historical Shoreline Change Analysis

Traditionally, shoreline change is calculated by matching two aerial images taken at different times, delineating shorelines, and measuring the distance between them (Baird and Pegau, 2011; Overbeck and others, 2020). The coastal bluff erosion history in Homer has been calculated many times using this method, as recently as 2016 (City of Homer, 2021). We received the shorelines and imagery from 1951 to 2003 that were used and found two major

Figure 3. Oblique image of a coastal bluff with delineated toe (blue) and top edge (maroon). The right side shows how delineations are made for a complex section. The bluff has a bench (black dashed lines), so the delineated top edge is landward of this bench. In this example, there is a building on the bench that is seaward of the bluff top edge (far right side).

components that have caused significant errors: (1) some of the image sets are not orthorectified, and (2) delineations do not consistently follow the same features through time in all areas (switching between bluff top and toe). The affected images and shorelines are for the years 1951, 1961, 1968, 1975, and 1996. The orthorectified 2003 image is adequate. For these reasons, we source raw aerial imagery to orthorectify, delineate shorelines, and compute shoreline change using the DSAS tool (Himmelstoss and others, 2018). The orthoimagery dates are 1951/1952, 1964, 1985, 2003, 2011, and 2019 (table 2). The time steps between image collections are 12 or 13, 21, 18, 8, and 8 years, respectively.

Image Corrections

Orthometric corrections are vital for evaluating erosion of tall, steep bluffs. Buzard (2021) explains the historical aerial image orthorectification process. Historical aerial photos are initially collected with a low distortion frame lens pointed nadir. A simple method to display these images in a map is to shift and scale them to match features on the landscape. This method, called "georeferencing" or "georectification," may appear adequate from a distance, but the perspective from the image center causes offsets at finer scales (termed "relief displacement;" Crowell and others, 1991). Offsets increase near high-angle features, like bluffs, and

Table 2. Imagery used for shoreline delineations include color (RGB), color-infrared (CIR), and black and white (BW).

Date	Type	Orthomosaic pixel size (m)	Source
2019 JUL 17	RGB	0.05	OCM Partners (2021)
2011	RGB	0.75	GeoNorth BDL
2003	RGB	1.00	Baird and Pegau (2011)
1985 AUG 27	CIR	1.88	Alaska High Altitude Program
1964 APR 14	BW	0.55	Unknown
1951/1952	BW	1.14	U.S. Air Force

cause significant inaccuracy to bluff delineations. To allow for accurate measurements across the horizontal geographic plane on the image, the image must be orthorectified. Orthorectification is the process by which the perspective of an entire image is corrected to nadir: anywhere one looks in the orthorectified aerial image will appear as if looking straight down. Orthorectification can be accomplished using a DEM acquired near the same time or performing photogrammetric or structure-from-motion techniques on a collection of overlapping images. An orthorectified product is called an orthoimage or orthomosaic.

Shoreline Change Rate Calculations

The USGS created the DSAS tool to compute shoreline change by casting virtual transects perpendicular to an alongshore baseline and measuring the distance between shorelines on each transect (Himmelstoss and others, 2018). We space transects 16.4 ft (5 m) apart and calculate shoreline change rates separately for the bluff top edge and bluff toe. The average of these rates is used for the final change rate. This method summarizes total bluff erosion and is less susceptible to episodic events related to the bluff erosion cycle (Buzard and others, 2020). Where at least three shorelines are present, we calculate the weighted linear regression rate of change (WLR) and associated 90 percent confidence interval (WCI90). Otherwise, the end point rate of change (EPR) is calculated. These metrics describe the long-term erosion trend using an annualized linear rate of change in distance per year.

Shoreline Delineation

We delineate the bluff top and toe in each orthoimage. Slow and episodic bluff erosion complicates shoreline erosion calculations that rely on only one feature. For example, if the bluff toe eroded between two images and a study only calculates bluff top change, the study will incorrectly identify that bluff as stable when it is steepening and getting closer to a mass movement. Likewise, if a mass movement did occur over the study period, the bluff top edge may suggest far faster rates of erosion than will be seen in the future. Tracking the top and toe can determine what stage of the erosion cycle a bluff is in and improve understanding of current erosion hazards.

Bluff toes are generally clearly identifiable as the seaward extent of a bare or vegetated slope. Bluff tops are more subjective because some areas have partial slides or benches, leading to multiple edges. The chosen bluff top edge must represent the seaward extent of land that is neither part of a previous landslide nor a bench on a slope (fig. 3). We view the 2019 lidar to ensure the correct bluff top edge is chosen, but only use imagery for these delineations to maintain consistency. Interpretations of historical aerial imagery are aided by the DSMs produced by the orthorectification process. Where vegetation made visual interpretation challenging, the slope is visualized to identify steep slope breaks (fig. 4). This method helps to

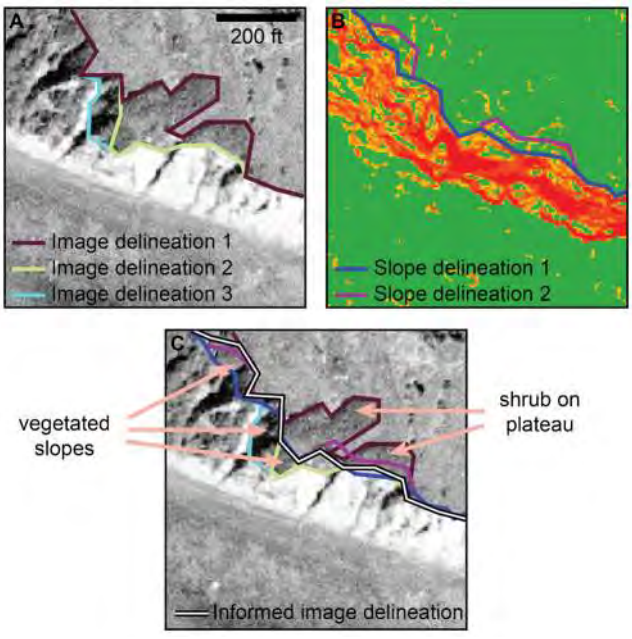

Figure 4. A. The orthoimage in 1951 has vegetation growing down the slope, making the bluff top edge challenging to identify. The three colored lines are separate interpretations of where the bluff top edge could be. **B.** The steep slope map is derived from the digital surface model created during the orthorectification process. The bluff top edge and toe are close to where steep slope angles (red) meet shallow slopes (green). **C.** A new delineation is made on the orthoimage, assisted by the interpretations from the slope map.

maintain consistent tracking of the bluff top edge and toe, especially around benches and complex bluffs. The shoreline delineations are still made using the orthoimage.

This study has one digitizer. Digitizing precision uncertainty represents the consistency with which the digitizer can interpret and trace a feature in an image. To compute digitizing precision, sections of the bluff toe totaling 3.3 miles (5.3 km) in length are delineated three times on the BDL. We cast transects at 16.4-ft (5 m) spacing perpendicular to these lines to measure the distance between them. Digitizing precision (U_d) is calculated by taking the mean of the maximum distance between the three lines (L_1, L_2, L_3) on each transect (equation 1).

Equation 1:

$$U_d = \sum_{i=1}^{n} \frac{max\left(|L_{1i} - L_{2i}|, |L_{1i} - L_{3i}|, |L_{2i} - L_{3i}|\right)}{n}$$

U_d = digitizer uncertainty

L_n = distance to baseline

The total uncertainty (U_t; equation 2) represents the positional accuracy of the delineated shorelines relative to real-world coordinates (table 3). Total uncertainty is high because all images are referenced to the BDL that has a total horizontal uncertainty of 6.3 ft (1.92 m). The total uncertainty relative to the BDL (U_r; equation 3) represents the positional accuracy of delineated shorelines relative to each other (table 4). This is a more appropriate metric for estimating uncertainty of delineations on imagery that are referenced relative to the same image.

Equation 2:

$$U_t = \sqrt{U_o^2 + U_p^2 + U_d^2}$$

Equation 3:

$$U_r = \sqrt{U_i^2 + U_p^2 + U_d^2}$$

U_t = total uncertainty of shoreline delineation

U_o = total uncertainty of image

U_r = relative uncertainty of shoreline delineation

U_t = relative uncertainty of image

U_p = pixel size

Coastal Bluff Stability Assessment

Long-term, annualized erosion rates may not adequately identify potential instability. We assess current coastal bluff stability by identifying combinations of variables that contribute to instability (similar to Maine Geological Survey, 2015). The chosen variables are erosion rate, slope angle, vegetation, water drainage, and erosion mitigation (fig. 5). (See "Study Limitations" for a discussion about these and other possible variables.) Each

Table 3. Total uncertainty of image orthorectification (U_o) and shoreline delineation (U_t). All values are in meters.

Year	Total uncertainty	Pixel size	Uncertainty to control	Uncertainty to BDL	Total image uncertainty	Digitizer uncertainty
	U_t	U_p	$U_{o,source}$	U_i	U_o	U_d
2019	**1.06**	0.05	0.07	1.92	0.07	1.06
2011	**2.32**	0.75	1.92	-	1.92	1.06
2003	**3.61**	1.00	1.92	2.69	3.30	1.06
1985	**4.20**	1.88	1.92	3.05	3.60	1.06
1964	**2.43**	0.55	1.92	0.89	2.12	1.06
1951/1952	**3.65**	1.14	1.92	2.68	3.30	1.06

Table 4. Relative total uncertainty of shoreline delineation (U_t). All values are in meters.

Year	Total uncertainty	Pixel size	Uncertainty to BDL	Digitizer uncertainty
	U_t	U_p	U_i	U_d
2019	**2.19**	0.05	1.92	1.06
2011	**1.30**	0.75	-	1.06
2003	**3.06**	1.00	2.69	1.06
1985	**3.74**	1.88	3.05	1.06
1964	**1.49**	0.55	0.89	1.06
1951/1952	**3.10**	1.14	2.68	1.06

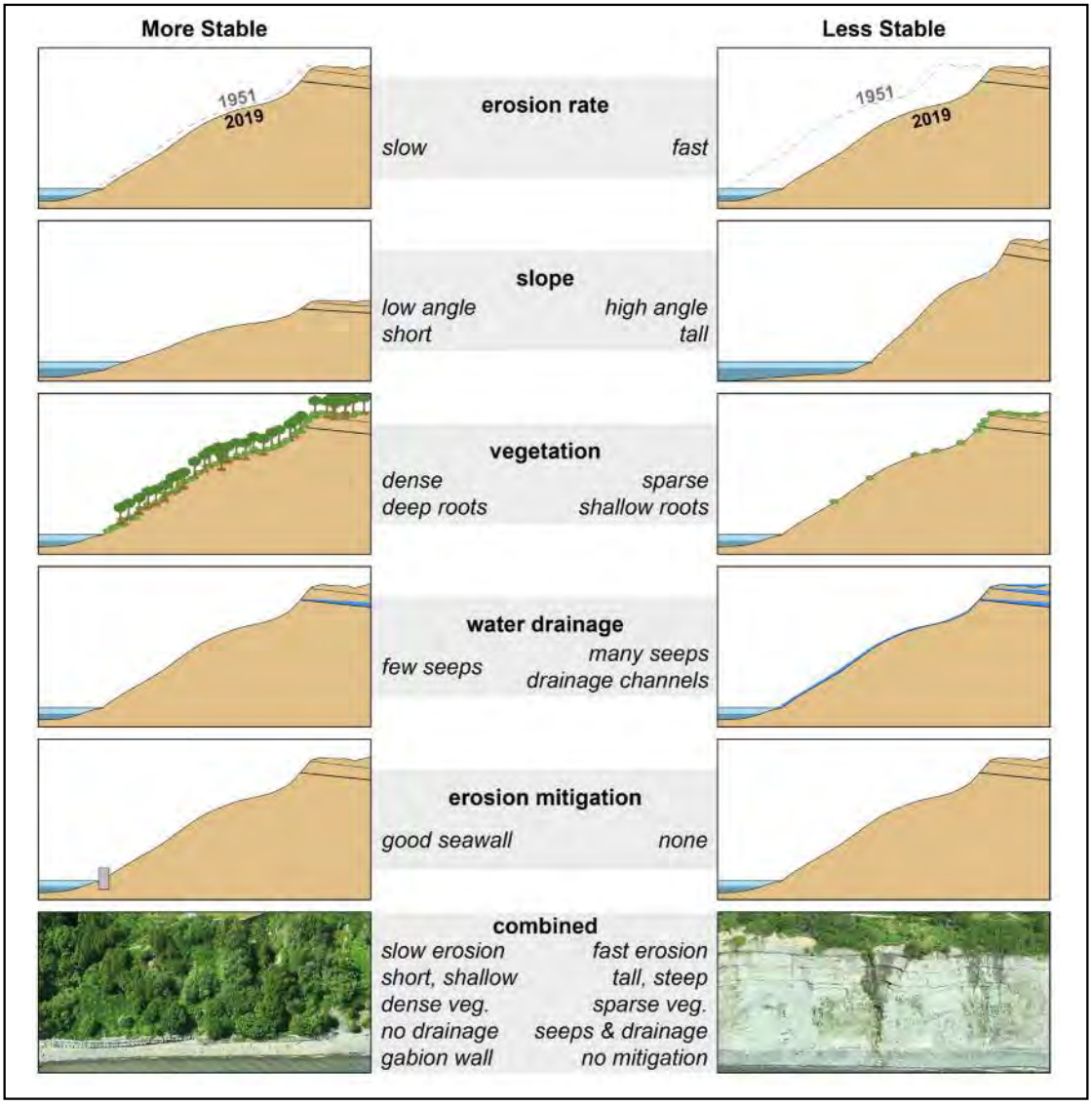

Figure 5. Conceptual diagram of bluff instability variables. The combination of variables determines the overall stability.

variable is evaluated using four instability categories: very low, low, medium, and high. The categories are combined for a total instability hazard score (fig. 5). Coastal slopes are manually identified using the delineations of the bluff top and toe from the DGGS DTM. Transects are cast perpendicular to the bluff toe at 16.4-ft (5-m) spacing along 14 miles (22 km) of shoreline. Variables are computed along each transect.

Instability Due to Erosion Rate

Coastal zone management often uses linear regression erosion rates to define coastal setback zones and erosion hazard areas (Crowell and others, 2018; Perello, 2019). We multiply the average erosion rate of the bluff top and toe by 50 years to symbolize possible future erosion distance based on observed change over the past 60 to 70 years. Fifty years is chosen because structures are commonly designed with 50-year design life (Val and others, 2019). Instability categories are based on coastal setback values of 15 and 40 ft (4.6 and 12 m; table 5). These setback distances are commonly used by homeowners or builders in Homer in compliance with existing city zoning. For example, if erosion rates suggest between 15 and 40 ft (4.6 and 12 m) of erosion will occur in the next 50 years, the location has a medium instability score in the erosion category.

Instability Due to Slope and Height

Greater slope angle increases the probability of a mass movement occurring (Highland and Bobrowsky, 2008; Kokutse and others, 2016). We use factor of safety (FOS) results to determine safe and unsafe slope angles. Salisbury (2021) calculates

Table 5. Instability category thresholds for 50 years of bluff erosion (E_{50}) based on historical erosion rates.

Instability category	Erosion distance (ft)
High	$E_{50} > 40$
Medium	$15 < E_{50} \leq 40$
Low	$0 < E_{50} \leq 15$
Very low	$E_{50} = 0$

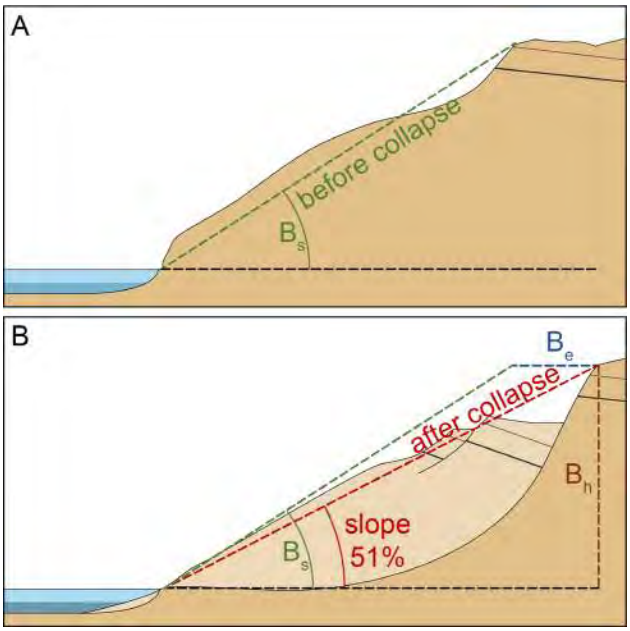

Figure 6. A. The current slope angle between the top and toe (B_s) is reduced after a mass movement **B.** Bluff erosion (B_e) is a function of height (B_h) and change from B_s to 51 slope percent. Taller and steeper bluffs experience greater horizontal erosion.

that, in Homer, silty sand slopes below 27 degrees tend to have an FOS greater than 1.5, meaning they have lower likelihood of failure. Kokutse and others (2016) find a similar slope angle threshold of 27 degrees for sand, silt, and clay slopes, like Homer's coastal bluffs. Rotational landslides are common modes of mass movement in Homer (Reger, 1979; Berg, 2009), so we use this as the failure type. We assume any slope greater than 27 degrees has some likelihood of failure, and if it fails in a rotational landslide the post-movement slope will be 27 degrees (51 percent slope) hinging roughly about the toe (Bishop, 1955; Chowdhury and Xu, 1994; Jiang and others, 2017; fig. 6). On each profile, we calculate the slope percent from toe to top (B_s) and subtract 51 percent slope to determine the angle change (equation 4).

In the context of hazards to infrastructure on the bluff, the greatest concern is the inland distance that the mass movement will reach. The erosion distance (B_e) is proportional to the height (B_h) and the change in slope (Bishop, 1955; fig. 6,

equation 4). Instability categories are based on coastal setback values of 15 and 40 ft (4.6 and 12 m; table 6).

Equation 4:

$$B_e = B_h \times (B_s - 0.51)$$

B_e = horizontal bluff erosion due to slope failure

B_h = bluff height

B_s = average bluff slope percent (as a fraction)

Table 6. Instability category thresholds for bluff erosion (B_e) due to slope failure.

Instability category	Erosion distance (ft)
High	$B_e > 40$
Medium	$15 < B_e \leq 40$
Low	$0 < B_e \leq 15$
Very low	$B_e = 0$

Instability Due to Lack of Vegetation

Exposed slopes are often used as a proxy for instability because they can imply recent failure and/or frequent erosion (Salisbury, 2021). Deforestation is commonly a contributing factor to landslides (Highland and Bobrowsky, 2008). Vegetation improves slope stability primarily through soil cohesion via root tensile strength and reduced soil moisture via evapotranspiration and reduced infiltration (Wu, 1984). Vegetation also reduces erosion from wind and surface runoff. Kokutse and others (2016) show that the FOS of non-reinforced slopes is increased by up to 19 percent by trees, 14 percent by shrubs, and 7 percent by grasses. This increase is due to the root matrix increasing soil cohesion. However, heavy precipitation can increase sediment pore pressure, reduce the tensile strength of roots, and increase surface load, leading to shallow landslides (Hales and Miniat, 2017). The increased surcharge from trees can improve stability, except on very steep slopes (Nilaweera and Nutalaya, 1999; Kokutse and others, 2016). Despite these scenarios, increased vegetation is considered a net-positive for slope stability (Wu, 1984).

The root properties influencing soil cohesion are roughly proportional to vegetation height (Kokutse and others, 2016). We quantify the instability due to lack of vegetation using a function of vegetation height and coverage, similar to Maine Geological Survey (2015; table 7). On slope profiles, we calculate vegetation height as the difference between the DGGS DSM and DTM. We use mean vegetation height on each profile to generalize the type (grass, shrub, and tree). In Alaska, vegetation is classified as a small tree when it reaches 12 ft (4 m) in height (among other variables related to canopy and trunk width; Little, 1953). However, willow—a large shrub common to Homer (Ager, 1998)—is considered a tree due to its size and likeness to trees (Viereck and Little, 1972). Therefore, we consider vegetation height exceeding 5 ft (1.5 m) to be trees and large shrubs (Viereck and Little, 1972). Per Viereck and Little (1972), we classify heights below 2 ft (0.6 m) as grasses and small shrubs. While the average vegetation height calculation includes the entire profile, we had to limit percent coverage to vegetation at or above 3.3 ft (1.0 m; medium shrub) to reduce overestimations due to DEM noise.

Table 7. Instability category thresholds for vegetation type and coverage. Ties between categories average, rounding to the less stable category. For examples, a slope with trees (low) and 25 to 49 percent coverage (medium) is in the medium category. A slope with shrubs (medium) and greater than 75 percent coverage (very low) is in the low category.

Instability category	Vegetation type and coverage
High	Grass or less than 25 percent coverage
Medium	Shrubs or 25 to 49 percent coverage
Low	Trees or 50 to 75 percent coverage
Very low	Trees and greater than 75 percent coverage

Instability Due to Lack of Erosion Protection

Existing erosion protection structures can reduce erosion rates and prevent undercutting of coastal bluffs. Complex engineered structures such as seawalls and gabions tend to prevent erosion better than simple structures like riprap or piled debris (USACE, 2004; Rella and Miller, 2012). During the 2019 lidar survey, DGGS also collected alongshore oblique aerial imagery. We orthorectify and roughly georeference these data to create high-resolution 3D models in Agisoft Metashape. Using these models and other imagery, we delineate lengths of shoreline armoring and give a qualitative score of their current condition (good, fair, or poor). Instability is categorized as a function of armoring type and current condition (table 8). Erosion protection structures can have significant detrimental effects, especially to natural sediment dynamics and beach nourishment (Ruggiero, 2010). We include existing erosion protection because it is an important factor for assessing current instability. We do not express or imply whether existing or new structures are appropriate solutions for bluff instability hazards.

Table 8. Instability category thresholds for erosion protection.

Instability category	Erosion protection condition and type
High	None, or poor riprap
Medium	Poor seawall/gabion, fair riprap
Low	Fair seawall/gabion, good riprap
Very low	Good seawall/gabion

Instability Due to Drainage

Precipitation, groundwater, and streams lead to slope instability. Surface runoff causes erosion, confining layers cause suspended water tables, and increased pore fluid pressure reduces soil cohesion (Harp and others, 2006; Bukojemsky and Scheer, 2007). The water table generally contours surface topography, and lakes and streams are surface expressions of the water table (Heath, 1983; Winter and others, 1998). We follow the assumption that areas where water collects have more groundwater flow and greater potential for related hazards.

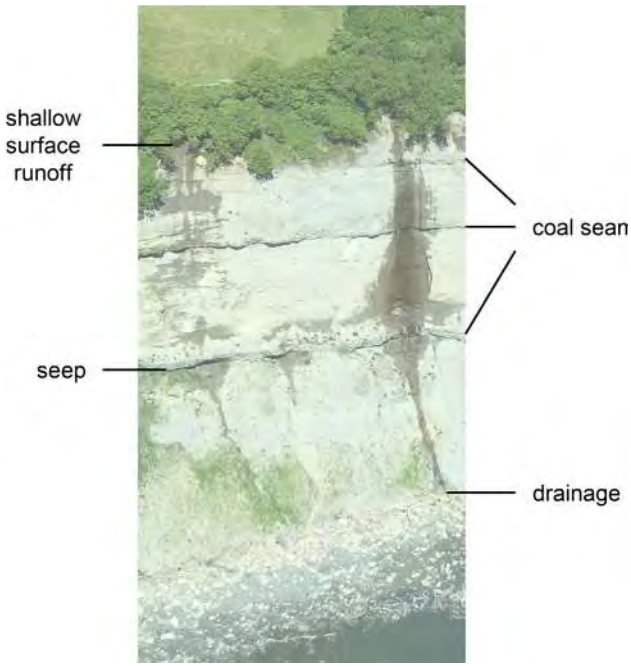

Figure 7. This 200-ft coastal bluff in Homer has surface runoff causing a continuous stream that drains to the beach. Groundwater also seeps from coal seams and other changes in the stratigraphy. Water causes channeling on the bluff face and undercuts coal seams, leading to instability.

We identify surface and groundwater expressions on the bluff slope using 3D models and imagery (fig. 7). However, many areas are obscured by vegetation, so water expressions may not be visible. In addition, the imagery only provides a snapshot in time, and conditions may have been unseasonably wet or dry. To consistently map drainage, we correlate observed hydrologic features with the flow accumulation through each transect based on the DTM. Flow accumulation represents the area of contributing streams toward a single point on the land surface within a user-defined catchment area. We identify flow channels on the DGGS DTM, correct the DTM to allow for flow through culverts under roads, then calculate the direction and accumulation of flow using ArcGIS hydrology tools. We correlate maximum flow accumulation and visible water expressions on each transect.

Shallow surface runoff and groundwater seeps tend to have lower flow accumulation than visible drainage streams and creeks. Half of all shallow surface runoff zones and seeps have flow accumulation below 27,000 ft² (2,500 m²), so this is used as a lower cutoff to identify areas at very low drainage. As flow accumulation increases to 200,000 ft² (18,500 m²), surface runoff and seeps transition to visible drainage channels. This is used as the lower threshold for medium drainage (where running water is actively causing minor erosion). Well-developed surface drainage channels primarily have flow accumulation upward of 540,000 ft² (50,000 m²), and transition to creeks as flow increases. This flow accumulation value is used for the high drainage category (table 9). The value's magnitude is somewhat arbitrary because it is limited by the user-defined catchment; hence, we correlate the relative magnitude with observed hydrologic conditions.

Table 9. Instability category thresholds for drainage.

Instability category	Drainage indicators
High	Creeks, streams, continuous flow of water causing erosion
Medium	Flow of water from seeps and runoff causing minor erosion channels on bluff and beach
Low	Seeps and runoff exist but are not causing beach erosion
Very low	Seeps and runoff are rarely present

Combining Instability Variables

Instability variables are combined into one metric to determine the hazard posed by a combination of factors that destabilize slopes. No two categories are strongly correlated (table 10). Weights are not applied, but we give special consideration for areas with coastal armoring. Like vegetation, armoring can stabilize slopes and prevent erosion (Rella and Miller, 2012). For this reason, we use the most stable score between vegetation and armoring. For example, a seawall in good condition with no vegetation scores "very low" in the vegetation category. Similarly, we adjust the erosion score to the lesser of erosion and armor. This adjustment means an area with historically rapid erosion still scores "very low" if a seawall in good condition now exists. If an area has no armoring but very slow erosion, it still scores "very low." These modifications are only applied to the calculation of combined instability hazard scores; the original individual values are still available in the geodatabase. After these adjustments, combined instability is calculated using the average score rounded to the less stable score. The

Table 10. Correlation between instability variables. Values closer to 1 are strongly positively correlated (as variable 1 increases, variable 2 increases). Values of 0 are not correlated. Values closer to -1 are strongly negatively correlated (as variable 1 increases, variable 2 decreases).

	Armoring	Erosion	Slope	Vegetation	Drainage	Combined
Armoring	1					
Erosion	0.02	1				
Slope	0.19	0.08	1			
Vegetation	-0.17	0.42	0.26	1		
Drainage	0.12	-0.04	-0.18	-0.18	1	
Combined	0.41	0.56	0.52	0.54	0.21	1

average calculation involves four category values: drainage, slope and height, the most stable score between vegetation and armoring, and the most stable score between erosion and armoring.

RESULTS

Coastal bluff hazards are assessed using a historical shoreline change analysis and by combining bluff instability variables into a categorical hazard map. The shoreline change maps are more representative of the effects of long-term erosion trends. The bluff stability map communicates the potential for slope failure that may not be reflected in the historical erosion record.

Historical Shoreline Change Analysis (Map Sheet 1: Shoreline Change [1951 to 2019])

Shoreline change rates are between 1.0 and -3.9 ft/yr (0.3 and -1.2 m/yr; tables 11, 12). Erosion rates are greatest around the Bluff Point landslide

Table 11. Coastal bluff characteristics by region in feet and slope percent. Mean values are bolded. Bluff height is the difference between the top and toe elevation. Slope angle is between the bluff top and toe. Slope angle standard deviation (SD) is shown as a range about the mean because slope percent does not scale linearly with degrees. Negative shoreline change is erosion, positive is seaward movement of the shoreline (such as by accretion, aggradation, or mass movements).

	Bluff Height (ft)				Slope Angle (percent)				Shoreline Change Rate (ft/yr)			
	Mean	SD	Min.	Max.	Mean	Mean ± SD	Min.	Max.	Mean	SD	Min.	Max.
Diamond Crk	**310**	82	186	473	**31**	23 to 39	18	51	**-0.5**	0.3	-1.2	0.3
Bluff Pt	**79**	53	17	485	**74**	41 to 121	17	184	**-1.7**	1.0	-3.7	0.8
Downtown	**139**	75	12	276	**87**	39 to 179	22	205	**-1.0**	0.5	-2.7	0.7
Munson Pt	**16**	5	1	28	**64**	40 to 94	12	114	**-0.8**	1.3	-3.9	0.8
Kachemak Dr	**55**	23	10	89	**73**	44 to 113	24	317	**-0.5**	0.6	-2.7	0.7
East End Rd	**68**	16	26	113	**56**	31 to 87	17	128	**-1.1**	0.4	-3.2	0.7

Table 12. Coastal bluff characteristics in meters and degrees.

	Bluff Height (m)				Slope Angle (degrees)				Shoreline Change Rate (m/yr)			
	Mean	SD	Min.	Max.	Mean	SD	Min.	Max.	Mean	SD	Min.	Max.
Diamond Crk	**94**	25	57	144	**17**	4	10	27	**-0.15**	0.09	-0.37	0.09
Bluff Pt	**24**	16	5	148	**37**	14	10	61	**-0.52**	0.30	-1.13	0.24
Downtown	**42**	23	4	84	**41**	20	12	64	**-0.30**	0.15	-0.82	0.21
Munson Pt	**5**	2	0	9	**33**	11	7	49	**-0.24**	0.40	-1.19	0.24
Kachemak Dr	**17**	7	3	27	**36**	12	13	72	**-0.15**	0.18	-0.82	0.21
East End Rd	**21**	5	8	34	**29**	12	10	52	**-0.34**	0.12	-0.98	0.21

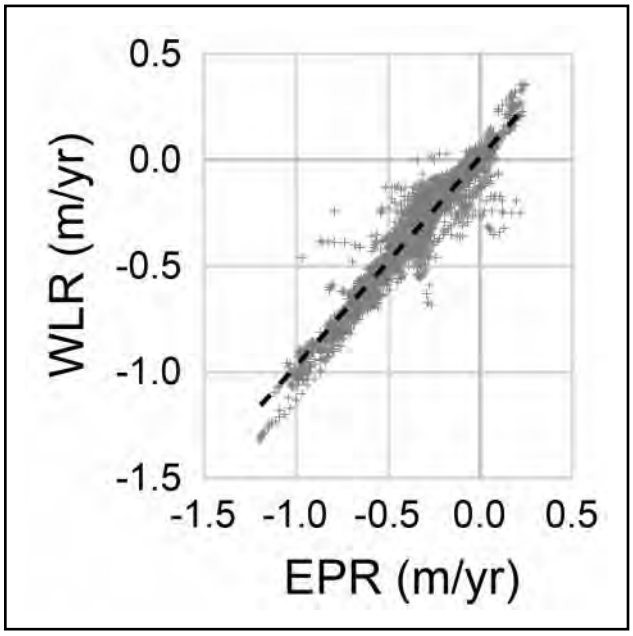

Figure 8. The end point rate (EPR) and weighted linear regression (WLR) shoreline change rate are highly correlated (slope = 0.99, R^2 = 0.92). EPR uses only the first and last shoreline. WLR uses all shorelines weighted by uncertainty.

area, Mount Augustine Drive, Bishops Beach, the seawall at Munson Point, and various sections near East End Road. Historical erosion is relatively slow or stable in the Diamond Creek area and along the section of Kachemak Drive near the airport runway. Bluff toe erosion often outpaces bluff top edge erosion from the Bluff Point landslide area to Bishops Beach, suggesting bluff steepening. The most significant toe erosion occurred after the 1964 earthquake (also observed by Stanley, 1968). Although this was a period of heightened erosion, it did not deviate significantly from the long-term change rate: the WLR rates of change are similar to EPR for both tops and toes (fig. 8). This finding suggests annualized erosion rates appropriately communicate erosion hazards in Homer, although erosion should not be expected on an annual basis. For example, if a shoreline eroded on average 3 ft/yr (1 m/yr), it may have remained stable for most of a 10-year period and eroded in one or a few episodes that total 30 ft (10 m).

Bluff Stability Assessment (Map Sheet 2: Coastal Bluff Stability)

Five variables are combined to visualize coastal bluff instability. Tall, steep bluffs with little vegetation, high drainage, rapid erosion, and no erosion protection have the highest hazard score. The area between the Bluff Point landslide and Bishops Beach is found to be the least stable. Munson Point, where the seawall now exists, is generally the most stable in all categories except historical erosion.

DISCUSSION

This coastal hazard assessment covers historical shoreline change and current bluff stability. In this section, we summarize findings and observations by location, then discuss study limitations.

Summary of Findings by Location

We break down results for six regions of Homer: Diamond Creek, Bluff Point Landslide Area, Downtown, Munson Point, Kachemak Drive, and East End Road (fig. 9; tables 11–13). Figures 10–12, 14, and 15 are screenshots from the oblique image-derived 3D model. This is a research tool to visualize the bluff complex for qualitative analysis, but many features and structures appear skewed due to insufficient overlap and camera angle.

Diamond Creek

The coastal bluffs of the Diamond Creek area reach from 250 to 500 ft (75 to 150 m) above MSL with an average slope of 17 ± 4 degrees (23 to 39

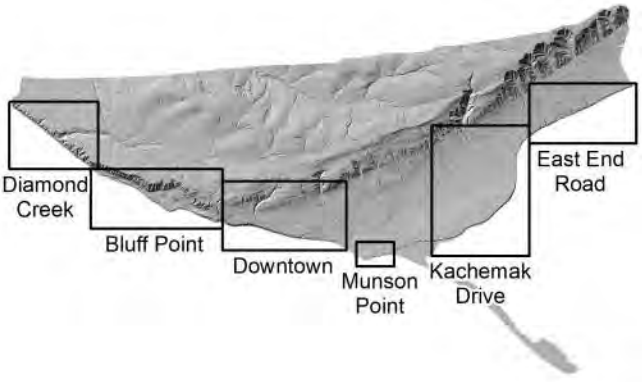

Figure 9. Discussion of results is divided into these six regions.

Table 13. Average coastal bluff instability by region. Scores range from 0 (very low instability) to 3 (high instability).

	Combined Instability	Combined Instability Score	Armor	Erosion	Slope	Veg.	Drainage
Diamond Crk	**Medium**	**1.8**	3.0	2.0	1.6	1.3	1.1
Bluff Pt	**Medium**	**2.0**	3.0	2.6	1.4	1.8	0.9
Downtown	**Medium**	**2.3**	3.0	2.7	2.0	2.4	0.7
Munson Pt	**Very Low**	**0.3**	1.2	1.4	0.8	1.8	0.3
Kachemak Dr	**Low**	**1.4**	2.8	1.7	1.3	1.5	0.4
East End Rd	**Medium**	**1.8**	3.0	2.8	0.8	1.9	0.7

Figure 10. Looking northeast at the coastal bluffs of Diamond Creek. The bluffs are tall, exposed, and undercut, leading to higher instability. This is a screenshot from our oblique image-derived 3D model.

Figure 11. Looking northwest at the Bluff Point landslide area. The coastal bluffs are the seaward-most bluffs in this screenshot from our oblique image-derived 3D model. Unlike the larger bluffs in the background, these coastal bluffs are mostly unvegetated and experience significant erosion.

percent). They are typically exposed, with grass near the coast and denser vegetation on the flanks leading to a plateau above (fig. 10). Water seeps and surface water runoff are common. Much of the area has a low to medium bluff instability score, mainly due to fast erosion rates and high drainage.

Bluff Point Landslide Area

The Bluff Point landslide area is most notable for the tallest coastal relief in Homer, reaching up to 800 ft (240 m) above MSL. The lower landscape is formed from a widespread landslide deposit (Reger, 1979). The entire bluff complex is influenced by coastal processes over geologic timescales. However, Reger (1979) explains that the inland bluffs are relatively stable because wave action only reaches the deposit. Therefore, we did not consider the larger landward bluffs to be coastal bluffs. The landslide deposit is so large that there are structures and small roads built upon it, and it has its own coastal bluffs about 30 to 100 ft (10 to 30 m) tall (fig. 11). These slopes are the second steepest in Homer, averaging 74 percent (36 degrees). This region has the fastest average erosion in Homer of -1.7 ft/yr (0.52 m/yr), reaching up to -3.7 ft/yr (-1.1 m/yr). The combined instability score of 2.0 (medium) is largely driven by these rapid erosion

Figure 12. Looking east at the steep, exposed bluffs near Mount Augustine Drive in the oblique image-derived 3D model. The bluffs gradually shorten and become less steep toward Bishops Beach.

rates and the lack of vegetation on slopes. Despite steep slopes, the hazard due to slope failure is lower because they are relatively short (there is less inland erosion due to slope failure).

