



## **Homer City Hall**

491 E. Pioneer Avenue

Homer, Alaska 99603

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

# **City of Homer Agenda**

**Parks, Art, Recreation & Culture Advisory Commission Worksession**

**Thursday, May 20, 2021 at 4:30 PM**

**Cowles Council Chambers via Zoom Webinar**

**Webinar ID: 946 0078 3824 Passcode: 536128**

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

**CALL TO ORDER, 4:30 P.M.**

**AGENDA APPROVAL**

**DISCUSSION TOPIC(S)**

A. Beach Policy Update 2021 - Amendments and Corrections

Memorandum from Deputy City Clerk as backup

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

**ADJOURNMENT**

Next Regular Meeting is Thursday, June 17, 2021, at 5:30 p.m. All meetings scheduled to be held via Zoom in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



# City of Homer

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## Office of the City Clerk

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## Memorandum

TO: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION

FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

DATE: MAY 13, 2021

SUBJECT: BEACH POLICY UPDATE – AMENDMENTS AND CORRECTIONS

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### Background:

The Commission started reviewing the Beach Policy at a worksession on February 4, 2021 and has continued review at the regular meetings in February, March and April. I have prepared this memorandum to provide a listing of the amendments that have been completed and those that still require review by the Commission.

The Beach Policy has been line numbered for ease of review and there are several areas, notated in red, where staff has recommended action on updating or removing the section or item within the policy.

1. Staff Recommends a Standard Cover Page format that has been used in other city policies adopted by Council that includes the city logo.
2. Use Standard Table of Contents and acknowledgement format on separate page
3. Lines 51-87, Clarified and relocated to the beginning of the document so that a user may have the Purpose, Intent and history of the policy.
4. Lines 89-104, No changes – this section provides the goals that implementing and enforcing this policy will support.
5. Lines 106-138 provide definitions for terms that are used throughout the policy. The commission added the definition for Personal Watercraft.
6. Lines 140-240 Cover recommendations made by the Commission and previous committees to implement the policy that cover all beaches within Homer City Limits.
7. Lines 244-271, This references Area 1 which is Miller's Landing. Staff has no recommendations or questions regarding this section of the policy but requests that the Commission review to determine if still appropriate.
8. Lines 274 – 299, Area 2 The Commission previously approved deleting Lines 287-295 by motion.
9. Lines 301 – 306, Area 3 Is this still appropriate? Is this still an issue? Should it or is it already addressed by city code?
10. Lines 307 – 321 Area 4 Staff recommendation to update the improvements completed, delete lines 314-318. The Commission addressed this at a previous meeting.
11. Lines 323-328 Area 5 Correction to title, Commission added item B regarding the biannual dredging of Mainer Slough.

12. Lines 330-343, Area 6 corrections made to USFW and spelling
13. Lines 345-364, Area 7 Correction made in spelling on line 358 and question needs to be addressed by the Commission as this was postponed until after Walk Through (Line 359). The Commission previously approved the amendment on line 363-364.
14. Final staff recommendation – Review Appendix A Beach Access Notes and determine if these are still applicable or need to be updated. Make a motion to request Parks Staff update document and bring back to the June meeting for review and approval or make amendments at this meeting.

Recommendation

MAKE A MOTION TO ADOPT THE BEACH POLICY WITH AMENDMENTS AND RECOMMENDATIONS TO BRING TO PUBLIC HEARING AT THE JUNE MEETING.

**City of Homer**  
**Beach Policy**  
**March 13, 2017**



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## 1. Purpose and Intent

The Beach Policy document includes recommendations for enforcement of existing regulations and new regulations proposed or actions that may be needed for the eight areas of beaches in city limits. The intent of the Beach Policy is to provide guidance to keep Homer's beaches safe and enjoyable for all users while preserving the natural environment. This document will be reviewed and updated on a bi-annual basis by the Parks, Arts, Recreation & Culture Advisory Commission or as deemed necessary by City Council. This document is an update to the Beach Policy Task Force Final Recommendations, adopted June 25<sup>th</sup> 2001 and the Parks, Art, Recreation and Culture Commission recommendations in 2007 and 2016. Since 2001, the City of Homer has annexed more land and beaches, and implemented parts of the original plan. The purpose of this document is to update the Beach Policy and make recommendations for future actions. The intent of the Beach Policy is to keep Homer's beaches safe and enjoyable for all users, and preserve natural environment.

## 2. History

The original Beach Policy Task Force was established in 2000 as the result of strong public concern on the current and future use of Homer beaches. They completed the beach policy in 2001 which was adopted by City Council on June 25, 2001. In 2003, Ordinance 03-27, the city was awarded a \$75,000 Coastal Impact Assessment grant to fund beach access restriction improvements, regulatory signage, a GIS coastal erosion and beach habitat information mapping project and funds for the 2004 United States Geological Survey sediment transport study camera operation.

The Task Force made further recommendations in 2005 through Memorandum 05-78, and concluded their work. In 2007, the City Council adopted Ordinance 07-01(A) which added advising on public beaches to the duties of Parks, Art, Recreation and Culture Advisory Commission. The Commission formed a Beach Committee to update the Beach Policy, which resulted in this document.

In fall of 2014 the Parks, Art, Recreation & Culture Advisory Commission was directed by Council to review and recommend revisions to the Beach Policy. The Commission worked on the policy the first six months of 2015 and made recommendations via Memorandum 15-102. Council adopted Ordinance 16-05 (S-2)(A-2) on February 23, 2016. Ordinance 16-13 then made minor amendments. The Beach Policy was amended to reflect these revisions through Resolution 16-029(S-2). Resolution 17-021 amended the policy for clarity providing corrections for grammar and content.

### 3. Goals

#### **Education**

Educate beach users by providing signage and beach information at convenient locations.

#### **Prevention**

Limit conflicts between motorized users and pedestrians by encouraging courtesy and common sense.

Protect sensitive beach habitat and wildlife from inappropriate use of beaches - e.g., keep motorized vehicles out of lagoon areas and **personal watercraft off beaches**.

