Homer City Hall



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

City of Homer Agenda

Planning Commission Regular Meeting
Wednesday, August 5, 2020 at 6:30 PM
Council Chambers via Zoom Webinar
Webinar ID: 955 9138 2352 Password: 976062

Dial 1669 900 6833 or +1 253 215 8782 or Toll Free 877 853 5247 or 888 788 0099

CALL TO ORDER, 6:30 P.M.

AGENDA APPROVAL

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

RECONSIDERATION

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

- A. Minutes of the July 15, 2020 Planning Commission Regular Meeting p. 3
- B. Decisions and Findings for CUP 20-09 for the production of wines and meads at 3657 & 3637 Main St. **p. 17**
- C. Decisions and Findings for CUP 20-10 to build four single family dwellings at 750 Nedosik Rd. **p. 23**

PRESENTATIONS / VISITORS

REPORTS

A. Staff Report 20-49, City Planner's Report p. 29

PUBLIC HEARINGS

A. Staff Report 20-50, Conditional Use Permit 20-11 for more than one building containing a permitted principal use at 4936 Clover Lane **p. 43**

PLAT CONSIDERATION

A. Staff Report 20-51, Kapingen Subd. Unit 2 Block 2 Lot 12 2020 Preliminary Plat p. 65

PENDING BUSINESS

A. Staff Report 20-52, Medical Zoning District Draft Ordinance p. 75

NEW BUSINESS

- A. Staff Report 20-53, Kenai Peninsula Borough Proposed Ordinance to amend KPB Chapter 2.40 Planning Commission, Title 20 Subdivisions, & Chapter 21.20 Hearing and Appeals **p. 129**
- B. Staff Report 20-54, Planning Commission Elections p. 183

INFORMATIONAL MATERIALS

A. City Manager's Report for the July 27 City Council Meeting p. 185

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

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

ADJOURNMENT

Next Regular Meeting is Wednesday, August 19, 2020 at 6:30 p.m. All meetings scheduled to be held virtually by Zoom Webinar from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission

Session 20-09, a Regular Meeting of the Planning Commission was called to order by Chair Venuti at 6:33 p.m. on July 15, 2020 at Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska via Zoom Webinar.

PRESENT: COMMISSIONERS HIGHLAND, PETSKA-RUBALCAVA, BARNWELL DAVIS AND

VENUTI AND BENTZ

ABSENT: COMMISSIONER SMITH (EXCUSED)

STAFF: DEPUTY CITY PLANNER ENGEBRETSEN

DEPUTY CITY CLERK KRAUSE

There was a delay in starting the meeting due to technical difficulties. Commissioner Barnwell was intermittent during various times of the meeting due to internet connection loss.

APPROVAL OF THE AGENDA

Chair Venuti requested a motion to approve the agenda.

HIGHLAND/BENTZ - SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Deputy City Clerk Krause provided clarification on the ability of the public to comment on the reconsideration.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

Derotha Ferraro, Public Relations Officer South Peninsula Hospital, commented on the reconsideration of the Medical District ordinance noting the following points of conflict resolution to an overlay area within the district; changing the definition of Helipad to address the future needs of the district; towers and towers height with regards to impacts referenced in a separate written comment.

Lane Chesley, resident, commented on the reconsideration encouraging the Commission to continue their work on this district. He noted that in his review of each the districts in regards to non-residential over residential the preference is only listed in CBD, Gateway Mixed Use and Marine Industrial. He encouraged finding win/win situations. On building height he commented on the visionary statement at the last meeting by the Chair on creating building

height standards; he encouraged not setting a height limit and addressing it with the CUP process; the Helipad he asked respectfully that the Chair bring that before the Commission and Staff for further analysis due to the increased benefits to the community.

RECONSIDERATION

A. Memorandum PL 20-47 from Deputy City Planner re: Reconsideration of motion to Forward a Draft Ordinance Creating the Medical Zoning District to City Council

Chair Venuti requested a motion to reconsider.

HIGHLAND/DAVIS MOVED TO RECONSIDER THE MOTION TO ADOPT STAFF REPORT 20-38 AND FORWARD THE DRAFT ORDINANCE CREATING A MEDICAL ZONING DISTRICT TO CITY COUNCIL.

Discussion points on the reconsideration were as follows:

- Creating a new zoning district is important and comments submitted by the public should be considered appropriately by the Commission
 - Not setting a fixed maximum building height
 - o Multi-family residential should not be considered commercial
 - Conflicts resolved in favor of commercial versus residential uses
 - Helipad Use should be considered
 - Tower Height impacting air travel in the district

VOTE. YES, HIGHLAND, BENTZ, VENUTI, DAVIS, PETSKA-RUBALCAVA, BARNWELL

Motion carried.

This will be discussed under New Business Item A.

ADOPTION OF CONSENT AGENDA

A. Minutes of the June 17, 2020 Planning Commission Regular Meeting

Chair Venuti requested a motion to approve the Consent Agenda.

HIGHLAND/BENTZ - SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS REPORTS

A. Staff Report 20-42, Acting City Planner's Report

Acting City Planner Engebretsen welcomed back Commissioner Petska-Rubalcava and welcomed Commissioner Barnwell to the Planning Commission. She noted the multiple ordinances that will be before Council at the July 27th City Council meeting which means that there will be multiple items coming to the Commission in the future in regards to planning and projects; the Slope failure at Karen Hornaday Park, recommending the Commissioners get out there a take a look at the area to familiarize themselves when using technical terms; hopefully by mid-August they will have the New City Manager in place and Rick Abboud will be able to take back his duties as City Planner.

Commissioner Highland inquired about the process for Commissioner Barnwell to receive clarifications on issues as they come up in the meeting.

Acting City Planner Engebretsen responded that Commissioner Barnwell could use the chat feature or text her if he has questions.

Commissioner Barnwell appreciated Commissioner Highlands concerns and stated that if he has a question he will probably send a TEXT to staff.

PUBLIC HEARING(S)

A. Staff Report 20-43, An Ordinance amending the Homer City Zoning Map to rezone 4061 Pennock Street from Urban Residential Zoning District to Residential Office Zoning District

Chair Venuti introduced the item by reading of the title into the record and inquired if any Commissioners would like to declare a conflict.

Commissioner Petska-Rubalcava declared she may have a conflict.

HIGHLAND/BENTZ MOVED THAT COMMISSIONER PETSKA-RUBALCAVA HAD A CONFLICT OF INTEREST.

Commissioner Petska-Rubalcava explained her dealings with the applicant. She expressed that she could make an unbiased decision.

VOTE. NO. BENTZ, VENUTI, DAVIS, HIGHLAND

Motion failed.

Chair Venuti declared he may have a conflict of interest.

HIGHLAND/BENTZ – MOVED THAT COMMISSIONER VENUTI HAS A CONFLICT OF INTEREST.

Commissioner Venuti explained that he has provided services to the applicant but not in this matter and believes that he could render an unbiased opinion based on the information presented.

VOTE. NO. BARNWELL, HIGHLAND, DAVIS, BENTZ, PETSKA-RUBALCAVA.

Motion failed.

Acting City Planner Engebretsen stated the action requested by the applicant and outlined in Staff Report 20-43 and staff recommended approval by the Commission.

There was no applicant present.

Chair Venuti opened the Public Hearing, after confirming with the Clerk that there were no public signed up to provide testimony and no public wishing to provide testimony he closed the Public Hearing and opened the floor to questions from the Commission.

The Commission did not present any questions on the actions.

Chair Venuti requested a motion.

HIGHLAND/BENTZ MOVED TO ADOPT STAFF REPORT 20-43 AND RECOMMEND CITY COUNCIL APPROVE AMENDING THE OFFICIAL ZONING MAP BY EXPANDING THE RESIDENTIAL OFFICE DISTRICT TO INCLUDE ONE ACRE PARCEL AT 4061 PENNOCK STREET.

There was no discussion.

VOTE. YES. BENTZ, VENUTI, DAVIS, PETSKA-RUBALCAVA, HIGHLAND, BARNWELL.

Motion carried.

B. Staff Report, 20-44, Conditional Use Permit 20-09 to use an existing building for the production of wines and meads at 3657 & 3637 Main Street

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

HIGHLAND/BENTZ - MOVED THAT COMMISSIONER DAVIS HAD A CONFLICT.

Commissioner Davis declared that as the applicant and property owner he has a conflict.

VOTE. YES. VENUTI, HIGHLAND, BENTZ, PETSKA-RUBALCAVA, BARNWELL

Motion carried.

Commissioner Davis "departed" the meeting by turning his video and audio off.

Acting City Planner Engebretsen provided a summary of Staff Report 20-44 for the Commission and staff recommendation for approval of this conditional use permit.

The applicant had no presentation.

Chair Venuti opened the Public Hearing having no public signed up prior to the meeting to provide testimony and no one in the audience indicating that they would like to provide testimony he closed the Public Hearing.

Chair Venuti noted that there was no testimony for rebuttal from staff or the applicant he requested a motion from the Commission on the action.

BENTZ/HIGHLAND MOVED TO ADOPT STAFF REPORT 20-44 AND RECOMMEND APPROVAL OF CUP 20-09 WITH FINDINGS 1-10 AND CONDITION 1 OUTDOOR LIGHTING MUST BE DOWNWARD DIRECTIONAL AND NOT PRESENT LIGHT TRESPASS OR GLARE PER HOMER CITY CODE 21.59.030 AND THE COMMUNITY DESIGN MANUAL.

There was a brief discussion on the parking for the facility being on a separate lot from the facility being allowed since both parcels were under the same ownership.

VOTE. YES. BARNWELL, HIGHLAND, BENTZ, VENUTI, PETSKA-RUBALCAVA.

Motion carried.

Commissioner Davis returned to the meeting.

C. Staff Report 20-45, Conditional Use Permit 20-10 to build four single family dwellings at 750 Nedosik Road

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

Acting City Planner Engebretsen provided a summary of Staff Report 20-45 and staff recommends approval of the actions.

There was no applicant present.

Chair Venuti opened the Public Hearing confirming with the Clerk that there were no members of the public previously signed up to provide testimony or having indicated by raising their hand icon from those attending the meeting currently he closed the Public Hearing.

Chair Venuti then asked if there were any questions for staff from the Commission.

There was a brief question but it is related to the next action on the agenda and not to be addressed at this time.

Commissioner Bentz requested clarification on the layout of the development and that it would be out of the indicated wetlands.

Chair Venuti requested a motion hearing no further questions from the Commission.

BENTZ/HIGHLAND MOVED TO ADOPT STAFF REPORT 20-45 AND RECOMMEND APPROVAL OF CUP 20-10 WITH FINDINGS 1-11 AND CONDITION 1 OUTDOOR LIGHTING MUST BE DOWNWARD DIRECTIONAL AND NOT PRESENT LIGHT TRESPASS OR GLARE PER HOMER CITY CODE 21.59.030 AND THE COMMUNITY DESIGN MANUAL.

There was no discussion.

VOTE. YES. BENTZ, HIGHLAND, VENUTI, BARNWELL, PETSKA-RUBALCAVA, DAVIS.

Motion carried.

PLAT CONSIDERATION

A. Staff Report 20-46, Newton Subdivision 2020 Replat Preliminary Plat

Chair Venuti introduced the item by reading of the title.

Acting City Planner Engebretsen provided a summary of Staff Report 20-46 and staff recommendation to approve.

Steve Smith, surveyor for the applicant, did not have a presentation and was available for questions from the Commission.

Chair Venuti opened the public comment period; After confirming with the Clerk that there were no members of the public signed up prior to comment and no one attending raised their hand icon to comment he closed the public comment period and opened the floor to questions from the Commission.

Commissioner Highland inquired about the reduction in lot size for the area.

Acting City Planner Engebretsen responded that they typically allow lots to change configuration as long as it does not create a smaller piece of property in this area. However, they have never gone as far as requiring a property owner to have one lot by moving lot lines to conform with city code. She provided a simple example for the Commission.

Chair Venuti inquired about assessments such as the natural gas assessment.

Acting City Planner Engebretsen explained that to her knowledge most natural gas assessments have been paid off and if there was an assessment it would need to be taken care of but she did not have the assessment information on this property. She further explained that information would be with the Finance department and not a concern of the Commission for this action.

Chair Venuti then requested a motion hearing no further questions from the Commission.

HIGHLAND/BARNWELL MOVED TO ADOPT STAFF REPORT 20-46 AND RECOMMEND APPROVAL OF A PRELIMINARY PLAT TO RECONFIGURE THREE SMALLER LOTS INTO TWO LARGER LOTS WITH COMMENTS 1 AND 2:

- 1. INCLUDE PLAT NOTE STATING PROPERTY OWNER SHOULD CONTACT ARMY CORPS OF ENGINEERS PRIOR TO ANY ONSITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY) PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL STATE AND FEDERAL PERMITS
- 2. PER HCC 22.10.051 EASEMENTS AND RIGHTS OF WAY DEDICATE A 15 FOOT UTILITY EASEMENT ALONG SKYLINE DRIVE. PLAT NOTE 4 STATES EXISTING EASEMENT IS ONLY 10 FEET

There was no discussion.

VOTE. YES. BENTZ, VENUTI, DAVIS, PETSKA-RUBALCAVA, BARNWELL, HIGHLAND

Motion carried.

B. Staff Report 20-47, REVISED Jack Gist Subdivision No. 3 Preliminary Plat

Chair Venuti introduced the item by reading of the title into the record and requested Commissioners to declare any conflicts they may have.

Commissioners Highland and Petska-Rubalcava previously found having a conflict on this item at the last meeting, turned off their audio and departed from the meeting.

Acting City Planner Engebretsen provided a summary of Staff Report 20-47 for the Commission and requested the Commission add as number five the following recommendation which was omitted from the written report Grant an exception to Kenai Peninsula Borough Code 20-30-130(b) Curve Requirements. Noting that she has reviewed the request with the city engineer and the city has no objection to the request. She also noted the updated comments received from Public Works and the public.

Steve Smith, surveyor for the applicant, commented and explained the request for exception to the Borough Code was in response to amending the design at the request of Commission and Public Comments. He noted that the project will allow for water and sewer to be installed for the park

Chair Venuti opened the public comment period. After confirming with the Clerk that there were no members of the public previously signed up to comment and there were none with the raised hand icon showing, Chair Venuti closed the public comment period and opened the floor for questions from the Commission.

BENTZ/DAVIS MOVED TO ADOPT STAFF REPORT 20-47 AND STAFF REPORT 20-41 AND RECOMMEND APPROVAL OF JACK GIST SUBDIVISION NO. 3 PRELIMINARY PLAT REVISED WITH COMMENTS 1-5:

- INCLUDE PLAT NOTE STATING PROPERTY OWNER SHOULD CONTACT ARMY CORPS OF ENGINEERS PRIOR TO ANY ONSITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY) PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL STATE AND FEDERAL PERMITS
- 2. PROVIDE STREET NAMES THAT COMPLY WITH E911 STANDARDS
- 3. ADHERE TO PUBLIC WORKS RECOMMENDATIONS. A SUBDIVISION DEVELOPMENT AGREEMENT IS REQUIRED.
- 4. PROVIDE A TRAIL EASEMENT BETWEEN LOTS 31 AND 32 CONCURRENT WITH SEWER EASEMENT TO PROVIDE NON-MOTORIZED ACCESS TO THE PARK.
- 5. COMMISSION APPROVES GRANTING AN EXCEPTION TO KPB 20.30.130 (B) CURVE REQUIREMENTS. ALLOWING A REVERSE CURVE DUE TO CONSTRAINTS OF TYING INTO JACK GIST LANE OVER A S HORT DISTANCE.

There was a brief clarification on the conflicts of Commissioners declared at the previous meeting on this action.

Further comment on the revision being an improvement to address the traffic concerns expressed by the public.

VOTE. YES. BENTZ, DAVIS, BARNWELL, VENUTI.

Motion carried.

C. Staff Report 20-48, Foothills Subdivision Sunset View Estates 2020 Addition Preliminary Plat

Chair Venuti introduced the item by reading of the title.

Acting City Planner Engebretsen provided a summary of Staff Report 20-48 for the Commission and staff recommendations.

Tom Stafford, Applicant and Steve Smith, surveyor for the applicant were present. Mr. Stafford was available for questions but would leave the other to Mr. Smith.

Steve Smith noted his time spent on the Transportation Committee and the Transportation Plan and that this connectivity has been supported by the Transportation Committee and the City Council. He then noted the steep slope and how that affects the connection of Tajen Lane and Eric Lane. It does not deviate much from the previously approved plat.

Chair Venuti inquired if there were any questions for Mr. Stafford or Mr. Smith.

Chair Venuti questioned the intersection of roads onto West Hill from Linstrang Way and the creation of a blind curve.

Mr. Smith responded on the previously platted roads and that they are performing all the requirements of Borough code Title 20, further noting the city's approved Transportation Plan and his tenure on the Transportation Committee.

Deputy City Clerk cited a point of order noting that it was the period for Public Comment on the action at the current time.

Chair Venuti opened the Public Comment.

Marcia Kuszmaul, property owner, commented on the existing conditions of West Fairview and Eric Lane and any improvements to that intersection during the development.

Chair Venuti requested the applicant to address that question.

Mr. Smith responded that he has discussed with Public Works on that issue and there have been comments made regarding the City participating in that portion of it with HART funds but that is a Council decision. There is a potential of another project to the north that could solve those issues in the future but as far as Mr. Stafford and the subdivision agreement with the city there is no requirement at this point to address. It will depend on what that agreement will look like.

Acting City Planner Engebretsen provided information on the long term plan for developing W Fairview Avenue and Eric Lane connecting to West Hill. She noted the process of development of West Fairview Avenue east toward Mullikin is less known. There is a public process for road development. There is no proposals in the known future.

Commissioner Bentz raised a point of order that it was still the Public Comment period.

Chair Venuti closed the public comment period after confirming with the Clerk there were no additional raised hands from the attending members of the public and opened the floor to questions from the Commission.

Commissioner Highland noted her service on the Transportation Advisory Committee with Mr. Smith and working on the Transportation Plan which requires updating, she acknowledged the additional traffic that will result from connecting Eric Lane to West Fairview and the impending disgruntled residents on that but the question and concern posed by Mr. Faulkner was the Linstrang Way intersection with West Hill Road and she assumed that it was already addressed with the State.

Acting City Planner Engebretsen interpolated that West Hill Road is a state road and those intersections are not on the table for consideration or action by the Commission. The comments are well intentioned but the current road connections are not for the Commission to address with this action.

Commissioner Highland then noted a grammatical error on page 119, Staff Recommendation #5 needed the word "of" inserted between right and way.

Chair Venuti requested a motion hearing no further questions from the Commission.

BENTZ/HIGHLAND MOVED TO ADOPT STAFF REPORT 20-48 AND RECOMMEND APPROVAL OF FOOTHILLS SUBDIVISION SUNSET VIEW PRELIMINARY PLAT WITH COMMENTS 1 -11 AS STATED IN THE STAFF REPORT.

There was no discussion.

VOTE. YES. BENTZ, VENUTI, PETSKA-RUBALCAVA, DAVIS, HIGHLAND1

Motion carried.

PENDING BUSINESS

NEW BUSINESS

A. (if reconsidered) Memorandum PL 20-07, Reconsideration of motion to forward a draft ordinance creating the Medical Zoning District to City Council.

Chair Venuti introduced the item by reading of the title.

Commissioner Bentz requested clarification on the intent of the reconsideration for the Commission to come up with a new motion tonight or to have further discussion and recommendations to be brought back by staff for a new hearing later.

Acting City Planner Engebretsen confirmed that if the Commission made recommendations to change the content of the draft ordinance they would have to hold another public hearing.

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¹ Commissioner Barnwell lost internet connectivity and was not present for the vote.

Chair Venuti then opened the floor for discussion.

Commissioner Highland was concerned that the ordinance was not included in this packet to work from but hoped that they all had it from the prior meeting packet to work from tonight.

Acting City Planner Engebretsen recommended that the Commission could review the previous packet for information but she would like to get the extent if the changes that the Commission would like to make before really diving into the draft ordinance.

The Commission then proceeded to go through the following points to consider amending in the ordinance:

- Commercial versus residential regarding conflicts giving equal weight to both
- No fixed building height but require CUP for commercial buildings over 2.5 stories and setting boundaries for those buildings between Bartlett and Main Street North of Fairview Avenue
- Multi-family residential
- Towers in the district presenting a danger
- Helipads is allowed currently at the hospital only

Acting City Planner Engebretsen remarked on the comments received on towers was very informative; that ordinance on towers was forwarded to City Council; the limit is 85 feet and the only change was to include this district in the existing code. She then reviewed the topics that Commissioner Highland wanted to address:

- Redefining the purpose statement of the Medical Zoning District
- Boundaries
- Multi-family, needing more direction on this issue
- Towers
- No Fixed building height stated, CUP for buildings over 35 feet

Commissioner Bentz did not want to allow expanded heliports/helipads in the district, believes they should be kept in the area of the airport and since there are no immediate plans she does not see the benefit to reopen a discussion on this issue. As far as an overlay zone and the boundaries as selected, it would appear more of spot zoning if they addressed as an overlay and they chose the boundaries as they did since there was already growth in the area. Commissioner Bentz further added that the purpose statement reflects why they are creating this district and choosing commercial over residential reflects that decision.

Commissioner Davis stated that his initial concern was the allowance of 65 foot tall buildings throughout the district, selecting commercial over residential in conflict resolution and having an existing residential property owners viewshed impacted by a 65 foot tall building. He further noted the comments and input from Mr. Chesley and Ms. Ferraro on solutions. He supported the no specific heights and limiting the tall buildings to be constructed up by the hospital. Limiting the area to where there is already medical offices.

Commissioner Petska-Rubalcava agreed with the removal of a set building height and addressing the conflict resolution on a case by case basis.

Chair Venuti commented on prohibiting tall buildings south of Fairview Avenue but overall he is very satisfied in what they have produced so far.

There was further discussion on the following points:

- Multi-family as option to provide housing or care facilities
 - Clarification that Multi-family housing is apartments and if this option is banned then that reduces most of the affordable housing in Homer if not allowed in this district
 - o Further clarification on addressing line 118-119 of the draft ordinance
- Redefining the boundaries a previously established by the Commission instead of setting limits to where buildings over 35 feet could be constructed
 - Concrete action was to remove lines 118-119

Acting City Planner Engebretsen requested the Commission to bring forward their actions by motion. She stated that there have been several reiterations and from this point forward if the Commission is not satisfied with what staff has provided then they are requested to bring the draft language to the next meeting and make a motion so the Commission as a body can vote on it. She offered to work with Commissioners outside the meeting to facilitate the language for the proposed amendments to the ordinance. There is a diversity of views within the Commission on various sections of the ordinance.

Further discussion and comments were made on the following:

- commercial buildings allowed over 35 feet by conditional use permit;
- establishing north of Fairview only for those buildings over 35 feet;
- restricting the construction of tall buildings to limit impact on the viewshed;
- limiting the specific area within the district to construct buildings over 35 feet negates creating the district boundaries as the commission did from staff recommendations;
- there is no definition in Borough or city code on viewshed and the commission should be careful on not defining so specifically;
- the view may be very important in Homer but you do not buy the view;
- removal of the sentence in lines 51-53 regarding conflicts being resolved in favor of commercial uses;
 - removing that sentence from the purpose statement would remove the clarifying purpose of clustering non-residential facilities related to medical in this district;
 - resolving conflicts in favor of non-residential uses and the basis to keep that in place in regards to land development;
- striking lines 118-119 to obtain objective
- requiring CUP for structures over 35 feet exacerbates the issue

Commissioner Petska-Rubalcava requested that they postpone further discussion until the next meeting to allow each Commissioner to fully consider the language for the areas of concern and lines 118-119 especially lines 51-53 in dealing with the commercial over residential.

Chair Venuti requested input from Acting City Planner Engebretsen.

Acting City Planner Engebretsen provided overview on the items discussed by the Commission.

Deputy City Clerk Krause responded to Chair Venuti that this will be on the next agenda under pending business.

INFORMATIONAL MATERIALS

- A. Appointments to the Planning Commission
- B. City Manager's Report for the June 22 & July 1 City Council Meetings
- C. Kenai Peninsula Borough Notice of Decision Nedosik 1998 Tract C Jack Hamilton Replat No. 2 Preliminary Plat
- D. U.S. Army Corps of Engineers Public Notice for City Seawall Project

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

Deputy City Planner Engebretsen asked if there is a Commissioner who would like to spear head a conversation on heliports at the request from the hospital and Mr. Chesley since they did not address that issue during the meeting please let her know as she will not have the time to do that and will not address it.

Deputy City Clerk Krause thanked the Commissioners for patiently dealing with all the technical issues tonight. It was a good meeting.

COMMENTS OF THE COMMISSION

Commissioner Bentz commented that it was a good time to adjourn the meeting as the sun is swinging around and shining in her face. She noted that the meeting was almost the same length as the KPB meeting on Monday; it was a good substantive meeting; it is good to see that they can still get things accomplished meeting in this manner and that there is a lot be done in Homer during this time.

Commissioner Davis commented it was a good meeting, and asked if they were going to be able to meet the newest Commissioner at some point.

Commissioner Barnwell provided his take away from the meeting tonight on the medical district that the Commissioners were to bring back carefully worded motions for the next

meeting regarding that district discussion. It also was apparent that the need for certainty as far as zoning, it seems we can talk all night about 65 foot tall buildings...²

Commissioner Highland welcomed Mr. Barnwell, and appreciated the patience from Commission on this since as she stated they wanted to get the new district as right as possible. Happy summer everybody.

Commissioner Petska-Rubalcava commented they are really close on this one (referring to the medical district and she knows that they sometimes seem like they are going around in circles and that sometimes they just need to sleep on it; she added that it will allow them to refocus and see what they are really trying to do here; she noted that it is kind of an overlay district and that they each make compromises to reach a greater goal. Ms. Petska- Rubalcava stated that while everyone likes these online meetings, she does not as much as she misses the involved discussions that staring at a screen make it seem so far apart. She misses everyone and appreciates being able to still work on things in this manner.

Chair Venuti thanked Commissioner Petska-Rubalcava for requesting re-appointment and welcomed Commissioner Barnwell and hopes that he enjoys working on the Commission. It was an interesting meeting and they achieved a lot despite all the technical issues.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:25 p.m. The next Regular Meeting is scheduled for Wednesday, August 5, 2020 at 6:30 p.m. All meetings are scheduled to be held virtually by Zoom Webinar from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska

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RENEE KRAUSE, MMC, DEPUTY CITY CLERK	
Approved:	

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² Commissioner Barnwell lost connection during his comments.



Planning

491 East Pioneer Avenue Homer, Alaska 99603

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

HOMER PLANNING COMMISSION Approved CUP 2020-09 at the Meeting of July 15, 2020

RE: Conditional Use Permit (CUP) 20-09

Address: 3657 and 3637 Main Street

Legal Description: T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB, Lots 59

and 60

DECISION

CUP 20-09

Introduction

Landowner Jason Davis (the "Applicant") applied to the Homer Planning Commission (the "Commission") for a conditional use permit under Homer City Code HCC 21.18.030(h) Light or custom manufacturing, repair, fabricating, and assembly, provided such use, including storage of materials, is wholly within an enclosed building, and HCC21.18.030 (j) More than one building containing a permitted principal use on a lot in the Central Business District.

The applicant is seeking a CUP for light and custom manufacturing for the making of wine and mead products, and a conditional use permit for more than one building containing a permitted principle use on a lot.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on July 15, 2020. Notice of the public hearing was published in the local newspaper and sent to 15 property owners of 32 parcels.

The Applicant is a Homer Planning Commission member. The Commission found he had a conflict of interest as the land owner. He did not participate as a Commissioner during the proceedings.

At the July 15, 2020 meeting of the Commission, the Commission voted to approve the request with five Commissioners present. The Commission approved CUP 20-09 with unanimous consent.

Evidence Presented

Acting City Planner Engebretsen reviewed the staff report. The applicant was available to answer any questions.

There was no public testimony.

Findings of Fact

After careful review of the record, the Commission approves Condition Use Permit 15-03 to build a public restroom within the twenty foot building setback along Homer Spit Road.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030 and 21.71.040.

- a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district.
 - **Finding 1:** HCC 21.18.030(h) authorizes light or custom manufacturing, repair, fabricating, and assembly, provided such use, including storage of materials, is wholly within an enclosed building, and HCC21.18.030 (j) authorizes more than one building containing a permitted principal use on a lot if approved by a Conditional Use Permit.
- b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.
 - **Finding 2:** The purpose of the Central Business District includes providing for general retail shopping, entertainment establishments, and encourages pedestrian-friendly design and amenities.
- c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.
 - **Finding 3:** The wine production and continuation of the existing structures is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.
- d. The proposal is compatible with existing uses of surrounding land.
 - **Finding 4:** The proposal is compatible with existing uses of surrounding land.
- e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.
 - **Finding 5:** Existing public, water, sewer, and fire services are adequate to serve the proposed beverage production operation.

- f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.
 - **Finding 6:** The Commission finds the proposal will not cause undue harmful effect upon desirable neighborhood character as described in the purpose statement of the district.
- g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.
 - **Finding 7:** The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole when all applicable standards are met as required by city code.
- h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.
 - **Finding 8:** The proposal shall comply with applicable regulations and conditions specified in Title 21.
- i. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.
 - **Finding 9:** The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan. The proposal aligns with Goal 3 Objective B and no evidence has been found that it is not contrary to the applicable land use goals and objects of the Comprehensive Plan.
- j. The proposal will comply with all applicable provisions of the Community Design Manual.
 - **Finding 10:** Project complies with the applicable provisions of the CDM.
 - **Condition 1:** Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.
- HCC 21.71.040(b). In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:
 - 1. Special yards and spaces.
 - 2. Fences, walls and screening.
 - 3. Surfacing of vehicular ways and parking areas.
 - 4. Street and road dedications and improvements (or bonds).
 - 5. Control of points of vehicular ingress and egress.

- 6. Special restrictions on signs.
- 7. Landscaping.
- 8. Maintenance of the grounds, buildings, or structures.
- 9. Control of noise, vibration, odors, lighting or other similar nuisances.
- 10. Limitation of time for certain activities.
- 11. A time period within which the proposed use shall be developed and commence operation.
- 12. A limit on total duration of use or on the term of the permit, or both.
- 13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.
- 14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2020-09 is hereby approved, with Findings 1-10 and Condition 1.

Condition 1: Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

Date	Chair, Franco Venuti
Date	Acting City Planner, Julie Engebretsen

NOTICE OF APPEAL RIGHTS

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

CERTIFICATION OF DISTRIB	UTION
I certify that a copy of this D	Decision was mailed to the below listed recipients on
, 2020. A copy was	also delivered to the City of Homer Planning Department and Homer City
Clerk on the same date.	
	
Date	Travis Brown, Planning Technician

Applicant:

Jason Davis 693 Rangeview Ave Homer, AK 99603

Michael Gatti Jermain, Dunnagan & Owens 3000 A Street, Suite 300 Anchorage, AK 99503

Rick Abboud, Interim City Manager 491 E Pioneer Avenue Homer, AK 99603



Planning

491 East Pioneer Avenue Homer, Alaska 99603

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

HOMER PLANNING COMMISSION Approved CUP 2020-10 at the Meeting of July 15, 2020

RE: Conditional Use Permit (CUP) 20-10

Address: 750 Nedosik Road

Legal Description: T 6S R 13W SEC 7 Seward Meridian HM 2009023 NEDOSIK 1998 TRACT C

JACK HAMILTO N REPLAT LOT C1-C

DECISION

CUP 20-10

Introduction

Landowner Robert Crow (the "Applicant") applied to the Homer Planning Commission (the "Commission") for a conditional use permit under Homer City Code HCC per HCC 21.12.030(m), more than one building containing a permitted principal use on a lot in the Rural Residential District.

The applicant proposes to build four single-family rental dwelling units (cabins).

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on July 15, 2020. Notice of the public hearing was published in the local newspaper and sent to 9 property owners of 7 parcels.

At the July 15, 2020 meeting of the Commission, the Commission voted to approve the request with six Commissioners present. The Commission approved CUP 20-10 with unanimous consent.

Evidence Presented

Acting City Planner Engebretsen reviewed the staff report. The applicant did not make a presentation. There was no public testimony.

Findings of Fact

After careful review of the record, the Commission approves Condition Use Permit 20-10 to build four additional single-family rental dwelling units (cabins).

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030 and 21.71.040.

- a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district.
 - **Finding 1:** More than one single family dwelling on a lot is authorized by conditional use permit.
 - **Finding 2:** The proposed 2.4 acre lot served by community sewer per HCC 21.12.040(a)(2)(b), may have up to five dwelling units based on dimensional requirements of the code.
- b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.
 - **Finding 3:** The proposal is compatible with the purpose of the district by meeting density requirements and providing residential development in the City.
- c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.
 - **Finding 4:** The value of adjoining property will not be negatively affected greater than a conditionally permitted kennel or a commercial greenhouse.
- d. The proposal is compatible with existing uses of surrounding land.
 - **Finding 5:** The proposed cabins are a similar use to the other dwellings found in the adjacent and surrounding area.
- e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.
 - **Finding 6:** Existing public services are adequate to serve the proposed development.
- f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

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

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

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

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

Finding 9: The proposal will comply with all applicable regulations and conditions when the permitting process is successfully navigated as provided in the CUP and permitting process.

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

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

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

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

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

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

- 1. Special yards and spaces.
- 2. Fences, walls and screening.
- 3. Surfacing of vehicular ways and parking areas.
- 4. Street and road dedications and improvements (or bonds).
- 5. Control of points of vehicular ingress and egress.

- 6. Special restrictions on signs.
- 7. Landscaping.
- 8. Maintenance of the grounds, buildings, or structures.
- 9. Control of noise, vibration, odors, lighting or other similar nuisances.
- 10. Limitation of time for certain activities.
- 11. A time period within which the proposed use shall be developed and commence operation.
- 12. A limit on total duration of use or on the term of the permit, or both.
- 13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.
- 14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2020-10 is hereby approved, with Findings 1-11 and Condition 1.

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

Condition 2: Dumpster must be screened on 3 sides.

Date	Chair, Franco Venuti
 Date	Acting City Planner, Julie Engebretsen

NOTICE OF APPEAL RIGHTS

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

CERTIFICATION OF DISTRIBUTION	
I certify that a copy of this Decision	n was mailed to the below listed recipients on
, 2020. A copy was also d	elivered to the City of Homer Planning Department and Homer City
Clerk on the same date.	
Date	Travis Brown, Planning Technician

Applicant:

Robert Crow 750 Nedosik Rd Homer, AK 99603

Michael Gatti Jermain, Dunnagan & Owens 3000 A Street, Suite 300 Anchorage, AK 99503

Rick Abboud, Interim City Manager 491 E Pioneer Avenue Homer, AK 99603



Planning

491 East Pioneer Avenue Homer, Alaska 99603

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

TO: Homer Advisory Planning Commission FROM: Julie Engebretsen, Deputy City Planner

DATE: August 5, 2020

SUBJECT: Staff Report 20-49 City Planner's Report

Tsunami Warning, after action report

The 7.8 magnitude earthquake on July 21 near Sand Point resulted in a tsunami warning/evacuation for coastal areas along the Alaska Peninsula to Kennedy Entrance, 40 miles SW of Homer. Although a tsunami didn't materialize in Kachemak Bay, the City did gain more valuable experience for how to respond to tsunamis through the activation and response of the Emergency Operations Center (EOC) during this event. Julie and Rick both played an active role in the response. An after action report was produced to identify key areas for improvement to a future response. Below is a summary of the report:

Debriefing Date: July 24, 2020

Incident: July 21, 2020, 7.8 magnitude earthquake east of Sand Point at 22:12 and subsequent tsunami warning/evacuation for South Alaska and the Alaska Peninsula, Pacific coasts from Kennedy Entrance, Alaska (40 miles SW of Homer) to Unimak Pass, Alaska (80 miles NE of Unalaska).

Participants:

Rick Abboud, City Manager
Bryan Hawkins, Port Director/Operations
Jan Keisser, Public Works Director/Logistics
Joe Sallee, Asst. Fire Chief/IC
Jaclyn Arndt, Fire Department
Lillian Hottmann, EMS Asst. Chief/Safety
Jenny Carroll, PIO
Rachel Tussey, PIO
Julie Engerbretsen, Planning
Nick Poolos, IT
Richard Borland, Harbor Officer

Summary of Event:

First notification of the tsunami warning was an alert sent out to phones at 22:20. Tsunami sirens were activated shortly after the phone alert. The EOC was officially activated at 22:35 at HVFD. HPD had officers on the Homer Spit within 5 minutes of the tsunami warning to assist

Staff Report PL 14-Homer Advisory Planning Commission Meeting of August 5, 2020 Page 2 of 2

with evacuation. Heavy amounts of traffic were seen evacuating the low lands, and Public Works moved equipment shortly after the warning systems started.

Initial reports showed the tsunami was expected to hit Kodiak at 00:05, Seward at 00:30, and Homer at 01:25. By 23:15, most members of EOC had arrived. At 23:40 EOC was able to confirm that the Homer High School was open for sheltering. Parking lots of the Homer Middle School and high school were filling up quickly; PIO's sent out social media messages to inform people of other safe parking areas, as well as maps of the tsunami inundation zones and evacuation routes. Throughout the incident, EOC received current information/messages from the National Tsunami Warning Center via fax, receiving 5 reports total. Tsunami warning was cancelled by National Tsunami Warning Center via fax, and confirmed with OEM. EOC closed at 00:38.

Planning Office

- Rick continues in his role as Interim City Manager. We anticipate a gradual transition back to his City Planner role in late August when the new manager is in the building.
- Travis and I continue to hold down the fort as an office of two. New construction permitting is leveling off a little bit as we reach mid-summer.
- I participated in a three hour training on "Continuity of Operations Planning" provided by the Kenai Peninsula Borough Office of Emergency Management. This is a plan that addresses how an organization will continue providing essential services, after an emergency. This could include things like a building fire, broken water pipe in an office building etc. Under the current pandemic we have learned as a city to function with reduced public contact, and more frequently working from home.

City Council actions:

Council had a MAMMOTH meeting on Monday the 27th. See attached action agenda

Attachments

7/27/2020 City Council Action Agenda

Homer City Hall



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

City of Homer Special Agendas

City Council Worksession
Committee of the Whole
Regular Meeting
Monday, July 27, 2020 at 4:00 PM
City Hall Cowles Council Chambers via Zoom Webinar

CALL TO ORDER, 4:00 P.M.

Mayor Castner called the meeting to order at 4:00 p.m.

Councilmember Evensen was excused.

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

APPROVED without discussion.

DISCUSSION TOPIC(S)

- a. Water and Sewer Rate Review
- b. Resolution 20-071, A Resolution of the City Council of Homer, Alaska Establishing the Nonprofit Economic Relief Grant Program (NERG), Household Economic Relief Grant Program (HERG), Social Services Economic Relief Grant Program (SOSERG), And Childcare Business Economic Relief Grant Program (CBERG) in Response to the Economic Downfall Caused by Measures taken to Assure Public Safety in the Face of the Covid-19 Pandemic. Lord/Aderhold/Venuti. (If time allows)

Memorandum 20-111 from Interim City Manager as backup

COMMENTS OF THE AUDIENCE (3 minutes)

ADJOURNMENT NO LATER THAN 4:50 P.M.

Next Regular Meeting is Monday, August 10, 2020 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held virtually from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Mayor Castner adjourned the meeting at 4:50 p.m.

COMMITTEE OF THE WHOLE AGENDA

CALL TO ORDER, 5:00 P.M.

Mayor Castner called the meeting to order at 5:00 p.m.

Councilmember Evensen was excused.

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

APPROVED without discussion.

CONSENT AGENDA

REGULAR MEETING AGENDA

DISCUSSION TOPIC(S)

COMMENTS OF THE AUDIENCE

ADJOURNMENT NO LATER THAN 5:50 P.M.

Next Regular Meeting is Monday, August 10, 2020 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held virtually from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Mayor Castner adjourned the meeting at 5:50 p.m.

REGULAR MEETING AGENDA

Session 20-24 a Regular Meeting of the Homer City Council was called to order on July 27, 2020 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, HANSEN-CAVASOS, LORD, SMITH,

VENUTI

ABSENT: EVENSEN (excused)

STAFF: ACTING CITY MANAGER ABBOUD

CITY CLERK JACOBSEN

FINANCE DIRECTOR WALTON

CITY ATTORNEY GATTI

AGENDA APPROVAL (Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 2.08.040.)

The following changes were made: **Consent agenda:** Correct Ordinance 20-48 title to read An Ordinance of the City Council of Homer, Alaska Amending the 2020 Operating Budget and Authorizing

expenditure of \$29,100 from the General Fund Fund Balance to Fund additional porta potties and handwash stations at and authorizing a sole source contract. **Visitors** Prince William Sound Regional Citizens Advisory Council (PWSRCAC) Report, Written PWSRCAC Briefing **City Manager's Report** June General Fund Monthly Report and Memorandum 20-115 from Interim City Manager Re: Follow-Up to Resolution 20-061; **New Business** Memorandum 20-108 from City Clerk Re: Vacation of the 10 foot wide drainage easement on Lot 24-A, AA Mattox Peggi's Addition Granted by Peggi's Addition (Plat HM 99-64); within Section 17, Township 6 South, Range 13 West, Seward Meridian, Alaska within the Kenai Peninsula Borough, Written public comments, **Resolutions** Resolution 20-072, A Resolution of the City Council of Homer, Alaska Approving a Policy to Establish Campground Host Stipends as a Proactive Step to Incentivize Campground Hosts for City Owned Campgrounds in an amount not to exceed \$100 per Week. City Manager/Public Works Director. Written public comment.

APPROVED as amended without discussion.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

Mayor Castner congratulated for being acknowledge by the College for her work as the Learning Resource Coordinator and writing tutor at the Kachemak Bay Campus of the Kenai Peninsula College and as Advisor to the Kenai Peninsula College Student Association.

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

One person commented.

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. City Council Unapproved Regular Meeting Minutes of June 22, 2020 and Special Meeting Minutes of July 1 and July 14, 2020. City Clerk. Recommend adoption.
- b. Memorandum 20-101 from Deputy City Clerk Re: Approval of New Liquor License for Homer Spit Oyster Bar. Recommend approval.
- c. Memorandum 20-102 from Deputy City Clerk Re: Retail Marijuana License Renewal for Uncle Herb's. Recommend approval.
- d. Ordinance 20-42, An Ordinance of the City Council of Homer, Alaska Amending the Official Road Maintenance Map of the City of Homer by adding 2515 Lineal Feet (.48 miles) of Urban Road on Ternview Place, Kilokak Lane, and Virginia Lyn Way. City Manager/Public Works Director. Recommended dates: Introduction July 27, 2020, Public Hearing and Second Reading August 10, 2020
 - Memorandum 20-103 from Public Works Inspector as backup
- e. Ordinance 20-43, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 11.08.090 Driveways, Road Approaches-Property of City, Relating to

Driveway Construction Permits. City Manager/Public Works Director. Recommended dates: Introduction July 27, 2020, Public Hearing and Second Reading August 10, 2020

Memorandum 20-104 from Public Works Director as backup

- f. Ordinance 20-44, An Ordinance of the City Council of Homer, Alaska Amending the 2020-2021 Operating Budget to Appropriate Funds in the Amount of \$47, 080 in the 2020 and \$99,670 in 2021 for a total of \$146,750 from General Fund Fund Balance to Fund Additional Finance Department Personnel.Lord/Aderhold. Recommended dates: Introduction July 27, 2020, Public Hearing and Second Reading August 10, 2020
- g. Ordinance 20-48, An Ordinance of the City Council of Homer, Alaska Amending the 2020 Operating Budget and Authorizing expenditure of \$29,100 from the General Fund Fund Balance to Fund additional porta potties and handwash stations at and authorizing a sole source contract. City Manager/Public Works Director. Recommended dates: Introduction July 27, 2020, Public Hearing and Second Reading August 10, 2020.

Memorandum 20-105 from Public Works Director as backup

h. Resolution 20-065, A Resolution of the City Council of Homer, Alaska Amending the Homer Fee Schedule under Library Fees to Eliminate Late Fees and Increase the Lost or Damaged Item Processing Fee. Venuti. Recommend adoption.

Memorandum 20-106 from Library Director as backup

- i. Resolution 20-066, A Resolution of the City Council of Homer, Alaska Authorizing the City to Apply for the Municipal Arts & Culture Matching Grant Program, a Partnership between Municipal Governments and Rasmuson Foundation. Aderhold/Lord. Recommend adoption.
- j. Resolution 20-067, A Resolution of the City Council of Homer, Alaska Approving and Accepting the Donation from Shell Perretta of Wethersfield, Connecticut, for a Park Bench to be placed on the Homer Spit in Memory and Fulfillment of her Mother's Last Wishes. Venuti/Hansen-Cavasos. Recommend adoption.

Memorandum 20-107 from PARCAC as backup

- k. Resolution 20-068, A Resolution of the City Council of Homer, Alaska Stating the Critical Importance, and Supporting the Recertification, of the Cook Inlet Regional Citizens Advisory Council (Cook Inlet RCAC). Mayor. Recommend adoption.
- Resolution 20-069, A Resolution of the City Council of Homer, Alaska Extending the City
 of Homer Disaster Emergency Declaration to October 27, 2020 due to the Current and
 Expected Impacts of the COVID-19 Novel Coronavirus Pandemic. Mayor. Recommend
 adoption.

ADOPTED without discussion.

VISITORS

a. Prince William Sound Regional Citizens Advisory Council (PWSRCAC) Report - Robert Archibald (10 minutes)

Robert Archibald, president of PWSRCAC, reported to Council.

b. Homer Steps Up Walking Challenge Results - Derotha Ferraro, South Peninsula Hospital Director of Public Relations & Marketing (5 minutes)

Derotha Ferraro, South Peninsula Hospital Director of Public Relations & Marketing, reported on the results of the Home Steps Up walking challenge.

c. Unified Command Report (20 minutes)

Derotha Ferraro, South Peninsula Hospital PIO, Lorne Carroll, Public Health Nurse III, and Rachel Tussey, City of Homer PIO reported to Council.

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

a. Worksession Report

Councilmember Lord reported on Councils Worksession.

b. Committee of the Whole Report

Councilmember Lord reported on the Committee of the Whole.

- c. Mayor's Report
 - i. Community Letter Re: Alaska Marine Highway Reshaping Work Group

Mayor Castner commented regarding the Alaska Marine Highway Reshaping Work Group, attending the SetFree Alaska opening event, and conversations with Governor Dunleavy and the KPB Mayors regarding mask mandates.

- d. Borough Report
- e. Library Advisory Board
 - i. Library Advisory Board Report

Library Advisory Board Chair Marcia Kuszmaul reviewed the Library Advisory Board report in the packet.

- f. Planning Commission
 - i. Planning Commission Report
- g. Economic Development Advisory Commission
- h. Parks Art Recreation and Culture Advisory Commission

- i. Port and Harbor Advisory Commission
- j. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold noted the 30th Anniversary of the ADA.

PUBLIC HEARING(S)

a. Ordinance 20-28, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.060(c) Signs on Private Property, Tables 1, 2, and 3. Planning Commission. Introduction June 22, 2020. Public Hearing and Second Reading July 27, 2020.

Memorandum 20-081 from Acting City Manager as backup

ADOPTED without discussion

b. Ordinance 20-29 An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.46 Small Boat Harbor Overlay Zoning District, Section 21.46.060 Architectural Standards, to Remove the Requirement for Gabled Roofs. Planning Commission. Introduction June 22, 2020. Public Hearing and Second reading July 27, 2020

Memorandum 20-082 from Acting City Manager as backup.

ADOPTED without discussion

c. Ordinance 20-30, An Ordinance of the City Council of Homer, Alaska, Amending the 2020 Operating Budget and Authorizing Expenditure of Design Funds for the Seawall Armor Rock Installation Project. Aderhold/City Manager.

Introduction June 22, 2020. Public Hearing and Second Reading July 27, 2020.

Memorandum 20-083 from City Engineer as backup

Memorandum 20-072 from City Engineer as backup

Memorandum 20-073 from City Engineer as backup

One person testified.

ADOPTED with discussion.

d. Ordinance 20-31, An Ordinance of the City Council of Homer, Alaska, Amending the 2020-2021 Operating Budget and Authorizing Expenditure of \$90,000 from the HART-Roads Fund to update the City's 1979 Drainage Management Plan. City Manager/Public Works Director. Introduction June 22, 2020. Public Hearing and Second Reading July 27, 2020.

Memorandum 20-084 from Public Works Director as backup

Ordinance 20-31(S), An Ordinance of the City Council of Homer, Alaska, Amending the 2020–2021 Operating Capital Budget and Authorizing Expenditure of \$90,000 from the HART-Roads Fund to update the City's 1979 Drainage Management Plan. City Manager/Public Works Director.

ADOPTED with discussion

e. Ordinance 20-32, An Ordinance of the City Council of Homer, Alaska, Amending the 2020 Capital Budget and Authorizing Expenditure of \$98,000 from the HART-Roads Fund for the Planning, Design and Permitting of the Main Street Storm Drain and Sidewalk Project. City Manager/Public Works Director. Introduction June 22, 2020. Public Hearing and Second Reading July 27, 2020

Memorandum 20-085 from Public Works Director as backup

One person testified.

ADOPTED with discussion.

f. Ordinance 20-33, An Ordinance of the City Council of Homer, Alaska, Amending the 2020 Capital Budget and Authorizing of \$175,000 from the HART-Roads Fund for the Small Works Road Repair Program and calling for the development of a Roads Financial Plan. City Manager/Public Works Director, Introduction June 22, 2020. Public Hearing and Second Reading July 27, 2020.

Memorandum 20-086 from Public Works Director as backup

ADOPTED without discussion

g. Ordinance 20-34, An Ordinance of the City Council of Homer, Alaska, Amending the 2020 Capital Budget and Authorizing Expenditure of \$110,000 from the HART-Roads Fund for Small Works Drainage Improvement Program. City Manager/Public Works Director. Introduction June 22, 2020. Public Hearing and Second Reading July 27, 2020.

Memorandum 20-087 from Public Works Director as backup

ADOPTED without discussion

h. Ordinance 20-35, An Ordinance of the City Council of Homer, Alaska, Amending the 2020-2021 Operating Budget and Authorizing Expenditure of \$95,000 for the Planning, Design, and Permitting for the City of Homer Fuel Island Replacement Project. City Manager/Public Works Director. Introduction June 22, 2020. Public Hearing and Second Reading July 27, 2020.

Memorandum 20-088 from Public Works Director as backup

Ordinance 20-35(S), An Ordinance of the City Council of Homer, Alaska, Amending the 2020-2021 Operating Capital Budget and Authorizing Expenditure of \$95,000 for the

Planning, Design, and Permitting for the City of Homer Fuel Island Replacement Project. City Manager/Public Works Director.

ADOPTED Substitute with discussion

i. Ordinance 20-36, an Ordinance of the City Council of Homer, Alaska, Amending the 2020-2021 Operating Budget and Authorizing Expenditure of \$36,000 from the HART-Trails Fund for the Small Works Trails Maintenance Program and calling for the development of a Trails Program, to include a Trails Financial Plan. City Manager/Public Works Director. Introduction June 22, 2020. Public Hearing and Second Reading July 27, 2020.