Downtown

Coastal bluffs gradually transition from tall, steep, and exposed bluffs around Mount Augustine Drive to short and vegetated slopes at Bishops Beach (fig. 12). This region has a high coastal bluff instability score due to tall, steep slopes, considerable erosion, and little to no vegetation. Even though the Bishops Beach area has much shorter bluffs, there are still hazards due to rapid erosion. In general, the exposed bluffs have greater erosion at the toe than the top, indicating bluff steepening. The greatest toe erosion occurred between 1951 and 1964, likely in the aftermath of the earthquake (Stanley, 1968).

Munson Point

Munson Point has very low coastal bluff instability due to relatively short slopes and a seawall (fig. 13). Before the seawall, this area had the fastest erosion in Homer (-3.9 ft/yr, -1.2 m/yr). The area received the lowest combined bluff instability score of all regions. This is due to the short bluffs, little drainage, and significant armoring preventing further erosion.

Kachemak Drive

The coastal bluffs along Kachemak Drive have low combined instability. There is relatively slow erosion to stable shorelines, and the area with the greatest erosion is now protected by gabion seawalls. The bluffs average 55 ft (17 m) tall with slopes around 35 degrees (73 percent). Some sections of the bluffs are densely vegetated, others exposed (fig. 14). No major streams run through this area. There are still some areas with medium to high instability due mainly to steepness, height, and lack of vegetation. Overall, this region has the second lowest instability score (table 13). Although erosion rates are slow, some structures are very close to the bluff edge.

East End Road

The bluffs near East End Road have medium instability. They average 68 ft (21 m) tall with an angle of 56 percent (29 degrees), which is short and shallow relative to western Homer. However, erosion rates average -1.1 ft/yr (-0.34 m/yr), the second fastest in Homer. There is no armoring and most bluffs have light vegetation or are bare. Drainage channels and groundwater seeps are common (fig. 15). These factors compound to elevate the instability score.

Figure 13. A. This 2019 photo looking northwest at Munson Point (left) shows the seawall protecting grassy and exposed bluffs. **B.** This closeup photo shows how water comes right up to the seawall and would surely undercut the bluffs.

Figure 14. Looking west toward the partially vegetated bluffs near Kachemak Drive in the oblique image-derived 3D model.

Figure 15. Looking west toward the grassy-to-exposed bluffs and a densely vegetated creek near East End Road in the oblique image-derived 3D model. Exposed slopes show groundwater flow.

Study Limitations

This assessment is based on remotely sensed products and semi-automated techniques. This approach allows for a consistent metric to be applied across broad scales, but it is less accurate at small scales because it is unsupervised. The results are appropriate for regional-scale assessments of hazards, but localized interpretations should be made with critical judgement.

Coastal bluffs can become destabilized by several compounding environmental factors (Hampton and Griggs, 2004). When deciding which bluff stability variables to include, we consider available data, relative influence of the variable, and whether it may be correlated with other data. For example, high winds erode bluffs, but the magnitude can be relatively small compared to erosion from wave action. Including wind as a parameter may have little to no influence on the results. In addition, by measuring observed shoreline change over decades, we summarize all major eroding forces. If we include specific drivers (such as wind or wave activity) as a separate variable from historical erosion, the two may be correlated enough to bias the combined instability score. Similarly, lithology is an important factor in bluff stability. Lithology influences slope, height, drainage, vegetation cover, and how quickly a bluff erodes. Homer's coastal bluffs have similar lithology throughout (sands, silts, and clays; Barnes and Cobb, 1959; Salisbury, 2021). Due to the influence of lithology on so many variables and its homogeneity in the study area, we assume lithology is adequately represented. Ultimately, including the subtler influences of instability could improve this analysis, but they likely already factor into the existing variables.

Certain aspects of this study are automated; others are manually determined. We originally attempted an automated bluff top and toe detection using the method described by Palaseanu-Lovejoy and others (2016). The results were mostly accurate but required numerous minor fixes. Given the relatively small study area, it became faster and more accurate to delineate the bluff manually rather than correct the automated delineation. USGS recently published the Cliff Feature Delineation Tool that also follows an automated method (Seymour and others, 2020). We tested the USGS tool on our dataset and found the results unfavorable. The processing tool we built proved most useful for analyzing slope, vegetation, and drainage statistics in a small area while allowing easy manual corrections using visual interpretations.

Shoreline change analyses have well-documented limitations related to data collection, analysis methods, and non-linear change drivers (Crowell and others, 2018; Overbeck and others, 2020). When using erosion rates, some important factors to consider are changes in drivers of erosion over time. Relative sea level fall (as is documented in Seldovia; NOAA CO-OPS, 2020b) can result in fewer wave impact hours, slowing erosion of the bluff toe. Changes in prevailing wind direction and intensity could change the wave climate, although only minor changes in winds have been measured in Homer (explore climate data at uaf-snap.org). Hydrographic changes, such as river channel migration or

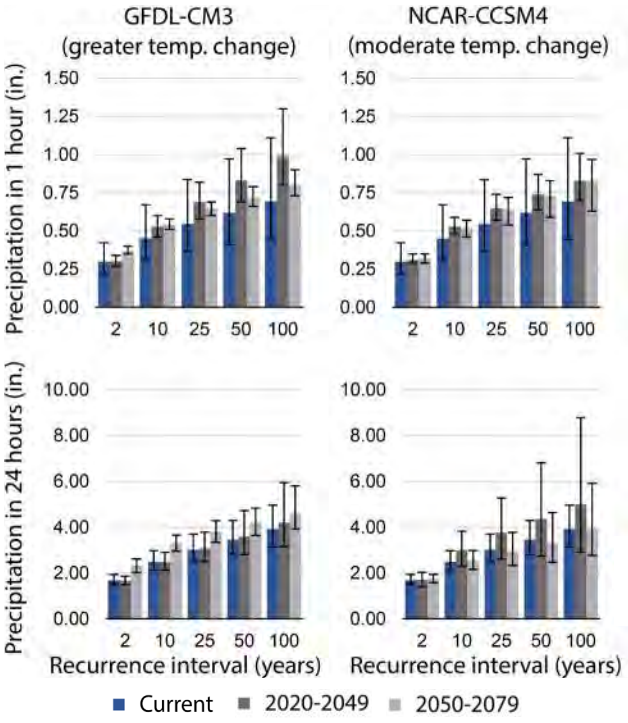

Figure 16. Current (blue) and future predicted (grayscale) precipitation trends in Homer, Alaska. The two columns show results from climate models predicting greater temperature change (left) and moderate temperature change (right). The rows show the current and predicted precipitation patterns in 1-hour (top) and 24-hour (bottom) periods. The Y axis is the total precipitation in inches. The X axis is the recurrence interval, from a 1- in 2-year event to a 1- in 100-year event. Modeled precipitation is similar to current conditions, especially considering the level of uncertainty. Data provided by uaf-snap.org.

drainage infrastructure, can bring unprecedented change to an area. Engineered structures may age or be damaged, repaired, or newly installed, changing coastal dynamics in the immediate area as well as nearby coastlines (Rella and Miller, 2012). These examples underscore the important considerations to make when using erosion rates.

Landslides can cause erosion outside the normal rate. Two major triggers for coastal bluff landslides are earthquakes and intense rainfall (Highland and Bobrowsky, 2008). Remarkably, the 1964 earthquake did not trigger major coastal landslides in Homer (Waller, 1966), but subsidence led to undercutting and swift erosion rates in the following years (Stanley, 1968). Climate model trends suggest a slight increase in extreme precipitation events in Homer, but there is no significant departure from current conditions (fig. 16). Regardless, current precipitation trends are enough to trigger landslides in Homer (Homer News, 2013). (See Salisbury [2021] for a full discussion on landslide susceptibility in Homer.)

Observations of 2009 Landslide in the Bluff Point Landslide Area

After completing this assessment, we found evidence that the 2009 landslide in the Bluff Point landslide area likely complicated erosion rates while providing insights into the connection between the coastal and inland bluffs. Between July 2 and July 3, 2009, two flanks collapsed in the Bluff Point landslide area and the beach uplifted as much as 15 ft (4.6 m), indicating a rotational slump occurred (Berg, 2009). Reger (1979) explains how these coastal bluffs are the eroded toes of rotated slump blocks from one or multiple ancient landslides. There are wide, underground shear planes connecting the inland bluffs to the coastal bluffs and beach (Berg, 2009). After a rotation, the uplifted area erodes. This process redistributes stress in the slump block back toward the bluff until another rotation occurs (fig. 2). The history of coastal erosion likely played a major role in destabilizing the bluff.

The 2009 landslide occurred across 800 ft (250 m) of shoreline, but comparisons of the 2008 and 2019 lidar reveal that the 2,500 ft (760 m) of coastal bluffs was translated seaward as far as 80 ft (25 m; fig. 17). The coastal bluffs remained mostly intact. Berg (2009) identified fissures in the slide mass that indicated active creeping. This suggests that the mass is debutressing from the inland bluff, leading to greater instability (B. Higman, written comm., 2021). Salisbury (2021) estimates that as far as 1,200 ft (366 m) inland from the bluff top edge is highly susceptible to a continued, retrogressive failure of the existing deep-seated rotational landslide block.

Where the Sterling Highway comes closest to the bluff edge (fig. 17, profile C), we did not find evidence of rotation from the 2009 landslide. The

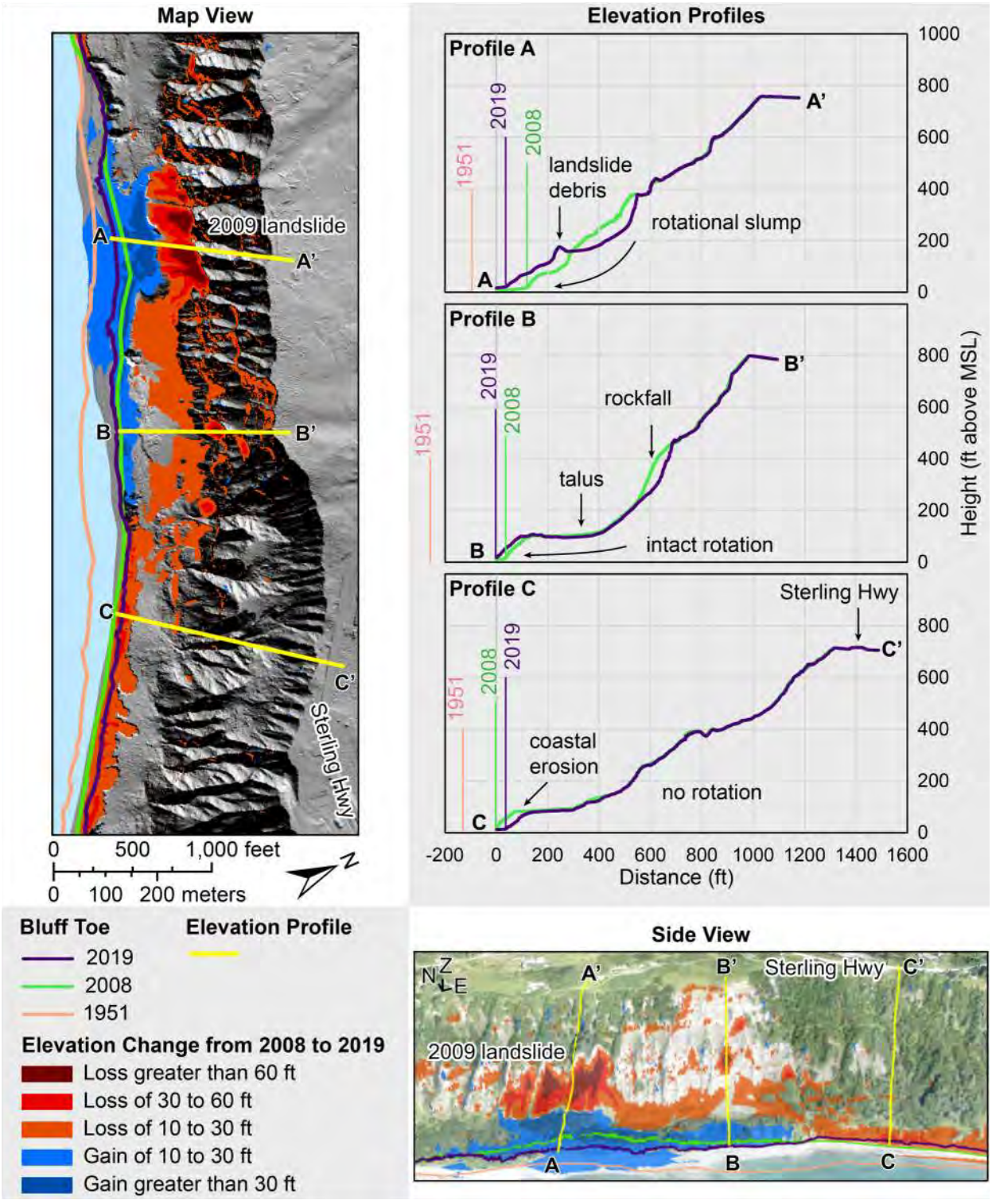

Figure 17. Map View and Side View of the region where the 2009 landslide occurred. The vertical change between the 2008 and 2019 lidar DTMs shows where the inland portion of the slump block lowered (warm colors) and rotated, uplifting the seaward section (cool colors). The bluff toe moved seaward between 2008 (green) and 2019 (purple). This is most apparent along profile A where the flank collapse occurred. On profile B, a smaller rockfall left a wide talus debris fan, and the coastal bluffs migrated seaward while remaining intact (carrying upright vegetation with them). Southeast of this area the rotation appears to end, and profile C has regular coastal erosion (also indicated by warm colors).

erosion history is similar to the nearby failure area, but the bluff is less steep. Continued erosion and bluff steepening decreases stability.

CONCLUSION

We assess coastal bluff stability for the Homer region using a shoreline change analysis and a combined coastal bluff instability score. Results indicate slow and ongoing erosion is steepening bluffs and encroaching on existing structures. Many bluffs have greater instability due to their height and slope, erosion at the toe, and lack of vegetation. The coastal bluff stability products highlight existing hazards and are tools to guide decisions to improve community safety.

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DRAFT Shoreline Change (1951 to 2019)

Homer, Alaska

Report of Investigation 2021-X
Buzard and Overbeck, 2021
Sheet 1 of 2

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF GEOLOGICAL & GEOPHYSICAL SURVEYS

website: dggs.alaska.gov

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183

Projection: NAD83 (2011) UTM Zone 5N. Orthoimagery from the Alaska High Resolution Imagery available from agc.dnr.alaska.gov/imagery_services.html

The bluff top and toe are delineated from historical photographs collected between 1951 and 2019. Using the Digital Shoreline Analysis System developed by the U.S. Geological Survey, the measured distance between shorelines through time determines the linear rate of shoreline change at shore-perpendicular transects. The transect length indicates the distance between the nearest and farthest bluff toe between 1951 and 2019. The shoreline change envelope is colored by the shoreline change rate (meters/year and feet/year), with hot colors representing erosion and cool colors representing accretion. The average linear rate of the bluff top and toe is used for the visualized change rate. Linear rates of shoreline change are simplified and do not accurately reflect shoreline erosion and accretion at all locations.

This work is funded by the Federal Emergency Management Agency. The Alaska Division of Geological & Geophysical Surveys is a Cooperating Technical Partner.

DRAFT Coastal Bluff Stability

Homer, Alaska

Report of Investigation 2021-X
Buzard and Overbeck, 2021
Sheet 2 of 2

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF GEOLOGICAL & GEOPHYSICAL SURVEYS

website: dggs.alaska.gov

N

0 1 Mile

0 1 Kilometer

1:50,000

184

Projection: NAD83 (2011) UTM Zone 5N. Orthoimagery from the Alaska High Resolution Imagery available from agc.dnr.alaska.gov/imagery_services.html
Coastal bluff vulnerability represents the potential for and impacts of slope failure. Vulnerability is estimated using slope angle, height, historical erosion, existing shoreline protection, vegetation, and drainage patterns. Red and orange areas tend to have faster erosion rates, less vegetation and protection, and taller and/or steeper bluffs.Green and blue areas generally have shorter and less steep slopes and more vegetation and/or protection. Some green and blue areas may not technically be coastal bluffs. Light blue areas are generally creekbeds or flanks.

This work is funded by the Federal Emergency Management Agency. The Alaska Division of Geological & Geophysical Surveys is a Cooperating Technical Partner.

THE STATE of ALASKA
GOVERNOR MICHAEL J. DUNLEAVY

Department of Natural Resources
DIVISION OF GEOLOGICAL & GEOPHYSICAL SURVEYS

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Anchorage, Alaska 99508
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Homer Planning Commission &
City of Homer

November 24, 2021

RE: Considerations for coastal bluff definitions and coastal setbacks Homer, Alaska

The Alaska Division of Geological & Geophysical Surveys (DGGS) is charged by Alaska state statute to determine the potential geologic hazards that impact Alaska's people and infrastructure. DGGS, with a letter of support of the Homer Planning Commission received a competitive grant from the Federal Emergency Management Agency to conduct a coastal bluff stability analysis of the City of Homer. In addition, DGGS will provide considerations and data to the Homer Planning Commission that would inform the Commission should they seek changes to the Homer City Code. This letter outlines the current policy and how policy language relates not only to the current physical state of coastal bluffs but also descriptions of coastal setback policies from other states and how existing data may be used as tools in creating new policies. This letter is not meant to persuade policy change recommendations.

Many resources are available from the NOAA Coastal Zone Management program and various state management program counterparts outside of Alaska, as well as user guides for implementing land use regulations due to natural hazards. A great resource is the Oregon Landslide Hazard Land Use Guide (Sears and others, 2019), which encourages: making use of technical information and assistance, clearly linking the implementation of provisions (zoning code, building code, etc.) to technical information, and referring to documentation and maps in provisions, among other goals. These recommendations clearly state the importance of utilizing geologic and geographic information in the development and enforcement of land use regulations and provide guidance on implementing suggestions beyond what this document could accomplish.

DGGS conducted a remote sensing analysis of historical shoreline change and coastal bluff stability of Homer. The analysis has three primary components:

1. Computations of physical parameters that describe Homer bluff morphology (including bluff top edge, toe, and slope)
2. Historical shoreline change assessment with updated (from Baird and Pegau, 2011) methods for image processing to decrease uncertainty, re-identification of shorelines, and added imagery from historical and recent aerial imagery collections.
3. Coastal bluff stability map using a metric which considers historical erosion rate, horizontal distance of bluff failure from 2019 slope to a uniformly defined stable position, vegetation type and cover, presence of existing erosion protection, and drainage of surface and groundwater runoff.

The full analysis (Buzard and Overbeck, in prep) is in preparation and will be available in draft upon request of this commission and to the public upon final publication.

Regulations across the U.S. define coastal bluffs in many ways, usually mechanistically, geometrically, or some combination of both. The current definition of a coastal bluff in the Homer City Code is written such that the code does not identify any coastal bluffs in Homer (Table 1). Because of this issue, bluff parameters and applicable geometric and mechanistic definition examples from other states are described below (Tables 1 & 2).

Table 1. Homer City Code definitions for coastal bluffs and bluff parameters measured at Homer.

Jurisdiction	Source	Description
City of Homer	https://www.codepublishing.com/AK/Homer/#!/html/Homer21/Homer2144.html	**Steep Slope:** *starts at 45%* Buildings are not allowed to be built on these slopes unless approved by City Engineer.
	https://www.codepublishing.com/AK/Homer/cgi/defs.pl?def=25	**"Bluff"** means an abrupt elevation change in topography of at least 15 feet, with an average slope of not less than 200 percent (two feet difference in elevation per one foot of horizontal distance). *In Homer, most coastal bluffs have slopes between 31 and 87 percent.*
	https://www.codepublishing.com/AK/Homer/cgi/defs.pl?def=45	**"Coastal bluff"** means a bluff whose toe is within 300 feet of the mean high water line of Kachemak Bay. *The coastal bluff must first be defined as a bluff, which the current coastal bluffs in Homer do not satisfy. Then a measured distance must be made between the bluff toe and the mean high water line, however, a bluff toe is not defined.*
None	Measurements from Buzard and Overbeck (in prep)	In 2019, bluff parameters were measured from lidar and quality controlled with coincident aerial imagery to interpret bluff toe, bluff top edge and benches along the coast of Homer. **Bluff toe** - generally defined as the seaward extent of a slope where a slope break to relatively flat land occurs (often a sediment transition), land continues down to the MHW shoreline. **Bluff top edge** - the seaward extent of relatively flat land where a slope break or scarp occurs. For complex slopes with one or more benches, the bluff top edge is landward of the benches. **Bench** - a platform mid-slope of a larger slope complex that typically shows exposed earth upslope.

Table 2. Example definitions of coastal bluffs in other states.

California	Code of Regulations 10-5.2204 4 CCR § 13577 https://govt.westlaw.com/calregs/Document/I2EA4E8D32D044C78BF258B4F0DA30B08?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)	(h) Coastal Bluffs. Measure 300 feet both landward and seaward from the bluff line or edge. Coastal bluff shall mean: (1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and (2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2). Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.
New Jersey	7:7-9.29 https://www.nj.gov/dep/rules/rules/njac7_7.pdf	(a) A coastal bluff is a steep slope (greater than 15 percent) of consolidated (rock) or unconsolidated (sand, gravel) sediment which is adjacent to the shoreline or which is demonstrably associated with shoreline processes. 1. The waterward limit of a coastal bluff is a point 25 feet waterward of the toe of the bluff face, or the mean high water line, whichever is nearest the toe of the bluff. 2. The landward limit of a coastal bluff is the landward limit of the area likely to be eroded within 50 years, or a point 25 feet landward of the crest of the bluff, whichever is farthest inland. 3. Steep slopes, as defined at N.J.A.C. 7:7-9.32, are isolated inland areas with slopes greater than 15 percent. All steep slopes associated with shoreline processes or adjacent to the shoreline and associated wetlands, or contributing sediment to the system, will be considered coastal bluffs.
Michigan	https://www.govinfo.gov/content/pkg/CZIC-gb459-5-g8-g786-1979/html/CZIC-gb459-5-g8-g786-1979.htm	1. Bluffline means the line which is the edge or crest of the elevated segment of the shoreline above the beach which normally has a precipitous front inclining steeply on the lakeward side.
Connecticut	Gen. Stat. Ann. § 22a-93	Coastal bluffs and escarpments means naturally eroding shorelands marked by dynamic escarpments or sea cliffs which have slope angles that constitute an intricate adjustment between erosion, substrate, drainage and degree of plant cover.

Maine	Ch. 1000, 38 M.R.S.A § 435-449 https://www.law.cornell.edu/regulations/maine/06-096-Me-Code-R-Ch-1000	For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the board of appeals.

The purpose of coastal setbacks are to avoid coastal bluff erosion or mass wasting impacting infrastructure over a design life or home mortgage period. Currently in Homer, structures may not be built closer than 40 feet from the top of a coastal bluff, and not closer than 15 feet from the toe (less common). Through the analysis of Buzard and Overbeck (in prep), we find scenarios where erosion or bluff failure may encroach further than 40 feet over a 30-year timeframe. DGGS uses two different methods for computing forecast erosion distances, both of which have inherent uncertainties. The first method assumes the historical erosion rates continue over a 30-year timeframe (multiply the erosion rate by 30 years to determine distance). The second method assumes a bluff could erode due to slope failure from its current height and slope to a slope with a low risk of failure (similar to Kokutse and others [2016] for sand, silt, and clay slopes as described in Salisbury [in prep]; Figure 1). Such events may occur over decadal to centennial timescales (or longer), so the measured erosion rates may not reflect this phenomenon.

$$B_e = B_h \times (B_s - 0.51)$$

B_e = Horizontal bluff erosion due to slope failure
B_h = Bluff height
B_s = Average bluff slope percent (as a fraction)

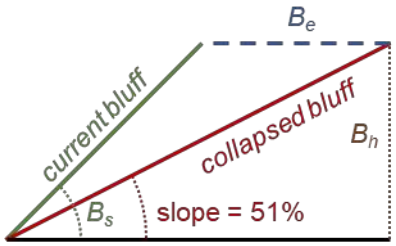


Figure 1. Equation and schematic of bluff relaxation computation from Buzard and Overbeck (in prep).

Erosion distances using both methods are mapped by parcels within the City of Homer (Figures 2 & 3). The mapped erosion distance for each parcel boundary is determined by taking the maximum erosion distance (for either the 30-year forecast-Figure 2 or the slope failure distance-Figure 3) and applying that distance to the entire parcel. To evaluate the overlap in either methods, we map them both, showing only the parcels with erosion greater than 40 ft (from either method; Figure 4). Using these methods, we find that a total of 69 parcels (36% of all parcels on coastal bluffs) have computed erosion distances greater than 40 ft somewhere along the parcel. These values can be utilized to determine whether changes to the coastal setback distance are needed in any future updates to the Homer City Zoning Code.

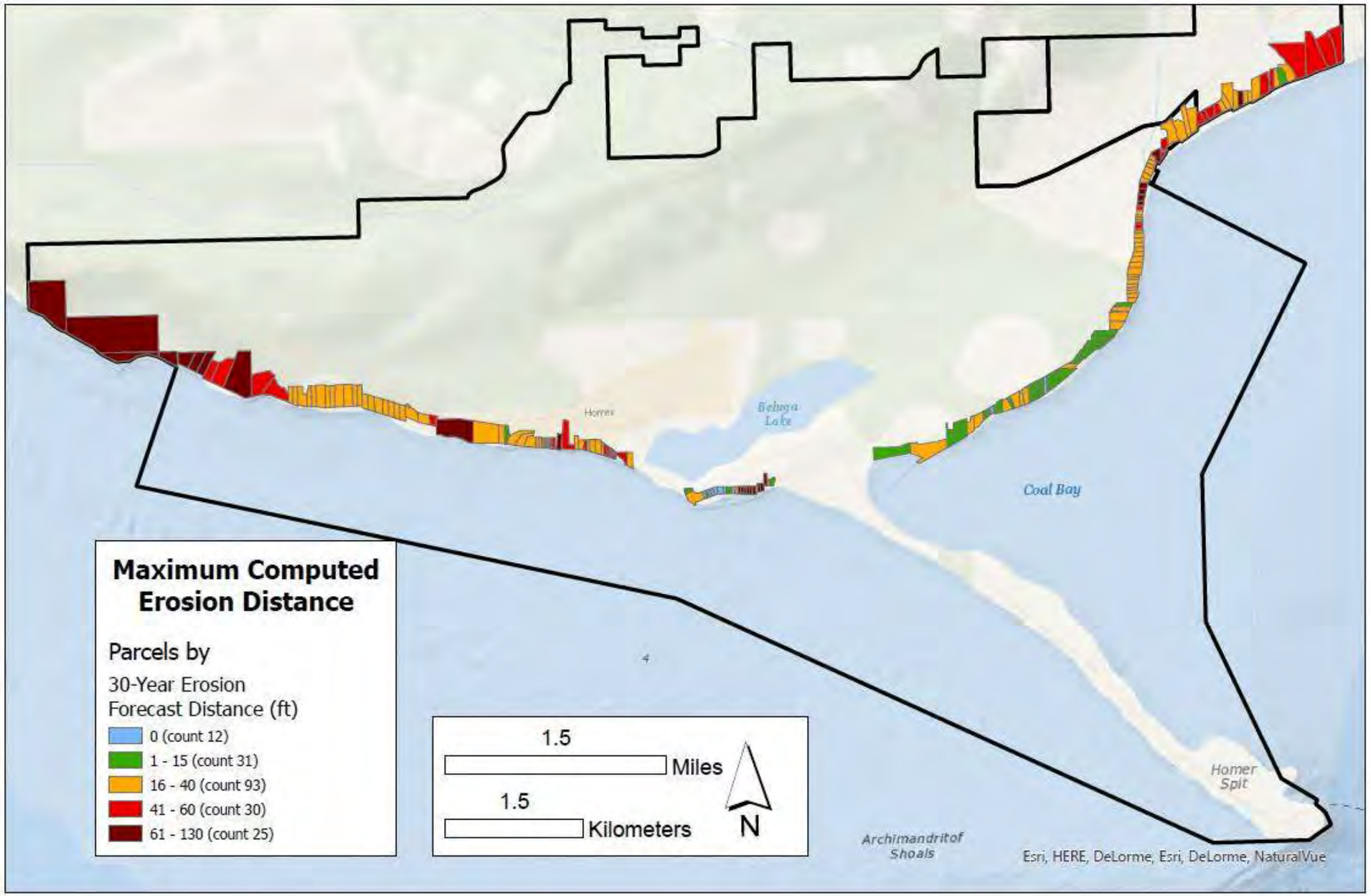


Figure 2. City of Homer parcels on coastal bluffs are symbolized by the maximum 30-year erosion forecast distance for coastal bluff erosion. This map shows 55 total parcels with a maximum erosion distance greater than 40 ft. The total number of parcels on coastal bluffs are 191, resulting in 29% of parcels having at least some section of their bluffs with an erosion distance greater than 40 ft. This City of Homer boundary is shown as a thick black boundary. Parcels are not differentiated between developed and undeveloped.

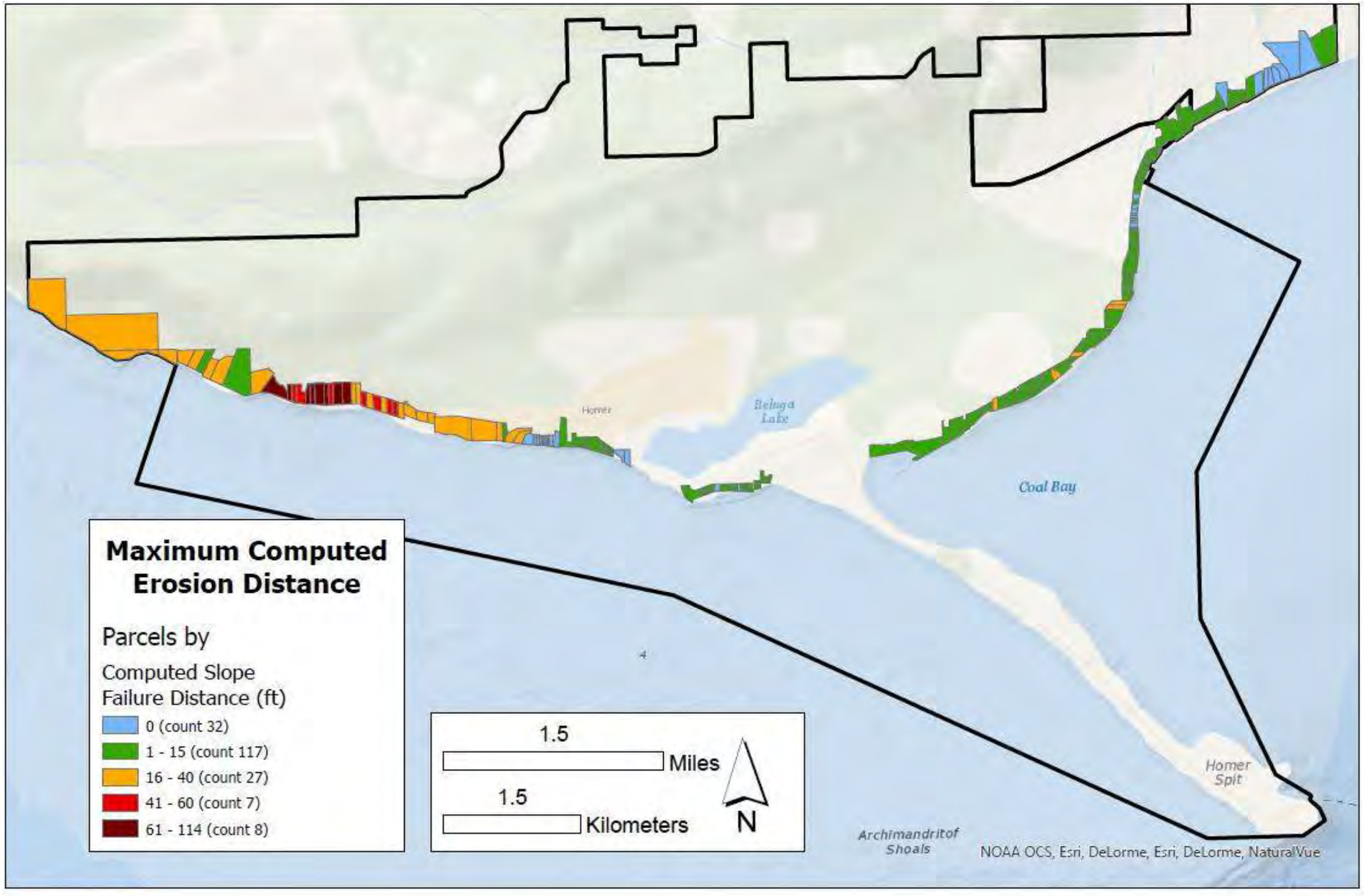


Figure 3. City of Homer parcels on coastal bluffs are symbolized by the maximum slope failure distance for coastal bluff erosion. This map shows 15 total parcels with a maximum erosion distance greater than 40 ft. The total number of parcels on coastal bluffs are 191, resulting in 8% of parcels having at least some section of their bluffs with an erosion distance greater than 40 ft. This City of Homer boundary is shown as a thick black boundary. Parcels are not differentiated between developed and undeveloped.

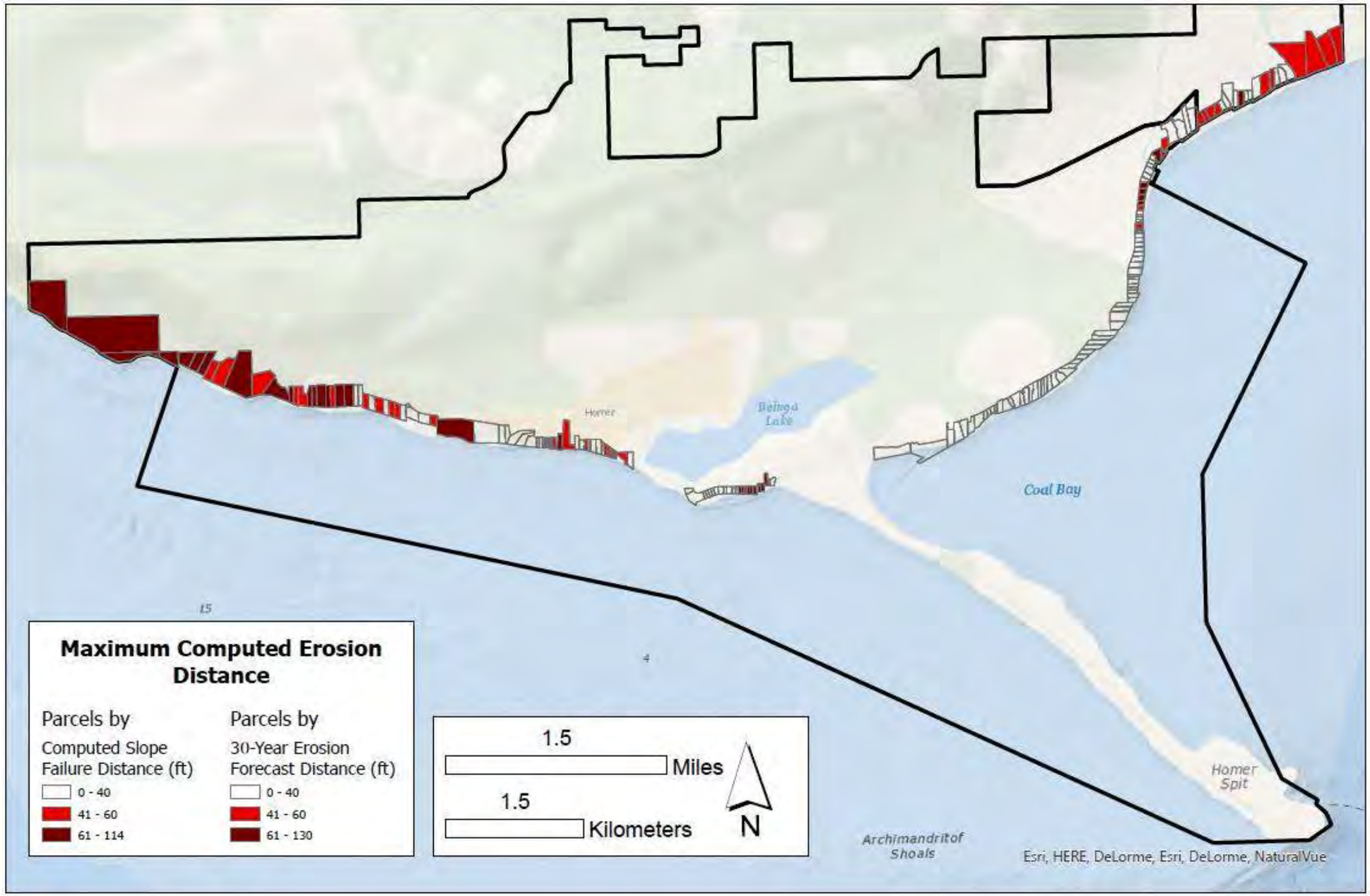


Figure 4. City of Homer parcels on coastal bluffs are symbolized by either the maximum 30-year erosion forecast distance or the computed slope failure distance for coastal bluff erosion. This map shows 69 total parcels with a maximum erosion distance greater than 40 ft. The total number of parcels on coastal bluffs are 191, resulting in 36% of parcels having at least some section of their bluffs with an erosion distance greater than 40 ft. This City of Homer boundary is shown as a thick black boundary. Parcels are not differentiated between developed and undeveloped.