#### **Enforcement**

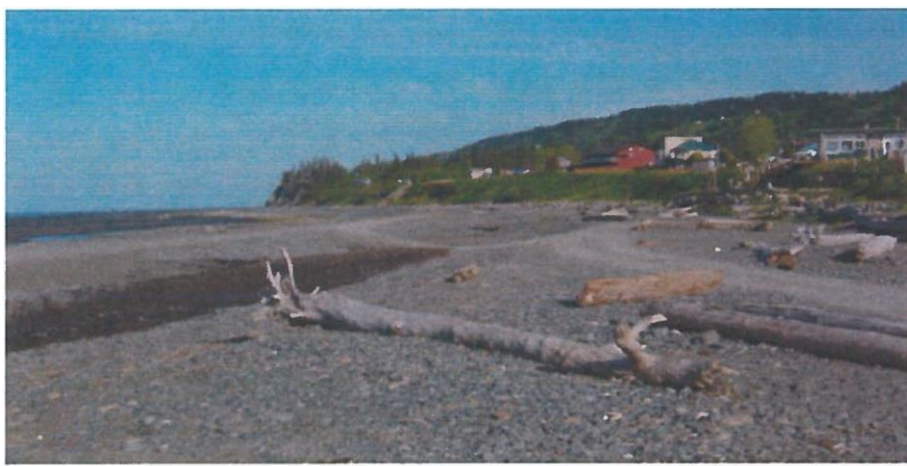
Ensure adequate staffing on holiday weekends; ~~Ensure~~ Regulatory signage is installed where needed so laws can be enforced; **and gates are operational to prevent or limit access to sensitive or prohibited areas.**

### 4. Definitions

a. "Berm" means a natural, linear mound or series of mounds in a beach area composed of sand, gravel, or both, generally paralleling the water at or landward of the elevation of mean high water.

b. "Storm berm" - means a berm formed by the upper reach of storm wave surges or the highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and other water-borne materials. A beach area may have more than one storm berm.

**Example:** Grassy areas of Mariner Lagoon and Beluga Slough where highest tides and storm deposit logs and driftwood. Tall grasses and other plants grow there most of the time, and only at the highest tides and largest storms are logs thrown up on this area of the beach.



- c. "Submerged land" means land covered by tidal water from the elevation of mean low water seaward to the corporate boundary of the city.
- d. "Tideland" means land that is periodically covered by tidal water between the elevation of mean high water and mean low water.
- e. "Beach area" means all of the following, whether publicly or privately owned: submerged land, tideland, and the zone of sand, gravel and other unconsolidated materials that extends landward from the elevation of mean high water to the place where there is a marked change in material or physiographic form.
- f. "Motor vehicle" means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over land, that is self-propelled except by human or animal power.
- g. **"Personal watercraft" means a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power. The vessels are designed to be operated by a person sitting, standing or kneeling.**

## **5. General Recommendations for all ~~Hörner~~Homer Beaches**

**A. Identify and improve beach access points.** Heavy impacts are created by a large number of people accessing the beach at a small number of places. By finding, improving and publishing all public beach access points, we **this** will diffuse the impacts and provide a more enjoyable experience to all.

1. Improve Access via: Main Street, Ocean Dr., Spit, Kachemak Dr.

2. Provide signage at all public access points.

a. Specifically, signage shall be maintained at Bishop's ~~h~~**B**each ~~p~~**P**ark, Ocean Drive Loop, the parking areas on the east side of the Homer Spit, on the Airport Beach Access Road, and Kachemak Drive.

b. Appendix A documents other public access points and the pros and cons of their development. The appendix should be expanded to include Homer Spit public access points, particularly on the east side of the spit.

**B. Install and maintain signage as needed.** Signage should be positive and informative to encourage courtesy to pedestrians, appropriate pet control and clean up, and indicate where vehicles are permitted.

1. Interpretive signage about the berm building process, shore zone wildlife habitat, etc. should be developed and installed. Ensure signs are installed to meet the needs of law enforcement.

2. Work with USFW on a uniform interpretative signage plan that can be used in all City beach parks. Adjust signage language over time to meet changing needs. Include the project in the annual budget.

3. Budget at least \$500 a year for sign repair, updating, and replacement.

**C. Be aware of seaward property boundaries when making municipal decisions.**

Although many people believe property lines stop at a water boundary, it has become apparent this is not always the case in Kachemak Bay. Normal property lines next to the ocean are established at mean high tide, and slow erosion does change boundaries. The 1964 earthquake caused the sinking of the Spit and Homer area. The sea flowed over the lowered land. This sudden change is called avulsion and legally does not change land boundaries. However, avulsion does have to be proven which can be difficult without adequate historical records. Usually in Alaska, the area below mean high tide is owned by the State of Alaska, and this is true in a few spots in Homer. But generally speaking, the City owns the tidelands below mean high tide.

**D. Encourage better enforcement of applicable existing state and local laws.**

Examples of applicable laws include: HCC 19.08 Campgrounds, HCC 7.16 Vehicles in Beach Areas; HCC 18.28.200 Waste or injury to land, and Alaska State Traffic Regulations regarding: DWI, Reckless Driving, Negligent Driving, Basic Speed, and Littering.

1. Encourage more evening enforcement in City campgrounds and encourage/post quiet hours.
2. Encourage more enforcement of city driving laws in City beach parking areas and on west Bishop's Beach where driving is permitted.
3. Ensure adequate City signage is installed so that violators of city laws on City beaches may be ticketed.

**E. Develop and distribute brochures with a coordinated public relations campaign.** It is important to enlist the public in the campaign to keep our beaches enjoyable for all, to limit the human damage to fragile areas and to minimize friction between user groups. ~~We~~ **The City requires** ~~need~~ everyone's help.

1. Prior to major holiday weekends, advertise beach rules and etiquette in the local newspapers. Consider a public services announcement on local radio stations. Budget at least \$500 annually for this advertising.
2. Provide beach maps and brochures on beach etiquette at ~~all~~ City campground facilities, **Chamber of Commerce, City Hall and the Harbormaster's Office.**

**F. Perform an annual assessment of beach health and developing impacts.**



1. Provide City Council with copies of the annual CoastWalk Report, from the Center for Alaskan Coastal Studies. Host on City Website.
2. On a biannual basis, take photographs of sensitive areas or places and keep a photo record of changes. This could be hosted on the City website.