Memorandum 20-089 from Public Works Director as backup

Ordinance 20-36(S), an Ordinance of the City Council of Homer, Alaska, Amending the 2020–2021 Operating <u>Capital</u> Budget and Authorizing Expenditure of \$36,000 from the HART-Trails Fund for the Small Works Trails Maintenance Program and calling for the development of a Trails Program, to include a Trails Financial Plan. City Manager/Public Works Director.

One person commented.

ADOPTED Substitute without discussion

j. Ordinance 20-37, an Ordinance of the City Council of Homer, Alaska Extending the Moratorium on Applications for Professional Offices and Medical Clinics in the Residential Office District and Directing the Planning Commission to Make a Recommendation to the City Council for the Creation of a Medical District in the Vicinity of the South Peninsula Hospital that was established in Ordinance 19-49(S)(A) to September 15, 2020. Smith. Introduction June 22, 2020. Public Hearing and Second Reading July 27, 2020.

Public Works Director.

ADOPTED without discussion

k. Ordinance 20-39(A), An Ordinance by the City Council of Homer, Alaska, Amending the FY 2020 Capital Budget to Appropriate Appropriating \$20,680 to Support the Additional Assistance Provided by Alaska Municipal League during the COVID 19 Public Health Emergency from the City's COVID-19 Fund. Mayor. Introduction June 22, 2020, Public Hearing and Second Reading July 20, 2020.

Memorandum 20-093 from Mayor as backup

ADOPTED as amended with discussion.

Amended: Lines 10 and 29 to add City CARES Act money COVID-19 Fund

ORDINANCE(S)

a. Ordinance 20-45, An Ordinance of the City Council of Homer, Alaska Appropriating \$4,031,326.50 in CARES Act Funds from the State of Alaska and Providing for Administrative Flexibility in the Management of these Funds. Lord/Aderhold. Recommended dates: Introduction July 27, 2020 Public Hearing and Second Reading August 10, 2020

Memorandum 20-110 from Interim City Manager as backup

INTRODUCED with discussion.

b. Ordinance 20-46, An Ordinance of the City Council of Homer, Alaska Promoting Natural Gas as a Cleaner Heating Fuel and Amending Homer City Code Title 7 Vehicles and Traffic, Chapter 7.16 Operating, Stopping or Parking of Motor Vehicles in Beach Areas Prohibited-Exceptions, by Deleting Section 7.16.020(b). Evensen. Recommended dates: Introduction July 27, 2020, Public Hearing and Second Reading August 10, 2020

Memorandum 20-109 from Interim City Manager as backup

POSTPONED with discussion.

c. Ordinance 20-47, An Emergency Ordinance of the City Council of Homer, Alaska Authorizing Additional Expenditures in the Amount of \$357,579 for Expenses Related to COVID-19 for Personnel Costs and Material and Service Costs.

Memorandum 20-113 from Interim City Manager as backup

Memorandum 20-114 from Interim City Manager as backup

ADOPTED with discussion

CITY MANAGER'S REPORT

Interim City Manager Abboud and Councilmembers discussed the City of Homer Road Assessment Report – Summer 2020, status of the new City Manager contract, the SBERG report and challenges, and the Water Department's receiving the Ursa Major status in Water System Excellence for 2019.

PENDING BUSINESS

NEW BUSINESS

a. Memorandum 20-108 from City Clerk Re: Vacation of the 10 foot wide drainage easement on Lot 24-A, AA Mattox Peggi's Addition Granted by Peggi's Addition (Plat HM 99-64); within Section 17, Township 6 South, Range 13 West, Seward Meridian, Alaska within the Kenai Peninsula Borough.

APPROVED Recommendation No action is necessary from City Council in accordance with AS 29.40.140 related to a drainage easement and this has already been considered per KBP 20.70.110, with discussion.

RESOLUTIONS

a. Resolution 20-070, A Resolution of the City Council of Homer, Alaska Amending the Small Business Economic Recovery Grant (SBERG) Program to Clarify Eligibility Requirements Related to Business Operation with the City of Homer as it Relates to Sales Tax Collection with the Kenai Peninsula Borough and Establishing an Appeals Process. Lord/Aderhold.

ADOPTED with discussion.

b. Resolution 20-071, A Resolution of the City Council of Homer, Alaska Establishing the Nonprofit Economic Relief Grant Program (NERG), Household Economic Relief Grant Program (HERG), Social Services Economic Relief Grant Program (SOSERG), And Childcare Business Economic Relief Grant Program (CBERG) in Response to the Economic Downfall Caused by Measures taken to Assure Public Safety in the Face of the Covid-19 Pandemic. Lord/Aderhold/Venuti.

Memorandum 20-111 from Interim City Manager as backup

POSTPONED to August 10, 2020 with discussion.

c. Resolution 20-072, A Resolution of the City Council of Homer, Alaska Approving a Policy to Establish Campground Host Stipends as a Proactive Step to Incentivize Campground Hosts for City Owned Campgrounds in an amount not to exceed \$100 per Week. City Manager/Public Works Director.

Memorandum 20-112 from Public Works Director as backup

ADOPTED with discussion.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen commented regarding absentee voting for the State Primary Election and the Candidacy Filing Period for Mayor and two Councilmembers.

COMMENTS OF THE CITY MANAGER

COMMENTS OF THE MAYOR

Mayor Castner commented the virus is still out there and encouraged the community to take precautions to protect yourself.

COMMENTS OF THE CITY COUNCIL

Councilmember Aderhold shared her appreciation for Council's good job this evening. She also shared her appreciation for staff's work during COVID, Interim City Manager Abboud, and Public Works Director for their work. The City is moving on quite a few things.

Councilmember Lord echoed the thanks to staff and to the City Clerk's office for their work getting the packet and materials out. She thanked the teachers, principals, and the School Board and touched on their efforts for the upcoming school year; and congratulated SetFree Alaska for getting their work down here in the Southern Peninsula. She encouraged the community to be kind and non-violent in disagreements especially with the mask situation where people are being abused, yelled at, and threatened. Remember Green Dot and try to help diffuse or distract when these situations are happening. She acknowledged Councilmember Venuti's recognition from the college and shared that she's also an amazing baker.

Councilmember Venuti thanked staff for their work in getting the packet together, it was well done. She encouraged the community to contact Councilmembers and provide feedback about the CARES Act Economic Relief Grant programs from the City that were introduced tonight. She noted he Kachemak Bay Campus is registering students for classes, and appreciated the Mayors comments that masks make a differences. She announced she intends to file to run for another term on Council.

Councilmember Hansen-Cavasos is thankful for promoting masks, they do help in reducing the spread of the virus, and also encouraged people to be kind about the requirements a local businesses because it's important.

Councilmember Smith acknowledged Interim City Manager Abboud for his work, he's doing an admirable job. He encourage everyone to take advantage of the beautiful weather and shared about a weekend softball tournament.

Mayor Castner added a thank you to the Clerk's Office for their help with some research they helped him with during the packet preparation.

ADJOURNMENT

Next Regular Meeting is Monday, August 10, 2020 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held virtually from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Mayor Castner adjourned the meeting at 9:19 p.m.



City of Homer

www.cityofhomer-ak.gov

491 East Pioneer Avenue Homer, Alaska 99603

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

Staff Report 20-50

TO: Homer Planning Commission

FROM: Julie Engebretsen, Acting City Planner

DATE: August 5, 2020

SUBJECT: Conditional Use Permit (CUP) 20-11

Synopsis The applicant proposes to construct three additional single family dwelling

units, for a total of one duplex and four detached homes on a lot. A Conditional Use Permit (CUP) is required per HCC 21.12.030(m), More than one building

containing a permitted principal use on a lot.

Applicant: Adam Barrowcliff

PO Box 595

Anchor Point, AK 99603

Location: 4936 Clover Lane

Parcel ID: 17930014

Size of Existing Lot: 1.4 acres, or about 60,984 square feet

Zoning Designation: Rural Residential District

Existing Land Use: A duplex and a small detached single family home

Surrounding Land Use: North: residential/mobile home

South: residential/duplex

East: residential West: residential

Comprehensive Plan: Chapter 4 Land Use, Goal 5 Objective C: Maintain high quality

residential neighborhoods; promote housing choice by supporting

a variety of dwelling options.

Chapter 4 Land Use, 1-C-1: Promote infill development in all

housing districts.

The Future Land Use Recommendations map shows this area as

changing from Rural Residential to Urban Residential.

Wetland Status: No mapped wetlands.

Flood Plain Status: Flood Hazard Area D, Flood Hazards undetermined.

BCWPD: Not within the Bridge Creek Watershed Protection District

Utilities: Public utilities service the site.

Staff Report 20-50 Homer Planning Commission Meeting of August 5, 2020 Page 2 of 6

Public Notice:

Notice was sent to 49 property owners of 37 parcels as shown on the KPB tax assessor rolls.

Analysis

The property currently has a duplex and a small cabin, for a total of three dwelling units. The applicant proposes to build three additional cabins. The new cabins are one bedroom, 480 square foot efficiency dwelling units.

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

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

Analysis: The Rural Residential zoning district allows for more than one single family dwelling on a lot as a conditional use, per HCC 21.12.030(m). Lots served by public water and sewer may have increased density up to one dwelling unit for every 10,000 square feet of lot area, per HCC 21.12.040(a)(3)

Finding 1: More than one single family dwelling on a lot is authorized by conditional use permit.

Finding 2: The 1.4 acre lot served by public water and sewer per HCC 21.12.040(a)(3), may have up to six dwelling units based on dimensional requirements of the code.

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

HCC 21.12.010 Purpose: The purpose of the rural residential district is primarily to provide an area in the City for low-density, primarily residential, development; allow for limited agricultural pursuits; and allow for other uses as provided in this chapter.

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

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

Analysis: Other allowed uses in this district, such as a kennel or a commercial greenhouse could dominate the site in terms of bulk, height, noise and intensity more

Staff Report 20-50 Homer Planning Commission Meeting of August 5, 2020 Page 3 of 6

so than this proposal. The proposed one-story cabins could have a positive effect on adjoining property values by retaining a rural nature when compared to the previously mentioned uses by limiting both the size of structures and the disturbance of natural vegetation.

Finding 4: The value of adjoining property will not be negatively affected greater than a conditionally permitted kennel or a commercial greenhouse.

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

Analysis: Residential dwellings surround the proposal. The addition of residential development helps retain the residential quality of the district.

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

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

Analysis: Property is served by a city maintained road, police, emergency services, water and sewer, and has access to electricity and natural gas.

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

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

Applicant: The project will maintain the privacy currently enjoyed while utilizing the back portion of the property.

Analysis: A total of six dwelling units, four of which are small single bedroom efficiency units will be in line with the neighborhood character in terms of scale, bulk and coverage. The increased traffic will be easily handled by the site's access to the existing Clover Lane. While more density will increase the intensity of this lot's current use, the increase is not expected to cause any undue harmful effects.

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

Staff Report 20-50 Homer Planning Commission Meeting of August 5, 2020 Page 4 of 6

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

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

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

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

Analysis: No relief from code is sought from the applicant. All known applicable regulations will be addressed through the permitting process. The proposal shall comply with all applicable regulations and conditions when the permitting process is successfully navigated as provided in the CUP and permitting process.

Finding 9: The proposal will comply with all applicable regulations and conditions when the permitting process is successfully navigated as provided in the CUP and permitting process.

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

Analysis: This proposal promotes Chapter 4 Land Use, 1-C-1: Promote infill development in all housing districts and 1-C-2, Encourage inclusion of affordable housing in larger developments and affordable housing in general.

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

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

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

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

Staff Report 20-50 Homer Planning Commission Meeting of August 5, 2020 Page 5 of 6

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

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

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

PUBLIC WORKS COMMENTS: None provided

FIRE DEPARTMENT COMMENTS: None provided

PUBLIC COMMENTS: None

Staff Report 20-50 Homer Planning Commission Meeting of August 5, 2020 Page 6 of 6

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission approve Staff Report 20-50 and CUP 20-11 with findings 1-11 and the following conditions:

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

Attachments

Application
Public Notice
Aerial Photograph



Planning 491 East Pioneer Avenue

Homer, Alaska 99603

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

(f) 907-235-3118

Name:	_Telephone No.:	907-299-1364
Address: POB	95 AP, AC 1930 Email:	akbarrowcliffs@ gmail.com
Property Owner	(if different than the ap	pplicant):
Name: Same	Telephone N	No.:
Address:	Email:	
PROPERTY IN		11/ 100 10 1000
Address: 493 6	Clover Lane	Lot Size: 1.4 acres KPB Tax ID # 179.30
Address: 4936 Howe	Clover Lane	Lot Size: 1.4 acres KPB Tax ID # 179.30
Address: 4934 Howe Legal Description	Clover Lane	Lot Size: 1.4 acres KPB Tax ID # 179.30 Fee submittal:
Address: 4936 Howe, Legal Description For staff use:	Clover Lane	

Conditional Use Permit Application Requirements:

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

7 -- in - District

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

Circle ap	plicable permits.	Planning staff will be glad to	assist with these questions.
TA?	Are you buildin	g or remodeling a commercial s	e, or multifamily building with

Mo more than 3 apartments? If yes, Fire Marshal Certit 49 1 is required. Status:

	w will your proposed project affect adjoining property values? Will raise Hem.
d. Ho	w is your proposal compatible with existing uses of the surrounding land? Same use (rental problems) as surrounding area.
. 1	public services adequate to serve the proposed uses and structures?
desir surro g. Will your	the development affect the harmony in scale, bulk, coverage and density upon the vable neighborhood character, and will the generation of traffic and the capacity of bunding streets and roads be negatively affected? It will mantain the privacy currently enlayed white utilized he back partial of the proporty. Proposal be detrimental to the health, safety or welfare of the surrounding area or ity as a whole?
	offwill provide more much needed afterdable now housing. s your project relate to the goals of the Comprehensive Plan?
The	Comprehensive Plan are online, This possect ponoles it.
you	e Planning Commission may require you to make some special improvements. Are planning on doing any of the following, or do you have suggestions on special ovements you would be willing to make? (circle each answer)
1. Y	N Special yards and spaces.
2. Y	Willies
3. Y	/N Surfacing of parking areas.
4. Y	
5. Y	/N Control of points of vehicular ingress & egress.
6. Y	/N Special provisions on signs.
7 (Y	N Landscaping.
87	/N Maintenance of the grounds, buildings, or structures.
9.6	/N Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
10	Y/N Time for certain activities.
11	A time period within which the proposed use shall be developed.
12.	
	Y/N Special dimensional requirements such as lot area, setbacks, building
	height. Other conditions deemed necessary to protect the interest of the community.

Will your development trigger a Development Activity Plan?	
Application Status:	
Will your development trigger a Storm water Plan? Application Status:	
Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: Is your development in a floodplain? If yes, a Flood Development Permit is required. Does your project trigger a Community Design Manual review? If yes, complete the design review application form. The Community Design Manual is online at: http://www.ci.homer.ak.us/documentsandforms Do you need a traffic impact analysis? Are there any nonconforming uses or structures on the property? Have they been formally accepted by the Homer Advisory Planning Commission? Do you have a state or city driveway permit? Status: Do you have active City water and sewer permits? Status: http://www.ci.hom.ac.edu.com/ Lowently how is the property used? Are there buildings on the property? How many, and the manual community of the manual community of the manual community.	
1. Currently, how is the property used? Are there buildings on the property? How many in the area. square feet? Uses within the building(s)? Partal property—like office of the area. Only about .5 acres are Carrently being utilized. It is the largest parcel in the immediate area. We have a duplex and 480 SF standalare rental on the property—side by sise. Suplex is 2500Sf	
2. What is the proposed use of the property? How do you intend to develop the property? (Attach additional sheet if needed. Provide as much information as possible). We propose to while the unused portion of our back lot— We propose to while the unused portion of our back lot— We propose to while the unused portion of our back lot— when will stab out a drineway off of our existing drinkleway for simple access. We will build 3 additional shape for simple access. We will build 3 additional shape back own Partal anis (1880sf) each space really within the thees. Privacy and asthetics will remain the same (3EE Attallhood drawing)	
CONDITIONAL USE INFORMATION: Please use additional sheets if necessary.	

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

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

b. Describe how the proposed uses(s) and structures the zoning district.

There are many other multiplanticy restals in the inmediate area.

PARKING

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

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

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

3. Are you requesting any reductions?

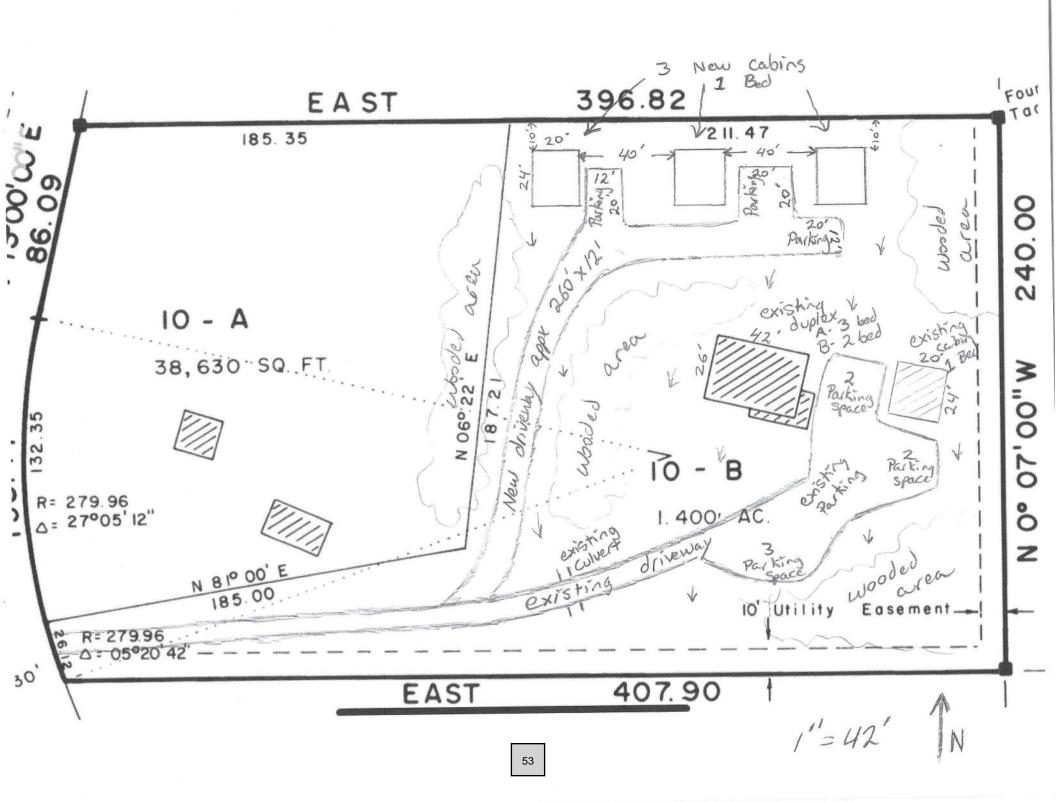
Include a site plan, drawn to a scale of not less than 1" = 20' which shows existing and proposed structures, clearing, fill, vegetation and drainage.

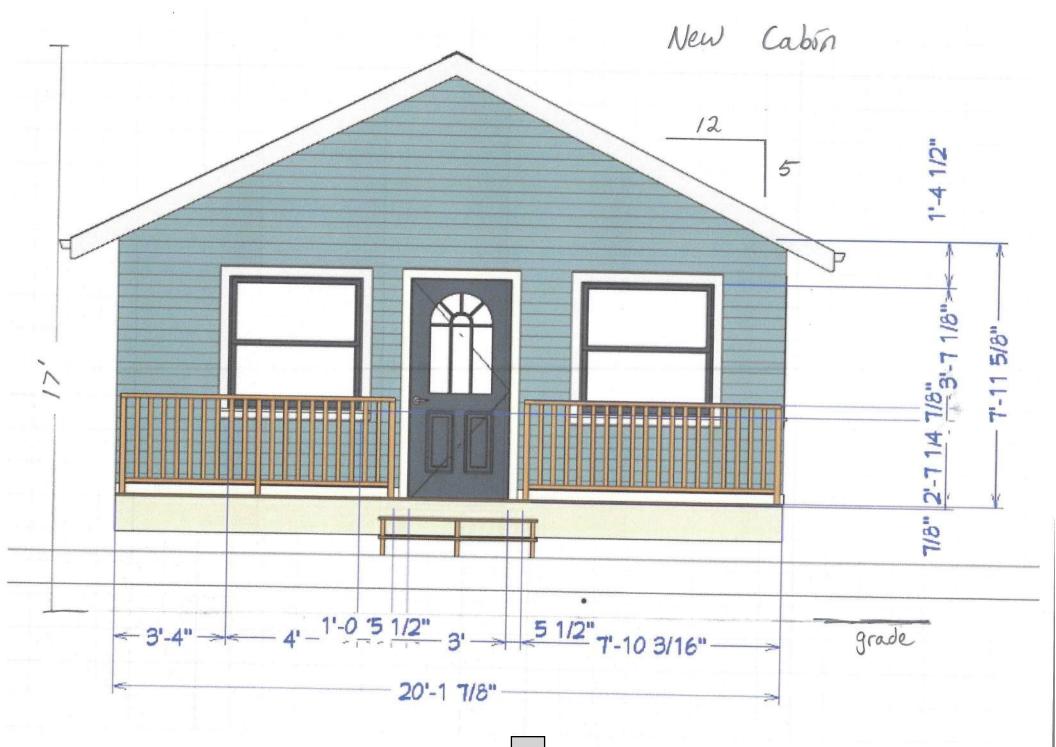
I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property:

CIRCLE ONE: Owner of record	Lessee	Contrac	ct purchaser
Applicant signature:		Date:	-7/8/20
Property Owner's signature:		<u>Date:</u>	

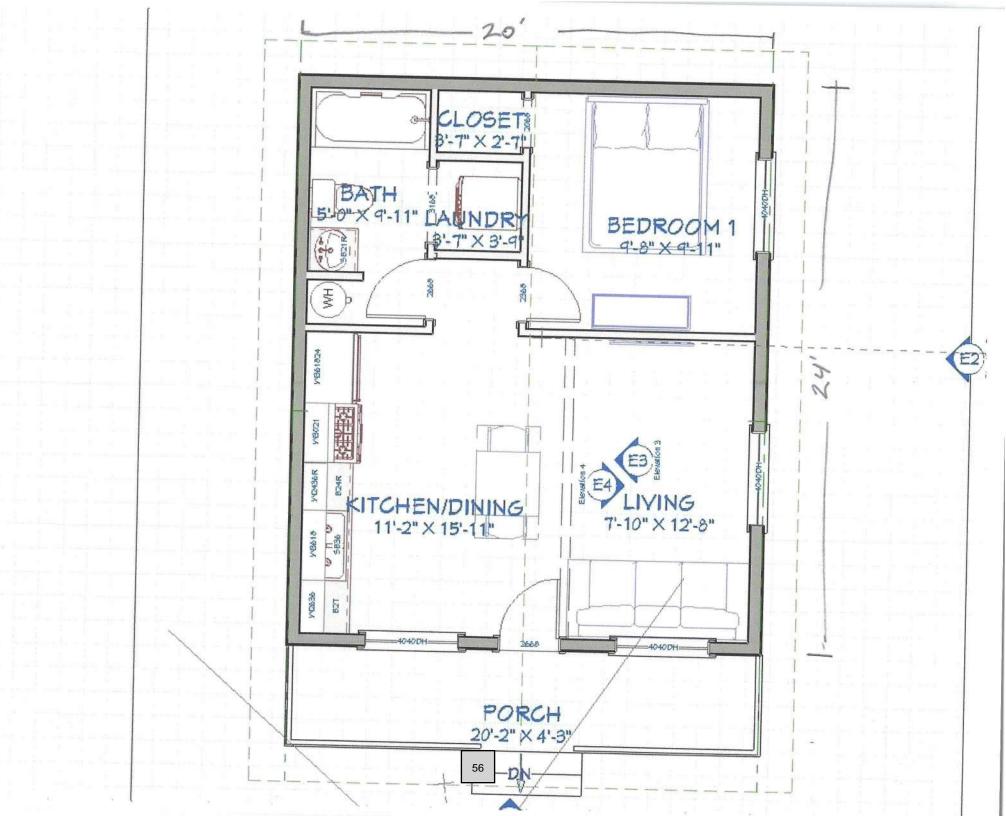
P:\FORMS\CUP forms\CUP appl.docx

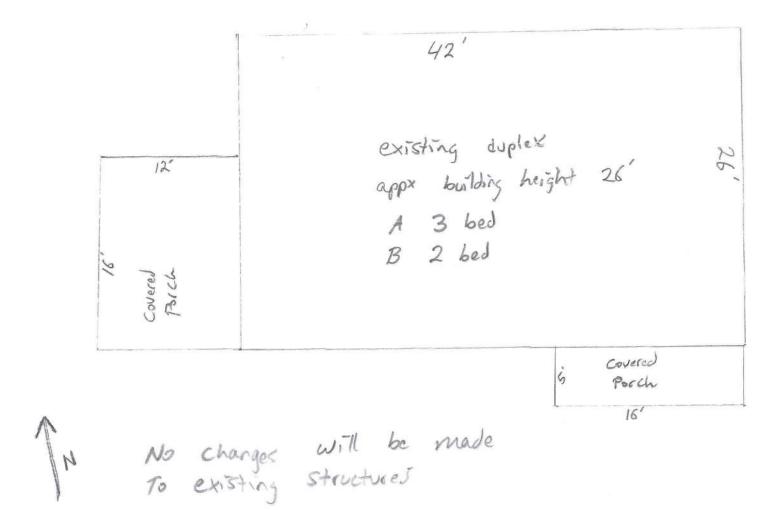
Page 4 of 4











20'
2 bed
existing
cabin

appx building height
16'

covered porch
20'









PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Planning Commission on Wednesday, August 5, 2020 at 6:30 p.m. via a virtual meeting, on the following matter:

A request for Conditional Use Permit (CUP) 20-11 to build three single family dwellings at 4936 Clover Lane, Lot 10-B Cooper Subdivision No. 2, NE ¼ NW ¼ Sec. 15, T. 6 S., R. 13W., S.M., HM 0830035. A CUP is required according to HCC 21.12.030(m) more than one building containing a permitted principal use on a lot.

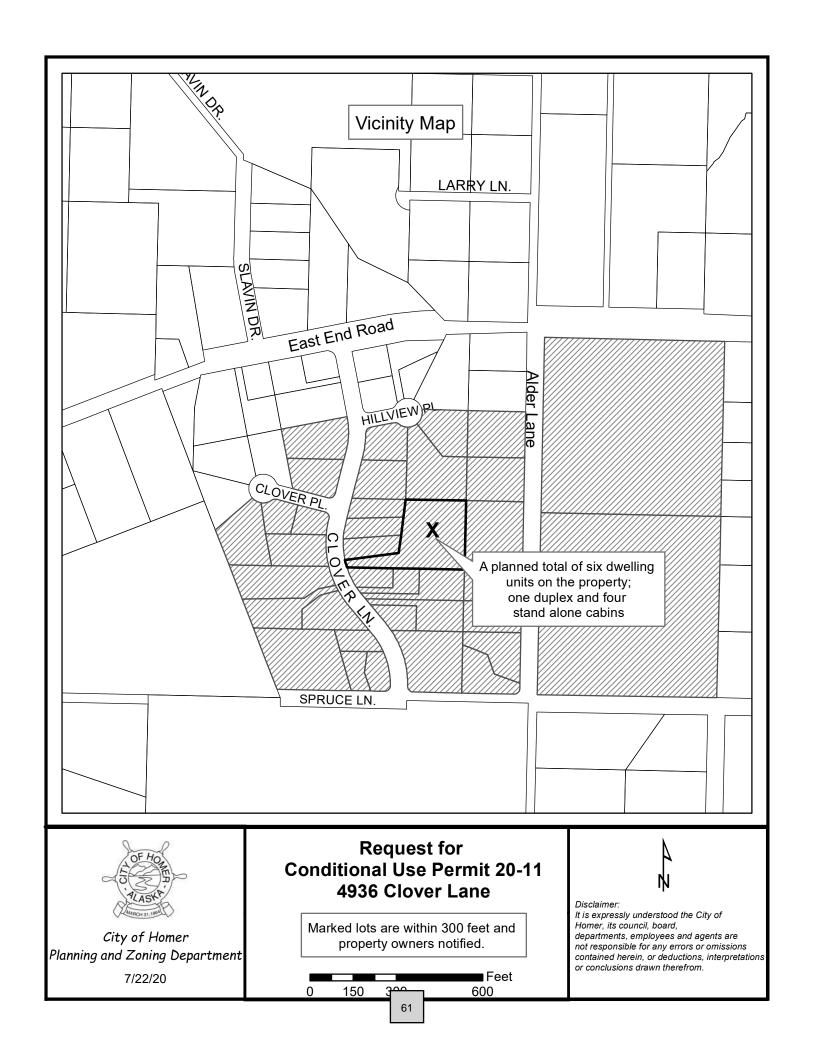
Anyone wishing to view the complete proposal, attend the virtual meeting, or participate in the virtual meeting may do so by visiting the Planning Commission Regular Meeting page on the City's online calendar at https://www.cityofhomer-ak.gov/calendar.

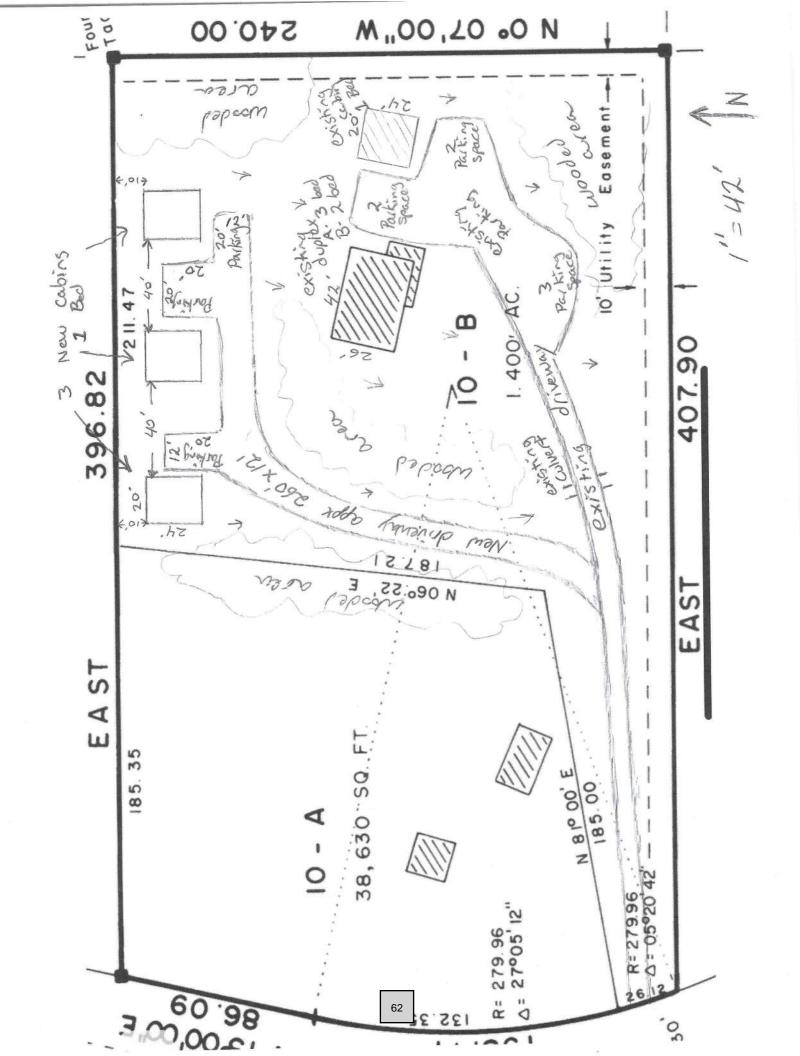
Visit the link above or call the City Clerk's Office to learn how to provide verbal testimony during the meeting via telephone or the Zoom online platform. Written comments can be emailed to planning@ci.homer.ak.us or mailed to Homer City Hall, 491 E. Pioneer Ave., Homer, AK, 99603. They may also be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

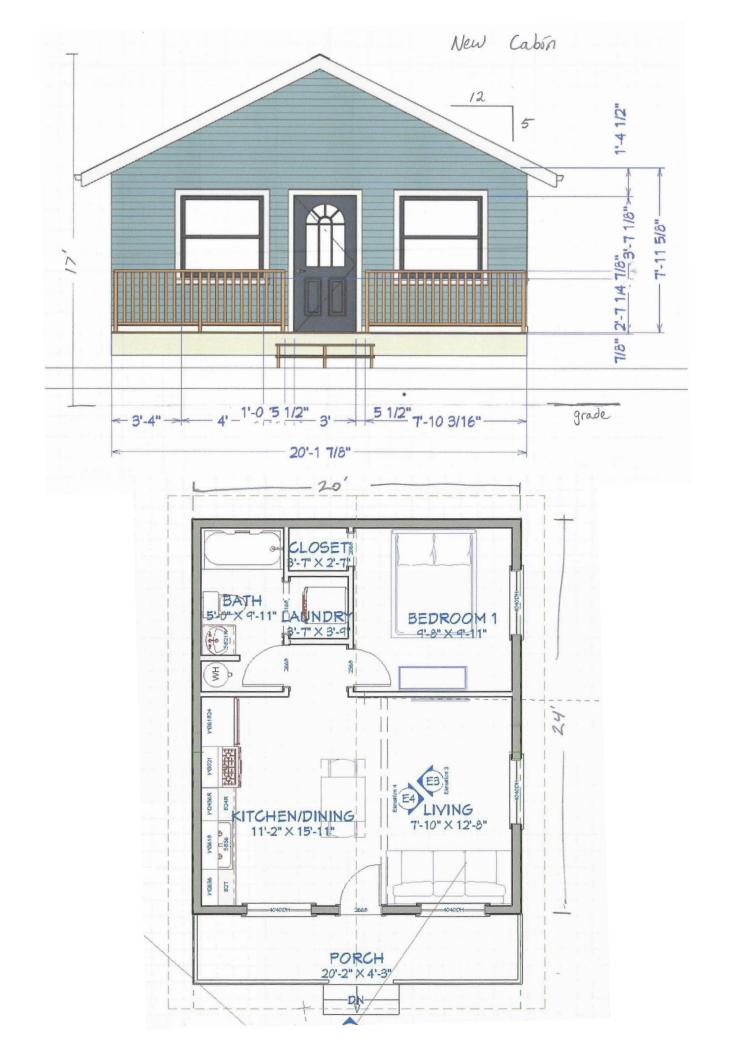
If you have questions or would like additional information about the proposal, please contact Travis Brown at the Planning and Zoning Office at 235-3106. If you have questions about how to participate in the virtual meeting, please contact the City Clerk's Office at 235-3130.

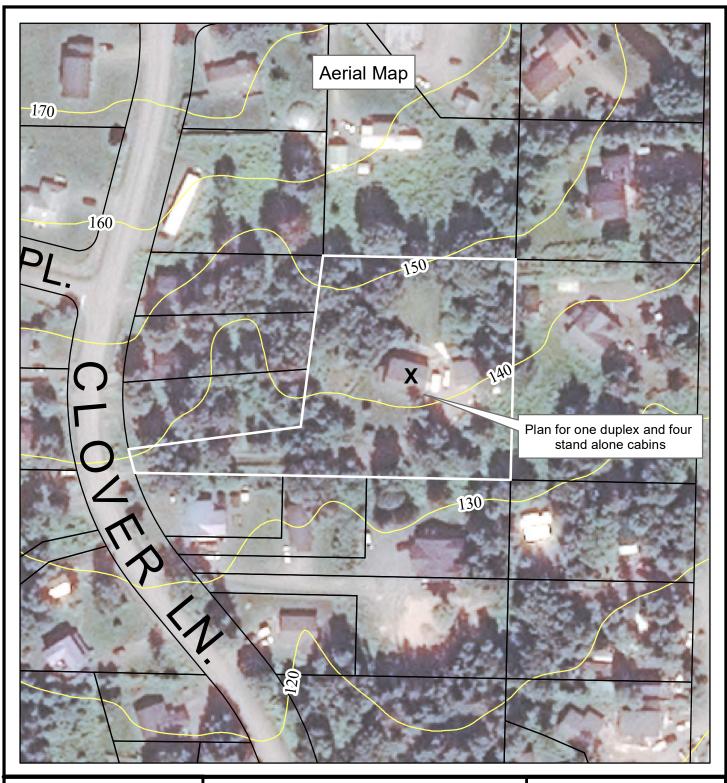
NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY

VICINITY MAP ON REVERSE







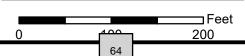




City of Homer Planning and Zoning Department 7/22/20

Request for Conditional Use Permit 20-11 4936 Clover Lane

Photo from 2016. Property lines not exact; use with care.





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.



Planning

491 East Pioneer Avenue Homer, Alaska 99603

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

Staff Report 20-51

TO: Homer Planning Commission **20-51**FROM: Julie Engebretsen, Acting City Planner

DATE: 8/5/2020

SUBJECT: Kapingen Subd. Unit 2 Block 2 Lot 12 2020 Preliminary Plat

Requested Action: Approval of a preliminary plat to subdivide a larger lot into two smaller lots.

General Information:

Applicants:	Bill Hand PO Box 3129 Homer, AK 99603	Seabright Survey + Design Kenton Bloom 1044 East End Rd Ste A Homer, AK 99603	
Location:	Main Street, just east of O Bayview Ave	Cityview Ave, between Cityview and W	
Parcel ID:	17725018		
Size of Existing Lot(s):	0.569 acres, or 24,785 squa	are feet	
Size of Proposed Lots(s):	0.284 and 0.285 acres, abo	out 12,370 square feet each	
Zoning Designation:	Residential Office District		
Existing Land Use:	Single family residential		
Surrounding Land Use: Comprehensive Plan:	apartment complexes. Ba to the Northwest.	e family but with a mix of multifamily byview Park is located about ½ a block mote infill development in all housing	
Wetland Status:	The 2005 wetland mappin	g shows no wetland areas.	
Flood Plain Status:	Zone D, flood hazards undetermined.		
BCWPD:	Not within the Bridge Creek Watershed Protection District.		
Utilities:	City water and sewer are available		
Public Notice:	Notice was sent to 82 property owners of 69 parcels as shown on the KPB tax assessor rolls.		

Staff Report 20-51 Homer Planning Commission Meeting of August 5, 2020 Page 2 of 4

Analysis: This subdivision is within the Residential Office District. This plat subdivides one larger lot into two smaller lots. The lots meet the dimension requirements on the district. The minimum lot size is 7,500 square feet, and the two proposed lots are in excess of 12,000 square feet each.

Homer City Code 22.10.051 Easements and rights-of-way

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

Staff Response: The plat does not meet these requirements. Increase the utility easement dedication from ten to fifteen feet.

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

Staff Response: The plat meets these requirements.

C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities in areas identified as public access corridors in the Homer Non-Motorized Transportation and Trail Plan, other plans adopted by the City Council, or as required by the Kenai Peninsula Borough Code.

Staff Response: The plat meets these requirements.

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

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

Staff Response: The plat meets these requirements.

B. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

Staff Report 20-51 Homer Planning Commission Meeting of August 5, 2020 Page 3 of 4

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. Utility man-holes are shown. Information is on file with the City of Homer Public Works Department.

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

Staff Report 20-51 Homer Planning Commission Meeting of August 5, 2020 Page 4 of 4

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. The City of Homer is not concerned with a fence encroachment. This is an issue for the land owners to resolve.

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

Staff Response: The plat meets these requirements.

Public Works Comments:

- Change note No. 2 to a 15' utility easement.
- The property owner will need to work with public works on either entering into an installation agreement or providing water and sewer service to the subdivided lot before recording the final plat

Staff Recommendation:

Planning Commission recommend approval of the preliminary plat with the following comments:

- 1. Change note No. 2 to a 15' utility easement.
- 2. The property owner will need to work with public works on either entering into an installation agreement or providing water and sewer service to the subdivided lot before recording the final plat

Attachments:

- 1. Preliminary Plat
- 2. Public Notice
- 3. Aerial Map

NOTES

- 1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY THE APPROPRIATE PLANNING COMMISSION.
- 2. THE FRONT 10' OF THE 20' BUILDING SETBACK IS A UTILITY EASEMENT. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
- 3. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
- 4. THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER.
- 5. THESE LOTS ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE PARENT PLATS AND THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.

GPS CONTROL DATA

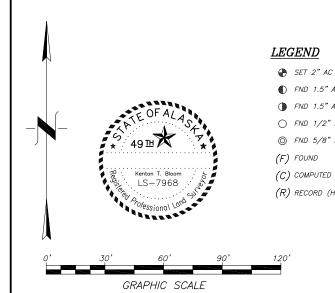
1. BASIS OF COORDINATES FOR THIS SURVEY IS FROM GPS STATIC OBSERVATIONS TAKEN ON THE MONUMENT POSITIONS AS SHOWN ON THIS PLAT. NADB3 ALASKA STATE PLANE GRID COORDINATES
OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR USC&GS TRISATION "HOMAIR".

- 2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING USC&GS TRISTATION "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 J. THE RESULTING SCALED COUNTRIES WERE TRANSLATED LOCAL COORDINATE SYSTEM BASED ON USC&GS TRISTATION "HOMAIR" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES ORIENTED TO TRUE NORTH.

PLAT APPROVAL

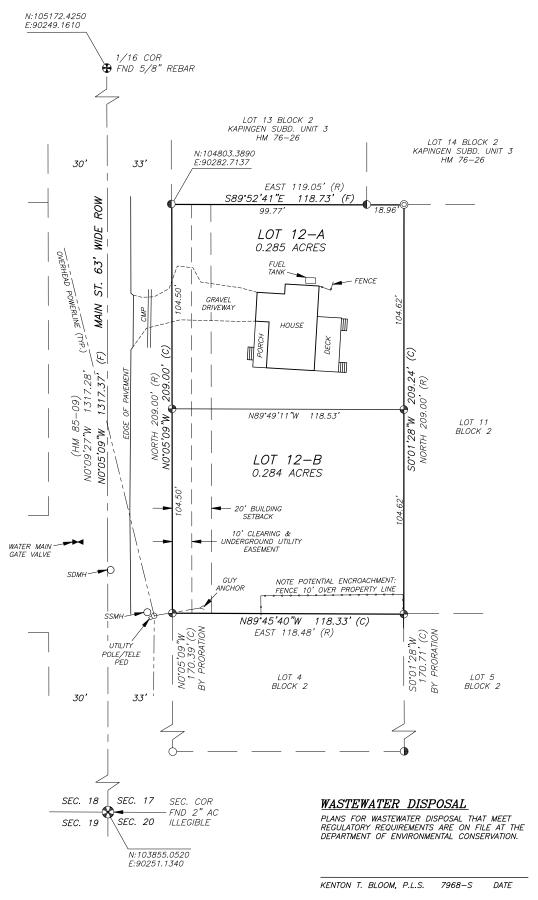
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF

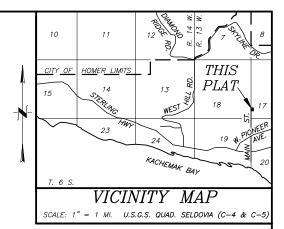
AUTHORIZED OFFICIAL DATE KENAI PENINSULA BOROUGH



→ SET 2" AC 7968-S 2020 ● FND 1.5" AC 3686-S 1986 () FND 1.5" AC 3686-S 1984 O FND 1/2" REBAR (R) RECORD (HM 75-21)

(F) FOUND





CERTIFICATE OF OWNERSHIP

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

BILL G HAND P.O. BOX 3129 HOMER, AK 99603

NOTARY'S ACKNOWLEDGMENT

ACKNOWLEDGED BEFORE ME THIS DAY OF , 2020 NOTARY PUBLIC FOR ALASKA

HOMER RECORDING DISTRICT

MY COMMISSION EXPIRES

KPB FILE NO. 2020-XXX

KAPINGEN SUBDIVISION UNIT 2 BLOCK 2 LOT 12 2020 REPLAT

A REPLAT OF LOT 12 BLOCK 2 KAPINGEN SUB. UNIT 2 (HM 75-21) LOCATED WITHIN THE SW 1/4 SW 1/4, SEC 17, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

CONTAINING 0.569 ACRES

SEABRIGHT SURVEY + DESIGN KENTON T. BLOOM, P.L.S.

1044 EAST ROAD, SUITE A HOMER. ALASKA 99603 (907) 299-1091

CLIENT: BILL G HAND

P.O. BOX 3129 HOMER, AK 99603

JOB #2020-18 DRAWN BY: KK CHKD BY: KB SCALE: 1"=30' DATE: 07/2020 SHEET #1 OF

NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

Kapingen Subdivision Unit 2 Block 2 Lot 12 2020 Replat Preliminary Plat

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

A public meeting will be held by the Homer Planning Commission on Wednesday, August 5, 2020 at 6:30 p.m. The meeting will be held virtually.

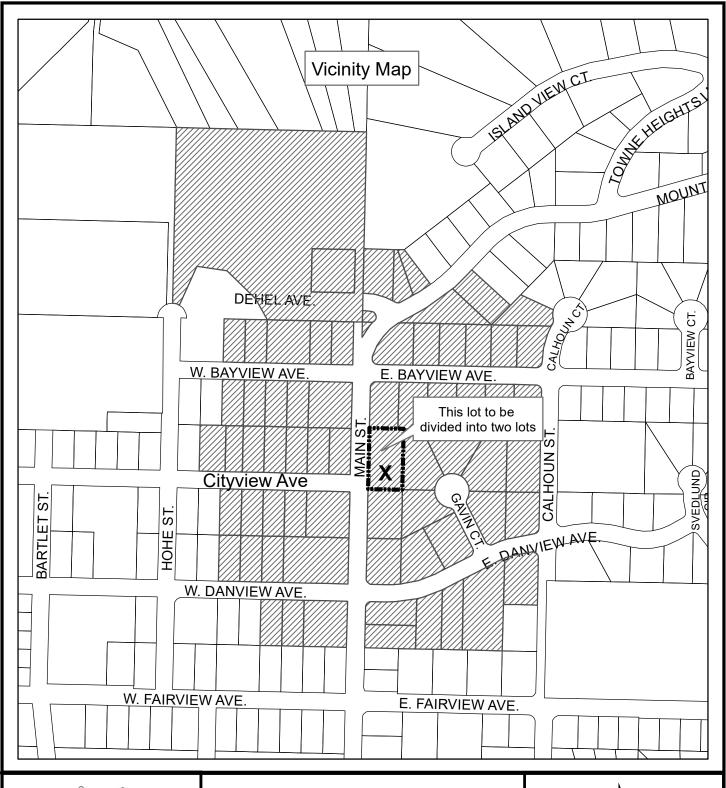
Anyone wishing to view the complete proposal, attend the virtual meeting, or participate in the virtual meeting may do so by visiting the Planning Commission Regular Meeting page on the City's online calendar at https://www.cityofhomer-ak.gov/calendar.

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

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

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

VICINITY MAP ON REVERSE





City of Homer Planning and Zoning Department 7/22/20

Kapingen Subdivision Unit 2 Block 2 Lot 12 2020 Replat Preliminary Plat

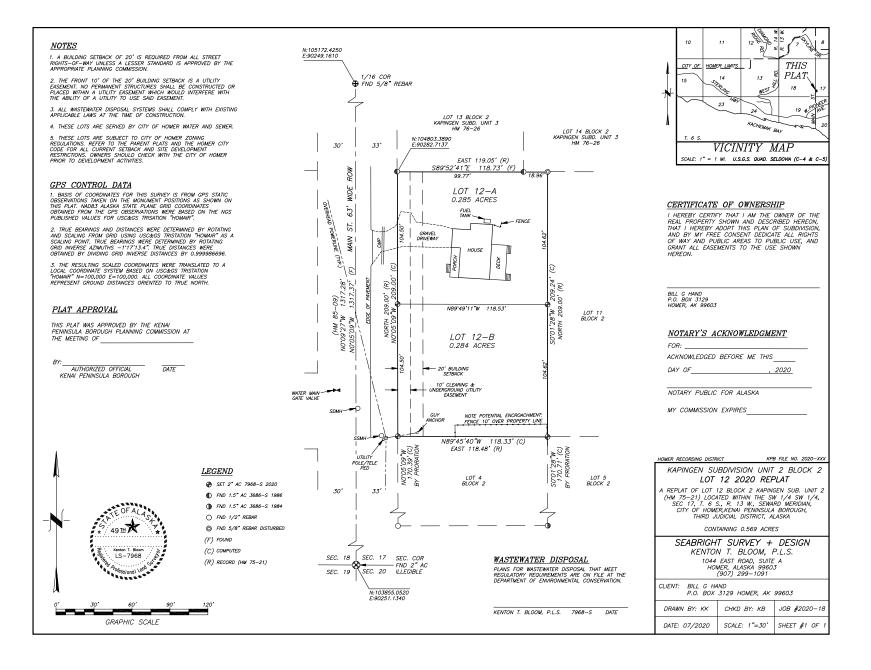
Marked lots are within 500 feet and property owners notified.

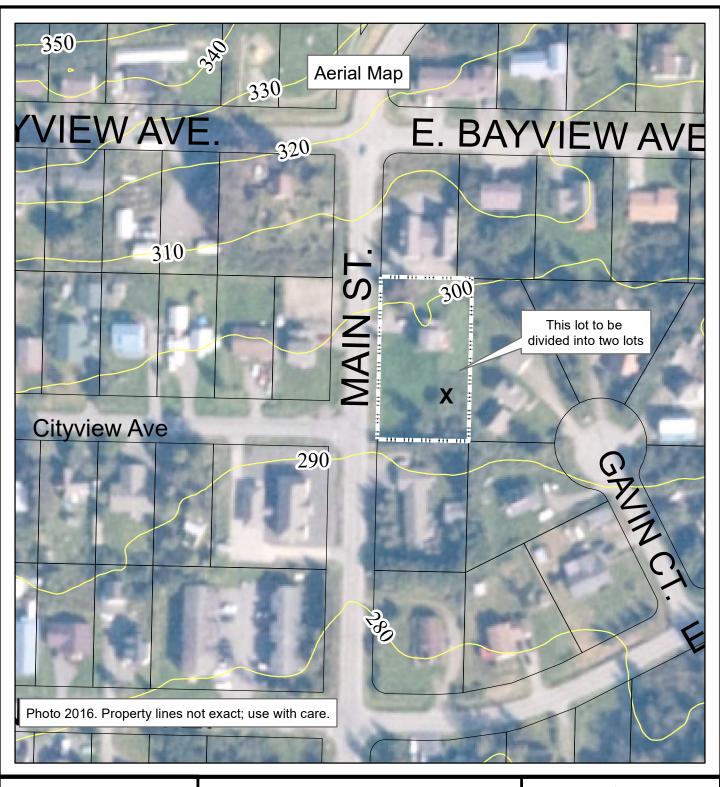




Disclaimer:

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.