Other states in the U.S. have well developed policies for coastal setback determinations or building restrictions due to erosion zonation. Examples from other states are compared to the current Homer City Zoning Code (Table 3).

In general, most states utilize a metric that is either defined at a set distance from a regulatory boundary (e.g., 150 feet from the ordinary high water mark) or by a timeline in which historical erosion rates are forecast to impact an area (e.g., a 30-year timeline with an erosion rate of 1 foot per year would make the setback 30 feet). Regulations become far more complex not only due to options for authorities to adjust policy among county or municipal boundaries (one county to the next may have a different policy) but also because greater limitations may be applied for areas considered at high erosion risk or ecologically important. These types of designations are expressed both linearly along the shoreline and as mapped zones (areas or polygons).

Table 3. Coastal setback examples from other states and parameters relevant to Homer coastal bluffs.

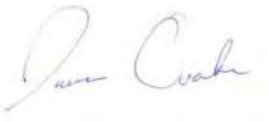
Homer City Zoning Code	
21.44.030 Slope development standards	No structure may be closer than 40 ft from the top of a coastal bluff, and not closer than 15 feet from the toe.
Homer Bluff Parameters from Buzard and Overbeck (in prep) City of Homer Boundaries	
Shoreline change analysis	Shoreline change rates range from 1 to 3.7 feet per year. Based on historical rates of shoreline change, 55 parcels (29%) are expected to undergo greater than 40 ft of erosion over a 30-year period.
Coastal bluff stability analysis	Horizontal bluff erosion due to slope failure ranges from zero to 114 feet, with 15 parcels (8%) with computed slope failure distances greater than 40 ft.
Combined	Combining these methods, there is only one parcel with overlap, resulting in 69 parcels (36%) with computed erosion distance greater than 40 ft.
Coastal Setback Examples from Other States	
Minnesota (outside high erosion areas)*	For non-erosion hazard areas: 75 feet from ordinary high water line elevation. 50 ft from shoreland in City of Duluth.
Minnesota (in North Shore Management Board Zone high risk erosion area)*	The annual erosion rate times 50 plus 25 feet from the top edge of the eroding bluff. 125 feet where annual erosion rate is unknown (based on 1989 map).
Michigan*	Determined by 30 (readily moveable structure) or 60 (non-readily moveable structure) year projected recession lines. Calculated as the recession rate ft/yr * 30 or 60 (depending on structure type) plus 15 ft. The state statute mandates that the erosion hazard line (EHL) be measured in reference to vegetation, which can be complicated due to various disturbances and fails to take the geomorphology of the site in account.
Ohio*	Required permitting in coastal erosion area. Defined using transects limitations on building in the defined area which represents the 30-year linear trend forecast of erosion. Mandatory updating of maps every 10 years.
Maine	All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.
Washington	Up to individual counties. Most examples are quite complex, including multiple buffer zone types (characterized zone—ecological function, human alteration, open space, public access, forecast rate, and single value). A minimum setback of 150 feet.

**see full text reference from Perello (2019)*

The geospatial datasets used to assess the coastal bluffs in Homer will be made available to the public so that physical features, metrics, and erosion rates (with uncertainties) described in this paper can be referenced.

For additional information or to gain access to the report of investigations on Homer Coastal Bluff Stability, please contact Jacquelyn Overbeck, information below.

Regards,



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A. Staff Report 22-01, City Planner's Report

City Planner Abboud reviewed his staff report that was included in the packet. He commented further on the following:

- Appeal to dismiss the withdrawn CUP application was moved to Hearing Officer
- Looking at Tax Foreclosures on Kachemak Drive
- He recorded a presentation which the link was provided in his report in the packet
- Still working on the permitting software
- Worked a bit on the Hazard Mitigation Plan update
- Reviewed the proposed Rural Residential Rezone update
- EDC December meeting update
- Multi-use Community Center update

City Planner Abboud responded to Commissioner Venuti regarding status of data on the asbuilts provided by builders. He noted that notices have been sent out and they are preparing to send out a stronger reminder. He will provide some statistics in his next report.

Commissioner Conley requested clarification on the presentation materials regarding the homelessness.

City Planner Abboud stated he will email commissioners the link.

Commissioner Bentz requested an update on the hazard mitigation planning process timeline.

City Planner Abboud facilitated questions and answers on the following:

- status update on the number of asbuilts submitted
  - City Planner will provide statistics in the next meeting packet
- Clarification on the Homeless Coalition Presentation materials
  - City Planner will provide a link to the Commissioners
- Hazard Mitigation Planning Process timeline
  - This is not his timeline but he is hoping to be completed in a couple of months but it depends on the other parties involved, City Planner will try to get that information nailed down

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 22-03 Coastal Bluff Analysis

Chair Smith Introduced the item by reading of the title and invited City Planner Abboud to provide his report.

City Planner Abboud reviewed his staff report and what has been discussed by the Commission:

- establishing a 40 foot setback from a bluff and needing input from the Commission on this distance
- allowance to bring in an engineer, needing additional input from Commission
- bringing the proposed code language for review by building professionals and engineering professionals

City Planner Abboud then facilitated discussion on the following:

- definition of coastal buff would mean along the water's edge and bluff top edge would be the inland and away from the water
- needing to cross reference to make sure that they do not have a definition already
- review of the steep slope again to make sure that they are covered inland
- time frame to use should be based on the use of the 30 year planning since that is what was used for the data and science
- 40 foot setback is used as a building code guide and 60 foot get them where they want to be on the DNR land in the area of Baycrest Overlook
- Obtaining data on the average of how long a family stays in a home, thirty years works for the financing but not everyone stays in their home for thirty years and not guiding this based on mortgages and insurance
- Keeping the data relative to the dynamics of the structure and not the habit of the persons who occupy it
    - there are only a handful of structures that could be 50 years old, but structures that were built 20 years ago are substantially different than those built 35 years ago
    - Homer does not have a building code
    - review of other studies they would figure their measure and add 10 feet
    - How long should they give a structure pertaining to expected life of a structure
        - Dependent on how they were built, examples of structures that were constructed prior to the 1964 earthquake are still standing and structurally sound while there are many built in the 1970's that have multiple problems as they were built by individuals who did not have the necessary knowledge.
        - 30 years is the minimal time
- Different areas of Homer have experience various rates of erosion such as towards the west experienced 1.7 feet per year loss compared to the east along Kachemak Drive or East End have ½ a foot or less each year and using a overall instability as a metric using the data in the study. Referring to the Table 13 on page 42 of the packet.
    - Checking back with Ms. Overbeck on rates that were used in the table
    - Munson Point was provided as an example that the setback would not need to be increased from the standard due to the low instability score due to the preventative measures
- Clarification on the area of "downtown" that is being referred to was requested
- There are some areas along Kachemak Drive that lost 20 feet in one year, it was interesting that it has such a low score
- Review of communities in the United States shows that there are no set standards, each community has different regulations
- Establish an unattainable distance so that there will be no building in the future and then there will never be a failure

- Regulations that limit the use of private property to the effect that it deprives the property of any value amounts to a taking and is something to consider.
- Checking on the element of rising sea levels and increase in the strength of storms is something to consider
    - There is probably some consideration but the sea levels and glacier retreat has been really small increments and calculated in millimeters, City Planner Abboud will double check that data with Ms. Overbeck
    - Current land level is outpacing the sea level rise but the increasing frequency and intensity of coastal storms addresses that but considering that we have been looking at data that addresses the past does not lend itself for what they may experience in the future and that faster erosion rates could be experienced.
    - That supports the increase by 10 feet because Mother Nature is not going to get better and difficult to predict.

B. Staff Report 22-05, Storage Container Dwellings

Chair Smith introduced the item and requested City Planner Abboud to provide his staff report.

City Planner Abboud provided a summary of the Staff Report 22-05 and noted the prior discussions conducted by the Commission. He noted that a recommendation was made for Commissioner's to work with staff to produce some proposed code but there was none received by the planning department.

City Planner Abboud noted that Commissioner Venuti requested this item to be on the agenda through the Chair and then requested Commissioner Venuti to speak to the topic.

Commissioner Venuti provided a history of his experience and certifications as well as licensures and how long he has worked in the construction industry. He acknowledged that not everyone can afford a $300,000-$500,000 home and that recycling a container into a dwelling may be appealing to some people. Commissioner Venuti proceeded to provide his reasons for not allowing the use of shipping containers as dwellings for the following reasons:

- safety and health hazards with materials used in shipping containers
- aesthetics
- there is no standards for construction
- there are no requirements for inspection
- Not appropriate structure to be used in the urban or residential zones of the city where residents are heavily invested using more conventional means
- Use of shipping containers he believes will devalue the neighboring properties
- Community Design Manual does not support the use shipping containers

VENUTI/HIGHLAND MOVED THAT THE CITY OF HOMER LIMITS THE USE OF SHIPPING CONTAINERS CONVERTED INTO HOMES TO THE CENTRAL BUSINESS DISTRICT, MARINE COMMERCIAL DISTRICT AND EAST END MIXED USE DISTRICT.

Discussion ensued by the Commission on the following points:

- Toxicity and safety requirements, are what would be found in Building Code which the City does not have;

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(f) 907-235-3118

Staff Report PL 22-07

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: 2.2.22
SUBJECT: Coastal Bluff Analysis

Introduction

No decisions were made about regulations of coastal properties at the last meeting. I did contact Jaci with DGGS and inquired about the Coastal Bluff Stability map when it was suggested by the Commission to investigate if it would be proper to use the map as a modifier of setback policy. She did offer to go into further details if needed. I also could find no source of data regarding the length of occupancy of coastal structures. Please refer to your last packet for the study and maps or request another copy from the office.

Analysis

I do want to reinforce the use of our current code as a starting point. After study of the Coastal Bluff Stability map, I have found that the information supports the suggestion of making tighter code to perform as it was intended to when adopted. As the Stability map indicates, the areas suggested to be regulated with a 40' setback match the very low to medium risk. The particular lots that have greater computed future erosion rates (in the areas proposed to have a 40' setback) are already mostly fully developed and would not be expected to support near shoreline developments.

As one progresses from the Saltwater Drive areas to the west the vulnerability index is found to frequent the high vulnerability designation, where it was suggested to support a 60' setback due to the higher forecasted rates of erosion or possible slope failure.

Current Code

Current Code regulates on the basis of being "Located within 40 feet of the top or within 15 feet of the toe of a steep slope, bluff, coastal bluff or ravine", HCC 21.44.020(a)(2).

> HCC 21.44.030(c), Setbacks. Subject to the exceptions to setback requirements in HCC 21.44.040, all development activity is subject to the following setback requirements:

1. No structure may be closer to the top of a ravine, steep slope or noncoastal bluff than the lesser of:

a. Forty feet; or

b. One-third of the height of the bluff or steep slope, but not less than 15 feet.

2. No structure may be closer than 15 feet to the toe of a bluff other than a coastal bluff.

3. **No structure may be closer than 40 feet to the top of a coastal bluff and closer than 15 feet to the toe of a coastal bluff.**

"Coastal bluff" means a bluff whose toe is within 300 feet of the mean high water line of Kachemak Bay.

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

The real issue with this that we have erosion issues regardless of the height of the bluff. We have a study that projects probable annual erosion rates. I would like to think of the coastline in term of a continuous coastal bluff, regardless of height.

We already require dwellings to be located at least 40' from the top of the 'bluff' that is within 300' of the bay, it is just that the definition of bluff is nearly non-applicable in Homer. Places that have been proposed to maintain a 40' setback from the 'bluff' is in keeping with the intent of locating dwellings from what is the current extent of the bay landward. I do not find this number controversial or inconsistent with the current intent of the code.

Additionally, a 40' setback from slopes is a rule of thumb distance required in the current International Building Codes (IBC). The rule is 40' or 1/3 the height of the bluff. While this may be a good rule of thumb for a noncoastal bluff, it further supports the contention that 40' should be the minimum distance from our eroding coastline, since the height of the bluff and relation to the annual erosion rate is somewhat nebulous and we have a study that refines our specific hazards.

It is not shocking, in the least, to current or prospective property owners to suggest that they keep developments 40' from the bluff transitions. I do believe that a 60' setback from the edge of the riskier lands to the west is reasonable where little developmental pressures are found.

Bluff Edge

The issue with the code not prescribing the 40' setback consistently is that our definition of Coastal Bluff is basically non-existent in Homer, due to the poor match of physical description of our shoreline. This definition may work better in a place that only has a concern with tall bluffs, as mentioned above, our eroding shoreline is moving regardless of the height or steepness of the bluff.

After some professional input, we have drafted some language from our study and other descriptions that would better address the unique features of the Homer Shoreline. It may need some further revision as it is tested.

> *Bluff Edge – The bluff top edge is identified as the seaward extent of relatively flat land where a slope break or scarp occurs. The chosen bluff top edge must represent the seaward extent of land that is neither part of a previous landslide nor a bench on a slope"*

I would like to further consult and test the concept to consider some finer elements, but I believe it is a good basis of thought. I never thought that a description of this feature would be so challenging. But, it is apparently something that everyone struggles with, as you may see when looking at the examples from other coastal communities. Our coast is dynamic and somewhat unique. The one issue I wish to bring to a professional is considering the limit of the definition to describe the landward extent and just how applicable that is to Homer, as our current code describes a limit of 300' from the shore.

Staff Recommendation

I would like a recommendation to draft up regulations for the Commission to review and for the public to provide input.

Attachments

Please refer to the study and maps found in the last packet or request them from the office if they are inaccessible.

Mr. Lakey responded to questions from the Commission on his location in relation to the applicants, if he had viewed the drainage plan contained in the packet, if he had reported the issues to Public Works Department and where the actual drainage ditch and how the flow of water is dispersed.

Mr. Gill responded to Commissioner Venuti that he would be willing to coordinate and work to address any drainage issues during his ground prep.

Commissioner Barnwell commented that they should require a drainage plan analysis incorporated into these types of situations especially in higher density situations and poor soils. He believed that with the data that is available he is wondering why they do not have that requirement currently.

City Planner Abboud responded that is code and they do not have off-site improvements; he then provided an explanation of what possible solutions and assured the Commission that Public Works did review this project and there is more than one property owner with these drainage issues.

City Planner Abboud responded to Commissioner concerns on the proposed siding selection in regards to the design manual and that those requirements do not apply to residential zone.

Vice Chair Highland requested a motion and second.

BENTZ/BARNWELL MOVED TO ADOPT STAFF REPORT 22-06 AND RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT 22-01 FOR TWO BUILDINGS CONTAINING THREE DWELLING UNITS TOTAL AT 373 MOUNTAIN VIEW DRIVE WITH FINDINGS 1-10 AND CONDITION 1:

1. OUTDOOR LIGHTING SHALL BE DOWNLIT PER HCC 21.59.030 AND THE CDM

There was a brief comment on the information provided on the density in response to the public comments received.

VOTE. YES. VENUTI, CONLEY, BARNWELL, BENTZ, CHIAPPONE, HIGHLAND

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 22-07 Coastal Bluff Analysis

Vice Chair Highland Introduced the item by reading of the title and invited City Planner Abboud to provide his report.

City Planner Abboud reviewed his staff report and facilitated discussion on the following:

- stability map and modifier for a setback map
- the stability map may not be the best resource to use
- City code review should happen frequently due to the dynamic coast land
- Comparison of other like communities show different coastal communities nothing is similar

- it is very complex, there are varying degrees of possible slope failure which should have a greater setback such as 60 feet
- Erosion rates do not depend on a coastal bluff
- City code was not based general slope stability
- Support for the 40 foot setback is a good point to start with
- description and definition for bluff edge
- different features and issues on Baycrest
    - o different benches
    - o rotational issues
    - o historical landslides or slough

City Planner Abboud requested direction from the Commission to come up with code language.

Further discussion ensued on the definition clarification of coastal bluff, multiple benches, concerns on the scarp under West Hill location, setting threshold on the coastal erosion, requiring readily moveable structures, it would be dependent on the time of application since it changes all the time; using the LIDAR information that is currently available, establishing a setback at 40 feet catches most if not all the predicted erosion; using the LIDAR information to develop the definition as well as the mapping will provide the best definition and most appropriate definition.

Further discussion ensued on the definition of coastal bluff and that it is not a defined line. Additional comments were made on the 40 feet from the top of a slope and 15 feet from the bottom is from the building code and that they were not established for a coastal bluff in Homer, Alaska. City Planner Abboud noted that it is reasonable and you would not be condemning the land, basing it off of building code at minimum you are not going against it in theory if you adopt a building code there would be no conflict, the Commission can decide more but he would not recommend less.

BENTZ/ VENUTI MOVED TO REQUEST PLANNING STAFF DRAFT REGULATIONS AND BRING BACK TO THE MARCH 16TH MEETING FOR REVIEW BY THE COMMISSION.

Commissioner Bentz requested this to be on a worksession so it can be reviewed and discussed.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 22-08, Storage Container Dwellings

Vice Chair Highland introduced the item and requested City Planner Abboud to provide his staff report.

City Planner Abboud stated that the Commission wanted to view language to ban the use of storage containers for dwellings. He noted that the best way in his opinion since they do not have building code was to amend the term dwelling. He noted that without a building department there was not a better way in his opinion. He confirmed that this would be an amended definition of the word dwelling currently used.

City Planner Abboud facilitated an in-depth discussion on the following points:

- aesthetics of the use of shipping containers as dwellings
- limitations on regulating the use of shipping containers until the city has a building department
- applying personal opinions to regulate on the way things look and would this then apply to other non-standard dwelling materials such as yurts.
- cost comparison of converting a shipping container compared to traditional builds
- possible toxicity that can pass on to persons who reside in a shipping container
- how near future is a building department and code
- Use of shipping containers can be done in other applications such as commercial, example Oyster Bar that was approved.
- Structural concerns using converted shipping containers

Deputy City Clerk Krause reminded the Commission that this topic was postponed at the January 5, 2022 regular meeting reading the motions on the floor limiting the use of shipping containers as dwellings to the Central Business District, Marine industrial and East End Mixed Use District then the amendment was to remove the Central Business District. The current item before the Commission is to amending the definition which is another factor of the issue of using shipping containers as dwellings. So that issue will be on the February 16th agenda.

Commissioner Bentz restated her understanding of the discussion from the January meeting simplifying to to three points: the motion and amendment on the floor to limit the use of intermodal shipping containers, the amendment to city code regarding the definition of “dwelling” in relation to intermodal shipping containers and third for the Commission to explore adding building inspection services.

Vice Chair Highland did not recall that discussion but noted that they cannot move something that is not on the agenda.

Further discussion ensued on making motions to changing code and preference to address the issues through building inspections and adding building code and those types of city services and it would be very beneficial to the residents of Homer and use those instances as evidence to support the implementation of building code. Additional points made that typically residential structures are inspected but there is no way to know that at this time.

City Planner Abboud requested that the issue of building code be kept separate from these issues.

Vice Chair Highland restated the topics that would be coming before commission at the February 16th meeting and they can then bring back this item as well.

Commissioner Bentz would like to see proposed code language on limiting shipping containers since they have a motion on the floor.

City Planner Abboud expressed hesitancy in writing the language that Commissioner Bentz requested for the motions on the floor and that the Commission has not expressed solid support for the current recommendation he has presented to address the situation. He further expressed that he did not believe that it was a preferred choice on how to construct a dwelling.

Commissioner Conley requested a worksession on this topic to discuss and review all the options and to get a thorough understanding of the issues.

Commissioner Barnwell supported the idea of worksession instead of trying to make a decision in this limited time period.

Vice Chair Highland requested confirmation that City Planner Abboud had enough direction to proceed with the Building Code aspect of this by the commission.

City Planner Abboud confirmed.

Deputy City Clerk Krause requested a motion to postpone amending the definition from the Commission if they were not acting on it at this meeting.

BENTZ/VENUTI MOVED TO POSTPONE THIS ITEM TO THE FEBRUARY 16, 2022 REGULAR MEETING.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Staff Report 22-09 Maximum Parking Allowance for Large Retail

Vice Chair Highland introduced the item by reading of the title.

City Planner Abboud reviewed his staff report for the Commission.

Discussion was facilitated and focused more on the issues that were brought forward by the changes in the Safeway parking lot on the following:

- requirements for parking lots for commercial establishments
- design factor
- number of entrances
- looking at minimums
- making logical allowances for what is really necessary on site
- parking lots are really expensive
- reducing the percentage is the simplest method
- removal of landscape requirements
- accommodating snow removal and storage

BENTZ/CONLEY MOVED TO STRIKE LINE A PARKING LOTS FOR LARGE RETAIL AND WHOLESALE DEVELOPMENT SHALL NOT EXCEED THE MINIMUM NUMBER OF SPACES REQUIRED BY CHAPTER 21.55 BY MORE THAN 10 PERCENT.
There was no further discussion.

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Staff Report PL 22-12

TO: HOMER PLANNING COMMISSION
FROM: RICK ABBOUD, AICP, CITY PLANNER
DATE: FEBRUARY 16, 2022
SUBJECT: COASTAL BLUFF REGULATION

Introduction

The Commission requested that our discussion of coastal setback be brought to a work session. If you do not have access to the DGGS study from previous packets, please request copies from the office.

Analysis

My last staff report focused on analyzing our current code and what the expectations were, namely setbacks based on the bluff composition. Our study indicates that we have forecasted erosion rates and bluff failures that are not tied hard and fast to just the height and current slope of the bluff. Coastal Homer is a dynamic feature and reminds me of the investments disclaimer that state, "past performance may not be an indicator of future results". Some areas may move faster and some slower.

What we do have is better information than we have ever had. We have historical measures of erosion that date back to 1954. Slope failure distance averages have been computed and brought into the equation. Both these measures have been forecasted out 30 years. I would expect, as time goes on, we will again get even better information and will have to take that into consideration at the time. This is something that should be scheduled for review every 5 years or as new information comes available.

I have suggested to apply a 40' setback for new structures along the east coastal areas, heading west to somewhere adjacent to Saltwater Drive or the West Hill areas (with exclusion of the spit). From these areas west I suggest at least a 60' setback. These setbacks provide improved measures of safety compared to our current regulations, while allowing for a reasonable use of the lots near the bay. By my measurements, no one would be prohibited from developing on existing lots. It also conforms well to meeting the distances of most of the existing improvements, of course there are a few structures closer than this and they would be allowed to continued, but may not be eligible for replacement in their current location if damaged greater than 50% of the replacement cost.

After we get a commitment on setbacks, I will further test our definitions and look for any snags that we may not have been expecting. The working definition of the setback is proposed to be from a description of 'bluff edge'

> *Bluff Edge – The bluff top edge is identified as the seaward extent of relatively flat land where a slope break or scarp occurs. The chosen bluff top edge must represent the seaward extent of land that is neither part of a previous landslide nor a bench on a slope.*

This is a dynamic definition that is similar in thought to those we use describing other slope or bluff and will change as conditions change. It is best to create a unique description, so it will not conflict with the use of terms found other places in code. In that vein, I will suggest something that eliminates the use of the term "bluff", as it has a unique definition that will conflict with other uses of the definition. Also, I will have to come up with a measure of distance from the bay that applies to the definition to separate it from features further inland, such as the Baycrest pull out areas far away from the bay. A measure of 300' is currently used in the definition of Coastal Bluff. I will further test this measure.

I believe that the suggested setbacks will serve Homer well and would not be a surprise or thought of as over-reach. Generally, the areas along the coast have been well developed and we would not expect much, if any, pressure to add to these sites. The lots that are left vacant have also not seen a great amount of development pressure.

Staff Recommendation
Provide a recommendation of coastal setbacks and locations. I will then test the ordinance with our coastal features and work up code language for review. This may need more time than the next meeting, so an open time of return would be appropriate.

Attachments
Refer to DGGS study previously provided or call for a copy.

Commissioner Highland noted that the Commission discussed this topic thoroughly and did not believe that there was anything additional to discuss.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 22-12 Coastal Bluff Analysis

Chair Smith Introduced the item by reading of the title and invited City Planner Abboud to provide his report.

City Planner Abboud reviewed his staff report at the worksession and provided a summary of what was discussed:

- work out issues insuring the setback is from the face or edge of the structure
- definition for "edge and maybe a measurement section to make sure this is not compromised by other measurements
- displaying 60 foot setbacks west of West Hill Road
- Shoring up definitions of bluff edge which include eliminating the word bluffs so it is not confused with regulations of other bluffs that they deal with
- adding a section or some definitions pertaining to the Marine Erosion and distance from the marine area that this will apply to
- possibly incorporating some measure of mean high water
- working with Commissioner Bentz to define the language for the above

Chair Smith noted that staff has requested motion for recommended setback and locations but was unsure if they were ready to do that at this time and requested further input from the Commission.

Commissioner Bentz stated that she agreed with the idea of a 40 foot setback for all areas of Homer east of West Hill and then a 60 foot setback for areas west of West Hill Road. She expressed that if they wanted to make the motion as a Commission about just that number of feet for the setback, and then opined that it would be useful to make a motion to request staff to provide an ordinance with proposed language for review at the next meeting. Ms. Benz further stated that just incorporating those key bullet points that City Planner Abboud just give us an overview of, in the language, will help and having it before us in a draft ordinance form will be really helpful as far as making decisions in the future.

City Planner Abboud stated that he was unsure if a draft ordinance could be ready by the March 2nd meeting as he will be taking some time off and Planning Staff will have other time commitments.

BENTZ/VENUTI MOVED TO RECOMMEND 40 FEET AS A SETBACK FOR LOCATIONS IN HOMER EAST OF WEST HILL AND THE STERLING HIGHWAY INTERSECTION AND 60 FEET SETBACK FOR LOCATIONS WEST OF THE INTERSECTION OF WEST HILL ROAD AND THE STERLING HIGHWAY.

Commissioner Bentz added that it is consistent with the data and the research that shows higher erosion rates in the western portion of City of Homer and lower erosion rates in the areas east of West Hill and that 40 foot setback is pretty consistent with the 30 year planning horizon and with other documentation that the Commission has been presented on this topic.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BENTZ/BARNWELL MOVED TO REQUEST STAFF TO PROVIDE A DRAFT ORDINANCE OF PROPOSED LANGUAGE OF DEFINITION UPDATES FOR COASTAL BLUFFS FOR REVIEW AT THE STAFF'S CONVENIENCE OR WHEN READY.

There was a brief discussion on putting a time limit on the draft ordinance.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 22-13, Storage Container Dwellings

Chair Smith introduced the item and requested City Planner Abboud to provide his staff report.

City Planner Abboud stated that this was a subject thoroughly discussed by the Commission and there are motions on the floor pertaining to allowing container dwellings in the Central Business District, Marine Commercial and East End Mixed Use District and a draft ordinance on eliminating container dwelling city wide by definition and he looks forward to the Commission's guidance on what they wish to do.

Chair Smith requested clarification from the Clerk regarding the motions that were on the floor for consideration.

Deputy City Clerk Krause stated that there were two motions from the January 5, 2022 regular meeting, a main motion and amendment. The amendment will be dispensed with first then the main motion. She provided guidance on the procedure.

Chair Smith read the amendment into the record, VENUTI/HIGHLAND MOVED TO AMEND THE MOTION TO EXCLUDE THE CENTRAL BUSINESS DISTRICT FROM THE MOTION and opened the floor for discussion.

Chair Smith stated that since there was no discussion on the amendment, he requested objections to the motion before them amending the motion to exclude the CBD from the main motion.
Commissioner Venuti requested clarification on what they were voting on.

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Staff Report PL 22-31

TO: HOMER PLANNING COMMISSION
FROM: RICK ABBOUD, AICP, CITY PLANNER
DATE: APRIL 20, 2022
SUBJECT: COASTAL BLUFF REGULATION

Introduction

After previous discussion with the Commission, I have a draft code for review. It is complete in concept, but may need technical review/revision. It is not in ordinance format at this time, but includes line numbers for reference.

Analysis

I am proposing regulation based on the results of the DGGS study. The study has not been published yet and we may need to wait until it is, so that we may refer to it as a basis for our regulation. There are several more points of concern that we may address in the future. For now, we are sticking to coastal setback, as our current code does not address it as intend (since we really don't have much in the way of "coastal bluff", by definition). Previous staff reports have reviewed the study and the need for coastal setbacks due to predictions of erosion, regardless of bluff types.

Regulatory line to measure of setback

I have struck the term "coastal bluff", as it incorporates the use of "bluff" which is a term that is useful in regulation of non-coastal applications and should not have a conflicting definition. It has been replaced with "coastal edge" (lines 1-4), a word that may be revised for better semantics later, but it gets the point across for now. This will be the line which will be used to measure setbacks. The definition is dynamic and is based off the language used in the study.

Transition of standards (lines 42-48)

The Commission expressed support for a 40 foot setback that transitions to a 60 foot setback. These setbacks were based on a 30 year estimated erosion rate. I believe that this is a good place to start and it will require 5 and 10 year reviews or after any significant events. While 30 years is not a particularly long look to the future, our estimates are only based off of seventy some years that has included a significant event that caused a good deal of erosion. Forty feet is a good minimum, as it will not cause conflict with a proposed building code, as it is a distance used to setback from slopes common in building codes.

The 40 foot regulation would start at the east end of town and commence to the north-south section line located just west of Soundview Avenue. This corresponds with the transition where the study indicated a change in the erosion rates. The spit will be excluded with the reference to Mile Post 175 (which unfortunately is not displayed on the Highway – it looks to be just a post w/o a sign right now). It is found on the borough parcel maps and is just past where the Bay Avenue lots extend into the mud of high and extreme tides. Spit development is regulated by FEMA flood regulations. Just past Soundview Avenue, structures will be required to maintain a 60' setback.

Exceptions

Exception to the setback may be approved when the site plan is approved by the City Engineer and a CUP is approved (lines 86-88).

I am also proposing to take the City Planner out of the business of approving erosion control methods (line 63) and determining if development activity is reasonably intended to stabilize the slope (line 84). This is best left to the City Engineer.

This proposed regulation is a good place to start that better prescribes setbacks than current regulation. It allows for reasonable development opportunity while assuring a better measure of safety.

Staff Recommendation

Review and comment. The ordinance may receive further technical review prior to consideration for a public hearing and will be brought back at a later meeting.

Attachments

Draft Ordinance

"Coastal ~~bluff~~**edge**" means ~~a bluff whose toe is~~ **the seaward extent of a relatively flat land where a slope break or scarp occurs that is adjacent and** within 300 feet of the mean high water line of Kachemak Bay. **The chosen coastal edge must represent the seaward extent of land that is neither part of a previous landslide nor a bench on a slope.**

Chapter 21.44
SLOPES & COASTAL DEVELOPMENT

21.44.010 Purpose and intent.

This chapter regulates development activity and structures in areas affected by slopes, bluffs, ~~coastal bluffs~~, ~~and~~ ravines, **and areas subject to coastal setback,** and provides the means for additional review and protection to encourage safe and orderly growth to promote the health, welfare and safety of Homer residents.

21.44.020 Applicability.

a. This chapter applies to all development activity that disturbs the existing land surface, including without limitation clearing, grading, excavating and filling in areas that are subject to any of the following conditions:

1. Lots with average slopes 15 percent or greater, bluffs, coastal bluffs and ravines;

2. Located within 40 feet of the top or within 15 feet of the toe of a steep slope, bluff, coastal ~~bluff~~ **edge** or ravine; and

3. Any other location where the City Engineer determines that adverse conditions associated with slope stability, erosion or sedimentation are present.

b. This chapter imposes regulations and standards in addition to the requirements of the underlying zoning district(s). [Ord. 08-29, 2008].

21.44.030 Slope development standards.

The following standards apply to all development activity on a site described in HCC 21.44.020:

a. No development activity, including clearing and grading, may occur before the issuance of a zoning permit under Chapter 21.70 HCC.

b. Area of Development.

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

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

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

2. The area of development on a lot with an average slope of 45 percent or greater shall not exceed the area of development described in a site plan approved by the City Engineer under HCC 21.44.050.

c. Setbacks. Subject to the exceptions to setback requirements in HCC 21.44.040, all development activity is subject to the following setback requirements:

1. No structure may be closer to the top of a ravine, steep slope or noncoastal bluff than the lesser of:

a. Forty feet; or

b. One-third of the height of the bluff or steep slope, but not less than 15 feet.

2. No structure may be closer than 15 feet to the toe of a bluff other than a coastal bluff.

3. ~~No structure may be closer than 40 feet to the top of a coastal bluff and closer than 15 feet to the toe of a coastal bluff.~~ **Structures shall be setback 40 feet the coastal edge from points starting from the eastern most extent of Homer adjacent to Kachemak Bay extending to the north south Section Line dividing Sections 19 & 24 Township 6 South Range 14 West Seward Meridian, and excluding all property South of Mile Post 175 of the Sterling Highway. All structures west of the section line shall be setback 60 foot from the coastal edge. No structure may be placed closer than 15 feet from the toe of a coastal edge.**

d. Natural Drainage. The site design and development activity shall not restrict natural drainage patterns, except as provided in this subsection.

1. To the maximum extent feasible, the natural surface drainage patterns unique to the topography and vegetation of the site shall be preserved. Natural surface drainage patterns may be modified only pursuant to a site plan approved by the City Engineer under HCC 21.44.050, and upon a showing that there will be no significant adverse environmental impacts on the site or on adjacent properties. If natural drainage patterns are modified, appropriate soil stabilization techniques shall be employed.

2. The site shall be graded as necessary to ensure that drainage flows away from all structures for a distance of at least 10 feet, especially where building pads are cut into hillsides.

3. The development activity shall not cause an adverse effect on adjacent land and surrounding drainage patterns.

e. Erosion Control.

1. Erosion control methods approved by the ~~**City Planner and**~~ City Engineer, including without limitation sediment traps, small dams and barriers, shall be used during construction and site development to protect water quality, control soil erosion and control the velocity of runoff.

2. Winter Erosion Control Blankets. If development on a slope is not stabilized by October 15th, erosion control blankets (or a product with equivalent performance characteristics) must be installed upon completion of the seasonal work, but no later than October 15th. The erosion control blankets shall remain in place until at least the following May.

3. Vegetation shall remain undisturbed except as necessary to construct improvements and to eliminate hazardous conditions, in which case it must be replanted with approved materials including ground cover, shrubs and trees. Native vegetation is preferred for replanting operations, and will be used where practicable.

4. Grading shall not alter the natural contours of the terrain except as necessary for building sites or to correct unsafe conditions. The locations of buildings and roads shall be planned to follow and conform to existing contours as nearly as possible. [Ord. 08-29, 2008].

21.44.040 Exceptions to setback requirements.

a. Any of the following may be located within a setback required by HCC 21.44.030(c):

1. A deck extending no more than five feet into the required setback.

2. An unoccupied accessory structure having a building area not greater than 200 square feet that is no closer than 15 feet to the top of any bluff or ravine.

3. A boardwalk, sidewalk, foot path or stairway that provides access to a beach, bluff or accessory structure, and that is located at or within three feet above ground level.

4. Development activity that the ~~**City Planner**~~ **City Engineer** determines is reasonably intended to stabilize an eroding coastal bluff.

b. No structure other than a structure described in subsection (a) of this section may be located in a required setback without a conditional use permit issued in accordance with Chapter 21.71 HCC and a site plan approved by the City Engineer under HCC 21.44.050. [Ord. 08-29, 2008].

21.44.050 Site plan requirements for slope development.

a. No permit for development activity for which HCC 21.44.030 or 21.44.040(b) requires a site plan may be approved unless the City Engineer approves a site plan for the development activity that conforms to the requirements of this section. The City Engineer shall accept or reject the plan as submitted or may require that specific conditions be complied with in order for the plan to meet approval.

b. The site plan shall be prepared by a qualified geotechnical engineer licensed to practice in the State of Alaska and shall include the following information:

1. The location of all watercourses, water bodies, and wetlands within 100 feet of the location of the proposed development activity.

2. The location of all existing and proposed drainage structures and patterns.

3. Site topography shown by contours with a maximum vertical interval of five feet.

4. The location of all proposed and existing buildings, utilities (including on-site well and septic facilities), driveways and streets.