**G. Driftwood from berm areas should not be removed.** Testimony by scientists emphasized the importance of the natural berm building process to protect the spit, lagoon and slough. The berms also provide important wildlife habitat. It was found that driftwood plays an important role in building and stabilizing berms. Thus, it is hoped that providing an alternate source of campfire wood for campers serves the important function of protecting the berms. Driftwood was also described as an important esthetic enhancement to the beach and a material resource.

1. Prohibit the burning of driftwood from berm areas and direct City Administration to investigate providing firewood to beach users or allowing firewood concessions in city campgrounds. *(This was done, not successful, look into or provide alternative options)*

#### **H. Find ways of supporting beach cleanup.**

1. Support the efforts of spring cleanup day to include Homer beaches. The City should actively continue to support the efforts of volunteers by providing trash bags for the event and dumpsters or trash removal at locations such as Bishop's Beach.
2. Support the efforts of the Center for Alaskan Coastal Studies for their annual CoastWalk and beach trash removal. Support may be in the form of providing trash bags, dumpster service at beach parks, and city funding for newspaper advertising for CoastWalk educational and beach cleanup activities.

**I. Keep cars from encroaching onto beach berms and beaches in city campgrounds, parks, and along the Homer Spit Road.** Define parking lots so they do not spread onto the beach.

#### **4. Recommendations by Area** (Following the beach line, East to West)

##### **Area 1 - Miller's Landing to just east of the Airport Access Road.**

A. Miller's Landing. Create a public viewing spot in the Beach Access Road Right of Way off of Kachemak Drive, by posting a sign stating the location of the public access. In the future, as use warrants, create a small parking area, and use boulders to discourage trespassing on adjacent properties.

B. Airport Access Road. Support state efforts to place signage or interpretive displays.

C. Vehicle use at the bottom of airport beach access road on the beach is not allowed. Referred to HCC 7.16.020 for exceptions.

D. Vehicles are allowed on the beach east of the vacated easement formerly known

as Shirlene Circle (refer to map), under the terms of HCC 7.16



Vehicles are not allowed on the beach at the bottom of the airport beach access road. Vehicles are allowed east of that area, but there is no public vehicle access point to get to that part of the beach. Land owners or those with land owner permission may access the beach from private vehicle access points. Once on the beach, nothing in City laws or policy condones trespassing on adjacent private lands.

#### **Area 2 - Airport Beach Access Road to North End of Berm outside of Louie's Lagoon and Louie's Lagoon.**

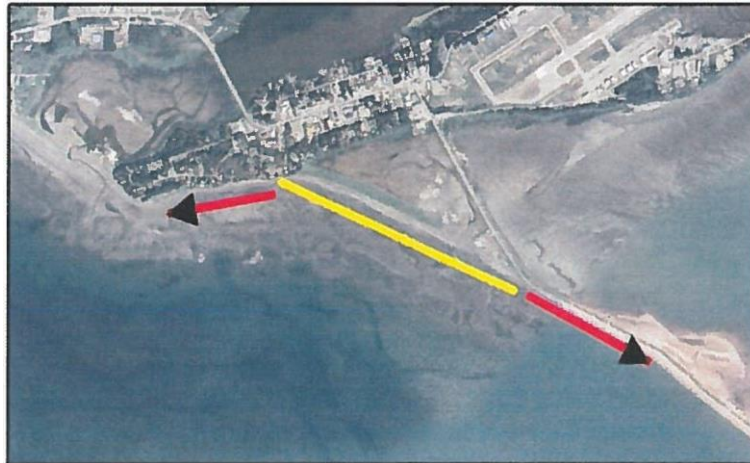
- A. Due to expert testimony, it was agreed by the BPTF that limiting vehicle use in this area was necessary to protect the fragile habitats from Mud Bay to Louie's Lagoon.
- B. Vehicles are prohibited in this entire area - outside of access driveways and parking.
- C. Maintain signage identifying public pedestrian access points and vehicle parking areas.
- D. Complete Conservation zoning for all public lands in this area. Much of Area 2 has a conservation easement and zoning.
- ~~E. Designate the platform area as a park and initiate cleanup of surface debris in Louie's Lagoon. A layer of dredge spoils to cover debris and more grass around the platform is also recommended. Investigate potential as a bird viewing platform.~~
- ~~F. Long term goal: Acquire a pedestrian easement as shown on the map, for access to the outer beach without going through the mudflats. The current section line easement goes across the mud flat in the bird sanctuary. A new easement would provide better access to the beach and protection for the sanctuary. See attached map. Please make a motion as recommended by staff.~~
- G. Preserve subsistence fishing access through the northern portion of the English Bay property, which traditionally has included pedestrian and vehicle access.

**Area 3-From Louie's Lagoon-South to end of Homer Spit and then North to the South end of Mariner Park.**

- A. Encourage the elimination of unsightly waste on properties near the beach by working with landowners.

**Area 4 - From the south end of Mariner Park to the East End of the Seawall**

- A. Vehicles are allowed between the south end of Mariner Park beach and the east end of the seawall from October 1 through March 31<sup>st</sup> solely for the purpose of gathering sand and coal. The beach is closed to vehicles at all times for any other purpose.



Red= No vehicles  
Yellow = Vehicles only  
under the terms of HCC  
7.16, paraphrased in C,  
above.

The area in front of the sea wall west to the Beluga Slough outfall is closed to vehicles.

- B. Define limits to Mariner Park campground by utilizing logs, rocks or other means to restrain vehicles from entering the lagoon while creating a beach access point that can be gated seasonally to control vehicle access to the beach. This would also help protect the berm in the park, which sees heavy seasonal use from campers. Create a phased cost estimate and include the project in the annual budget in the near future.
- Mariner Park Campground and Day Use Area has been improved to define the camp sites and control vehicle access to the beach with the use of logs, rocks and a gate. These measures will also provide protection to the berm encouraging natural vegetation.**

**Area 5 - Mariner Park Lagoon including the storm berm**

- A. Vehicles are not allowed in this area.
- B. Recommend dredging of Mariner Slough on a biennial year period and include funding in the Fiscal year budget cycle.**

**Area 6 East End of Seawall to Bishop's Beach Park**

- A. Vehicles are not allowed in this area.
- B. Maintain the gate and rocks at Bishop's Beach Park to physically block access to vehicles.
- C. Support USFS efforts to protect berm and promote rye grass and driftwood buildup.