City of Homer
Planning and Zoning Department
7/22/20

Kapingen Subdivision Unit 2 Block 2 Lot 12 2020 Replat Preliminary Plat

N

Disclaimer:

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75 150





491 East Pioneer Avenue Homer, Alaska 99603

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

Staff Report PL 20-52

TO: Homer Planning Commission

FROM: Julie Engebretsen, Acting City Planner

DATE: August 5, 2020

SUBJECT: Medical Zoning District Draft Ordinance

Introduction

At the last meeting, the Planning Commission reconsidered the motion to recommend approval of the ordinance to City Council. Discussion topics and public comment included building height, the purpose statement of the district, tall tower height, and allowing heliports by conditional use permit. The Commission can discuss these topics at the work session, and make motions during the regular meeting. Please bring your prepared motions for the regular meeting.

Next steps:

- 1. Discuss any changes to the existing ordinance at the work session.
- 2. At the regular meeting, make motions on any proposed changes.
- 3. Move the ordinance to public hearing in September, OR move to postpone to the next meeting for further revisions.

Analysis

Building Height

In the ordinance any building height over 35 feet would require a conditional use permit. Commission discussion has ranged from a height of 85 feet, down to the current 65 feet, to an unlimited height in a specific area around the hospital. If the Commission decides to allow buildings of unlimited height, please discuss the conditions under which you would approve or deny an application.

Purpose statement of the district

There was discussion at the last meeting that the purpose statement pits residential interests against commercial interests. Please bring your amendments to the meeting so they may be voted on.

Medical District:

Staff Report PL 20-52 Homer Advisory Planning Commission Meeting of August 5, 2020 Page 2 of 2

The purpose of the Medical District is to provide an area near the hospital to support medical facilities and other professional office and limited commercial uses. The district is meant to accommodate a mixture of residential and nonresidential uses with conflicts being resolved in favor of nonresidential uses. Pedestrian-friendly designs and amenities are encouraged.

Tall Towers

The Commission received comment expressing concern that towers could impact helicopter flight paths. Staff doesn't have technical knowledge in this area, but here is info on current and proposed codes, and existing tower regulation.

The current RO tower height is 85 feet. The proposed Medical district height is the same. The tower code does already include the following, HCC 21.58.040 Application requirements: 9. A determination of no hazard to air navigation for the communications tower issued by the Federal Aviation Administration.

Bentz emailed staff with a recommendation of 60 feet. Due to the size of the Medical district and overall change in elevation, staff does not recommend a blanket reduction in height across the whole district.

Heliports

HCC 21.03 contains the following definitions:

"Helipad" means any surface where a helicopter takes off or lands, but excludes permanent facilities for loading or unloading goods or passengers, or for fueling, servicing or storing helicopters.

"Heliports" means any place including airports, fields, rooftops, etc., where helicopters regularly land and take off, and where helicopters may be serviced or stored.

In the RO district and proposed M district, Helipads are a conditional use, limited in scope to an accessory use to a hospital conditional use. (I.e., there should be a hospital with a CUP, in conjunction with the heliport, which must also be approved by CUP. A private residence couldn't have a heliport.) If the Commission wants to add Heliports, the following language could be an option:

g. Helipads, **and heliports** but only as an accessory use incidental to a hospital conditional use;

The Commission should be aware this would only allow the facility on the same lot as the hospital, as accessory use is also defined in code:

76

Staff Report PL 20-52 Homer Advisory Planning Commission Meeting of August 5, 2020 Page 2 of 2

"Accessory use" means a use or activity that is customary to the principal use on the same lot, and which is subordinate and clearly incidental to the principal use.

If the Commission wants to have a broader conversation about helicopter activities, I suggest talking about that separate from this ordinance, as it could involve a greater area of the city than this proposed district. Heliports could be added to the work list or placed on a near future agenda, along with concerns about tower heights.

Staff Recommendation

- 1. Work through the topics in this staff report
- 2. Make motions at the regular meeting
- 3. Either move to public hearing in September, or postpone for further discussion at the next meeting.

Attachments

Staff Report 20-38 dated June 17, 2020, including draft ordinance & zoning map PC supplemental packet June 17, 2020 (other topic pages excluded)

PC Minutes of June 17, 2020 excerpt

PC supplemental packet July 15, 2020 (other topic pages excluded)

PC Minutes of July 15, 2020 excerpt



491 East Pioneer Avenue Homer, Alaska 99603

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



Staff Report PL 20-38

TO: Homer Planning Commission THROUGH: Rick Abboud, City Planner

FROM: Julie Engebretsen, Deputy City Planner

DATE: June 17, 2020

SUBJECT: Medical Zoning District **Draft Ordinance**

Requested action: Conduct a public hearing and make a recommendation to the City Council.

Introduction

The Commission was tasked by the City Council in Resolution 19-49(S)(A) to make a recommendation to Council by June 30th on a new medical zoning district. The Commission response was to include a draft ordinance and memo explaining the recommendations and the process used to arrive at them.

Where we have been

The Commission has discussed this proposed zoning district at four work sessions and six regular meetings to date. At the end of this staff report is a list of meeting dates, and staff reports. All of these items are available on the City website under the meeting date, if you need a refresher! A neighborhood meeting was held on February 20, 2020.

Analysis of code and map amendments

There are three main code amendments:

- 1. Creation of the text and zoning map for the new district
- 2. Inclusion of the medical district in tall tower regulations
- 3. Inclusion of the medical district in the sign code

1. Creation for the text and zoning map for the new district

HCC 21.17, Medical District would be enacted by this ordinance. The area included in the new district would be an upzoning of a portion of the Residential Office District, roughly bounded by Main, Hohe and Bartlett Streets, the hospital to the north, and the Central Business district to the south, just shy of Pioneer Ave. The new zone is a commercial zoning district that allows mixed land uses, ranging from single family homes to professional offices and the hospital. The Medial District differs form the Residential Office District in that it allows for parking lots, medical clinics, retail sales of medical supplies and equipment, and allows for taller buildings with an approved

conditional use permit. There are enhanced landscaping and screening requirements for new, nonresidential construction when there is an existing home next door.

2. Inclusion of the medical district in tall tower regulations

Medical district tower heights would be the same as the current Residential Office standard of 85 feet. Taller towers require a conditional use permit.

3. Inclusion of the medical district in the sign code

This amendment includes the new district in the sign code. The signage is similar to what is currently allowed in the Residential Office District along Bartlett Street.

Staff Recommendation:

Consider any new testimony or comments received about the district. Recommend adoption of the draft ordinance to the City Council.

Attachments

- 1. Planning Department review of text and zoning map amendments
- Draft Medical District Ordinance REVISED with Exhibit A and B
- 3. Public Notice
- 4. Aerial Map

List of PC meeting dates

12/2/2019	SR 19-98
1/2/20	SR 20-04
1/15/20	SR 20-09
2/5/20	SR 20-13
2/19/20	SR 20-15* neighborhood meeting and regular HPC meeting
3/4/20	SR 20-20



Planning

491 East Pioneer Avenue Homer, Alaska 99603

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

MEMORANDUM PL-07

TO: Homer Planning Commission FROM: Rick Abboud, City Planner

DATE: June 17, 2020

SUBJECT: Planning Staff review of text and zoning map amendments

Planning Staff review per 21.95.040

<u>21.95.040 Planning Department review of **code** amendment</u>. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 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.

<u>Staff response:</u> The general area for consideration of the district is represented on the 2018 Homer Comprehensive Plan Land Use Recommendation Map. Guidance for the district is found in the Appendix of the plan and has been followed by the Planning Commission. Goal 1 Objective B supports revising the zoning map according to the recommendations found in the Land Use Recommendation Map.

b. Will be reasonable to implement and enforce.

<u>Staff response:</u> The proposed district expands some options of the current district, while being in the same format as existing zoning districts. The draft ordinance will be reasonable to implement and enforce

c. Will promote the present and future public health, safety and welfare.

<u>Staff response:</u> This amendment promotes health, safety and welfare by allowing planned limited commercial growth around the hospital and increase in the mixture of land uses in the area.

d. Is consistent with the intent and wording of the other provisions of this title.

<u>Staff response:</u> This amendment has been reviewed by the City Attorney and is consistent with the intent, wording and purpose of HCC Title 21.

<u>21.95.050 Planning Department review of **zoning map** amendment</u>. 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.

<u>Staff response:</u> The general area of the area to be rezoned is represented on the 2018 Homer Comprehensive Plan Land Use Recommendation Map. The zoning map change is consistent with the 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.

<u>Staff response:</u> Conditions have changed since the current zoning of Residential office was applied to the area. The changing nature of the area with larger medical clinics and more commercial activity was recognized in the 2018 Comprehensive Plan. The new zoning district takes into account the growing health care industry in Homer and the changing land use needs of the area to be rezoned.

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.

<u>Analysis:</u> Commercial site development in both the Residential Office and Medical districts is largely regulated by the same section of city code: HCC 21.50.030. Bartlett and Main Streets are classified as collectors in the 2005 Homer Area Transportation Plan, part of the adopted comprehensive plan. Land use patterns in either district require a conditional use permit for uses over 8,000 square feet.

MEMORANDUM PL-07 Homer Planning Commission Meeting of June 17, 2020 Page 3 of 3

Direct impacts on adjacent lands are analyzed if a proposed development requires a conditional use permit.

<u>Staff response:</u> The rezoning of this area is in the best interests of the public as it supports the concentration of limited commercial land uses within the core area of the community and in proximity to the existing hospital. The environment, transportation, public services, and land use patterns will not be more greatly affected by the development permitted in the Medical District vs the Residential Office District.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per 21.95.040 and 21.95.050 and recommends the Planning Commission conduct a public hearing, and recommend approval to the City Council.

1	CITY OF HOMER
2	HOMER, ALASKA
3	Planning Commission
4	ORDINANCE 20-XX
5	AN ORDINANCE OF THE CITY COUNCIL OF HOMED, ALACKA, AMENDING
6	AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING
7	HOMER CITY CODE TO CREATE HOMER CITY CODE 21.17, MEDICAL ZONING
8	DISTRICT; AMENDING HOMER CITY CODE 21.58.030, PERMISSION FOR COMMUNICATIONS TOWERS, ADDING THE MEDICAL ZONING DISTRICT;
9 10	AMENDING HOMER CITY CODE 21.60.060, SIGNS ON PRIVATE PROPERTY,
11	ADDING THE MEDICAL ZONING DISTRICT; AMENDING HOMER CITY CODE
12	21.10.020, ZONING DISTRICTS, TO INLCUDE THE MEDICAL DISTRICT; AND
13	AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE
14	RESIDENTIAL OFFICE (RO) ZONING DISTRICT TO MEDICAL (M) ZONING
15	DISTRICT.
16	
17	Whereas, The 2018 Homer Comprehensive Plan Goal 1 Objective B states that the zoning map
18	be updated to support the desired pattern of growth; and
19	Whereas, The Comprehensive Plan Land Use Recommendations Map designated an area for
20	consideration of a Medical District; and
21	Whereas, The Homer Planning Commission has worked with area residents and business
22	owners to identify desirable characteristics and appropriate performance standards as
23	suggested in the Homer Comprehensive Plan; and
24	Whereas, The Homer Planning Commission held a neighborhood meeting on February 19,
25	2020 and held a public hearing on June 17, 2020, as required by HCC 21.95.060(C); and
26	WHEREAS, The Homer Planning Commission determined there is a public need and
27	justification for the rezone; and
28	WHEREAS, The Homer Planning Commission determined the rezone would not have a
29	negative effect on the public health, safety and welfare; and
30	WHEREAS, The Homer Planning Commission considered the effect of the change on the
31	district and surrounding properties; and
32	WHEREAS, The Homer Planning Commission determined that the rezone was in compliance
33	with the Homer Comprehensive Plan.
-	
34	NOW THEREFORE, THE CITY OF HOMER ORDAINS:

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Sections:

36 Section 1. Homer City Code 21.17 is hereby enacted as follows:

37	Chapter 21.17
J,	

38 M MEDICAL DISTRICT

00	5 6 6 6 7 15 .	
40	21.17.010	Purpose.
41	21.17.020	Permitted uses and structures.
42	21.17.030	Conditional uses and structures.
43	21.17.040	Dimensional requirements.
44	21.17.050	Site and access.
45	21.17.060	Traffic requirements.
46	21.17.070	Site development standards.

Nuisance standards.

48 21.17.090 Lighting standards.

21.17.010 Purpose.

21.17.080

- The purpose of the Medical District is to provide an area near the hospital to support medical
- facilities and other professional office and limited commercial uses. The district is meant to
- 52 accommodate a mixture of residential and nonresidential uses with conflicts being resolved in
- favor of nonresidential uses. Pedestrian-friendly designs and amenities are encouraged.
- 54 21.17.020 Permitted uses and structures.
- 55 The following uses are permitted outright in the Medical District:
- a. Single-family and duplex dwelling, excluding mobile homes;
- 57 b. Multiple-family dwelling, provided the structure conforms to HCC 21.14.040(a)(2) and
- 58 excluding mobile homes;
- 59 c. Public parks and playgrounds;
- 60 d. Rooming house, bed and breakfast;
- e. Townhouses (compliant w 21.53.010 (q) and (h));
- 62 f. Home occupations; provided they conform to the requirements of HCC 21.51.010;
- 63 q. Professional offices and general business offices;
- 64 h. Clinics;

- 65 i. Day care facilities;
- 66 j. Day care homes;
- 67 k. Personal services;
- 68 I. Museums, libraries and similar institutions;
- 69 m. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
- 70 n. Religious, cultural and fraternal assembly;
- o. Storage of the occupant's personal commercial fishing gear in a safe and orderly manner
- and separated by at least five feet from any property line as an accessory use incidental to a
- 73 permitted or conditionally permitted principal use;
- 74 p. Private exterior storage of the occupant's personal noncommercial equipment, including
- 75 noncommercial trucks, boats, campers, and not more than one recreational vehicle in a safe
- and orderly manner and separated by at least five feet from any property line as an accessory
- vse incidental to a permitted or conditionally permitted principal use;
- 78 q. Other customary accessory uses to any of the permitted uses listed in the Medical District;
- 79 provided, that no separate permit shall be issued for the construction of any detached
- 80 accessory building prior to that of the main building;
- 81 r. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory use in a
- 82 manner consistent with the requirements of the Homer City Code and as long as such animals
- are kept as pets and their numbers are such as not to unreasonably annoy or disturb occupants
- 84 of neighboring property;
- s. Recreational vehicles, subject to the standards set out in HCC 21.54.320;
- 86 t. As an accessory use, one small wind energy system per lot having a rated capacity not
- 87 exceeding 10 kilowatts;
- 88 u. Mobile food services;
- 89 v. Retail as an accessory use to a permitted principle use;
- 90 w. Sale of durable and non-durable medical supplies and equipment;
- 91 x. More than one building containing a permitted principal use on a lot;
- 92 y. Parking lots.
- 93 21.17.030 Conditional uses and structures.
- 94 The following uses may be permitted in the Medical District when authorized by conditional
- 95 use permit issued in accordance with Chapter 21.71 HCC:

- 96 a. Planned unit developments, excluding all industrial uses;
- 97 b. Public or private schools;
- 98 c. Hospitals;
- 99 d. Public utility facilities and structures;
- 100 e. Mortuaries;
- 101 f. Group care homes;
- 102 g. Helipads, but only as an accessory use incidental to a hospital conditional use;
- 103 h. One small wind energy system having a rated capacity exceeding 10 kilowatts; provided,
- that it is the only wind energy system of any capacity on the lot;
- i. Other uses approved pursuant to HCC 21.04.020;
- 106 j. Parking garage.
- 107 **21.17.040** Dimensional requirements.
- 108 The following dimensional requirements shall apply to all structures and uses in the Medical
- 109 District:
- a. The minimum lot size is 7,500 square feet.
- 111 b. Building Setbacks.
- 1. Buildings shall be set back 20 feet from all dedicated rights-of-way.
- 2. All buildings shall be set back from all other lot boundary lines according to the number
- of stories as follows:

Number of Stories	Setback (in feet)
1 story	5 feet
1 1/2 stories	6 feet
2 stories	7 feet
2 1/2 stories	8 feet

- 115 c. Building Height.
- 1. The maximum building height is 35 feet, except as provided in subsection (c)(2) of this section.
- 118 2. If approved by conditional use permit, the maximum building height for multifamily residential and commercial buildings 65 feet.

- d. No lot shall contain more than 8,000 square feet of building area (all buildings combined),
- nor shall any lot contain building area in excess of 30 percent of the lot area, without an
- approved conditional use permit.
- 123 **21.17.050** Site and access.
- a. A zoning permit for any nonresidential use or structure shall not be issued by the City
- without an approved site plan and an approved level two right-of-way access plan that
- 126 conform to the standards of Chapter 21.73 HCC.
- b. All access points to rights-of-way shall conform to the standards of a level two right-of-way
- access plan stated in Chapter 21.73 HCC. This applies to all uses and structures.
- 129 21.17.060 Traffic requirements.
- 130 A conditional use permit is required for every use that:
- a. Is estimated to generate more than 100 vehicle trips during any hour of the day calculated
- utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the Trip
- 134 Generation Handbook, Institute of Transportation Engineers, 9th Edition;
- 135 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any
- hour of the day due to a change in land use or intensity of use; or
- d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of
- service, the highway, road, street, alley or intersection.
- 139 21.17.070 Site development standards.
- a. All single-family and duplex residential development in the Medical District shall comply
- 141 with the level one site development standards contained in HCC 21.50.020.
- b. All residential development of three units or more and all nonresidential development on
- lands in this district shall conform to the level two site development standards set forth in HCC
- 21.50.030 subsections (a) through (e), and HCC 21.50.030(f)(1)(a) and HCC 21.50.030(f)(2).
- Parking lots with a minimum of 24 spaces or more shall provide a minimum of 10% landscaped
- area in dividers, islands or buffers or any combination thereof, adjacent or within the parking
- 147 area.
- 148 c. New non-residential construction shall be screened from existing single family or duplex
- dwellings by a continuous fence or landscaping so as to obscure the view of the parking lot and
- 150 loading areas from the adjacent dwelling.
- 151 21.17.080 Nuisance standards.
- The nuisance standards of HCC 21.59.010 apply to all development, uses, and structures in this
- 153 zoning district.

- 154 21.17.090 Lighting standards.
- The level one lighting standards of HCC 21.59.030 apply to all development, uses, and
- 156 structures in this zoning district.

- 158 <u>Section 2.</u> Homer City Code 21.21.58.030 Permission for communications towers is hereby
- 159 amended as follows:
- a. Except as provided in subsection (b) of this section, a communications tower is permitted as
- a principal or accessory use or structure in each zoning district.
- b. A communications tower that exceeds the following maximum height for the zoning district
- in which the communications tower is located is permitted only when authorized by
- 164 conditional use permit issued in accordance with Chapter 21.71 HCC.

District	Maximum Height (feet)
CBD	60
TC	60
GBD	60
GC1	120
RO	85
MD	<mark>85</mark>
UR	60
RR	85
CONS	60
GC2	120
EEMU	120
MI	120
MC	120
OSR	60
BCWPD	120

Section 3. Homer City Code 21.60.060 Signs on private property is hereby amended as follows:

a. Signs shall be allowed on private property in the City only in accordance with Table 1. If the letter "A" appears for a sign type in a column, such sign type is allowed without prior permit approval in the zoning district represented by that column. If the letter "P" appears for a sign type in a column, such sign type is allowed only with prior permit approval in the zoning district represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such sign type is not allowed in the zoning district represented by that column under any circumstances. If the letters "PH" appear for a sign type in a column, such sign type is allowed in the zoning district represented by that column only with prior approval by the Commission after a public hearing.

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b. Although permitted under subsection (a) of this section, a sign designated by an "A" or "P" in Table 1 shall be allowed only if:

 1. The sum of the area of all building and freestanding signs on the lot does not exceed the maximum permitted sign area for the zoning district in which the lot is located as specified in Table 2; and

2. The characteristics of the sign conform to the limitations of Table 3, Permitted Sign Characteristics by Zoning District, and with any additional limitations on characteristics listed in Table 1 or Table 2.

c. A sign type that is not listed on the following tables is prohibited.

	Key to Tables 1 through 3												
RR	Rural Residential	GBD	Gateway Business District										
UR	Urban Residential	GC1	General Commercial 1										
RO	Residential Office	GC ₂	General Commercial 2										
INS	Institutional Uses	EEMU	East End Mixed Use										
	Permitted in Residential Zoning Districts (a)	MC	Marine Commercial										
CBD	Central Business District	MI	Marine Industrial										
тс	Town Center District	OSR	Open Space Recreation										
MD	<u>Medical District</u>	PS	Public Sign Uses Permit										

Key to Tables 1 through 3

A = Allowed without sign permit

P = Allowed only with sign permit

N = Not allowed

PH = Allowed only upon approval by the Planning Commission after a public hearing.

For parenthetical references, e.g., "(a)," see notes following graphical portion of table.

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Table 1

Sign Type	RR	UR	RO	INS (a)	MD	CBD	тс	GBD	GC1	GC2	EEMU	МС	МІ	OSR	PS
Freestanding															
Residential (b)	Α	Α	Α	Α	A	Α	Α	Α	N	Ν	N	Ν	N	Α	РН
Other (b)	N	N	N	Р	<u>P</u>	Р	Р	P (i)	Α	Α	А	Р	Р	N	PH
Incidental (c)	N	N	A (d)	A (d)	A	Α	Α	Α	Α	Α	А	Α	Α	N	N
Building															
Banner	Ν	Ν	Ν	Ν	N	N	Ν	N	N	Ν	N	Ν	N	N	Ν
Building Marker (e)	Α	Α	Α	Α	A	Α	Α	Α	Α	Α	А	Α	Α	Α	N
Identification (d)	Α	Α	Α	Α	A	Α	Α	А	Α	Α	А	Α	Α	Α	N
Incidental (c)	N	N	A (f)	Α	A	Α	Α	Α	Α	Α	А	Α	Α	N	N
Marquee	N	Ν	N	N	P	Р	Р	Р	Р	Р	Р	Р	Р	N	Ν
Projecting	N	Ν	N	N	P	Р	Р	Р	Р	Р	Р	Р	Р	N	Ν
Residential (b)	Α	Α	Α	N	A	Α	Α	Α	N	N	N	N	Ν	Α	Ν
Roof, Integral	Ν	Ν	Ν	Р	<u>P</u>	Р	Р	Р	Р	Р	Р	Р	Р	Ν	Ν
Suspended	Ν	Ν	Ν	Р	P	Р	Р	Р	Р	Р	Р	Р	Р	N	Ν
Temporary (g)	Р	Р	Р	Ν	<u>P</u>		Р	Р	Р	Р	Р	Р	Р	Ν	Ν
Wall	Α	Α	Α	Α	P	Р	Р	Р	Р	Р	Р	Р	Р	Α	Α
Window	Ν	Ν	Α	N	<u>P</u>	Р	Р	Р	Р	Р	Р	Р	Р	N	Ν

Sign Type	RR	UR	RO	INS (a)	MD	CBD	тс	GBD	GC1	GC2	EEMU	МС	МІ	OSR	PS
Miscellaneous															
Flag (h)	Α	Α	Α	Α	A	A	Α	Α	Α	Α	A	Α	Α	Α	Α

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Notes to Table 1:

- a. This column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, nonprofit, or public safety/benefit nature, i.e., schools, churches, and hospitals.
- b. No commercial message allowed on sign, except for a commercial message drawing attention to goods or services legally offered on the lot.
- c. No commercial message of any kind allowed on sign if such message is legible from any location off the lot on which the sign is located.
- d. Only address and name of occupant allowed on sign.
- e. May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.
- f. No commercial message of any kind allowed on sign.
- g. The conditions of HCC 21.60.130 apply.
- h. Flags of the United States, the State, the City, foreign nations having diplomatic relations with the United States and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulations as such.
- i. The main entrance to a development in GBD may include one ground sign announcing the name of the development. Such sign shall consist of natural materials. Around the sign grass, flowers and shrubs shall be placed to provide color and visual interest. The sign must comply with applicable sign code requirements.

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Table 2. Maximum Total Sign Area Per Lot by Zoning District

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Table 2 Part A

The maximum combined total area of all signs, in square feet, except incidental, building marker, and flags (b), shall not exceed the following according to district:

RR	UR	RO	RO (e)	INS (a)	OSR	PS (d)	MD
4	4	6	50	20	4	32	<u>50</u>

Table 2 Part B

In all other districts not described in Table 2 Part A, the maximum combined total area of all signs, in square feet, except incidental, building marker and flags, shall not exceed the following:

Square feet of wall frontage (c):	Maximum allowed sign are per principal building:						
750 s.f. and over	150 s.f.						
650 to 749	130 s.f.						
550 to 649	110 s.f.						
450 to 549	90 s.f.						
350 to 449	70 s.f.						
200 to 349	50 s.f.						
o to 199	30 s.f.						

In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or with multiple independent businesses or occupancies in one or more buildings, the total allowed sign area may be increased beyond the maximum allowed signage as shown in Table 2 Part B, by 20%. This additional sign area can only be used to promote or identify the building or complex of buildings.

In all districts covered by Table 2 Part B, freestanding signs, when otherwise allowed, shall not exceed the following limitations:

Only one freestanding sign is allowed per lot, except one freestanding public sign may be additionally allowed. A freestanding sign may not exceed 10 feet in height. The sign area on a freestanding sign (excluding a public sign) shall be included in the calculation of maximum allowed sign area per lot and shall not exceed the following:

One business or occupancy in one building – 36 sq ft.

Two independent businesses or occupancies or principal buildings in any combination – 54 sq ft.

Three independent businesses or occupancies or principal buildings in any combination – 63 sq ft.

Four or more independent businesses or occupancies or principal buildings in any combination – 72 sq ft.

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Notes to Table 2, Parts A and B

- a. The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, nonprofit, or public safety or benefit nature, e.g., schools churches, and hospitals.
- b. Flags of the United States, the State, the City, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.
- c. Square feet of wall frontage is defined as total square footage of wall surface, under the roof, that faces the major access or right-of-way of the business. In the case of a business located on a corner lot, square footage of wall frontage is the total square footage of wall surface, under the roof, on the side of the business with the most square footage.
- d. The PS column does not represent a zoning district. It applies to public signs permitted under the zoning code, in all zoning districts.
- e. This RO column applies only to lots in that portion of the RO district that abuts East End Road, Bartlett Street, Hohe Street, and Pennock Street. Within this area, there is allowed a maximum of 50 square feet total area of all signs (including the ground sign referred to below), except incidental, building marker, and flags (see note (b) above). One ground sign, with a maximum total area of 16 square feet, will be permitted per lot. Each ground sign shall not exceed six feet in height, measured from the base to the highest portion of any part of the sign or supporting structure.
- f. In the Medical District, only one freestanding sign is allowed per lot, except one freestanding public sign may be additionally allowed. A freestanding sign may not exceed to feet in height or 36 square feet in area.

Table 3. Permitted Sign Characteristics by Zoning District

Sign Type	RR	UR	RO	INS (a)	<u>MD</u>	CBD	тс	GBD	GC1	GC2	EEMU	МС	МІ	OSR	PS (e)
Animated (b)	Ν	Ν	Ν	N	N	Р	Р	Ν	Р	N	Р	Р	Ν	Ν	Z
Changeable Copy (c)	N	N	N	Р	<u>P</u>	Р	Р	Р	Р	Р	Р	Р	Р	Ν	PH
Illumination Internal	N	N	N	Р	<u>P</u>	Р	Р	Р	Р	Р	Р	Р	Р	N	N
Illumination External	N	N	N	Р	<u>P</u>	Р	Р	Р	Р	Р	Р	Р	Р	N	PH
Neon (d)	Ν	Ν	Ν	N	N	Р	Р	N	Р	Р	Р	Р	Р	N	N

Notes to Table 3:

- 250 a. The INS column does not represent a zoning district. It applies to institutional uses 251 permitted under the zoning code, in the RR, UR and RO zoning districts. Institutional is defined 252 as an established organization or corporation of a public, nonprofit, or public safety/benefit 253 nature, i.e., schools, churches, and hospitals.
- b. Animated signs may not be neon or change colors or exceed three square feet in area.
- 255 c. Changeable copy signs must be wall- or pole-mounted, and may not be flashing.
- d. Neon signs may not be flashing and may not exceed 32 square feet.
- e. The PS column does not represent a zoning district. It applies to public signs permitted under the zoning code, in all zoning districts.

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- 261 <u>Section 4.</u> HCC 21.10.020 Zoning District is hereby amended as follows:
- a. The City is divided into zoning districts. Within each zoning district only uses and structures authorized by this title are allowed.

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b. The following zoning districts are hereby established:

Zone	Abbreviated Designation
Residential Office	RO
Rural Residential	RR
Urban Residential	UR
Central Business District	CBD
Town Center District	TCD
Gateway Business District	GBD
General Commercial 1	GC1
General Commercial 2	GC2
East End Mixed Use	EEMU
Marine Commercial	MC
Marine Industrial	MI
<u>Medical</u>	<u>M</u>
Open Space – Recreational	OSR

Abbreviated

	/one	Abbreviated Designation
	Conservation District	СО
266 267	c. The zoning district boundaries 10 § 2, 2012; Ord. 08-29, 2008].	es shall be as shown on the official Homer zoning map. [Ord. 12-
268		
269 270		Map is amended to transfer the parcels listed on the attached at to the M zoning district as shown on the attached Exhibit B.
271		
272 273	,	authorized to note on the Homer Zoning Map the amendments quired by Homer City Code 21.10.030(b).
274		
275 276 277	shall be included in the City Coo	Ordinance are of a permanent nature and general character and de. Section 5 is a non-Code ordinance of a permanent nature and history of Homer City Code 21.10.030.
278		
279	ENACTED BY THE CITY COUN	CIL OF HOMER, ALASKA, this XX day of XXX, 2020.
280		CITY OF HOMER
281		
282		WENT CASTAIGN MANYON
283 284		KEN CASTNER, MAYOR
285	ATTEST:	
286 287		
288	MELISSA JACOBSEN, MMC, O	CITY CLERK
289 290	YES:	
291	NO:	
292	ABSTAIN:	
293 294	ABSENT:	
295	First Reading:	

296	Public Hearing:		
297	Second Reading:		
298	Effective Date:		
299			
300			
301	Reviewed and approved as to form.		
302			
303			
304	City Manager	Michael Gatti, City Attorney	
305	Date:	Date:	
306			