5. The location of all existing vegetation types including meadow, forest and scrub lands, identifying all areas of vegetation that will be removed as well as vegetation to be preserved or replaced. Specifications for revegetation shall also be included.

6. Specific methods that will be used to control soil erosion, sedimentation, and excessive stormwater runoff during and after construction.

7. A description of the stability of the existing soils on site and a narrative and other detail sufficient to demonstrate the appropriateness of the development and construction methods proposed.

8. A grading plan for all areas that will be disturbed by the development activity.

9. A slope stability analysis including the following:

a. Summary of all subsurface exploration data, including subsurface soil profile, exploration logs, laboratory or in situ test results, and groundwater information;

b. Interpretation and analysis of the subsurface data;

c. Summary of seismic concerns and recommended mitigation;

d. Specific engineering recommendations for design;

e. Discussion of conditions for solution of anticipated problems;

f. Recommended geotechnical special provisions;

g. An opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

HIGHLAND/VENUTI MOVE TO OPEN DISCUSSION ON STAFF REPORT 22-29, TINY HOMES.

There was no discussion.

VOTE. NON-OBJECTION UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud facilitated discussion on the following:

- Tiny homes on wheels then removing the wheels
- Code acceptance, standards established for construction
- Appearance difference between RV's and Tiny Homes
- Developing building code would have a requirement
- Developing planning code to address appearance
- Comparing codes for dwellings they look at adequate egress, etc.
- Shared link with the commissioners and there is no charge to view the webinar which was believed to be in May
- Commissioner Venuti stated he would have to read the requirements before supporting it
- If building code is implemented a person will have to follow the requirements as outlined in the code for the structure to be approved
- Making a decision sooner rather than later as they will be coming to Homer in the near future.
- Building costs increasing
- Continuing ambiguity on what exactly defines a tiny home
- There is language now
- Not realistic to assume that someone will build a tiny home on a 60K lot
- There is no demand at this time for placing tiny homes
- According to existing code tiny homes that are moveable are classified as RVs
- Cannot divorce from RVs at this time
- Appearance is nicer than a Connex
- Someone may want this as a ADU
- Not permanent dwelling, may be a place for this at this time
- Specifics of verbiage for RV

C. Staff Report 22-31, Coastal Bluff Regulations

Chair Smith Introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 22-31.

HIGHLAND/ BARNWELL MOVE TO OPEN DISCUSSION AND REVIEW ON STAFF REPORT 22-31, COASTAL BLUFF REGULATION.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud deferred to the Public Works Director in her role as the City Engineer as she was more knowledgeable and could provide additional information.

Public Works Director Keiser reported the findings within the area of coastal bluffs using the DGGS Study, describing the discovery of old coal mines after a request for water and sewer in the area and determined that the city could not put services in that area requested, the city reserves the right not to extend utilities in risky areas and that will limit development in and by itself due to the inability to get a DEC approved septic system or well; this will protect the city infrastructure. She expounded on the city working on regulations that will strengthen the address the drainage issues such as requiring stormwater plans and development activity plans on all developments regardless of size or volume of dirt moved to allow better tracking, the definition of coastal edge is a great start, noting that there will be adjustments as the science is presented and there may be action to come before the Commission in the future on the coal mining areas. She noted that the city is in the process of staffing up with training and outside consultants.

Discussion was facilitated on these points:

- Definition for coastal edge
- Existing or current erosion due to the possible coal mine shafts
- Appreciation to bringing the expertise of the City Engineer to speak on these topics

NEW BUSINESS

A. Staff Report 22-30, Homer Non-motorized Trails & Transportation Plan Implementation

Chair Smith introduced the item by reading of the title.

City Planner Abboud provided a review of Staff Report 22-30.

HIGHLAND/VENUTI MOVE TO OPEN DISCUSSION AND REVIEW ON STAFF REPORT 22-30 HNMTTP IMPLEMENTATION.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Public Works Director Keiser responded to questions regarding the purpose of the supplement or implementation plan, stating that this document is not a substitute for the HNMTTP but a detailed implementation plan.

City Planner Abboud reported that this does not limit the City but is a tool to use and assist in designating the funding to get recommendations done.

Commissioner Highland noted that she was on the advisory body that drafted the 2004 plan and then expressed her ongoing concerns with development in the Beluga Slough area.

VENUTI/HIGHLAND MOVED THAT THE PLANNING COMMISSION SUPPORTS THE HOMER NON-MOTORIZED TRAILS AND TRANSPORTATION PLAN IMPLEMENTATION PLAN AND APPROPRIATE FUNDING TO EXECUTE.

Public Works Director Keiser suggested that the Commission withhold their recommendation till the Ordinance requesting the funding comes before the City Council.

VOTE. NO. SMITH, VENUTI, HIGHLAND, CONLEY, BARNWELL

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Staff Report PL 22-37

TO: HOMER PLANNING COMMISSION
FROM: RICK ABBOUD, AICP, CITY PLANNER
DATE: MAY 18, 2022
SUBJECT: COASTAL SETBACKS

Introduction

The Planning Commission has reviewed a draft of the Coastal Bluff Stability Assessment for Homer developed by the State of Alaska Division of Geological & Geophysical Surveys (DGGS). After considering the study recommendations and draft code developed to address coastal erosion, we are holding a public hearing to receive comments on revised code language.

Analysis

Earlier staff reports and the DGGS study recognized that our current definition of 'coastal bluff' did not apply to the majority of the features found on the Homer coastline and our erosion hazard does not depend on the height of a coastal bluff alone. In order to provide a more useful measure of distance from the eroding hazard we are proposing a change in the term 'coastal bluff' and propose a definitive setback.

'Coastal bluff' is now referred to as 'coastal edge'. This change allows us to retain the definition of 'bluff' for use in non-coastal applications. The definition of coastal edge is dynamic in that it describes the manifestation of a feature associated active erosion near the coast. The draft ordinance replaces the term 'coastal bluff' found throughout code.

Setbacks from the 'coastal edge' are found on lines 92-98. This describes a 40' setback starting on the east extent of town, excludes the Spit, and continues until a transition to a 60' setback just west of Soundview Avenue (see attachment). This provides a recommended distance from the predicted 30 year erosion rate for the vast majority land likely to be developed. Since we rely on data that has "inherent uncertainties", we should reflect on our experiences every 5-10 years or after significant events to keep current.

A property owner may propose to build closer than the setback and would need to gain approval of a Conditional Use Permit with a site plan approved by the City Engineer under HCC 21.44.050. Other proposed changes include the exclusion of the City Planner in approving erosion control methods and determining development meant to stabilize an eroding bluff, this will be left to the City Engineer.

Staff Recommendation
Conduct a public hearing and make recommendation for adoption by the City Council.

Attachments
Draft Ordinance
Setback map

CITY OF HOMER
HOMER, ALASKA

Planning Commission

ORDINANCE 22-xx

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING TITLE 21.03.040 DEFINTIONS USED IN ZONING CODE, TITLE 21.44 SLOPES, TITLE 21.50.020 SITE DEVELOPMENT STANDARDS – LEVEL ONE, AND TITLE 21.50.020 SITE DEVELOPMENT STANDARDS – LEVEL TWO

WHEREAS, The State of Alaska Division of Geological & Geophysical Surveys (DGGS) provided a study entitled Coastal Bluff Stability Assessment for Homer Alaska; and

WHEREAS, The study provided information and technical assistance to improve regulation of the coastline susceptible to erosion; and

WHEREAS, The 2018 Homer Comprehensive Plan concludes that new strategies will be needed to protect the environment as the community grows – particularly regarding drainage, erosion, open space, climate change; and

WHEREAS, The 2018 Homer Comprehensive Plan identifies that a need exists for the community to take seriously the issue of allowing ongoing shoreline development; and

WHEREAS, The Homer Planning Commission has considered the recommendations for coastal bluff definition and coastal setback policies developed by the DGGS study; and

WHEREAS, The Homer Planning Commission has found that the proposed amendments provide better measures of safety for those developing in proximity to the coastline than current code.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.03.040 Definitions used in zoning code is hereby amended to read as follows:

"Coastal ~~bluff~~**edge**" means ~~a bluff whose toe is~~ **the seaward extent of a relatively flat land where a slope break or scarp occurs that is adjacent and** within 300 feet of the mean high water line of Kachemak Bay. **The chosen coastal edge must represent the seaward extent of land that is neither part of a previous landslide nor a bench on a slope.**

Section 2. Homer City Code Chapter 21.44 Slopes is hereby amended to read as follows:

Chapter 21.44 SLOPES **& COASTAL DEVELOPMENT**

21.44.010 Purpose and intent.

This chapter regulates development activity and structures in areas affected by slopes, bluffs, ~~coastal bluffs~~, ~~and~~ ravines, **and the coastal edge,** and provides the means for additional review and protection to encourage safe and orderly growth to promote the health, welfare and safety of Homer residents.

21.44.020 Applicability.

a. This chapter applies to all development activity that disturbs the existing land surface, including without limitation clearing, grading, excavating and filling in areas that are subject to any of the following conditions:

1. Lots with average slopes 15 percent or greater, bluffs, coastal ~~bluffs~~ **edge** and ravines;
2. Located within 40 feet of the top or within 15 feet of the toe of a steep slope, bluff, coastal ~~bluff~~ **edge** or ravine; and
3. Any other location where the City Engineer determines that adverse conditions associated with slope stability, erosion or sedimentation are present.

b. This chapter imposes regulations and standards in addition to the requirements of the underlying zoning district(s). [Ord. 08-29, 2008].

21.44.030 Slope development standards.

The following standards apply to all development activity on a site described in HCC 21.44.020:

a. No development activity, including clearing and grading, may occur before the issuance of a zoning permit under Chapter 21.70 HCC.

b. Area of Development.

1. Except where the City Engineer approves a site plan under HCC 21.44.050 that provides for a larger area of development, the area of development on a lot with an average slope:
    a. Of 15 to 30 percent shall not exceed 25 percent of the total lot area.
    b. Greater than 30 percent but less than 45 percent shall not exceed 10 percent of the total lot area.

2. The area of development on a lot with an average slope of 45 percent or greater shall not exceed the area of development described in a site plan approved by the City Engineer under HCC 21.44.050.

c. Setbacks. Subject to the exceptions to setback requirements in HCC 21.44.040, all development activity is subject to the following setback requirements:

1. No structure may be closer to the top of a ravine, steep slope or ~~**noncoastal**~~ bluff than the lesser of:

a. Forty feet; or

b. One-third of the height of the bluff or steep slope, but not less than 15 feet.

2. No structure may be closer than 15 feet to the toe of a bluff ~~**other than a coastal bluff**~~.

3.~~ No structure may be closer than 40 feet to the top of a coastal bluff and closer than 15 feet to the toe of a coastal bluff.~~ **Structures shall be setback 40 feet the coastal edge starting at the eastern extent of the City of Homer, adjacent to Kachemak Bay extending to the north-south Section Line dividing Sections 19 & 24 Township 6 South Range 14 West Seward Meridian, and excluding all property South of Mile Post 175 of the Sterling Highway. All structures west of the section line shall be setback 60 foot from the coastal edge. No structure may be placed closer than 15 feet from the toe of a coastal edge.**

d. Natural Drainage. The site design and development activity shall not restrict natural drainage patterns, except as provided in this subsection.

1. To the maximum extent feasible, the natural surface drainage patterns unique to the topography and vegetation of the site shall be preserved. Natural surface drainage patterns may be modified only pursuant to a site plan approved by the City Engineer under HCC 21.44.050, and upon a showing that there will be no significant adverse environmental impacts on the site or on adjacent properties. If natural drainage patterns are modified, appropriate soil stabilization techniques shall be employed.

2. The site shall be graded as necessary to ensure that drainage flows away from all structures for a distance of at least 10 feet, especially where building pads are cut into hillsides.

3. The development activity shall not cause an adverse effect on adjacent land and surrounding drainage patterns.

e. Erosion Control.

1. Erosion control methods approved by the ~~**City Planner and**~~ City Engineer, including without limitation sediment traps, small dams and barriers, shall be used during construction and site development to protect water quality, control soil erosion and control the velocity of runoff.

2. Winter Erosion Control Blankets. If development on a slope is not stabilized by October 15th, erosion control blankets (or a product with equivalent performance characteristics) must be installed upon completion of the seasonal work, but no later than October 15th. The erosion control blankets shall remain in place until at least the following May.

3. Vegetation shall remain undisturbed except as necessary to construct improvements and to eliminate hazardous conditions, in which case it must be replanted with approved materials including ground cover, shrubs and trees. Native vegetation is preferred for replanting operations, and will be used where practicable.

4. Grading shall not alter the natural contours of the terrain except as necessary for building sites or to correct unsafe conditions. The locations of buildings and roads shall be planned to follow and conform to existing contours as nearly as possible. [Ord. 08-29, 2008].

21.44.040 Exceptions to setback requirements.

a. Any of the following may be located within a setback required by HCC 21.44.030(c):

1. A deck extending no more than five feet into the required setback.

2. An unoccupied accessory structure having a building area not greater than 200 square feet that is no closer than 15 feet to the top of any bluff or ravine.

3. A boardwalk, sidewalk, foot path or stairway that provides access to a beach, bluff or accessory structure, and that is located at or within three feet above ground level.

4. Development activity that the ~~**City Planner**~~ **City Engineer** determines is reasonably intended to stabilize an eroding coastal ~~**bluff**~~ **edge**.

b. No structure other than a structure described in subsection (a) of this section may be located in a required setback without a conditional use permit issued in accordance with Chapter 21.71 HCC and a site plan approved by the City Engineer under HCC 21.44.050. [Ord. 08-29, 2008].

21.44.050 Site plan requirements for slope development.

a. No permit for development activity for which HCC 21.44.030 or 21.44.040(b) requires a site plan may be approved unless the City Engineer approves a site plan for the development activity that conforms to the requirements of this section. The City Engineer shall accept or reject the plan as submitted or may require that specific conditions be complied with in order for the plan to meet approval.

b. The site plan shall be prepared by a qualified geotechnical engineer licensed to practice in the State of Alaska and shall include the following information:

1. The location of all watercourses, water bodies, and wetlands within 100 feet of the location of the proposed development activity.

2. The location of all existing and proposed drainage structures and patterns.
3. Site topography shown by contours with a maximum vertical interval of five feet.
4. The location of all proposed and existing buildings, utilities (including on-site well and septic facilities), driveways and streets.
5. The location of all existing vegetation types including meadow, forest and scrub lands, identifying all areas of vegetation that will be removed as well as vegetation to be preserved or replaced. Specifications for revegetation shall also be included.
6. Specific methods that will be used to control soil erosion, sedimentation, and excessive stormwater runoff during and after construction.
7. A description of the stability of the existing soils on site and a narrative and other detail sufficient to demonstrate the appropriateness of the development and construction methods proposed.
8. A grading plan for all areas that will be disturbed by the development activity.
9. A slope stability analysis including the following:
    a. Summary of all subsurface exploration data, including subsurface soil profile, exploration logs, laboratory or in situ test results, and groundwater information;
    b. Interpretation and analysis of the subsurface data;
    c. Summary of seismic concerns and recommended mitigation;
    d. Specific engineering recommendations for design;
    e. Discussion of conditions for solution of anticipated problems;
    f. Recommended geotechnical special provisions;
    g. An opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

Section 3. Homer City Code Chapter 21.50.020 Site development standards – level one is hereby amended to read as follows:

21.50.020 Site development standards – Level one.

This section establishes level one site development standards.

a. Slopes. All development on a site affected by a slope of 15 percent or more, bluff, coastal **~~bluff~~** **edge** or ravine, as described in HCC 21.44.020, shall be subject to the requirements of Chapter 21.44 HCC in addition to the requirements of this section.

b. Drainage. All development activity on lands shall conform to the following:
1. Development shall provide a drainage system that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage.
2. Where open-ditch construction is used to handle drainage within the development, a minimum of 15 feet shall be provided between any structures and the top of the bank of the defined channel of the drainage ditch.

3. When a closed system is used to handle drainage within the development, all structures shall be a minimum of 10 feet from the closed system.

c. Landscaping Requirements. All development activity on lands shall conform to the following:

1. 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. The property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.

2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods such as, but not limited to, landscaping, maintenance of native vegetative cover, or plantings to minimize invasive species.

3. All exposed, cleared, filled and disturbed soils shall be revegetated within nine months following the initiation of earthwork, or reseeded by the next August 31st. Native revegetation is acceptable if the site naturally revegetates within that nine-month period. If native revegetation is not successful within that nine-month period, the property owner and developer shall revegetate by other means no later than the end of that nine-month period.

4. Drainage can be stabilized by other means than vegetation, if approved in writing by the City Engineer.

d. A stormwater plan approved under Chapter 21.75 HCC is required for development that:

1. Creates more than 25,000 square feet of new impervious surface area on a lot;
2. Increases the total impervious surface area of a lot beyond one acre;
3. Includes grading, excavation or filling that cumulatively moves 1,000 cubic yards or more of material; or
4. Includes grading, excavation or filling that creates a permanent slope of 3:1 or more, and that has a total height, measured vertically from toe of slope to top of slope, exceeding 10 feet.

Section 4. Homer City Code Chapter 21.50.030 Site development standards – level two is hereby amended to read as follows:

21.50.030 Site development standards – Level two.

This section establishes level two site development standards.

a. Site Development.

1. Development shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, or root damage to neighboring trees, or other adverse effects.

2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods such as, but not limited to, landscaping, planting, and maintenance of vegetative cover.

3. All exposed, cleared, filled and disturbed soils shall be revegetated within nine months following the initiation of earthwork.

b. Slopes. All development on a site affected by a slope of 15 percent or more, bluff, coastal ~~**bluff**~~ **edge** or ravine, as described in HCC 21.44.020, shall be subject to the requirements of Chapter 21.44 HCC in addition to the requirements of this section.

c. Drainage.

1. Development shall provide a drainage system, as approved by the City, that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage.

2. Where open-ditch construction is used to handle drainage within the development, a minimum of 15 feet shall be provided between any structures and the top of the bank of the defined channel of the drainage ditch.

3. When a closed system is used to handle drainage within the development, all structures shall be a minimum of 10 feet horizontally from the closed system.

4. Drainage can be stabilized by methods other than vegetation, if approved in writing by the City Engineer.

d. A development activity plan (DAP) approved by the City under Chapter 21.74 HCC is required if the project includes:

1. Land clearing or grading of 10,000 square feet or greater surface area;

2. The cumulative addition of 5,000 square feet or greater of impervious surface area from pre-development conditions;

3. Grading involving the movement of 1,000 cubic yards or more of material;

4. Grading that will result in a temporary or permanent slope having a steepness of 3:1 or greater and having a total slope height, measured vertically from toe of slope to top of slope, exceeding five feet;

5. Grading that will result in the diversion of an existing drainage course, either natural or human-made, from its existing point of entry to or exit from the grading site; or

6. Any land clearing or grading on a slope steeper than 20 percent, or within 20 feet of any wetland, watercourse, or water body.

e. A stormwater plan (SWP) approved under Chapter 21.75 HCC is required if the project includes:

1. An impervious surface coverage that is greater than 60 percent of the lot area (existing and proposed development combined);
2. The cumulative addition of 25,000 square feet or greater of impervious surface area from the pre-development conditions;
3. Land grading of one acre or greater surface area;
4. Grading involving the movement of 10,000 cubic yards or more of material;
5. Grading that will result in a temporary or permanent slope having a steepness of 3:1 or greater and having a total slope height, measured vertically from toe of slope to top of slope, exceeding 10 feet; or
6. Any land clearing or grading on a slope steeper than 25 percent, or within 10 feet of any wetland, watercourse, or water body.

f. Landscaping requirements. All development shall conform to the following landscaping requirements:

1. Landscaping shall include the retention of native vegetation to the maximum extent possible and shall include, but is not limited to, the following:

a. Buffers.

i. A buffer of three feet minimum width along all lot lines where setbacks permit; except where a single use is contiguous across common lot lines, such as, but not limited to, shared driveways and parking areas. Whenever such contiguous uses cease the required buffers shall be installed.

ii. A buffer of 15 feet minimum width from the top of the bank of any defined drainage channel or stream.

b. Parking Lots.

i. A minimum of 10 percent of the area of parking lots with 24 spaces or more shall be landscaped in islands, dividers, or a combination of the two;

ii. Parking lots with 24 spaces or more must have a minimum 10-foot landscaped buffer adjacent to road rights-of-way;

iii. Parking lots with only one single-loaded or one double-loaded aisle that have a 15-foot minimum landscaped buffer adjacent to road rights-of-way are exempt from the requirement of subsection (f)(1)(b)(i) of this section.

2. Topsoil addition, final grading, seeding, and all plantings of flora must be completed within nine months of substantial completion of the project, or within the first full growing season after substantial completion of the project, whichever comes first. Required landscaping will be maintained thereafter, with all shrubs, trees, and ground cover being replaced as needed.

Section 5. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this _____day of _____, 2022.

CITY OF HOMER

_____
KEN CASTNER, MAYOR

ATTEST:

_____
MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:


DIAMOND RIDGE
DIAMOND RIDGE
DIAMOND RIDGE
KACHEMAK
DIAMOND RIDGE RD
SKYLINE
EAST HILL RD
WEST HILL RD
MP 169
MP 170
MP 171
MP 172
MP 173
MP 174
MP 175
MP 1
MP 2
MP 3
T06S-R14W
T06S-R13W
HOMER
E PIONEER AVE
LAKE ST
OCEAN DR
KACHEMAK DR
228
60' setback
40' setback
40' setback
Proposed setback from coastal edge.
KBP Map Viewer, accessed 5.10.22

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Staff Report PL 22-37

TO: HOMER PLANNING COMMISSION
FROM: RICK ABBOUD, AICP, CITY PLANNER
DATE: MAY 18, 2022
SUBJECT: COASTAL SETBACKS

Introduction

The Planning Commission has reviewed a draft of the Coastal Bluff Stability Assessment for Homer developed by the State of Alaska Division of Geological & Geophysical Surveys (DGGS). After considering the study recommendations and draft code developed to address coastal erosion, we are holding a public hearing to receive comments on revised code language.

Analysis

Earlier staff reports and the DGGS study recognized that our current definition of 'coastal bluff' did not apply to the majority of the features found on the Homer coastline and our erosion hazard does not depend on the height of a coastal bluff alone. In order to provide a more useful measure of distance from the eroding hazard we are proposing a change in the term 'coastal bluff' and propose a definitive setback.

'Coastal bluff' is now referred to as 'coastal edge'. This change allows us to retain the definition of 'bluff' for use in non-coastal applications. The definition of coastal edge is dynamic in that it describes the manifestation of a feature associated active erosion near the coast. The draft ordinance replaces the term 'coastal bluff' found throughout code.

Setbacks from the 'coastal edge' are found on lines 92-98. This describes a 40' setback starting on the east extent of town, excludes the Spit, and continues until a transition to a 60' setback just west of Soundview Avenue (see attachment). This provides a recommended distance from the predicted 30 year erosion rate for the vast majority land likely to be developed. Since we rely on data that has "inherent uncertainties", we should reflect on our experiences every 5-10 years or after significant events to keep current.

A property owner may propose to build closer than the setback and would need to gain approval of a Conditional Use Permit with a site plan approved by the City Engineer under HCC 21.44.050. Other proposed changes include the exclusion of the City Planner in approving erosion control methods and determining development meant to stabilize an eroding bluff, this will be left to the City Engineer.

Staff Recommendation
Conduct a public hearing and make recommendation for adoption by the City Council.

Attachments
Draft Ordinance
Setback map

A. Staff Report 22-35, City Planner's Report

City Planner Abboud provided a summary of Staff Report 22-35. At his request for a volunteer, no Commissioners stepped forward to give the PC report to City Council at their May 23rd meeting. Chair Smith will provide a written report to the Clerk.

Commissioner Venuti commented on attending a webinar regarding Tiny Homes.

PUBLIC HEARINGS

A. Staff Report 22-36, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.93 Administrative Appeals. City Clerk.

Chair Smith introduced the item by reading the title. He invited City Planner Abboud to speak to the memoranda provided.

City Planner Abboud spoke to Staff Report 22-36, highlighting the following:

- After the City Clerk has reviewed the revisions it was found that there were items that needed minor clarifications and procedures.
- Review of the draft ordinance which was provided in the Supplemental Packet

Chair Smith opened the public hearing, after verifying with the Clerk that there was no members of the public present on Zoom or present in the Chambers he closed the public hearing. He opened the floor to questions from the commission.

City Planner Abboud provided clarification on the date for the Public Hearing on the Rezone for Commissioner Barnwell in the previous item on the agenda.

Chair Smith commented on the action removing the responsibility from the Commission.

Chair Smith requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 22-36 AND FORWARD A RECOMMENDATION THAT CITY COUNCIL APPROVE THE ORDINANCE AMENDING HOMER CITY CODE 21.93 ADMINISTRATIVE APPEALS TO CLARIFY GENERAL APPEAL PROCEDURES AND RELATED MATTERS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 22-37, An Ordinance of the City Council of Homer, Alaska, Amending Title 21.03.040 Definitions Used in Zoning Code, Title 21.44 Slopes, Title 21.50.020 Site Development Standards - Level One and Title 21.50.020 Site Development Standards - Level Two Redefining Coastal Bluff and Setback Therefrom. Planning Commission.

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-37. He highlighted the following points:

- Review of the draft ordinance which was provided in the Supplemental Packet which provided the documentation that recommended changes fit well within the Comprehensive Plan guidelines

- Language has been amended to make it concise and easily understood
- Removed reference to the City Planner changing it to the City Engineer which is more appropriate.
- Amended the definition of "bluff"
- Included an attachment that provides a description of the area that they would recommend for setbacks

Chair Smith opened the public hearing, after verifying with the Clerk that there was no members of the audience present wishing to provide testimony on Zoom he closed the public hearing. He opened the floor to questions from the commission.

Commissioner Chiappone noted a correction to line 99 of the draft ordinance.

Chair Smith requested a motion and second after confirming with the Clerk that a motion was needed to amend the draft ordinance.

CHIAPPONE/HIGHLAND MOVED TO AMEND LINE 99 TO ADD THE WORD "FROM" AFTER THE WORD "FEET".

There was no discussion.

VOTE. (Amendment) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud facilitated discussion on questions on the following

- provided explanation on clearing and grading and possibly bringing forth an ordinance
- site development and re-seeding or ground cover requirements shown on line 216 through 231 and Line 262.
- Line 306 the distance indicated of 10 feet from a water body being very short.

Deputy City Clerk Krause defined the phrase "in-situ" for the Commission at the request of Commissioner Highland, noting that it is usually hyphenated when used.

Chair Smith inquired if there were any additional questions or amendments from the Commission, hearing none he requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 22-37 AND FORWARD A RECOMMENDATION THAT CITY COUNCIL APPROVE THE ORDINANCE AMENDING HOMER CITY CODE TITLE 21.03.040 DEFINITIONS USED IN ZONING CODE, TITLE 21.44 SLOPES, TITLE 21.50.020 SITE DEVELOPMENT STANDARDS – LEVEL ONE AND TITLE 21.50.020 SITE DEVELOPMENT STANDARDS – LEVEL TWO REFINING COASTAL BLUFF AND SETBACK THEREFROM.

There was no further discussion.

VOTE. (Main) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS


DIAMOND RIDGE
DIAMOND RIDGE
DIAMOND RIDGE
KACHEMAK
DIAMOND RIDGE RD
WEST HILL RD
SKYLINE
EAST HILL RD
MP 169
MP 170
MP 171
MP 172
MP 173
MP 174
MP 175
MP 1
MP 2
MP 3
T06S-R14W
T06S-R13W
HOMER
E PIONEER AVE
LAKE ST
OCEAN DR
KACHEMAK DR
233
60' setback
40' setback
40' setback
Proposed setback from coastal edge.
KBP Map Viewer, accessed 5.10.22

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-33

An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget and Appropriating $11,838 from the General Fund Capital Asset Repair and Maintenance Allowance Fund to Replace Two Vending Stations at the Library.

Sponsor: City Manager/Library Director

1. City Council Regular Meeting June 13, 2022 Introduction

   Memorandum 22-102 from Library Director as backup

2. City Council Regular Meeting June 27, 2022 Public Hearing and Second Reading

CITY OF HOMER
HOMER, ALASKA

City Manager/
Library Director

ORDINANCE 22-33

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY23 CAPITAL BUDGET AND APPROPRIATING $11,838 FROM THE GENERAL FUND CAPITAL ASSET REPAIR AND MAINTENANCE ALLOWANCE (CARMA) FUND TO REPLACE TWO VENDING STATIONS AT THE LIBRARY.

WHEREAS, The Homer Public Library uses two automatic vending stations to collect payments for printing and photocopying services; and

WHEREAS, These vending stations are well past the end of their service lives, and one is no longer operational; and

WHEREAS, Two providers offered quotes to replace the machines, and the offer from Xerox includes supplying the machines, shipping and installing them, and providing tech support at reasonable rates.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY23 Capital Budget by appropriating $11,838 from the General Fund CARMA Fund as follows:

Fund	Description	Amount
156	General Fund CARMA	$11,838

Section 2.This ordinance is a budget amendment only, is not of a permanent nature and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this _____day of _____, 2022.

CITY OF HOMER

_____
KEN CASTNER, MAYOR

ATTEST:

_____
MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

Introduction:
Public Hearing:
Second Reading:
Effective Date:

City of Homer
www.cityofhomer-ak.gov

Homer Public Library
500 Hazel Avenue
Homer, AK 99603
library@cityofhomer-ak.gov
(p) (907)-235-3180
(f) (907)-235-3136

Memorandum 22-102

TO: Mayor Castner and Homer City Council

THROUGH: Rob Dumouchel, City Manager

FROM: Library Director Dave Berry

DATE: May 5, 2022

SUBJECT: Library Cash/Coin Boxes

The library has two vending stations, one connected to the public printers and one to the large photocopier. These stations accept payment in cash and coins, but not credit cards or phone debits. The current boxes were lease-to-own from Xerox and are now 100% City property. Xerox continues to provide tech support.

Both boxes have exceeded their design lifespans, and the one connected to the photocopier has been nonfunctional for months. Money for replacing them was included in the depreciation schedule that the library drafted in 2019. Those depreciation funds were later rolled into CARMA.

Here are the cost estimates:

	Xerox Corp.	Jamex MSRP
2 base units	$9,200	$6,200
Upgrading firmware and adding one feature (i.e. converting the units from printer or copier to handling both printing and copying)	$1,198	$698
2 years tech support	included	included
Additional 3 years tech support	$1,440	$2,688
Shipping and installation	included	$600
TOTAL	$11,838	$10,186

Xerox also offers a 60-month $1-out lease, at $236.76 per month, based on the same parameters above. Based on the fact that Xerox offers local service, we have an existing

maintenance contract with them, and they offer cheaper tech support over the long term, I recommend buying two machines from them.

RECOMMENDATION

Purchase two moneyboxes from Xerox, with a five-year tech support contract, as a one-time expenditure.

CITY OF HOMER
FINANCIAL SUPPLEMENT

PROJECT NAME	Replacing Library Vending Stations	DATE	06/08/2022
DEPARTMENT	Administration	SPONSOR	City Manager/Library Director
REQUESTED AMOUNT	$ 11,838		

DESCRIPTION	Homer Public Library uses two automatic vending stations to collect payments for printing and photocopying services. These vending stations are well past the end of their service lives, and one is no longer operational. Two providers offered quotes to replace the machines, and the offer from Xerox includes supplying the machines, shipping and installing them, and providing tech support at reasonable rates.

FUNDING SOURCE(S)	OPERATING	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	0%	100%	0%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	0%	0%	0%	0%

FUNDING SOURCE 1: GF CARMA		FUNDING SOURCE 2:		FUNDING SOURCE 3:	
Current Balance	$ 2,719,903	Current Balance		Current Balance	
Encumbered	$ 896,040	Encumbered		Encumbered	
Requested Amount	$ 11,838	Requested Amount		Requested Amount	
Other Items on Current Agenda	$ 18,150	Other Items on Current Agenda		Other Items on Current Agenda	
Remaining Balance	$ 1,793,875	Remaining Balance		Remaining Balance	
FUNDING SOURCE 4:		**FUNDING SOURCE 5:**		**FUNDING SOURCE 6:**	
Current Balance		Current Balance		Current Balance	
Encumbered		Encumbered		Encumbered	
Requested Amount		Requested Amount		Requested Amount	
Remaining Balance		Remaining Balance		Remaining Balance	

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-34

An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating $422,840 from the Sewer Capital Asset Repair and Maintenance Allowance Fund to Implement a Solution to the Broken Clarifier Belt at the Waste Water Treatment Plant.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting June 13, 2022 Introduction

   Memorandum 22-103 from Public Works Director as backup
   Memorandum 22-111 from Public Works Director as backup

Introduced:
Ordinance 22-34(S) An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating ~~$422,840~~ **$497,900** from the Sewer Capital Asset Repair and Maintenance Allowance Fund to Implement a Solution to the Broken Clarifier Belt at the Waste Water Treatment Plant.

2. City Council Regular Meeting June 27, 2022 Public Hearing and Second Reading

CITY OF HOMER
HOMER, ALASKA

City Manager/
Public Works Director

ORDINANCE 22-34

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE FY22 CAPITAL BUDGET BY APPROPRIATING ~~$422,840~~ **$497,900** FROM THE SEWER CAPITAL ASSET REPAIR AND MAINTENANCE ALLOWANCE (CARMA) FUND TO IMPLEMENT A SOLUTION TO THE BROKEN CLARIFIER BELT AT THE WASTE WATER TREATMENT PLANT.

WHEREAS, One of the two clarifiers tanks at the Waste Water Treatment Plant (WWTP) broke recently, requiring repair or replacement to keep the City's waste water treatment process operating; and

WHEREAS, To fix our problem, we need to find a vendor who understands our over 25 year old technology; and

WHEREAS, ~~We issued a~~ **A** Task Order in the amount of $22,840 **is necessary and will be issued** to one of our Term Contract Engineers, RESPEC Company, Inc., which has a mechanical engineer based in Homer, to help us research options and engineer a solution; and

WHEREAS, The ~~estimated cost is $200,000 for each clarifier~~ **the price quote from the manufacturer is $475,000 for materials necessary for both clarifier belts** ~~and engineering services in the amount of $22,840~~.

NOW THEREFORE THE CITY OF HOMER ORDAINS

Section 1. The FY 22 Capital Budget is hereby amended by appropriating ~~$422,840~~ **$497,900** from the Sewer CARMA Fund for the repair or replacement of the clarifier belts at the WWTP as follows:

Fund	Description	Amount
256-0379	Sewer CARMA	~~$422,840~~ **$497,900**

Section 2. This is a budget amendment ordinance only, is not permanent in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this __ day of_____, 2022.

CITY OF HOMER

_____
KEN CASTNER, MAYOR

ATTEST:

_____
MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

City of Homer
www.cityofhomer-ak.gov

Public Works
3575 Heath Street
Homer, AK 99603
publicworks@cityofhomer-ak.gov
(p) 907- 235-3170
(f) 907-235-3145

Memorandum 22-111

TO: Mayor Castner and Homer City Council

THROUGH: Rob Dumouchel, City Manager

FROM: Janette Keiser, PE, Director of Public Works

DATE: June 13, 2022

SUBJECT: WWTP Clarifier Belt Repairs - Updated Information

I. Issue: The purpose of this Memorandum is to explain the increase in price to repair or replace the chain driven clarifier skimming systems at the Waste Water Treatment Plant ("WWTP").

II. Background:

Memorandum 22-34 explained that the belt-drive clarifier skimmers that require repair or replacement. Ordinance 22-34 would appropriate $422,840 for this work, of which $22,840 would be for engineering and $400,000 would be for fabrication/installation of the replacement units. We've received work from the original manufacturer that our estimate for fabrication/installation was low. The company has quoted a preliminary price of $475,000 for all the elements required to repair/renovate both clarifiers. The total cost is now:

Engineering	$ 22,840
Fabrication & Installation	$475,000
Total	$497,840

III. Recommendation:

That the City Council appropriate funds from the Sewer CARMA Fund in the amount of $497,900 to implement a solution to the broken clarifier belts in the WWTP.

City of Homer
www.cityofhomer-ak.gov

Public Works
3575 Heath Street
Homer, AK 99603
publicworks@cityofhomer-ak.gov
(p) 907- 235-3170
(f) 907-235-3145

Memorandum 22-103

TO: City Council
THROUGH: Rob Dumouchel, City Manager
FROM: Janette Keiser, PE, Director of Public Works
Todd Cook, Water/Sewer Superintendent
DATE: May 24, 2022
SUBJECT: WWTP Clarifier Belt Repairs

I. Issue: The purpose of this Memorandum is to request funding to repair or replace the chain driven clarifier skimming systems at the Waste Water Treatment Plant ("WWTP").