- D. Support USFS W work to develop a plan to maintain the ecological integrity of their educational reserve, including possible conservation zoning.
- E. Improve and identify with signage the Ocean Drive Loop beach and Beluga Slough accesses.

**Area 7 - Bishop's Beach Park access, west to Homer city limits.** This is a heavily used area, and has the greatest potential for conflicts between user groups.

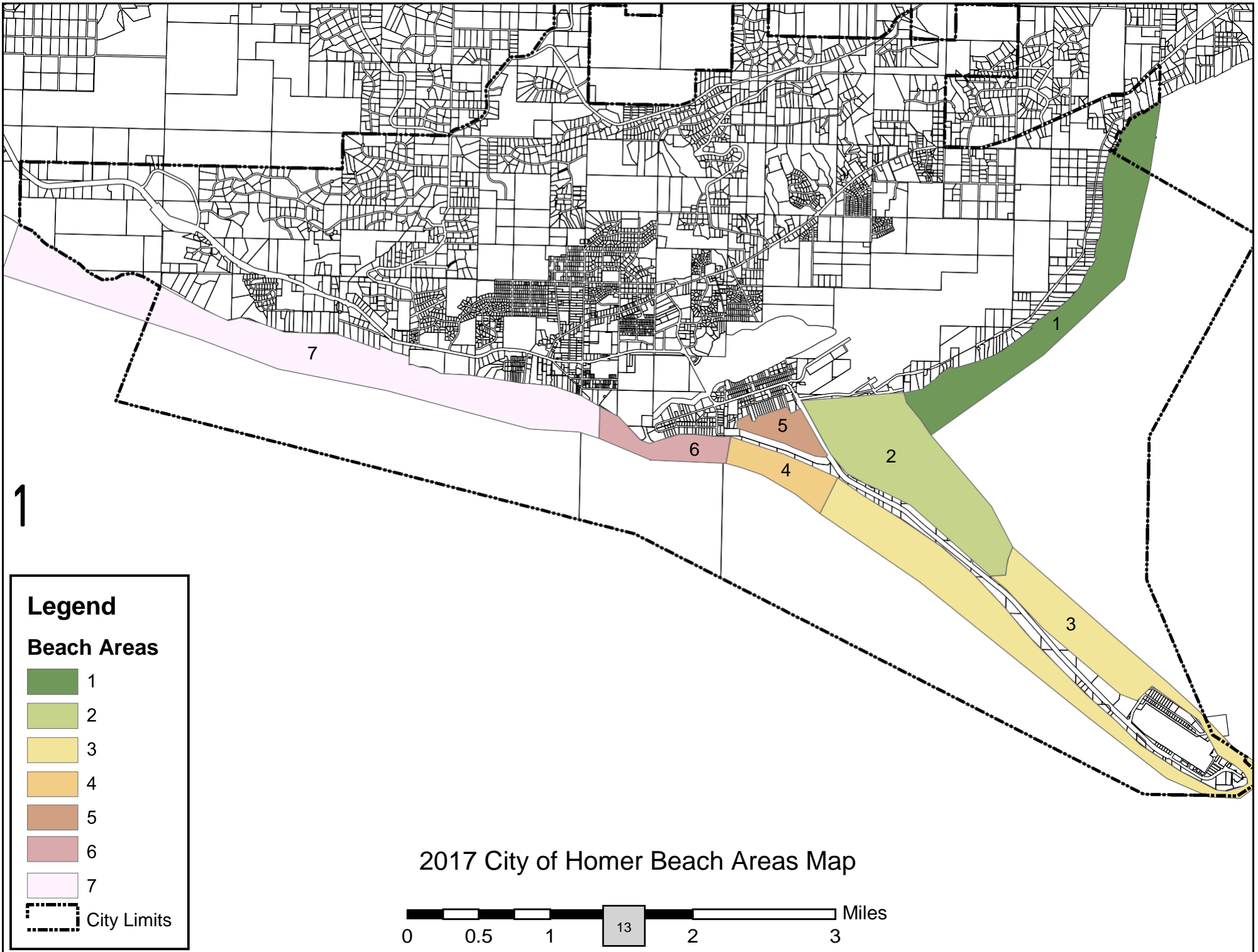
- A. Increase parking at Bishop's Beach Park and in the area. Increase wayfinding signage directing people to nearby public parking (e.g., Chamber of Commerce, Island and Ocean Visitor Center) may be needed.
- B. This area is open to vehicles, following the laws under HCC 7.16.



Vehicles are allowed west from Bishop's Beach Park access, and prohibited to the east.

- A. **Improve erosion control** and access at Crittenden Drive and at Main Street. Use seeding, of native grasses and other low impact techniques to control erosion in the right of way at the end of Main Street.
- ~~Install~~ **Install** a stairway so pedestrians may access the beach safely and without treading on the eroding bluff face. **Is there still interest in building a stairway to access the beach from this point?**
- B. Work with property owners and interested volunteers to remove ~~the remaining junk cars from the beach near the bottom of West Hill.~~ **derelict vehicles from city beaches.**





# Proposed Easement and Pedestrian Access to Outer Beach Area

Outer Beach

Proposed easement

TIDE ST.