Exhibit A

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Parcel ID
            Legal Description
17505303
            T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 3 BLK 7
17505306
            T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 6 BLK 7
            T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 7 BLK 7
17505307
17505610
            T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 10 BLK 6
17505612
            T 6S R 13W SEC 18 SEWARD MERIDIAN HM 2005061 FAIRVIEW SUB FLYUM ADDN LOT 2A BLK 6
17505614
            T 6S R 13W SEC 18 SEWARD MERIDIAN HM 2010027 FAIRVIEW SUB NO 16 2010 REPLAT LOT 6-A2 BLOCK 6
17506106
            T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 6 BLK 10
17506205
            T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 1 BLK 5
17506504
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 10 BLK 4
17505304
            T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 4 BLK 7
17505305
            T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 5 BLK 7
17506102
            T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 2 BLK 10
17506103
            T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 3 BLK 10
17506105
            T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 5 BLK 10
17506402
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 15 BLK 4
17506403
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 14 BLK 4
17506505
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 9 BLK 4
17506512
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 2 BLK 4
17506513
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 1 BLK 4
17513307
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 29-A
17513311
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 26-A1
17513323
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 7-A
17513324
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 8-A
17513329
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 12-A
17513347
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2009018 BUNNELL'S SUB NO 22 LOT 22-A2
17506508
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 6 BLK 4
17506516
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB THE WEST 18 FT 7 IN OF LOT 7 & ALL OF LOT 8 BLK 4
17513223
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 45 THE EAST PORTION THEREOF
17513225
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0780044 BUNNELL'S SUB REPLAT LOTS 27 & 28 LOT 27B
17513226
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0780044 BUNNELL'S SUB REPLAT LOTS 27 & 28 LOT 28B
17513313
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 24-A1
17513314
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 23-A1
17513319
            T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 3-A-1
```

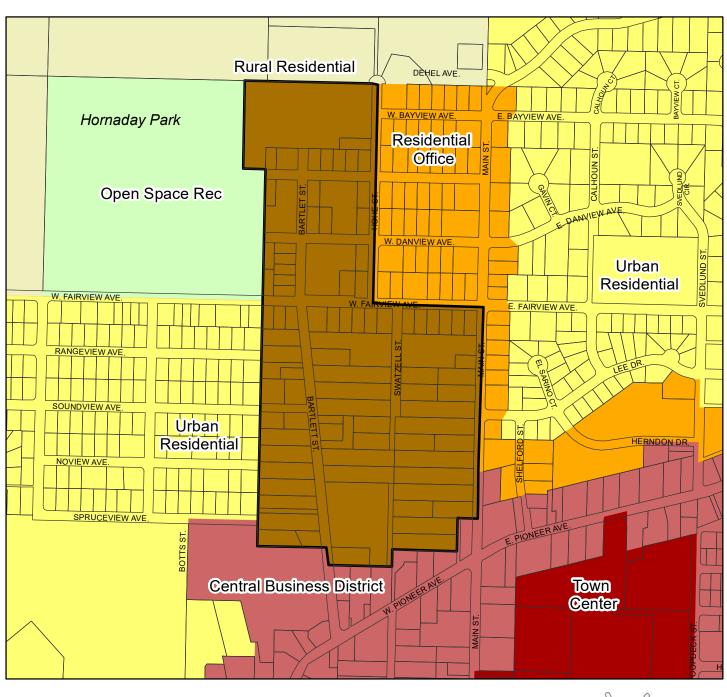
Exhibit A

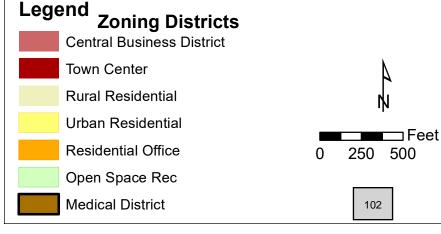
Parcel ID	Legal Description
17513321	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 5-A-1
17513339	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0970075 BUNNELLS SUB MASTOLIER ADDN LOT 6-A-2
17513342	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2006065 BUNNELL'S SUB FORTIN REPLAT LOT 27-C1
17513348	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2013010 BUNNELL'S SUB NO 23 LOT A-1
17514222	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 50
17514223	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 51
17504024	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 2008092 SOUTH PENINSULA HOSPITAL SUB 2008 ADDN TRACT A2
17505205	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 2009043 FAIRVIEW SUB HALPIN ADDN LOT 2A BLK 8
17505509	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 2004101 FAIRVIEW SUB 2003 ADDN LOT 1-A BLK 9
17505601	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 5 BLK 6
17505613	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 2010027 FARIVIEW SUB NO 16 2010 REPLAT LOT 6-A1 BLOCK 6
17506104	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 4 BLK 10
17506107	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 7 BLK 10
17506212	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0850028 FAIRVIEW SUB NO 11 LOT 2-A BLK 5
17506401	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 16 BLK 4
17506510	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 4 BLK 4
17506511	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 3 BLK 4
17513222	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 45 THE WEST PORTION THEREOF
17513312	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 25-A1
17513318	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 2-A
17513325	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 9-A
17513326	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 10-A
17513327	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 11-A
17513330	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 13-B
17513338	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0970075 BUNNELLS SUB MASTOLIER ADDN LOT 6-A-1
	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB PTN OF LT 13 BEGINNING @SW CORNER OF LOT; TH N100 FT;
	TH E230 FT TO CTR OF STREAM BED BISECTING LOT; TH SE TO POINT WHERE STREAM CTR INTERSECTS SOUTH LINE OF LOT; TH W
17514122	283 FT TO POB
17531003	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0830122 FAIRNELL SUB AMD LOT 41-B
17531005	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0830122 FAIRNELL SUB AMD LOT 43-A
17531007	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0830122 FAIRNELL SUB AMD LOT 41-A
17531021	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0790131 HARBOR RIDGE SUB LOT 5 EXCLUDING SLOPE EASEMENT
17513217	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 44

Exhibit A

Parcel ID	Legal Description
17505202	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 4 BLK 8
17505302	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 1 BLK 7
17505501	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 6 BLK 9
17505605	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 1 BLK 6
17506101	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 1 BLK 10
17506210	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 10 BLK 5
17506211	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0850028 FAIRVIEW SUB NO 11 LOT 9-A BLK 5
17506502	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 12 BLK 4
17506503	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 11 BLK 4
17506509	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 5 BLK 4
17513219	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 46
17513220	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 47
17513221	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 48 EXCLUDING SLOPE ESMT
17513306	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 30-A
17513316	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 13-C
17513317	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 1-A
17513320	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 3-B-1
17513328	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 11-B
17513343	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2006065 BUNNELL'S SUB FORTIN REPLAT LOT 27-C2
17513344	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2006065 BUNNELL'S SUB FORTIN REPLAT LOT 27-C3
17513349	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2013010 BUNNELL'S SUB NO 23 LOT A-2
17514220	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 49 THE EAST PTN THEREOF EXCL SLOPE EASEMENT
17514221	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000258 BUNNELLS SUB LOT 49 THE WEST PTN THEREOF
17513114	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0780121 BUNNELLS REPLAT LOT 4 & N1/2 LOT 5 LOT 4-A
17531004	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0830122 FAIRNELL SUB AMD LOT 42-B
17531006	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0830122 FAIRNELL SUB AMD LOT 42-A
17531024	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0840094 HARBOR RIDGE SUB NO 2 LOT 1-A

Exhibit B







City of Homer Planning and Zoning Department

5/20/2020

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

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Planning Commission on Wednesday, June 17, 2020 at 6:30 p.m. via a virtual meeting webinar, on the following matters:

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE TO CREATE HOMER CITY CODE 21.17, MEDICAL ZONING DISTRICT; AMENDING HOMER CITY CODE 21.58.030, PERMISSION FOR COMMUNICATIONS TOWERS, ADDING THE MEDICAL ZONING DISTRICT; AMENDING HOMER CITY CODE 21.60.060, SIGNS ON PRIVATE PROPERTY, ADDING THE MEDICAL ZONING DISTRICT; AMENDING HOMER CITY CODE 21.10.020, ZONING DISTRICTS, TO INLCUDE THE MEDICAL DISTRICT; AND AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RESIDENTIAL OFFICE (RO) ZONING DISTRICT TO MEDICAL (M) ZONING DISTRICT.

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.05.030, MEASURING HEIGHTS, TO EXCLUDE ELEVATOR SHAFTS WHEN MEASURING THE HEIGHT OF A BUILDING.

The proposed ordinances are available for review at the Planning and Zoning Office webpage: www.cityofhomer-ak.gov/planning/medical-district-planning.

The virtual public hearing can be viewed online by visiting the Planning Commission Regular Meeting page on the City's online calendar: www.cityofhomer-ak.gov/calendar.

To provide verbal testimony during the public hearing, you may submit an online form by visiting the Planning Commission Regular Meeting page at the link above OR by calling the City Clerk's Office at the number below, prior to 4:30 p.m. on the day of the meeting.

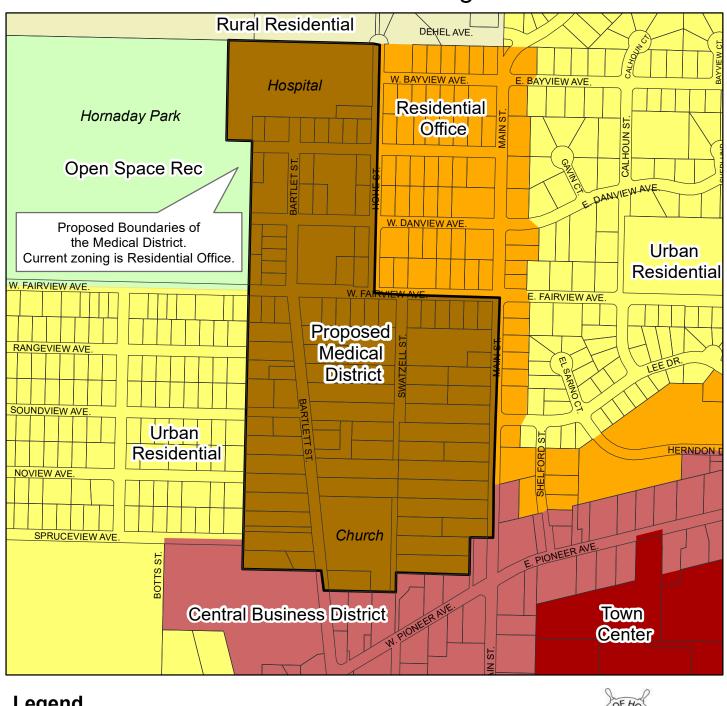
To provide written testimony, you may: 1) submit it via email to *planning@ci.homer.ak.us*, 2) slip it in the 24/7 drop box at the upstairs entrance to Homer City Hall, or 3) mail it to Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603, (must be received) prior to 4 p.m. on the day of the meeting.

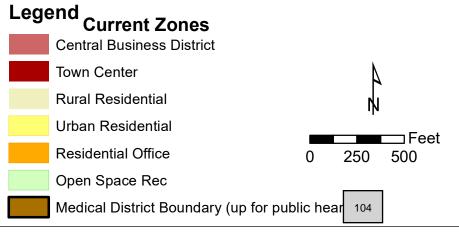
If you have questions about the ordinances, need additional information, or have questions about how to participate in the virtual public hearing, please contact the Planning and Zoning Office at 235-3106 or the Clerk's Office at 235-3130.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF THE PROPOSED MEDICAL DISTRICT BOUNDARIES & PROPERTIES WITHIN 300 FEET OF MAIN STREET

MAP OF PROPOSED MEDICAL DISTRICT BOUNDARIES AND CURRENT ZONING ON REVERSE

Proposed Medical District Boundaries and Current Zoning





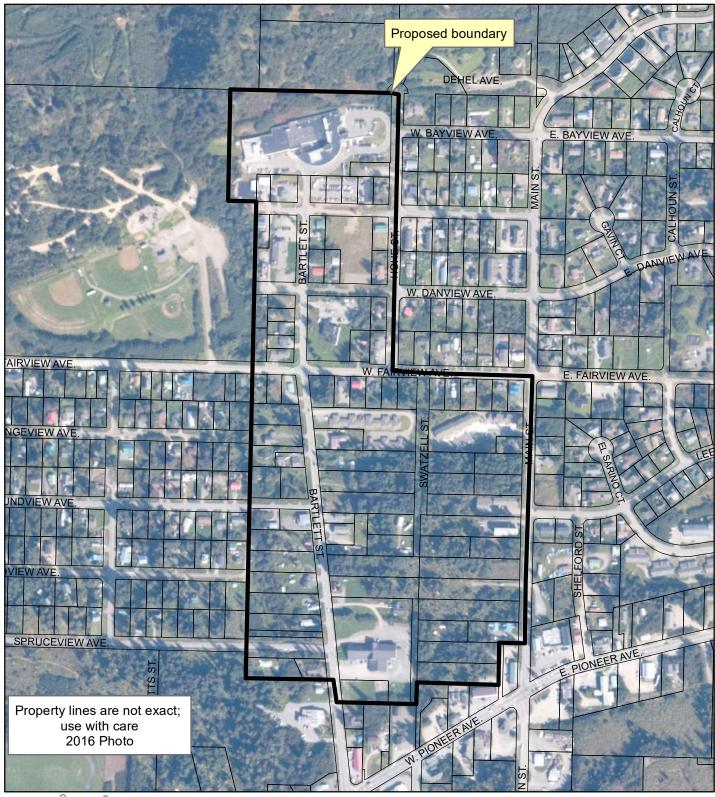


City of Homer Planning and Zoning Department

6/3/20

Disclaimer:
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Homer, its council, board,
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or conclusions drawn therefrom.

Aerial Map





City of Homer Planning and Zoning Department 6/10/2020 Disclaimer:

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Planning

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Memorandum Agenda Changes/Supplemental Packet

TO: PLANNING COMMISSION

FROM: TRAVIS BROWN, PLANNING TECHNICIAN

DATE: JUNE 17, 2020

SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

REGULAR MEETING

Public Hearings

A. Staff Report 20-38, Proposed Ordinance to create the Medical Zoning District by rezoning a portion of the Residential Office Zoning District and adding the Medical Zoning District to HCC 21.58.030 permission for communications towers and HCC 21.60.060 signs on private property

Public Comments page 1

Plat Consideration

A. Staff Report 20-41, Jack Gist Subdivision No. 3 Preliminary Plat

Public Comments page 4

From: Andrei <andrei_t10@yahoo.com>
Sent: Wednesday, June 17, 2020 12:40 PM

To: Department Planning

Subject: Medical zoning Public testimony

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

I reside in "Office Residential" zone, that part being proposed to be re-zoned "Medical". I would like to raise an objection to the verbiage utilized in the proposed paragraph 21.17.020(r), line 81-84, referencing permitted harboring of <...>, fowl but only "as long as such animals are kept as pets". It is not unheard of to treat chicken as "... animal kept for companionship or pleasure", which appears to be the prevalent definition of the word pet. However, so far I am predominantly interested in eating their eggs. I may even end up eating the above mentioned chicken. This can only be interpreted as I would be eating my pets and I find that weirdly offensive. While this is an established formulation in HCC for other zones, I would like to propose a change for this paragraph to be composed as significantly more appropriate "... as long as such animals are kept for non-commercial purposes". Otherwise, I would like to find guidance on how much companionship shall be accomplished and what kind of pleasure should be extracted from these pet chickens to avoid running afoul of HCC.

Respectfully, Andrei Tsyganenko From: Roy Thomas <Rjaythomas@outlook.com>

Sent: Monday, June 15, 2020 7:48 PM

To: Department Planning Cc: Itdawn@live.com

Subject: Proposed Medical District Zoning

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

The comments included herein are submitted as written testimony for the public hearing by the Homer Planning Department scheduled for Wednesday, June 17, 2020.

- 1. The proposed ordinance states, in part, whereas, the Homer Planning Commission considered the effect of the change on the district and surrounding properties.
 - What effects were considered by the Planning Department and how were negative effects mitigated for existing uses with particular emphasis on existing residential uses? I don't see any of this discussion in the public documents. I submitted written comments to the prior public hearing notice (several months ago) and received no reply from the Planning Department.
- 2. The proposed ordinance states that conflicts created by this zoning change will be resolved in favor of non-residential use. A person's home is normally their single largest financial asset, it is where they spend most of their time, where they raise families, and residential land use forms a property tax base that supports schools, utilities and government functions. Residences are the backbone of any community.
 - This ordinance, for example, could result in a helipad constructed adjacent to an existing family residence. Deference should be given to current and existing use. The burden of conflict resolution should bear on the proposed new uses which will result from this ordinance.
- 3. A number of additional requirements should be incorporated directly into the ordinance that protect existing uses from future conditionally permitted buildings with a maximum height of 65 feet. Please consider transition heights with greater separation distances, greater property boundary setbacks, the effect of sunlight shading, loss of privacy and loss of viewshed. These are all important to neighborhood wellness, resident quality of life and character of the City of Homer.

Sincerely,

Roy Thomas 3895 Main Street Rjaythomas@outlook.com

6/15/2020

From: todd aksteiners.com <todd@aksteiners.com>

Sent: Saturday, June 13, 2020 10:58 AM

To: Department Planning
Cc: Department Clerk

Subject: Proposed medical district zone

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

I live on Bartlett in the area which is currently under consideration of becoming re-zoned as a medical district as opposed to residential office. I have lived on Bartlett for ten years.

I have read the proposed ordinance and there is one item in particular that I am asking you to reconsider. Item 204 regarding the use of flags as signage.

I can understand flags being considered a sign if they are hung from two points horizontally as opposed to the traditional method of two points vertically. I can also understand a flag being used as a sign if it was strung up from four points as a banner.

It is a stretch to consider a traditional style flag pole or flag pole off of one's porch as a sign. I am assuming that the planning commission means well and did not intend to interfere with individual property rights or rights of free speech through a flag as a symbol. However I believe that the ordinance as written is just that. If my neighbor who has invested their time, money, and years into their home wants to fly a rainbow flag, or a Trump flag, or a Jolly Roger flag, or a Hello Kitty flag on their own property that is their business. It certainly isn't my business or any of yours either. I do not intend to sound rude or too forward but personal property rights are important and I am trying to make a point.

I am not personally the kind of person who fly's a flag at my house, I never have. Having said that I have noticed that many people do, at both their homes and businesses. I do not believe it is fair for the city to dictate that they can only fly the American, Alaskan, of any nationally "approved" flag. (I am paraphrasing a bit here).

Many people invest their life's work into their homes. It is their single largest investment. They deserve the freedom to fly a symbolic flag on their property if they should choose to do so.

I am respectfully asking that you reconsider the language in the proposed ordinance regarding the use of flags as signs. We have all invested into our neighborhood, please remember that it is currently "Residential Office" and to most of us here it is our residence. It is not purely a business district.

Thanks for your consideration and feel free to contact if you would like. Todd Steiner 907-299-1992

Deputy City Planner Engebretsen provided brief updates on the status of the planning staff work schedules including City Planner Abboud taking on the role of Acting City Manager until one is hired; COVID 19 department brief update.

PUBLIC HEARING(S)

A. Staff Report 20-38, Proposed Ordinance to create the Medical Zoning District by rezoning a portion of the Residential Office Zoning District and adding the Medical Zoning District to HCC 21.58.030 permission for communications towers and HCC 21.60.060 signs on private property

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

Deputy City Planner Engebretsen provided a summary review of Staff Report 20-38 for the Commission.

Deputy City Clerk Krause clarified the process for the public testimony submitted in the Supplemental Packet.

Chair Venuti opened the Public Hearing. He inquired if there were any members of the Public who signed up to testify.

Deputy City Clerk Krause noted that there were no requests to provide testimony. She provided some clarification for the Commission on the public presence at the meeting.

Chair Venuti closed the Public Hearing and opened the floor to questions of the Commission.

Commissioner Highland requested clarification on the single letter "m" on line 38.

Deputy City Planner Engebretsen responded that it is but will double check and if not the City Clerk will be able to make that typographical error correction.

There was a brief inquiry on discussing the public comments received regarding helipads in a Medical District and transition in building height.

BENTZ/BOS MOVED TO ADOPT STAFF REPORT 20-38 AND FORWARD A RECOMMENDATION TO CITY COUNCIL TO ADOPT THE PROPOSED ORDINANCE TO CREATE A MEDICAL ZONING DISTRICT BY REZONING A PORTION OF THE RESIDENTIAL OFFICE DISTRICT AND FURTHER AMENDING HOMER CITY CODE 21.58.030 PERMISSION FOR COMMUNICATION TOWERS AND HOMER CITY CODE 21.60.060 SIGNS ON PRIVATE PROPERTY BY ADDING MEDICAL ZONING DISTRICT

A discussion ensued on the public comments received on building height, transition, view shed impediments and display of the flag, non-residential uses preferred over residential, setbacks

increased for taller buildings would cover the concerns for transitions, clarification on non-residential being preferred over residential or vice versa.

Deputy City Planner Engebretsen provided clarification outlined in Homer City Code conditional use process with provisions of one property not negatively impacting another and provided examples from Anchorage where a 4 story newer building is next to a 1950's residence. She further noted that it is quite common to have this scenario in transitional districts.

Continued discussion on the number of feet for setback for a 65 foot tall building and why it was not included specifically in the Ordinance; noting that there is no zoning requirement currently and it would be site specific, this could possibly come up in the conditional use permit process. It was determined that if the Commission wants to implement increased setbacks for taller buildings that is something that needs to be addressed.

Commissioner Davis encountered technical difficulties and could not participate in the discussion. A brief recess was called at 7:05 p.m. while staff determined what the problem was and offered assistance to Commissioner Davis. The issue was resolved at 7:18 p.m. and the meeting called back to order.

Commissioner Davis commented that while missing the meeting when the discussion was held by the Commission, he opined that a resident should be able to have the option to stop a project if it blocks their view shed of an existing residence.

Commissioners Highland, Smith, Bentz provided some background on the previous discussion on building height.

Chair Venuti inquired if the Commission would like to make an amendment.

Deputy City Planner Engebretsen reminded the Commission on the minutes reflecting the actions of the commission and that motions should be made to reflect changes.

Chair Venuti requested the Clerk to read the motion on the floor.

Deputy City Clerk Krause read the motion on the floor.

Commissioner Bentz reiterated where they stand and then queried staff on the location within the ordinance on placement to add an additional setback requirement for taller buildings and what would be the distance would be appropriate.

A discussion ensued on addressing that specifically in the city code at a separate meeting. Points of discussion included the existing setbacks, increasing the setbacks should specifically focus on taller buildings; this is outside the code for Homer and really applies towards building

codes; this would apply to high rise buildings; a 65 foot building could be considered a high rise dependent on an individual viewpoint compared to a establish standard or policy.

Deputy City Planner Engebretsen recommended that the Commission make a motion on amending the setback.

Chair Venuti requested the Clerk to call the vote hearing no motion for amending the setback from the Commission after several separate requests.

VOTE. YES. BENTZ, SMITH, BOS, PETSKA-RUBALCAVA, HIGHLAND VOTE. NO. DAVIS

Motion carried.

B. Staff Report 20-40, Proposed Ordinance amending HCC 21.05.030 to exclude elevator shafts when measuring the height of a building

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

Deputy City Planner Engebretsen provided a summary of Staff Report 20-40 for the Commission.

Chair Venuti opened the Public Hearing and confirming with the Clerk that there were no members of the public attending to provide testimony, he closed the public hearing and opened the floor to questions or comments of the Commission.

BENTZ/SMITH MOVED TO ADOPT STAFF REPORT 20-40 AND RECOMMEND CITY COUNCIL ADOPT THE ORDINANCE TO AMEND CITY CODE 21.05.030 TO EXCLUDE ELEVATOR SHAFTS WHEN MEASURING THE HEIGHT OF A BUILDING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

A. Staff Report 20-41, Jack Gist Subdivision No. 3 Preliminary Plat

Chair Venuti introduced the item by reading of the title into the record. He then requested if there were any Commissioners who would like to declare a conflict.



Planning

491 East Pioneer Avenue Homer, Alaska 99603

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Memorandum Agenda Changes/Supplemental Packet

TO: PLANNING COMMISSION

FROM: TRAVIS BROWN, PLANNING TECHNICIAN

DATE: July 15, 2020

SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

REGULAR MEETING

Reconsideration

A. Memorandum PL 20-07, Reconsideration of motion to forward a draft ordinance creating the Medical Zoning District to City Council. IF VOTED TO RECONSIDER, DISCUSSION WILL TAKE PLACE UNDER "NEW BUSINESS" ON THIS AGENDA.

Public Comments page 1

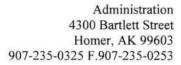
Plat Consideration

B. Staff Report 20-47, REVISED Jack Gist Subdivision No. 3 Preliminary Plat

Public Comments page 10

C. Staff Report 20-48, Foothills Subdivision Sunset View Estates 2020 Addition Preliminary Plat

Public Comments page 17





July 13, 2020

Planning Commission City of Homer

Members of the Commission,

South Peninsula Hospital has appreciated the opportunity to participate in the commission's development of the city's medical zoning district over the last six months. We welcome this additional opportunity to provide input based on prior meeting discussion as you reconsider its adoption.

As currently adopted, "the district is meant to accommodate a mixture of residential and nonresidential uses with conflicts being resolved in favor or nonresidential uses." We recommend this preference be used only in an overlay district that covers the area around the already highly developed hospital and clinic area.

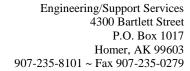
From single-family, duplex and multiple family dwelling, to parks, playgrounds, churches and daycares, it is clear that this area is for people to dwell and enjoy regularly. Defining this to an overlay area would allow us to honor the decades-old neighborhood in which we are a member. The pedestrian friendly, residential feel of the neighborhood adds quality to us as an employer and healthcare provider. Offering pedestrian friendly amenities and a non-commercial environment is very much a value for our 450+ employees, and thousands of residents seeking care here.

Additionally, a more medical-specific definition of helipad in this zoning would clarify intended use of permitted helipads and ensure greater support and flexibility for the specific needs of a helistop used for emergency medical response. Consider this definition: "Medical Services Helipad – any surface where a medi-vac medical helicopter takes off or lands for the transport of medical patients and/or medical personnel. Allowed support facilities restricted to medi-vac medical helicopters only are fueling, limited servicing and sheltering from weather. Such support facilities must meet federal, state and local regulations." Currently the inbound helicopters land, drop their crew and head to the airport to refuel. We all know that minutes are critical in emergency response, so allowing for the potential of fueling, limited servicing and sheltering might provide improved outcomes for patients needing critical care fast. Allowing the helipad to include fueling, limited servicing or sheltering might make a difference in the future of healthcare for the community.

Thank you again for the many hours you have devoted to establishing a medical district to support the growing and future healthcare needs for the residents we serve.

Ryan Smith, CEO

Myon (L)





Homer Planning Commission,

Re: Medical District Communications Tower Table stating 85 feet.

This height creates obstruction concerns for helicopter approaches and departures. Safety considerations for flight paths leading to and from the hospital helipad which is at 384 feet above sea level. Depending where a tower of this height is placed within the proposed Medical District would create an increased probability of a disaster. Propose a tower of this height cannot be constructed on a site no further up Bartlett Street than that of Noview Ave.

Respectfully submitted,

Glenn Radeke Facilities Director South Peninsula Hospital

Chapter 21.17 M Medical District

21-17.010 Purpose: Line 52 & 53: "...with conflicts being resolved in favor of nonresidential uses..."

Comment: The proposed medical district is in the heart of one of Homer's longest established residential areas. Preserving residential living quality of life and pedestrian safety should be of high importance in developing the stated PURPOSE of this new district. The stated preference for resolving conflicts to the benefit of nonresidential uses over residential sets up WIN/LOSE situations where quality of residential life and pedestrian safety can be diminished. We should seek WIN/WIN situations and give equal weight to both non-residential and residential uses.

Suggest adding the following language from the GC1 Statement of Purpose:

"It is also intended to minimize the congestion and adverse effects on adjacent residential districts and on the appearance of the community."

21.17.040 Dimensional Requirements: Lines 118 & 119: "...maximum building height for multifamily residential and commercial buildings 65 feet."

Comment: Suggest removing 65 feet as the maximum building height for commercial buildings. Instead suggest proposing no new fixed height number but instead allow a conditional use for commercial buildings over 2-1/2 stories if the buildings contain mixed uses and provides a parking garage within the building. The hospital has an interest in building a multi story structure that would include a multilevel parking garage, medical offices and medical clinics.

Further suggest a boundary for commercial buildings above 2-1/2 stories East of Bartlett Street, West of Hohe Street and above West Fairview Street. This would focus the development of multi-story commercial buildings nearest the hospital and limit interference with the view scape for residential properties below West Fairview. Traffic generated by such a building should be directed to Bartlett Street.

Current Definition of Helipad:

"Helipad" means any surface where a helicopter takes off or lands, but excludes permanent facilities for loading or unloading goods or passengers, or for fueling, servicing or storing helicopters.

Suggest a new definition for Medical Services Helipad:

"Medical Services Helipad" means any surface where a medi-vac medical helicopter takes off or lands for the transport of medical patients and medical personnel. Allowed support facilities restricted to medi-vac medical helicopters only are fueling, limited servicing and sheltering from weather. Such support facilities must meet federal, state and local regulations.

Comments by Lane Chesley.

July 15, 2020

Homer Advisory Planning Commission

Following are excerpts from an email exchange among myself, Lane Chesley, Julie Engelbretson, Derotha Ferraro, Glen Radeke and Ryan Smith. I hope you will take the various comments under consideration as you consider PL-20-07.

Lane began the series of emails by informing us of his comments on PL-20-07, which I assume he has passed on to the Planning Commission. I responded as follows:

Lane—Thanks for sending me a copy of the new proposal. By and large, your amendments look pretty good. I can't say I'm enthused about 2 ½ + stories of construction on the block next to our home, but it seems like an acceptable compromise, one that respects the character and values of the neighborhood, and one that is consistent with the future well-being of SPH. My sole significant complaint is with the helipad. I really don't understand what is to be gained by having fuel storage, service capability and storage facilities for helicopters in the area—even on a limited basis. The airport already has fuel storage, service areas and hangars available in an area dedicated to those uses with much more extensive infrastructure and technical expertise than ever will be on hand in a limited heliport in our neighborhood. All those features currently exist in an area where the infrastructure and technicians are concentrated only a couple of minutes flight time from SPH. Duplicating helicopter support facilities closer to

the hospital seems like a large and wasteful expenditure to accomplish something that is inadequate when compared to the existing facilities. For each patient pickup, the helicopters come and go a couple of times from the hospital, and typically they are parked on the roof of the building for twenty minutes or so, meaning that the delays between the helicopter's dropping off a couple of EMT's and its departure are attributable to the time necessary to prep the patient, not to flight times, refueling, etc. In short, I can sign off on the new medical district proposal with the exception of the helipad. I would like to hear your argument for building a helipad in the medical district, and, absent compelling reasons of which I am unaware, I hope you will rethink your position on this issue.

Please keep me posted.

Later.... Rob

After thinking about the issue, I sent my response to the others in this email exchange. Julie responded to the entire group as follows:

I should amend a bit... I recognize that the medical district is more a commercial than residential district, but part of RO and UR would be affected as well and clearly there are many residences in the area. I don't believe a heliport is an appropriate land use for the area. If there is a land use constraint (ie, not enough hangar space with a demonstrated need for more) then that is the problem to work on... more appropriate areas for hangars.

Hope that makes sense ©

Julie

She also sent me the following remarks in a separate email: Hi Rob,

I'm limiting my comments to you since everyone is working hard and I have had this conversation with hospital staff. When we chatted months ago, the issue was lack of hangar space for the helicopter. Our community's ability to have a life flight stationed here was hampered by no available leases at the airport. I have heard this from other people with airplanes. So in effect, the airport is currently full. (we do now have a helicopter here for several hours a day but it doesn't 'live' here, I think it flies in for a period of time?

As a planner, my solution to the full airport issue, is to allow helicopter facilities in other zoning districts around the airport. This would likely mean in the GC2 heavy industrial area along Kachemak Drive, and possibly in the East End Mixed Use district. This idea may have been brought up at a work session with the Commission but it didn't go anywhere. While the hospital is a worthy applicant for a heliport, the land use would be allowed for anyone who wanted a heliport. Zoning can't be used to discriminate or give special privileges to one party over another. So my planner response to a lack of airport space, is to allow that land use in another appropriate industrial district....not a residential zone. These decisions are ultimately made by the Commission and Council, but that is my planner opinion.

Julie

I sent Julie a lengthy response that mostly reflect my own values and (I think and hope) the values of the neighborhood:

Julie—Thanks for a very reasonable and well reasoned opinion. I think it's a bit alarming that, if approved, anyone could build a heliport there (I didn't know that until I read your email, so thanks, again). My feelings about land use planning are to err on the side of caution and take extra efforts to protect the defined uses of an area, which is to say to make it as difficult as possible for a developer to subvert the original purpose of a given zoning ordinance. The logic being that you can always change the rules for development in an area if there is a proven need, but once a developer exploits a loophole to build inappropriately, the damage is done. Paul Raymond's aborted construction project on Cityview is a good example: He transformed one of the last patches of forest in the neighborhood into a sterile construction site made of several feet of compacted gravel. It will take thousands of years for those trees to return. Maybe that patch of forest was doomed—I don't believe that, but it's possible however, its fate should not have been sealed without public deliberation over how the project should proceed, its scale and whether or not it should proceed at all. Specifically: Was that patch of forest of greater value than Paul Raymond's financial interest and the community need for a 20 K square foot medical center? I think it is essential to keep in mind the fact that all terrestrial life (which includes us humans) depends for its existence on a couple of feet of topsoil, and that topsoil accumulates at the rate of about an inch per century.

The history of development in the U.S. is the history of building stuff mostly without considering the need, the options or the consequences. More often than not, it seems, we look back and say, "Well, I guess we shouldn't have done that." And then we do

it again. When I think about these issues, it occurs to me that a lot of these mistakes are rooted in the fallacy of the excluded middle, the developers' rhetoric that this is what we have to build; this is the place; the time is now, and we can't let a bunch of wild-eyed, head-in-the-clouds liberals stop progress. The logical error, of course, is that it's perfectly possible to build what is needed and to do so in a way that preserves a healthy and pleasing environment. Progress does not demand the unnecessary destruction of communities and the environment that are cherished by values other than the financial gain of those who command the backhoes and dump trucks. In fact, if that destruction is a necessary component of progress, it is hard to justify calling it progress.

Well... I guess I should apologize for standing on my soap box, waving my arms and offering unsolicited opinions, but I guess it's all my way of thanking you for your thoughtful email.

Later.... Rob

PS I'm surprised that the airport is full, and, I assume, there is no further space for building another hangar. Is this so? It seems that building a hangar would be a lot cheaper and easier than building an entire heliport outside of the airport itself. Also, it seems proper to keep in mind the fact that the times they are a changin'. Specifically, due to the pandemic and the associated financial strain on small businesses and individuals, I would hardly be surprised that hangar space will become available in the coming months. Everything that I have been able to learn about

the pandemic and its effect on the economy is that we are moving into a radically different world, and perhaps it would be well to plan cautiously until we have a clearer view of the future.

I have two more thoughts on this issue. First, it seems way to risky to open the entire medical district to the construction of heliports. Julie is entirely correct in stating: "I don't believe a heliport is an appropriate land use for the area." This is certainly true of a (relatively modest) heliport for the hospital's use. It is far more inappropriate if a commercial heliport were built in the area. Second, if the airport has run out of the space it needs to function efficiently, it's logical to approach the deficiency by expanding the airport, not by co-opting other areas as locations for airport-like uses.

Please refuse to allow heliports in the new medical district.

Thank you.

Rob Lund

height standards; he encouraged not setting a height limit and addressing it with the CUP process; the Helipad he asked respectfully that the Chair bring that before the Commission and Staff for further analysis due to the increased benefits to the community.

RECONSIDERATION

A. Memorandum PL 20-47 from Deputy City Planner re: Reconsideration of motion to Forward a Draft Ordinance Creating the Medical Zoning District to City Council

Chair Venuti requested a motion to reconsider.

HIGHLAND/DAVIS MOVED TO RECONSIDER THE MOTION TO ADOPT STAFF REPORT 20-38 AND FORWARD THE DRAFT ORDINANCE CREATING A MEDICAL ZONING DISTRICT TO CITY COUNCIL.

Discussion points on the reconsideration were as follows:

- Creating a new zoning district is important and comments submitted by the public should be considered appropriately by the Commission
 - Not setting a fixed maximum building height
 - o Multi-family residential should not be considered commercial
 - Conflicts resolved in favor of commercial versus residential uses
 - Helipad Use should be considered
 - o Tower Height impacting air travel in the district

VOTE. YES, HIGHLAND, BENTZ, VENUTI, DAVIS, PETSKA-RUBALCAVA, BARNWELL

Motion carried.

This will be discussed under New Business Item A.

ADOPTION OF CONSENT AGENDA

A. Minutes of the June 17, 2020 Planning Commission Regular Meeting

Chair Venuti requested a motion to approve the Consent Agenda.

HIGHLAND/BENTZ - SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS REPORTS

Commissioner Highland noted her service on the Transportation Advisory Committee with Mr. Smith and working on the Transportation Plan which requires updating, she acknowledged the additional traffic that will result from connecting Eric Lane to West Fairview and the impending disgruntled residents on that but the question and concern posed by Mr. Faulkner was the Linstrang Way intersection with West Hill Road and she assumed that it was already addressed with the State.

Acting City Planner Engebretsen interpolated that West Hill Road is a state road and those intersections are not on the table for consideration or action by the Commission. The comments are well intentioned but the current road connections are not for the Commission to address with this action.

Commissioner Highland then noted a grammatical error on page 119, Staff Recommendation #5 needed the word "of" inserted between right and way.

Chair Venuti requested a motion hearing no further questions from the Commission.

BENTZ/HIGHLAND MOVED TO ADOPT STAFF REPORT 20-48 AND RECOMMEND APPROVAL OF FOOTHILLS SUBDIVISION SUNSET VIEW PRELIMINARY PLAT WITH COMMENTS 1 -11 AS STATED IN THE STAFF REPORT.

There was no discussion.

VOTE. YES. BENTZ, VENUTI, PETSKA-RUBALCAVA, DAVIS, HIGHLAND¹

Motion carried.

PENDING BUSINESS

NEW BUSINESS

A. (if reconsidered) Memorandum PL 20-07, Reconsideration of motion to forward a draft ordinance creating the Medical Zoning District to City Council.

Chair Venuti introduced the item by reading of the title.

Commissioner Bentz requested clarification on the intent of the reconsideration for the Commission to come up with a new motion tonight or to have further discussion and recommendations to be brought back by staff for a new hearing later.

Acting City Planner Engebretsen confirmed that if the Commission made recommendations to change the content of the draft ordinance they would have to hold another public hearing.

125

071720 rk

¹ Commissioner Barnwell lost internet connectivity and was not present for the vote.

Chair Venuti then opened the floor for discussion.

Commissioner Highland was concerned that the ordinance was not included in this packet to work from but hoped that they all had it from the prior meeting packet to work from tonight.

Acting City Planner Engebretsen recommended that the Commission could review the previous packet for information but she would like to get the extent if the changes that the Commission would like to make before really diving into the draft ordinance.

The Commission then proceeded to go through the following points to consider amending in the ordinance:

- Commercial versus residential regarding conflicts giving equal weight to both
- No fixed building height but require CUP for commercial buildings over 2.5 stories and setting boundaries for those buildings between Bartlett and Main Street North of Fairview Avenue
- Multi-family residential
- Towers in the district presenting a danger
- Helipads is allowed currently at the hospital only

Acting City Planner Engebretsen remarked on the comments received on towers was very informative; that ordinance on towers was forwarded to City Council; the limit is 85 feet and the only change was to include this district in the existing code. She then reviewed the topics that Commissioner Highland wanted to address:

- Redefining the purpose statement of the Medical Zoning District
- Boundaries
- Multi-family, needing more direction on this issue
- Towers
- No Fixed building height stated, CUP for buildings over 35 feet

Commissioner Bentz did not want to allow expanded heliports/helipads in the district, believes they should be kept in the area of the airport and since there are no immediate plans she does not see the benefit to reopen a discussion on this issue. As far as an overlay zone and the boundaries as selected, it would appear more of spot zoning if they addressed as an overlay and they chose the boundaries as they did since there was already growth in the area. Commissioner Bentz further added that the purpose statement reflects why they are creating this district and choosing commercial over residential reflects that decision.

Commissioner Davis stated that his initial concern was the allowance of 65 foot tall buildings throughout the district, selecting commercial over residential in conflict resolution and having an existing residential property owners viewshed impacted by a 65 foot tall building. He further noted the comments and input from Mr. Chesley and Ms. Ferraro on solutions. He supported the no specific heights and limiting the tall buildings to be constructed up by the hospital. Limiting the area to where there is already medical offices.

Commissioner Petska-Rubalcava agreed with the removal of a set building height and addressing the conflict resolution on a case by case basis.

Chair Venuti commented on prohibiting tall buildings south of Fairview Avenue but overall he is very satisfied in what they have produced so far.

There was further discussion on the following points:

- Multi-family as option to provide housing or care facilities
 - Clarification that Multi-family housing is apartments and if this option is banned then that reduces most of the affordable housing in Homer if not allowed in this district
 - o Further clarification on addressing line 118-119 of the draft ordinance
- Redefining the boundaries a previously established by the Commission instead of setting limits to where buildings over 35 feet could be constructed
 - Concrete action was to remove lines 118-119

Acting City Planner Engebretsen requested the Commission to bring forward their actions by motion. She stated that there have been several reiterations and from this point forward if the Commission is not satisfied with what staff has provided then they are requested to bring the draft language to the next meeting and make a motion so the Commission as a body can vote on it. She offered to work with Commissioners outside the meeting to facilitate the language for the proposed amendments to the ordinance. There is a diversity of views within the Commission on various sections of the ordinance.

Further discussion and comments were made on the following:

- commercial buildings allowed over 35 feet by conditional use permit;
- establishing north of Fairview only for those buildings over 35 feet;
- restricting the construction of tall buildings to limit impact on the viewshed;
- limiting the specific area within the district to construct buildings over 35 feet negates creating the district boundaries as the commission did from staff recommendations;
- there is no definition in Borough or city code on viewshed and the commission should be careful on not defining so specifically;
- the view may be very important in Homer but you do not buy the view;
- removal of the sentence in lines 51-53 regarding conflicts being resolved in favor of commercial uses;
 - removing that sentence from the purpose statement would remove the clarifying purpose of clustering non-residential facilities related to medical in this district;
 - resolving conflicts in favor of non-residential uses and the basis to keep that in place in regards to land development;
- striking lines 118-119 to obtain objective
- requiring CUP for structures over 35 feet exacerbates the issue

Commissioner Petska-Rubalcava requested that they postpone further discussion until the next meeting to allow each Commissioner to fully consider the language for the areas of concern and lines 118-119 especially lines 51-53 in dealing with the commercial over residential.

Chair Venuti requested input from Acting City Planner Engebretsen.

Acting City Planner Engebretsen provided overview on the items discussed by the Commission.

Deputy City Clerk Krause responded to Chair Venuti that this will be on the next agenda under pending business.

INFORMATIONAL MATERIALS

- A. Appointments to the Planning Commission
- B. City Manager's Report for the June 22 & July 1 City Council Meetings
- C. Kenai Peninsula Borough Notice of Decision Nedosik 1998 Tract C Jack Hamilton Replat No. 2 Preliminary Plat
- D. U.S. Army Corps of Engineers Public Notice for City Seawall Project

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

Deputy City Planner Engebretsen asked if there is a Commissioner who would like to spear head a conversation on heliports at the request from the hospital and Mr. Chesley since they did not address that issue during the meeting please let her know as she will not have the time to do that and will not address it.

Deputy City Clerk Krause thanked the Commissioners for patiently dealing with all the technical issues tonight. It was a good meeting.

COMMENTS OF THE COMMISSION

Commissioner Bentz commented that it was a good time to adjourn the meeting as the sun is swinging around and shining in her face. She noted that the meeting was almost the same length as the KPB meeting on Monday; it was a good substantive meeting; it is good to see that they can still get things accomplished meeting in this manner and that there is a lot be done in Homer during this time.

Commissioner Davis commented it was a good meeting, and asked if they were going to be able to meet the newest Commissioner at some point.

Commissioner Barnwell provided his take away from the meeting tonight on the medical district that the Commissioners were to bring back carefully worded motions for the next



Planning

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Staff Report PL 20-53

TO: Homer Planning Commission

FROM: Julie Engebretsen, Acting City Planner

DATE: August 5, 2020

SUBJECT: Kenai Peninsula Borough Subdivision Ordinance Amendments

Introduction

The Kenai Peninsula Borough is proposing changes to the subdivision code. I met with other municipal planners on the peninsula and Borough staff to discuss the draft ordinance. Most of the items are housekeeping in nature. You can read the attachments for full details.

Highlights include:

- 1. The cities have lost population relative to the rural parts of the Borough, and the total number of seats on the KPB Planning Commission are being reduced. The result will be that the cities will rotate NOT having a seat on the planning commission. The rotation will mean sitting out 1 year, and reappointment for 3 years, then sitting out one year, and reappointment for 6 years.
- KPB will no longer back City subdivision codes. For example, Soldotna has code regulating flag lots. KPB will no longer recognize that code. I don't think we have anything similar in Homer City code, other than a larger requirement for utility easements.
- 3. Parent plat setback notes will be removed. (Such as the requirement for a 20 foot building setback from rights of way). Setbacks will be regulated by the zoning regulations at the time, rather than by plat note.
- 4. Phased Subdivisions would still be required to dedicate through streets in the first phase, and all phases within a fairly short timeframe. **Staff recommends** that developers have more time to construct subdivisions in cities with approved construction or subdivision development agreements in place. This is currently allowed through the exception process at the Borough level.
- 5. The appeal process between the City and KPB will change. At the moment is very unclear and confusing. **Staff recommends** the Borough and City Clerks work together to ensure the new code is clear as to which body hears which type of appeals.
- 6. The draft ordinance will tentatively go to the Borough Planning Commission mid-September, with a likely effective date of January 1.

Staff Recommendation

Planning Commission make the following comments to the Kenai Peninsula Borough:

- 1. A request the Borough and City Clerks work together to ensure the new code is clear as to which body hears which type of appeals.
- 2. Allow developers more time to construct subdivisions in cities with approved construction or subdivision development agreements in place.

Attachments

- 1. Memo from Scott Huff
- 2. Suggested changes to KPB Subdivision code, 6/23/20
- 3. KPB Title 20 draft ordinance, 6/23/20

Kenai Peninsula Borough Planning Department

MEMORANDUM

TO: City Planners

KPB Advisory Planning Commissions

FROM: Scott Huff – Platting Manager

Scato And

DATE: June 30, 2020

RE: Ordinance 2020-___ ; An Ordinance Amending Kenai Peninsula Borough Code of

Ordinances, Chapter 2.40 – Planning Commission, Tile 20 – Subdivisions, and Chapter 21.20 – Hearing and Appeals, to correct grammatical errors, clarify, and

improve certain administrative procedure.

The Kenai Peninsula Borough Planning Department has proposed an ordinance to correct grammatical errors, clarify, and improve certain administrative procedures. The sections that are proposed to be amended are Chapter 2.40 – Planning Commission, multiple sections within Title 20 – Subdivisions, and Chapter 21.20 – Hearing and Appeals.

KPB Planning Department has implemented the current subdivision standards since the last major rewrite in 2014. Since then, KPB staff has kept notes with any issues or ambiguity in the code. The main objective of this ordinance is to clarify the review process and correct issues that have been identified within Title 20 – Subdivisions.

This amendment will also make edits to chapter 2.40 – Planning Commission and 21.20 Hearings and Appeals. These edits will identify who can request a review of a plat committee decision and clarify staff's position during an appeal hearing process.

At your convenience please schedule a review of the attached proposed ordinance by your commission. After review please submit all comments to Scott Huff – Platting Manager shuff@kpb.us. Comments are needed by August 3, 2020. All comments will be forwarded to the KPB Planning Commission.

Our goal is to have this ordinance open for public comment on the August 24, 2020 Planning Commission meeting. The Planning Commission will review the ordinance and provide a recommendation, along with any amendments, to the KPB Assembly.

If you have any questions please contact Scott Huff- Platting Manager at 907-714-2212 or by e-mail at shuff@kpb.us. KPB staff is also available to meet with your commission during a work session or public meeting to answer any questions and provide guidance.

2.40.080. – **Plat committee** – **Powers and duties** – **Hearing and review procedures** SUGGESTED CHANGE: Clarify who is allowed to request a review of a plat committee decision by the full Planning Commission.

SUGGESTED LANGUAGE:

B. Review of a decision of the plat committee may be heard by the planning commission acting as platting board by filing written notice thereof with the borough planning director on a form provided by the borough planning department. The request for review shall be filed within ten days after notification of the decision of the plat committee by person al service or service by mail. A request for review may be filed by any person or agency receiving a notice of decision. [participated at the plat committee hearing either by written or oral presentation.] The request must have an original signature; filing electronically or by facsimile is prohibited. The request for review must briefly state the reason for the review request and applicable provisions of borough code or other law upon which the request for review is based. Notice of the review hearing will be issued by staff to the original recipients of the plat committee public hearing notice.

JUSTIFICATION: The change will clarify who is allowed to submit a request for review by specifying that any person or agency that receives a notice of decision is able to request a review by the full planning commission.

20.10.040. - Abbreviated plat procedure.

SUGGESTED CHANGE: Clarify this section such that abbreviated plats are platting actions that eliminate lot lines or create new parcels as long as no more than four lots or tracts are created and the proposed plat complies with the remainder of 20.10.040. If the proposed subdivision is within a local option zone, Number 5 ensures continued compliance with KPB Code.

SUGGESTED LANGUAGE:

- A. The abbreviated plat procedure may be used where the subdivision or <u>replat</u> [resubdivision] is of a simple nature and meets all of the requirements of this section as follows:
 - 1. The subdivision divides a single lot into not more than four lots <u>or the subdivision</u> moves, or eliminates, lot lines to create not more than four lots or tracts.

JUSTIFICATION: As it reads now, a replat of four lots into one lot would not qualify as an abbreviated plat. The new proposed language clarifies that vacating interior lot lines as long as no more than four lots are being created is acceptable under 20.10.040.

20.10.040. – Abbreviated plat procedure.

SUGGESTED CHANGE: Include compliance with 20.40.

SUGGESTED LANGUAGE:

B. Submission Requirements. All of the submission requirements of KPB Chapters 20.25, 20.30, 20.40 shall be met.

Page 1 of 31

New text is <u>underlined;</u> deleted text is [bracketed].

JUSTIFICATION: All lots being created must comply with wastewater review per 20.40 to ensure public safety and adherence to State Statutes.

20.10.080. – **Right-of-Way Vacation Plat** <u>and Section Line Easement Vacation Plat</u>. SUGGESTED CHANGE: Include Section Line Easement Vacation Plats under the Right of Way vacation plat section of code.

SUGGESTED LANGUAGE:

A. When the sole purpose of a plat is to depict right-of-way, or a section line easement vacation, approved for vacation under KPB Chapter 20.70 as attaching to adjoining parcels in compliance with KPB 20.70.150 and AS 29.40.150, the following procedure shall apply:

JUSTIFICATION: Often a plat is required to vacate a section line easement. When only the section line easement is being vacated, and the boundary is not changing, the plat does not need to be reviewed by the Planning Commission. The Planning Commission has already reviewed, and approved, the vacation application. It is unnecessary for the Planning Commission to also review the plat. The State of Alaska DNR has a review process for section line easement vacation plats and is the final authority on approval of the section line easement vacation including the final plat.

20.10.100. - Building Setback Encroachment Permit.

SUGGESTED CHANGE: By providing an encroachment permit it allows the land owner to have relief from a structure that is located within a building setback. The issuing of the permit would be granted by the Planning Director and would have to meet specific standards.

SUGGESTED LANGUAGE:

20.10.100. - Building Setback Encroachment Permit.

- Any person desiring to construct, or cause, an encroachment within a building setback shall apply for a building setback encroachment permit to the Planning Department.

 Failure to obtain an encroachment permit is subject to remedies set forth in KPB 20.10.030.
- B. A permit fee shall be charged for Building Setback Encroachment Permits as provided in the current approved Kenai Peninsula Borough Schedule of Rates, Charges and Fees. A person who fails to apply for, and obtain, a building setback encroachment permit prior to an enforcement notice being issued pursuant to KPB 21.50.100 is subject to enforcement.
- C. All building setback encroachments, including those that pre-date the effective date of this ordinance, must apply for a building setback encroachment permit. Permits for building setback encroachments that existed prior to the effective date of this ordinance

- shall pay the same permit fee as applies to permits received prior to placement or construction of the encroachment.
- <u>D.</u> When the building setback encroachment permit application is complete, it will be scheduled for the next available planning commission meeting.
- <u>E.</u> The following standards shall be considered for all building setback encroachment permit applications.
 - a. The building setback encroachment may not interfere with road maintenance.
 - b. The building setback encroachment may not interfere with sight lines or distances.
 - c. The building setback encroachment may not create a safety hazard.
- F. The granting of a building setback encroachment permit will only be for the portion of the improvement, or building, that is located within the building setback and the permit will be valid for the life of the structure. The granting of a building setback permit will not remove any portion of the 20 foot building setback from the parcel.
- G. Upon approval of a building setback encroachment permit, a resolution will be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to complete the permit. The resolution will require an exhibit drawing showing, and dimensioning, the building setback encroachment permit area. The exhibit drawing shall be prepared, signed and sealed, by a licensed land surveyor.
- H. A decision of the planning commission may be appealed to the hearing officer by a party of record, as defined by KPB 20.90, within 15 days of the date of notice of decision in accordance with KPB 21.20.250.

JUSTIFICATION: Building setback requirements are within Chapter 20.30 Subdivision Design Requirements. Exceptions to Design Requirements can only be requested at time of preliminary plat approval. If building setbacks were a function of zoning (Chapter 21.04) than a variance would be required.

By allowing a building setback encroachment permit to be obtained, it allows the land owner relief when a structure or improvement is located within the building setback, while also giving the borough an opportunity to review the encroachment. If the encroachment does not meet the standards then the encroachment permit will be denied and if applicable, the structure may be required to be removed from the setback.