II. Background:

There are two clarifier tanks at the WWTP. Each tank is approximately 13' 11" X 75' X 12' and contains about 94,000 gallons of waste water. The purpose of the tanks is to separate the liquids from the solids in order to meet permit requirements for discharge to Kachemak Bay. The clarifiers and all associated equipment were originally installed in 1990. These operate in a corrosive environment 24 hrs a day. A clarifier is only removed from service for routine maintenance. After maintenance is performed the unit is returned to service. Removal of solids from the waste stream is a critical part of the waste water treatment process in order to operate with permit regulations and the protection of Kachemak Bay.

The addition of a polymer and dissolved air into the waste stream cause the solid to bind together and float. These solids are then skimmed from the surfaces of the clarifiers by a chain-driven "skimmer" units. The skimmer units are approximately 65 feet long and are moving continuously, much the same way a bicycle chain moves, driven by a sprocket at both ends of the chain. The chain contains links, rollers and pins, from which 13 ft long skimmer flights hang. There are 33 flights per clarifier. Regular maintenance includes filling automatic oiler units to lubricate the chain drive links and rollers, oil changes on the drive gear box. Semiannual inspection are performed by draining and cleaning the clarifier so the skimmer system and sludge collection system, on the floor of tank, can be visually inspected. Chain tension is also adjusted as needed. Due to the units being over 35 years old and constantly exposed to an extremely corrosive environment the crew has noted excessive wear on the rollers, links and support pin for the flights.

Over the weekend, the unthinkable happened. A flight support pin failed and one of the flights, fell into the clarifier tank and caused the whole assembly to malfunction. The operators quickly stopped the chain drive to assess the damage and concluded this is not an easy fix. With repair parts, the crew was able to return the clarifier to service in a day. Due the wear, this will become a regular occurrence at the WWTP. We are increasing the amount of lubrication used and cleaning of the system in hopes

of buying more time until more repair parts or a replacement system can be found. Because of the age of the system, parts are hard to locate. We are having a local shop machine replacement pins. Installing new/ fabricated parts into 35 year old links and flights will, again, only buy some time. The entire system needs to be replaced.

The chain-driven skimmer units that City of Homer uses are not as common as the round clarifier tanks, which use different configurations of skimmer units. To fix our problem, we need to find a vendor who understands our particular technology. We have no idea who this would be yet.

We issued a Task Order to one of our Term Contract Engineers, RESPEC Company, Inc., which has a mechanical engineer based in Homer, to help us research options and engineer a solution. Not only for our broken clarifier but also for the other one, which actually has a much higher rate of operating hours on it. We asked RESPEC to bracket the likely costs ASAP, so we could seek an appropriation for funding the fix. The estimated cost is $200,000 for each clarifier, for a total of $400,000. Engineering fees are Engineering fees are $22,840, for a total expenditure of are $422,840.

Funding should come from the Sewer CARMA Fund, which is very low at this time, because (1) we've been working on other repairs and (2) we have not included the 15% capital reserve fee in the water/sewer rates for the past two years. We intended to re-introduce this fee in June 2022 so we could built up the Sewer CARMA Fund so we have the money to address problems like this. This clarifier belt problem got ahead of us. This is a fiscal issue we need to fix. We are operating with only one clarifier now and the other one must not be in good shape either. While this is not yet an emergency, we are living on borrowed time.

III. Recommendation:

That the City Council appropriate funds from the Sewer CARMA Fund in the amount of $422,840 to implement a solution to the broken clarifier belts in the WWTP.

CITY OF HOMER
FINANCIAL SUPPLEMENT

PROJECT NAME	WWTP Clarifier Belts Repair or Replacement	DATE	06/08/2022
DEPARTMENT	Public Works	SPONSOR	City Manager/PW Director
REQUESTED AMOUNT	$ 497,900		

DESCRIPTION	One of the two clarifiers tanks at the Waste Water Treatment Plant (WWTP) broke recently, requiring repair or replacement to keep the City's waste water treatment process operating. We issued a Task Order in the amount of $22,840 to one of our Term Contract Engineers, RESPEC Company, Inc. to help us research options and engineer a solution. The updated estimated cost is $475,000 for both clarifier belts and engineering services in the amount of $22,840 for a total of $497,900.

FUNDING SOURCE(S)	OPERATING	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	0%	0%	0%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	0%	0%	0%	100%

FUNDING SOURCE 1: SEWER CARMA		FUNDING SOURCE 2:		FUNDING SOURCE 3:	
Current Balance	$ 1,501,779	Current Balance		Current Balance	
Encumbered	$ 683,515	Encumbered		Encumbered	
Requested Amount	$ 497,900	Requested Amount		Requested Amount	
Other Items on Current Agenda	$ 0	Other Items on Current Agenda		Other Items on Current Agenda	
Remaining Balance	$ 320,364	Remaining Balance		Remaining Balance	

FUNDING SOURCE 4:		FUNDING SOURCE 5:		FUNDING SOURCE 6:	
Current Balance		Current Balance		Current Balance	
Encumbered		Encumbered		Encumbered	
Requested Amount		Requested Amount		Requested Amount	
Remaining Balance		Remaining Balance		Remaining Balance	

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-35

An Ordinance of the City Council of Homer, Alaska, Amending the Homer City Zoning Map to Rezone a Portion of the Rural Residential (RR) Zoning District to Urban Residential (UR) Zoning District in the Lower West Hill Road Area.

Sponsor: Planning Commission

1. City Council Regular Meeting June 27, 2022 Introduction

   Memorandum 22-116 from City Planner as backup
   Memorandum 22-117 from City Manager as backup

CITY OF HOMER
HOMER, ALASKA

Planning Commission

ORDINANCE 22-35

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RURAL RESIDENTIAL (RR) ZONING DISTRICT TO URBAN RESIDENTIAL (UR) ZONING DISTRICT IN THE LOWER WEST HILL ROAD AREA.

WHEREAS, The 2018 Homer Comprehensive Plan Goal 1, Objective B states that the zoning map be updated to support the desired pattern of growth; and

WHEREAS, The 2018 Homer Comprehensive Plan Land Use Recommendations Map designates the proposed area for consideration of Urban Residential zoning; and

WHEREAS, The Homer Planning Commission noticed residents in and near the proposed action to provide an opportunity to comment at the Commission's Work Session and Regular Meeting on April 6, 2022 and subsequently held a public hearing on April 20, 2022 as required by HCC 21.95.060(C); and

WHEREAS, The Homer Planning Commission determined there is a public need and justification for the rezone; and

WHEREAS, The Homer Planning Commission considered the effect of the change on the district and surrounding properties; and

WHEREAS, The Homer Planning Commission determined the rezone would not have a negative effect on the public health safety and welfare; and

WHEREAS, The Homer Planning Commission determined that the rezone was in compliance with the Homer Comprehensive Plan; and

WHEREAS, The zoning district boundaries shall be as shown on the official Homer zoning map per HCC 21.10.020(c).

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer Zoning Map is amended to transfer the parcels listed on the attached Exhibit A from RR zoning district to the UR zoning district as depicted on Exhibit B.

Section 2. The City Planner is authorized to note on the Homer Zoning Map the amendments enacted by this ordinance as required by Homer City Code 21.10.030(b).

Section 3. This Ordinance is of a non-Code ordinance of a permanent nature and shall be noted in the ordinance history of Homer City Code 21.10.030.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this _____day of _____, 2022.

CITY OF HOMER

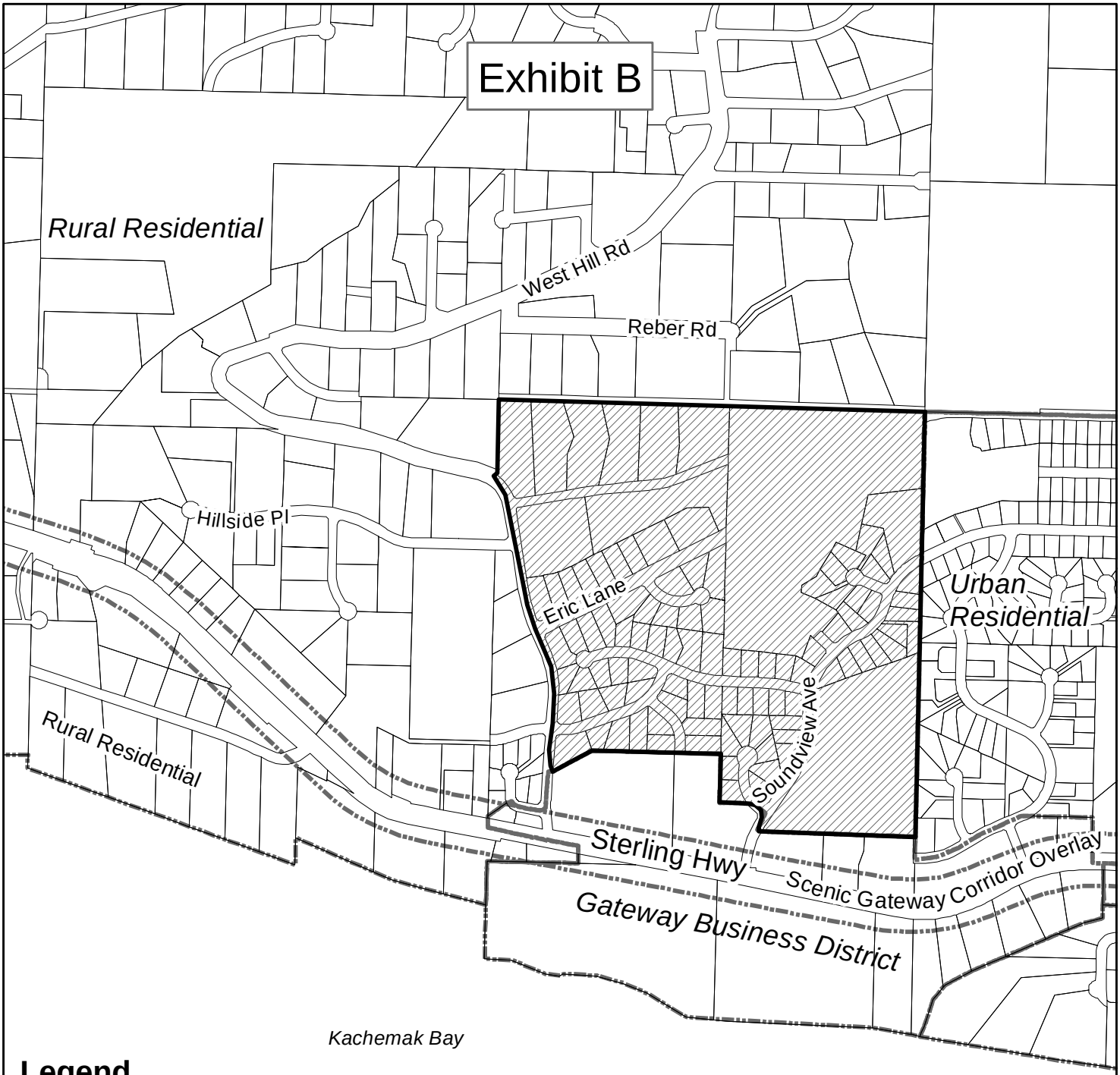
_____
KEN CASTNER, MAYOR

ATTEST:

_____
MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:



City of Homer
Planning and Zoning Department
April 27, 2022

Exhibit B
Rural Residential to Urban Residential Rezoning

0 500 1,000 2,000 Feet
250

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.

KPB PARCEL ID	ACREAGE	LEGAL DESCRIPTION
17510205	0.380	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0980031 FOOTHILLS SUB UNIT 3 LOT 7
17510206	0.470	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0980031 FOOTHILLS SUB UNIT 3 LOT 8
17510210	0.370	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0870068 FOOTHILLS SUB UNIT 2 LOT 12
17510203	0.380	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0980031 FOOTHILLS SUB UNIT 3 LOT 5
17510208	0.310	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0980031 FOOTHILLS SUB UNIT 3 LOT 10
17510214	0.340	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0870068 FOOTHILLS SUB UNIT 2 LOT 15
17510204	0.310	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0980031 FOOTHILLS SUB UNIT 3 LOT 6
17510207	0.430	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0980031 FOOTHILLS SUB UNIT 3 LOT 9
17510219	0.320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 1 BLOCK 1
17510221	0.320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 3 BLOCK 1
17510222	0.310	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 4 BLOCK 1
17510224	0.350	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 2 BLOCK 4
17510227	0.330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 5 BLOCK 4
17510235	0.380	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 7 BLOCK 2
17510237	0.330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 9 BLOCK 2
17510240	0.320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 2 BLOCK 3
17510246	0.320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 8 BLOCK 3
17510249	0.350	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 11 BLOCK 3
17510209	0.430	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0870068 FOOTHILLS SUB UNIT 2 LOT 11
17510223	0.370	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 1 BLOCK 4
17510228	0.310	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 6 BLOCK 4

KPB PARCEL ID	ACREAGE	LEGAL DESCRIPTION
17510231	0.350	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 3 BLOCK 2
17510232	0.360	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 4 BLOCK 2
17510233	0.400	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 5 BLOCK 2
17510234	0.320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 6 BLOCK 2
17510238	0.340	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 10 BLOCK 2
17510245	0.340	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 7 BLOCK 3
17510215	0.310	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0870068 FOOTHILLS SUB UNIT 2 LOT 16
17510220	0.320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 2 BLOCK 1
17510229	0.320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 1 BLOCK 2
17510241	0.490	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 3 BLOCK 3
17510242	0.400	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 4 BLOCK 3
17510244	0.450	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 6 BLOCK 3
17510247	0.330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 9 BLOCK 3
17510248	0.330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 10 BLOCK 3
17510211	14.330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860101 FOOTHILLS SUB UNIT 1 LOT 1
17510212	0.420	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0870068 FOOTHILLS SUB UNIT 2 LOT 13
17510213	0.300	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0870068 FOOTHILLS SUB UNIT 2 LOT 14
17510225	0.330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 3 BLOCK 4

KPB PARCEL ID	ACREAGE	LEGAL DESCRIPTION
17510226	0.330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 4 BLOCK 4
17510230	0.320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 2 BLOCK 2
17510236	0.330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 8 BLOCK 2
17510239	0.370	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 1 BLOCK 3
17510243	0.390	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 5 BLOCK 3
17510252	2.430	T 06S R 13W SEC 19 SEWARD MERIDIAN HM 2019010 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 3 TRACT A1
17510253	25.560	T 06S R 13W SEC 19 SEWARD MERIDIAN HM 2019010 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 3 TRACT B
17524026	1.110	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2021047 LILLIAN WALLI ESTATE 2020 REPLAT LOT 26-A
17524031	0.430	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2021047 LILLIAN WALLI ESTATE 2020 REPLAT LOT 31-A
17524034	0.600	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2021047 LILLIAN WALLI ESTATE 2020 REPLAT LOT 35-A
17524103	0.740	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 77
17524107	0.360	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 73
17524109	0.460	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 71
17524110	0.490	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 70
17524112	0.340	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 67
17524024	4.380	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2021047 LILLIAN WALLI ESTATE 2020 REPLAT LOT 7-A
17524025	3.560	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2021047 LILLIAN WALLI ESTATE 2020 REPLAT LOT 13-A
17524028	0.460	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2021047 LILLIAN WALLI ESTATE 2020 REPLAT LOT 29-A
17524032	0.430	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2021047 LILLIAN WALLI ESTATE 2020 REPLAT LOT 33-A
17524033	0.460	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2021047 LILLIAN WALLI ESTATE 2020 REPLAT LOT 34-A
17524105	0.540	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 75
17524114	0.430	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 69
17524115	0.690	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 51
17524116	0.640	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 52
17524128	0.380	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 58
17524027	0.920	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2021047 LILLIAN WALLI ESTATE 2020 REPLAT LOT 28-A

KPB PARCEL ID	ACREAGE	LEGAL DESCRIPTION
17524029	0.460	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2021047 LILLIAN WALLI ESTATE 2020 REPLAT LOT 30-A
17524030	0.460	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2021047 LILLIAN WALLI ESTATE 2020 REPLAT LOT 31-A
17524104	0.360	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 76
17524106	0.540	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 74
17524118	0.390	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 54
17524121	0.470	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 42
17524129	0.390	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 57
17524134	0.640	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 43
17524174	2.430	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 2
17524175	2.390	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 1
17524113	0.470	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 68
17524117	0.390	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATES LOT 53
17524124	0.520	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 39
17524126	0.350	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 60
17524131	0.410	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 64
17524133	0.510	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 62
17524137	0.440	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 46
17524141	0.530	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 47
17524108	0.370	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 72
17524111	0.360	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 66
17524119	0.350	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 55
17524120	0.350	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 56
17524122	0.490	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 41
17524123	0.420	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 40
17524125	0.350	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 61
17524127	0.360	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 59
17524138	0.560	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 50
17524139	0.740	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 49
17524130	0.350	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 65
17524132	0.490	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 63
17524135	0.360	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 44
17524136	0.370	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 45
17524140	0.460	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 48

KPB PARCEL ID	ACREAGE	LEGAL DESCRIPTION
17524170	2.240	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 6
17524171	2.240	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 5
17524172	2.090	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 4
17524173	2.410	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 3

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Memorandum 22-116 (PL 22-04)

TO: MAYOR CASTNER, AND HOMER CITY COUNCIL

FROM: RICK ABBOUD, AICP, CITY PLANNER

DATE: APRIL 27, 2022

SUBJECT: REZONE OF PROPERTIES NEAR LOWER WEST HILL ROAD FROM THE RURAL RESIDENTIAL DISTRICT (RR) TO URBAN RESIDENTIAL (UR)

The Homer Planning Commission has reviewed the 2018 Homer Comprehensive Plan (HCP) Land Use Recommendations Map in regards to the proposed extension of the Urban Residential District to areas adjacent to lower West Hill Road. The Commission has found that enacting the recommendation would further the goals and objectives of the HCP Land Use Chapter by providing an opportunity to increase the supply and diversity of housing (HCP, Goal 1), update the zoning map in support of the desired pattern of growth (HCP, Goal 1, Objective B), and promote housing choice by supporting a variety of dwelling options (HCP, Goal1, Objective C).

The proposed change from RR to UR supports the Goal and Objectives listed above by creating greater allowances for middle housing (duplexes and multi-family housing) than is currently available in the existing RR district, which limits dwellings to 1 unit per 10,000 square feet of lot area when using city water and sewer services. A complete analysis of the proposed change is found in the backup material from the Planning Commission meetings.

The Homer Planning Commission has taken testimony at their work session and regular meeting on April 6, 2022, after noticing all those in the proposed area for consideration. The Commission then held a public hearing after sending notice all property owners within the area for consideration and others within 300 feet at their regular meeting on April 20, 2022.

After listening to testimony and considering the recommendations of the Homer Comprehensive Plan, the Homer Planning Commission recommends that the area identified in the HCP for UR zoning, located east of West Hill Road, be rezoned from RR to UR.

Attachments
Draft Ordinance
Staff reports and minutes from PC meetings of April 4 & 20, 2022

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Staff Report PL 22-25

TO: HOMER PLANNING COMMISSION
FROM: RICK ABBOUD, AICP, CITY PLANNER
DATE: APRIL 6, 2022
SUBJECT: WESTHILL REZONE

Introduction

We have noticed the residents of the West Hill area of our intent to rezone the area to Urban Residential (UR) from their current Rural Residential (RR) designation. This is the first advertised opportunity to comment to the Commission.

Analysis

After our direct mailing was sent out, we have had less than a handful of phone calls to the office, as of the writing of this staff report. I believe that most do not see much of a change. We did have one that was concern of their commercial fishing boat and animals would not be allowed after the zoning change as it is in the RR district. We did inform them that we would be glad to document their current activities and make an allowance for a non-conforming use that is allowed to continue under the parameters found in code.

Most had little concerns when the possible impacts were discussed. Such as, the ability to build a duplex or multi-family housing on undeveloped lots. We directed people to review the information on the web for a more detailed analysis found on top of the planning page https://www.cityofhomer-ak.gov/planning/proposed-zoning-map-amendment.

Staff Recommendation

Listen to comments and concerns.

Attachments

Neighborhood mail out
FAQ's
Zoning Differences
Comp Plan Chapter 4, Goal 1

Session 22-05, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on April 6, 2022 at the Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONERS SMITH, CONLEY, VENUTI, BARNWELL, HIGHLAND, CHIAPPONE

ABSENT: COMMISSIONERS BENTZ (EXCUSED)

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK KRAUSE

CONSULTANT: KEN CASTNER, MAYOR

The Commission held a worksession prior to the regular meeting at 5:30 p.m. On the agenda was a discussion on the Staff Report 22-25, Rural Residential to Urban Residential Zoning District, West Homer Area.

APPROVAL OF THE AGENDA

HIGHLAND/VENUTI MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

Jon Faulkner, 35 year city resident, commented in opposition to West Homer Area Rezone citing that in his opinion the changes were not coming from the people, but from the City, and he believed that the voices of the residents who live in the area should have a stronger voice than those that live outside the affected area. He expressed his belief that zoning at its core is a protective layer for the community and residents. He acknowledged that there was change and a demand for services and housing in Homer. He continued that zoning is designed to protect investments in the quality of life that existed when people bought their property; to be consistent and to be protective of private property rights so that the whims of time don't actually impact communities in this way. He further stated that he believed that the standard should shift from the residents to object, to the city should prove that the people directly affected are actually in favor of this action and he believed that there is a legal standard and wanted the record to reflect that the city should transparently understand that legal standard and try to observe it. He believed that there was more at stake than a view or density. He further stated that property owners Reynolds and Beth Holliman are his neighbors to the west and are out of the country but can emphatically attest and certain that they are opposed to this petition.

Arn Johnson, city resident of 55 years, commented that he has been a property owner for about 29 years on Hillside Place and stated that he was opposed to the rezoning for the following reasons; one until

they have a firm drainage program he would like to say that making smaller lots is not a good thing as there is already problems with drainage in the area; secondly he believed that making smaller lots will reduce the larger property owners property values down and agreed with Mr. Faulkner that he has not heard any of the property owners up there even visit that this was good thing until the City brought the issue forward.

RECONSIDERATION

CONSENT AGENDA

A. Planning Commission Regular Meeting Minutes of March 16, 2022

HIGHLAND/CONLEY MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS / VISITORS

REPORTS

A. Staff Report 22-23, City Planner's Report

City Planner Abboud provided a summary of Staff Report 22-23 and highlighted the following:
- Changes in Administration configuration and impact to Planning Department
- Council failed to introduce the ordinance amending City Code regarding the use of shipping containers as dwellings
- The appeal, Griswold vs City of Homer regarding the bicycle shop was used as an example on how to do something right during the 2022 APA Conference.
- Planning related tasks were discussed at the Council Visioning event - fast forward of the Comprehensive Plan, Title 21 rewrite, non-motorized transportation, sidewalks, affordable housing and density projects
- APA Conference Part 2 availability for Commissioner training opportunity

City Planner Abboud requested volunteers to provide the Commission Report to Council at the April 11th meeting or the April 25th meeting and there were none. Chair Smith will submit a written report to the Clerk.

City Planner Abboud facilitated a brief discussion on the impacts to the Planning Department on the changes to staffing.

CONDITION 1: LIGHTING WILL BE DOWNLIT PER HCC 21.59.030 AND THE CDM
CONDITION 2: DUMPSTER SHALL BE SCREENED ON THREE SIDES.

Clarification was requested on whether there should be two dumpsters.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith commented his appreciation for the applicant attending the meeting.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 22-25, Rural Residential to Urban Residential District, West Homer Area

Chair Smith introduced the item by reading of the title.

City Planner Abboud reported that they reviewed and discussed this topic at the worksession. He noted the comments received from the public on the proposed amendments.

Chair Smith opened the floor for comments or questions from the Commission.

Commissioner Highland questions the action as described in the Comprehensive Plan regarding the rezone. She then questioned the public comments regarding legal aspects.

City Planner Abboud responded that they are fully within their legal rights to amend the zoning districts. He further stated that they can moved some of the boundaries of the proposed district.

Commissioner Barnwell expressed concerns on how to address the concerns about rezoning expressed by the property owners. He also asked about drainage plans and if that should be addressed first before the re-zone.

City Planner Abboud responded providing examples and that drainage is a city wide issue. The city is working on that at this time. A drainage plan would need a management plan and then creation of policy. He commented on subdividing and that is when they would have the hard ask for the drainage easements.

Commissioner Venuti commented on storm water but focus has been on the eastside of West Hill road and asked if anything has been done on the west side of the road.

City Planner responded that they have an engineer working on that at this time.

Mayor Castner responded on the action that has been going on regarding stormwater and drainages and is being looked at in three sections, noting the areas to the east, central and west. He commented that he has been working hard during his tenure as Mayor to address this issue and if the Commission does not approve the rezone then they will be in the position of having more conditional use permits to increase the density similar to what was conducted tonight.

City Planner Abboud added to the Mayor's statement that that they saw it within the photo he shared earlier where people are desiring to get per unit per 10,000 square feet which is completely within their rights.

Commissioner Chiappone commented that the concerns expressed by the public and commissioners were changing from a rural lifestyle to a lesser rural lifestyle, stormwater, lack of sidewalks and pedestrian issues, bringing additional traffic into the area from the rezone as the cons and the pros is that it will increase density by adding the ability for additional housing opportunities and asked how these actions would benefit the city.

City Planner Abboud responded that the city will be providing easier opportunities for property owners and developers that want to provide housing and that the city is following the infrastructure which is very spread out and expensive. he further noted that by amending the zoning district the city is following or completing the goals as outlined in the Comprehensive Plan and by providing opportunities for infill on the water and sewer infrastructure will provide some relief to current customers on the costs and allow the city to grow efficiently and where the city can and should plan that growth.

City Planner Abboud stated that the Planning Department will be sending out another notice to those property owners in the area of the proposed change and within 300 feet, a public hearing will be scheduled for the next meeting. He further advised the Commission that this item would be a legislative topic and therefore the Commissioners are encouraged to speak to people regarding this topic. The Commissioners can listen to residents' concerns and then the Commission can make their recommendation to Council on the proposed action.

City Planner Abboud responded to Chair Smith that the boundaries of the proposed zoning district can be modified if the Commission determines that would be in the best interests of the City. He provided some input on impacts if the boundaries were modified as recommended by the public during the worksession.

NEW BUSINESS

A. Staff Report 22-26, Tiny Homes

Chair Smith introduced the item by reading of the title.

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Staff Report PL 22-28

TO: HOMER PLANNING COMMISSION
FROM: RICK ABBOUD, AICP, CITY PLANNER
DATE: APRIL 20, 2022
SUBJECT: REZONE OF PORTION OF THE RURAL RESIDENTIAL (RR) ZONING DISTRICT TO URBAN RESIDENTIAL (UR) ZONING DISTRICT

Introduction

The City Planner has initiated a zoning map amendment per HCC 21.95.020(d). After notifying the residents in the proposed area along the lower portion of the West Hill Road area and providing an opportunity for their comments at the Commission's last work session and regular meeting, we have scheduled a public hearing to gain testimony on the proposed rezoning. This is the second notice to residents within the area proposed to be rezoned. Along with all residing in the proposed area, notice was extended to those within 300 feet of the proposed action for this hearing.

Analysis

Comprehensive Plan: I have detailed how the proposal is forwarding the recommendations found in the 2018 Homer Comprehensive Plan in the attached memorandum of the staff review (Pl 22-04) required for a zoning map amendment. The proposal forwards Goal 1 of Chapter 4, Land Use and the associated objectives. The proposed area for rezone of RR to UR is part of the Land Recommendations Map found on page A-10 of the plan. The past, current, proposed extension of city water and sewer services corresponds with the recommendations and guidelines for a transition from a less dense rural zoning designation to a more dense urban designation found in the descriptions of the districts in Appendix A of the Comprehensive Plan and in the purpose statements of the districts found in Homer City Code.

Zoning Transitions: The newly proposed UR zone continues the existing UR district to the west. The proposed district transitions from the light commercial Gateway Business District to the south where the Scenic Gateway Corridor Overlay District is found within 150 feet of the center line of the Sterling Highway, generally leaving the Gateway Business District buffering the proposed UR District. The proposed UR District then transitions to the RR District to the north and west. The proposed district fits neatly within the expectations of the Comprehensive Plan to transition from more dense centrally located zones to less dense zones further from the center of town.

Water and Sewer: City water and sewer has been and is planned to serve the area of the proposal. Any lot in the RR district is allowed to construct one dwelling per 10,000 square feet when served by piped city water and sewer services. This amount to a 4-fold decrease in the spatial requirement of RR district, when not served by city water and sewer services, where it is required to provide 40,000 square feet per dwelling. Once water and sewer service is provided in RR, the lots are arguably not rural in nature and now fit the density expectations of an urban designation.

Transportation: The newly developed and proposed subdivisions in the area have and will create a more connected network of roads and access that did not exist previously. The soon to be developed Eric Lane-Fairview Avenue connection along with the recently developed Shelly Avenue provides collector services that can distribute traffic to other collectors and arterial roads that lead to points of interest.

Changes in regulation: The attached document, Zoning Differences: Rural Residential (RR) and Urban Residential (UR) reviews the changes in allowance for structures, uses, and dimensional standards between the two districts. Anyone who is currently maintaining an allowed use or structure in RR that is not allowed in UR has the opportunity to document the activity and maintain the use or structure in perpetuity, as allowed in Homer City Code 21.61.

Staff Recommendation

Hold a public hearing and make recommendation to the City Council for adoption of the proposed Zoning Map amendment.

Attachments

Draft Ordinance w/ Exhibits A & B
Planning Memo 22-04
HCP Chapter 4 Goal 1 and Objectives
Land Use Recommendations Map
HCP Appendix A p. A-4&5
Zoning Map
Water and Sewer service maps
Foothills plat
Road Maintenance Map section
Aerial map
Zoning Differences
Public Notice 4.7.22 Mail out
Comments KR, TR, B&RH

CITY OF HOMER
HOMER, ALASKA

Planning Commission

ORDINANCE 22-xx

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RURAL RESIDENTIAL (RR) ZONING DISTRICT TO URBAN RESIDENTIAL (UR) ZONING DISTRICT.

WHEREAS, The 2018 Homer Comprehensive Plan Goal 1, Objective B states that the zoning map be updated to support the desired pattern of growth; and

WHEREAS, The 2018 Homer Comprehensive Plan, Land Use Recommendations Map designates the proposed area for consideration of Urban Residential zoning; and

WHEREAS, The residents in and near the proposed action were noticed of the opportunity to provide comment at the Commission's worksession and regular meetings on April 6, 2022 and subsequently held a public hearing on April 20, 2022 as required by HCC 21.95.060(C); and

WHEREAS, The Homer Planning Commission considered the effect of the change on the district and surrounding properties; and

WHEREAS, The Homer Planning Commission determined there is a public need and justification for the rezone; and

WHEREAS, The Homer Planning Commission determined the rezone would not have a negative effect on the public health, safety and welfare; and

WHEREAS, The Homer Planning Commission determined that the rezone was in compliance with the Homer Comprehensive Plan; and

WHEREAS, The zoning district boundaries shall be as shown on the official Homer zoning map per HCC 21.10.020(c).

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer Zoning Map is amended to transfer the parcels listed on the attached Exhibit A from UR zoning district to the RR zoning district as shown on the attached Exhibit B.

Section 2. The City Planner is authorized to note on the Homer Zoning Map the amendments enacted by this ordinance as required by Homer City Code 21.10.030(b).

Section 3. This Ordinance is of a non-code ordinance of a permanent nature and shall be noted in the ordinance history of Homer City Code 21.10.030.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this _____day of _____, 2022.