Kevin Bell  
Arena

## Legend

 City Lands

0 250 500 Feet

## Appendix A: Beach Access Notes

### Public access points

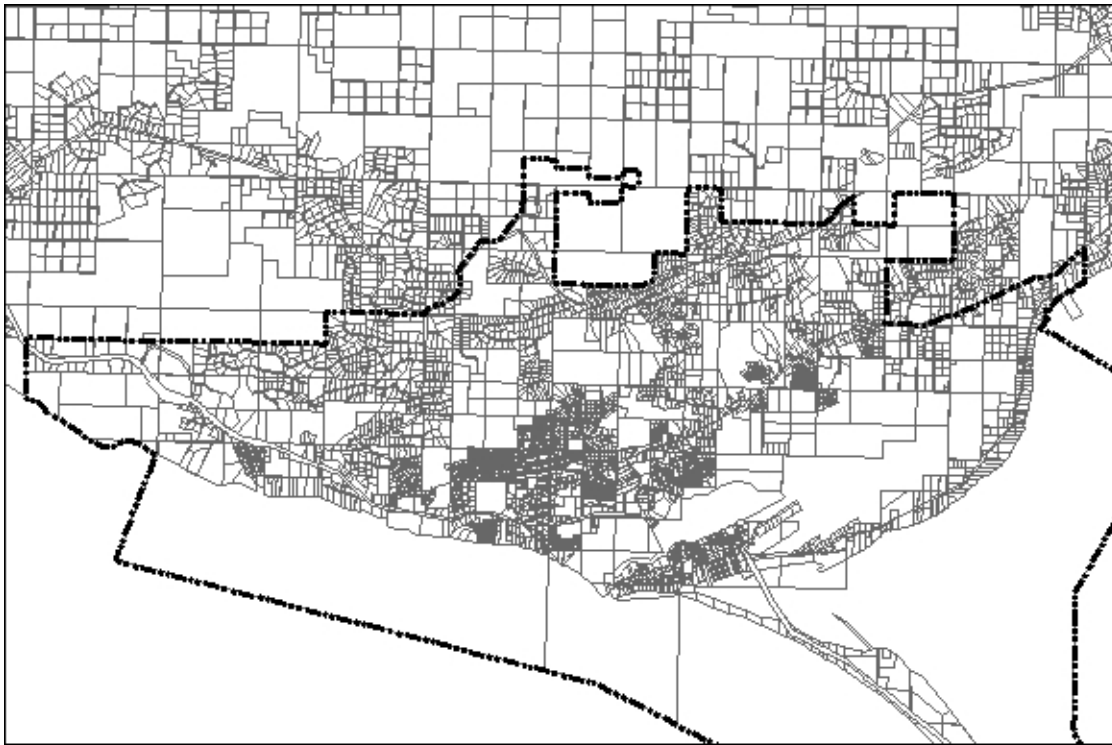
	Pros	Cons	Comments
Miller's Landing Beach Road	Nice picnic spot Difficult trek down to the beach	No defined parking area	
Airport Access Road			State owned land. Gate and key system installed in 2016.
Spit			
Mariner Park	Large parking area for campers and day users	Occasionally motor vehicles drive around in the lagoon.	Need more enforcement here Need more education here/kiosk
Lake Street		Constructed road ends at the Seawall. It will be expensive and difficult to create beach access that will withstand the wave energy at this point. Most of the land below is private property.	There may be other better pedestrian access points that are currently not public, along Ocean Drive Loop
Oscar Munson/Bell		Some public access points must cross the seawall, and most of the beach area is private property.	Neighborhood Access Point
Bishop's Beach	Flat beach access, public parking	High user conflicts	
Main Street	Section line easement access	Highly erosive, very steep trail	
Crittenden	Right of way access	No parking. Tends to be a party spot.	City constructed trail in conjunction with Crittenden/Waddell Road Improvements. There is also an adjacent private access from Ocean Shores Motel. Landowner allows neighborhood use of his trail to the beach.

Updated 6/2016

## Beach Policy Appendix: B

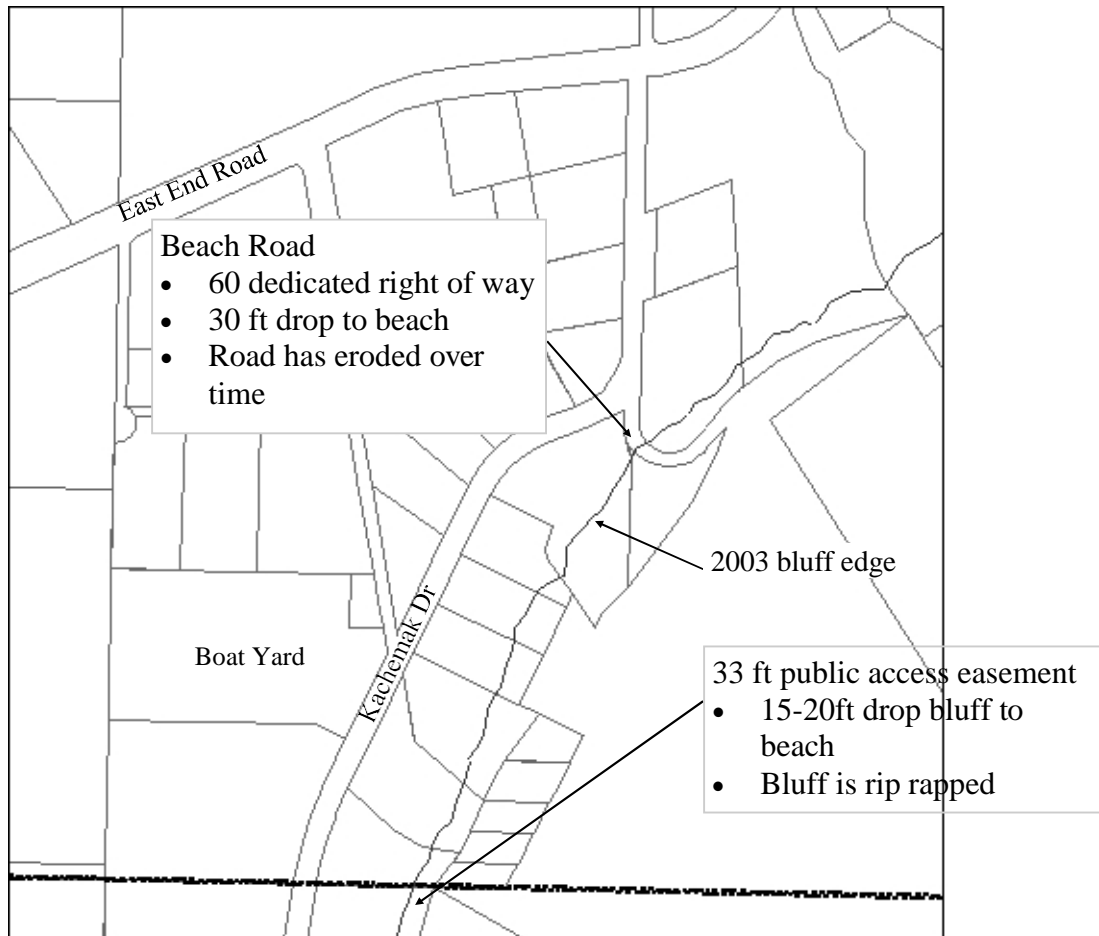
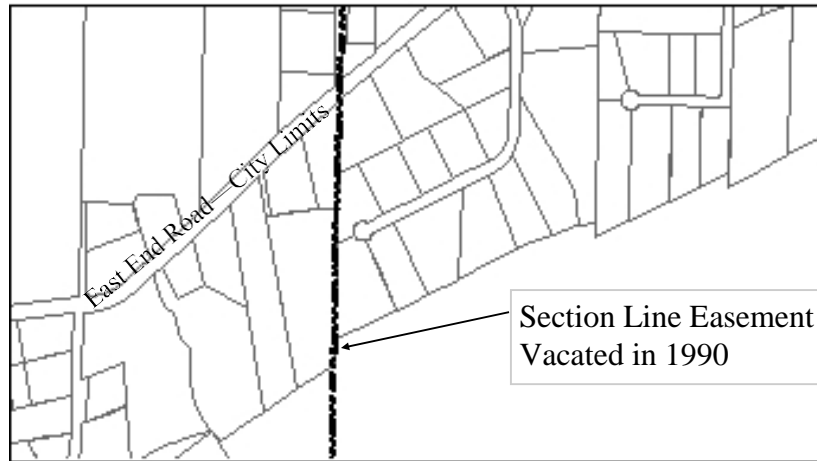
### Mainland Public Access Points to Kachemak Bay