20.25.020. - Compliance with certain provisions required.

SUGGESTED CHANGE: Add language to clarify that submission of a preliminary plat is the responsibility of a licensed land surveyor.

SUGGESTED LANGUAGE:

A [subdivider] <u>licensed surveyor</u> shall prepare a preliminary plat of the proposed subdivision which shall comply with the requirements of KPB 20.25.070 and 20.25.080, and other applicable provisions of this chapter except as provided in KPB 20.10.050.

JUSTIFICATION: As written, 20.25.020 allows a member of the public to prepare and submit a subdivision plat. Per KPB 20.25.010 the general public is provided an opportunity to meet with the Platting Manager/Planning Director for a preliminary application conference. During the preliminary application conference, the plan of subdivision and subdivision requirements will be discussed with the land owner. The land owner will then have a licensed surveyor prepare and submit the preliminary plat submittal package. Land surveyors are more familiar with the KPB subdivision requirements and will be able to submit a preliminary plat that complies with KPB 20.25. This will allow the preliminary plat review be completed more efficiently for all involved.

20.25.030. - Prints - Types and number to be submitted.

SUGGESTED CHANGE: Clarify that the number of copies and format of submissions is determined by the Planning Director.

SUGGESTED LANGUAGE:

The <u>format and</u> number of [prints] <u>copies</u> of the preliminary plat to be submitted shall be as determined by the planning director <u>and noted on the Borough Plat Submittal Form</u>. Preliminary plat prints shall be folded to $8\frac{1}{2} \times 13$ inches or smaller in a manner such that the subdivision name and legal description show.

JUSTIFICATION: Surveyors still try to submit plats in pdf form by email in a last minute effort to meet the cut-off deadline for preliminary plats or to hasten the submission of final plats. The Planning Department's existing equipment may not allow staff to print plats to scale from pdf documents. If Planning accepts electronic submissions from one surveyor, electronic submissions from all surveyors need to be accepted. And, if Planning accepts electronic submissions of preliminary plats, electronic submissions of final plats also need to be accepted. The cumulative costs of printing preliminary (9 copies each) and final plats (1 each) will create a continual, everincreasing negative impact on the Planning Department's budget.

At some point in the future, technology and equipment may evolve such that electronic submissions are practical and would not negatively impact the budget. Allowing the Planning Director to determine the format of the submission and number of copies to submit creates flexibility that accommodates ever-changing technology. By noting the number of prints on the Plat Submittal Form, the surveyor will know how many copies are required to be submitted.

20.25.050. – Subdivision or replat in first class or home rule city submittal procedure. SUGGESTED CHANGE: Revise so that the cities may be delegated total platting powers as opposed to partial powers.

SUGGESTED LANGUAGE:

A. Pursuant to AS 29.40.010, first class and home rule cities within the borough [are] <u>may be</u> delegated [limited authority] <u>platting powers</u> to adopt by ordinance subdivision standards different from those set forth in this chapter.

F. [To the extent a city has been delegated limited platting authority, a] \underline{A} final plat may not deviate from the preliminary plat unless the proposed revision has first been submitted to the city by the subdivider and has been approved by the city council or its designee.

JUSTIFICATION: The borough does not enforce city standards or regulations that are different than borough requirements. The recommendations of the City are passed on to the Planning Commission for review. It is up to the owner to work out any platting issues with the City. Any appeal of a city required subdivision standard will be heard by the City, not the borough. Per KPB 21.01, Cities can be delegated full platting authority as long as they request the authority and comply by having proper notice and an appeal process.

20.25.060. - Subdivision or replat in second class city submittal procedure.

SUGGESTED CHANGE: Revise so that the cities may be delegated total platting powers as opposed to partial powers.

SUGGESTED LANGUAGE:

- B. [To the extent limited platting authority has been delegated to a second class city, a]A preliminary plat shall not be submitted to the borough planning department for review unless the aspects of the subdivision subject to the city authority have been first approved by the city.
- F. [To the extent a city has been delegated limited platting authority, a] \underline{A} final plat may not deviate from the preliminary plat unless the proposed revision has first been submitted to the city by the subdivider and has been approved by the city council or its designee.

JUSTIFICATION: The borough does not enforce city standards or regulations that are different than borough requirements. The recommendations of the City are passed on to the Planning Commission for review. It is up to the owner to work out any platting issues with the City. Any appeal of a city required subdivision standard will be heard by the City, not the borough. Per KPB 21.01, Cities can be delegated full platting authority as long as they request the authority and comply by having proper notice and an appeal process.

20.25.070. – Form and contents required.

SUGGESTED CHANGE: Carry the parent plat name forward on the preliminary replat.

SUGGESTED LANGUAGE:

- A. Within the Title Block
 - 1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

JUSTIFICATION: Carrying the parent plat name forward facilitates future land title searches and allows the plat to be sequentially listed, or at least grouped with, the parent plats in the State Recorder's database. If the owner wants a brand new name for the proposed plat, an exception can be requested.

20.25.070. - Form and contents required.

SUGGESTED CHANGE: Include travel ways on preliminary plat submittal

SUGGESTED LANGUAGE:

F. The [names and widths of public streets, and alleys, and] <u>location, width and name of existing or platted streets and public ways, railroad rights-of-way, easements, and travel ways</u> existing and proposed, within the subdivision;

JUSTIFICATION: The existing travel ways often provides the most practical, physical access within, and to, the property. The existing travel way may be the best location for a fee right-of-way. If right-of-way is not dedicated over the travel way by the plat, staff may request or recommend an easement be placed atop the existing travel way in order to try to prevent problems with road blockage, trespass, and/or conflicts about usage rights when new owners acquire the property. It may also be pertinent to obtain dedications or easement within the adjacent lands to provide legal access on the traveled way to the boundary of the subdivision. If the owner(s) disagree, an exception can be requested and justified.

20.25.070. - Form and contents required.

SUGGESTED CHANGE: Add a dimension requirement for showing the adjacent parcel information in relation to the proposed subdivision.

SUGGESTED LANGUAGE:

G. Show the status of adjacent lands within 100 feet of the proposed subdivision boundary or show the land status across from any dedicated right of ways that adjoin the proposed subdivision boundary, including names of subdivisions, lot lines, block number, lot numbers, rights-of-way; or in indication that the adjacent land is not subdivided.

JUSTIFICATION: By providing the adjoining information within at least 100 feet of the subdivision it will provide the information for the neighboring parcels and right of ways. A distance of 100 feet will encompass nearly all right-of-way widths that may adjoin the subdivision. It is important to show neighboring status information to plan for street intersections and lot layout configuration. The adjoining information is valuable for land owners and subsequent surveyors to use when gathering information on neighboring parcels.

20.25.070. – Form and contents required.

SUGGESTED CHANGE: Clarification for showing non-tidal water features on the preliminary plat

SUGGESTED LANGUAGE:

Page 6 of 31 New text is <u>underlined</u>; <u>deleted</u> text is [bracketed].

H. Approximate locations of <u>low wet</u> areas, <u>areas</u> subject to inundation, <u>areas subject to</u> flooding [,] or storm water overflow, <u>and</u> the line of ordinary high water [wetlands when adjacent to lakes or non-tidal streams and the appropriate study which identifies a floodplain, if applicable]. <u>This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;</u>

JUSTIFICATION: The intent is to show the approximate location(s) low wet or marshy/swampy areas on the plat. Knowledge of the locations of low wet areas helps the owners plan for prudent placement of structures, wells, septic systems, and rights-of-way. A wetland is a designation based on specific testing by qualified personnel. Remove mention of floodplains because 20.30.280 addresses these areas. Depiction of the low wet areas can easily clutter a plat such that other information, like basis of bearings and dimensions, can be difficult to discern.

20.25.090. - Notice.

SUGGESTED CHANGE: Clarify and update the required items to be included in the notice published in the newspaper and the notice sent to affected property owners.

SUGGESTED LANGUAGE:

- B. Notice of public hearing shall appear at least once in a newspaper of general circulation stating:
 - a. name of subdivision[a general description of the subdivision or replat];
 - KPB File no.[who filed the subdivision petition];
 - c. <u>general location</u>[when the subdivision petition was filed];
 - d. general description of the subdivision[the time and place of the hearing on the subdivision; and
 - e. the time and place of the hearing; and [the process and deadline for submittal of comments.]
 - f. process and deadline for submitted comments.
- C. The notice in subsection B, including the name of the surveyor and applicant, shall be sent by regular mail to the affected property owners at least 14 days prior to the public hearing. A certificate of mailing listing the names, addresses and parcel information for each notified owner shall be maintained in the subdivision file.

JUSTIFICATION: The edits to this section will reduce the size of the newspaper ad and clarify what items are included with the notice. The reduction in the newspaper ad will be a cost savings measure for the Planning Department.

20.25.110. - Approval - Commission Authority - Notification required.

SUGGESTED CHANGE: Clarify the approval time frame of preliminary plats and the expiration of approved plats.

SUGGESTED LANGUAGE:

Approval of the preliminary plat shall not constitute approval of the final plat, but means only that the basic lot and street design is acceptable. The subdivider is on notice that it is the subdivider's responsibility to provide all the information required in this ordinance and to submit a correct final plat within two years of the date of the planning commission's conditional approval of the preliminary plat. Upon application by the subdivider prior to the two-year deadline for final plat submittal, a time extension for two years beyond the initial two-year period for submittal of the final plat may be granted by the planning director. A second [third] and final two-year extension may be granted by the planning director when requested by the subdivider prior to expiration of the previous approval. [, allowing for a total approval time of six years]. When the preliminary plat is located within city limits, submittal of documentation from the city advisory planning commission indicating concurrence with the time extension request must accompany a time extension request. When a preliminary plat that has been granted a time extension is finalized, the final plat must comply with the current code. Expiration of the original plat approval or time extensions will require the submission of, and action on, a new preliminary plat.

JUSTIFICATION: The edits made to this section will clarify when an approved plat expires and clarify how many time extensions can be granted. The removal of the six-year limit is removed so that a combination of phase extensions and time extension requests can be used in combination for a development.

20.25.110. – Approval – Commission Authority – Notification required.

SUGGESTED CHANGE: revise the language in 20.25.110.B so that the time extensions for phased subdivisions is clear.

SUGGESTED LANGUAGE:

B. Preliminary plats that will be finalized in phases must comply with current code at the time each phase is finalized. All dedications for streets that are required pursuant to KPB 20.30.030 must be provided in the first phase. The approval of a final plat for a portion of the phased preliminary shall [extend] reset the [preliminary] approval date for two years from the date the subdivision phase final plat is recorded. [for t] The remaining land within the phased subdivision [, except that the commission] may require a new preliminary plat approval if the abutting road system changes. Phases must be filed in sequential order.

JUSTIFICATION: By rewording this section it is clear that the approval date is reset to allow two years to complete the next phase from the date that the final plat for a phase is recorded. This will allow the subdivider the most time to complete their project.

20.25.110. – Approval – Commission Authority – Notification required.

SUGGESTED CHANGE: Include a requirement that subdivision plats approved under 20.12, 20.14, 20.16, and 20.20 with approvals 10 years or more convert to the requirements of 20.25, 20.30, 20.40, and 20.60.

SUGGESTED LANGUAGE:

E. Subdivision plats approved under KPB 20.12, 20.14, 20.16, and 20.20 with approvals that are greater than 10 years in length, and with approvals that will expire, will be considered expired on the expiration date. Continuation of an expired subdivision will require the submission of, and action on, a new preliminary plat that complies with current subdivision requirements.

JUSTIFICATION: To maintain consistency, plats approved per KPB 20.12, 20.14, 20.16, and 20.20 have been allowed to continue review under these codes as long as it was evident the project would be concluded within a reasonable amount of time. Allowing plats to continue review under 20.12, 20.14, 20.16, and 20.20 indefinitely is inconsistent with the intent and application of the current Title 20.

20.25.120. Review and appeal.

SUGGESTED CHANGE: Revise the review and appeal statement to remove 'parties of record' so that chapter 20 is consistent with KPB 2.40.080.

SUGGESTED LANGUAGE:

[A party of record] In accord with KPB 2.40.080, any person or agency that participated at the plat committee hearing, either by written or oral presentation, may request that a decision of the plat committee can be reviewed by the planning commission by filing a written request within 10 days of date of distribution [notification] of the decision [in accordance with KPB 2.40.080]. A decision of the planning commission may be appealed to the board of adjustment by a party of record within 15 days of the date of distribution[notice] of decision in accordance with KPB 21.20.250.

JUSTIFICATION: This change will keep the code consistent between chapter 2 and chapter 20. It will allow any person or agency who participated at the plat committee hearing, either by written or oral testimony, to request a review by the full Planning Commission. An appeal to the hearing officer will require a party of record to meet the Party of record requirements per KPB 20.20.210.

20.30.060. - Easements - Requirements.

SUGGESTED CHANGE: Remove the default 10-foot utility easement if the plat is within a city, and the city planning commission and affected utilities do not request new utility easements.

SUGGESTED LANGUAGE:

D. Unless a utility company requests additional easements, the front ten feet [of the building setback] <u>adjoining rights-of-way</u> shall be designated as a utility easement, graphically or by note. <u>Within boundaries of a city, the width and location of utility easements will be determined by the City and affected utility providers.</u>

JUSTIFICATION: If the affected utility companies and the city, which is a utility provider, do not request easements, adding new easements is an unnecessary burden on the property within city limits. Some zoning districts do not have building setbacks so in order to consistently grant utility easements along rights-of-way, the language should clarify the front footage adjoining rights-of-way is subject to a utility easement unless otherwise requested by the city and utility providers.

20.30.110 - Half Streets

20.30.120. - Streets - Width requirements.

SUGGESTED CHANGE: Move the requirements of 20.30.110 – Half Streets to be incorporated within 20.30.120 Streets – Width requirements. Also, revise the half street notification statement to remove 'parties of record' so that chapter 20 is consistent with KPB 2.40.080.

SUGGESTED LANGUAGE:

[20.30.110 – Half Streets.]

- [A.] [Half streets shall generally not be allowed except where one of the following circumstances applies:]
 - [1. The street is identified on the borough road plan as an arterial;]
 - [2. The street is a logical extension of an existing street; or]
 - [3. The remaining half street can reasonably be expected to be dedicated.]
- [B.] [When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoiners to the new half right-of-way are parties of record and will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way. Pursuant to KPB 2.40.080 review of the plat committee decision by the planning commission may be requested by parties of record.]

20.30.120. Streets—Width requirements.

- A. The minimum right-of-way width of streets shall be 60 feet.
 - 1. Half streets shall generally not be allowed except to provide the logical extension of a right of way where the remaining half street can reasonably be expected to be dedicated in the future.
 - 2. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoiners to the new half right-of-way will be sent a copy of the plat committee minutes

and a sketch showing the new half right-of-way and per KPB 2.40.080 can request a review of the preliminary plat by the full Planning Commission.

B. Additional right-of-way or easement width may be required to provide for the construction of side slopes or to otherwise accommodate right-of-way construction standards set forth in KPB Title 14.

JUSTIFICATION: It will simplify the code to move the half street width requirements to fall with the street width requirements section of the code, instead of having the half width be a separate section.

The change to the notice of adjoiners will keep the code consistent between chapter 2 and chapter 20. It will allow any person or agency who participated at the plat committee hearing, either by written or oral testimony, to request a review by the full Planning Commission. An appeal to the hearing officer will require a party of record to meet the Party of record requirements per KPB 20.20.210.

20.30.150. – Streets – Intersection requirements.

SUGGESTED CHANGE: Provide a distance requirement for offset intersections.

SUGGESTED LANGUAGE:

B. Offset intersections are not allowed. <u>The distance between intersection centerlines shall</u> be no less than 150 feet.

JUSTIFICATION: By adding a specific distance it clarifies the distance required between offset intersections. This distance complies with 20.30.090 Streets – Maximum grade allowed, where the grade at an intersection shall not exceed 4 percent within 130 feet of any centerline intersections.

Muni of Anchorage requires 150 feet. Matsu Borough requires 150 feet centerline to centerline for residential sub-collectors or below or 330 feet on residential collector or higher class of road.

20.30.240. – Building Setbacks.

SUGGESTED CHANGE: Revise the wording of this section of code to reference 'dedicated' right of way instead of 'fee simple'.

SUGGESTED LANGUAGE:

- A. The commission shall require a building setback of at least 70 feet from the centerline of all <u>dedicated</u> [fee simple] arterial rights-of-way in a subdivision. A minimum 20-foot building setback shall be required for <u>dedicated</u> [fee simple] non-arterial rights-of-way in subdivisions located outside incorporated cities.
- C. The setback shall be noted on the plat in the following format:

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New text is <u>underlined</u>; deleted text is [bracketed].

Building setback – A setback of	_ feet is required from all <u>dedicated</u> street
right-of-ways unless a lesser standard is app	proved by resolution of the appropriate
planning commission.	

JUSTIFICATION: By changing the required plat note to add 'dedicated' it will match the building setback requirement of 20.30.240.A. This will be beneficial to avoid confusion when public access easements, temporary turnaround easements, and section line easement affect a subdivision plat. Changing the plat note would clarify that only fee simple right of way dedications will require a 20 foot building setback.

20.30.250. - Building setbacks - Within cities.

SUGGESTED CHANGE: clarify that a building setback of record does not need to be carried forward on a new subdivision plat when located within the subdivision is affected by City zoning.

SUGGESTED LANGUAGE:

The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. <u>Building setbacks as depicted</u>, or noted, on record plats shall not be carried forward on a new subdivision plat located within a municipal zoning district. Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements.".

JUSTIFICATION: This will allow new plats to be complete without requiring an exception to 20.30.240 when the record plat shows a building setback.

20.30.270. - Different standards in cities.

SUGGESTED CHANGE: Clarify that the planning commission may follow different standards when requested by the cities. The borough is not required to follow the different standards within a city. Any appeal of a city design standard shall be conducted by the city.

SUGGESTED LANGUAGE:

Where cities have [been delegated partial platting powers by the borough and have] enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission [shall] <u>may</u> apply the city standards in lieu of those set forth in this chapter. [The application of the city design standard is subject to the city having an ordinance in place that satisfies the notice requirements of KPB 20.25.090(A) through (D) and a process to appeal decisions made by the city regarding application of its subdivision design standards.] Any appeal of a city design standard is subject to KPB 21.01.020.

JUSTIFICATION:

Some cities have enacted different subdivision standards then KPB standards. The KPB Planning Commission can agree to follow those different standards, but any appeal of those standards

will be at the city level. Any appeal of a planning commission decision, that is based on KPB code will be handled by the borough.

20.30.280. – Floodplain requirements.

SUGGESTED CHANGE: clarify which portion of floodplain management code is required to be followed for subdivision plats.

SUGGESTED LANGUAGE:

C. All subdivisions which are <u>wholly or partially located</u> within <u>flood hazard areas as defined</u> <u>by KPB 21.06.030 must comply</u> [areas where the floodplain has not been mapped and base flood elevation data is not available shall provide the information in compliance] with KPB 21.06.050.A.4.

JUSTIFICATION: Adding the specific code clarifies what floodplain requirements affect proposed subdivision plats.

20.30.290. – Anadromous habitat protection district.

SUGGESTED CHANGE: Revise anadromous habitat protection district to anadromous waters habitat protection and clarify the width of the Anadromous habitat protection district.

SUGGESTED LANGUAGE:

20.30.290 – Anadromous waters habitat protection district

If any portion of a subdivision or replat is located within an anadromous <u>waters</u> habitat protection district, the plat shall contain the following note:

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous <u>Waters</u> Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. <u>Width of the habitat protection district shall be in accordance</u> with KPB 21.18.040 or as amended.

JUSTIFICATION: Revise the language to be consistent with Chapter 21.18. Cite 21.18.040 instead of a specific with, such as 50 feet, to allow flexibility for future changes.

20.40.030. – Abbreviated submittal.

SUGGESTED CHANGE: Define the wastewater review submittal requirements for parcels that are 200,000 sq. ft. or larger.

SUGGESTED LANGUAGE:

Lots within the proposed subdivision that will be at least 200,000 square feet [or nominal five acres] in size [do not require a soils analysis and report prepared by a qualified engineer] must

<u>comply with 20.40.100.F.</u> Before a final plat is recorded or filed for subdivision, the following note must be placed on the plat:

WASTEWATER DISPOSAL: Lots which are at least 200,000 square feet [or nominal five acres] in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

JUSTIFICATION: Currently a wastewater soils analysis report is not being submitted for lots that are larger than 200,000 square feet. This change will require the subdivision plat to comply with KPB 20.40.100.F. The options to comply would be a report from a licensed engineer based on,

- 1. Existing information, such as an approved DEC septic system currently on the parcel.
- 2. Visual analysis, or local knowledge.

Test pits will not be required for an abbreviated wastewater analysis report. 20.40.100.F is in the code but because of the wording of 20.40.030 it is not being followed. The change within 20.40.030 will require large parcels to comply with 20.40.100.F.

20.40.030. - Abbreviated submittal.

SUGGESTED CHANGE: Remove the nominal five acres description from the abbreviated submittal for the wastewater review.

SUGGESTED LANGUAGE:

Lots within the proposed subdivision that will be at least 200,000 square feet [or nominal five acres] in size do not require a soils analysis and report prepared by a qualified engineer. Before a final plat is recorded or filed for subdivision, the following note must be placed on the plat:

WASTEWATER DISPOSAL: Lots which are at least 200,000 square feet [or nominal five acres] in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

JUSTIFICATION: Although 'nominal' and 'aliquot' are defined in KPB code, there has been some confusion in regards to nominal five acres and how it can be determined by aliquot subdivision. Some thoughts are that nominal means you can include the adjoining right of way when determining parcel size. By removing the nominal five acres, and sticking with a set square footage, there will be less confusion. This will also allow for subdivision designs that better fit the site instead of a strict midpoint method of subdividing the property. 200,000 square feet will still allow for an aliquot 20 acre parcel, that may be as small as 18.365 feet, to be split into four aliquot parcels.

20.40.040. - Conventional onsite soil absorption systems.

SUGGESTED CHANGE: Edit the slope requirement to match State of Alaska DEC regulations.

SUGGESTED LANGUAGE:

A.3.a Ground slopes greater than <u>25</u>[20] percent, or 5 percent where a bed system is proposed, and other topographic features as needed by a qualified engineer to meet the design requirements for wastewater disposal as defined in this chapter;

JUSTIFICATION: Alaska Department of Environmental Conservation regulates wastewater disposal via State Statutes, and required a setback from slopes greater than 25 percent.

This item was noted in the last code re-write to be changed to 25 percent but was missed.

20.40.040. - Conventional onsite soil absorption systems.

SUGGESTED CHANGE: Remove regulatory requirements of the Kenai Peninsula Borough from the wastewater disposal note.

SUGGESTED LANGUAGE:

B. Before a final plat is recorded or filed for subdivision under this section, the borough will require the engineer to sign the following note on the final plat:

WASTEWATER DISPOSAL: Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences. [and meeting the regulatory requirements of the Kenai Peninsula Borough.] An Engineer's Subdivision and Soils Report is available from the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a qualified engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

JUSTIFICATION: KPB does not regulate wastewater disposal. Alaska Department of Environmental Conservation regulates wastewater disposal via State Statutes. By noting the soils analysis and report it gives notification to the land owners that there is a report on file with the borough.

20.40.070. - Connection to an existing system.

SUGGESTED CHANGE: Add a new section to clarify that a licensed engineer or surveyor does not have to sign a wastewater disposal note for subdivisions served by city septic systems.

SUGGESTED LANGUAGE:

<u>C.</u> <u>If the subdivision is served by a home rule, or general law city, wastewater treatment and disposal system, then signature by an engineer or surveyor is not required.</u>

Justification: Oversight and authority for septic systems within a city are within the purview of the city and/or the Alaska Department of Environmental Conservation. An engineer or surveyor in private practice should not be required to sign a statement that the city's septic system complies with the requirements of the Alaska Department of Environmental Conservation.

20.40.100. - Soils analysis and report.

SUGGESTED CHANGE: Remove the nominal five acres description form the abbreviated submittal for the wastewater review.

SUGGESTED LANGUAGE:

- F. Soil testing requirements for subdivision lots equal or greater than <u>200,000 square feet</u> [nominal five acres] consist of general soils and water table description with sufficient detail to support the applicability of the proposed means of wastewater disposal; the description must be based on:
 - 1. Existing information; or
 - 2. Visual analysis by, or local knowledge of, a qualified engineer.

Justification: This will keep the code consistent by removing the references to nominal five acres and replacing with 200,000 square feet.

20.60.025. - Fee required.

SUGGESTED CHANGE: Add a new section to the final plat code to cover the fee for final plat submittals.

SUGGESTED LANGUAGE:

20.60.025. – Fee required.

The fee established by the current Kenai Peninsula Borough Schedule of Rates, Charges and Fees shall accompany the submission of the final plat.

Justification: Fees for final plat submittal were established in August of 2019. Before this date there was no fee for the final plat submittal. By adding this section of code it will notify all subdividers that there is a fee for the final plat submittal.

20.60.070. - Plat specifications.

SUGGESTED CHANGE: Specify minimum font size, define acceptable drawing scales, and remove the legal size for a final plat.

SUGGESTED LANGUAGE:

The final subdivision plat shall be clearly and legibly drawn to a scale of 1 inch equal to 10, 20, 30, 40, 50, 60, 150 feet or a multiple of 100. The drawing shall be plotted on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear, legible and in black ink. The minimum text size should be 10-point font, (0.1") or the equivalent. Where necessary, 8-point (0.08") capitalized font or the equivalent can be used to label features. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Colors, grayscale or shading is not acceptable as it does not show when the drawing is reproduced. Sheets shall be one of these sizes: [8½" × 14"]; 11" × 17"; 18" × 24"; and 24" or 30" × 36". When more than one sheet is required, an index map shall be provided on the first sheet showing the

entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size. Indelible ink or sealant shall be used to insure permanency.

JUSTIFICATION: These guidelines follow with DNR Platting recommendations. Drawings should be plotted at a standard scale (1" = multiples of 10 feet or of 100') to allow a user to make measurements with a standard engineer's scale. 10-point font size is acceptable for labels, plat notes, certificates and information within the title block. An 8 point, capitalized font, will be legible when the full size drawing is reduced to an 11×17 drawing. An 8 point will allow the surveyor to have discretion on the size of the fonts used to label features where space is limited. A font smaller than 8 point is very difficult to read when printed on a reduced size piece of paper (11×17). No plats have been submitted on legal size. It would be difficult to prepare a subdivision plat with all the required information, on a legal size paper and keep the information clear and legible.

20.60.110. - Dimensional Data required.

SUGGESTED CHANGE: Add clarification for dimensioning the subdivision boundary. Remove the last sentence in Section A. Label non-radial lot lines and/or include in the legend. Note computed distances. Label computed data and source if applicable.

SUGGESTED LANGUAGE:

A. The bearing and length of every lot line, block line, and boundary line shall be shown.

The bearing and length of the subdivision boundary are to be generally shown on the outside of the subdivision boundary. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled.

Label all non-radial lines. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

JUSTIFICATION: The labeling of the subdivision boundary on the outside of the boundary clarifies the parent parcel and identifies the parent parcel boundary dimensions. 20.30.220 recommends radial/right angle lines. By labeling the non-radial lines it will provide useful information to the land owner and especially the subsequent surveyors. By labeling the computed data it will alert subsequent surveyors and owners that the surveyed line(s) were not measured during this platting action.

20.60.110. Dimensional Data Required

SUGGESTED CHANGE: Add a requirement for clarification when a discrepancy is found between survey markers and/or clarify how new survey marker locations were established.

SUGGESTED LANGUAGE:

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is

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New text is <u>underlined;</u> deleted text is [bracketed].

found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

JUSTIFICATION: This language is consistent with item F of the ASPLS Minimum Standards for the Practice of Land Surveying Manual. This requirement will provide useful information by showing how property boundaries were established and why certain survey markers were used, or not used, to establish boundaries. Any following surveyor will find this information useful as they perform a survey to re-establish a boundary or subdivide property.

20.60.130. - Boundary of Subdivision

SUGGESTED CHANGE: Define how the boundary of the subdivision shall be established and shown on the drawing.

SUGGESTED LANGUAGE:

The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data. The boundary of the subdivided area shall clearly show what survey markers, or other evidence, was found or established on the ground to determine the boundary of the subdivision. Bearing and distance ties to all survey markers used to locate the subdivision boundary shall be shown.

JUSTIFICATION: This requirement will provide that the boundary of the subdivision, and the method used to determine the boundary, will be shown on all subdivision plats.

20.60.170. - Other data required by law.

SUGGESTED CHANGE: Include a statement clarifying that KPB does not enforce private restrictive covenants.

SUGGESTED LANGUAGE:

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat. <u>The borough will not enforce private covenants</u>, <u>easements</u>, <u>or deed restrictions</u>.

JUSTIFICATION: Since 20.60.170 requires private covenants to be noted on plats, it could be interpreted that KPB has control or oversight over private covenants. The suggested language is consistent with KPB 21.44.080, which prohibits KPB from enforcing private covenants.

20.60.170. – Other data required by law.

SUGGESTED CHANGE: Add a requirement that subdivision plats shall conform to applicable Local Option Zoning.

SUGGESTED LANGUAGE:

Page 18 of 31 New text is <u>underlined</u>; deleted text is [bracketed].

<u>C.</u> The plat shall adhere to the requirements of the local option zone, where applicable.

JUSTIFICATION: This item will require a subdivision plat to comply with local option zoning, if the subdivision is located within an existing local option zone. Currently there is no mention of subdivision plats needing to comply with Local Option Zoning. This requirement will help to keep a local option zone intact, which is one of the reasons, and benefits, to applying a local option zone.

20.60.180. Plat notes.

SUGGESTED CHANGE: Add new section for plat note revision or removal.

SUGGESTED LANGUAGE:

- <u>A.</u> Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.
- B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to 20.50.010. Separate advertising of the plat note removal is not required. Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the Borough tax rolls. Upon approval by the Planning Commission, the revision or removal of the record plat note shall be finalized by recording a Planning Commission resolution or subdivision plat.

JUSTIFICATION: Title 20 is silent on procedures to modify or remove a plat note on a recorded plat. Occasionally, owners wish to change or remove notes from a recorded plat due to changes in development, alternative solutions to requirements per plat note, new technology, removal of existing overhead electric power lines, and/or new regulations. All owners within the subdivision are also subject to the plat note and should be notified of proposed changes. Following the exception process allows for orderly presentation and support for the requested action.

20.60.210. – Approval – Authority – Certificate issued when.

SUGGESTED CHANGE: Add new section to require notification to the owner(s) of the affected lot and/or owners in the subdivision when a request to amend a recorded plat is received.

SUGGESTED LANGUAGE:

- E. When an application to amend a recorded plat, as defined by 11 AAC 53.900, is received, notice by regular mail of the requested amendment to the plat shall be sent to owner(s) of the affected lot or tract and/or the owners in the subdivision per Borough tax rolls.

 Separate advertising of the proposed plat amendment is not required.
 - 1. The surveyor shall submit a copy of the plat showing the proposed new wording and/or a sketch of the proposed amendment with the application.
 - The plat amendment may be scheduled as a consent agenda item unless otherwise requested by the owner(s), Planning Director or Planning Commission.

JUSTIFICATION: Title 20 is silent on procedures to amend recorded plats. Per 11 AAC 53.260 amending a plat consists of correcting a technical error that will not adversely affect any valid existing right. The owner(s) accepted the information on the recorded plat when the Certificate of Ownership and Dedication was acknowledged. Owner(s) should be notified of any changes to the recorded plat. If the proposed change affects other lots/tracts, all owners in the subdivision should be notified. Notice can be sent by regular mail to owners of record per Borough tax rolls allowing a reasonable amount of time to respond. Separate advertising is not necessary.

20.70.035. - Approval of Vacations.

SUGGESTED CHANGE: Add standards that must be met for approval of right of way vacations.

SUGGESTED LANGUAGE:

The platting authority shall consider the merits of each request to vacate a city street, public right-of-way, public area, or public easement and in all cases the platting authority shall deem the area being vacated to be of value to the Borough unless proven otherwise. The burden of proof shall lie entirely with the petitioner. In considering any vacation of city street, public right-of-way, public area, or public easement the Borough shall consider the following:

- 1. The current and future needs of the right of way, public access easement, or public areas.
- 2. The vacation of the right of way, public access easement, or public areas will not limit access to surrounding property.
- 3. The vacation of the right of way or public access easement will not be detrimental to the public welfare.
- 4. The borough will consider realignment of right of way by vacation and rededication where it can clearly be shown the right of way realignment will enhance access and the realigned right of way is located to provide reasonable means of ingress and egress.

JUSTIFICATION: By specifying standards of approval of right of way vacations, it allows both the applicant and Borough to review the petition for completeness and verify that all standards are met.

20.70.040. Application—Petition required.

SUGGESTED CHANGE: Revise who is allowed to submit a petition to vacate a utility easement.

SUGGESTED LANGUAGE:

- A. A platted right-of-way or platted public area may not be vacated, except upon petition by resolution of the governing body from a municipality in which the property is located or by the owners of the majority of land fronting or abutting the right-of-way or public area to be vacated. The petition shall be filed with the planning commission.
- B. A petition to vacate a utility easement [only must] <u>may</u> be submitted by <u>the state</u>, <u>the borough</u>, a <u>public utility</u>, <u>or</u> the owners of the land subject to the easement.

JUSTIFICATION: By incorporating these changes, the State, Borough, or utility company, can petition to vacate a utility easement.

20.70.050 - Petition - Information required.

SUGGESTED CHANGE: Allow the number of copies required to be determined by staff.

SUGGESTED LANGUAGE:

B. Persons listed on the borough assessor's tax roll shall be deemed the legal owners for purposes of the vacation petition. The petition shall include a statement containing the reasons in support of the vacation and be accompanied by [a minimum of three copies of] a sketch clearly indicating the proposed vacation, submitted to the planning department at least 30 calendar days in advance of the meeting at which it will be considered. [Additional copies may be required as needed.] The format and number of copies shall be determined by the planning director. In cases where encroachments on public rights-of-way are in question, an as-built survey, sealed by a surveyor, is required showing the improvements, existing travel ways, amount of encroachment, and any other submittal as requested by the planning commission. The burden of proof shall lie with the petitioner to support the vacation.

JUSTIFICATION: The number of copies required for petitions has changed over the years primarily based on evolving technology and wide use of electronic media. To the extent possible, staff distributes public hearing notices electronically, which saves time, money, and paperwork. Allowing the number of copies required to be determined by staff creates flexibility of the submittal requirements, reduces paperwork, and saves money.

20.70.080. - Utility easement vacations.

SUGGESTED CHANGE: Include language to address situations in which the utility easement is in a city or adjoining a State Department of Transportation or KPB right-of-way.

SUGGESTED LANGUAGE:

A. Where a vacation petition is for a utility easement only, the petitioner has the responsibility to obtain comments from [the KPB Road Service Area and] all appropriate utility providers and the jurisdictional authority of the adjoining right-of-way, if applicable, and submit those comments with the petition. The petition must be signed by the owners of the land subject to the easement as shown on the Kenai Peninsula Borough tax rolls. A sketch showing the location of the requested vacation must accompany the petition. A public hearing is not required in the case of vacation of a utility easement that is not associated with the vacation of a right-of-way.

JUSTIFICATION: Unless a KPB right-of-way adjoins or could be impacted by a proposed utility easement vacation, review and comments by the KPB Roads Department are unnecessary. DOT should be notified and offered the opportunity to comment when the proposed utility easement

vacation adjoins their right-of-way. If jurisdictional authority is uncertain, comments from all possible jurisdictional authorities can be obtained.

20.70.080. – Utility easement vacations.

SUGGESTED CHANGE: Revise language within A to reflect how the utility easement vacation petition is currently handled, which is for the petition to go to the planning commission.

Revise language in C to clarify the amount of time allowed for those within the 300-foot notification buffer to respond to the notice of the proposed vacation. Include the option to finalize the vacation by a plat.

Approximately half of the utility easement vacations are finalized by recording a subdivision plat. Add to D and create E to clarify the procedures for finalizing a utility easement by plat.

Add item F to provide clarification for how an appeal of a Planning Commission decision of a utility easement is handled.

SUGGESTED LANGUAGE:

- A. Where a vacation petition is for a utility easement only, the petitioner has the responsibility to obtain comments from the KPB Road Service Area and all appropriate utility providers and submit those comments with the petition. The petition must be signed by the owners of the land subject to the easement. A sketch showing the location of the requested vacation must accompany the petition. A public hearing is [not] required [in the case of vacation of a utility easement that is not associated with the vacation of a right-of-way].
- B. Publication of a notice in the newspaper is not required for utility easement vacations.
- C. A notice shall be sent by regular mail to each property owner as shown on the Kenai Peninsula Borough tax rolls within a 300-foot radius from the utility easement proposed for vacation at least 14 days prior to the scheduled public hearing.
- D. When the application is complete, the planning director will schedule the petition to be head by the Planning Commission [take action on the requested vacation] within ten working days. [, either approving or denying the requested vacation. If the director approves the vacation, t] The vacation may be finalized by a vacation resolution that will be prepared and taken to the planning commission for adoption, in accordance with KPB 20.70.140, or the owner may finalize the vacation in conjunction with a preliminary plat depicting the requested vacation, that shall be submitted in accordance KPB Title 20. [If the director denies the vacation, a letter containing the reasons supporting the denial will be sent to the petitioner. The director may choose to forward any utility easement vacation request to the planning commission for action. If the reasons for denial are

Page 22 of 31 New text is <u>underlined</u>; <u>deleted</u> text is [bracketed].

resolved, the petitioner may submit a new petition for vacation with documentation that the issues have been resolved, accompanied by a new fee.]

- E. If the utility easement vacation will be finalized in conjunction with the recording of a subdivision plat in accordance with KPB Title 20, the final plat must be recorded within one year of the planning commission's approval or the municipal vacation consent in KPB 20.70.050(F).
- F. When a utility easement vacation is located within a municipality, a Notice of Decision will be sent to the municipality in which the easement vacation is located.
- F. A party of record can appeal the planning commission decision of a petition to vacate a utility easement, in accordance with KPB 21.20.

JUSTIFICATION: The changes will require the planning commission to review and approve all utility easement vacations. If the utility easement vacation request is simple in nature, non-controversial and no comments were received, then the utility easement vacations may be placed on the Planning Commission's consent agenda.

Adequate time needs to be provided to allow for those within the 300-foot notification buffer to respond to the notice of vacation. Fourteen days is consistent with KPB 20.25.090.

If the owner wants to vacate the utility easement by plat, a Planning Commission resolution is not required. Length of vacation approval is consistent with 20.70.130.

Clarification is needed for how a party of record can appeal a decision to vacate a utility easement. By referencing Chapter 21.20 it provides a clear process to appeal the planning commission decision. The hearing officer will hear and decide all appeals of a planning commission decision when related to the vacation of utility easements.

20.70.090. – Notice required.

SUGGESTED CHANGE: Remove 'by regular mail' from the method required to notice utility providers and municipalities. Remove the sentence that requires KPB to publish the notice in a newspaper.

SUGGESTED LANGUAGE:

Notice of public hearings shall be posted in a public area such as a post office, community center, or library. Public hearings will be advertised twice, once on the agenda in a local newspaper and either on the KPB website or social media.

The notice shall include;

- a. name of applicant and surveyor
- b. general location

Page 23 of 31 New text is <u>underlined</u>; <u>deleted</u> text is [bracketed].

- c. legal description
- d. summarized purpose
- e. time and location of public hearing
- f. KPB File number.

[The planning director shall publish a notice stating when and by whom the petition was filed, its purpose, and the time and place of the public hearing. The notice shall describe, through both legal and general description, the location, nature, and extent of the vacation. The notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the area of the vacation.] Certified mail notice shall [also] be mailed to each property owner as shown on borough tax rolls within a 300-foot radius and regular mail notice sent to owners within the next 300-foot radius to equal a 600-foot total notice radius from the boundaries of the area proposed to be vacated. If the 600-foot radius does not include owners other than the petitioner(s), notice must be sent to owners of parcels adjoining the boundaries of the parcel(s) that contain the area of the proposed vacation. Notice [by regular mail] shall be sent to all public utilities operating within the general area of the vacation and to the municipality in which the property is located.

JUSTIFICATION:

Outlining the specific items required in the notice will make it clear as to which items must be included. Currently the notice is e-mailed to all utility providers as well as municipalities. This method has been acceptable to the reviewers and provided for a quick and uniform method of notice. AS 29.40.130 requires the platting authority to publish a notice of the public hearing. KPB sends out notice to all property within the specified radius, publishes the agenda in the newspaper, posts a notice on the KPB website, and posts a notice on the KPB face book page. By removing the sentence that states newspaper it will save the borough \$100 - \$200 per right of way vacation add. KPB notice will comply with AS 29.40.130.

20.70.110 - Vacation [consent] decision - City council or assembly.

SUGGESTED CHANGE: clarify section 20.70.110 to specify approval or denial and also to include utility easements.

SUGGESTED LANGUAGE:

A vacation approval, or denial, by the Planning Commission, of a [city] street, public right-of-way, public area, utility easement, or public easement located within an incorporated city [may not be approved without the consent of the city council] must be sent to the city for consent or veto of the vacation decision. A vacation of a street, right-of-way, public area, utility easement, or public easement within the borough outside of the boundaries [limits] of a city[ies may not be made without the consent of the borough assembly] must be sent to the assembly for consent or veto of the vacation decision. The assembly or council shall have 30 days from the date of [approval] the planning commission decision in which to consent or veto the planning commission decision. If no consent or veto decision is made [is received by the planning director] within [the specified period] 30 days of the date of the planning commission decision,

the city or borough shall be considered to have given consent to the vacation. <u>An appeal of a city council or borough assembly action under this provision must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.</u>

JUSTIFICATION:

The clarification in this section will make it clear how the vacation process works and that utility easements are included in the vacations that are reviewed by the planning commission. If the vacation is located within the city, then the city will be given a 30 day window in which it can be vetoed by city council. The KPB assembly will have the opportunity to veto the planning commission decision if it is within 30 days.

20.70.130. – Vacation plat – Preparation, approval and recording.

SUGGESTED CHANGE: Revise this section of the code so that a right of way vacation can be completed by a Right of Way Vacation Plat as well as the typical subdivision plat. Revise the language so that the time frame is consistent with either method of platting.

SUGGESTED LANGUAGE:

Upon approval of the vacation request by the planning commission and <u>consent</u> [no veto] by the city council or assembly, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080, or <u>KPB 20.25</u>. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent in KPB 20.70.110. No extensions of time may be granted for the right of way vacation. To allow time for State of Alaska DNR review and approval, section line easement vacation plats must be recorded within four years of the vacation consent in KPB 20.70.110.

JUSTIFICATION:

Many right of way vacations are completed on plats that do not fall under KPB 20.10.080, but instead the vacations are included on a typical subdivision plat. By identifying KPB 20.25 as a way to complete the vacation it gives the applicant the ability to vacate at the same time as subdividing or changing property boundaries. Adding the language of 'no time extensions' keeps the code consistent between 20.10.080 and 20.70.130. Right of way vacations should be completed in a timely manner so as not to interfere with legal access to surrounding properties. Section line easement vacations require State DNR review and approval. This process can be lengthy. By allowing four years for section line easement vacation plats it allows the applicant time to complete the process without the vacation becoming void.

20.70.140. - Vacation resolution - Easement.

SUGGESTED CHANGE: Add a requirement for the petitioner to provide a legal description, a written description and/or drawing, prepared by a land surveyor.

SUGGESTED LANGUAGE:

Upon approval of an easement vacation not associated with the vacation of a right-of-way or not requiring transfer of title or platting action, a vacation resolution may be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to finalize the vacation. The petitioner is responsible for the recording fee <u>as well as a legal description of the area to be vacated. The legal description shall be a written description and/or a drawing prepared, stamped, and signed by a land surveyor.</u>

JUSTIFICATION:

By requiring a legal description of the area to be vacated it will be clear to the exact area that is being vacated. It is the responsibility of the applicant to provide this information to the Planning Commission. Per AS 08.48.221 Seals – all final drawings, specifications, surveys, plats, plates, reports, or similar documents includes, but is not limited to, parcel exhibits, parcel plats, legal descriptions, and similar professional works that may or may not be part of other documents are required to be sealed and signed.

20.70.220. - Section line easement vacations.

SUGGESTED CHANGE: Update and correct the section for section line easement vacations.

SUGGESTED LANGUAGE:

Section line easement vacation petitions must comply with the requirement of KPB 20.70.040, 20.70.050 and 20.70.060. [a fee is required in compliance with KPB 20.70.060.] Public hearing and notice must comply with the requirements or KPB 20.70.070, [20.70.080]20.70.090, 20.70.100, 20.70.110, [and] 20.70.120, and 20.70.130. [The mail notice required in KPB 20.70.090 may be by regular mail. Publication on the planning commission agenda, advertised once in local papers, posted in public areas, and on the borough website prior to the meeting will satisfy the publishing requirement.] The petitioner is responsible for all submittals required by the State of Alaska Department of Natural Resources, (DNR) in compliance with their procedures. The petition must be reviewed and approved by the planning commission but final authority for approval and platting of the vacation rests with DNR. The petitioner is responsible for coordination with DNR and submittals to DNR.

JUSTIFICATION: A section line easement is statutorily the same as a dedicated right of way and must follow the same review and approval process. The only difference is that a section line easement vacation must also obtain State of Alaska DNR review and approval. This additional review can lengthen the process. A redundant reference to KPB 20.70.060 is being removed. The notice requirements are being removed from this section as it specifies in section 20.70.090 what requirements are required.

20.90.010. - Definitions generally.

SUGGESTED CHANGE: Add definition for architect.

SUGGESTED LANGUAGE:

Page 26 of 31 New text is <u>underlined</u>; deleted text is [bracketed].

"Architect" or "qualified architect" means a licensed architect registered to practice in Alaska under AS 08.48 and 12 AAC 36 in the branch of architecture defined by 12 AAC 36.068 applicable to the project.

JUSTIFICATION:

KPB 20.30.280.E. requires a certification by an engineer or architect; however, architect is not included in the definitions.

20.90.010. - Definitions generally.

SUGGESTED CHANGE: Remove 'parties of record' from the definition for 'Date of distribution' or 'distribution' so that Chapter 20 is consistent with KPB 2.40.080.B.

SUGGESTED LANGUAGE:

"Date of distribution" or "distribution" means the date a notice, decision or other document is provided, manually or electronically, or is postmarked [, to a party of record].

JUSTIFICATION: This change will keep the code consistent between chapter 2 and chapter 20.

20.90.010. – Definitions generally.

SUGGESTED CHANGE: Remove Nominal five acres.

SUGGESTED LANGUAGE:

[Nominal five acres" means of, like, or relating to an aliquot five—acre part.]

JUSTIFICATION:

Nominal five acres is being removed from the KPB due to confusion on how to apply the use with septic system reviews. Issues came up with adjoining right of way acreage and the method to subdivide an aliquot parcel. The defined area will be replaced with 200,000 square feet throughout the KPB code.

20.90.010. - Definitions generally.

SUGGESTED CHANGE: Remove 'Parties of Record'

SUGGESTED LANGUAGE:

["Parties of record" unless specified otherwise means those persons who have commented in a written and signed document or in person on an agenda item before the planning commission or plat committee who own property within the notification radii established in this chapter.]

JUSTIFICATION: Remove 'parties of record' from chapter 20, but leave it defined within chapter 21. All references in chapter 20 will be to KPB 2.40.080.B. This will allow a broader group to request a review to the Planning Commission. If an application is appealed to the Hearing Officer, then the stricter definition of 'parties of record', as defined in Chapter 21, will be used to determine standing.

20.90.010. – Definitions generally

SUGGESTED CHANGE: Change the definition of right of way to be consistent with Title 14 – Roads.

SUGGESTED LANGUAGE: "Right-of-way dedication" or "right-of-way" means a right-of-way dedicated on a plat for road, street, or utility purposes in accordance with the platting requirements of the Kenai Peninsula Borough, or such rights-of-way as have been specifically granted by easement or dedicated by statute [means transfer of fee simple underlying ownership of a right-of-way to the state, borough, or a municipality].

JUSTIFICATION: To be consistent with Chapter 14 – Roads

20.90.010. - Definitions generally

SUGGESTED CHANGE: Include additional wording in the definition of subdivision

SUGGESTED LANGUAGE: "Subdivision" means the division of a tract or parcel of land into two or more lots, or other divisions for the purpose of sale or building development, and includes resubdivision and relates to the process of subdividing or to the land or areas subdivided. As used in this Chapter, it also includes the elimination of lot lines <u>and/or any change to an existing property line.</u>

JUSTIFICATION: To be consistent with AS 29.40.120.

21.20.210 - Definitions

SUGGESTED CHANGE: Update the definition of 'Party of record' to specify property owners within the notification radii.

SUGGESTED LANGUAGE:

21.20.210.A.5.b

Any party or person aggrieved by the decision where the decision has or could have an adverse effect on the value, use or enjoyment of real property owned by them who appeared before the planning commission with either an oral or written presentation, and who owns lands within the notification radii;