CITY OF HOMER

_____
KEN CASTNER, MAYOR

ATTEST:

_____
MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

PARCEL ID	ACREAGE	LEGAL DESCRIPTION
17508108	0.700	T 6S R 14W SEC 24 SEWARD MERIDIAN HM LT 7 OF ORIGINAL DEROSE PPTY AS DELINEATED ON PLAT 54-2019 OF BOUNDARY SURVEY OF SECS 13&14 T6S R14W
17508109	5.110	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0000000 DAVID L BEAR 1954 BOUNDARY SURVEY TRACT 1
17508117	2.970	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0742008 HILLSIDE ACRES SUB TRACT 5
17508130	1.090	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0780056 HILLSIDE ACRES RESUB LOT 10 LOT 10-A
17508131	1.150	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0780056 HILLSIDE ACRES RESUB LOT 10 LOT 10-B
17508133	1.470	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0800009 HILLSIDE ACRES SUB UNIT 3 TRACT 11A
17508142	1.520	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0830091 HILLSIDE ACRES SUB TRACTS 2 & 13 1983 TRACT 2-A
17508144	1.210	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0830091 HILLSIDE ACRES SUB TRACTS 2 & 13 1983 LOT 13-A
17508146	2.110	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0830103 HILLSIDE ACRES TRACT 6-A
17508151	2.350	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2001058 DEROSE SUB TRACT B TRACT B
17508119	2.310	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0742008 HILLSIDE ACRES SUB TRACT 3
17508134	1.470	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0800009 HILLSIDE ACRES SUB UNIT 3 TRACT 11B
17508147	1.780	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0830103 HILLSIDE ACRES SUB NO 5 TRACT 6-B
17508154	0.960	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2002084 HILLSIDE ACRES SUB REPLAT TRACT 4A & 4B TRACT 4-A-1
17508160	0.740	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2008051 DEROSE SUB MARTIN ADDN TRACT A-1
17508161	0.910	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2008051 DEROSE SUB MARTIN ADDN TRACT A-2
17508110	4.650	T 6S R 14W SEC 24 SEWARD MERIDIAN HM - RS FROM 1/16 CORNER OF SECS 13&24 S 629.1 FT; TH E 610 FT; TH S48 DEG 10'E 900 FT TO NW CORNER & POB; TH S48 DEG 10'E 720 FT TO NE CORNER; TH S25 DEG 50'W 312 FT TO N SIDE OF ROW & SE CORNER; TH N48 DEG 10'W 7
17508122	1.720	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0742008 HILLSIDE ACRES SUB TRACT 8
17508126	2.520	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0742008 HILLSIDE ACRES SUB TRACT 12
17508132	1.180	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0780056 HILLSIDE ACRE RESUB LOT 10 LOT 10-C
17508145	1.260	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0830091 HILLSIDE ACRES SUB TRACTS 2 & 13 1983 LOT 13-B
17508156	0.720	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2004040 HILLSIDE ACRES DOROTHY'S ADDN TRACT 9A
17508157	0.600	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2004040 HILLSIDE ACRES DOROTHY'S ADDN TRACT 9B
17508163	4.460	T 06S R 14W SEC 24 SEWARD MERIDIAN HM 2019012 HILLSIDE ACRES SUBD 2018 REPLAT TRACT 7-A
17508164	0.690	T 06S R 14W SEC 24 SEWARD MERIDIAN HM 2019012 HILLSIDE ACRES SUBD 2018 REPLAT TRACT 7-B
17508155	1.550	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2002084 HILLSIDE ACRES SUB REPLAT TRACT 4A & 4B TRACT 4-B-1
17508103	1.000	T 6S R 14W SEC 24 SEWARD MERIDIAN HM LT 1 OF ORIGINAL DEROSE PPTY AS DELINEATED ON PLAT 54-2019 OF BOUNDARY SURVEY OF SECS 13&14 T6S R14W
17508128	1.850	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0742008 HILLSIDE ACRES SUB TRACT 14

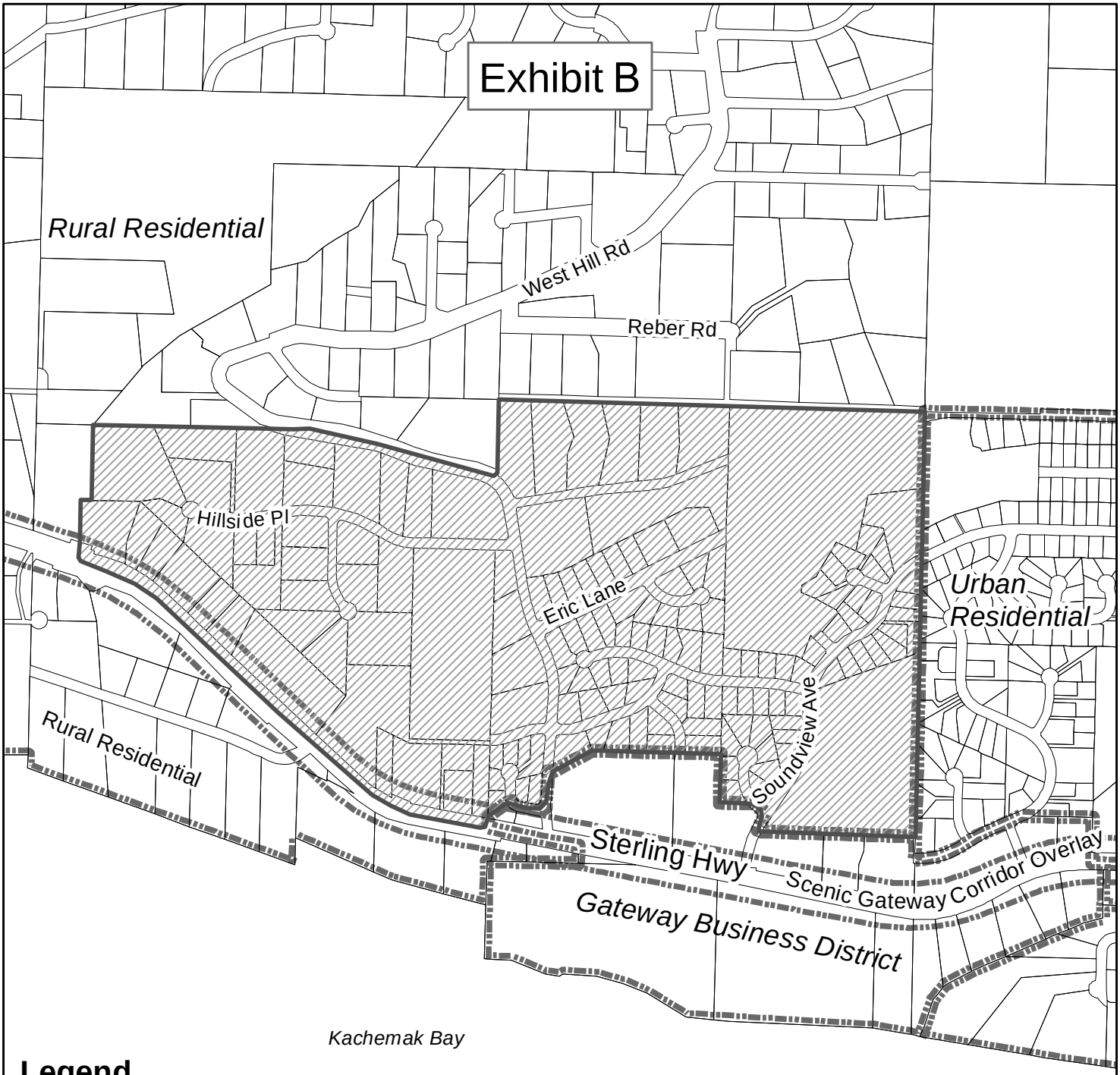
PARCEL ID	ACREAGE	LEGAL DESCRIPTION
17508129	11.500	T 6S R 14W SEC 24 SEWARD MERIDIAN HM BEGIN @INTERSECTION OF N-S LAND LINE BETWEEN WALLI & WADDEL HMSTDS & HWY; TH N 491.7 FT TO POB; TH N 1100 FT; TH W 455.4 FT; TH S 1100 FT; TH E TO POB
17508143	1.350	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0830091 HILLSIDE ACRES SUB TRACTS 2 & 13 1983 LOT 2-B
17508158	1.680	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2004040 HILLSIDE ACRES DOROTHY'S ADDN TRACT 9C
17508159	3.260	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2004088 HILLSIDE ACRES SUB 2004 ADDN TRACT 1D
17510205	0.380	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0980031 FOOTHILLS SUB UNIT 3 LOT 7
17510206	0.470	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0980031 FOOTHILLS SUB UNIT 3 LOT 8
17510210	0.370	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0870068 FOOTHILLS SUB UNIT 2 LOT 12
17510203	0.380	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0980031 FOOTHILLS SUB UNIT 3 LOT 5
17510208	0.310	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0980031 FOOTHILLS SUB UNIT 3 LOT 10
17510214	0.340	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0870068 FOOTHILLS SUB UNIT 2 LOT 15
17510204	0.310	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0980031 FOOTHILLS SUB UNIT 3 LOT 6
17510207	0.430	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0980031 FOOTHILLS SUB UNIT 3 LOT 9
17510219	0.320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 1 BLOCK 1
17510221	0.320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 3 BLOCK 1
17510222	0.310	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 4 BLOCK 1
17510224	0.350	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 2 BLOCK 4
17510227	0.330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 5 BLOCK 4
17510235	0.380	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 7 BLOCK 2
17510237	0.330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 9 BLOCK 2
17510240	0.320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 2 BLOCK 3
17510246	0.320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 8 BLOCK 3
17510249	0.350	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 11 BLOCK 3

PARCEL ID	ACREAGE	LEGAL DESCRIPTION
17510209	0.430	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0870068 FOOTHILLS SUB UNIT 2 LOT 11
17510223	0.370	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 1 BLOCK 4
17510228	0.310	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 6 BLOCK 4
17510231	0.350	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 3 BLOCK 2
17510232	0.360	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 4 BLOCK 2
17510233	0.400	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 5 BLOCK 2
17510234	0.320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 6 BLOCK 2
17510238	0.340	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 10 BLOCK 2
17510245	0.340	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 7 BLOCK 3
17510215	0.310	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0870068 FOOTHILLS SUB UNIT 2 LOT 16
17510220	0.320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 2 BLOCK 1
17510229	0.320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 1 BLOCK 2
17510241	0.490	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 3 BLOCK 3
17510242	0.400	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 4 BLOCK 3
17510244	0.450	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 6 BLOCK 3
17510247	0.330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 9 BLOCK 3
17510248	0.330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 10 BLOCK 3
17510211	14.330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860101 FOOTHILLS SUB UNIT 1 LOT 1

PARCEL ID	ACREAGE	LEGAL DESCRIPTION
17510212	0.420	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0870068 FOOTHILLS SUB UNIT 2 LOT 13
17510213	0.300	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0870068 FOOTHILLS SUB UNIT 2 LOT 14
17510225	0.330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 3 BLOCK 4
17510226	0.330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 4 BLOCK 4
17510230	0.320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 2 BLOCK 2
17510236	0.330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 8 BLOCK 2
17510239	0.370	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 1 BLOCK 3
17510243	0.390	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007031 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 2 PHASE ONE LOT 5 BLOCK 3
17510252	2.430	T 06S R 13W SEC 19 SEWARD MERIDIAN HM 2019010 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 3 TRACT A1
17510253	25.560	T 06S R 13W SEC 19 SEWARD MERIDIAN HM 2019010 FOOTHILLS SUB SUNSET VIEW ESTATES ADDN NO 3 TRACT B
17524026	0.000	
17524031	0.000	
17524034	0.000	
17524103	0.740	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 77
17524107	0.360	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 73
17524109	0.460	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 71
17524110	0.490	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 70
17524112	0.340	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 67
17524024	0.000	
17524025	0.000	
17524028	0.000	
17524032	0.000	
17524033	0.000	
17524105	0.540	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 75
17524114	0.430	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 69
17524115	0.690	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 51
17524116	0.640	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 52

PARCEL ID	ACREAGE	LEGAL DESCRIPTION
17524128	0.380	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 58
17524027	0.000	
17524029	0.000	
17524030	0.000	
17524104	0.360	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 76
17524106	0.540	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 74
17524118	0.390	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 54
17524121	0.470	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 42
17524129	0.390	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 57
17524134	0.640	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 43
17524174	2.430	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 2
17524175	2.390	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 1
17524113	0.470	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 68
17524117	0.390	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATES LOT 53
17524124	0.520	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 39
17524126	0.350	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 60
17524131	0.410	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 64
17524133	0.510	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 62
17524137	0.440	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 46
17524141	0.530	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 47
17524180	1.720	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB TRACT D
17524108	0.370	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 72
17524111	0.360	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 66
17524119	0.350	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 55
17524120	0.350	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 56
17524122	0.490	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 41
17524123	0.420	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 40
17524125	0.350	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 61
17524127	0.360	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 59
17524138	0.560	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 50
17524139	0.740	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 49
17524130	0.350	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 65
17524132	0.490	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 63

PARCEL ID	ACREAGE	LEGAL DESCRIPTION
17524135	0.360	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 44
17524136	0.370	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 45
17524140	0.460	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 48
17524170	2.240	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 6
17524171	2.240	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 5
17524172	2.090	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 4
17524173	2.410	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 3
17524177	0.730	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0880016 LILLIAN WALLI ESTATE SUB LOT 36
17524184	0.240	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2002052 LILLIAN WALLI ESTATE BAYBERRY HOLLOW ADDN LOT 3
17524187	0.240	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2002052 LILLIAN WALLI ESTATE BAYBERRY HOLLOW ADDN LOT 6
17524196	1.740	T 06S R 14W SEC 24 SEWARD MERIDIAN HM 2019029 LILLIAN WALLI ESTATE ROW VACATION PLAT LOT 38-A
17525003	0.910	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0730551 BIDARKI CREEK SUB PLAT OF LTS 2A THRU 5A LOT 4A
17524189	0.280	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2002052 LILLIAN WALLI ESTATE BAYBERRY HOLLOW ADDN LOT 8
17524190	0.250	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2002052 LILLIAN WALLI ESTATE BAYBERRY HOLLOW ADDN LOT 9
17524192	0.280	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2002052 LILLIAN WALLI ESTATE BAYBERRY HOLLOW ADDN LOT 11
17524195	1.210	T 06S R 14W SEC 24 SEWARD MERIDIAN HM 2019029 LILLIAN WALLI ESTATE ROW VACATION PLAT LOT 37-A
17525004	0.910	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0730551 BIDARKI CREEK SUB PLAT OF LTS 2A THRU 5A LOT 3A
17525012	1.010	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2012027 BIDARKI CREEK NO 4 TRACT 1
17524188	0.260	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2002052 LILLIAN WALLI ESTATE BAYBERRY HOLLOW ADDN LOT 7
17524191	0.230	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2002052 LILLIAN WALLI ESTATE BAYBERRY HOLLOW ADDN LOT 10
17525001	1.030	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0730081 BIDARKI CREEK SUB LOT 6
17525013	2.110	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2012027 BIDARKI CREEK NO 4 TRACT 2
17524185	0.230	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2002052 LILLIAN WALLI ESTATE BAYBERRY HOLLOW ADDN LOT 4
17524186	0.250	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2002052 LILLIAN WALLI ESTATE BAYBERRY HOLLOW ADDN LOT 5
17525002	0.910	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0730551 BIDARKI CREEK SUB PLAT OF LTS 2A THRU 5A LOT 5A
17525005	0.930	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 0730551 BIDARKI CREEK SUB PLAT OF LTS 2A THRU 5A LOT 2A



City of Homer
Planning and Zoning Department
April 11, 2022

Exhibit B
Rural Residential to Urban Residential Rezoning

0 500 1,000 2,000 Feet

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

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MEMORANDUM PL 22-04

TO: Homer Planning Commission
FROM: Rick Abboud, City Planner
DATE: April 20, 2022
SUBJECT: Planning Staff review of text and zoning map amendments West Hill Area Rezone RR to UR

Planning Staff review per 21.95.050

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

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

Analysis: The general area of the area to be rezoned is represented on the 2018 Homer Comprehensive Plan Land Use Recommendations Map. The proposed amendment complies with Goal 1 of the Comprehensive Plan's Land Use Chapter, to guide Homer's growth with a focus on increasing the supply and diversity of housing. The proposal forwards objectives of Goal 1 including: creating higher densities surrounding the center of town; supporting the desired pattern of growth by updating the zoning map; promoting housing choice by supporting a variety of dwelling options; and promoting density and discouraging sprawl. These objectives are forwarded, as the UR district will allow for less restricted development of housing options such as duplexes or apartments when compared with the RR district.

Finding 1: The zoning map change is consistent with the 2018 Homer Comprehensive Plan.

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

Analysis: As water and sewer services are expanded in the RR District expectations of density increases. Appendix A of the 2018 Homer Comprehensive Plan specifies that the RR district is to provide area primarily for lower density development and is generally not served by water and sewer services. Whereas, the UR District is described as areas served by water and sewer services. When water and sewer services were extended in the mid 2000's to this part of the RR district and continued in recently proposed and developed subdivisions, the minimum lot size changed from 40,000 to 10,000 square feet per dwelling. This zoning change allows for more residential development as described in the purpose of the UR district in the Homer City Code (HCC). The proposed change in zoning better supports the density that comes with the addition of water and sewer services that are found in the area proposed to be zoned Urban Residential.

Finding 2: The conditions of the district have changed since the adoption of the Rural Residential designation and the Urban Residential District is better suited to the area.

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

Analysis: The proposed rezone is served with city water and sewer utilities that are able to support the density allowances in the Urban Residential District. West Hill road provides a collector level of road service that divides the area of proposed rezone, leading to the Sterling Highway. A planned and soon to be constructed link (this season) between Eric Lane and Fairview Avenue will provide an additional source to travel for autos and pedestrians to points of interest toward the commercial areas of town. Additionally, with the recent development of Shelly Avenue, another route has been established to gain access to the Sterling Highway or it can be taken east to several more points of access and interest. These routes are capable to handle traffic expected from the proposed district without incurring unacceptable levels of service.

Finding 3: The rezoning of this area is in the best interests of the public as it supports the Urban Residential District's moderate level of density that is well served by City services.

STAFF COMMENTS/RECOMMENDATIONS:

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

CHAPTER 4 LAND USE

Vision Statement: Guide the amount and location of Homer's growth to increase the supply and diversity of housing, protect important environmental resources and community character, reduce sprawl by encouraging infill, make efficient use of infrastructure, support a healthy local economy, and help reduce global impacts including limiting greenhouse gas emissions.

Goals & Objectives for Land Use

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

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

Many of the community's most important goals are tied to the amount and location of growth. These goals include encouraging affordable housing, protecting environmental quality, creating a walkable community, and efficiently providing public services and facilities. The broad strategy behind this objective is to encourage concentrated residential and business growth in the central area of the city, with densities decreasing in outlying areas. The existing pattern of development in the city and current zoning generally follow this pattern. The alternative to this pattern – to allow this same quantity of growth to spread over a much wider area – works against all these goals.

While concentrating land uses brings many benefits, residents clearly want to maintain a sense of open space and privacy that is often associated with lower density development, particularly in residential areas. As a result, this objective of concentrated growth must be accompanied by a set of standards that ensure housing and commercial areas are well designed. The remainder of this section presents more details on the location of new development. The following sections address the character of new development.

The key element of this section is the generalized Land Use Recommendations Map (*see Appendix A-10, Comprehensive Plan Land Use Recommendations Map).* This is not a zoning map, but a general map of proposed future land uses in Homer. Before these recommendations have the force of law, a separate, subsequent process must occur to amend the City's current zoning code.

Implementation Strategies

- Review Land Use Recommendations Map

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

The Comprehensive Plan Land Use Recommendations Map establishes the location and intent of proposed land use districts, but does not address the standards needed to guide development.

Implementation Strategies

- Revise zoning map
- Encourage preservation of natural system infrastructures
- Review density objectives
- Review appropriate design standards

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

Diverse, high-quality residential neighborhoods are crucial to the stability and economic health of Homer. Growth puts pressure on housing prices as land prices increase. Neighborhoods established decades ago with large lots face pressure as some landowners create subdivisions with smaller lots, while others would like to preserve the established neighborhood character. Housing choice is crucial to accommodate future growth as the dominant single family large lot developments clearly won't be able to meet future demand in quantity or price.

Implementation Strategies

- Review code for opportunities for appropriate infill
- Support options for affordable housing

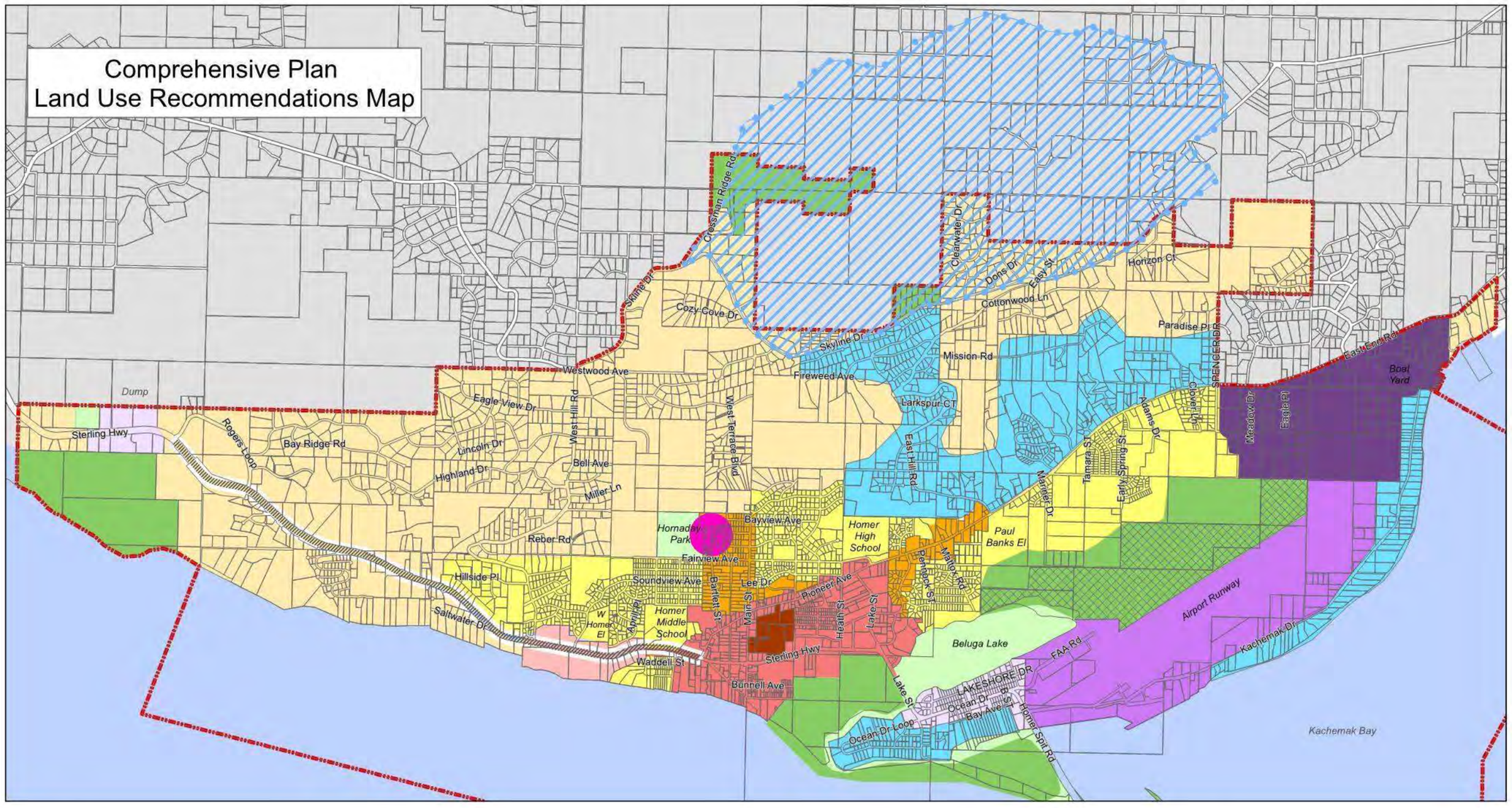
Objective D: Consider the regional and global impacts of development in Homer.

Homer is a community that understands and appreciates its place in the context of the larger, global environment. As shown by its robust environmental nonprofit community and the work of the City's Global Warming Task Force, Homer residents look beyond their boundaries and have expressed the importance of acting locally as a way of addressing global issues.

Implementation Strategies

- Review opportunities that support energy efficiency for structures
- Consider land use policies that promote density and discourage sprawl

Comprehensive Plan
Land Use Recommendations Map



Legend

Land Use Recommendations

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

N

0 0.5 1 Miles

City of Homer

- Minimal building setbacks to create a friendly, pedestrian-oriented streetscape.
- Encourage parking off-site (e.g., allowing payment of a fee in lieu of meeting on-site parking standards, through shared parking arrangements, through reducing on-site requirements by providing public parking and protected pedestrian ways).

- **Development standards include**:
  - Create an attractive, pedestrian-oriented environment (e.g., windows and doors that are close to the street, landscaped parking, standards to humanize buildings such as clearly articulated entries).
  - Advisory guidelines re design character, so buildings and other structures within the district are compatible with one another and with the surrounding area.
  - Consider establishing an overlay zone for Old Town so buildings in that portion of the district feature an "Old Homer" historical character.
  - Consider establishing a University district.

MEDICAL DISTRICT

- **Intent** Acknowledge demand for medical services will increase with a larger, aging population. Enact zoning regulations that allow medical services to expand with the growing need for life long medical care, in a localized area near the hospital.
  - Work with area residents and business owners to identify desirable neighborhood character and appropriate performance standards such as building bulk and scale, density, signage, lighting and parking lot development.
  - Other issues may be identified and addressed through the zoning process.

EXISTING LAND USE CATEGORIES

RESIDENTIAL

UR (URBAN RESIDENTIAL)

- **Intent** The R-1 district is intended to provide more intense residential development in the city core, in a manner that matches Homer's small town character and encourages increased densities near pedestrian-oriented commercial areas.
- **Primary Use** Medium and medium-high density residential including single-family, duplex, and multiple-family; allow for a variety in housing types and housing price levels.
- **Other Uses, Allowances, and Specifications**
  - Areas generally served by water and sewer; central locations with excellent access to a range of urban services and facilities.
  - Residential is primary use; but allows for other uses where these uses maintain residential character.
  - Moderate lot size minimums (for example, 6000 square foot lots for single family homes).
  - Allows bed and breakfasts by right, allows second units and duplexes by right (both subject to standards). (For purposes of this plan, a B&B is defined as lodging where owner proprietor resides on site.)

- Allows home-based businesses by right (subject to standards).

- **Development standards**
  - Encourage attractive, diverse housing types (vs. "cookie-cutter" subdivisions).
  - Ensure newer housing is compatible with character of older neighborhoods (for example, by requiring transitional densities, buffer uses).

RR (RURAL RESIDENTIAL)

- **Intent** The R-3 district is intended to provide areas for low density residential development and limited agricultural pursuits.
- **Primary Use** Low-density residential development in outlying locations, generally with less services and/or lower level of service than in urban areas.
- **Other Uses, Allowances, and Specifications**
  - Areas generally not served by water and sewer, nor likely to be served in the near future.
  - Larger lot sizes or cluster subdivisions to preserve sense of open space.
  - Allows accessory housing units by right (subject to standards).
  - Allows bed and breakfasts by right, subject to standards (for purposes of this plan B&B defined as lodging where owner proprietor resides on site)
  - Allows home-based businesses by right, subject to standards; allows some larger non-retail business activities subject to administrative review.
- **Development standards**
  - Option for higher densities and cluster development. Encourage open space subdivisions as alternative to more typical lot layouts.
  - Ensure newer housing is compatible with character of older neighborhoods.

COMMERCIAL AND MIXED USE

CBD (CENTRAL BUSINESS DISTRICT)

- **Intent** The intent of the CBD commercial district is to provide a mixed use business district in the core area of Homer, with greater allowance for vehicular use than in the Downtown district, but still with a character that encourages pedestrian use.
- **Primary Use** Provide a centrally located area within the City for a mixture of urban uses and activities, including general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and related businesses, civic uses, recreation, and residential uses. Allow a mixture of residential and commercial uses but conflicts resolved in favor of business.
- **Other Uses, Allowances, and Specifications**
  - Areas served by public water and sewer, full range of other urban services
  - Allow and encourage relatively high densities (sufficient concentration of uses to encourage circulation by foot).
  - On-site parking required (option for shared parking with an approved parking plan).

City of Homer Zoning Map

0 0.25 0.5 1 Miles

November 2, 2020

Abbreviations
MC = Marine Commercial
MI = Marine Industrial
OSR = Open Space Recreation
CONS = Conservation

Bridge Creek Watershed
Conservation
RWPS
KIAL N
HORIZON CT
RACE RD
MISSION RD
SKYLINE DR
FIREWEED AVE
EAST HILL RD
EAGLE VIEW DR
WEST HILL RD
RR
East End Mixed Use
EAST END RD
SPENCER DR
MEADOW DR
EAGLE PL
CLOVER LN
ADAMS DR
EARLY SPRING ST
TAMARA ST
OSR
General Commercial 1
Conservation
Rural Residential
LATHAM AVE
MILLER LN
REBER RD
HILLSIDE PL
OSR
Res Office
Urban Residential
Residential Office
Urban Residential
FAIRVIEW AVE
LEE DR
PIONEER AVE
Medical
SPRUCEVIEW AVE
Urban Residential
Central Business Town Center
MAIN ST
STERLING HWY
OHLSON LN
Gateway Business
UR
CONS
Open Space Rec
General Commercial 2
FAA RD
KACHEMAK DR
Rural Residential
LAKE
OCEAN DR
General Commercial 1
HOMER SPIT RD
RR
OSR

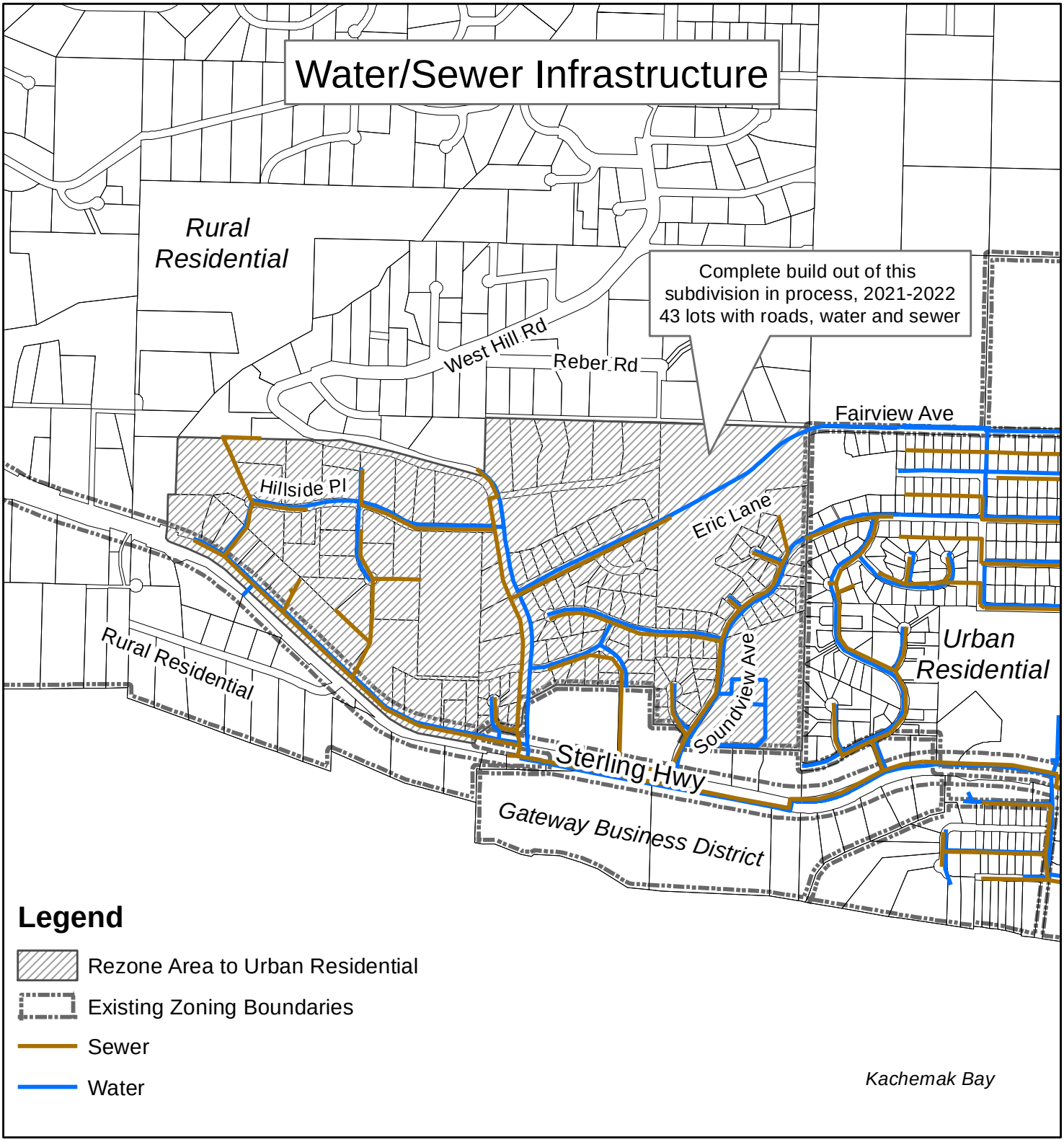
Ordinance No.	Date
83-07	2/15/83
83-30	12/13/82
84-28	10/23/84
85-10	5/28/85
86-18	6/24/86
86-23	8/26/86
86-24	8/26/86
86-25	8/26/86
92-47	9/29/92
92-50	12/15/92
98-14	7/27/98
1-27(S)	5/13/02
02-11	5/13/02
02-42(S)(A)	7/28/03
03-08	2/25/03
03-10	2/25/03
03-11(S)(A)	2/25/03
03-03(S)	3/11/03
03-04(S)	3/11/03
03-05(S)	3/11/03
03-09	3/11/03
03-20	5/13/03
03-37	7/29/03
05-07	3/15/05
05-33	6/28/05
06-20(A)	9/15/06
06-22	4/25/06
06-58	9/15/06
06-51(S)(A)	9/26/06
07-52(A-2)	2/25/08
08-06	2/12/08
08-08(A)	3/25/08
08-20	6/24/08
08-12(S)(A-2)	10/14/08
09-44(S)	10/13/09
09-19	10/26/09
12-10	2/28/12
12-11(A)	3/28/12
13-12(S)	5/14/13
16-34	6/28/16
20-02	1/28/20
20-49	8/25/20
20-59(A)	9/29/20

Legend

- City Limits
- **2020 Zoning Zone**
  - Gateway Business District
  - Central Business District
  - Town Center
  - General Commercial 1
  - General Commercial 2
  - East End Mixed Use
  - Marine Commercial
  - Marine Industrial
  - Open Space Rec
  - Conservation
  - Bridge Creek Watershed
  - Rural Residential
  - Urban Residential
  - Residential Office
  - Medical
  - Scenic Gateway Corridor Overlay
  - Small Boat Harbor Overlay
  - Section Lines

Conservation
MI
OSR
MI
Marine Industrial
OSR
HOMER SPIT RD
MC
OSR
MI
MC
FREIGHT DOCK RD
FREIGHT DOCK RD
Marine Commercial
Small Boat Harbor Overlay
FISH DOCK RD
MI
MC
OSR
OSR

0 0.5 1 Miles



City of Homer
Planning and Zoning Department
April 11, 2022

Water/Sewer Infrastructure

0 500 1,000 2,000 Feet

282

N

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.

NOTES

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

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

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

4. THE 10 FEET FRONTING THE STREET RIGHT-OF-WAYS AND THE FRONT 20 FEET WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

5. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.

6. THESE LOTS ARE SERVED BY CITY OF HOMER SEWER.

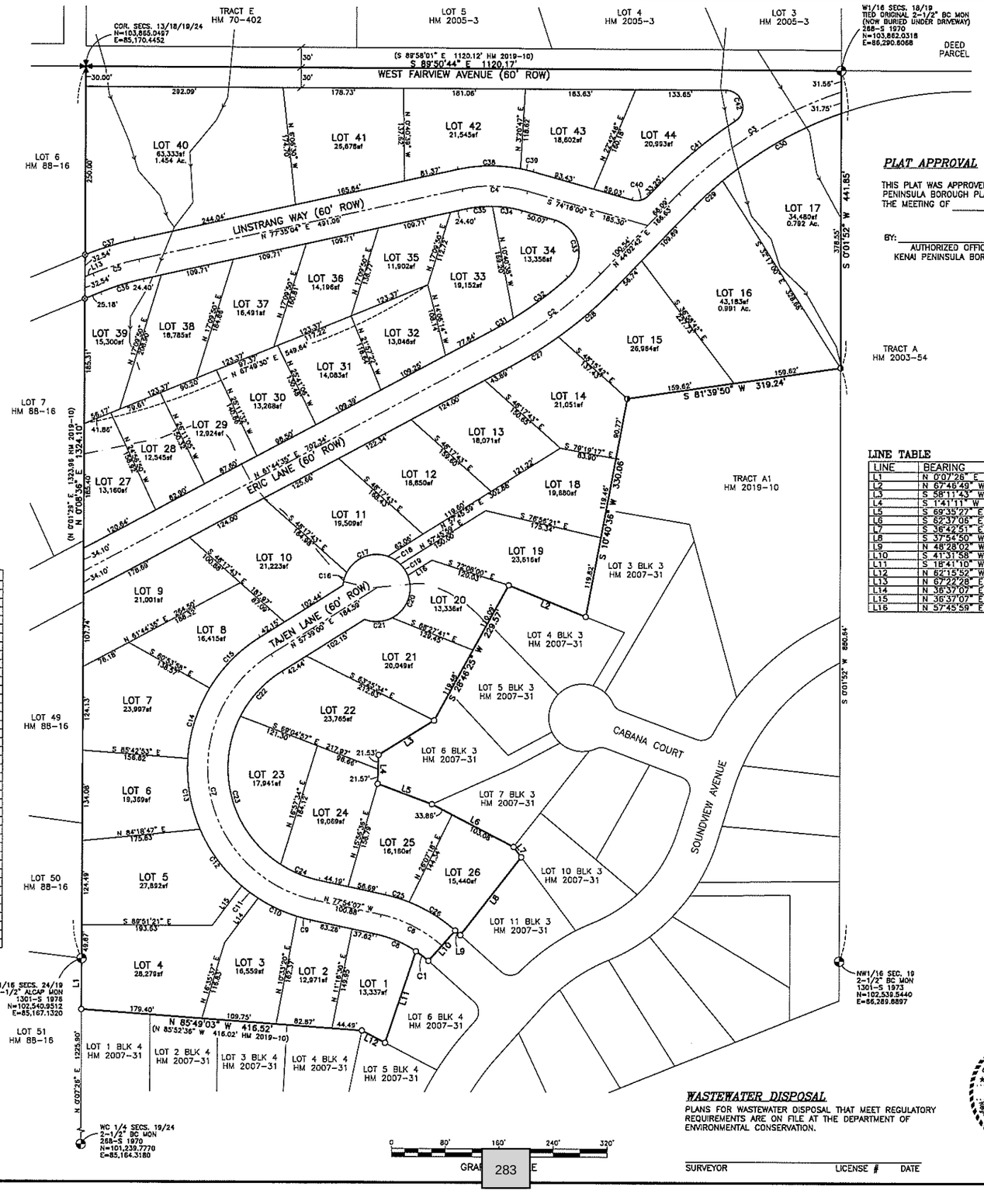
7. ALL LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PLANNING DEPARTMENT PRIOR TO DEVELOPMENT ACTIVITIES.

8. SET A 5/8" X 30" REBAR WITH 2" ALCAP (7538-S 2020) AT ALL LOT CORNERS AND RIGHT-OF-WAY POINTS OF CURVATURE UNLESS INDICATED OTHERWISE.

9. THE LOT IS AFFECTED BY AN EASEMENT OF RECORD WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION (BK17, PG 328 HRD).