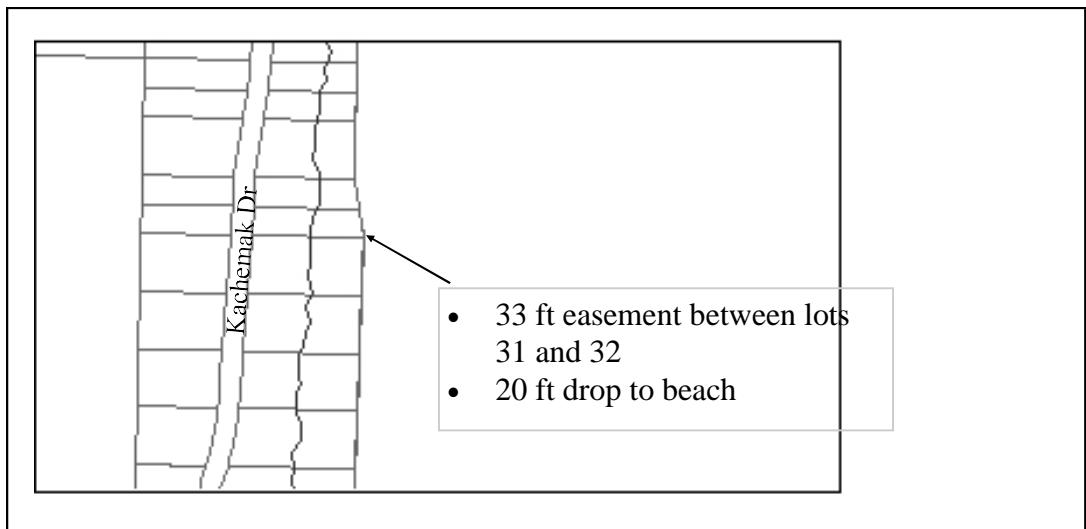
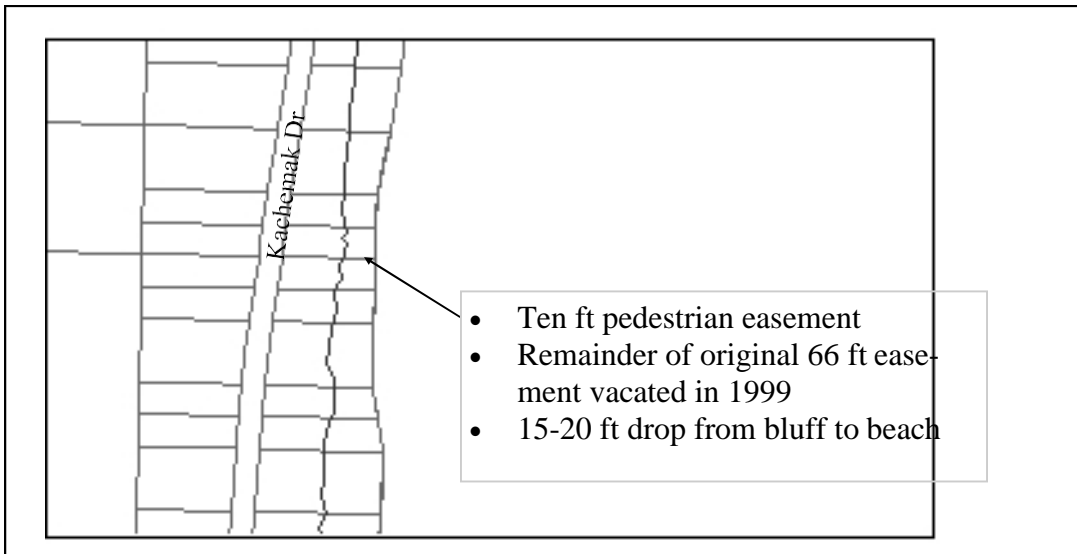
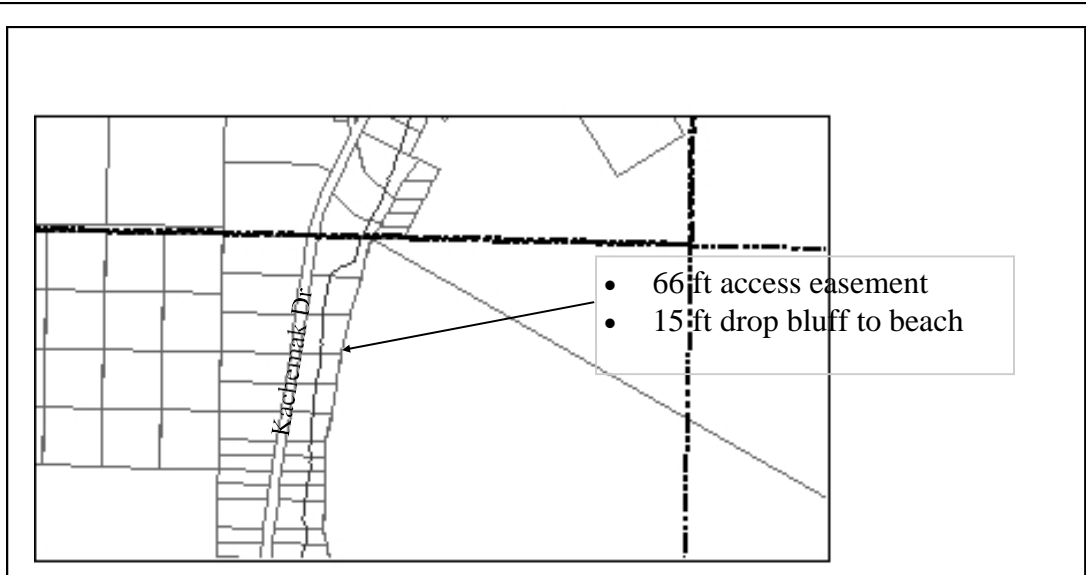
2017