(1) A signature on a petition does not qualify the signatory as a party of record. [without a separate oral or written presentation to the planning commission]

JUSTIFICATION: This will define that only individuals who own land within the notification radii and who submitted testimony at the Planning Commission hearing have standing to appeal the Planning Commission decision to a Hearing Officer.

21.20.230 - Jurisdiction

SUGGESTED CHANGE: Update the jurisdiction so that it complies with 20.70 requirements.

SUGGESTED LANGUAGE:

21.20.230 – Jurisdiction

B. [The assembly shall consider vacation petitions approved by the planning commission in accordance with the procedures in KPB Chapter 20.70.]

JUSTIFICATION: All vacation decisions now fall under 20.70.110 so this section is no longer needed.

21.20.250 -

SUGGESTED CHANGE:

SUGGESTED LANGUAGE:

E. Entry of appearance. The borough clerk shall mail or otherwise deliver copies of the notice of appeal to all parties of record in the proceeding appealed within 15 days of the date of filing the notice of appeal. Proof of service upon each party shall accompany the notice of appeal. Any party desiring to participate in the appeal process must file an entry of appearance containing that party's name and address and signature, or the name and address of the party and the name and address and signature of the party's representative, within 15 days of the date of mailing of the notice of appeal by the borough clerk. If borough staff is not participating in the appeal beyond providing the required staff overview, a notice of non-participation should be filed with the borough clerk. Proof of service of the entry of appearance upon each party shall be made in the manner prescribed in KPB 21.20.280(D). Any party filing an entry of appearance may file additional designations of error or other alternative requests for modification or reversal of the decision.

JUSTIFICATION:

21.20.270 - Record on appeal

SUGGESTED CHANGE:

SUGGESTED LANGUAGE:

C. Appeal on the record; new evidence. Appeals to the hearing officer shall be on the record.

No new evidence, or illustrative documents or attachments to written statements, may be filed without prior approval of the hearing officer after a showing by the moving party that there exists cause for supplementing the record and that even with due diligence

the new evidence could not have been provided at the hearing before the planning commission.

JUSTIFICATION: This will help to clarify that appeals to the hearing officer are on the record.

21.20.280 - Written Statements.

SUGGESTED CHANGE:

SUGGESTED LANGUAGE:

A. Opening statement. A party of record who entered an appearance in the appeal[appellant, staff and the applicant if the applicant is not the appellant] shall submit a written statement which shall be filed with the borough clerk within 20 days of the clerk issuing notice that a completed record and transcript have been filed. The written statement may include a statement of facts as derived from the record on appeal, a statement of the party's perception of the correctness of the planning commission decision, a list of asserted errors, and any citations to applicable statutes, ordinances, regulations or other legal authority for the position taken by the party to the appeal. Failure to timely submit the opening written statement will result in dismissal of that party from the appeal. Multiple parties may preserve their party status by filing a single written statement; however, the written statement must clearly identify all parties filing the single statement. The hearing officer may waive irregularities in the content of the notice of appeal or written statements. In appeals where staff does not enter an appearance, the staff overview may be provided in writing when opening statements are due.

JUSTIFICATION: Clarify that staff is not necessarily a participant.

21.20.280 - Written Statements

SUGGESTED CHANGE:

SUGGESTED LANGUAGE:

<u>E.</u> Additional written statements. Unless the hearing officer requests supplemental written statements from the parties of record or staff, no additional written statements shall be accepted.

JUSTIFICATION: Clarify that only the opening and reply statements should be provided unless otherwise requested by hearing officer.

21.20.300 - Motions

SUGGESTED CHANGE:

SUGGESTED LANGUAGE:

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- A. Parties. Motions for continuances, shortened time, or other matters may be filed by the following parties and served in the manner prescribed by KPB 21.20.280(D):
- 1. The appellant;
- 2. The applicant if that party is not the appellant;
- 3. A borough official if borough staff enters an appearance in the matter.

JUSTIFICATION:

Introduced by:	Mayor	
Date:		
Hearing:		
Action:		
Vote:		

KENAI PENINSULA BOROUGH ORDINANCE 2020-

AN ORDINANCE AMENDING KENAI PENINSULA BOROUGH CODE OF ORDINANCES INCLUDING CHAPTER 2.40 – PLANNING COMMISSION, TITLE 20 SUBDIVISIONS, CHAPTER 21.20 – HEARING AND APPEALS TO CORRECT GRAMMATICAL ERRORS, CLARIFY AND IMPROVE CERTAIN ADMINISTRATIVE PROCEDURES

WHEREAS,	the borough's subdivision code experienced a significant rewrite in 2014; and				
WHEREAS,	since that time platting staff have found a number of provisions that would benefit from clarifying language; and				
WHEREAS,	amendments will make Title 20 consistent with current law and statutes; and				
WHEREAS,	edits will clarify portions of Title 20; and				
WHEREAS,	beginning in 2018 the planning and legal department staff held numerous meetings to review the existing code for recommended changes; and				
WHEREAS,	invitations were extended to review the amendments to Title 20 with KPB staff to the communities of Anchor Point, Cooper Landing, Hope, Nikiski, Moose Pass, and City of Homer, Kachemak City, City of Kenai, City of Seldovia, City of Seward, and City of Soldotna; and				
WHEREAS,	work sessions were held regarding amendments to Title 20 with the surveying community and public on and; and				
WHEREAS,	city meetings regarding amendments to Title 20 were conducted in the cities of; and				
WHEREAS,	the advisory planning commission held a meeting on and recommended				
WHEREAS,	the advisory planning commission held a meeting on and recommended				

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	REAS,	the advisory planning commission held a meeting on and recommended					
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WHE	REAS,	the advisory planning commission held a meeting on and recommended					
WHE	REAS,	the planning commission held a work session on; and					
WHE	REAS,	the planning commission held a public hearing on the amended Title 20 on					
WHE	THEREAS , at its meeting of, the Planning Commission reviewed this ordinance and recommended approval by unanimous consent;						
PENI	NSULA ION 1.	REFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI BOROUGH: That CHAPTER 2.40 PLANNING COMMISSION is hereby amended as					
		at committee – Powers and duties – Hearing and review procedures					
В.	acting on a for filed w	w of a decision of the plat committee may be heard by the planning commission as platting board by filing written notice thereof with the borough planning director orm provided by the borough planning department. The request for review shall be within ten days after notification of the decision of the plat committee by personal e or service by mail. A request for review may be filed by any person or agency					

SECTION 2. That TITLE 20 - SUBDIVISIONS is hereby amended as follows:

CHAPTER 20.10 – GENERAL PROVISIONS

20.10.040. - Abbreviated plat procedure.

- A. The abbreviated plat procedure may be used where the subdivision or replat[SUBDIVISION] is of a simple nature and meets all of the requirements of this section as follows:
 - 1. The subdivision divides a single lot into not more than four lots <u>or the subdivision</u> moves, or eliminates, lot lines to create not more than four lots or tracts.
 - 2. The subdivision provides legal and physical access to a public highway or street for each lot created by the subdivision;
 - 3. The subdivision does not contain or require a dedication of a street, right-of-way or other area; and
 - 4. The subdivision does not require a vacation of a public dedication of land or a variance from a subdivision regulation.
- B. Submission Requirements. All of the submission requirements of KPB Chapters 20.25, 20.30 and 20.40 shall be met.

. .

20.10.080. – Right-of-Way Vacation Plat and Section Line Easement Vacation Plat

A. When the sole purpose of a plat is to depict right-of-way, or a section line easement vacation, approved for vacation under KPB Chapter 20.70 as attaching to adjoining parcels in compliance with KPB 20.70.150 and AS 29.40.150, the following procedure shall apply:

...

20.10.100. – Building setback encroachment permits.

- A. Any person desiring to construct, or cause, an encroachment within a building setback shall apply for a building setback encroachment permit to the planning department. Failure to obtain an encroachment permit is subject to remedies set forth in KPB 20.10.030.
- B. A permit fee shall be charged for building setback encroachment permit as provided in the current approved Kenai Peninsula Borough Schedule of Rates, Charges and Fees. A person who fails to apply for, and obtain, a building setback encroachment permit prior to an enforcement notice being issued pursuant to KPB 21.50.100 is subject to enforcement.
- C. All building setback encroachments, including those that pre-date the effective date of this ordinance, must apply for a building setback encroachment permit. Permits for building setback encroachments that existed prior to the effective date of this ordinance shall pay the same permit fee as applies to permits received prior to placement or construction of the encroachment.

- D. When the building setback encroachment permit application is complete, it will be scheduled for the next available planning commission meeting.
- <u>E.</u> The following standards shall be considered for all building setback encroachment permit applications:
 - 1. The building setback encroachment may not interfere with road maintenance.
 - 2. The building setback encroachment may not interfere with sight lines or distances.
 - 3. The building setback encroachment may not create a safety hazard.
- F. The granting of a building setback encroachment permit will only be for the portion of the improvement, or building, that is located within the building setback and the permit will be valid for the life of the structure. The granting of a building setback permit will not remove any portion of the 20 foot building setback from the parcel.
- G. Upon approval of a building setback encroachment permit, a resolution will be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to complete the permit. The resolution will require an exhibit drawing showing, and dimensioning, the building setback encroachment permit area. The exhibit drawing shall be prepared, signed and sealed, by a licensed land surveyor.
- H. A decision of the planning commission may be appealed to the hearing officer by a party of record, as defined by KPB 20.90, within 15 days of the date of notice of decision in accordance with KPB 21.20.250.

CHAPTER 20.25 – PRELIMINARY PLATS

20.25.020. - Compliance with certain provisions required.

A [SUBDIVIDER] <u>licensed surveyor</u> shall prepare a preliminary plat of the proposed subdivision which shall comply with the requirements of KPB 20.25.070 and 20.25.080, and other applicable provisions of this chapter except as provided in KPB 20.10.050.

20.25.030. - Prints—Type and number to be submitted.

The <u>format and</u> number of [PRINTS] <u>copies</u> of the preliminary plat to be submitted shall be as determined by the planning director <u>and noted on the Borough Plat Submittal form</u>. Preliminary plat prints shall be folded to $8\frac{1}{2} \times 13$ inches or smaller in a manner such that the subdivision name and legal description show.

20.25.050. - Subdivision or replat in a first class or home rule city submittal procedure.

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A. Pursuant to AS 29.40.010, first class and home rule cities within the borough [ARE] <u>may</u> <u>be</u> delegated [LIMITED AUTHORITY] <u>platting powers</u> to adopt by ordinance subdivision standards different from those set forth in this chapter.

. . .

F. [TO THE EXTENT A CITY HAS BEEN DELEGATED LIMITED PLATTING AUTHORITY, A]A final plat may not deviate from the preliminary plat unless the proposed revision has first been submitted to the city by the subdivider and has been approved by the city council or its designee.

20.25.060

. . .

B. [TO THE EXTENT LIMITED PLATTING AUTHORITY HAS BEEN DELEGATED TO A SECOND CLASS CITY, A]A preliminary plat shall not be submitted to the borough planning department for review unless the aspects of the subdivision subject to the city authority have been first approved by the city.

. . .

F. [TO THE EXTENT A CITY HAS BEEN DELEGATED LIMITED PLATTING AUTHORITY, A] A final plat may not deviate from the preliminary plat unless the proposed revision has first been submitted to the city by the subdivider and has been approved by the city council or its designee.

20.25.070. - Form and contents required.

The preliminary plat shall be drawn to scale of sufficient size to be clearly legible and shall clearly show the following:

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

• •

- F. The [NAMES AND WIDTHS OF PUBLIC STREETS AND ALLEYS AND] <u>location</u>, width and name of existing or platted streets and public ways, railroad rights-of-way, easements, and travelways existing and proposed, within the subdivision;
- G. Show the [S]status of adjacent lands within 100 feet of the proposed subdivision boundary or show the land status across from any dedicated right of ways that adjoin the proposed

<u>subdivision boundary</u>, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

H. Approximate locations of <u>low</u> wet areas, <u>areas</u> subject to inundation, <u>areas subject to</u> flooding[,] or storm water overflow, <u>and</u> the line of ordinary high water[, WETLANDS WHEN ADJACENT TO LAKES OR NON-TIDAL STREAMS, AND THE APPROPRIATE STUDY WHICH IDENTIFIES A FLOODPLAIN, IF APPLICABLE;]. <u>This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;</u>

. . .

20.25.090. – Notice.

- B. Notice of public hearing shall appear at least once in a newspaper of general circulation stating:
 - a. <u>name of subdivision</u>[A GENERAL DESCRIPTION OF THE SUBDIVISION OR REPLAT];
 - b. <u>KPB File no.</u>[WHO FILED THE SUBDIVISION PETITION];
 - c. general location[WHEN THE SUBDIVISION PETITION WAS FILED];
 - d. <u>general description of the subdivision</u>[THE TIME AND PLACE OF THE HEARING ON THE SUBDIVISION]; and
 - e. <u>the time and place of the hearing; and</u>[THE PROCESS AND DEADLINE FOR SUBMITTAL OF COMMENTS.]
 - f. process and deadline for submitted comments.
- C. The notice in subsection B, including the name of the surveyor and applicant, shall be sent by regular mail to the affected property owners at least 14 days prior to the public hearing. A certificate of mailing listing the names, addresses and parcel information for each notified owner shall be maintained in the subdivision file.

. . .

20.25.110. - Approval—Scope—Expiration restriction.

A. Approval of the preliminary plat shall not constitute approval of the final plat, but means only that the basic lot and street design is acceptable. The subdivider is on notice that it is the subdivider's responsibility to provide all the information required in this ordinance and to submit a correct final plat within two years of the date of the planning commission's conditional approval of the preliminary plat. Upon application by the subdivider prior to the two-year deadline for final plat submittal, a time extension for two years beyond the initial two-year period for submittal of the final plat may be granted by the planning director. A second [THIRD] and final two-year extension may be granted by the planning director when requested by the subdivider prior to expiration of the previous approval [, ALLOWING FOR A TOTAL APPROVAL TIME OF SIX YEARS]. When the

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preliminary plat is located within city limits, submittal of documentation from the city advisory planning commission indicating concurrence with the time extension request must accompany a time extension request. When a preliminary plat that has been granted a time extension is finalized, the final plat must comply with the current code. Expiration of the original plat approval or time extensions will require the submission of, and action on, a new preliminary plat.

B. Preliminary plats that will be finalized in phases must comply with current code at the time each phase is finalized. All dedications for streets that are required pursuant to KPB 20.30.030 must be provided in the first phase. The approval of a final plat for a portion of the phased preliminary shall [EXTEND] reset the [PRELIMINARY] approval date for two years from the date the subdivision phase final plat is recorded. [FOR T]The remaining land within the phased subdivision[, except that the commission] may require a new preliminary plat approval if the abutting road system changes. Phases must be filed in sequential order.

. . .

E. Subdivision plats approved prior to February 14, 2014 under former KPB 20.12, 20.14, 20.16, and 20.20 with approvals that are greater than 10 years in length, and with approvals that will expire, will be considered expired on the expiration date. Continuation of an expired subdivision will require the submission of, and action on, a new preliminary plat complies with subdivision requirements.

20.25.120. - Review and appeal.

[A PARTY OF RECORD] In accordance with KPB 2.40.080, any person or agency that participated at the plat committee hearing, either by written or oral presentation, may request that a decision of the plat committee be reviewed by the planning commission by filing a written request within 10 days of <u>date of distribution</u> [NOTIFICATION] of the decision. [IN ACCORDANCE WITH KPB 2.40.080.] A decision of the planning commission may be appealed to the hearing officer by a party of record within 15 days of the date of <u>distribution</u>[NOTICE] of decision in accordance with KPB 21.20.250.

CHAPTER 20.30. - SUBDIVISION DESIGN REQUIREMENTS

20.30.060. - Easements—Requirements.

D. Unless a utility company requests additional easements, the front ten feet [OF THE BUILDING SETBACK] adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers.

. . .

[20.30.110. - HALF STREETS.]

- [A. HALF STREETS SHALL GENERALLY NOT BE ALLOWED EXCEPT WHERE ONE OF THE FOLLOWING CIRCUMSTANCES APPLIES:]
 - [1. THE STREET IS IDENTIFIED ON THE BOROUGH ROAD PLAN AS AN ARTERIAL:]
 - [2. THE STREET IS A LOGICAL EXTENSION OF AN EXISTING STREET; OR]
 - [3. THE REMAINING HALF STREET CAN REASONABLY BE EXPECTED TO BE DEDICATED.]
- [B. WHEN A DESIGN CHANGE REQUIRED AS A CONDITION OF PRELIMINARY APPROVAL RESULTS IN A HALF RIGHT-OF-WAY THAT WAS NOT SHOWN ON THE ORIGINAL PRELIMINARY PLAT, ADJOINERS TO THE NEW HALF RIGHT-OF-WAY ARE PARTIES OF RECORD AND WILL BE SENT A COPY OF THE PLAT COMMITTEE MINUTES AND A SKETCH SHOWING THE NEW HALF RIGHT-OF-WAY. PURSUANT TO KPB 2.40.080 REVIEW OF THE PLAT COMMITTEE DECISION BY THE PLANNING COMMISSION MAY BE REQUESTED BY PARTIES OF RECORD.]

20.30.120. Streets – Width requirements.

- A. The minimum right-of-way width of streets shall be 60 feet.
 - 1. <u>Half streets shall generally not be allowed except to provide the logical extension of a right of way where the remaining half street can reasonably be expected to be dedicated in the future.</u>
 - 2. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoiners to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.

. .

20.30.150. – Streets – Intersection requirements.

. . .

B. Offset intersections are not allowed. <u>The distance between intersection centerlines shall be</u> no less than 150 feet.

. .

20.30.240. - Building setbacks.

A. The commission shall require a building setback of at least 70 feet from the centerline of all <u>dedicated</u> [fee simple] arterial rights-of-way in a subdivision. A minimum 20-foot building setback shall be required for <u>dedicated</u> [fee simple] non-arterial rights-of-way in subdivisions located outside incorporated cities.

...

C. The setback shall be noted on the plat in the following format:

Building setback - A setback of _____ feet is required from all <u>dedicated</u> street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

20.30.250. - Building setbacks—Within cities.

The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. <u>Building setbacks as depicted</u>, or noted, on record plats shall not be carried forward on a new subdivision plat located within a municipal zoning district. Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."

20.30.270. – Different standards in cities.

Where cities have [been delegated partial platting powers by the borough and have] enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission [SHALL] <u>may</u> apply the city standards in lieu of those set forth in this chapter. [THE APPLICATION OF THE CITY DESIGN STANDARD IS SUBJECT TO THE CITY HAVING AN ORDINANCE IN PLACE THAT SATISFIES THE NOTICE REQUIREMENTS OF KPB 20.25.090(A) THROUGH (D) AND A PROCESS TO APPEAL DECISIONS MADE BY THE CITY REGARDING APPLICATION OF ITS SUBDIVISION DESIGN STANDARDS.] Any appeal of a city design standard is subject to KPB 21.01.020.

20.30.280. - Floodplain requirements.

...

C. All subdivisions which are wholly or partially located within flood hazard areas as defined by KPB 21.06.030 must comply [AREAS WHERE THE FLOODPLAIN HAS NOT BEEN MAPPED AND BASE FLOOD ELEVATION DATA IS NOT AVAILABLE SHALL PROVIDE THE INFORMATION IN COMPLIANCE] with KPB 21.06.050.

. .

20.30.290. – Anadromous waters habitat protection district.

If any portion of a subdivision or replat is located within an anadromous habitat <u>waters</u> protection district, the plat shall contain the following note:

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Habitat <u>Waters</u> Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. <u>Width of the habitat protection district shall be in accordance</u> with KPB 21.18.040.

CHAPTER 20.40. – WASTEWATER DISPOSAL

20.40.030. - Abbreviated submittal.

Lots within the proposed subdivision that will be at least 200,000 square feet [OR NOMINAL FIVE ACRES] in size [DO NOT REQUIRE A SOILS ANALYSIS AND REPORT PREPARED BY A QUALIFIED ENGINEER]must comply with KPB 20.40.100(F). Before a final plat is recorded or filed for subdivision, the following note must be placed on the plat:

WASTEWATER DISPOSAL: Lots which are at least 200,000 square feet [OR NOMINAL FIVE ACRES] in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

20.40.040. - Conventional onsite soil absorption systems.

A. If any lots within a subdivision will utilize conventional onsite soil absorption systems and are less than 200,000 square feet, the following requirements must be met and submitted to the planning director:

3. A working map depicting:

a. Ground slopes greater than [20] <u>25</u> percent, or 5 percent where a bed system is proposed, and other topographic features as needed by a qualified engineer to meet the design requirements for wastewater disposal as defined in this chapter;

B. Before a final plat is recorded or filed for subdivision under this section, the borough will require the engineer to sign the following note on the final plat:

WASTEWATER DISPOSAL: Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences. [AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH.] An Engineer's Subdivision and Soils Report is available from the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a qualified engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

(Signature of) Engineer	License #	Date	

20.40.070. - Connection to an existing system.

. . .

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. . .

<u>C.</u> If the subdivision is served by a wastewater treatment and disposal system within a home rule or general law city, then signature by a licensed engineer or surveyor is not required.

20.40.100. - Soils analysis and report.

- Soil testing requirements for subdivision lots equal or greater than 200,000 square feet F. [NOMINAL FIVE ACRES] consist of general soils and water table description with sufficient detail to support the applicability of the proposed means of wastewater disposal; the description must be based on:
 - 1. Existing information; or
 - Visual analysis by, or local knowledge of, a qualified engineer.

CHAPTER 20.60. – FINAL PLAT

20.60.025 – Fee required

The fee established by the current Kenai Peninsula Borough Schedule of Rates, Charges and Fees shall accompany the submission of the final plat.

20.60.070. - Plat specifications.

The final subdivision plat shall be clearly and legibly drawn to a scale of 1 inch equal to 10, 20, 30, 40, 50, 60, 150 feet of a multiple of 100 feet. The drawing shall be plotted on good quality polyester film at least 3 mil in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear, [AND] legible and in black ink. The minimum text size should be 10 point (0.1") font or the equivalent. Where necessary, 8 point (0.08") capitalized font or the equivalent can be used to label features. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Colors, grayscale or shading is not acceptable as it does not show when the drawing is reproduced. Sheets shall be one of these sizes: $[8\frac{1}{2}" \times 14"]$; $11" \times 17"$; $18" \times 24"$; and 24" or $30" \times 36"$. When more than one sheet is required, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size. Indelible ink or sealant shall be used to insure permanency.

20.60.110. - Dimensional data required.

The bearing and length of every lot line, block line, and boundary line shall be shown. Α. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If

- monumented lines were not surveyed during this platting action, show the computed data per the record plat information.
- B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.
- C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

20.60.130. - Boundary of subdivision.

The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data. The boundary of the subdivided area shall clearly show what survey markers, or other evidence, was found or established on the ground to determine the boundary of the subdivision. Bearing and distance ties to all survey markers used to locate the subdivision boundary shall be shown.

20.60.170. - Other data required by law.

- A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.
- B. Private covenants and restrictions of record in effect at the time the final plat is approved SHALL] <u>will</u> be referenced on the plat. <u>The borough will not enforce private covenants</u>, easements, or deed restrictions.
- C. The plat must adhere to the requirements of the local option zone, where applicable.

20.60.180. - Plat notes.

- <u>A.</u> Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.
- B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to 20.50.010. Separate advertising of the plat note removal is not required. Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

20.60.210. - Approval—Authority—Certificate issued when.

. . .

- E. When an application to amend a recorded plat, as defined by 11 AAC 53.900, is received, notice by regular mail of the requested amendment to the plat shall be sent to owner(s) of the affected lot or tract and/or the owners in the subdivision per borough tax rolls. Separate advertising of the proposed plat amendment is not required.
 - 1. The surveyor shall submit a copy of the plat showing the proposed new wording and/or a sketch of the proposed amendment with the application.
 - 2. The plat amendment may be scheduled as a consent agenda item unless otherwise requested by the owner(s), planning director or planning commission.

CHAPTER 20.70. – VACATION REQUIREMENTS

. . .

20.70.035. – Approval of Vacations.

The planning commission shall consider the merits of each request to vacate a street, public right-of-way, public area, or public easement and in all cases the planning commission will deem the area being vacated to be of value to the borough unless proven otherwise. The burden of proof shall lie entirely with the petitioner. In considering any vacation of a street, public right-of-way, public area, or public easement the borough shall consider the following:

- 1. The current and future needs of the right-of-way, public access easement, or public areas.
- 2. The vacation of the right-of-way, public access easement, or public areas will not limit access to surrounding property.
- 3. The vacation of the right-of-way or public access easement will not be detrimental to the public welfare.
- 4. The borough will consider realignment of right of way by vacation and rededication where it can clearly be shown the right of way realignment will enhance access and the realigned right-of-way is located to provide reasonable means of ingress and egress.

20.70.040. - Application—Petition required.

- A. A platted right-of-way or platted public area may not be vacated, except upon petition by resolution of the governing body from a municipality in which the property is located or by the owners of the majority of land fronting or abutting the right-of-way or public area to be vacated. The petition shall be filed with the planning commission.
- B. A petition to vacate a utility easement [ONLY MUST]<u>may</u> be submitted by <u>the state</u>, the <u>borough</u>, a <u>public utility</u>, or the owners of the land subject to the easement.

20.70.050. - Petition—Information required.

. . .

B. Persons listed on the borough assessor's tax roll shall be deemed the legal owners for purposes of the vacation petition. The petition shall include a statement containing the reasons in support of the vacation and be accompanied by a minimum of three copies of a sketch clearly indicating the proposed vacation, submitted to the planning department at least 30 calendar days in advance of the meeting at which it will be considered.

[ADDITIONAL COPIES MAY BE REQUIRED AS NEEDED.] The format and number of copies shall be determined by the planning director. In cases where encroachments on public rights-of-way are in question, an as-built survey, sealed by a surveyor, is required showing the improvements, existing travelways, amount of encroachment, and any other submittal as requested by the planning commission. The burden of proof shall lie with the petitioner to support the vacation.

. . .

20.70.080. - Utility easement vacations.

- A. Where a vacation petition is for a utility easement only, the petitioner has the responsibility to obtain comments from the KPB Road Service Area and all appropriate utility providers and the jurisdictional authority of the adjoining right-of-way, if applicable, and submit those comments with the petition. The petition must be signed by the owners of the land subject to the easement as shown on the Kenai Peninsula Borough tax rolls. A sketch showing the location of the requested vacation must accompany the petition. A public hearing is not required in the case of vacation of a utility easement that is not associated with the vacation of a right-of-way.
- B. Publication of a notice in the newspaper is not required for utility easement vacations.
- C. A notice shall be sent by regular mail to each property owner as shown on the Kenai Peninsula Borough tax rolls within a 300-foot radius from the utility easement proposed for vacation at least 14 days prior to the scheduled public hearing.
- D. When the application is complete, the planning director will schedule the petition to be heard by the Planning Commission [TAKE ACTION ON THE REQUESTED VACATION] within ten working days.[, EITHER APPROVING OR DENYING THE REQUESTED VACATION. IF THE DIRECTOR APPROVES THE VACATION, The vacation may be finalized by a vacation resolution that will be prepared and taken to the planning commission for adoption, in accordance with KPB 20.70.140, or [.] the owner may finalize the vacation in conjunction with a preliminary plat depicting the requested vacation, that shall be submitted in accordance with KPB Title 20. [IF DIRECTOR DENIES THE VACATION, A LETTER CONTAINING THE REASONS SUPPORTING THE DENIAL WILL BE SENT TO THE PETITIONER. THE DIRECTOR MAY CHOOSE TO FORWARD ANY UTILITY EASEMENT VACATION REQUEST TO THE PLANNING COMMISSION FOR ACTION. IF THE REASONS FOR DENIAL ARE RESOLVED, THE PETITIONER MAY SUBMIT A NEW PETITION FOR VACATION WITH DOCUMENTATION THAT THE ISSUES HAVE BEEN RESOLVED, ACCOMPANIED BY A NEW FEE.1
- E. If the utility easement vacation will be finalized in conjunction with the recording of a subdivision plat in accordance with KPB Title 20, the final plat must be recorded within one year of the planning commission's approval or the municipal vacation consent in KPB 20.70.050(F).

- F. When a utility easement vacation is located within an incorporated city, the city may veto the approval within 30 calendar days in accordance with KPB 20.70.110.
- G. A party of record can appeal the planning commission decision of a petition to vacate a utility easement, in accordance with KPB 21.20.
- H. For the purposes of vacations, a utility easement is defined to include the easements listed in the definition of Utility Easement under KPB 20.90.010.

20.70.090. - Notice required.

Notice of public hearing shall be posted in a public area such as a post office, community center, or library. Public hearings will be advertised twice, once on the agenda in a local newspaper and either on the KPB website or social media.

The notice shall include:

- a. name of applicant and/or surveyor
- b. general location
- c. legal description
- <u>d.</u> <u>summarized purpose</u>
- e. time and location of public hearing
- f. KPB File number.

[THE PLANNING DIRECTOR SHALL PUBLISH A NOTICE STATING WHEN AND BY WHOM THE PETITION WAS FILED, ITS PURPOSE, AND THE TIME AND PLACE OF THE PUBLIC HEARING. THE NOTICE SHALL DESCRIBE, THROUGH BOTH LEGAL AND GENERAL DESCRIPTION, THE LOCATION, NATURE, AND EXTENT OF THE VACATION. THE NOTICE SHALL BE PUBLISHED ONCE A WEEK FOR TWO CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA OF THE VACATION.] Certified mail notice shall [ALSO] be mailed to each property owner as shown on borough tax rolls within a 300-foot radius and regular mail notice sent to owners within the next 300-foot radius to equal a 600-foot total notice radius from the boundaries of the area proposed to be vacated. If the 600-foot radius does not include owners other than the petitioner(s), notice must be sent to owners of parcels adjoining the boundaries of the parcel(s) that contain the area of the proposed vacation. Notice [BY REGULAR MAIL] shall be sent to all public utilities operating within the general area of the vacation and to the municipality in which the property is located.

20.70.110. - Vacation [CONSENT] decision - City council or assembly.

A vacation approval, or denial, by the Planning Commission, of a [CITY] street, public right-of-way, public area, <u>utility easement</u>, or public easement located within an incorporated city [may not be approved without the consent of the city council] <u>must be sent to the city for consent, or veto, of the vacation decision</u>. A vacation of a street, right-of-way, public area, <u>utility easement, or public easement within the borough outside of the boundaries [LIMITS] of a city[IES MAY NOT BE MADE WITHOUT THE CONSENT OF THE BOROUGH ASSEMBLY] <u>must be sent to the assembly for consent or veto of the vacation decision</u>. The assembly or council shall have 30 days from the date of [APPROVAL]the planning commission decision in which to <u>consent or veto the planning commission decision</u>. If no <u>consent or veto decision is made</u> [IS RECEIVED BY THE PLANNING DIRECTOR] within [THE SPECIFIED PERIOD] 30 days of the date of the planning commission decision, the city or borough shall be considered to have given consent to the vacation. An appeal of a city council or borough assembly action under this provision must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.</u>

20.70.130. - Vacation plat—Preparation, approval and recording.

Upon approval of the vacation request by the planning commission and <u>consent</u> [NO VETO] by the city council or assembly, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080, or <u>KPB 20.25</u>. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent in KPB 20.70.110. No extensions of time may be granted for the right of way vacation. To allow time for State of Alaska DNR review and approval, section line easement vacation plats must be recorded within four years of the vacation consent in KPB 20.70.110.

20.70.140. - Vacation resolution—Easement.

Upon approval of an easement vacation not associated with the vacation of a right-of-way or not requiring transfer of title or platting action, a vacation resolution may be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to finalize the vacation. The petitioner is responsible for the recording fees <u>as well as a legal description of the area to be vacated. The legal description shall be a written description and/or a drawing prepared, stamped, and signed by a land surveyor.</u>

20.70.220. – Section line easement vacations.

Section line easement vacation petitions must comply with the requirement of KPB 20.70.040, 20.70.050 and 20.70.060 [A FEE IS REQUIRED IN COMPLIANCE WITH KPB 20.70.060]. Public hearing and notice must comply with the requirements or KPB 20.70.070, [20.70.080]20.70.090, 20.70.100, 20.70.110, [AND] 20.70.120, and 20.70.130. [THE MAIL NOTICE REQUIRED IN KPB 20.70.090 MAY BE BY REGULAR MAIL. PUBLICATION ON THE PLANNING COMMISSION AGENDA, ADVERTISED ONCE IN LOCAL PAPERS, POSTED IN PUBLIC AREAS, AND ON THE BOROUGH WEBSITE PRIOR TO THE MEETING WILL SATISFY THE PUBLISHING REQUIREMENT.] The petitioner is responsible for all submittals required by the State of Alaska Department of Natural Resources (DNR) in

compliance with their procedures. The petition must be reviewed and approved by the planning commission but final authority for approval and platting of the vacation rests with DNR. The petitioner is responsible for coordination with DNR and submittals to DNR.

CHAPTER 20.90. – DEFINITIONS

20.90.010. - Definitions generally.

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"Architect" or "qualified architect" means a licensed architect registered to practice in Alaska under AS 08.48 and 12 AAC 36 in the branch of architecture defined by 12 AAC 36.068 applicable to the project.

...

"Date of distribution" or "distribution" means the date a notice, decision or other document is provided, manually or electronically, or is <u>postmarked.</u> [, TO A PARTY OF RECORD.]

. . .

"Monument" means a point marked on the surface of the earth for commencing or controlling a survey.

• • •

["NOMINAL FIVE ACRES" MEANS OF, LIKE, OR RELATING TO AN ALIQUOT FIVE-ACRE PART.]

. . .

["PARTIES OF RECORD" UNLESS SPECIFIED OTHERWISE MEANS THOSE PERSONS WHO HAVE COMMENTED IN A WRITTEN AND SIGNED DOCUMENT OR IN PERSON ON AN AGENDA ITEM BEFORE THE PLANNING COMMISSION OR PLAT COMMITTEE WHO OWN PROPERTY WITHIN THE NOTIFICATION RADII ESTABLISHED IN THIS CHAPTER.]

...

"Right-of-way dedication" or "right-of-way" means a right-of-way dedicated on a plat for road, street, or utility purposes in accordance with the platting requirements of the Kenai Peninsula Borough, or such rights-of-way as have been specifically granted by easement or dedicated by statute [MEANS TRANSFER OF FEE SIMPLE UNDERLYING OWNERSHIP OF A RIGHT-OF-WAY TO THE STATE, BOROUGH, OR A MUNICIPALITY].

"Subdivision" means the division of a tract or parcel of land into two or more lots, or other divisions for the purpose of sale or building development, and includes resubdivision and relates to the process of subdividing or to the land or areas subdivided. As used in this Chapter, it also includes the elimination of lot lines <u>and/or any change to an existing property line.</u>

. . .

CHAPTER 21.20. – HEARING AND APPEALS

21.20.210 – Definitions

A. For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

...

- 5. "Party of record" means:
 - a. The applicant before the planning commission,
 - b. Any party or person aggrieved by the decision where the decision has or could have an adverse effect on value, use or enjoyment of real property owned by them who appeared before the planning commission with either an oral or written presentation, and who owns lands within the notification radii. A signature on a petition does not qualify the signatory as a party of record.
 - (1) a signature on a petition does not qualify the signatory as a party of record [WITHOUT A SEPARATE ORAL OR WRITTEN PRESENTATION TO THE PLANNING COMMISSION].

..

21.20.230. - Jurisdiction.

. . .

[B. THE ASSEMBLY SHALL CONSIDER VACATION PETITIONS APPROVED BY THE PLANNING COMMISSION IN ACCORDANCE WITH THE PROCEDURES IN KPB CHAPTER 20.70.]

21.20.250

...

E. Entry of appearance. The borough clerk shall mail or otherwise deliver copies of the notice of appeal to all parties of record in the proceeding appealed within 15 days of the date of filing the notice of appeal. Proof of service upon each party shall accompany the notice of appeal. Any party desiring to participate in the appeal process must file an entry of appearance containing that party's name and address and signature, or the name and address of the party and the name and address and signature of the party's representative, within 15 days of the date of mailing of the notice of appeal by the borough clerk. If borough staff is not participating in the appeal beyond providing the required staff overview, a notice of non-participation should be filed with the borough clerk. Proof of service of the entry of appearance upon each party shall be made in the manner prescribed in KPB 21.20.280(D). Any party filing an entry of appearance may file additional designations of error or other alternative requests for modification or reversal of the decision.

21.20.270. - Record on appeal.

. . .

C. <u>Appeal on the record; new evidence</u>. Appeals to the hearing officer shall be on the record. No new evidence, or illustrative documents or attachments to written statements, may be filed without prior approval of the hearing officer after a showing by the moving party that there exists cause for supplementing the record and that even with due diligence the new evidence could not have been provided at the hearing before the planning commission.

21.20.280. - Written statements.

A. Opening statement. A party of record who entered an appearance in the appeal [APPELLANT, STAFF AND THE APPLICANT IF THE APPLICANT IS NOT THE APPELLANT] shall submit a written statement which shall be filed with the borough clerk within 20 days of the clerk issuing notice that a completed record and transcript have been filed. The written statement may include a statement of facts as derived from the record on appeal, a statement of the party's perception of the correctness of the planning commission decision, a list of asserted errors, and any citations to applicable statutes, ordinances, regulations or other legal authority for the position taken by the party to the appeal. Failure to timely submit the opening written statement will result in dismissal of that party from the appeal. Multiple parties may preserve their party status by filing a single written statement; however, the written statement must clearly identify all parties filing the single statement. The hearing officer may waive irregularities in the content of the notice of appeal or written statements. In appeals where staff does not enter an appearance, the staff overview may be provided in writing when opening statements are due.

...

E. *Additional written statements*. Unless the hearing officer requests supplemental written statements from the parties of record or staff, no additional written statements shall be accepted.

21.20.300. - Motions.

- A. *Parties*. Motions for continuances, shortened time, or other matters may be filed by the following parties and served in the manner prescribed by KPB 21.20.280(D):
 - 1. The appellant;
 - 2. The applicant if that party is not the appellant;
 - 3. A borough official if borough staff enters an appearance in the matter.

. . .

SECTION 3. That this ordinance is effective January 1, 2021.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2020.

	Kelly Cooper, Assembly President
ATTEST:	
Johni Blankenship, MMA, Borough Clerk	





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

STAFF REPORT PL 20-54

TO: Homer Planning Commission FROM: Travis Brown, Planning Technician

MEETING: August 5, 2020 **SUBJECT:** Election of Officers

Introduction

The Planning Commission bylaws state that elections for Chairman and Vice-Chairman shall be held annually, in August.

Typically, the chair opens the floor for nominations for chair, and the Commission makes one or more nominations. The vote can be by roll call, or by secret ballot. The process is repeated for vice chair.

Staff Comments:

Staff recommends the Planning Commissions conduct elections for Chair and Vice-Chair.



(p) 907-235-8121

(f) 907-235-3140

Memorandum

TO: Mayor Castner and Homer City Council FROM: Rick Abboud, Interim City Manager

DATE: July 24, 2020

SUBJECT: City Manager's Report for July 27 City Council Meeting

SBERG Update

Enclosed please find a memo containing information provided by SBERG Program Manager Mastey regarding the program, applications, and grantees. In the interest of spending down the first distribution of Cares Act dollars to fund other City/community needs in response to COVID-19, there has been the suggestion (as incorporated in legislation before the body) to give administrative flexibility to apply other program and municipal expenses to the first distribution. Finance Director Walton has contacted the auditors at BDO to explore this possibility. Depending on their response, the City may have to pass another ordinance reappropriating the unspent funds of the first disbursement so that they may be used for other needs.

Cares Act Program Administrator Hired

Through Emergency Ordinance 20-41, Council authorized the use of Cares Act funding to hire a Cares Act Program Coordinator. I am pleased to welcome Sara Perman to the City to assist us in this effort. Sara has a background in resource development and public policy. She focuses on program development and administration, and applies her legislative background to her research. She has served as a grants administrator/community liaison for the Atwood Foundation and a legislative aide to representatives in the Alaska State Legislature. Among other duties, her main responsibilities for the City include: prepare grant applications and supporting documentation for grant programs by City Council; work with Finance to track and analyze grant programs and project budgets; and perform research, analysis, and prepares reports on City's CARES Act Program. All new grant programs established by Council will be under her purview and as these programs go online, additional staff support may be necessary to ensure efficient, timely response to the public and administrative management of paperwork and expense tracking.

FEMA Public Assistance Notice, Updated US Treasury CARES Act Documents

The City received notice that it's Request for Public Assistance submitted for the COVID-19 Response federal disaster has been put on hold for 90 days. This is a result of Condition 2 outlined in the enclosed notice. As of now, the City has not claimed costs for reimbursement under FEMA. I have reattached the May 21, 2020 memo provided by Special Projects and Communications Coordinator Carroll, which discusses the FEMA Public Assistance opportunity and compares it to CARES. One suggestion for reimbursement under FEMA could be overtime expenditures from regular employees incurred as a result of the pandemic. I look forward to working with Council in discussing the use of both FEMA and CARES Act funding opportunities. As an aside, the US Treasury released an updated guidance document dated June 30, 2020 and updated FAQ document dated July 8, 2020 to provide more clarification in the usability of CARES Act dollars, which are enclosed for reference.

According to the Los Angeles Business Journal, Float Shuttle, an LA-based air commuter service, was the successful bidder of most of RavnAir Alaska and Pen Air assets. The company intends to focus its efforts on freight and cargo in light of COVID-19 and will shift to commuter services once the pandemic eases. Their bid included "six planes, some terminal leases and two Federal Aviation Administration certificates" however the Homer Terminal lease was not picked up. Attorney Sleeper is following this issue closely and has advised staff to look out for a notice of rejection that would trigger some sort of claim which we can file for lost revenues.

Raising a Glass in Recognition of Excellent Performance for City's Water System, PW Water Usage/Campground Stats

Our team at Public Works has done it again, this time taking the positive recognition received last year for the City's Water System (Ursa Minor status) and upping it to the highest tier. I am pleased to announce the State Department of Environmental Conservation has awarded the City with Ursa Major status in Water System Excellence for 2019. As mentioned in the attached June 18th memo addressed to Superintendent Cook, "Your demonstrated expertise and dedication to safety and health is an excellent benefit to your community. Thank you for your ongoing efforts to provide safe drinking water to those served by your water system." This recognition is definitely something to raise a glass of Homer tap water to.

Public Works has also provided water usage and campground stats for the month of June:

June Water Usage per Year (in million gallons)

2020	21.052
2019	23.378
2018	19.495
2017	19.633
2016	20.922

June Campground Statistics

	<u>2019</u>	2020	Delta
Visitors	4227	3425	-19%
Camping Events	2290	1746	-24%
Revenue	\$45,867	\$34,987	-24%

The above information is being presented in an effort to assess some of the different ways COVID may be impacting City operations.

Seawall Armor Rock Project on State Fiscal Year (SFY) 2021 Project Priority List, Corps Application for Permit The City received noticed (enclosed) that the Seawall Armor Rock project has been included on the State Fiscal Year (SFY) 2021 Project Priority List for financing through the Alaska Drinking Water Fund. The State Revolving Fund Program is initiating the review process for the loan application submitted on June 15, 2020. This financing opportunity was authorized by Resolution 20-058, *Authorizing the Application for a ADEC/DWF Loan*. The loan would cover "placing armor rock in front of the existing deteriorating seawall to protect existing water and sewer mains from erosion" and the City has requested \$1,644,000 to complete this work on behalf of the property owners. Prior to public comment, ADEC ranked Homer's project as number 9 out of 17 for second quarter funding on the state's FY21 project priority list. If the City is approved for the loan, staff will review the terms and come back before Council for approval to enter into an agreement with the State if it's in the best interest of the City. In conjunction with applying for the loan, the City has also submitted a permit application to the Army Corps of Engineers as their approval is necessary in order to complete this capital improvement project to "protect the toe of the existing Seawall from erosion, which would eliminate the potential for catastrophic failure, significantly reducted." The loan extend wall life."

PFD Garnishments for Minor Offenses

Per IT Manager Poolos, the Department of Revenue, Permanent Fund Dividend Division (PFD) collected \$11,893 on the July 1st payments out of \$17,665 the City submitted for garnishment. It is unclear if the amount received on July 1st was a direct deposit with the potential for paper checks to be issued a couple weeks later. PFD has 4 more payments on the amended schedule, but there is no distinction about direct deposits vs paper checks.

All About Roads

The Public Works Department has produced the *City of Homer Road Assessment Report – Summer 2020 (enclosed)* in-house, modeled after something the City of Soldotna hired out for about \$200,000 in consultant services. Information from this report will guide work completed through the Small Works Road Repair Program. Public Works will be looking at poorly-rated roads to see what staff can do to improve them. When a particular road's rating has gone up, that will be an indication that progress has been made. Staff are now working on a trails version of this report.

Also enclosed is a creative, informational billing insert regarding rights-of-way clearing that was included in the Homer News, water/sewer billings, and is on the Public Works webpage as part of a public outreach effort to educate and inform the community of maintenance activities associated with the removal of vegetation located in rights-of-way. Notice for this work was published the beginning of June and staff developed this more illustrative insert to compliment that initial announcement. These outreach efforts align with the newly adopted code *HCC 11.36.040 Public Notice* adopted through Ord. 20-26.

City of Homer Wins Again: Homer Steps Up! 2020

For the 4th year in a row, the City of Homer team has won the large-team division of the Homer Steps Up! community walking competition. This annual event encourages us to work together with the common goal to literally keep moving forward. I'd like to thank HR Director Browning, South Peninsula Hospital, and all partnering organizations that organize this event.

Enclosures:

- 1. July Employee Anniversaries
- 2. July 24, 2020 Small Business Economic Relief Program (SBERG) Program Update -7/20/20 memo
- 3. June 18, 2020 State Public Assistance COVID-19 Response Follow-Up Memo
- 4. May 21, 2020 FEMA memo from Special Projects and Communications Coordinator Carroll
- 5. June 30, 2020 US Treasury Updated Guidance Document
- 6. July 8, 2020 US Treasury Updated FAQ Document
- 7. ADEC Ursa Major 2020 Recognition
- 8. July 22, 2020 State DEC memo concerning Alaska Drinking Water Fund
- 9. City of Homer Road Assessment Report Summer 2020
- 10. ROW Billing Insert
- 11. Special Covid-19 Edition: Small Business Relief Information provided by Rep. Vance



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

TO: MAYOR CASTNER AND CITY COUNCIL

FROM: **Andrea Browning**

DATE: July 27, 2020

July Employee Anniversaries SUBJECT:

I would like to take the time to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

John Wythe,	Public Works	29	Years
Lori Sorrows,	Finance	21	Years
Dan Olsen,	Public Works	19	Years
Julie Engebretsen,	Planning	18	Years
Rick Abboud,	Planning	12	Years
Dave Welty,	Public Works	12	Years
David Bernard,	Library	9	Years
Jason Hoffman,	Public Works	5	Years
Clinton Scritchfield,	Police	2	Years
Jason Hanenberger	Public Works	1	Year
Mark Kirko	Fire	1	Year



(p) 907-235-8121

(f) 907-235-3140

Memorandum

TO: Mayor Castner and Homer City Council FROM: Rick Abboud, Interim City Manager

DATE: July 24, 2020

SUBJECT: Small Business Economic Relief Program (SBERG) Program Update -7/20/20

Information provided by Jody Mastey, CARES Act Local Implementation Manager.

As of July 20, 2020:

211 TOTAL APPLICATIONS

161 online 50 paper

126 TOTAL APPROVED APPLICATIONS - \$378,000 TOTAL GRANTS AWARDED

07.06.20 68 applications have been approved and turned into the Finance Department 07.13.20 58 applications have been approved and turned into the Finance Department 07.20.20 38 applications have been approved and turned into the Finance Department

17 APPLICATIONS PENDING

Reasons pending: Not on KPB list of registered businesses (3); Charter Boat Business - Claims slip for Physical address on Application and Business License records business outside City Limits (2); W9's need current date, signed or provided with application (3); General Questions on Application (3); Not on KPB list of registered businesses but provided filing with "Request to pre-file No Sales tax" box checked (2); Business License records business outside City Limits (4)

17 APPLICATIONS DENIED

Reasons denied: Reports non-taxable sales to KPB (5); Not on KPB registered business lists (3); New business (1); Business part of larger organization outside City limits (1); Outside City limits (7)

11 APPLICATIONS VOIDED

Voids due to duplicate application or incorrect information on application

CHALLENGES

- 1) Business who physically have a businesses in Homer but are part of an LLC or Corporation who records their physical address outside of city limits and the Homer businesses are not licensed independently.
- 2) Charter boat businesses who list their slip number as their physical address in Homer but business license records physical address outside city limits. If I approve applications for this industry, how do I apply this same model to adventure tourism. I have had conversions with business owners who use the

harbor as a spring board for their client's and adventure in the bay, collect city sales but are licensed outside of city limits.

COMPLAINTS

- 1) Medical Industry Business are not eligible. They do not collect sales tax
- 2) Sub contractors Business are not eligible. They do not collect sales tax
- 3) Fishing charter businesses who use a larger charter company to collect and record sales tax. Businesses do record taxable sales.

BUSINESS WHO ARE NOT ON THE KENAI PENINSULA BOROUGH PROVIDED LIST

It is Ms. Mastey's understanding that businesses who are actively working with the Borough regarding sales tax collection should be eligible for the SBERG Grant. She currently does not have a method of verifying this information. It would be helpful to have a contact person with the KPB sales tax division to verify provided sales tax reports from businesses or authorization to accept and approve any business who provides documentation.



Department of Military and Veterans Affairs

Division of Homeland Security and Emergency Management

> P.O. Box 5750 JBER, AK 99505-0800 Main: 907.428.7000 Fax: 907.428.7009 ready.alaska.gov

June 18, 2020

Elizabeth Walton, Finance Director City of Homer 491 East Pioneer Avenue Homer, AK 99603

Re: Public Assistance COVID-19 Response Follow up

Disaster: DR-4533-AK, COVID-19 Response

Applicant Name: City of Homer

Certified Mail: 9171 9690 0935 0248 4418 91

Ms. Walton:

The Division of Homeland Security and Emergency Management (DHS&EM) is sending you this certified letter because either:

 We have made several unsuccessful attempts to contact the City of Homer in order to follow up on the Request for Public Assistance (RPA) submitted for the COVID-19 Response federal disaster;

OR

28-36 W. W.

 We have been in contact with you but the City of Homer to date has no known costs to claim under the Federal Emergency Management Agency (FEMA) Public Assistance program

In order to reduce unnecessary contact efforts on our part and yours, we will set aside your RPA for 90 days. It will be the responsibility of the City of Homer to contact DHS&EM to request any further assistance under the FEMA Public Assistance program. If you have expenses for the COVID-19 disaster within the 90-day period, contact me at the number below for further instructions.

Ms. Walton June 18, 2020 Page 2 of 2

If you have any questions, please contact Jonathan Zeppa your assigned Division Representative, at (907) 428-7052 or by email at jonathan.zeppa@alaska.gov.

Sincerely,

Jonathan Zeppa State Public Assistance Branch Chief



Administration

491 East Pioneer Avenue Homer, Alaska 99603

(p) 907-235-8121 x2222 (f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council THROUGH: Marvin Yoder, Interim City Manager

FROM: Jenny Carroll, Special Projects and Communications Coordinator

DATE: May 21, 2020

SUBJECT: FEMA DR-4533 Public Assistance Grant Training Information

The City of Homer registered and is eligible for a Public Assistance (PA) DR-4533 grant. Since March, the City has completed FEMA documentation in anticipation of this grant opportunity. For example, FEMA ICS 213 forms have been filled out to purchase needed resources while FEMA ICS 214 Activity Log forms have been filled out by staff documenting COVID-19 related hours. I attended a teleconference training on FEMA Public Assistance grants under the COVID-19 Presidential Disaster Declaration DR-4533 on May 15, 2020. The training was led by State Public Assistance Officer Duane Ruch and gave an overview of how to apply for funding.

Below is a brief summary of the PA program to help you as you develop a funding strategy to recoup COVID-19 costs. "Applicant" is synonymous with "City of Homer."

FEMA PA Grant:

Reimburses Emergency Protective Measures costs incurred from January 20, 2020 to end of declared disaster. FEMA covers 75% of reimbursable costs; State covers 25% of reimbursable costs for eligible activities under Category B and Z; donated resources count toward 25% State cost share. This means municipalities will be reimbursed 100% for all FEMA **approved/eligible** expenses and do not have to provide a match.

Activities Eligible Under Category B (Emergency Protective Measures (EMP)) eliminate or lessen immediate threats to lives, public health, or safety. Required as a result of COVID-19, located within the designated area and the legal responsibility of an eligible Applicant.