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG	CHORD DIST
C1	7°51'57"	170.00'	23.34'	N 52°24'00" W	23.32'
C2	17°41'52"	600.00'	185.33'	N 52°53'39" E	184.60'
C3	27°23'45"	600.00'	286.89'	N 57°44'35" E	284.16'
C4	28°08'56"	200.00'	98.26'	S 88°20'28" E	97.27'
C5	10°12'35"	400.00'	71.28'	N 72°28'46" E	71.18'
C6	29°26'05"	200.00'	102.75'	N 63°11'04" W	101.62'
C7	135°35'07"	200.00'	473.17'	N 10°07'34" W	370.28'
C8	21°34'08"	170.00'	64.00'	N 67°07'03" W	63.62'
C9	5°14'55"	230.00'	21.07'	N 75°16'40" W	21.06'
C10	15°37'45"	230.00'	62.74'	N 64°50'20" W	62.55'
C11	7°28'43"	230.00'	30.02'	N 53°17'05" W	30.00'
C12	28°10'52"	230.00'	108.10'	N 36°27'17" W	104.19'
C13	26°47'23"	230.00'	107.54'	N 9°58'10" W	106.56'
C14	27°30'27"	230.00'	110.44'	N 17°10'55" E	109.39'
C15	26°42'41"	230.00'	107.23'	N 44°17'40" E	106.26'
C16	23°21'51"	50.00'	20.39'	N 15°52'07" E	20.25'
C17	81°38'35"	50.00'	71.25'	N 68°22'20" E	65.37'
C18	25°39'29"	50.00'	22.39'	S 57°58'39" E	22.20'
C19	23°04'50"	50.00'	20.14'	S 33°16'30" E	20.01'
C20	84°22'56"	50.00'	73.64'	N 20°07'23" E	67.16'
C21	48°07'57"	50.00'	42.00'	N 85°22'50" E	40.78'
C22	30°52.33"	170.00'	91.61'	N 42°12'43" E	90.51'
C23	83°56'26"	170.00'	249.08'	N 15°14'46" W	227.37'
C24	20°44'08"	170.00'	61.52'	N 57°32'03" W	61.19'
C25	9°16'31"	230.00'	37.23'	N 73°15'52" W	37.19'
C26	20°09'34"	230.00'	80.93'	N 58°32'49" W	80.51'
C27	7°34'21"	630.00'	83.27'	N 57°57'24" E	83.20'
C28	11°07'31"	630.00'	111.33'	N 49°08'28" E	111.19'
C29	5°54'36"	570.00'	58.80'	N 47°00'01" E	58.77'
C30	20°28'06"	570.00'	203.63'	N 60°11'22" E	202.55'
C31	3°44'18"	570.00'	37.19'	N 59°52'26" E	37.18'
C32	10°12'28"	570.00'	101.58'	N 52°54'03" E	101.42'
C33	122°03'49"	50.00'	106.52'	N 13°14'06" W	87.49'
C34	15°01.53"	170.00'	44.60'	S 81°14'57" E	44.47'
C35	13°07'03"	170.00'	38.92'	N 84°08'35" E	38.84'
C36	10°12'35"	370.00'	65.93'	N 72°28'46" E	65.85'
C37	10°12'35"	430.00'	76.62'	N 72°28'46" E	76.52'
C38	23°20'19"	230.00'	93.68'	N 89°15'13" E	93.04'
C39	4°48'37"	230.00'	19.31'	S 76°40'19" E	19.30'
C40	61°41'17"	25.00'	26.92'	N 74°53'21" E	25.64'
C41	12°23'42"	630.00'	136.29'	N 50°14'33" E	136.02'
C42	146°17'08"	25.00'	63.83'	N 15°42'10" W	47.85'



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 0°07'26" E	75.28'
L2	N 67°46'49" W	123.27'
L3	S 58°11'43" W	97.19'
L4	S 1°41'11" W	42.80'
L5	S 69°35'27" E	86.34'
L6	S 62°37'06" E	136.93'
L7	S 36°42'51" E	19.03'
L8	S 37°54'50" W	146.67'
L9	N 48°28'02" W	10.22'
L10	S 41°31'58" W	60.00'
L11	S 18°41'10" W	143.33'
L12	N 62°15'52" W	38.88'
L13	N 67°22'28" E	12.59'
L14	N 36°37'07" E	62.53'
L15	N 36°37'07" E	73.01'
L16	N 57°45'59" E	42.63'

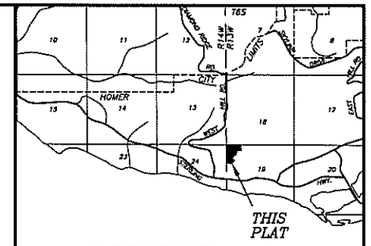
LEGEND

- INDICATES 1917 2-1/2" BC GLO MONUMENT RECOVERED THIS SURVEY
- INDICATES PRIMARY MONUMENT RECOVERED THIS SURVEY AS DESCRIBED
- INDICATES 5/8" REBAR WITH 2" ALCAP (5780-S, 2007) RECOVERED THIS SURVEY
- INDICATES 5/8" REBAR WITH 2" ALCAP (7610-S 2017) RECOVERED THIS SURVEY
- INDICATES 5/8" REBAR WITH 1-1/2" ALCAP (NO LS# OR DATE) RECOVERED THIS SURVEY
- INDICATES LIMIT OF DISCHARGE SLOPE DESIGNATION PER KENAI WATERSHED FORUM WETLANDS ASSESMENT
- INDICATES APPROXIMATE CENTERLINE OF DRAINAGE

PLAT APPROVAL

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

BY: _____ _____
AUTHORIZED OFFICIAL DATE
KENAI PENINSULA BOROUGH



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

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

_____
TL INVESTMENTS, LLC
TOM STAFFORD, MANAGER
PO BOX 3403
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FOR TOM STAFFORD

ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2020.

_____
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

CERTIFICATE OF ACCEPTANCE

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

THE UTILITY EASEMENTS WITHIN THE 10' FEET ADJACENT TO ALL STREET ROW'S AND THE FRONT 20 FEET WITHIN 5 FEET OF SIDE LOT LINES.

ERIC LANE (60' ROW), TAJEN LANE (60' ROW), LINSTRANG WAY (60' ROW), MATCHING 30' ROW WEST FAIRVIEW AVENUE.

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

BY: _____ DATE: _____
KATIE KOESTER, CITY MANAGER
CITY OF HOMER, ALASKA

WASTEWATER DISPOSAL

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

_____ _____ _____
SURVEYOR LICENSE # DATE

STATE OF ALASKA 49TH Stephen C. Smith LS-7538 Registered Professional Land Surveyor

HOMER RECORDING DISTRICT KPB FILE No. 2020-???

FOOTHILLS SUBDIVISION SUNSET VIEW ESTATES 2020 ADDITION

THE SUBDIVISION OF TRACT B
FOOTHILLS SUBDIVISION SUNSET VIEW ESTATES ADDITION NO. 3
(HM 2019-10)
LOCATED WITHIN THE NW 1/4 SEC 19,
T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA
CONTAINING 25.569 ACRES
OWNER:
TL INVESTMENTS, LLC PO BOX 3403 HOMER, AK 99603

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

DRAWN BY: SCS	DATE: APRIL 2020	SCALE: 1" = 80'
CHK BY: SCS	JOB #2020-23	SHEET 1 OF 1

Road Maintenance Map

April 13, 2022

Streets

Urban Road Maintenance

Rural Road Maintenance

State Road Maintenance

Other

City of Homer Parcels

284

1:18,056

0 0.07 0.15 0.3 mi

0 0.13 0.25 0.5 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri,


Proposed Zoning Amendment
Bidarki Creek
West Hill Rd.
18
18
Hillside Pl.
Eric Ln.
Soundview Ave.
24
19
Shelley Ave.
Sterling Hwy.

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 Differences: Rural Residential (RR) and Urban Residential (UR)

Permitted uses allowed in RR but not in UR (provision is eliminated or changed as indicated below)

g. Agricultural activities, including general farming, truck farming, livestock farming, nurseries, and greenhouses; provided, that: **(changed)**

1. Other than normal household pets, no poultry or livestock may be housed and no fenced runs may be located within 100 feet of any residence other than the dwelling on the same lot;
2. No retail or wholesale business sales office is maintained on the premises;

h. Private stables; **(changed)**
m. Temporary (seasonal) roadside stands for the sale of produce grown on the premises; **(eliminated)**
n. Mobile homes, subject to the requirements of HCC 21.54.100; **(eliminated)**

Conditional Uses (needing Planning Commission approval) allowed in RR but not in UR (eliminated)

c. Cemeteries;
d. Kennels;
e. Commercial greenhouses and tree nurseries offering sale of plants or trees grown on premises;
f. Mobile home parks;
g. Public utility facilities and structures;

Provisions for the keeping of animals as a Permitted Use in UR (changed)

j. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory to a residential use in a manner consistent with the requirements of all other provisions of the Homer City Code and as long as such animals are pets of the residents of the dwelling and their numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;
o. Public schools and private schools;

Provisions for stables as a Conditional Use in UR (changed)

h. Private stables and the keeping of larger animals not usually considered pets, including paddocks or similar structures or enclosures utilized for keeping of such animals as an accessory use incidental to a primary residential use; such use shall be conditioned on not causing unreasonable disturbance or annoyances to occupants of neighboring property, and on sufficient land to harbor such animals;

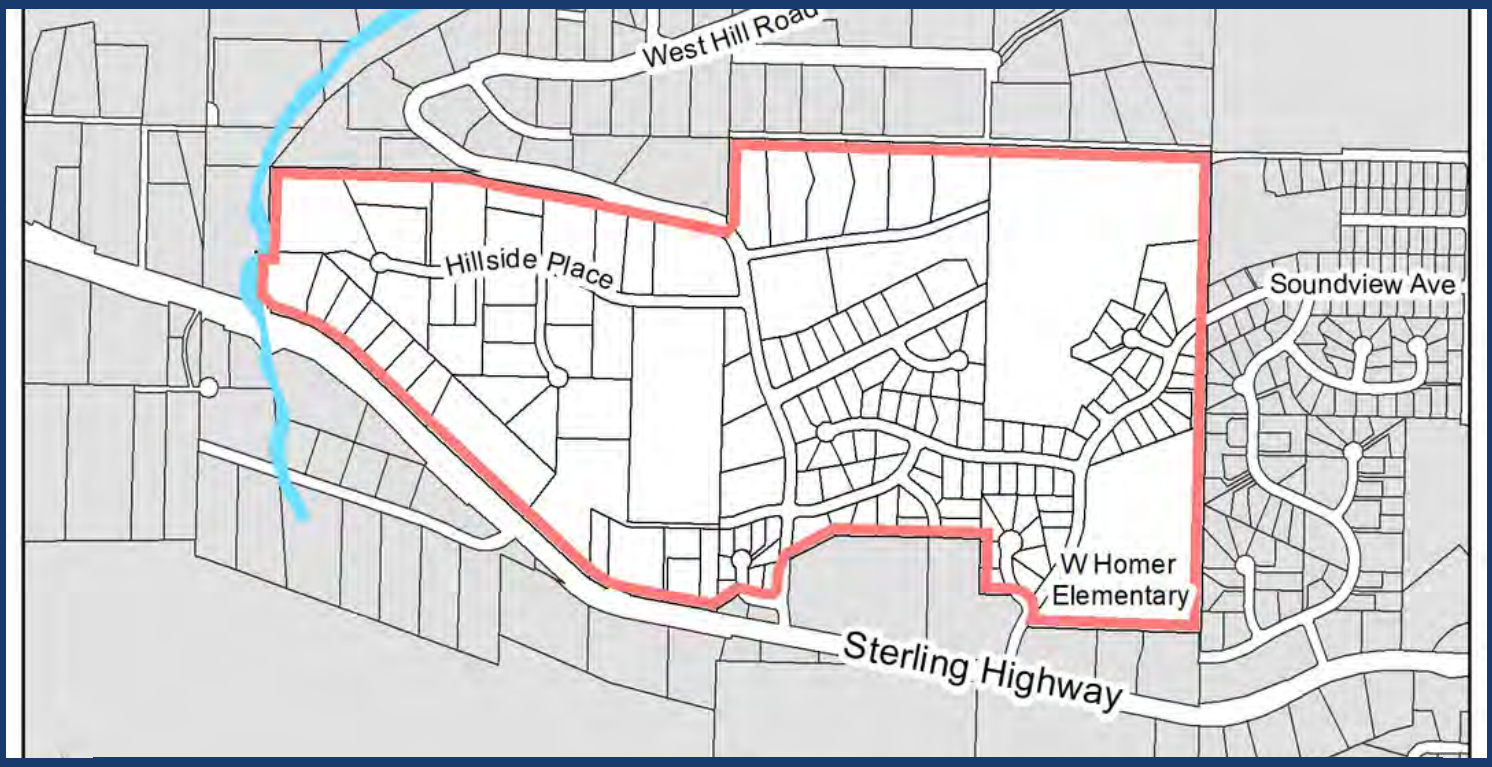
Dimensional Standards

Lots in RR are required to have a minimum of 10,000 square feet per dwelling unit.
Lots in UR are required to have a minimum of 7,500 square feet for single-family or duplex dwellings and have the option to provide multi-family (3 or more) dwellings according to floor area and open area requirements.

Multiple-family dwelling containing three or more units shall meet the following standards:

a. The total floor area shall not be more than four-tenths the lot area;
b. The total open area shall be at least 1.1 times the total floor area. Open area is any portion of the lot not covered or used for parking spaces and maneuvering.

PROPOSED ZONING AMENDMENT



AMENDING RURAL RESIDENTIAL DISTRICT (RR) TO URBAN RESIDENTIAL (UR)

Homer's population is growing and to keep pace with community needs, the City is considering a land use change to the district located between West Homer Elementary School and Bidarki Creek north of Sterling Highway.

This amendment is part of the long-term vision in the adopted 2018 Comprehensive Plan. To see how this might impact you, visit the web page below.

Proposed Zoning Map Amendment
https://www.cityofhomer-ak.gov/planning/proposed-zoning-map-amendment

OPPORTUNITY TO PARTICIPATE

April 20: Public Hearing at 6:30 p.m.
Homer Planning Commission

See reverse side for more information about the public hearing and how to participate

CONTACT PLANNING

City of Homer Planning Office
491 E. Pioneer Avenue
Homer, AK 99603
907-235-3106
planning@ci.homer.ak.us

cityofhomer-ak.gov/planning

CITY OF HOMER
PUBLIC HEARING NOTICE
PLANNING COMMISSION MEETING

A public hearing on the matter below is scheduled for Wednesday, April 20, 2022 at 6:30 p.m. during the Regular Planning Commission Meeting. Participation is available virtually via Zoom webinar or in-person at Homer City Hall.

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

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

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

Meeting ID: 979 8816 0903
Passcode: 976062

Additional information regarding this matter will be available by 5pm on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for April 20, 2022 at *https://www.cityofhomer-ak.gov/calendar*. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

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

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

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

VICINITY MAP ON REVERSE

Gmail **Jonathan Faulkner <landsendjdf@gmail.com>**

Re-zone.

Jonathan Faulkner <landsendjdf@gmail.com> Thu, Apr 7, 2022 at 8:58 AM
To: Jon Faulkner <landsendjdf@gmail.com>

Jon- Please Enter this into the record regarding the proposed rezoning from Reynolds and Beth Holiman, 1486 Hillside place

It seems as though the small lot change will induce developers to buy old houses, tear them down, then replat the lots just to get their lot-price-per-house lowered. (Our lot could probably be made into 4 lots)

We are requesting that the existing lots on hillside place be left out of the zoning change. If an owner wants to do a tear down and replat to smaller lots, they should have to bring it before the board.

Many of us bought the older homes on the larger lots because of the spacious yards and abundant trees, brush, and wildlife cover. The proposed change would take away the rural feel because of clearing and grading to create home pads and drives on the smaller lots.

In order to grade this hill for the smaller lots, the trees would have to be removed and substantial amounts of soil would be disturbed. The side slopes of the West hill road embankment above us is already graded at angles only a few degrees less steep than the natural angle of repose.
We have already had 1 mud slide above our house which had to be repaired at considerable expense.

Our water pressure is low right now. It is unlikely that the city is prepared to spend extra dollars needed to upgrade the water system for this increase in density. A study of water pressure and water availability for this area should be required before the rezoning is considered.

With the above facts in mind, we respectfully request that lots down hill from West hill road along Hillside place be left in their current zoning.

Respectfully. Beth and Reynolds Holiman
1486 Hillside Place

Jon. Please edit if you need to and enter into the record. Thanks. Reynolds and Beth

9:00 Eastern Time Wednesday

Sent from my iPhone

Hand Delivered 4/8/22

From: Kasia
To: Department Planning
Subject: Proposed Zoning Amendment
Date: Monday, April 11, 2022 2:09:15 PM

To Whom it May Concern,

Please do not move forward with the proposal to amend the zoning of our neighborhood form Rural Residential to Urban Residential.

I do not want multi-family housing in our neighborhood. This neighborhood is single-family residential it needs to stay that way. New development also needs to be single family.

This ill-conceived idea is what people do when they think they are going to fix a perceived "problem" but only succeed in creating several real problems. If people feel the need for multi-family housing they should move to Anchorage.

Sincerely,
Katarzyna Robotkay
3866 Cabana Ct
Homer, AK 99603

From: Travis
To: Department Planning
Subject: Proposed Zoning Amendment
Date: Monday, April 11, 2022 2:04:03 PM

To Whom it May Concern,

Please do not move forward with the proposal to amend the zoning of our neighborhood form Rural Residential to Urban Residential. We are happy with the status of our neighborhood.

We absolutely do not want multi-family housing in our neighborhood. This neighborhood is single-family residential it needs to stay that way. New development also needs to be single family. If people feel the need for multi-family housing they should move to Anchorage.

Sincerely,
Travis Robotkay
3866 Cabana Ct
Homer, AK 99603

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

Memorandum
Agenda Changes/Supplemental Packet

TO: PLANNING COMMISSION
FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK
DATE: APRIL 20, 2022
SUBJECT: SUPPLEMENTAL PACKET

PUBLIC HEARINGS

A. Staff Report 22-28, Rezone of a Portion of the Rural Residential (RR) Zoning District to Urban Residential (UR) Zoning District

Public Comment Received pg 3 - 20

PENDING BUSINESS

A. Planning Commission Regular Meeting Minutes of March 2, 2022 Amended

Excerpt from the Planning Commission Regular Meeting Minutes of March 16, 2022 pg 21

To: City of Homer Planning Commission
Fr: Jon Faulkner, resident Hillside Acres.
Re: Hillside Acres Proposed Zoning Amendment
Date: 4/11/22

Dear Planning Commission:

As a 35-year resident of Homer and of my current residence at 4621 West Hill Rd (Lot 2A Hillside acres Sub) I am writing to register objection to the city's initiative to rezone Hillside Acres from rural Residential to Urban Residential. My grounds for objection are numerous, as follows.

1) Any re-zoning of land effects the manner in which land and improvements can be developed or used. It is widely held that re-zoning affects land values, and whether the impact is positive or negative can be subjective, and yet entering a factual finding into the record on this topic is critical.
    a. A finding that land values are negatively impacted by the proposed change in zoning should be considered a form of "taking" of private property.
    b. A finding that land values are positively impacted will likely result in increased assessed values and annual taxes due. Thus, even an increase in land value is often detrimental to the interests of long-term residents and retirees.
    c. My testimony is that re-zoning Hillside acres will negatively impact land values; negatively impact my quality of life and my quiet enjoyment of Lot 2A Hillside Acres.

2) There is a plethora of development standards codified in municipal standards that a private sector developer contemplating subdivision of this magnitude would need to comply with—PRIOR TO receiving the grant. These would include, at a minimum: Traffic impact studies; uniform standards for road and sidewalk improvements; drainage and easements for same obtained; public water pressure standards met (presently below city minimums at 25 psi); utility and access easements designed and obtained; steep slope stabilization--the list is long. The petitioner—the City of Homer—cannot guarantee the standards of its own ordinances will be met to any unform condition or timeframe, since subdivision is an individual election.
    a. The basic requirement to disclose who will pay for such improvements in advance of a re-zone must be met by the petitioner.
    b. Future subdivision of lots cannot be coordinated and timed by a single entity, as with normal subdivision by a developer. Therefore, undisclosed or undetermined development costs will be absorbed by the subdivider, erasing the benefits of subdivision.
    c. The historic and tragic cycle of "forced to sell or subdivide just to afford what I have" seems a likely consequence.

3) During a typical re-zone application, the municipal entity attaches conditions on the developer which are intended to offset negative impacts and financial liabilities resulting from the re-zone. These impacts are typically absorbed by a private developer as the entity who stands to gain

from the re-zone. Here this dynamic is reversed. The city of Homer is the petitioner who stands to gain, and yet has placed no development conditions on itself, and contemplates shifting costs to subdividers or homeowners.

   a. For a private developer, recourse for failure to perform permit conditions carries punitive measures. Here, is there recourse for impacted residents if the City fails to perform?
   b. In this instance, findings must be generated which not only protect those directly impacted, but which also protect the public at large against hidden or undisclosed liabilities that typically would be absorbed by a private entity.
   c. Since municipal entities are shielded from civil liability in most matters, recourse for failure to perform is largely absent.

4) Factual findings which support the need for the re-zone need to be documented, as do any findings which undermine or refute that need.
   a. With respect to the attached Proposed Zoning Amendment, the impetus is not coming from private interests or those directly impacted, but rather from a government subdivision acting on behalf of the public at large.
   b. "Homer's population is growing" may be true, but in itself does not support a finding that a rezone in the Hillside Acres Subdivision (Petition area) is necessary or desirable at this time. Quite the contrary, it appears the current zoning and rural composition of the area is what is driving most housing demand and growth in population.
   c. Other than vague reference to universal needs such as "affordable housing", my testimony is that there is no evidence on the record to justify re-zoning Hillside Acres.
   d. My testimony is further that the existing character of Hillside Acres is precisely why I choose to live here.
5) The geographic area of the Proposed Re-zone area strangely mirrors the 2002 LID district. This makes practical sense, however, the public record confirms (Resolution 06-105 and public notices for same) that the LID was formed absent any hint or understanding that the LID would be used to justify or promote re-subdivision or re-zoning by the City.
   a. There is no evidence in the public record to support the view that the Hillside acres LID has in any way been a financial burden shouldered by Homer taxpayers at large.

6) Whenever the interests of the many (public at large) are invoked to justify an action imposed on the few (directly impacted residents) precautions must be taken to guard against infringement of private property rights. In this context, the petitioner (the city) is equally obliged to represent the interests of private property owners as they are those of the public-- which presents a conflict of interest.
   a. At a minimum, in virtually every forum, a perceived or potential conflict of interest requires the entity to disclose it. My testimony is that in this instance there is a strong likelihood of a conflict, that the standards applying to government should be higher—not lower—than for volunteer members of boards and commissions—and that the governing body of Homer should rule on how to conduct itself in this matter.
   b. A conflict of interest in most forums is determined by financial loss or gain.

i. It is generally held that municipal initiatives are implemented for gain of some public purpose or nature. But it is also true that costs for these initiatives be fairly apportioned and voted upon. Here, my testimony is that the City of Homer has a substantial financial interest in the outcome of this petition, and that the "vote" to assess and apportion costs consists of only 4-5 people, (Planning Commissioners).

c. At a minimum, there is a legal standard in these matters that the Municipal entity is obliged to observe.
    i. What is the legal standard that exists for Municipal entities to originate a re-zone petition from which they stand to gain? This standard must be openly disclosed and in the public record.
    ii. I am requesting the Planning Commission solicit from legal counsel the likely legal standard that would prevail in a Municipal-initiated rezone request such as this, with some reference to case law. This is not "advocacy based" legal advice, and hence appropriate to gain transparency and foresight.

7) Findings of fact are present in any ruling on a proposed zoning amendment. When such a proposal originates from a municipal entity, those findings must be published for residents to see and challenge in advance---just as they would be when a private entity is contemplating re-zone. In fact, just as my comments are required to be submitted timely for all parties to consider.
    a. Presently, I am not aware of any directly impacted homeowners on record in support of this Proposed Zoning Amendment. Nor am I aware of any findings by the Planning Department justifying the action--other than the finding that this Amendment is consistent with the 2018 City of Homer Comprehensive Plan.

8) The character of land fronting on Sterling Highway is markedly different than interior lots insulated from the traffic, noise, and visual disturbance associated with a major arterial. The Proposed Zoning Amendment makes no attempt to distinguish between affected properties based on their amenities: their topography, views, access, proximity to neighbors and to permanent features like schools.
    a. There is no finding on the record as to why West Hill Elementary School is included in the proposed area to be re-zoned. Similarly, the 5-acre Myhill tract south of Hillside Place has a permanent deed restriction against it, prohibiting subdivision. There is no purpose to including these. These two tracts alone appear to comprise over 15% of the proposed area for re-zone.
    b. Presumably, some lots within the proposed area are too small to subdivide. Does any finding exist as to how many lots within the Proposed Zoning Amendment fit this description, thereby contributing to the amount of gross acreage ineligible for subdivision or added density?

9) The 2018 City of Homer Comprehensive Plan is not binding on the impacted homeowners in the matter of a re-zone. At best, it is a recommendation to future Commissions. Secondly a "Comp Plan" does not reflect the views—let alone the consensus—of those directly impacted.

Therefore, the City should be careful not to present the Comp Plan as evidence of broad consensus, or having any binding affect on a re-zone petition.

a. How effective is the 2018 Comprehensive Plan as a communication tool? My wife and I live here year-round, are civically engaged, and yet we had no idea the Comp Plan contained this objective. My testimony is that, based on my communication with six neighbors, none knew.

10) Notice to the community via publication of a Comprehensive Plan does not equate to consent by those directly impacted. Notice itself, or implied "non-objection" from their silence, is not the standard this community should adopt in these matters, in spite of the fact it is widely used as an expedient.

11) An LID was formed in 2001/02 to introduce water and wastewater to Hillside Acres. There was never justification presented by anyone—certainly not the City--that the LID was formed with the intent or purpose to promote smaller lots. On the contrary, serving larger lots is more expensive, and residents were TOLD THIS—and charged accordingly.
    a. As to "cost recovery", residents paid 50% of the costs. Everyone paid the same assessment. The benefits upon re-zone, however, vary among landowners.
12) Zoning is not initiated solely for the benefit of government and its financial and social objectives. It is implemented for many others reasons: to protect the investment of private citizens; to protect private property rights; to promote stability and predictability in real estate values; to protect investments by homeowners and neighboring residents, lenders, investors and other private sector interests. And yes, to protect quality of life and a sense of community touted by urban planners.
    a. A re-zone petition should not be granted without specific findings as to these conflicting objectives.

13) Substantial new home starts are occurring in the area abutting and east of West Hill—roughly 10 in the last 12 months. It is my testimony that sales of these lots and homes could be adversely affected by a full, proactive disclosure of the impacts of this re-zone initiative on these new homeowners. It is further my testimony that the law requires disclosure to all potential homebuyers of any pending or proposed action—including a re-zone petition--affecting real estate.

Thank you for your service to the community of Homer.

Respectfully,

Jon Faulkner

To: City of Homer Planning Commission
From: Sara Faulkner
Re: Hillside Acres Proposed Zoning Amendment
Date: April 14, 2022

I am writing to oppose the proposed zoning change at my residence, 4021 West Hill Road (Lot 2A Hillside Acres Subdivision) from rural residential to urban residential. I have lived at this address for over 32 years and during that time have enjoyed the rural residential neighborhood, and had planned to continue to live in this rural neighborhood of larger lot sizes, embracing the memories, wildlife, and everyday peace of the rural area during the rest of my lifetime.

On our lot we have gardens; a yard on which our kids and neighborhood friends played, sledded, and BBQ'd; streams; a pond for wildlife and skating; and several beehives. As I write this letter I have four moose basking in my front lawn, and several birds playing in the pond. In the summer our neighborhood becomes a bird amphitheater, with the songs echoing across our lot all day long. A miniature owl even lived next door.

At the time that the City of Homer proposed extending water and sewer service into our neighborhood, our neighbors in general were opposed to the added service. However, few residents attended the hearings or voiced their opinions, and thus a smaller few determined that the City would extend water and sewer service into our area. My recollection is that the hearings and vote were during the summer when residents were busy enjoying Alaska's outdoors, and were not attentive to the deadlines. Needless to say, we were never informed that this was the first step to transition our neighborhood from rural residential to urban residential, as was explained to me a couple weeks ago by the City Planner. The notice I received in the mail last month was the first notice I have had regarding this plan to change our zoning. The City has never reached out to us over the years to explain their plan or ask for our input until now. Hopefully it is not too late to put the brakes on this intervention into our peaceful rural lifestyle.

My understanding is that the other property owners adjacent to our property along West Hill also object to the rezoning of our lots (Holimans, Dixons, Johnsons). If the Planning Commission decides to pursue the rezoning, I suggest the City draw a line along West Hill to separate the urban vs rural neighborhoods rather than extending the urban to our area along the west side of West Hill. At a minimum, the lots above Hillside Place should remain rural.

I agree that housing is limited in Homer, and that as a community we have to address this issue. Instead of extending urban creep, the Planning Commission should address our housing shortage by looking at how they are currently managing short term rentals (STRs) in our existing residential neighborhoods. I argue that the explosion of STRs is directly related to Homer's lack of affordable housing, and better registration, regulation, and management of STRs, such as those offered

through 3rd party sites like AirBnB or VRBO, can help relieve this pressure. The majority of these STRs are non-owner occupied businesses operating in residential areas, compromising and eroding neighborhoods. Where is it codified in code where an STR exceeds the limits of a residential definition? At what point does an STR become commercial? The Planning Commission would be more effective at providing affordable housing by writing and regulating zoning codes to limit short term rentals vs long term rentals, which would provide the much needed affordable housing for the members of our community. In addition, the City of Homer needs to work directly with the 3rd party STR sites to collect its fair share of sales tax from the STRs.

In summary, I am opposed to the rezoning of my property from rural residential to urban residential. I suggest that the City of Homer use West Hill as the western boundary of the urban residential, and leave those properties on the west side of West Hill as rural residential. I encourage the City of Homer to better regulate STRs to help alleviate our housing shortage as well as to accurately collect its fair share of sales tax.

Thank you.

Sincerely,

Sara Faulkner

HOMER REAL ESTATE

April 19, 2022
City of Homer
Attention: Rick Abboud
Via Email
RE: Rezone proposal for converting fully served Rural Residential Districts to Urban Residential

Dear Rick,
I am writing in my capacity as the Legislative Chair for the Kachemak Board of Realtors.

At our recent quarterly meeting, I presented the information you provided regarding the Planning department proposal to rezone Rural Residential districts which now have full City utilities to Urban Residential.

There was unanimous support for this action. It is vey timely given the current growth spurt we are experiencing. The rezone would also open up the possibility for more affordable housing, with smaller lots in the UR district and more importantly, it will encourage the development of more rental units which are in extreme short supply.

This is an example of economic development coupled with realistic planning.

We hope that once this rezone is successful, that the Planning Commission moves on to look at Oscar Munson and Johnson Subdivisions across Beluga Lake, an east to Mariner, Meadow wood, and Cooper subdivisions among others.

Keep up the great work!

Sincerely,
Angie Newby

P. O. Box 997 • Homer, Alaska 99603 • Office 907-235-5294 • Fax 907-235-5223 • angienewby1@gmail.com
www.hom estate.com

From: Travis Brown
To: Renee Krause
Cc: Rick Abboud
Subject: FW: Rezoning from Rural Residential to Urban Residential
Date: Wednesday, April 20, 2022 10:07:41 AM

Mark Sass just emailed this to me.

From: Mark Sass <markasass@gmail.com>
Sent: Wednesday, April 20, 2022 10:07 AM
To: Travis Brown <tbrown@ci.homer.ak.us>
Cc: Gmail <markasass@gmail.com>
Subject: Fwd: Rezoning from Rural Residential to Urban Residential

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

Thanks Travis for info to get this in properly. Had submitted on website but didn't get to you.

Sent from my iPhone

Begin forwarded message:

Subject: Rezoning from Rural Residential to Urban Residential

City of Homer
Proposed Rezoning Amendment.
Sass Investments II LLC Mark A Sass
Property Owner
1641 Hillside Place
Homer,Alaska
Hillside Acres Subdivision.

Dear Planning Commission,
I have several thoughts regarding the proposed rezoning of the land west of West Hill Rd.
We purchased our property for stake in this beautiful part of Alaska to enjoy in retirement the rural open feeling with a view of Kachemak Bay. For our future and family. This area west of West Hill accomplished this.
In my opinion the majority of residents are long term having purchased and created their property to enjoy the rural larger open land lifestyle and do not want the increased density like land east of West Hill Rd.

Points to consider.

With the rolling open development that has existed created by residents then the allowance of subdivision in the past without proper frontages , flag lots and general access the use of this land was the intent of being open. This adds to the challenge that was not intent of future density of this area.

With the steep topography of the side hill and drainage this land is not conducive to more density.

Another fact with the Myhill Tract and West Hill Elementary School a large
Percentage of property did not fit the proposed rezoning.

A large part of the frontage on Sterling Hwy also included in this land west of West Hill Rd already has been developed and added density already.

Another further challenge to this area is the huge special assessment of sewer and water against residents that further makes it very hard to make financially possible to subdivide at this time. Not sure how that will ever get resolved or how when paid off?

In my opinion with limited knowledge I believe there is enough land and development east of West Hill Rd to manage the supply and demand in reasonable future.
In my opinion the blanket or majority decisions of city planning do not necessarily represent the best welfare of the long term residents living here that created this area. Future growing and Progress planning will always adjust the journey. Rezoning on this unique area at this time needs to be considered for current residents.

Please take that into consideration in your planning decision process and proposed rezoning for property owners west of East Hill Rd in Hillside Acres Subdivision.

Thanks for opportunity to share my thoughts.
Mark A Sass
612-919-0735
Markasass@gmail.com

Sent from my iPhone

Travis Brown

From: Travis <travis.robotkay@protonmail.com>
Sent: Monday, April 11, 2022 2:04 PM
To: Department Planning
Subject: Proposed Zoning Amendment

To Whom it May Concern,

Please do not move forward with the proposal to amend the zoning of our neighborhood form Rural Residential to Urban Residential. We are happy with the status of our neighborhood.

We absolutely do not want multi-family housing in our neighborhood. This neighborhood is single-family residential it needs to stay that way. New development also needs to be single family. If people feel the need for multi-family housing they should move to Anchorage.

Sincerely,
Travis Robotkay
3866 Cabana Ct
Homer, AK 99603

Travis Brown

From: Travis Brown
Sent: Tuesday, April 19, 2022 3:23 PM
To: Travis Brown
Subject: Re: Rezone of West Homer Area

4/18/22
Sue Finney, resident at 1588 Hillside Pl., called the office and asked that her opposition to the rezone be relayed to the Planning Commission. She stated the following reasons for opposition:

- The current minimum lot size of 10,000 square feet provides adequate opportunity for subdividing. Allowing lots to be as small as 7,500 square feet will create too much density in this neighborhood.
- Hillside Acres is composed of dead-end roads with only one point of access. Allowing further density without providing a secondary means of access for emergency vehicles is a great concern.

Travis Brown
Planning Technician
City of Homer
(907)235-3106

Travis Brown

From: susan jeffres <fljeffres@msn.com>
Sent: Tuesday, April 19, 2022 5:40 PM
To: Department Planning
Subject: Rezoning of Hillside Place

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

We want to state our strong opposition to the rezoning plan changing our zoning designation to urban residential. When we purchased our property on Hillside Place in 2020, we were excited to be able to have some privacy, and not be packed in closely to our neighbors. Under the proposed zoning plan, owner/developers could take a piece of property and put numerous families on this property due to the ability to build multi-family homes on lots. The change in density would change our neighborhood.

We came from Colorado where postage stamp sized lots with starter mansions or multi-plexs on them is the norm. This is not the feeling we want in Homer. We like that we have the right to use our property for growing and raising our own food and the ability to put our largest investment to work for us. We could run a business out of our home should we so desire. We want to pass this on to our children and grandchildren.

We feel that the available lots on the east side of West Hill Road give the city/developers the ability to provide housing to Homer's growing population while leaving our neighborhood the way it was built and the way that the home owners here, that I have talked to, like it. This zoning proposal would impact the quality of life and the rural atmosphere that we so enjoy at our home in Homer.

Mike & Susan Jeffres
1698 Hillside Place
Homer, AK

Travis Brown

From: Kasia <kasia4@protonmail.com>
Sent: Monday, April 11, 2022 2:09 PM
To: Department Planning
Subject: Proposed Zoning Amendment

To Whom it May Concern,

Please do not move forward with the proposal to amend the zoning of our neighborhood form Rural Residential to Urban Residential.

I do not want multi-family housing in our neighborhood. This neighborhood is single-family residential it needs to stay that way. New development also needs to be single family.

This ill-conceived idea is what people do when they think they are going to fix a perceived "problem" but only succeed in creating several real problems. If people feel the need for multi-family housing they should move to Anchorage.

Sincerely,
Katarzyna Robotkay
3866 Cabana Ct
Homer, AK 99603

April 18, 2022

Homer Planning and Zoning

Re: Hillside Acres Rezoning Proposal

I am writing to express my opposition to the proposed rezoning of Hillside Acres Subdivision or "West Homer Area" as outlined in the proposed zoning amendment from Rural Residential to Urban Residential.

I purchased Tract 7 – Hillside Acres Subdivision in 1992 as a 5.14 acre parcel, one of the largest in the subdivision. My purchase was well planned because I wanted to live a "rural lifestyle" in the city limits, on a cul-de-sac, with a stream and the ability to have animals (dogs, horses, chickens) as well as a large garden and a small business. This property embraced all of these requirements; initially the entry to the property was a little wooden bridge and in the winter I had to "bounce" the snow covered alder branches along the road so that I could drive through them.

As the landscape changed, many trees were lost due to the spruce bark beetle infestation. The development of the water/sewer LID improvement district in 2002 divided the neighborhood; although I had a brand new DEC approved septic system; I approved the water/sewer project to support community and healthy standards, but was forced to "crush" my brand new septic system to comply with the new sewer system. All of these community development programs cost a lot of money, but seemed to be responsible community development. Had I known that the ultimate goal of the city was to bring a more dense population to the subdivision, I would not have supported the water/sewer improvement plan.

I also purchased another property in this subdivision, Tract 9A in 2004 and had to pay, once again, $26,849.00 for the water/sewer assessments.

Natural Gas was brought to our subdivision in 2006, which I also paid for three times.

In 2006, the City of Homer created the "Gateway Business District" which was zoned for business – this included Story Real Estate and was also a somewhat controversial zoning proposition, and another dense portion of our subdivision was created.