Prepared by the City of Homer Planning and Zoning Office.  
Erosion data from KBRR 2004 coastal erosion study. Easement  
data from plat research, and from 1982 Homer and Vicinity  
orthotopographic map by Walker and Associates.









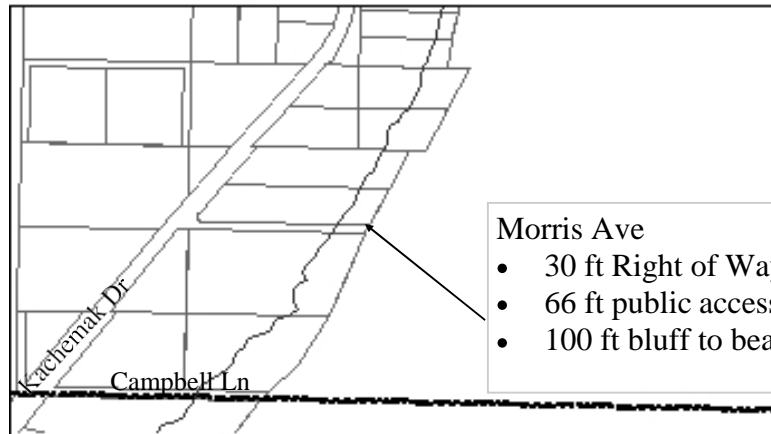
- Ten foot pedestrian easement on northern property, 33ft easement on southern property.
- Remainder of northern 33 ft easement vacated
- 30 foot drop from bluff to beach

- 33 ft easement
- Remainder of 66 ft easement vacated in 1976
- 35 foot drop from bluff to beach

- 33 ft access easement
- 65 foot drop from bluff to beach

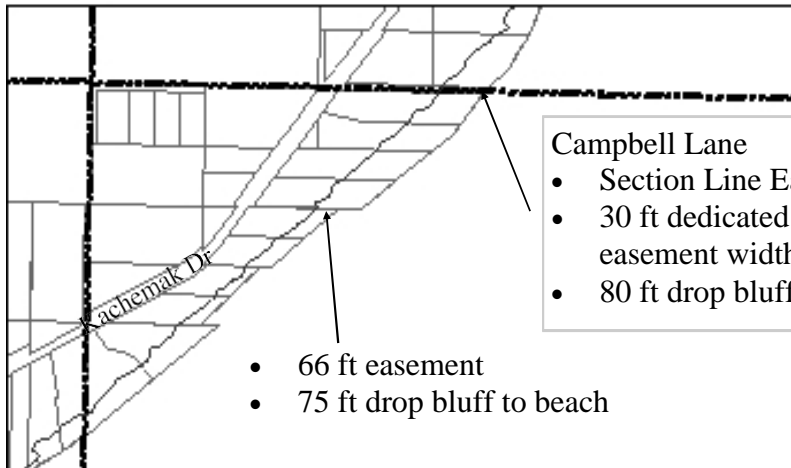


- 33ft access easement
- 75 foot drop from bluff to beach



#### Morris Ave

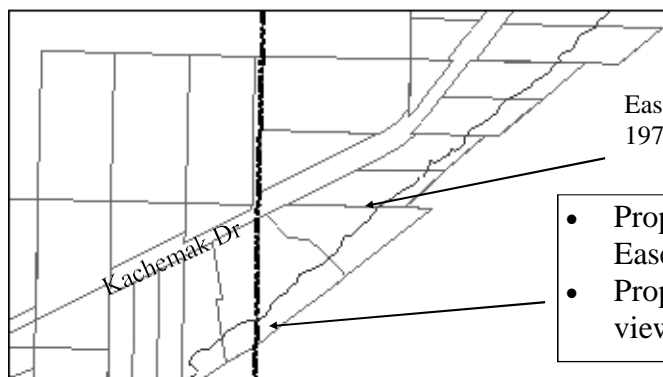
- 30 ft Right of Way
- 66 ft public access
- 100 ft bluff to beach drop