Examples: EOC-related costs, Medical care and transport, Supplies and commodities, including medical supplies, PPE, and other equipment, Dissemination of information to the public, Security, law enforcement, barricades and fencing, Temporary facilities and Evacuation and sheltering. FEMA can cover non-Congregate Sheltering costs (for first responders, health care workers, homeless families with 1 member who tested positive, and at risk homeless individuals who require isolation) under the Statewide approval from April 17-May 17. Jurisdictions must inform DHS&EM if sheltering needs will extend past May 17th for additional FEMA approval.

Activities Eligible Under Category Z (PA Management): Up to 5% of applicant's total award is available for reimbursing applicant's personnel costs resulting from administering the PA grant, including programmatic meetings, creating PA claims, preparing correspondence, reviewing PWs, collecting copying, filing, or submitting documents to support a claim, and training.

Ineligible Costs: Costs associated with setting up for remote telework, loss of revenue, increased operating costs of a facility or providing a service due to or after a disaster, regular staff time associated with COVID-19 unless that position was reassigned to a different position to address COVID-19, and surveys for damage.

FEMA will also evaluate how materials and services were procured and can deny or not fully cover an expense if proper procurement procedures were not followed.

Application process:

- Applicant identifies EMPs, develops project worksheets, manages projects and provides documentation to justify costs.
- State manages the program, provides technical assistance, approves application and audits project worksheets prior to payment receipt.
- FEMA determines eligibility for applicant, work, costs and ensures guidelines are met.

Two levels of Projects:

Small Projects: \$3,300 - \$131,000. Small project funding is based on estimated costs, if actual costs are not yet available. Payment is final, made on the basis of the initial approved amount, whether estimated or actual. No overrun adjustment. I believe Federal cost share is paid when the project worksheet is written and approved.

Large Projects: Over \$131,000. Final amount based on actual eligible costs. Can do over or under run adjustment.

Streamline method for large projects allows applicant to apply directly through FEMA grants portal. State reviews application to limit Federal requests for more information, which can cause time delays.

- Create project worksheets, base projected costs on costs incurred to date.
- Build out Category B projects that will be paid out over long period of time.

After an initial grant has been awarded and obligated, FEMA and the State will work with the Applicant to ensure state/federal laws are followed with all documentation and process requirements, and update project information as needed before the grant is closed. Applicants must retain records for three years after grant closeout in the event FEMA wants to audit the project. Below details close out process:

- Document the who, what, where, when, why and cost documentation (invoices, timesheets, billings, activity/equipment logs, etc.) State has developed Summary Forms to document costs. Applicant will have to get final costs and documentation in by 60 days after the end date of the emergency.
- Track progress of open projects on quarterly basis until Disaster is ended.
- Close out Category B projects.
- Audit of Category B projects, then close out Category Z.

FEMA rep does not know a lot about CARES Act, but gave the following comparison for helping develop a strategy for funding COVID-19 expenses:

runding covid 13 expenses.	
<u>CARES Act</u>	FEMA Public Assistance
Not sure of eligible activities or documentation	In-depth documentation required
requirements but likely simpler, more flexible than FEMA	Better the documentation=maximum reimbursement
Funding given up front	FEMA PA funding reimburses costs from Jan 20, 2020 Funding of Small grants is quickest method; Large grants more detailed and extend to end of COVID-19 disaster declaration
Funds not expended by Dec 30 deadline recouped by Feds	Reimbursables accrue over course of disaster event; payment takes a while
Covers Payroll costs associated with COVID-19	For regular employees, covers only Overtime with COVID-19 EPM, not regular time unless employee is reassigned (like PIOs who were reassigned to EOC from their regular positions).

I am available to answer questions, or find answers to questions you may have about whether to or how to move forward with FEMA PA funding as part of your strategy. I also have the various grant guidance forms and documentation forms in the event the City decides to mean and with the FEMA PA funding source.

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Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments Updated June 30, 2020¹

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"). The CARES Act established the Coronavirus Relief Fund (the "Fund") and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

- 1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);
- 2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
- 3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.²

The guidance that follows sets forth the Department of the Treasury's interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred "due to" the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be "necessary." The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the

¹ This version updates the guidance provided under "Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020".

² See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The "most recently approved" budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

Finally, the CARES Act provides that payments from the Fund may only be used to cover costs that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (the "covered period"). Putting this requirement together with the other provisions discussed above, section 601(d) may be summarized as providing that a State, local, or tribal government may use payments from the Fund only to cover previously unbudgeted costs of necessary expenditures incurred due to the COVID–19 public health emergency during the covered period.

Initial guidance released on April 22, 2020, provided that the cost of an expenditure is incurred when the recipient has expended funds to cover the cost. Upon further consideration and informed by an understanding of State, local, and tribal government practices, Treasury is clarifying that for a cost to be considered to have been incurred, performance or delivery must occur during the covered period but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred). For instance, in the case of a lease of equipment or other property, irrespective of when payment occurs, the cost of a lease payment shall be considered to have been incurred for the period of the lease that is within the covered period, but not otherwise. Furthermore, in all cases it must be necessary that performance or delivery take place during the covered period. Thus the cost of a good or service received during the covered period will not be considered eligible under section 601(d) if there is no need for receipt until after the covered period has expired.

Goods delivered in the covered period need not be used during the covered period in all cases. For example, the cost of a good that must be delivered in December in order to be available for use in January could be covered using payments from the Fund. Additionally, the cost of goods purchased in bulk and delivered during the covered period may be covered using payments from the Fund if a portion of the goods is ordered for use in the covered period, the bulk purchase is consistent with the recipient's usual procurement policies and practices, and it is impractical to track and record when the items were used. A recipient may use payments from the Fund to purchase a durable good that is to be used during the current period and in subsequent periods if the acquisition in the covered period was necessary due to the public health emergency.

Given that it is not always possible to estimate with precision when a good or service will be needed, the touchstone in assessing the determination of need for a good or service during the covered period will be reasonableness at the time delivery or performance was sought, *e.g.*, the time of entry into a procurement contract specifying a time for delivery. Similarly, in recognition of the likelihood of supply chain disruptions and increased demand for certain goods and services during the COVID-19 public health emergency, if a recipient enters into a contract requiring the delivery of goods or performance of services by December 30, 2020, the failure of a vendor to complete delivery or services by December 30, 2020, will not affect the ability of the recipient to use payments from the Fund to cover the cost of such goods or services if the delay is due to circumstances beyond the recipient's control.

This guidance applies in a like manner to costs of subrecipients. Thus, a grant or loan, for example, provided by a recipient using payments from the Fund must be used by the subrecipient only to purchase (or reimburse a purchase of) goods or services for which receipt both is needed within the covered period and occurs within the covered period. The direct recipient of payments from the Fund is ultimately responsible for compliance with this limitation on use of payments from the Fund.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

- 1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19related treatment.
- 2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
- 3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
- 4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.

- Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
- COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
- Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
- 5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such
 costs will not be reimbursed by the federal government pursuant to the CARES Act or
 otherwise.
- 6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures³

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

- 1. Expenses for the State share of Medicaid.⁴
- 2. Damages covered by insurance.
- 3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
- 4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
- 5. Reimbursement to donors for donated items or services.
- 6. Workforce bonuses other than hazard pay or overtime.
- 7. Severance pay.
- 8. Legal settlements.

³ In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

⁴ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

Coronavirus Relief Fund Frequently Asked Questions Updated as of July 8, 2020

The following answers to frequently asked questions supplement Treasury's Coronavirus Relief Fund ("Fund") Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, ("Guidance"). Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act").

Eligible Expenditures

Are governments required to submit proposed expenditures to Treasury for approval?

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the "substantially dedicated" condition?

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a "substantially different use" for purposes of the Fund eligibility?

Costs incurred for a "substantially different use" include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty's ordinary responsibilities.

Note that a public function does not become a "substantially different use" merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

¹ The Guidance is available at https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf.

May a State receiving a payment transfer funds to a local government?

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

May a unit of local government receiving a Fund payment transfer funds to another unit of government?

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?

No. For example, a county recipient is not required to transfer funds to smaller cities within the county's borders.

Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

Are States permitted to use Fund payments to support state unemployment insurance funds generally?

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

The Guidance states that the Fund may support a "broad range of uses" including payroll expenses for several classes of employees whose services are "substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What are some examples of types of covered employees?

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers' compensation coverage. Is the cost of this expanded workers compensation coverage eligible?

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

May Fund payments be used for COVID-19 public health emergency recovery planning?

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

Are expenses associated with contact tracing eligible?

Yes, expenses associated with contract tracing are eligible.

To what extent may a government use Fund payments to support the operations of private hospitals?

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

May recipients create a "payroll support program" for public employees?

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a "small business," and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

May Fund payments be used to assist impacted property owners with the payment of their property taxes?

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of "hazard pay"?

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

The Guidance provides that ineligible expenditures include "[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency." Is this intended to relate only to public employees?

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers' employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

May a State impose restrictions on transfers of funds to local governments?

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

May recipients use Fund payments to provide loans?

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

May funds be used to satisfy non-federal matching requirements under the Stafford Act?

Yes, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund's eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA's determination of eligibility under the Stafford Act.

Must a State, local, or tribal government require applications to be submitted by businesses or individuals before providing assistance using payments from the Fund?

Governments have discretion to determine how to tailor assistance programs they establish in response to the COVID-19 public health emergency. However, such a program should be structured in such a manner as will ensure that such assistance is determined to be necessary in response to the COVID-19 public health emergency and otherwise satisfies the requirements of the CARES Act and other applicable law. For example, a per capita payment to residents of a particular jurisdiction without an assessment of individual need would not be an appropriate use of payments from the Fund.

May Fund payments be provided to non-profits for distribution to individuals in need of financial assistance, such as rent relief?

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to

the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

Questions Related to Administration of Fund Payments

Do governments have to return unspent funds to Treasury?

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

What records must be kept by governments receiving payment?

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

May recipients deposit Fund payments into interest bearing accounts?

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

May governments retain assets purchased with payments from the Fund?

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

Are Fund payments to State, territorial, local, and tribal governments considered grants?

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are "other financial assistance" under 2 C.F.R. § 200.40.

Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

Are Fund payments subject to other requirements of the Uniform Guidance?

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?

Yes. The CFDA number assigned to the Fund is 21.019.

If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-

specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.



Department of Environmental Conservation

DIVISION OF WATER Capacity Development and Operator Certification Program

P.O. Box 111800 Juneau, Alaska 99811-1800 Main: 907.465.1139 Fax: 907.465.5177

Todd Cook 3575 Heath Street Homer, AK 99603

June 18, 2020

Dear Mr. Cook,

On behalf of the Department of Environmental Conservation (DEC), we want to congratulate the Homer (PWSID 240456) on achieving Ursa Major status in Water System Excellence for 2019! The work your system has done to demonstrate stellar compliance with both the Drinking Water and Operator Certification Programs has not gone unnoticed.

The Water System Excellence Award is a coordinated effort between ADEC's Drinking Water Program and the Capacity Development and Operator Certification Program to recognize exceptional performance. Drinking Water systems are evaluated for their efforts during the award year and recognized in one of two tiers – Ursa Major and Ursa Minor. The Homer met the following criteria:

<u>Ursa Major:</u> Maintain 4 quarters of Operator Certification compliance and have no open, unresolved, or incurred Drinking Water violations during the award year.

While DEC focuses on assisting system owners and operators with achieving and maintaining compliance, the responsibility for complying with the regulations lies with the system. Your demonstrated expertise and dedication to safety and health is an excellent benefit to your community. Thank you for your ongoing efforts to provide safe drinking water to those served by your water system.

Sincerely,

Cindy Christian

Drinking Water Program Manager

Martin Suzuki

Operator Certification Program Manager

Enclosure:

Ursa Major Certificate



Department of Environmental Conservation

DIVISION OF WATER Technical Assistance and Financing

555 Cordova Street Anchorage, Alaska 99501 Main: 907.269.7502 Fax 907.269.7509 dec.alaska.gov

July 22, 2020

Rick S. Abboud, Acting City Manager City of Homer 491 E. Pioneer Avenue Homer, AK 99603

Dear Mr. Abboud:

The project listed below has been included in the State Fiscal Year 2021 (SFY21) Alaska Drinking Water Fund (ADWF) Project Priority List. The complete Project Priority List can be found online at: https://dec.alaska.gov/water/technical-assistance-and-financing/state-revolving-fund/intended-use-plans/.

Score	Project Name	Assistance Amount
76	Seawall Armor Rock	\$1,644,000

We have received the loan application that was signed on June 15, 2020. The application review process has been initiated

The SRF Program looks forward to working with you to provide this important infrastructure improvement. If I can answer any questions about the process, please feel free to contact me at peggy.ulman@alaska.gov.

Sincerely,

Peggy Ulman

SRF Program Coordinator

ggy Ulman

cc: Carey S. Meyer, City Engineer Elizabeth S. Walton, Finance Director

City of Homer

Road Assessment Report

Summer 2020

City of Homer Public Works Department 7-20-2020

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Executive Summary

Data collection and record keeping are necessary for producing and maintaining organized and efficient work processes. A data-driven and systematic process for identifying road deficiencies will help the City of Homer identify and achieve short and long term maintenance goals by generating evidenced-based action plans for prioritizing tasks and guiding budgeting decisions. Additionally, having quantifiable data regarding the City's infrastructure will help educate, demonstrate accountability to, and build credibility with the City's executive leadership, elected officials and the public.

This Report describes the road assessment process developed by the City of Homer Public Works Department in the summer of 2020. The process included the following steps:

- Researching best practices related to road assessment models;
- b. Adapting a selected model to Homer conditions;
- c. Conducting a field review of actual road conditions;
- d. Compiling the data into an assessment report, complete with findings and ratings of Homer's road conditions;
- e. Integrating the ratings into the City's existing GIS maps;
- f. Preparing this Road Assessment Study; and
- q. Using the Study to program road maintenance tasks.

A result of the process is a system of methods and standards, which can be used to regularly assess road conditions. This system can be used as a tool to plan and explain road maintenance work.

Introduction

The City of Homer's crew of heavy equipment operators maintain fifty miles of roads within the City of Homer. Of that total, 29 miles are gravel roads and 21 miles are paved roads. Regular road maintenance duties include (a) snow removal and sanding in the winter; and (b) ditch clearing, corridor brushing, crack sealing, patching, grading and dust control in the summer and shoulder seasons. Maintenance procedures and requirements differ, depending on road type – gravel or paved. For example, crack sealing is a paved road repair, while grading is a routine maintenance duty for the City's gravel roads.

As winter road maintenance is devoted to snow removal and sanding, maintenance that directly affects road structural conditions occurs in the summer and shoulder seasons. For example, grading and dust control of gravel roads takes place in early summer, just after the ground has thawed. Crack sealing of paved roads takes place in mid-summer, when it's dry. Brush cutting and ditch cleaning of all roads takes place in late summer, because these activities are less weather dependent. The record of what maintenance activities are conducted on what roads is largely anecdotal, rather than documented.

An annual or biannual road condition inventory, based on a systematic road assessment strategy, with detailed spatial information will provide a documented record of deficiencies, repairs, and progress. This will enable road maintenance activities to be budgeted for and planned with greater efficiency. It will also allow crews to conduct training and preparedness activities more mindfully in the event of employee turnover.

The road condition assessment data was largely collected by and integrated with the City's web-based, GPS-enabled Geographic Information System (GIS) by the City's GIS Technician, Aaron Yeaton. In the future, updates to the road condition assessment survey will be made by the road maintenance crews utilizing the same system. This will allow for mobile and spatially accurate data gathering that can be updated with real time immediacy. When needed, this information could be disseminated in maps and tables to other Public Works and City of Homer employees. Having evidenced- based information in this format will also allow the City to engage in more proactive public outreach – to educate the community about road maintenance activities.

Methodology

Two methods were used in the assessment process. Method 1 utilized GPS and a Geographic Information System (GIS) to thoroughly map road deficiencies, to documented observations about road conditions while walking along the roads. This data was later analyzed to evaluate and rate overall road condition. Initially, the goal was to walk all fifty miles of Homer's roads throughout the summer for a close, highly detailed evaluation of the City's roads. While this method did create detailed data, it was time-consuming. Further, the data indicated that many of Homer's roads had similar problems, so the high level of detail was not the most efficient use of time. To expedite the process, Method 2, where the roads were evaluated from a vehicle, was used.

Method 2 involved a "pencil and clipboard" assessment while driving along the roads with a member of the City's road maintenance crew. It was accomplished much more quickly and with the added assistance of an experienced road maintenance expert, it generated a detailed and accurate summation of road conditions.

Both methods relied on the criteria set forth in the Pavement Surface Evaluation and Rating (PASER) model developed by the Transportation Information Center, University of Wisconsin – Madison.¹ There is a separate PASER manual for paved roads and for gravel roads. The PASER manuals guided the quantification of road conditions and provided important insights into the process of (a) conducting objective road assessment data and (b) documenting ratings of road conditions.

The PASER model doesn't specifically address brush and tree obstructions, which are important issues in the City of Homer. The criteria in the PASER model were augmented to include vegetation as an element of road corridor conditions. Yet, to maintain fidelity with PASER's quantification methods, which mostly focuses on road surface conditions, the assessment of vegetation and corridor conditions did not overly impact the final road condition ratings.

Method 1

Gravel roads were first assessed. This choice was made so that springtime breakup conditions endemic to many of Homer's gravel roads, could be evaluated prior to grader maintenance. Ninety-six roads totaling 21 miles were inventoried using a web-interfaced Trimble R2 GPS device and associated base station. With 3-inch accuracy, affording detailed assessment and mapping of road deficiencies, two-thirds of the gravel roads were walked and inventoried in GIS – Method 1. The remaining third of the gravel roads was mapped using GPS and GIS but while driving – Method 2. Time was of the essence because of the need to record gravel road conditions ahead of advancing grader maintenance. This quicker assessment undoubtedly left out some deficiency details, particularly regarding culverts, but the overall condition of roads was nevertheless mapped adequately.

Generally, gravel road conditions can change rapidly due to environmental factors and recent maintenance activities. Because of this, the PASER model recommends that gravel road assessment be based on major factors rather than detailed surface conditions. The five main surface conditions and defects for gravel roads are:

- 1. crown condition,
- 2. drainage,
- 3. gravel layer,
- 4. surface deformation, and
- 5. surface defects.

¹ The City of Soldotna uses the PACER Model for its Road Maintenance Plan.

These categories provide the basis for quantifying overall road condition. Spring breakup conditions, as a seasonal inevitability, were included in the "surface deformation" category. According to the PASER model, "surface deformations" are limited to washboarding, potholes and ruts, but not the kind of seasonal frost-heaving some Alaskan roads experience. This is probably because the original Pacer criteria were developed in Wisconsin where it is unlikely the ground shifts as dynamically as it does in Alaska.

Prior to field work, a series of GIS feature classes applicable to PASER's road deficiency categories were created in a Geodatabase to be used for mapping road conditions. For example, polygon features were made to represent breakup conditions, polyline features to represent sub-standard ditches, and point features to represent vegetation obstructions. These features were given added specificity by applying "domains", or coded descriptions, within their attribute tables. For example, for vegetation obstructions, a domain was created to describe the nature of the obstruction in the form of a drop down menu, as shown in the figure below.

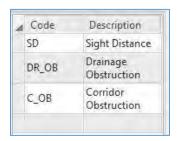


Figure 1: Domains assigned to vegetation obstruction feature

Having such fields in the Attribute Tables facilitated data gathering in the field. A "Notes" field was also added to the Attribute Table to further augment basic attribute information. For instance, a "features condition" could be rated with considerable detail by added notes such as severe, moderate, etc. This gave us the opportunity to add historic notes about a particular road – for example, whether it was built to City standards or not.

When taking measurements, the GPS device interfaces with the GIS "Collector" App, which is a cloud-based platform that hosts editable maps used for taking field measurements. The Collector App records location, counts, lengths, areas, dates, as well as any notes and posts them to the City's GIS organizational account in real time. Once features are collected the maps were uploaded locally onto a desktop to ArcGIS Pro for further analysis and editing of symbology.

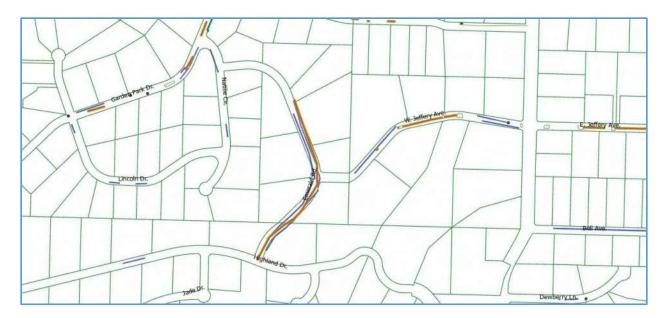


Figure 2: Gravel rood deficiencies mapped in a GIS. Different symbology represent different deficiencies: i.e. breakup, potholes, and shallow ditches.

Analysis of mapped features in ArcGIS Pro allowed close evaluation of the counts, lengths and areas of road deficiencies. This information was compared to individual road length, thereby providing close approximation of overall road condition for rating purposes. Each deficiency category (surface conditions, and defects listed by PASER) was then given an averaged value ranging from poor to excellent. The values were weighted based on comparisons of road condition segments. For example if a small length of a long road was experiencing severe breakup, but the remainder of the road was in fair condition, the overall value for surface deformation was ranked from "fair to moderate".

PASER ratings for gravel roads range from 1-5; with "1" being a road in failed condition, "5" being excellent. Ultimately, the ratings are prescriptive in nature; meaning each rating corresponds to the level of maintenance the road needs. If a rating of "5" is given, the road has been recently constructed and needs no maintenance, whereas a road with a rating of "1" requires complete reconstruction. To produce a final rating for a particular road, the scores in the individual deficiency categories were averaged to produce an overall rating. The final ratings were exported from ArcGIS attribute tables into Excel formats to produce finished tables.

Method 2

The City's paved roads were assessed using Method 2, the drive-along method. The roads were evaluated by directly applying the PASER model's paved roads criteria. Before the field survey began, the criteria were inserted into an Excel table. These categories involved assessment of the following conditions:

- 1. surface defects,
- 2. surface deformation,
- 3. cracks,
- 4. patches, and
- 5. **potholes.**

Since drainage isn't as crucial a factor to paved road surfaces as it is for gravel roads, the PASER model does not use it as a standalone category. To maintain as comprehensive a survey as possible, a drainage category was added to the PASER model. As with the gravel road assessments, we added a vegetation category, which, as with

the gravel road assessments, did not overly effect the final road rating so as to maintain the integrity of the PASER model's quantification methods.

Over the course of several days, the team, including the City's GIS Technician and an experienced road maintenance operator, drove along the City's paved roads to observe, evaluate and rate them. They routinely stopped to more closely examine defects and deformities. Adding the expertise of a seasoned road maintenance operator proved invaluable in making comprehensive assessments more quickly.

Because paved roads are not typically subject to the same type of rapid changes that gravel roads are, the ratings for paved roads tend to be more nuanced. Condition categories have more variables to consider. For example, the category of "surface deformation" includes rutting, distortion – rippling and shoving, settling, and frost heave. The condition of "cracking" includes there are longitudinal, transverse, slippage, reflection, block and alligator cracking. Final road conditions ranged from 1 to 10, with "1" meaning "failed" and "10" meaning "excellent". The ratings encompassed varying degrees of poor, fair, good and excellent. Like the gravel road assessments, final paved road ratings were based on averaging the values of the condition categories. And, as with the gravel road assessments, ratings are based on road maintenance needs.

Results

Gravel Roads

The majority of gravel roads fall into the "Fair" category (rating – 3), with the next numerous being "Good" (rating 4). A considerable number of roads fall into the "Poor" category (rating – 2). The "fair" and "poor" rated roads mostly comprise those of the annexation area. These roads were not constructed to City standards and inherently have structural issues and alignment problems. The "excellent" ratings are roads that have been constructed within the last year. A "failed" rating was applied to Crossman Ridge Road, due to severe breakup issues. The major deficiencies contributing to a less than good rating were poor gravel layer and breakup issues.

Table 1

		G	RAVE	L	
Rating	1	2	3	4	5
Descrp.	Failed	Poor	Fair	Good	Excellent
# Roads	1	35	60	50	3

RATINGS ARE RELATED TO NEEDED MAINTENANCE OR REPAIR

- Rating 5 Newly constructed road. Excellent crown and drainage. No maintenance required.
- Rating 4 Good crown and drainage. Routine maintenance
- Rating 3 Roadway shows traffic effects. Needs regrading, minor ditch maintenance, and spot gravel application.
- Rating 2 Road needs additional aggregate layer, major drainage improvements.
- Rating 1 Travel is difficult. Complete rebuilding required.

Table 2: PASER rating descriptions for gravel roads



Figure 3: Severe Breakup area on Sprucewood Dr.



Figure 4: Extensive Breakup down the length of Eagle Pl.

As stated previously, local road condition issues, particularly breakup-related subsidence and boiling, are not reflected in PASER's rating criteria. Interpolation of PASER criteria were made to suit local conditions. Therefore springtime breakup was a major factor in evaluating gravel road surface deformities. Even though these inferences were made, the basic evaluation process outlined by PASER was valuable and applicable for rating Homer's gravel roads.

Paved Roads

Overall, Homer's paved roads are in better condition than the gravel roads. The majority of paved roads fell into the lower "Good" category (Rating 6), followed by the upper "Good" category (Rating 7) and then "Fair" (Ratings 4 & 5). Of the Hundred plus paved roads in the community, only 8 rated in the two "Poor" categories.

		PAVED								
Rating	1	2	3	4	5	6	7	8	9	10
Descrp.	Failed	Very Poor	Poor	Fair	Fair	Good	Good	Very Good	Excellent	Excellent
# Roads	0	4	4	3	7	44	33	9	1	4

Table 3

Surface rating	Visible distress*	General condition/ treatment measures
10 Excellent	None.	New construction
9 Excellent	None.	Recent overlay, Like new:
8 Very Good	No longitudinal cracks except reflection of paving joints. Occasional transverse cracks, widely spaced (40° or greater). All cracks sealed or tight (open less than ½4°).	Recent sealcoat or new cold mix Little or no maintenance required:
7 Good	Very slight or no raveling, surface shows some traffic wear. Longitudinal cracks (open 1/4*) due to reflection or paving joints. Transverse cracks (open 1/4*) spaced 10° or more apart. little or slight crack raveling. No patching or very few patches in excellent condition.	First signs of aging Maintain with routine crack filling.
6 Good	Signt raveing (loss of lines) and traffic wear Longroudinal cracks (open 1/a* = 1/2*), some spaced less than 10'. First sign of block cracking. Sight to moderate flushing or polishing. Occasional patching in good condition.	Shows signs of aging. Sound structural condition, Could extend life with sealcoat.
5 Fair	Moderate to severe raveling (loss of fine and coarse aggregate). Longitudinal and transverse cracks (open 1/2") show first signs of slight raveing and recondary cracks. First signs of longitudinal cracks mear pavement edge Block chacking up to 50% of surface. Extensive to severe flushing or polishing. Some patching or edge wedging in good condition.	Surface aging, Sound structural condition. Needs sealcoat or thin non-structural overlay (less than 2")
4 Fair	Severe surface raveling. Multiple long-tudinal and transverse cracking with slight raveling. Longitudinal cracking in wheel tath Block cracking (over 50% of surface). Patching in fair condition. Slight rutting or distortions (*/a** deep or less)	Significant aging and first signs of need for strengthering. Would benefit from a structural overlay (2° or more).
3 Poor	Closely spaced long rudinal and transverse cracks often showing raveling and crack erosion. Severe block cracking. Some alligator cracking tiess than 25% of surface). Patches in fair to poor condition. Moderate rutting or distortion (1" or 2" deep). Occasional potholes.	Needs patrning and repair provi to major overlay. Milling and removal of deterioration extends the life of overlay.
2 Very Poor	Alligator cracking (over 25% of surface). Severe distortions (over 2" deep) Extensive patching in poor condition. Potholes:	Severe deterioration, Needs reconstruction with extensive base repair. Pulverization of old pavement is effective.
1 Failed	Severe distress with extensive loss of surface integrity.	Failed, Needs total reconstruction.

Table 4: PASER rating description for paved roads



Figure 5: Extensive Alligator cracking and Rutting on Ohlsen Ln.



Figure 6:
Longitudinal
cracking at
shoulder indicative
of failing subgrade.
Tulin Terrace

The vast majority of paved roads have minor to moderate longitudinal and lateral cracking that is maintainable with annual crack sealing. Most roads have minor surface defects, most notably ravelling, which is a condition where pavement material deteriorates exposing the aggregate. Among the roads meriting reconstruction are Ohlson Lane, Tulin Terrace Blvd. and Woodside Ave. These roads have extensive alligator cracking, rutting and potholes; deformities that indicate the road structure itself, not just the pavement surface, is failing. Many roads have minor rutting. Although the PASER model considers rutting to be a surface deformity caused by sub-surface settling, in the case of Homer, rutting is mostly due to studded tire use. Nevertheless, as rutting compromises sheeting of water from crown to shoulder, it was a contributing factor in road rating.

Vegetation

A significant aspect of this assessment outside the PASER criteria involved inventorying vegetation obstructions. As the road crew annually brushes out road corridors to an extent reasonable for proper maintenance, the areas of alder, perennial grasses, etc. within the corridor were generally disregarded during this assessment. Exceptions were made when these obstructions impeded sight distance or the establishment of drainage ditches. These situations often occur in cases where the road is not aligned with the right-of-way. In some cases, the road is so far off center, the edge of the road practically grazes the outer boundary of the right-of-way. In such cases, the road crew does its best to maintain a reasonably brush-free corridor to enable snow plowing, ditching and other essential maintenance activities. However, this is not always possible.

Corridor obstructions, such as large spruce, located inside the right-of-way were mapped in Method 1 or made note of in Method 2. These obstructions often impede operator maintenance during snow removal and ditching. Roads that have notable vegetation impediments are Easy Street, Mountain Park Street, and Race Road. Vegetation ratings are available in the master spreadsheets located in the Appendices. Landowner concern for the vegetation fronting their property, often makes problem tree removal a sensitive issue.



Figure 7: Tree, well inside right of way, scarred from grader during snow removal



Figure 8: Tree limbs within roadway

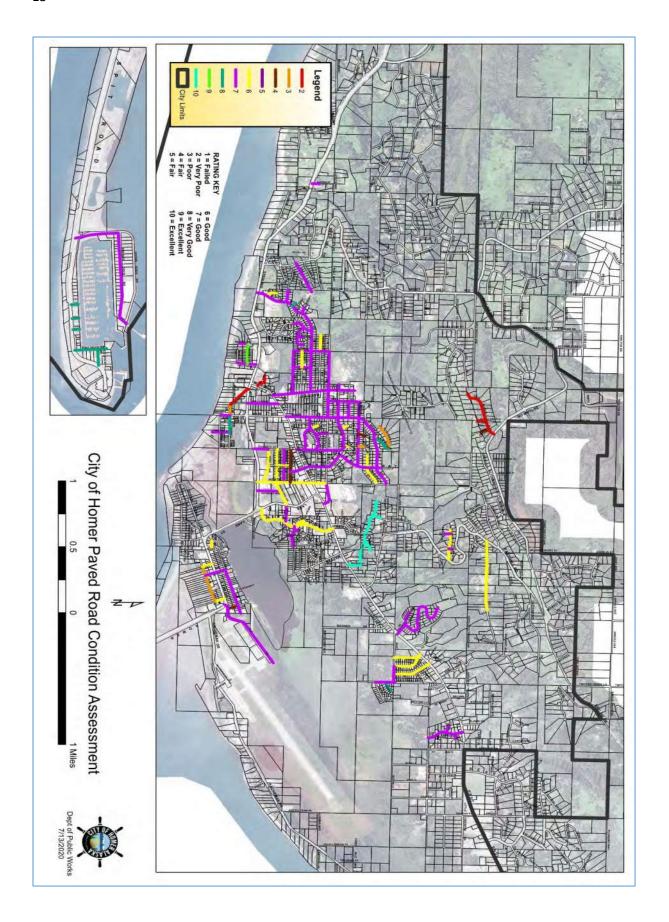


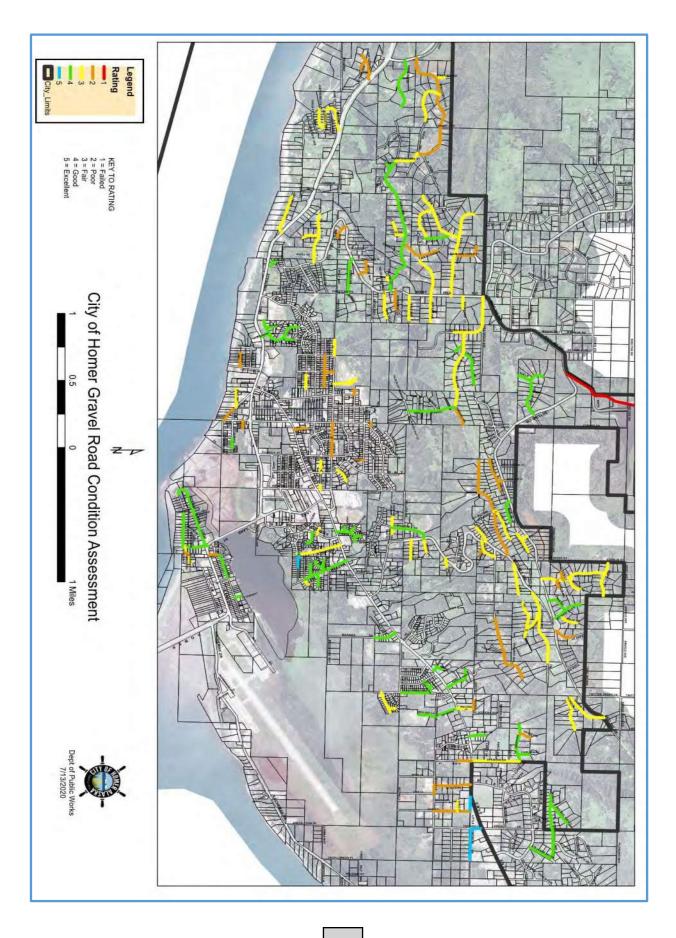
Figure 9: Alder, routinely hedged, yet impeding ditch establishment due to road misalignment



Figure 10: Spruce trees in corridor preventing proper ditch establishment

Appendix A - Maps





Appendix B – Paved Road Assessment Tables

PAVED ROAD INFO	AD INF	Ö	Z)	ROAD SURFACE CONDITION	RFACE C	ONDITI	2	VEG	RATING
10000			SURFACE	SURFACE		PATCHES &			1:FAILED 2:VERY POOR 3:POOR
STREET	TYPE	ANNEXED			CRACKS		DRAINAGE	VEGETATION	4:FAIR 5:FAIR 6:GOOD 7:GOOD
		į							8:VERY GOOD 9:EXCELLENT
			DEFECTS	DEFORMATION		POTHOLES			10:EXCELLENT
A St.	Paved		Minor	Minor	Severe	Minor	2.0	4 Moderate	4
B St.	Paved		Minor	Minor	Moderate	Minor		6 Moderate	6
Bay Ave.	Paved		Moderate	Moderate	Severe	Moderate		3 Minor	3
W. Bayview Ave.	Paved		Minor	Minor	Severe	Moderate		5 None	5
E. Bayview Ave.	Paved	1	Minor	Minor	Moderate	None		6 Moderate	7
Bayview Ct.	Paved		Minor	Severe	Severe	Minor		3 None	3
Beluga Pl.	Paved		Minor	Minor	Minor	None		7 None	7
Ben Walters Ct.	Paved		Minor	Minor	Minor	Minor		7 None	T
Ben Walters Ln.	Paved		Minor	Minor	Moderate	None		6 None	6
Bonanza Ave.	Paved		Minor	Minor	Minor	Minor		5 None	7
W. Bunnell Ave.	Paved		Moderate	Moderate	Severe	Moderate		3 None	3
Calhoun Ct.	Paved		Minor	Moderate	Moderate	Minor		4 Minor	4
Crittenden Dr.	Paved	7	Minor	Minor	Minor	Minor		7 None	7
Nielson Cir.	Paved		Moderate	Minor	Moderate	Minor		6 Minor	6
Clover PI.	Paved		Minor	None	Minor	None		7 None	7
Clover Ln.	Paved	1	Minor	Minor	Minor	None	5.1	7 Minor	7
East Hill Rd.	Paved		Minor	None	Minor	None	0.00	7 Minor	7
ice Dock Rd.	Paved		None	None	None	None		8 None	8
FAA Rd.	Paved		Minor	Minor	Moderate	Minor		6 None	7
E st.	Paved		Minor	Minor	Moderate	Moderate	1	None	6
Grubstake Ave. East	Paved		Minor	Minor	Minor	None		7 None	10
Daybreeze Ct.	Paved		Minor	Minor	Minor	None		7 None	7
Calamari Ct.	Paved	ľ	Minor	Minor	Minor	None	7	7 None	7
Sea Plane Ct.	Paved		Minor	Minor	Minor	Minor		6 None	6
El Sario Ct.	Paved		Minor	Minor	Moderate	None		6 None	6
Elderberry Ct.	Paved		Minor	Minor	Moderate	None	100	6 None	6
Elderberry Dr.	Paved		Minor	Minor	Moderate	None	1	6 None	6
W. Fairview Ave.	Paved		Minor	None	Minor	None		7 None	7
Freight Dock Rd.	Paved		Minor	None	None	None		7 None	7
Frisbee Ct.	Paved		None	None	None	None		8 None	00

Gravel_Roads_Table

PAVED ROAD INFO	DINFO		R	ROAD SURFACE CONDIT	RFACE CO		ION	VEG	RATING
			SURFACE	SURFACE		PATCHES &			1:FAILED 2:VERY POOR 3:POOR
STREET	TYPE A	ANNEXED			CRACKS		DRAINAGE	VEGETATION	8:VERY GOOD 9:EXCELLENT
			DEFECTS	DEFORMATION		POTHOLES			10:EXCELLENT
Gavin Ct.	Paved		Minor	Minor	Moderate	None	9	6 None	6
Hazel Ave	Paved		Minor	Minor	Moderate	Minor	6	None	6
Herdon Dr.	Paved		Minor	Minor	Moderate	None	6	Minor	7
Hillview PI.	Paved		Minor	Minor	Minor	None		Moderate	7
E. Danview Ave.	Paved		Minor	Minor	Moderate	None		None	7.
Larkspur Ct.	Paved		Minor	Minor	Moderate	None		Moderate	6
N. Larkspur Cir.	Paved		Minor	Minor	Minor	None		Moderate	7
S. Larkspur Cir.	Paved		Minor	Minor	Minor	None		Moderate	7
Lakeside Ct.	Paved		Minor	Minor	Minor	None		None	7
Lakeside Dr.	Paved		Minor	Minor	Minor	None		None	7
Lakeside Cir.	Paved		Moderate	Minor	Minor	None	5	None	5
Pine Terrace Cir.		YES	Moderate	Moderate	Severe	None		Minor	2
Smoky Bay Way	Paved		Minor	Minor	Moderate	None		6 None	7
Rochelle Rd.	Paved		Minor	Minor	Minor	Minor	6	None	6
Sabrina Rd.	Paved		Minor	Minor	Minor	Minor	6		6
Sitka Rose Cir	Paved		Minor	Minor	Minor	Minor	6		6
Spruce Terrace Cir.		YES	Moderate	Moderate	Moderate	None	4	None	4
Svedlund Cir	Paved		Minor	Minor	Moderate	Moderate	9		6
Svedlund St.	Paved		Minor	Minor	Moderate	Minor	6	None	7
Tamara St.	Paved		Minor	Minor	Moderate	Minor	3	6 Minor	6
Towne Heights Ln.	Paved		None	None	None	None	3	8 None	8
Tulin Terrace Blvd.	1	YES	Moderate	Moderate	Severe	Moderate	65	Moderate	2
Waddell St.	Paved		None	None	Minor	None	2	None	9
Woodside Ave.	Paved		Moderate	Severe	Severe	Moderate	63	None	2
Freight Dock Rd.	Paved		Minor	None	Minor	None		None	7
Harbor Entrance Roads	Paved		Minor	None	None	None	8	None	8
Harbor Entrance Roads	Paved		Moderate	None	None	Moderate		None	7
Harbor Entrance Roads	Paved		Moderate	None	None	Minor		None	7
Fish Dock Rd.	Paved		None	None	None	None	3	8 None	8
Lakeshore Dr.	Paved		Minor	Minor	Moderate	Minor	6	None	7
Douglas PI.	Paved		Minor	None	Minor	None	9	None	7
Douglas Pl.	Paved		Minor	None	Minor	None	6	None	7
Forest Glenn Dr.	Paved		Minor	Minor	Minor	Minor		None	7

Gravel_Roads_Table

PAVED ROAD INFO	O N	0	R	ROAD SURFACE		CONDITION	ON	VEG	RATING
STREET	TYPE	ANNEXED	SURFACE	SURFACE	CRACKS	PATCHES &	DRAINAGE	VEGETATION	1:FAILED 2:VERY POOR 3:POOR 4:FAIR 5:FAIR 6:GOOD 7:GOOD
		Ī	DEFECTS	DEFORMATION		POTHOLES	Sec. of		10:EXCELLENT
W. Danview Ave.	Paved		Minor	None	Moderate	None	17	6 None	7
W. Danview Ave.	Paved		Mnor	None	Moderate	None		6 None	7
Rangeview Ave.	Paved		Minor	Minor	Moderate	None		6 None	6
Calhoun St.	Paved		Minor	Minor	Moderate	None		6 None	.7
Lee Dr.	Paved		Minor	Minor	Moderate	None		6 None	7
Mark White Ave.	Paved		Minor	Minor	Minor	None		6 None	7
Mission Rd.	Paved		Minor	Minor	Moderate	None		6 Minor	6
Fairview Ave.	Paved		Minor	Minor	Minor	Minor	3	6 None	7
E. Bunnell Ave.	Paved		Minor	None	None	None		8 None	8
Main St.	Paved		Mnor	Minor	Minor	None		6 None	7
Heath St.	Paved		Minor	Minor	Moderate	Minor		5 None	6
Heath St.	Paved		Minor	Minor	Moderate	Minor		5 None	6
Mountain View Dr.	Paved		Mnor	Minor	Moderate	None		6 None	7.
Klondike Ave.	Paved		Moderate	Moderate	Moderate	Moderate		4 None	4
Kachemak Way	Paved		Minor	Minor	Minor	None		7 None	7
Soundview Ave.	Paved		Minor	Minor	Moderate	None		6 None	7
Barlett St.	Paved		Minor	Minor	Minor	None		6 None	7
Spruceview Ave.	Paved		Minor	None	Moderate	Minor		6 None	7
Mulliken St.	Paved		Minor	Minor	Minor	None		7 None	7
Shelly Ave.	Paved		Minor	Minor	Minor	None		7 None	7
Tajen Ln.	Paved		Minor	None	None	None		8 None	8
Cabana Ct	Paved		Minor	Minor	Minor	None		6 None	7
Compass Dr.	Paved		Minor	Minor	Minor	None		7 None	. 7
Candlelight Ct.	Paved		Minor	Minor	Minor	Minor		7 None	7
Craftsman Rd.	Paved		Minor	Minor	Minor	Minor		7 None	7
Kachemak Way	Paved		Minor	Minor	Minor	None		7 None	7
Hunter St.	Paved		Minor	Minor	Minor	Minor		7 None	7
Early Spring St.	Paved		Minor	Minor	Minor	Minor		7 None	7
Snowbird St.	Paved		Minor	None	Minor	None		7 None	7
Grubstake Ave.	Paved		Minor	Minor	Moderate	None	25	5 None	8
Main St.	Paved		Minor	Minor	Minor	Minor		6 None	7
Eric Ln.	Paved		Minor	Minor	Minor	None	9	8 None	7.
Craftsman Rd.	Paved		Minor	Minor	Minor	None		7 None	7

Gravel_Roads_Table

Ronda S.
Nelson Ave.
South Slope Dr.
Father Dean Ct. Noview Wright St.
Noview Ave.
Island View Ct. Greatland St. Lucky Shot St. Poopdeck St. STREET PAVED **ROAD INFO** Paved Paved Paved Paved Paved Paved Paved Paved TYPE ANNEXED Minor Minor Minor None None None None Minor Minor SURFACE Minor ROAD None None Minor Minor Moderate None None Minor Minor DEFORMATION SURFACE Moderate
Minor
Severe
Moderate None Minor None None Minor CRACKS Moderate CONDITION None None None None None None Minor Minor POTHOLES Minor DRAINAGE None None None None None None None None Minor VEG VEGETATION 1:FAILED 2:VERY POOR 3:POOR 4:FAIR 5:FAIR 6:GOOD 7:GOOD 8:VERY GOOD 9:EXCELLENT RATING 10:EXCELLENT 6 6 6 6 10 6

Gravel Roads Table

Appendix C – Gravel Road Assessment Tables

				2	5	1		i	74 410	
GRAVEL ROAD	NOAL	J	CONDTIONS	DTIC	CONDTIONS	L C		CON	CONDITIONS	RATING
	ĺ	Ĭ		DRAIN	GRAVEL	SURFACE	SURFACE		VEGETATION	1:FAILED
STREET	TYPE	ANNEX	CROWN			DEFORMA		VEG		2:POOR 3:FAIR 4:GOOD
				AGE	LAYER	TION	DEFECTS		NOTES	5:EXCELLENT
Adams Dr.	Gravel		Good	Good	Good	None	None	None		4
Alder Ln.	Gravel		Poor	Fair	Poor	Moderate	None	None		2
Aprill PI	Gravel		Good	Good	Good	None	None	None		4
Aspen Ct.	Gravel		Fair	Fair	Fair	Minor	None	Minor	Routine Brushing	ω
Aspen Ln.	Gravel		Fair	Fair	Fair	Minor	None	Minor	Ditch Obst	ω
Aurora Ct.	Gravel		Good	Good	Good	None	None	None		4
Barnett PI.	Gravel		Good	Fair	Fair		None	None		3
Bay Ridge Rd.	Gravel	YES	Fair	Good	Fair		None	None		3
Bay Vista Ct.	Gravel		Fair	Poor	Poor	Moderate	Moderate	None		2
Bay Vista Pl.	Gravel		Fair	Poor	Poor	Minor	None	None		2
Bell Ave.	Gravel	YES	Fair	Fair	Fair	Minor	None	None		3
Beluga Cir.	Gravel		Good	Good	Good	None	None	None		4
Beluga Ct.	Gravel	1	Good	Good	Good	None	None	None		4
Campground Rd.	Gravel		Fair	Fair	Fair		None	None		હ
Carlson Pl.	Gravel	YES	Good	Good	Good		None	None		4
Carriage Ct.	Gravel		Good	Good	Good	None	None	None		4
Clearwater Dr.	Gravel	YES	Good	Fair	Good	Minor	None	None		3
Cook Way	Gravel		Good	Good	Good	None	None	None		4
Cottonwood Ln.	Grave	YES	Fair	Good	Poor	Moderate	Minor	None		ယ
Cozy Cove Dr.	Gravel		Good	Good	Good	None	None	None		4
Crestwood Cir.	Gravel	YES	Good	Good	Good		None	None		4
Crossman Ridge Rd.	Gravel	YES	Poor	Poor	Poor	Severe	None	None		1
Dehel Ave.	Gravel		Poor	Poor	Fair	Minor	None	None		2
Dewberry Ln.	Gravel		Poor	Fair	Poor	Minor	None	None		2
Diamond Creek Pl.	Gravel	YES	Fair	Fair	Poor	Moderate	None	None		2
Dons Dr.	Gravel	YES	Good	Fair	Good	None	None	None		4
E. Bunnell Ave.	Gravel		Good	Good	Good	None	None	None		4
E. Fairview Ave.	Grave		Poor	Poor	Poor	Severe	None	None		2
E. Jeffery Ave.	Gravel	YES	Fair	Fair	Good	Moderate	None	None		3
Eagle Court	Gravel		Fair	Fair	Fair	Minor	Minor	None		ယ
Eagle Pl.	Grave		Poor	Poor	Poor	Severe	None	Moderate		2

Gravel_Roads_Table

Gravel_Roads_Table

SD Obst's	Minor	None	Minor	Good	Fair Good	Good	YES	Gravel	Janeview Dr. Jennifer PI.
alders prevent ditch establishment	Severe	None	None	Good	Poor	Good	YES	Gravel	Jakes Little Fireweed
	None	None	Moderate	Poor	Fair	Fair		Gravel	Jade Dr.
	None	None	None	Good	Good	Good		Gravel	Jack Gist Ln.
No Draingage at CuldeSac	None	None	None	Good	Poor	Good		Gravel	Iris Ct.
	None	None	None	Fair	Fair	Fair		Gravel	Hornaday Parking Are Gravel
crowding road	Moderate	None	Minor	Fair	Poor	Fair		Gravel	Horizon Ct.
	None	None	Minor	Fair	Fair	Fair		Gravel	Hillside Pl.
	None	None	None	Good	Good	Good		Gravel	Hillfair Ct.
	None	None	None	Good	Fair	Good		Gravel	Highlook Ct.
	None	None	Moderate	Fair	Fair	Fair		Gravel	Highland Dr.
	None	None	Minor	Good	Good	Good		Gravel	Highland Dr.
	Moderate	Moderate	Moderate	Poor	Poor	Poor		Gravel	Hidden Way
0.1	None	Minor	Minor	Good		Good		Gravel	Heidi Ct.
	Minor	None	Minor	Poor		Poor		Gravel	Hanson Ave.
	None	None	None	Good	Good	Good		Gravel	er Ave.
	None	None	None	Fair	Fair	Fair	YES	Gravel	
	None	None	None	Good	Good	Good		Gravel	Glenview St.
	None	None	Minor	Good	Poor	Good	YES	Gravel	Glacier View Ct.
	None	None	Moderate	Fair	Fair	Good	YES	Gravel	
	None	None	Minor	Good	Fair	Good	YES	Gravel	n.
	None	None	None	Good	Good	Good		Grave	Forest Glenn Dr.
Bad Breakup	None	None	Severe	Poor	Fair	Fair	YES	Gravel	Ave.
Spruce Obst	Moderate	None	None	Good	Fair	Good	YES	Gravel	Felix Cir.
	None	None	Severe	Poor	Poor	Fair	YES	Gravel	Rd.
maintenance corrido	Severe	None	Minar	Fair	Poor	Fair	YES	Gravel	Easy St.
spruce	Minor	None	Moderate	Poor	Good	Good	YES	Gravel	Eagle View Dr.
NOTES		DEFECTS	TION	LAYER	AGE				
	VEG		DEFORMA			CROWN	ANNEX	TYPE	STREET
VEGETATION		SURFACE	SURFACE	GRAVEL	DRAIN				

Kalalock Ct. Kestrel Circle Paintbrush Ct. Orion Cir. Ocean Drive Lp N. Glacier View Cl Mountain Park Street Meadow Dr. Mariner Dr. Krueth Way Kramer Ln. STREET Ohlson Ln. Mattox Rd. Natilie Cir. Mission Rd. Mariner Dr. .upine Ct. ee Dr. laview Ave. Mount Augustin Dr. inda Ct incoln Dr. atham Ave. anding St. ampert Ln. ampert Ln. akeshore Dr. (W) enny Way ittle Fireweed Ln. udy Rebecca Ct. itte Fireweed Ln. ake St Gravel Gravel Gravel Gravel Gravel Gravel Grave Gravel Grave Gravel Gravel Gravel TYPE YES YES YES YES YES ANNEX YES CROWN Fair Poor Good Fair Good Fair Poor Good Fair Fair Good Poor Fair Good Poor Good Good Good Fair Fair Good Good Excellent Good Good Good Good Good Good Good Good Poor Poor Poor Fair Poor Fair Fair Fair Poor Fair Exceller Poor Fair Good Fair Good Fair Good Good Good Good Fair Good Fair Good Good Good G00d Good Good Fair DRAIN AGE Poor GRAVEL Poor Good Poor Fair Poor Good Good Good Good Good Poor Good Good Poor Good Good Poor Fair Fair Fair Good Fair Good Good Good Good Good Fair Fair LAYER Severe Moderate None None Moderate SURFACE None None Minor Minor None None Minor Minor Moderate Moderate Moderate Minor Minor Minor None None None None None None Minor None TION Severe Moderate Moderate DEFORMA None SURFACE None Minor None DEFECTS None Moderate None None None Minor None None None None Minor None None None None None Minor None None None None None None Minor None None Moderate None Minor VEG Moderate NOTES Spruce&SD Obst Spruce/Alder VEGETATION comidor Spruce well within Routine Brushing Routine Brushing Spruce SD Obst 4:GOOD 2:POOR 3:FAIR 1:FAILED EXCELLENT w w w Ch N

Gravel_Roads_Table

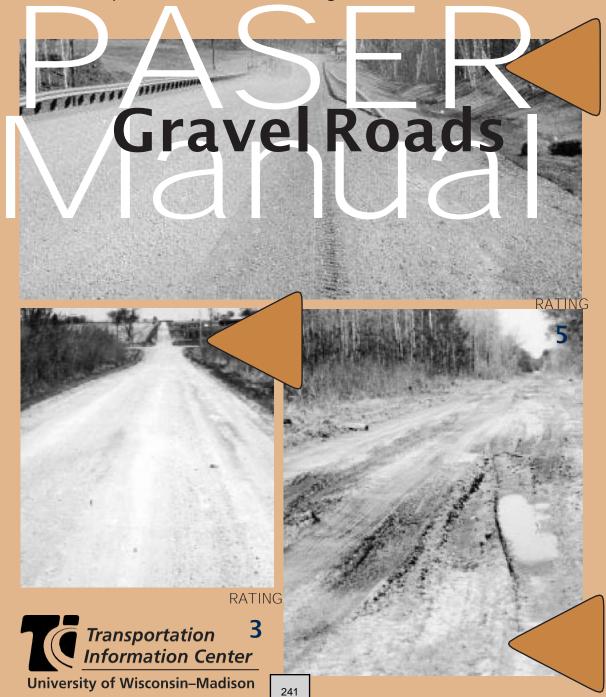
Gravel_Roads_Table

STREET	TYPE	ANNEX	ANNEX CROWN	DRAIN	GRAVEL	SURFACE	SURFACE	VEG	VEGETATION	1:FAILED 2:POOR 3:FAIR
				AGE	LAYER	TION	DEFECTS		NOTES	5:EXCELLENT
Paintbrush St.	Grave	YES	Poor	Poor	Poor	Moderate	None	Moderate	Spruce obst	2
Paradise PI.	Gravel	YES	Good	Good	Good	Minor	None	None		4
Pennock St.	Gravel		Good	Fair	Good	Minor	None	Moderate		w
Pine View Rd.	Grave	YES	Fair	Fair	Fair	None	None	None		3
Pleasant Way	Grave		Poor	Poor	Poor	None	None	Moderate		2
Poppy Cir.	Grave		Good	Good	Good	None	None	None		4
Queets Cir.	Gravel	YES	Fair	Good	Poor	Moderate	None	None		2
Quinalt Ave.	Grave	YES	poog	Fair	Fair	None	None	Minor	Spruce Obst/SD	w
Race Rd.	Grave	YES	Good	Good	Poor	Moderate	None	None		ယ
Race Rd.	Grave	YES	Good	Good	Poor	Moderate	None	None		3
Rainbow Ct.	Grave		Fair		Poor	Minor	None	Severe		3
Rainbow PI	Gravel		Poor		Poor	Moderate	None	None		2
Rangeview Ave.	Grave		Fair	Good	Poor	Severe	None	Severe	111	2
Rangeview Ave.	Gravel		Fair	Fair	Poor	Severe	None	None		2
Reber Rd.	Gravel		Good	Fair	Good	None	None	None		4
Ridgeway Ct.	Grave	YES	Good	Fair	Good	None	None	Moderate	Ditch Obst	4
Rosebud Ct.	Grave	YES	Fair	Poor	Fair	Moderate	None	None		3
Rosewood Cir.	Grave	YES	Good	Good	Good	Minor	None	Minor	SD Obst	4
S. Park Cir.	Gravel	YES	Good	Good	Good	Minor	None	None		4
Saltwater Dr.	Gravel		Fair	Good	Poor	Moderate	None	Minor		3
Scenic Pl.	Gravel	YES	Fair	Fair	Fair	Minor	None	None		3
Sea Breeze Ct.	Gravel		Good	Poor	Good	None	None	Moderate		3
Seascape Dr.	Grave		Fair	Poor	Fair	None	None	None	Severe ROW Misalignment	23
Shannon Ct.	Gravel		Good	Good	Good	None	None	None	The second second	4
Shannon Ln.	Grave	1	Good	Good	Good	None	None	None		4
Shelford St.	Grave		Poor	Poor	Poor	Poor	None	Moderate		2
Shirley Ct.	Grave		poog	Good	Good	Minor	None	None		4
Skagit Cir.	Grave		Fair	Fair	Fair	Fair	None	None		3
Slavin Dr.	Grave	YES	Good	Fair	Good	None	None	None		4
South Slope Dr.	Gravel	1, 1 15	Good	Good	Good	None	None	Minor	Routine Brushing	4
Spencer Dr.	Gravel	YES	poog	Poor	Good	None	None	Severe	Row Misaligned	3
Spruce Cir.	Gravel	YES	Fair	Poor	Poor	Moderate	None	None		2
Spruce Ln.	Gravel	1	Poor	Poor	Poor	Moderate	None	None		2

Westwood Ave. Whispering Meadow A Williams PI. Tasmania West Ternview PI. STREET Wright St. West Terrace Blvd. Tundra Rose Rd. Umínski Ct. pland Ct. asmania East hompson Dr. /. Cityview Ave. rginialyn Way riton Ct. prucewood Dr Jeffery Ave. Grave Gravel Gravel Grave Gravel Gravel Gravel Grave Grave Gravel Grave Gravel TYPE Grave Grave YES YES YES ANNEX CROWN Fair Good Fair Poor Fair Good AGE Fair DRAIN GRAVEL Good Good Poor Good Poor Good Good Good Poor Poor Poor Poor Poor Fair Poor Minor None Minor Moderate None Moderate None None None SURFACE Minor None None None Minor Minor None TION DEFORMA Moderate Severe None SURFACE DEFECTS None None Minor None None None None None Moderate Minor Minor None Minor None Minor Minor VEG Routine Brushing Routine Brushing Routine Brushing NOTES VEGETATION Travelway 5:EXCELLENT 4:GOOD 2:POOR 3:FAIR 1:FAILED S

Appendix D – Manuals for the PASER Road Assessment Model

Pavement Surface Evaluation and Rating



RATING

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This manual is intended to assist local officials in understanding and rating the surface condition of gravel roads. It describes types and causes of distress and provides a simple system to visually rate the road segment's condition. The rating procedure can be used as condition data for the Wisconsin DOT local road inventory and as part of a computerized pavement management system like PASERWARE.

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Pavement Surface Evaluation and Rating

Gravel Roads

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Pavement Surface Evaluation and Rating Gravel PASER Manual

There are many miles of unsurfaced roads in this country. Wisconsin alone has over 22,000 miles of gravel roads under the jurisdiction of local governments. Maintaining and improving these roads is a major responsibility for local governments.

Gravel roads may service very remote areas and very few vehicles. On the other hand it is common to have gravel roads providing service to agricultural, logging, and recreational areas with fairly high traffic volumes. Many urban areas also have some gravel roads. Heavy trucks and residential traffic can combine to make very heavy demands on these unsurfaced roads.

This manual is intended to help you plan the maintenance and overall management of gravel roads. It discusses common problems and typical repairs. A simple system for evaluating conditions and rating roads is included.

The Wisconsin Transportation Information Center also has PASER manuals for other pavement types (see inside back cover). The rating systems are similar and compatible so that local road agencies can work with a comprehensive condition rating method. The rating procedure can be used as condition data for the Wisconsin DOT local road inventory (WISLR) and as part of a computerized pavement management system like PASERWARE.

Taking an organized approach to roadway management has many benefits. By documenting the actual conditions of roads you can set realistic budgets, make timely repairs, and set up cost effective maintenance procedures. Developing an overall plan for the roadway system lets local agencies develop budgets and plan for future needs. When detailed information is available, local officials can respond more effectively to questions from the public. A planned approach is easier to explain and receives greater public support.

Several key steps are necessary to develop a meaningful roadway management plan. First, you must inventory the existing condition. This is normally done by dividing the roadway into segments with similar conditions. During the inventory you collect information on construction history, roadway width, etc. Then you need some method for assessing the condition of the existing roadway. This Gravel PASER Manual uses a visual approach. Other information from material sampling, testing, and traffic counts can be useful for a more detailed system plan.

Another necessary step is setting priorities for roadway improvements. You can use roadway condition and the local importance of these roads to assign priorities. Then budgets can be developed based on cost estimates for the projected improvements. Since not all improvements can be made in one year, you can set up a multi-year budget plan. You can make a capital improvement plan for three to five years. Normally this is updated annually.

Gravel road evaluation

Evaluating and rating gravel roads requires a different perspective than similar evaluations of asphalt or concrete pavements. This is due to the nature of gravel roads and their variability. Surface conditions on gravel roads can change literally overnight. Heavy rains and local heavy traffic can dramatically change the surface characteristics of gravel roads from one day to the next. In addition, routine maintenance activities, such as one pass of a motor grader, could improve the surface conditions of a gravel road significantly.

Since the evaluation or rating of a road could vary depending on recent weather conditions or recent maintenance activities, it should be based on major factors. Detailed surface conditions should be secondary.

The most important factors in evaluating a gravel road are the road cross section, drainage, and adequacy of the gravel layer. The gravel road cross section must contain adequate crown and good lateral drainage systems. The crown should be approximately 6", the adjacent ditches should be deep enough to contain surface water, and the culvert systems should be clean and sized to prevent any serious impoundment of water against the roadway.

The depth of the gravel layer will obviously depend on the existing soils and the amount of heavy traffic. For most conditions, a minimum gravel thickness of 6" is required. Heavier layers are necessary for very poor soils and/or very heavy traffic loads. Using geotextiles in very poor subgrade soil conditions can also significantly improve the performance of a gravel road.

Surface distress, such as ruts and potholes, indicates a lack of strength. This could be caused by improper drainage, by lack of adequate gravel cover, or possibly both. Therefore, surface distress becomes an important indicator of the primary concern for drainage and adequate gravel. The level of service that a gravel road provides to the driver also depends on smooth ride and dust control. Therefore distress such as washboarding, loose rock, and dust are important in the overall service of the road. However, these conditions are secondary since they can change quickly due to weather and maintenance activities. They should not influence the primary evaluation of the roadway.

It may be difficult to distinguish between a poorly maintained gravel road and an unimproved (dirt) road. The local road agency must first decide if they plan to maintain the road with a gravel surface or as an unimproved road. A minimum of 1½"– 2" of gravel surfacing is generally necessary to be considered a gravel road. More gravel is needed to provide a good level of service.

Surface conditions and defects

The *Gravel PASER Manual* presents a method for visually assessing and rating the conditions of existing roadways. It is based on understanding the conditions and defects common on gravel roads. To set a rating you assess both the extent of problems on the road and the appropriate repairs or reconstruction needed.