This history brings us up to the present rezoning proposal, which has numerous flaws:

- The properties in the Hillside Acres Subdivision on the west side of West Hill road were not designed or sold to create a dense population

- The lots are mostly owned by long term property owners who purchased the properties years ago, and wanted a “rural lifestyle

- The properties in Hillside Acres subdivision can be subdivided even if the zoning remains “Rural Residential” so the zoning change is not necessary (This is evidenced by my need to subdivide in 2019, thus creating Tract 7A and 7B). In order to complete this division, I had to put in another driveway, and pay for another water/sewer and gas assessment – totaling well over $38,000.00.

- If new property owners move into the subdivision, they would benefit from the water/sewer/ natural gas development and potentially not shoulder any burden on the cost- this seems inequitable.

- The majority of the lots in Hillside Acres Subdivision on the west side of West Hill Road are irregular in shape, there are flag lots, and due to this are not readily available to subdividing.

In conclusion, I am very opposed to the change in zoning of the Hillside Acres Subdivision, particularly to the west of West Hill Road. The majority of the property owners are long term owners, who purchased and developed their respective properties with a certain lifestyle in mind. It is not fair for the city to “change the rules” so to speak, and force these long term residents to potentially live in a vastly changed neighborhood that they did not want. It is already difficult to witness the unprecedented growth to the east side of West Hill Road, as we drive home every day.

Please reconsider this proposed rezoning plan. Thank you.

Sincerely,

Linda S. Rourke

Linda Schauer Rourke

lsrourke@xyz.net

(907) 299-0415

APR 20 2022 PM03:05

To the Homer City Planning Commission; Regarding the Proposed Zoning Amendment

We do not support the the Proposed Zoning change.

The Planning Department references the 2018 Comprehensive Plan as the driving force to the rezoning of this area. This document also proposes development of an integrated system of green spaces that benefit the community by protecting corridors for trails, and storm water management. Which has not been addressed in any of the plans or discussion. The most important subject seems to be the ability to build on a 7,500 square foot lot.

The smaller lot size reduces the quality of life for residents. With not enough area to park two cars, guest parking, and other vehicles, such as boat, trailer and four wheeler causing street parking and impacting winter maintenance . Higher housing density results in higher noise levels, which impacts the quality of life in the neighborhoods. A result of smaller lots and no parks, or sidewalks leads to children playing in the street. Additionally the new smaller sized lots could affect the value of older larger sized lots and homes negatively. Smaller lots will effect the areas ecology changing what is best about Homer's character forever.

The 2018 Comprehensive Plan also addresses Transportation, and Public Services and Facilities. The plan states Homer needs to consider the transportation along side all other aspects of community growth. Changes to parking, highway congestion, maintenance, and bicycle and pedestrian safety has not been addressed in any subdivisions or currant discusses. In the Proposed Rezoning Area Soundview Ave and Eric Lane are the only streets with sidewalks. The rest of the areas residential streets have no sidewalks. The areas residents have no green spaces or parks and none appear to be in the zoning plan.

The zoning change does not plan for any costs related to the addition of parks, sidewalks, paving and drainage of the previously zoned RR area. Hillside Place has small very rusty drain culverts that ice up and glaciate the road in the winter. The existing water service at present has a very low pressure, 20-25 psi at my resident. Adding more housing will put a strain on existing utility infrastructure without upgrades.

The Zoning change seems to be led by Planning Department to the benefit of only a few. The areas present residents knew nothing about zoning changes until the Planning Office letter advising of a zoning changes. The City should upgrade the area with parks, green spaces, drainage, sidewalks, paving, and improved utility services before considering the action of allowing 7,500 square foot lots.

Thank You for considering our views.

James Dickson & Shawn Dickson,
1422 Hillside Place, Homer Alaska 99603

April 20, 2022

4/14/2022

City of Homer Planning Office
491 E Pioneer Avenue
Homer, AK 99603

To be read at the 4/20/2022 Meeting:

At the last Zoning Commission meeting, we were informed that our concerns about low water pressure in our area and a drainage plan is being looked into. There should be no rezoning until these issues have been addressed and a plan put forth and in place. Also the City's plan is to have more bike paths and open areas for public use have not been addressed in this area that's proposed to be rezoned.

Also at the last meeting it was addressed by Mr. John Faulkner that it should not be for the property owners to defend against the government and their interest with the land developers, but the landowners should be asking if and when they want their area rezoned. It's for government to work for the best interest of the people.

By making smaller homes around us lowers the property values of the established homes.

For these reasons we stand firmly against rezoning from rural to urban in our area.

Arn & Kathy Johnson
1390 Hillside Place
Homer, Alaska 99603

907-399-1214

Arn E Johnson
Kathy L Johnson

PUBLIC HEARINGS

A. Staff Report 22-28, Rezone of a Portion of the Rural Residential (RR) Zoning District to Urban Residential (UR) Zoning District

Chair Smith introduced the item by reading of the title.

City Planner Abboud provided a summary of Staff Report 22-28 for the Commission. He reported on the following:

- The previous Comprehensive Plan development had a total of 24 meetings;
  - This document guides the decisions and work of Commission.
  - Helps property owners know what they have when they buy it.
  - This document also guides the future of Homer but does not mean it cannot be changed.
  - The recommendations are based on the values and wishes.
  - Changes that are not in the plan will not be supported, however if there are things that the Commission would like done then changes to the plan should be established first before acting on the change.
- The new UR zone is proposed to continue to the west and is bordered on the south by Gateway Business District and buffers out into the Rural Residential District.
- Water and Sewer has been in planning for the area.
- Clarification on square footage requirements for water and sewer.
- Connections from new roads to existing roads.
- Current or existing uses will be allowed to continued, i.e. mobile home on site can be used until moved from site and cannot be replaced by another.
- Opposition has been submitted by a majority of the affected property owners on Hillside Place.
- There is one letter in support of the action.

Chair Smith opened the public hearing.

Jeanne Walker, Kachemak City, expressed her appreciation for the Planning Commissioners for working on this topic in response to the increased pressure for development in the area. She noted the development has increased and will increase the traffic and expressed her concerns on the impacts to pedestrians and their safety and recommended that the City instill requirements for a six foot shoulder or separated footpath.

Kevin Walker, Kachemak City, expressed that he supports more housing in Homer, but he expressed concerns on the lack of walkability or non-motorized access between subdivision and trail systems, stating that people should have a choice. He then provided the benefits offered by providing non-motorized access and requiring those connections from developers. Mr. Walker then expressed his concerns on the issues regarding stormwater drainage.

Dakota Larson, city resident, explained that he is on the edge of the proposed zoning action and expressed concerns that the rezone would affect the future uses for his property and he did not want limits proposed to future uses since he is situated so close to the bypass.

Scott Adams, city resident, stated that he has watched the City make changes to zoning to their liking dependent on what project comes up and now there are three or four subdivisions being built in the new area. He proceeded to express concerns related to changes to the zoning district and how that

would affect the allowed uses of the property and the original owners existing uses, all because there is a housing shortage, noting that this action is not sitting well with property owners. He further commented that the houses being built on smaller lots mean that kids will not have a safe place to play and homeowners cannot enjoy their property.

Linda Roark, city resident, cited that the statement made by the City Planner rang true to her "you know what you got when you buy it" and that was her issue. She proceeded to provide the timeline for her purchase of the property in the 1990's and the subsequent costs with installation of water and sewer, natural gas and when she subdivided a lot then purchased additional land. Ms. Roark proceeded to read her written comment into the record. She stated that the properties in the Hillside area are owned by long term residents or owners who purchased their properties because they wanted a rural lifestyle but had the advantages of living within city limits. She expressed her dislike of the proposed zoning change and the unfairness to them for the city to change the rules and foce the residents to live in potentially vastly changed neighborhood. Ms. Roark continued stating it was already difficult to witness the unprecedented growth to the east side of West Hill when she conducts her daily drive home.

Larry Cabana, city resident, commented that he lives on the edge of the boundary on the east side and has 2.5 acres. He stated that his brothers and he developed Sunset View Estates, which is a 40 acrea tract. He expressed his concern on the increased traffic when he connected roads to West Hill Road. He provided information on installation of sidewalks and the added costs to develop the subdivision. He cannot imagine the additional traffic that will occur when the developer puts in the additional 40-50 homes in the new subdivision. Getting out from the school now is crazy. Mr. Cabana commented on the costs of the lots will not be conducive to low income housing. The paperwork he saw on the difference between Rural Residential compared to Urban Residential means that everything he does on his property is against the law. He expressed frustration on buying his property so he did not have to worry about things like this and he could enjoy himself. He expressed his concerns on the impact that additional density will bring before working on the infrastructure required and would appreciate the City looking at that before doing anything.

Sarah Faulkner, city resident, stated that she is a 32 plus year resident and their requirements when looking at land to purchase was whether it had electricity and running water and they were shown three houses that met their criteria, adding that there was a housing shortage back then. She commented that she had conversations with her neighbors and none of them supported this rezone either. Ms. Faulkner noted that she provided written comments and wanted to express that she believed the issue was with short term rentals and believed that the Planning Commission should address that problem; they have been negligent at looking at that as it is having a direct impact on the housing opportunities for people and that before the City jams this rezone down their throats and further suggest using West Hill Road as the western boundary for the proposed rezone. Ms. Faulkner also express that they purchased their property in 1990 and hooked up to water and sewer but was never advised of the plan to make their area urban residential, never heard that. The mailer was their first notice but it got their attention.

Jon Faulkner, city resident, stated that the commission has heard his comments at the worksession and he provided a letter and hoped that they received it. He expressed that he was absolutely opposed to the rezone but even more opposed to the process and believed it to be fundamentally flawed. In his letter he provided 16 points in opposition and hopes the Commission reads it. He expressed that he never heard of a municipality ever intitiating a rezone, that it established a bad precendent and the

primary reason is the conflict of interest that it puts the city in. He continued citing that this action does not represent the city residents and formally requests the Planning Commission to consider the conflicts inherent in the process and expressed his opinion that he believed it to be upside down when the government comes in and initiates the rezone at the expense of the residents.

Jennifer Cabana, city resident, stated that she was informed that West Hill would never touch Shelley Avenue and within a year that changed. She reported on the increased traffic that presents a safety hazard to her children. Ms. Cabana then provided information that she has applied for a grant that offers her the ability to be self-sustainable by growing her own food and maintain a small flock. Urban residential does not allow her to have a flock as large as she currently maintains and while she could be grandfathered in she opposes the rezone as proposed as it does not allow her the choice to do as she wishes with her property.

Karin Holser, city resident, stated that she is outside this rezone, but if they can do it for this big of section then why won't it come down to her neighborhood too, so she agreed with the previous comments that the process is flawed as this is the first she has heard about it. She opposed the 40 lots in the subdivision below her as she thought they should be bigger lots. Property owners bought their lots because they were rural and bigger lots, not to have smaller lots, and that was the whole beauty of it; you were in city limits and had all the great amenities yet you could feel a semblance of rural. Ms. Holser continued by stating she has lived in the Pribilof Islands for 25 years so it's not really rural to her. But she reiterated that she felt the process was flawed and it was wrong to have the sudden change as it was not something they agreed on stressing she did not agree on the forty lots either but there was nothing she could do.

Mark Sass, property owner on Hillside, which he bought for retirement. Mr. Sass provided the reason he purchased the property for the rural area and view-shed within the city limits. He stated that reviewing all the thoughts, speaking with neighbors and everything west of West Hill Road really never intended this to be the density that the city is proposing and like Mr. Faulkner stated as a majority rule we cannot have what we want we can't have because someone else has decided. There are flag lots, large parcels that cannot be rezoned, steepness of the hillside, financial challenges with assessments for water and sewer, the majority of property west was never meant to happen. Density will happen and there is no stopping it but do it smart. East of West Hill Road will present challenges with traffic increased and pedestrian safety. Mr. Sass then recounted a brief experience in the contracting business.

Helen Armstrong, city resident, does not live in the rezone area but expressed her concerns on the lack of development for pedestrian safety especially for the children going to school.

Chair Smith closed the public hearing after verifying with the Clerk that there was no additional members of the audience present wishing to provide testimony. He opened the floor to questions from the Commission.

Commissioner Highland noted that the City Planner may want to offer rebuttal.

City Planner Abboud provided previous steps on developing the Comprehensive Plan and that the plan sets the stage for the future and the City wants the residents to provide input and recommendations. The City has not ulterior motives other than to follow the recommendations of the plan that considers all city residents. The Planning Commission listens to all comments and makes the appropriate decisions. He acknowledged the unacceptable traffic patterns and having to deal with those issues as

well as pedestrian safety but the city is growing up. As for the short-term rentals, the city is aware of that issue and will be dealing with it in the near future.

City Planner Abboud answered and responded to questions and comments from commissioners on the following:

- Processes for initiating rezoning other than what is directed by the Comprehensive Plan.
- Public hearings are part of the rezoning process.
- Rezones are based on needs such as housing, changing conditions to the existing areas, alternate transportation routes in the area.
- This will now go to the City Council and the Commission will include an informed recommendation.
- This rezone appears hurried with a lack of addressing the pedestrian safety and drainage issues before implementation of the rezone.

Deputy City Clerk Krause called for a point of order as the City Planner and Commissioner Barnwell were entering into a one on one conversation.

Chair Smith requested any additional questions from the Commission.

Commissioner Highland requested clarification from the Clerk on whether to continue with questions and when they make a motion and they enter into the discussion as she had a few comments but no real questions and she also had an amendment to the ordinance.

Chair Smith requested a motion and second.

HIGHLAND/BENTZ MOVE TO ADOPT STAFF REPORT 22-28 AND RECOMMEND CITY COUNCIL APPROVE THE PROPOSED AMENDMENTS TO THE ZONING MAP.

Commissioner Highland noted a required correction to the draft ordinance, line 39, on page 33 of the packet.

Chair Smith requested a motion and second.

HIGHLAND BENTZ MOVED TO AMEND THE DRAFT ORDINANCE LINE 39, PAGE 33 OF THE PACKET, THE STATED VERBIAGE SHOULD BE “FROM RR ZONING DISTRICT TO THE UR ZONING DISTRICT”

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith requested additional discussion on the motion on the floor.

City Planner Abboud facilitated discussion and comments with the Commission on the following:

- Planning for the future while the future was now and the city is behind on addressing things.
- Balancing longtime residents’ expectations and meeting the needs of new residents.
- Rezoning is a tool that the Commission has to use to address issues and needs.
- No one likes change.
- Focusing the rezone to the East of West Hill Road.
- Postponing the action to a future meeting.

- Environmentally it is better to have infill rather than sprawl.
- Impacts to traffic and pedestrian safety with increased density.

Chair Smith requested that Commissioner Highland wait to amend the motion until everyone has an opportunity to comment. Commissioner Highland deferred to the Clerk on process.

Commissioner Bentz indicated she had questions for the Planner. City Planner Abboud responded to the following:

- Steepness of the parcels to the west of the area directly opposite of Eric Lane regarding requirements to conform to the proposed district with regard to water and sewer, etc.
- Dimensional Standards would present a challenge but services would be dictated by DEC.
- The water and sewer boundaries as shown on page 51 of the packet.

HIGHLAND/VENUTI MOVED TO AMEND THE MOTION THAT CITY COUNCIL APPROVE A REZONE OF RURAL RESIDENTIAL TO URBAN RESIDENTIAL ON THE EAST SIDE OF WEST HILL OF THE BOUNDARIES THAT ARE SHOWN ON EXHIBIT B.

There was further discussion on compromise for the proposed rezone, concerns on the timing were expressed and hesitation that the amendment or main motion could not be supported.

Public Works Director Keiser approached the podium and requested the opportunity to provide information. Chair Smith requested clarification form the Clerk.

BARNWELL/HIGHLAND MOVED TO ALLOW PUBLIC WORKS DIRECTOR TO SPEAK TO THE COMMISSION.

There was no discussion.

VOTE. NON-OBJECTION UNANIMOUS CONSENT.

Motion carried.

Public Works Director Keiser provided information on the following:

- Use of funding to address concerns on pedestrian safety.
- The increase in development east of West Hill Road providing opportunities.
- More density will increase the buy in on non-motorized transportation.
- Water flow is not an issue as the area is served by a 12 inch line.
- The potential to provide multi-family housing.

Chair Smith requested additional comments and questions.

Commissioner Bentz commented on her review of the plans and services, the proposed Eric Lane development, and that she would support the amendment.

Chair Smith requested the Clerk to restate the motion. Deputy City Clerk was unable to fully restate the amendment proposed by Commissioner Highland. Commissioner Highland restated her amendment.

Commissioner Bentz noted that the proposed amendment got the Commission halfway there and is fulfilling what the Commission is tasked to do.

Commissioner Conley stated that the development that is being done is rural residential.

Deputy City Clerk Krause restated the motion as follows:

APPROVE A REZONE OF RURAL RESIDENTIAL TO URBAN RESIDENTIAL ON THE EAST SIDE OF WEST HILL OF THE BOUNDARIES THAT ARE SHOWN ON EXHIBIT B.

VOTE (amendment). YES. VENUTI, SMITH, HIGHLAND, CONLEY, BENTZ

VOTE (amendment). NO. BARNWELL.

Motion carried.

Chair Smith requested additional discussion on the motion as amended.

City Planner Abboud responded to questions regarding the historical information on the creation of the city's first urban residential zoning

Chair Smith requested the Clerk to perform a roll call vote.

There was confusion on the appropriate motion on the floor and several Commissioners offered explanations of the amendment applying to the main motion for clarification. Deputy City Clerk disseminated for the Commission how the amendment applied to the main motion.

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

VOTE (main motion as amended). YES. SMITH, HIGHLAND, BENTZ, VENUTI.

VOTE (main motion as amended). NO. BARNWELL, CONLEY.

Motion carried.

Commissioner Highland requested a recess. Chair Smith called for a recess at 8:14 p.m. He called the meeting back to order at 8:25 p.m.

PLAT CONSIDERATION

PENDING BUSINESS

A. Planning Commission Regular Meeting Minutes of March 2, 2022 Amended

Chair Smith introduced the item by reading of the title and provided a brief explanation of the issue before the Commission regarding the minutes from the March 2, 2022 regular meeting. He then requested a motion and second.

HIGHLAND CONLEY MOVED TO APPROVE THE MARCH 2, 2022 REGULAR MEETING MINUTES AS PRESENTED.

There was a brief discussion on the action taken by the Clerk to include each commissioners' statements made during the overall discussion. Commissioner Barnwell, as noted on page 64 of the packet, did state that he did not support building codes or a building department at this time.

VOTE. NON-OBJECTION UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 22-29, Tiny Homes

Chair Smith introduced the item by reading of the title.

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Memorandum 22-117

TO: Mayor Castner and Homer City Council

FROM: Rob Dumouchel, City Manager

DATE: May 24, 2022

SUBJECT: Rezone of Properties Near Lower West Hill Road from RR to UR

In 2008, the City Council adopted a Comprehensive Plan that called for the rezoning of an area centered on lower West Hill. The rezone would convert rural residential (RR) parcels to urban residential (UR). The intent to rezone remained in the plan when it was refreshed in 2018. In 2022 the City Planner brought forward the rezoning of properties near lower West Hill to be considered by the Planning Commission. An appropriately noticed public hearing was held on April 20, 2022. There was strong opposition from the neighborhood on the west side of West Hill Road. The Planning Commission voted 4-2 to only recommend rezoning only the area to the east of West Hill Road. Administration believes that it is in the best interest of the City to consider rezoning the entirety of the original proposal as it is in alignment with both the existing Comprehensive Plan and the Council's goals for the future.

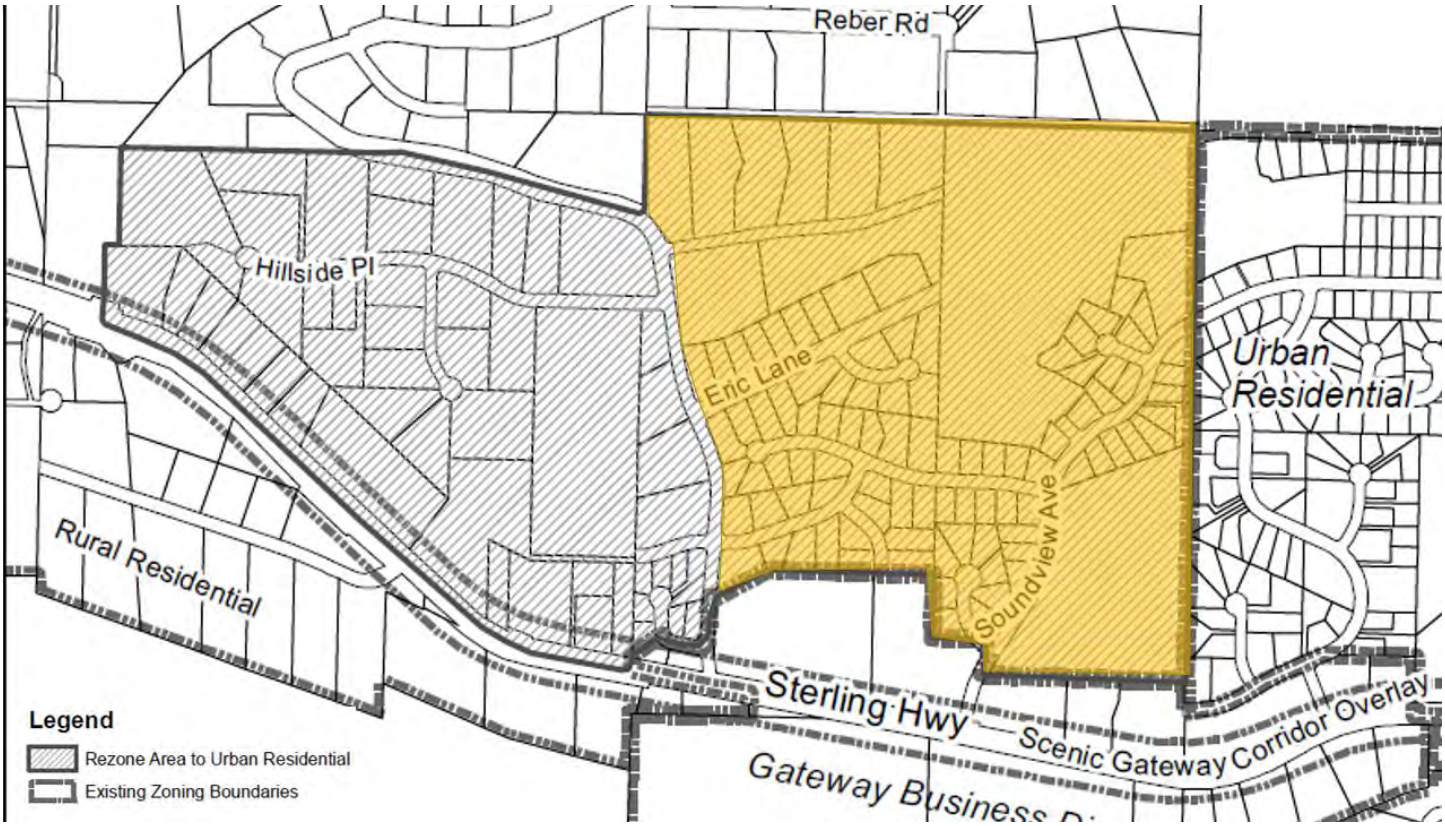

Figure 1: Map of Lower West Hill Rezone Area - Original proposal in shaded area, Planning Commission recommended area overlaid in yellow

There appears to be a high level of consensus that the area east of West Hill Road should be rezoned as proposed. The more contentious topic is the zoning of the west side of West Hill Road. A portion of that neighborhood has come out strongly against change. Many residents have indicated that they do not wish for their property to change and they desire the ability to continue living as they have been for however many years they have been present in the neighborhood. Under the RR to UR rezoning proposal, they do not lose that ability to continue their current lifestyle on their properties as currently configured[1]. What could change, is how their neighbors choose to develop their own private property in the future. UR and RR zone districts are relatively similar. A handful of uncommon land uses are impacted by the change[2]. From my perspective, the most valuable/impactful change is that UR allows for investment in denser housing[3]. The rezone does not force the development of denser housing, but it does make it possible for private property owners who wish to build it.

In March 2022, the City Council conducted a two-day visioning work session that identified a Comprehensive Plan update, Zoning Code modernization, and developing solutions to housing challenges as major priorities. In keeping with that vision, I recommend considering approval of a rezone of the originally proposed area that spans both sides of West Hill Road. Homer has a critical need for more housing over the coming decades, and upzoning neighborhoods is one way that the City can set itself up for success in the long-run by creating opportunity for future development.

Regarding the process thus far, the Planning Commission had the opportunity to review the entire rezoning application but made an advisory recommendation to reduce the rezone area rather than adopt the Administration's recommendation. As such, the rezone presented to the Council does not "materially differ" from the rezone presented but amended by the Planning Commission. Homer City Code 21.95.070 gives the Council legislative authority to adopt rezoning ordinances and states that "the City Council may adopt the amendment as submitted, or with amendments or reject the proposed amendment."

City Manager Recommendation: Consider and approve the originally proposed extent of the lower West Hill RR to UR rezone

[1] See HCC Chapter 21.61 for more on nonconforming uses, structures, and lots

[2] Change to UR would eliminate the availability of the following conditional uses: cemeteries, kennels, commercial greenhouses and tree nurseries offering sale of plants or trees grown on premises, mobile home parks, and public utility facilities and structures.

[3] Lots in RR require a minimum of 10,000 square feet per dwelling unit. Lots in UR require a minimum 7,500 square feet for single-family or duplex dwellings and have the option to provide multi-family dwellings according to floor area and open area requirements

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-36

An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget and Appropriating $_____ from the Water Capital Asset Repair and Maintenance Allowance Fund to Replace Six Fire Hydrants along the West Fairview Avenue Path.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting June 27, 2022 Introduction

   Memorandum 22-118 from Public Works Director as backup

CITY OF HOMER
HOMER, ALASKA

City Manager/
Public Works Director

ORDINANCE 22-36

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY23 CAPITAL BUDGET AND APPROPRIATING $_____FROM THE WATER CAPITAL ASSET REPAIR AND MAINTENANCE ALLOWANCE (CARMA) FUND TO REPLACE SIX FIRE HYDRANTS ALONG THE WEST FAIRVIEW AVENUE PATH.

WHEREAS, A Non-Motorized Transportation Opportunity Program was developed by Ordinance 22-25 and some of those funds are being used to develop the West Fairview Path; and

WHEREAS, As part of this project six fire hydrants need to be relocated because they would lie in the middle of the pathway; and

WHEREAS, The hydrants are old, subject to breakage, and we can no longer get replacement parts for them, and they must be replaced with new, fully functional equipment for public safety reasons and to maintain the City's ISO fire insurance rating.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY23 Capital Budget by appropriating $_____ from the Water CARMA Fund as follows:

Fund	Description	Amount
	Water CARMA	$_____

Section 2.This ordinance is a budget amendment only, is not of a permanent nature and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this _____day of _____, 2022.

CITY OF HOMER

_____
KEN CASTNER, MAYOR

ATTEST:

_____
MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

Introduction:
Public Hearing:
Second Reading:
Effective Date:

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Memorandum 22-118

TO: Mayor Castner and City Council

THROUGH: Rob Dumouchel, City Manager

FROM: Janette Keiser, PE, Director of Public Works

DATE: June 21, 2022

SUBJECT: Task Orders for Construction of W. Fairview Ave. Path

I. Issue: The purpose of this Memorandum is to recommend award of a contract to construct the W. Fairview Avenue Path.

II. Background:

Ordinance 22-25 appropriated $850,000 to the Non-Motorized Transportation Opportunity Program and Resolution 22-053 authorized a Task Order for Bishop Engineering, LLC, to design the W. Fairview Avenue Path as part of the Non-Motorized Transportation Opportunity Program. The opportunity exists because there is a residential subdivision currently being constructed around the alignment of the W. Fairview Avenue Path. We fast-tracked the design of the path so we could leverage this opportunity. Bishop produced a preliminary design in record time.

We submitted the design to two contractors, Arno Construction, the contractor which is building the subdivision roads and utility lines, and East Road Services, Inc., the contractor with which the City has an IDIQ contract to provide services that are very similar to the services required for the path. The low bid was returned by _____ in the amount of $_____. This gets us an extended 10' wide gravel shoulder on the north side of W. Fairview Avenue that can be used by bicycles and pedestrians. It will be a bare-bones path – no curb, no gutters, no pavement, and no concrete. We can add these features later, as funds become available. The important thing now is to get the earthwork done as cost-effectively as possible.

The lion's share of the cost is related to the replacement of six existing fire hydrants. The hydrants need to be moved because they currently lie in what would be in the middle of the path. The hydrants are old and subject to breakage, which is exactly what happened to the fire hydrant on Bunnell Avenue when the "3-alarm" fire occurred several weeks ago. This could have been a disaster! The hydrants are so old, that we can no longer get replacement parts for them. They must be replaced if we are to maintain the City's ISO fire insurance rating. If we have to move the hydrants, we might as well replace them with new, fully functional equipment.

After what happened on Bunnell Ave, we introduced a Hydrant Replacement Plan in the Water Capital Improvement Program, to be funded by the Water CARMA Account. We might as well start with the six hydrants on W. Fairview Avenue. Thus, we propose a budget adjustment that will transfer funds to replace the hydrants from the Water CARMA Account to the HART Non-Motorized Transportation Opportunity Program. This ensures that expenses related to repair/replacement of water utility infrastructure reside in their proper account and that the Non-Motorized Transportation Opportunity Program is not diluted by utility-related expenses.

III. Recommendations:

1. That the City Council authorize a contract to _____ in the amount of $_____, to construct the W. Fairview Avenue Path.
2. That the City Council authorize funding from the Water CARMA in the amount of $_____ be transferred to the HART Fund's Non-Motorized Transportation Opportunity Fund, to cover the costs to replace six fire hydrants.

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(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council

FROM: Rob Dumouchel, City Manager

DATE: June 23, 2022

SUBJECT: City Manager's Report for June 27, 2022 Council Meeting

Main Street Sidewalk

Based on an update from the contractor, we're expecting work on the Main Street sidewalk to commence July 12th and run through mid-August. As Main Street is a major route for public safety purposes, the contractor will be communicating regularly with dispatch to ensure they know when and where any temporary road closures may be located. To help get the word out that work is beginning soon, the City will be placing ads in local media about the project.

FY24/25 Budget Prep

June 30th marks the end of FY22 and the beginning of the planned preparation period for the FY24/25 budget. Finance Director Elizabeth Walton and I are working on our plans to kick off the first phase of this process with the leadership team. We've purposefully given ourselves a significant amount of time to produce the FY24/25 budget to allow for contemplation of new ideas and maximum opportunities for public participation.

Water/Sewer Rates

Public Works Director Jan Keiser, Finance Director Elizabeth Walton, and I have been meeting to discuss an update to water and sewer utility rates. We've learned a lot in the last year that will be factored into the next staff proposal. Our current timeline is to prepare a work session presentation for the Council meeting in July and follow that at the next meeting with legislation to enact a rate update.

Volunteer Action Plan

Staff has begun working on a first-ever City of Homer Volunteer Action Plan. This concept was pitched during the visioning session in March and is on our 2022 project list. Working together with special project coordinators Jenny Carroll and David Parker, we have the idea for the report sketched out and plans for how we will research and review relevant data. Currently, staff from Fire, Library, Parks, Recreation, and the Clerks are gathering information that will allow us to do a full inventory of volunteers, existing programs, forms, waivers, etc. We will be working on this throughout the summer and I expect to do some stakeholder outreach as part of the project once we're further along in the process.

Short Term Rentals

Short term rentals (STRs) have been a big topic this year with the externalities they've caused on the community by taking housing typically rented to seasonal workers out of circulation and repurposing it for tourist needs. Special Project Coordinator David Parker has initiated a research project that will evaluate the

state of Homer's housing market and the impacts of STRs on the community. This research will lead to a review of City code and, most likely, the development of an STR permitting program to control the rapid expansion of this commercial enterprise. We will be integrating stakeholder engagement activities into the project at a later date.

Procurement Code Update

The Finance Stakeholder Group, consisting of representatives from all departments and led by Port Admin Supervisor Amy Woodruff, continues to work their way through existing procurement code, processes, procedures, etc. and making suggestions for improvements. As a reminder of previous updates, the group conducted an internal survey earlier this year and produced a memo with recommendations for me. I asked the group to move forward with many of the recommendations. They met June 21st and are preparing a new set of documents for me to review. We are nearing the point where I will be looking to bring Council into the conversation. Expect more later this summer.

CITY OF HOMER
HOMER, ALASKA

City Manager/
Public Works Director

RESOLUTION 22-057

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA AWARDING A CONTRACT TO A FIRM TO BE DETERMINED IN AN AMOUNT TO BE DISCLOSED FOR THE CONSTRUCTION OF THE WEST FAIRVIEW AVENUE PATH AND REPLACEMENT OF FIRE HYDRANTS AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, Ordinance 22-25 appropriated funds to establish the Non-motorized Transportation Opportunity Program and Resolution 22-053 authorized a task order to Bishop Engineering, LLC to design the West Fairview Avenue Pat as part of that program; and

WHEREAS, A residential subdivision is currently being constructed around the alignment of the West Fairview Path; and

WHEREAS, Arno Construction is building the subdivision roads and utility lines and East Road Services, Inc. is the contractor with which the City has an IDIQ contract to provide services that are very similar to the services required for the path; and

WHEREAS, HCC 3.16.060 allows an exception to the competitive bidding requirements for *"construction completion services"*. HCC 3.16.060(f). The build-out of the W. Fairview Ave. path constitutes *"construction completion services"* because the subject path involves the expansion of an on-going road construction project where the developer's contractor is already engaged in the process of building a road and installing water/sewer utilities; and

WHEREAS, HCC 3.16.110 allows the City is authorized to *"procure supplies, services or construction by competitive sealed proposals"* if the *"City Manager determines that use of competitive sealed bidding is not practicable."* HCC 3.16.110(a). In the subject case, the City's competitive sealed bidding process was not practicable because, as mentioned above, the window of opportunity to take advantage of the on-going road construction project is short-lived. If we followed the traditional competitive sealed bidding process, this opportunity would be lost; and

WHEREAS, Fire hydrant replacement included in the project is subject to an allocation of funds from the Water Capital Asset Repair and Maintenance Allowance (CARMA) Fund by ordinance, and execution of the contract is contingent on adoption of Ordinance 22-36.

WHEREAS, Public Works submitted the design to Arno Construction and East Road Services, Inc. and _____ was the lowest bidder.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby awards the contract for the West Fairveiw Path and replacement of fire hydrants to _____ in the amount of _____ and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council on this 27th day of June, 2022.

CITY OF HOMER

_____
KEN CASTNER, MAYOR

ATTEST:

_____
MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: Ord 22-25 $_____ and Ord _____ Water CARMA $

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Memorandum 22-118

TO: Mayor Castner and City Council

THROUGH: Rob Dumouchel, City Manager

FROM: Janette Keiser, PE, Director of Public Works

DATE: June 21, 2022

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We submitted the design to two contractors, Arno Construction, the contractor which is building the subdivision roads and utility lines, and East Road Services, Inc., the contractor with which the City has an IDIQ contract to provide services that are very similar to the services required for the path. The low bid was returned by _____ in the amount of $_____. This gets us an extended 10' wide gravel shoulder on the north side of W. Fairview Avenue that can be used by bicycles and pedestrians. It will be a bare-bones path – no curb, no gutters, no pavement, and no concrete. We can add these features later, as funds become available. The important thing now is to get the earthwork done as cost-effectively as possible.

The lion's share of the cost is related to the replacement of six existing fire hydrants. The hydrants need to be moved because they currently lie in what would be in the middle of the path. The hydrants are old and subject to breakage, which is exactly what happened to the fire hydrant on Bunnell Avenue when the "3-alarm" fire occurred several weeks ago. This could have been a disaster! The hydrants are so old, that we can no longer get replacement parts for them. They must be replaced if we are to maintain the City's ISO fire insurance rating. If we have to move the hydrants, we might as well replace them with new, fully functional equipment.

After what happened on Bunnell Ave, we introduced a Hydrant Replacement Plan in the Water Capital Improvement Program, to be funded by the Water CARMA Account. We might as well start with the six hydrants on W. Fairview Avenue. Thus, we propose a budget adjustment that will transfer funds to replace the hydrants from the Water CARMA Account to the HART Non-Motorized Transportation Opportunity Program. This ensures that expenses related to repair/replacement of water utility infrastructure reside in their proper account and that the Non-Motorized Transportation Opportunity Program is not diluted by utility-related expenses.

III. Recommendations:

1. That the City Council authorize a contract to _____ in the amount of $_____, to construct the W. Fairview Avenue Path.
2. That the City Council authorize funding from the Water CARMA in the amount of $_____ be transferred to the HART Fund's Non-Motorized Transportation Opportunity Fund, to cover the costs to replace six fire hydrants.