#### Campbell Lane

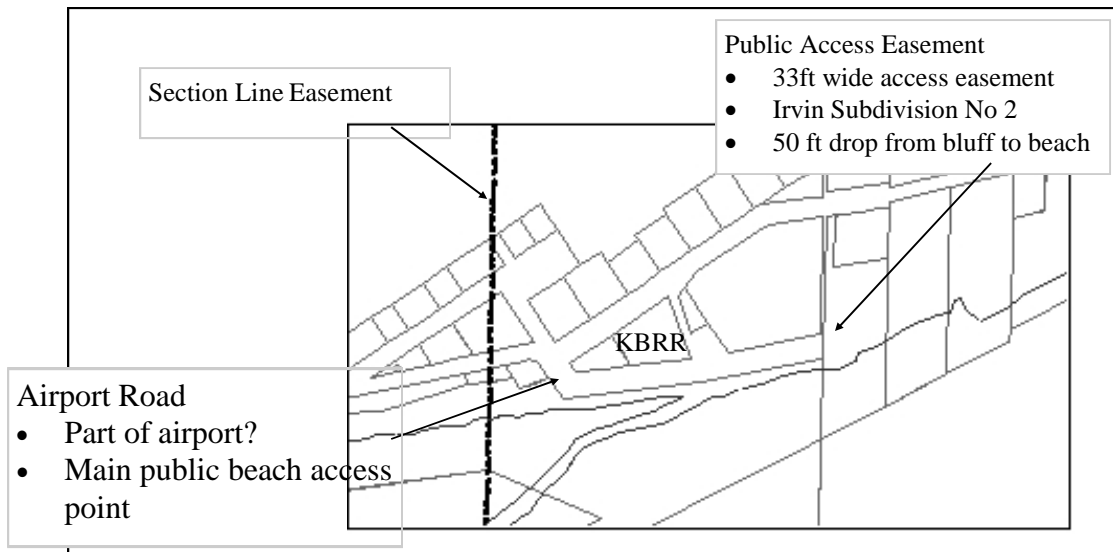
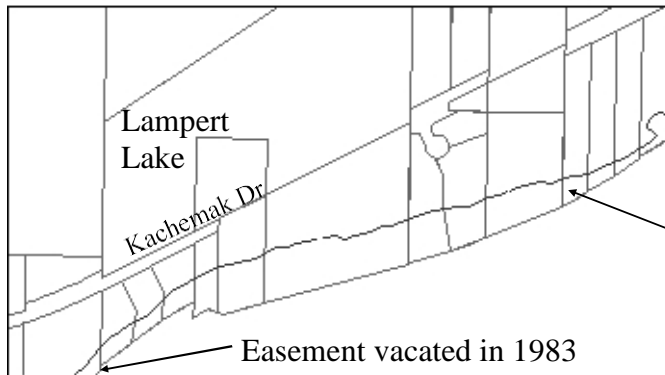
- Section Line Easement
- 30 ft dedicated Right of Way, 66 ft total easement width
- 80 ft drop bluff to beach

- 66 ft easement
- 75 ft drop bluff to beach



Easement vacated in 1979

- Proposed Section Line Easement Vacation 2007.
- Proposed public access viewpoint.





Lake Street

- Dedicated 60 ft Right of Way
- Sea wall crosses the Right of Way

Section Line Easement

- 66 ft wide
- 30 ft drop from bluff to beach

## Oscar Munson Subdivision

### Victoria Place

- 50 foot Right of Way
- Not constructed

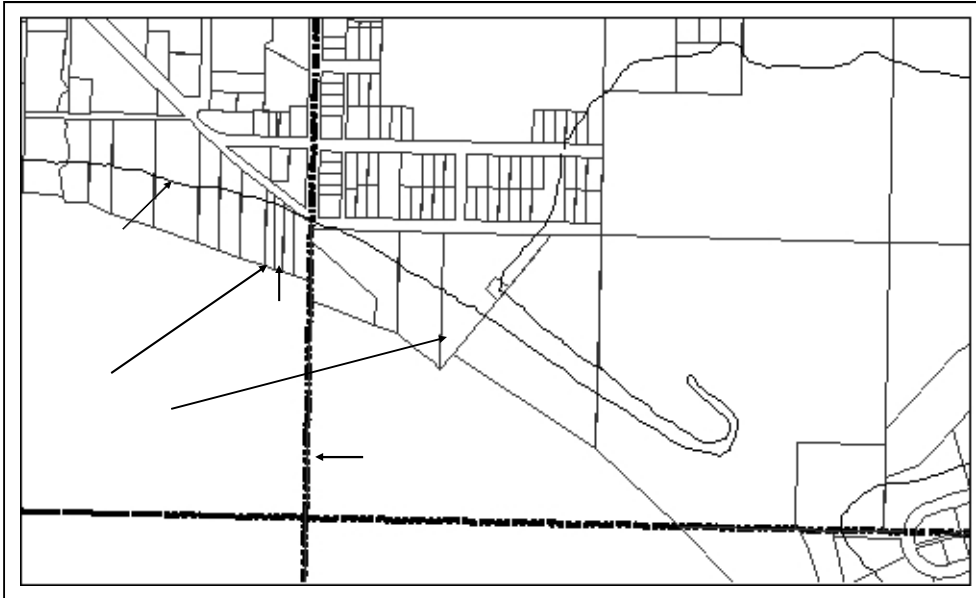
### Section Line Easement/Right of Way

- 30 ft Right of Way, 33 ft section line
- Exact width of possible public access not know, but probably about 60 ft



### Parson Lane

- 30 ft Right of Way
- About a 30 ft drop from street level to the beach
- Seawall runs along the bluff



#### Ohlson Lane Property

- 15-20 ft drop from street level to the beach
- City of Homer owns one lot; the state owns another

#### Section Line Easement

- Main Street is on a section line easement
- 15-20 ft drop from street level to the beach

#### Bishops Beach

- One of the few easy access point to the beach

This is an area of moderate long term erosion, averaging about 2 and a half feet per year.



## Crittenden Dr

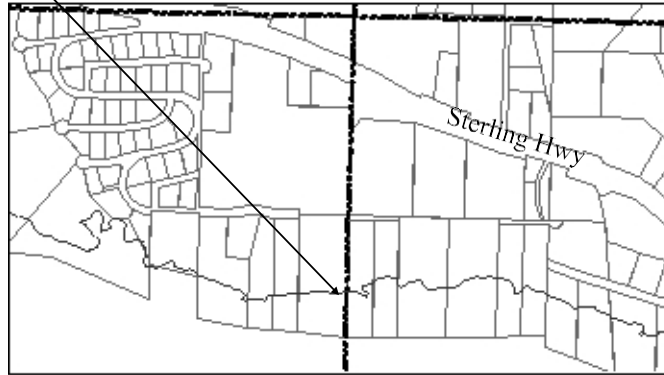
- 60 ft Right of Way
- New trail is steep and is eroding.
- 60 ft drop from Hidden Way to the beach



- Section Line Easement
- 120 ft drop from bluff to beach



- Section Line Easement
- 230 ft+ drop from bluff to beach



### Leber Street

- 30 Right of Way Leber St
- Section Line Easement
- 25 foot drop from upland to beach.



- Section Line Easement, north-south along city limit boundary
- 60 foot bluff from beach to upland plateau
- EVOS and other public lands shown