It is helpful to separate the various conditions common to gravel roads. Five road conditions can be used to evaluate and rate gravel roads.

Crown

The height and condition of crown, and an unrestricted slope of roadway from the center across the shoulders to the ditches.

Drainage

The ability of roadside ditches and under-road culverts to carry water away from the road.

Gravel layer

Adequate thickness and quality of gravel to carry the traffic loads.

Surface deformation

Washboarding, potholes and ruts.

Surface defects

Dust and loose aggregate.

Each of these is described in some detail in this manual. Assessing the condition of an actual roadway usually involves looking for different combinations of conditions.

In reviewing different conditions and defects, it is important to consider their severity and extent. Generally problems begin slowly and progressively become more serious. Slight defects will grow into moderate and then severe conditions. At first, defects may be found in only a few isolated places. As the condition worsens, more defects will show up on the surface. Examples in this manual will help you identify conditions and determine both how bad they are and how extensive they are.

CROWN

An unsurfaced road must be built so water drains quickly off the roadway. If it is not, water stays in ponds or puddles, soaks into the roadbed, and softens it. Building a crown into the road—making the center of the road higher than the shoulder—enhances drainage. Normally, a gravel road will have 4"–6" of crown, or fall, from its center to the edge.

A roadway that has no crown will pond water. A windrow of soil or a high shoulder may also trap water on the roadway and impede drainage. In severe cases the crown is reversedlower than the edges—so that the road is in a bowl shape. Naturally, this traps water and rapidly deteriorates the roadway, especially under traffic.

Inadequate crown can be restored by regrading with a motor patrol grader. Light blading will restore minor irregularities. Restoring crown to a flat roadway may require complete reworking. This involves scarifying, or cutting loose, 3"–4" of gravel and reshaping the crown. It is helpful to apply water and use compaction to establish the crown.

If the surface gravel on the roadway is inadequate you may need to add gravel to construct a road with proper crown. Use good quality aggregate.

Hard and sound aggregate will prevent the breakdown of large aggregate into small particles under traffic. A proper mixture of aggregate sizes (gradation) is also important. You need an adequate amount of fines to bind the gravel together on the road. See Wisconsin Transportation Bulletins No. 4, *Road Drainage* and No. 5, *Gravel Roads* for more information.

When you do routine maintenance grading, take care to grade the roads to allow free drainage from the center of the road to the shoulder and into the ditch. Improper grading can create a secondary ditch.

Excellent crown.

No restriction to water flow from centerline to ditch.



Flat crown with poor grading has created secondary ditch preventing free drainage into

▼ roadside ditch.





Poorly graded crown traps water causing it to run down center of road.

DRAINAGE

Roadside ditches and culverts must be able to handle surface water flow. Without adequate ditches, water will pond on the roadway and softenthe road base. The ditch must be wide and deep enough to accommodate all the surface water. It must slope so water drains and doesn't form local ponds. A ditch bottom which is several feet below the top of the road is best. This will provide thorough drainage of the roadbed and prevent flooding. Deeper and wider ditches may be necessary to

accommodate very heavy surface water flow. Ditches must be maintained to prevent erosion or the buildup of debris.

Drainage across roadways is handled with culverts or bridges. These drainage structures must be maintained to prevent ponding and water backup. Culvert headwalls and riprap are very helpful in directing water flow and preventing erosion of the roadbed.

Ditch cleaning is a routine maintenance procedure necessary to keep water flowing properly. Spoil material from a ditch may be used along the roadway if there is room. Major ditch cleaning may require loading and hauling excess material. Take care to maintain uniform ditch slopes. Seed the soil or install additional erosion control after major ditching repairs.

Roadway culverts tend to fill with debris and silt. They must be cleaned routinely to maintain their water carrying capacity. Replacing headwalls and riprap is also necessary to prevent erosion. Collapsed or damaged culverts must be replaced.



Excellent drainage with wide deep ditches.

Partial drainage. Ditch and new culvert being added on left. Little or no drainage on right.

▼





▲ Good ditches.

DRAINAGE

Continued

Poor drainage due to little or no ditch, no driveway culverts.



Shallow, narrow ditch cannot carry surface water causing ditch erosion and temporary roadway flooding.







Shallow ditch and partially filled culvert. Ditch needs cleaning and culvert should be lowered to allow a minimum of 12" of aggregate cover.



No ditch. Road is actually trenched into roadside forcing water onto surface.

Excellent gravel layer.





GRAVEL LAYER

Traffic loads require an adequate layer of gravel to carry and distribute the loads to the subsoils. The thickness needed will vary with the amount of heavy traffic and the stability of the subsoils. A minimum layer of 6" is normally required. Heavier layers, up to 10" or more, are sometimes used for heavy loads or poor soil conditions.

The gravel must be of good quality to provide long term service. The gradation and durability of the gravel (measured by hardness and soundness testing) are important. A proper gradation contains a mixture of larger aggregate (1"), sand-sized aggregate, and fines. More fines (8%–15%) are recommended for surfacing gravel than are normally used in base gravel. See Transportation Information Bulletin No. 5, *Gravel Roads*, for more information.

Adequate gravel layer. No ruts or potholes.



Little or no gravel layer.

SURFACE DEFORMATION

Washboard

Traffic action can dislodge aggregate and create a washboard effect on the surface. This washboarding or corrugation develops across the road, perpendicular to the direction of traffic. It is more prevalent under heavy traffic and under loose aggregate conditions. It may also tend to develop on hills or curves, near intersections, or in areas where traffic is accelerating or decelerating. Soft roadbeds and improper grader operation can also cause washboards.

Light washboarding can be removed with routine grading. Washboarding that is moderate or severe often requires scarification, cutting down 3"-4", and regrading. If there is insufficient material, new gravel will be required. Select an aggregate with sufficient fines to resist future washboarding.

Since washboarding may be concentrated at specific locations, spot regrading is often required. Take care to blend the regraded sections into the adjoining roadway. Since moisture is needed for compaction, correcting washboarding after a rain is more effective. Maintain the crown, and super-elevation, and match bridges and intersections when repairing spot corrugations.

Operating a motor patrol grader at a high rate of speed can actually create corrugations during routine maintenance. Speeds below 10 mph are recommended. Proper blade angle and pitch, and proper tire inflation, are also essential. ▼ Moderate washboarding in center of road.





Severe washboarding traps water.



Potholes

Potholes and depressions can develop in the gravel or surface. They're caused when surface material is worn away or soft spots develop in underlying soils. They may fill with water and are accelerated in roads without adequate crown. Isolated potholes may be repaired by hand. This can involve putting granular material into the holes and compacting it.

- ◆ Small, isolated potholes. Routine regrading should eliminate them.
- Series of moderate potholes require scarification and regrading.







- Potholes at bridge may require

 ▲ scarification and hand patching.

 Gravel and debris should be cleaned off bridge deck.
- Severe potholes covering most of road need additional gravel and regrading.

Extensive potholes require reworking and major regrading. It is usually necessary to add granular material to repair them. Scarify the area prior to repair to insure a good blend. You may need to reshape the road to restore a crown and make drainage improvements to restore surface stability and prevent future potholes.

Ruts

Traffic can create a surface depression or rut over a portion of a gravel road. The ruts may be caused by dislodging some of the surface gravel. Loose unstable gravel may be displaced by traffic causing minor surface ruts. Severe rutting (over 3") may be caused by weak underlying soils. Poor crown and drainage conditions weaken the base and accelerate rutting.

Slight rutting can be removed by blading and restoring the crown. Severe rutting caused by unstable subsurface soils will require improvements in drainage and addition of aggregate.



A Rut in wheel path needs regrading to eliminate ponding and prevent further road deterioration.

Numerous ruts and very poor drainage create soft roadbed conditions and need major

▼ regrading and new aggregate.



SURFACE DEFECTS

Dust

Traffic on dry gravel roads can generate dust. Good quality gravel used in the construction of gravel roads has a combination of large aggregate, sand, and fine material or binder. These fines can be picked up under the action of traffic and become airborne.

Dust on gravel roads creates several problems. Visibility can be severely restricted under heavy dust conditions,

creating traffic safety hazards. Dust is a form of air pollution and can be very objectionable to nearby property owners. The loss of the fine material from a well-graded gravel surface can eventually lead to a loss of stability. Without the fine binder material, the larger particles become unstable and are dislodged by traffic.

Rolling and compacting a new gravel surface will help maintain a tight and impervious surface or crust. Under traffic and during extended dry periods this crust may be disturbed and heavy

dust conditions result. Controlling dust with liquid calcium chloride or other surface treatment agents can be very helpful.

It is essential to replace the fines in the gravel mix to maintain the road and keep it stable under traffic. Fines can often be reclaimed from the shoulder edge and regraded and mixed with existing gravel. This should be done as routine maintenance while restoring and maintaining the crown.



Heavy dust obscures vision and causes loss of roadway fine material. A dust control chemical may be advisable in areas of heavy traffic.

Loose aggregate

Loose aggregate or unstable surface gravel conditions can develop from loss of fines through heavy dust action or from erosion due to an improper gradation mix of the original aggregate. Vehicles can move loose or unstable aggregate forming ridges or windrows in the direction of traffic. Generally gravel will be moved from the wheel path and form ridges at the center of lanes and at roadway edges. Loose aggregate can also accumulate at places where vehicles frequently turn or stop.

Loose aggregate may be temporarily bladed to the shoulder although you have to be careful not to restrict drainage. By remixing loose aggregate with fines from the road edge it may be possible to produce a well graded mix. However, a severe accumulation of loose aggregate usually requires mixing with additional well graded surfacegravel.



▲ Loose aggregate over most of road. Light grading and compaction during wet weather would improve stability and develop a surface crust.

Heavy accumulation of loose aggregate on outside of roadway.

Regrading and possibly new aggregate are needed.



Rating road surface condition

A simplified rating system has been developed to help manage gravel roads. It uses a scale of 1 to 5—5 is excellent condition and 1 is failed. In a normal progression the road will start out in excellent condition and gradually deteriorate under the effects of traffic and weather. Routine grading and minor patching may be sufficient to restore the road to excellent condition. As conditions worsen, more extensive maintenance

may be required; complete rebuilding may eventually be necessary.

To select a rating first assess the crown, drainage, and gravel layer. Then review the individual defects and select the type of maintenance or rehabilitation necessary. The rating should reflect the condition and type of maintenance or repairs required. Look at the photographs in this section to become more familiar with the ratings and conditions.

RATINGS ARE RELATED TO NEEDED MAINTENANCE OR REPAIR

- **Rating 5** Newly constructed road. Excellent crown and drainage. No maintenance required.
- **Rating 4** Good crown and drainage. Routine maintenance.
- **Rating 3** Roadway shows traffic effects. Needs regrading, minor ditch maintenance, and spot gravel application.
- **Rating 2** Road needs additional aggregate layer, major drainage improvements.
- **Rating 1** Travel is difficult. Complete rebuilding required.

Surface rating	Visible distress*	General condition/ treatment measures
5 Excellent	No distress. Dust controlled. Excellent surface condition and ride.	New construction—or total reconstruction. Excellent drainage. Little or no maintenance needed.
4 Good	Dust under dry conditions. Moderate loose aggregate. Slight washboarding.	Recently regraded. Good crown and drainage throughout. Adequate gravel for traffic. Routine grading and dust control may be needed.
3 Fair	Good crown (3"-6"). Adequate ditches on more than 50% of roadway. Gravel layer mostly adequate but additional aggregate may be needed in some locations to correct washboarding or isolated potholes and ruts. Some culvert cleaning needed. Moderate washboarding (1"-2" deep) over 10%-25% of the area. Moderate dust, partial obstruction of vision. None or slight rutting (less than 1" deep). An occasional small pothole (less than 2" deep). Some loose aggregate (2" deep).	Shows traffic effects. Regrading (reworking) necessary to maintain. Needs some ditch improvement and culvert maintenance. Some areas may need additional gravel.
2 Poor	Little or no roadway crown (less than 3"). Adequate ditches on less than 50% of roadway. Portions of the ditches may be filled, overgrown and/or show erosion. Some areas (25%) with little or no aggregate. Culverts partially full of debris. Moderate to severe washboarding (over 3" deep) over 25% of area. Moderate rutting (1"-3"), over 10%-25% of area. Moderate potholes (2"-4") over 10%-25% of area. Severe loose aggregate (over 4").	Travel at slow speeds (less than 25 mph) is required. Needs additional new aggregate. Major ditch construction and culvert maintenance also required.
1 Failed	No roadway crown or road is bowl shaped with extensive ponding. Little if any ditching. Filled or damaged culverts. Severe rutting (over 3" deep), over 25% of the area. Severe potholes (over 4" deep), over 25% of area. Many areas (over 25%) with little or no aggregate.	Travel is difficult and road may be closed at times. Needs complete rebuilding and/or new culverts.

^{*} Individual road sections will not have all of the types of distress licted for any particular rating. They may have only one or two types.

EXCELLENT — Little or no maintenance required

New construction with excellent crown, drainage and gravel layer. Little or no distress.



Newly constructed road with excellent crown, drainage and gravel layer.



Road has excellent crown. Gravel has been stabilized for dust control. Very good drainage.



GOOD — Routine maintenance may be required

Good crown, drainage and gravel layer. Distress limited to traffic effects such as dust, loose aggregate, and slight washboarding.

Good crown, ditches, and gravel layer.

Slight traffic effects, washboarding, and loose gravel.



Good crown and gravel, ditch appears good throughout.

Occasional routine grading for traffic effects.



Plenty of crown and excellent ditch. Needs routine grading to eliminate slight secondary ditch and loose gravel.

FAIR — Regrading and drainage improvement, spot gravel application needed

Adequate drainage and crown on more than 50% of roadway. Gravel layer is adequate with only need for spot replacement. Regrading needed to improve crown and repair wash-boarding and slight ruts or potholes.







Heavy accumulation of loose gravel.

Requires regrading. Ditch cleaning needed on right side.



Fair crown and good gravel layer. Shallow ditch needs improvement.



FAIR — (continued)
Regrading and drainage
improvement, spot gravel
application needed

Fair crown and gravel layer.

Needs ditching on right and more crown.



Adequate drainage and fair crown. A few small potholes indicate need for regrading and additional gravel.

POOR — More gravel and major drainage improvements required

Travel at slow speeds (25 mph) may be necessary. Additional gravel layer needed to carry traffic. Little or no crown. Ditching is inadequate on more than 50% of roadway.

Some gravel and crown but almost no ditch. Driveway culvert required.







Little gravel and almost no ditches or crown.

No crown, poor drainage, and ▼ needs gravel.



▲ Lack of ditch on right causes ruts. Needs gravel.

Numerous potholes indicate additional gravel most likely required to restore crown. Needs extensive reworking.





Failed — Reconstruction required Needs complete rebuilding. Travel is difficult; road may be closed at times.

Ruts. No ditch or aggregate.



Deep ruts and potholes. No drainage. Travel is • difficult.



▲ Complete failure. Restricted travel.

Practical advice on rating roads

Inventory and field inspection

Most agencies routinely observe roadway conditions as a part of their normal work and travel. However, an actual inspection means looking at the entire roadway system and preparing a written summary of conditions. This inspection has many benefits over casual observations. Useful comparisons between segments can be made and more dependable decisions are likely because the entire roadway system is considered.

An inspection also encourages a review of specific conditions important in roadway maintenance—drainage and adequate strength, for example.

A simple written inventory is useful in making decisions where other people are involved. You do not have to trust your memory, and you can usually answer questions in more detail. Having a written record also improves your credibility with the public.

Finally, a written inventory is very useful in documenting the changing roadway conditions. Without records extending over several years, it is impossible to know if your road conditions are improving, holding their own, or declining.

Annual budgets and long range planning are best done when based on actual needs as documented with a written inventory.

The Wisconsin DOT local road inventory (WISLR) is a valuable resource for managing your local roads. Adding PASER surface condition ratings is an important improvement.

Averaging and comparing sections

For evaluation, divide the local road system into individual segments which are similar in construction and condition. Rural segments may vary from ½ mile to a mile long, while some sections in urban areas will likely be 1-4 blocks long or more. If you are starting with the WISLR inventory, the segments have already been established. You may want

to review them for consistent road conditions. Obviously no roadway segment has entirely consistent conditions. Some "averaging" will be necessary. Also, individual road segments will not have all of the types of distress listed for any particular rating; they may have only one or two. The objective is to rate the condition that represents the majority of the roadway. Small or isolated conditions should not influence the rating. It is useful to note these special conditions on the inventory form so this information can be used in project design. For example, some spot repairs may be required.

Occasionally pavement conditions vary significantly. For example, short sections of good condition may be followed by sections of poor pavement conditions. In these cases it is best to rate the pavement according to the worst conditions and note the variation on the form.

The overall purpose of condition rating is to provide a relative comparison of the condition of all your pavement segments. Therefore, comparing any two pavement segments would show the better pavement having a higher rating. Within a given rating, say 3, not all pavements will be exactly the same. However, they should all be considered to be in better condition than those with lower ratings, say 2. Sometimes it is helpful in rating a difficult segment to compare it to other previously rated segments. For example, if it is better than one you rated 2, and worse than a typical 4, then a rating of 3 is appropriate. Having all road segments rated in the proper relative order is most important and useful.

Separating road function from conditions

Gravel roads often are found in very low volume applications. This sometimes is confusing. People rating roads are more willing to accept poor condition on a road if it is little used. In higher traffic situations, they expect a road in better condition.

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Therefore, there may be a tendency in evaluating the condition of a road to evaluate the condition more harshly in higher traffic volume situations and to be more lenient in evaluating little-used roads. This tendency should be avoided. The evaluation of the actual roadway condition must be objective.

You will also consider the road's function or importance but this must be done separately. Roads can be categorized by their use or their function. In selecting project improvements, you will likely consider both the road condition and the road's importance to select the most needed projects.

Planning maintenance and repair

We have found that relating a normal maintenance or rehabilitation procedure to the surface rating scheme helps local officials use the rating system. However, an individual surface rating should not automatically dictate the final maintenance or rehabilitation technique. You should consider safety, future traffic projections, original construction, and roadway strength since these may dictate a more comprehensive rehabilitation than the rating suggests.

Summary

Using local road funds most efficiently requires good planning and accurate identification of appropriate rehabilitation projects. Assessing roadway conditions is an essential first step in this process. The PASER evaluation procedure has proven effective in improving decision making and using highway funds more efficiently. It can be used directly by local officials and staff. It may be combined with additional testing and data collection in a more comprehensive pavement management system. For additional training and information, contact the Wisconsin Transportation Information Center.

Transportation Information Center Publications

Pavement Surface Evaluation and Rating (PASER) Manuals

Asphalt PASER Manual, 2002, 28 pp.

Brick and Block PASER Manual, 2001, 8 pp.

Concrete PASER Manual, 2002, 28 pp.

Gravel PASER Manual, 2002, 20 pp.

Sealcoat PASER Manual, 2000, 16 pp.

Unimproved Roads PASER Manual, 2001, 12 pp.

Drainage Manual

Local Road Assessment and Improvement, 2000, 16 pp.

SAFER Manual

Safety Evaluation for Roadways, 1996, 40 pp.

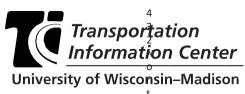
Flagger's Handbook (pocket-sized guide), 1998, 22 pp.

Work Zone Safety, Guidelines for Construction, Maintenance, and Utility Operations, (pocket-sized guide), 2002, 58 pp.

Wisconsin Transportation Bulletins

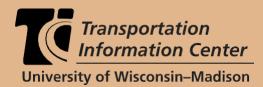
- #1 Understanding and Using Asphalt
- #2 How Vehicle Loads Affect Pavement Performance #3
 LCC—Life Cycle Cost Analysis
- #4 Road Drainage
- #5 Gravel Roads
- #6 Using Salt and Sand for Winter Road Maintenance #7 Signing for Local Roads
- #8 Using Weight Limits to Protect Local Roads #9
 Pavement Markings
- #10 SealCoating and Other Asphalt Surface Treatments #11 Compaction Improves Pavement Performance
- #12 Roadway Safety and Guardrail
- #13 Dust Control on Unpaved Roads
- #14 Mailbox Safety
- #15 Culverts-Proper Use and Installation
- #16 Geotextiles in Road Construction/Maintenance and Erosion Control #17
 Managing Utility Cuts
- #18 Roadway Management and Tort Liability in Wisconsin #19
 The Basics of a Good Road
- #20 Using Recovered Materials in Highway Construction #21 Setting Speed Limits on Local Roads

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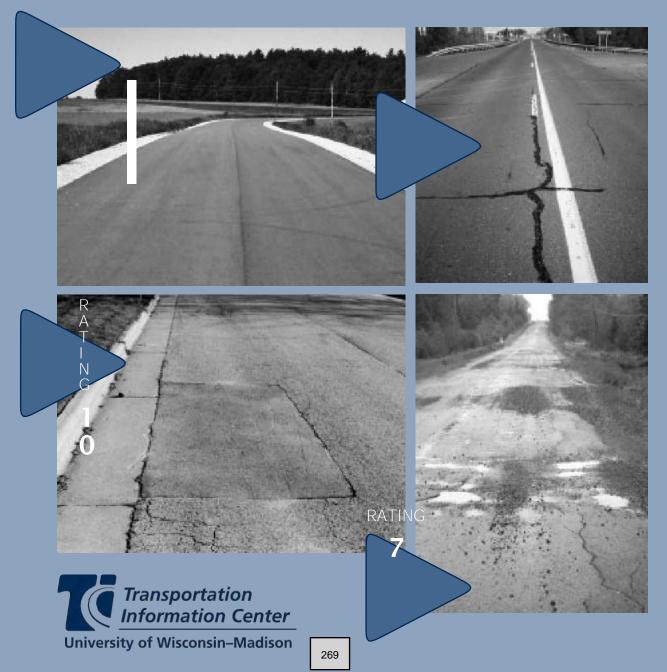
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Gravel Roads

Pavement Surface Evaluation and Rating

PASER Roads Asphalt Roads



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Department of Engineering Professional Development, University of Wisconsin–Madison.

This manual is intended to assist local officials in understanding and rating the surface condition of asphalt pavement. It describes types of defects and provides a simple system to visually rate pavement condition. The rating procedure can be used as condition data for the Wisconsin DOT local road inventory and as part of a computerized pavement management system like PASERWARE.

The PASER system described here and in other T.I.C. publications is based in part on a roadway management system originally developed by Phil Scherer, transportation planner, Northwest Wisconsin Regional Planning Commission.

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Pavement Surface Evaluation and Rating

Asphalt Roads

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Pavement Surface Evaluation and Rating

Asphalt PASER Manual

A local highway agency's major goal is to use public funds to provide a comfortable, safe and economical road surface—no simple task. It requires balancing priorities and making difficult decisions in order to manage pavements. Local rural and small city pavements are often managed informally, based on the staff's judgment and experience. While this process is both important and functional, using a slightly more formalized technique can make it easier to manage pavements effectively.

Experience has shown that there are three especially useful steps in managing local roads:

- 1. Inventory all local roads and streets.
- 2. Periodically evaluate the condition of all pavements.
- **3.** Use the condition evaluations to set priorities for projects and select alternative treatments.

A comprehensive pavement management system involves collecting data and assessing several road characteristics: roughness (ride), surface distress (condition), surface skid characteristics, and structure (pavement strength and deflection). Planners can combine this condition data with economic analysis to develop short-range and long-range plans for a variety of budget levels. However, many local agencies lack the resources for such a full-scale system.

Since surface condition is the most vital element in any pavement management system, local agencies can use the simplified rating system presented in this *Asphalt PASER Manual* to evaluate their roads. The PASER ratings combined with other inventory data (width, length, shoulder, pavement type, etc.) from the WisDOT local roads inventory (WISLR) can be very helpful in planning future budgets and priorities.

WISLR inventory information and PASER ratings can be used in a computerized pavement management system, PASERWARE, developed by the T.I.C and WisDOT. Local officials can use PASERWARE to evaluate whether their annual road budgets are adequate to maintain or improve current road conditions and to select the most cost-effective strategies and priorities for annual projects.

PASER Manuals for gravel, concrete, and other road surfaces, with compatible rating systems are also available (page 29). Together they make a comprehensive condition rating method for all road types. PASER ratings are accepted for WISLR condition data.

Asphalt pavement distress

PASER uses visual inspection to evaluate pavement surface conditions. The key to a useful evaluation is identifying different types of pavement distress and linking them to a cause. Understanding the cause for current conditions is extremely important in selecting an appropriate maintenance or rehabilitation technique.

There are four major categories of common asphalt pavement surface distress:

Surface defects

Raveling, flushing, polishing.

Surface deformation

Rutting, distortion—rippling and shoving, settling, frost heave.

Cracks

Transverse, reflection, slippage, longitudinal, block, and alligator cracks.

Patches and potholes

Deterioration has two general causes: environmental due to weathering and aging, and structural caused by repeated traffic loadings.

Obviously, most pavement deterioration results from both environmental and structural causes. However, it is important to try to distinguish between the two in order to select the most effective rehabilitation techniques.

The rate at which pavement deteriorates depends on its environment, traffic loading conditions, original construction quality, and interim maintenance procedures. Poor quality materials or poor construction procedures can significantly reduce the life of a pavement. As a result, two pavements constructed at the same time may have significantly different lives, or certain portions of a pavement may deteriorate more rapidly than others. On the other hand, timely and effective maintenance can extend a pavement's life. Crack sealing and seal coating can reduce the effect of moisture in aging of asphalt pavement.

With all of these variables, it is easy to see why pavements deteriorate at various rates and why we find them in various stages of disrepair. Recognizing defects and understanding their causes helps us rate pavement condition and select cost-effective repairs. The pavement defects shown on the following pages provide a background for this process.

Periodic inspection is necessary to provide current and useful evaluation data. It is recommended that PASER ratings be updated every two years, and an annual update is even better.

Slight raveling.

Small aggregate particles have worn away

exposing tops of

large aggregate.

SURFACE DEFECTS

Raveling

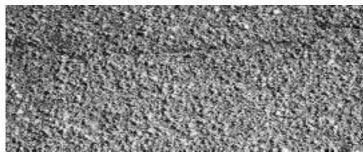
Raveling is progressive loss of pavement material from the surface downward, caused by: stripping of the bituminous film from the aggregate, asphalt hardening due to aging, poor compaction especially in cold weather construction, or insufficient asphalt content. Slight to moderate raveling has loss of fines. Severe raveling has loss of coarse aggregate. Raveling in the wheelpaths can be accelerated by traffic. Protect pavement surfaces from the environment with a sealcoat or a thin overlay if additional strength is required.

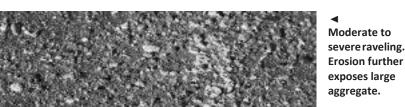
Flushing

Flushing is excess asphalt on the surface caused by a poor initial asphalt mix design or by paving or sealcoating over a flushed surface. Repair by blotting with sand or by overlaying with properly designed asphalt mix.

Polishing

Polishing is a smooth slippery surface caused by traffic wearing off sharp edges of aggregates. Repair with sealcoat or thin bituminous overlay using skid-resistant aggregate.





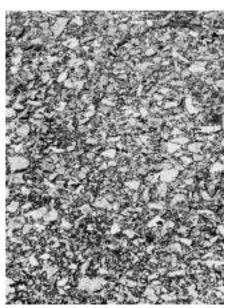


Severe raveling and loss of surface material.

Polished, worn aggregate needs repair. ▼









SURFACE DEFORMATION

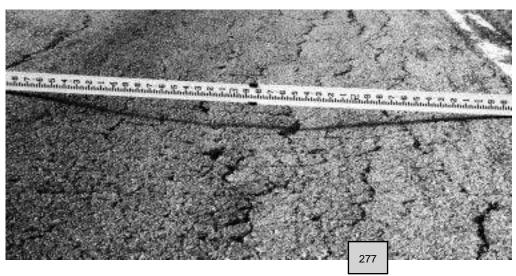
Rutting

Rutting is displacement of material, creating channels in wheelpaths. It is caused by traffic compaction or displacement of unstable material. Severe rutting (over 2") may be caused by base or subgrade consolidation. Repair minor rutting with overlays. Severe rutting requires milling the old surface or reconstructing the roadbed before resurfacing.

Even slight rutting is evident after a rain.



Severe rutting over 2" caused by poor mix design.



Severe rutting caused by poor base or subgrade.

Distortion

Shoving or rippling is surfacing material displaced crossways to the direction of traffic. It can develop into washboarding when the asphalt mixture is unstable because of poor quality aggregate or improper mix design. Repair by milling smooth and overlaying with stable asphaltmix.

Other pavement distortions may be caused by settling, frost heave, etc. Patching may provide temporary repair. Permanent correction usually involves removal of unsuitable subgrade material and reconstruction.

Heavy traffic has shoved pavement

▼ into washboard ripples and bumps.





Severesettling from utility trench.



▼ Widely spaced, well-sealed cracks.





CRACKS

Transverse cracks

A crack at approximately right angles to the center line is a transverse crack. They are often regularly spaced. The cause is movement due to temperature changes and hardening of the asphalt with aging.

Transverse cracks will initially be widely spaced (over 50'). Additional cracking will occur with aging until they are closely spaced (within several feet). These usually begin as hairline or very narrow cracks; with aging they widen. If not properly sealed and maintained, secondary or multiple cracks develop parallel to the initial crack. The crack edges can further deteriorate by raveling and eroding the adjacent pavement.

Prevent water intrusion and damage by sealing cracks which are more than 1/4" wide.

Sealed cracks, a few feet apart.



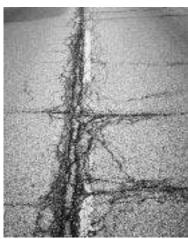
Tight cracks less than 1/4" in width.



■ Open crack – 1/2" or more in width.



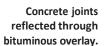
▲ Water enters unsealed cracks softening pavement and Ing secondary cracks.



Pavement ravels and erodes along open cracks causing deterioration.

Reflection cracks

Cracks in overlays reflect the crack pattern in the pavement underneath. They are difficult to prevent and correct. Thick overlays or reconstruction is usually required.





Slippage cracks

Crescent or rounded cracks in the direction of traffic, caused by slippage between an overlay and an underlying pavement. Slippage is most likely to occur at intersections where traffic is stopping and starting. Repair by removing the top surface and resurfacing using a tack coat.

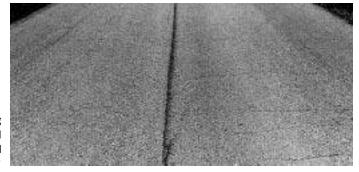
Crescentshaped cracks characteristic of slippage.





Loss of bond between pavement layers allows traffic to break loose pieces of surface.

Centerline crack (still tight).



Edge cracking from weakened subbase and trafficloads.



First stage of wheelpath cracking caused by heavy traffic loads.



Longitudinal cracks

Cracks running in the direction of traffic are longitudinal cracks. Center line or lane cracks are caused by inadequate bonding during construction or reflect cracks in underlying pavement. Longitudinal cracks in the wheel path indicate fatigue failure from heavy vehicle loads. Cracks within one foot of the edge are caused by insufficient shoulder support, poor drainage, or frost action. Cracks usually start as hairline or vary narrow and widen and erode with age. Without crack filling, they can ravel, develop multiple cracks, and become wide enough to require patching.

Filling and sealing cracks will reduce moisture penetration and prevent further subgrade weakening. Multiple longitudinal cracks in the wheel path or pavement edge indicate a need for strengthening with an overlay or reconstruction.

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Multiple open cracks at center line, wheelpaths and lane center. \blacktriangledown



Block cracks

Block cracking is interconnected cracks forming large blocks. Cracks usually intersect at nearly right angles. Blocks may range from one foot to approximately 10' or more across. The closer spacing indicates more advanced aging caused by shrinking and hardening of the asphalt over time. Repair with sealcoating during early stages to reduce weathering of the asphalt. Overlay or reconstruction required in the advanced stages.

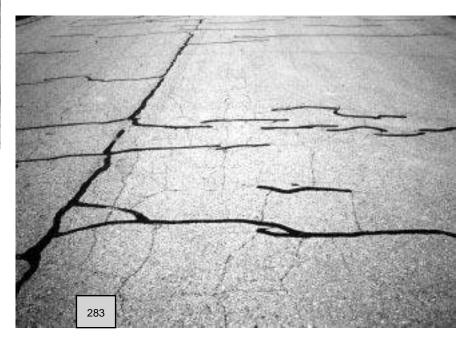




Intermediate-size block cracking, 1'-5' across with open cracks.



Extensive block cracking in an irregular pattern.



Severe block cracking -1' or smaller blocks. Tight cracks with no raveling.



Alligator cracks

Interconnected cracks forming small pieces ranging in size from about 1" to 6". This is caused by failure of the surfacing due to traffic loading (fatigue) and very often also due to inadequate base or subgrade support. Repair by excavating localized areas and replacing base and surface. Large areas require reconstruction. Improvements in drainage may often be required.

Alligator crack pattern. Tight cracks and one patch.



Characteristic
"chicken wire" crack
pattern shows smaller
pavement pieces and
patching.



Open raveled alligator cracking with settlement along lane edge most likely due to very soft subgrade.

PATCHES AND POTHOLES

Patches

Original surface repaired with new asphalt patch material. This indicates a pavement defect or utility excavation which has been repaired. Patches with cracking, settlement or distortions indicate underlying causes still remain. Recycling or reconstruction are required when extensive patching shows distress.

Typical repair of utility excavation. Patch in fair to good condition.

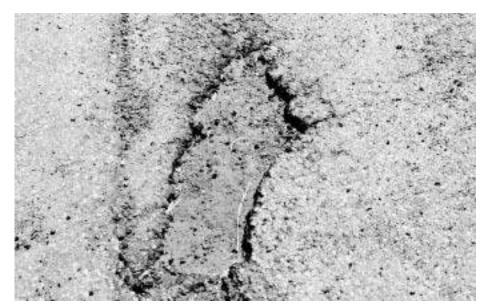




Edge wedging.
Pavement edges
strengthened with
wedges of
asphalt.Patchis in
very good
condition.

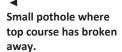


Extensive patching in very poor condition.



Potholes

Holes and loss of pavement material caused by traffic loading, fatigue and inadequate strength. Often combined with poor drainage. Repair by excavating or rebuilding localized potholes. Reconstruction required for extensive defects.





Multiple potholes show pavement failure, probably due to poor subgrade soils, frost heave, and bad drainage.



Large, isolated pothole, extends through base.

Note adjacent alligator cracks which commonly deteriorate into potholes.

Rating pavement surface condition

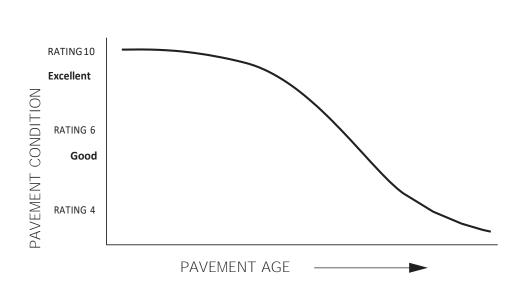
With an understanding of surface distress, you can evaluate and rate asphalt pavement surfaces. The rating scale ranges from 10 - excellent condition to 1- failed. Most pavements will deteriorate through the phases listed in the rating scale. The time it takes to go from excellent condition (10) to complete failure (1) depends largely on the quality of the original construction and the amount of heavy traffic loading.

Once significant deterioration begins, it is common to see pavement decline rapidly. This is usually due to a combination of loading and the effects of additional moisture. As a pavement ages and additional cracking develops, more moisture can enter the pavement and accelerate the rate of deterioration.

Look at the photographs in this section to become familiar with the descriptions of the individual rating categories. To evaluate an individual pavement segment, first determine its general condition. Is it relatively new,

toward the top end of the scale? In very poor condition and at the bottom of the scale? Or somewhere in between? Next, think generally about the appropriate maintenance method. Use the rating categories outlined below.

Finally, review the individual pavement distress and select the appropriate surface rating. Individual pavements will *not* have all of the types of distress listed for any particular rating. They may have only one or two types.



In addition to indicating the surface condition of a road, a given rating also includes a recommendation forneeded maintenance or repair. This feature of the rating system facilitates its use and enhances its value as a tool in ongoing

RATINGS ARE RELATED TO NEEDED MAINTENANCE OR REPAIR

Rating 9 & 10	Nomaintenancerequired	
Rating 8	Little or no maintenance	
Rating 7	Routine maintenance, crack sealing and minor patching	
Rating 5 & 6	Preservative treatments (seal coating)	
Rating 3 & 4	Structural improvement and leveling (overlay or recycling)	
Rating 1 & 2	Reconstruction	

Rating system

Surface rating	Visible distress*	General condition/ treatment measures
10 Excellent	None.	New construction.
9 Excellent	None.	Recent overlay. Like new.
8 Very Good	No longitudinal cracks except reflection of paving joints. Occasional transverse cracks, widely spaced (40' or greater). All cracks sealed or tight (open less than ½").	Recent sealcoat or new cold mix. Little or no maintenance required.
7 Good	Very slight or no raveling, surface shows some traffic wear. Longitudinal cracks (open ½") due to reflection or paving joints. Transverse cracks (open ½") spaced 10' or more apart, little or slight crack raveling. No patching or very few patches in excellent condition.	First signs of aging. Maintain with routine crack filling.
6 Good	Slight raveling (loss of fines) and traffic wear. Longitudinal cracks (open ½"–½"), some spaced less than 10'. First sign of block cracking. Sight to moderate flushing or polishing. Occasional patching in good condition.	Shows signs of aging. Sound structural condition. Could extend life with sealcoat.
5 Fair	Moderate to severe raveling (loss of fine and coarse aggregate). Longitudinal and transverse cracks (open $1/2$ ") show first signs of slight raveling and secondary cracks. First signs of longitudinal cracks near pavement edge. Block cracking up to 50% of surface. Extensive to severe flushing or polishing. Some patching or edge wedging in good condition.	Surface aging. Sound structural condition. Needs sealcoat or thin non-structural overlay (less than 2")
4 Fair	Severe surface raveling. Multiple longitudinal and transverse cracking with slight raveling. Longitudinal cracking in wheel path. Block cracking (over 50% of surface). Patching in fair condition. Slight rutting or distortions ($^{1}\!\!/\!_{2}$ " deep or less).	Significant aging and first signs of need for strengthening. Would benefit from a structural overlay (2" or more).
3 Poor	Closely spaced longitudinal and transverse cracks often showing raveling and crack erosion. Severe block cracking. Some alligator cracking (less than 25% of surface). Patches in fair to poor condition. Moderate rutting or distortion (1" or 2" deep). Occasional potholes.	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of overlay.
2 Very Poor	Alligator cracking (over 25% of surface). Severe distortions (over 2" deep) Extensive patching in poor condition. Potholes.	Severe deterioration. Needs reconstruction with extensive base repair. Pulverization of old pavement is effective.
1 Failed	Severe distress with extensive loss of surface integrity.	Failed. Needs total reconstruction.

^{*} Individual pavements will not have all of the types of distress list iny particular rating. They may have only one or two types.

RATING 10 & 9

EXCELLENT -

No maintenance required

Newly constructed or recently overlaid roads are in excellent condition and require no maintenance.

RATING 10





RATING 9

Recent overlay, rural.



RATING 9 Recent overlay, urban.



VERY GOOD -

Little or no maintenance required

This category includes roads which have been recently sealcoated or overlaid with new cold mix. It also includes recently constructed or overlaid roads which may show longitudinal or transverse cracks. All cracks are tight or sealed.

Recent chip seal.



■ Recent slurry seal.

▼ Widely spaced, sealed cracks.





New cold mix surface.

GOOD -

Routine sealing recommended

Roads show first signs of aging, and they may have very slight raveling. Any longitudinal cracks are along paving joint. Transverse cracks may be approximately 10' or more apart. All cracks are ½" or less, with little or no crack erosion. Few if any patches, all in very good condition. Maintain a crack sealing program.

Tight and sealed transverse and longitudinal cracks. Maintain crack sealing program.





Tight and sealed transverse and longitudinal cracks.



Transversecracks about 10' or more apart. Maintain crack sealing program.



GOOD -

Consider preservative treatment

Roads are in sound structural condition but show definite signs of aging. Seal-coating could extend their useful life. There may be slight surface raveling. Transverse cracks can be frequent, less than 10' apart. Cracks may be 1/4-1/2" and sealed or open. Pavement is generally sound adjacent to cracks. First signs of block cracking may be evident. May have slight or moderate bleeding or polishing. Patches are in good condition.

■ Slight surface raveling with tight cracks, less than 10' apart.

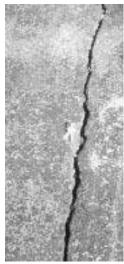
Transverse cracking less than 10' apart; cracks well-sealed.

Open crack, ¹/₂"
wide; adjoining
▼ pavement sound.

▼ Moderate flushing.

Large blocks, early signs of ▼ raveling and block cracking.







FAIR -

Preservative maintenance treatment required

Roads are still in good structural condition but clearly need sealcoating or overlay. They may have moderate to severe surface raveling with significant loss of aggregate. First signs of longitudinal cracks near the edge. First signs of raveling along cracks. Block cracking up to 50% of surface. Extensive to severe flushing or polishing. Any patches or edge wedges are in good condition.

▼ Block cracking with open cracks.



Moderate to severe raveling in wheel paths.



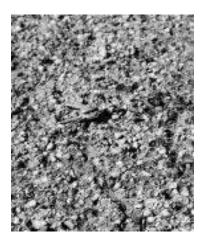
▼ Severe flushing.





Wedges and patches extensive but in good condition.

Severe raveling with
▼ extreme loss of aggregate.



Load cracking and slight ▼ rutting in wheel path.



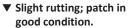
FAIR -

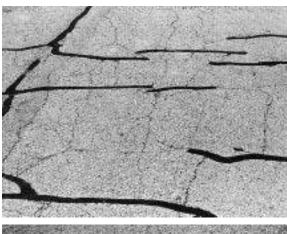
Structural improvement required

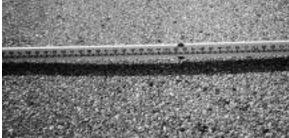
Roads show first signs of needing strengthening by overlay. They have very severe surface raveling which should no longer be sealed. First longitudinal cracking in wheel path. Many transverse cracks and some may be raveling slightly. Over 50% of the surface may have block cracking. Patches are in fair condition. They may have rutting less than ½ deep or slight distortion.



 Longitudinal cracking; early load-related distress in wheel path.
 Strengthening needed.









Extensive block cracking.

Blocks tight and sound.

Slig 295 g in wheel pat

POOR-

Structural improvement required

Roads must be strengthened with a structural overlay (2" or more). Will benefit from milling and very likely will require pavement patching and repair beforehand. Cracking will likely be extensive. Raveling and erosion in cracks may be common. Surface may have severe block cracking and show first signs of alligator cracking. Patches are in fair to poor condition. There is moderate distortion or rutting (1-2") and occasional potholes.

Many wide and raveled cracks indicate need for milling and overlay.





2" ruts need mill and overlay.



Open and raveled block cracks.



POOR — (continued)

Structural improvement required

Alligator cracking. Edge needs repair and drainage needs improvement prior to rehabilitation.

▼ Distortion with patches in poor condition. Repair and overlay.



VERY POOR-

Reconstruction required

Roads are severely deteriorated and need reconstruction. Surface pulverization and additional base may be cost-effective. These roads have more than 25% alligator cracking, severe distortion or rutting, as well as potholes or extensive patches in poor condition.









▲ Severe rutting. Strengthen base and reconstruct.

A Patches in poor condition, wheelpath rutting. Pulverize, strengthen and reconstruct.



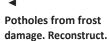
Severe frost damage. Reconstruct.



FAILED -

Reconstruction required

Roads have failed, showing severe distress and extensive loss of surface integrity.





Potholes and severe alligator cracking. Failed pavement. Reconstruct.



Extensive loss of surface material:Rebuild

Practical advice on rating roads

Inventory and field inspection

Most agencies routinely observe roadway conditions as a part of their normal work and travel. However, an actual inspection means looking at the entire roadway system as a whole and preparing a written summary of conditions. This inspection has many benefits over casual observations. It can be helpful to compare segments, and ratings decisions are likely to be more consistent because the roadway system is considered as a whole within a relatively short time.

An inspection also encourages a review of specific conditions important in roadway maintenance, such as drainage, adequate strength, and safety.

A simple written inventory is useful in making decisions where other people are involved. You do not have to trust your memory, and you can usually answer questions in more detail. Having a written record and objective information also improves your credibility with the public.

Finally, a written inventory is very useful in documenting changing roadway conditions. Without records over several years it is impossible to know if road conditions are improving, holding their own, or declining.

Annual budgets and long range planning are best done when based on actual needs as documented with a written inventory.

The Wisconsin DOT local road inventory (WISLR) is a valuable resource for managing your local roads. Adding PASER surface condition ratings is an important improvement.

Averaging and comparing sections

For evaluation, divide the local road systeminto individual segments which are similar in construction and condition. Rural segments may vary from ½ mile to a mile long, while sections in urban areas will likely be 1-4 blocks long or more. If you are starting with the WISLR Inventory, the segments have already been established. You may want to review them for consistent road conditions.

Obviously, no roadway segment is entirely consistent. Also, surfaces in one section will not have all of the types of distress listed for any particular rating. They may have only one or two types. Therefore, some averaging is necessary.

The objective is to rate the condition that represents the majority of the roadway. Small or isolated conditions should not influence the rating. It is useful to note these special conditions on the inventory form so this information can be used in planning specific improvement projects. For example, some spot repairs may be required.

Occasionally surface conditions vary significantly within a segment. For example, short sections of good condition may be followed by sections of poor surface conditions. In these cases, it is best to rate the segment according to the worst conditions and note the variation on the form.

The overall purpose of condition rating is to be able to compare each

segment relative to all the other segments in your roadway system. On completion you should be able to look at any two pavement segments and find that the better surface has a higher rating.

Within a given rating, say 6, not all pavements will be exactly the same. However, they should all be considered to be in better condition than those with lower ratings, say 5. Sometimes it is helpful in rating a difficult segment to compare it to other previously rated segments. For example, if it is better than one you rated 5 and worse than a typical 7, then a rating of 6 is appropriate. Having all pavement segments rated in the proper relative order is most important and useful.

Assessing drainage conditions

Moisture and poor pavement drainage are significant factors in pavement deterioration. Some assessment of drainage conditions during pavement rating is highly recommended. While you should review drainage in detail at the project level, at this stage simply include an overview drainage evaluation at the same time as you evaluate surface condition.



Urban drainage.

RATING:

Excellent

Good rural ditch and driveway culvert. Culvert end needs cleaning. RATING: Good



Highshoulder and no ditch lead to pavement damage. Needs major ditch improvement for a short distance. RATING: Fair



No drainage leads to failed pavement.

RATING: Poor



Consider both pavement surface drainage and lateral drainage (ditches or storm sewers). Pavement should be able to quickly shed water off the surface into the lateral ditches. Ditches should be large and deep enough to drain the pavement and remove the surface water efficiently into adjacent waterways.

Look at the roadway crown and check for low surface areas that permit ponding. Paved surfaces should have approximately a 2% cross slope or crown across the roadway. This will provide approximately 3" of fall on a 12' traffic lane. Shoulders should have a greater slope to improve surface drainage.

A pavement's ability to carry heavy traffic loads depends on both the pavement materials (asphalt surfacing and granular base) and the strength of the underlying soils. Most soils lose strength when they are very wet. Therefore, it is important to provide drainage to the top layer of the subgrade supporting the pavement structure.

In rural areas, drainage is provided most economically by open ditches that allow soil moisture to drain laterally. As a rule of thumb, the bottom of the ditch ought to be at least one foot below the base course of the pavement in order to drain the soils. This means that minimum ditch depth should be about 2' below the center of the pavement. Deeper ditches, of course, are required to accommodate roadway culverts and maintain the flow line to adjacent drainage channels or streams.

You should also check culverts and storm drain systems. Storm drainage systems that are silted in, have a large accumulation of debris, or are in poor structural condition will also degrade pavement performance.

The T.I.C. publication, *Drainage*Manual: Local Road Assessment and Improvement, describes the elements of drainage systems, depicts them in detailed photographs, and explains how to rate their condition. Copies are available from the Transportation Information Center.

Planning annual maintenance and repair budgets

We have found that relating a normal maintenance or rehabilitation procedure to the surface rating scheme helps local officials use the rating system. However, an individual surface rating should not automatically dictate the final maintenance or rehabilitation technique.

You should consider future traffic projections, original construction, and

pavement strength since these may dictate a more comprehensive rehabilitation than the rating suggests. On the other hand, it may be appropriate under special conditions to do nothing and let the pavement fully deteriorate, then rebuild when funds are available.

Summary

Using local road funds most efficiently requires good planning and accurate identification of appropriate rehabili-

tation projects. Assessing roadway conditions is an essential first step in this process. This asphalt pavement surface condition rating procedure has proved effective in improving decision making and using highway funds more efficiently. It can be used directly by local officials and staff. It may be combined with additional testing and data collection in a more comprehensive pavement management system.

SDOT tatio nfo

Center Publications

SAFER Manual

Pavem Safety Evaluation for Roadways, 1996, 40 pp.
ent Flagger's Handbook (pocket-sized guide), 1998, 22 pp.

Work Zone Safety, Guidelines for Construction, Maintenance, and Utility Operations, (pocket-sized guide), 1999, 55 pp.

Wisconsin Transportation Bulletins

#1 Understanding and Using Asphalt

#2 How Vehicle Loads Affect Pavement Performance #3 LCC—Life Cycle Cost Analysis

#4 Road Drainage

#5 Gravel Roads

#6 Using Salt and Sand for Winter Road Maintenance #7 Signing for Local Roads

#8 Using Weight Limits to Protect Local Roads #9 Pavement Markings

#10 Seal Coating and Other Asphalt Surface Treatments #11 Compaction Improves Pavement Performance

#12 Roadway Safety and Guardrail#13 Dust Control on Unpaved Roads

#14 Mailbox Safety

#15 Culverts-Proper Use and Installation

#16 Geotextiles in Road Construction/Maintenance and Erosion Control #17 Managing Utility Cuts

#18 Roadway Management and Tort Liability in Wisconsin #19 The Basics of a Good Road

#20 Using Recovered Materials in Highway Construction #21 Setting Speed Limits on Local Roads

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pp.

Brick and Block

Brick and Block PASER Manual, 2001, 8 pp.

Gravel PASER Manual, 2002, 20 Dniversity of Wisconsin–Madison

Sealcoat PASER Manual, 2000,

16 pp.

Unimproved Roads PASER Manual, 2001, 12 pp.

Drainage Manual

Local Road Assessment and Improvement, 2000, 16 pp.

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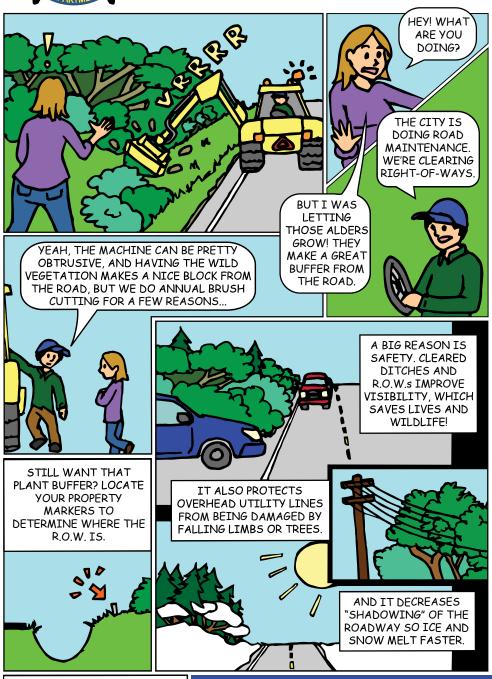
E-mail tic@epd.engr.wisc.edu

URL http://tic.engr.wisc.edu



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BRUSH CUTTING: Maintaining Our Roads & Right-of-Ways



R.O.W.'s ARE USED FOR UTILITIES, SIDEWALKS, DITCHES, AND ARE SUBJECT TO CITY MAINTENANCE. SO BE SURE TO FIND WHERE YOUR PROPERTY LINE ENDS AND THE R.O.W. BEGINS BEFORE PLANTING THAT ROSEBUSH!

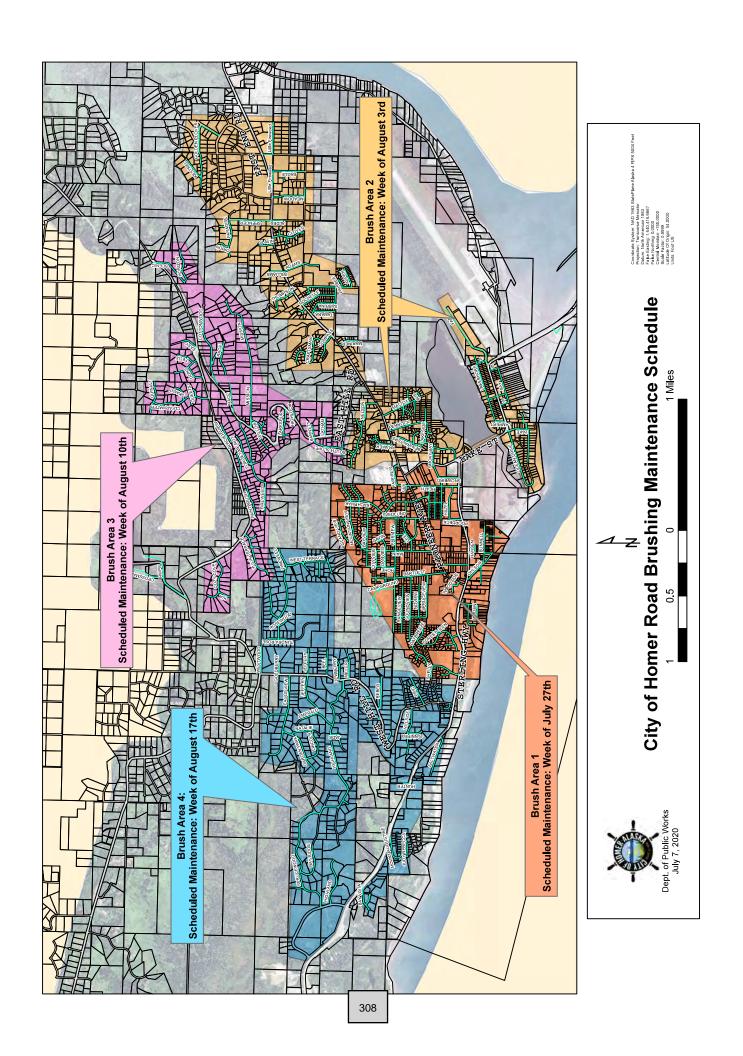


Help Us Help the Community!

We want safe roadways for all and appreciate everyone's understanding.

Brush cutting begins Monday, July 27th and will take place in phases. Visit www.cityofhomer-ak.gov/publicworks for more information and a map of the phased areas to be cleared.

Que 307 ? Call Public Works 907-235-3170





Special COVID-19 Edition

Representative Sarah Vance

Friends of District 31,

July here on the Lower Peninsula has been so beautiful. While I am thankful for the abundance of sunshine, rain, and the coming berry harvest, it is not lost on me that many in our community are struggling to stay afloat. If that is you, remember to take a deep breath and remember that you are not alone. If your business has been directly impacted by COVID-19 and you need help, check out the resources within this newsletter, and do not hesitate to contact my office for real-time assistance.





City of Homer Small Business Economic Relief Grant (SBERG)

The Homer City Council on May 26, 2020 accepted Federal CARES Act funds from the State of AK to assist communities and businesses that suffered economic harm from the COVID-19 public health emergency. City Council allocated \$3,000,000 of those funds to be distributed to Homer's small businesses in \$3,000 grants through a Small Business Economic Relief Grant (SBERG) Program.

https://www.cityofhomer-ak.gov/covid-relief/city-homer-small-business-economic-relief-grant-sberg

Any business located within the City of Homer with 50 or fewer employees that can certify and disclose financial loss due to COVID-19 is elegible to apply for the grant until it closes on September 25, 2020.

Visit the link above or contact Jody Mastey, the SBERG Program Manager at jmastey@ci.homer.ak.us or (907) 299-5978 for more information.

KPB CARES

On June 16, 2020 the Kenai Peninsula Borough Assembly approved \$15 Million from the CARES Act Coronavirus Relief Fund to be distributed to eligible small businesses and nonprofits.

Until Friday, July 24, applicants can apply for a grant from the Relief Fund. An applicant business or nonprofit must be physically located within the Borough, but not within the boundaries of the incorporated cities (Homer, Kachemak City, Kenai, Seldovia, Seward, and Soldotna).

 $https://cares.kpb.us/?fbclid=IwAROcHmjHA3U7sZuPijfVs593CLOH08R5Gi38pq90xLqYq__-q7n5HKCeWTc\\$

The program is open to all qualifying businesses and nonprofit organizations, regardless of whether they have applied for or have obtained any other state or federal COVID-19 related assistance, as long as they can provide proof upon request that the Borough-provided relief funds have been applied to receipts for expenses not previously requested and received through any other local, state or federal assistance. The distribution matrix is the same for small businesses and nonprofit organizations.

<u>The KPB COVID-19 Information Hub</u> is a great place to go to get up to speed on COVID data in Alaska.

Expansion of CARES Act Funding

The following press release was shared on the 17th by the Department of Commerce. It states that small Alaska businesses that received \$5,000 or less in PPP or EIDL funds and 501(c)(6) nonprofit organizations will become eligible for the State's grant program as long as they were located in Alaska and have 50 or fewer full-time employees.



For Immediate Release 20-017

CARES Act Funding for Alaska Businesses to be Expanded

Wednesday, June 17, 2020 (Anchorage) — Today, Department of Commerce, Community and Economic Development (DCCED) Commissioner Julie Anderson announced upcoming changes to the <u>AK CARES Grant program</u>'s eligibility criteria to provide additional financial assistance to Alaska businesses

Small Alaska businesses that received \$5,000 or less in Paycheck Protection Program (PPP) or Economic Injury Disaster Loan (EIDL) funds and 501(c)(6) nonprofit organizations will become eligible for the State's grant program; as long as they were based, licensed, and located in Alaska when the public health disaster emergency was declared on March 11, 2020 and have 50 or fewer full-time equivalent employees.

"Since the beginning of our COVID-19 response, ensuring the stabilization of Alaska's business community has been a top priority. With these eligibility adjustments, I am pleased to expand our economic relief offerings to small businesses and nonprofit organizations who previously qualified for a small amount of federal aid," sald Governor Mike Dunleavy.

"The ability to make these changes to the AK CARES eligibility criteria will provide funds to those entities that received small amounts of funding from federal programs and are still greatly in need of relief," said Commissioner Anderson. "We look forward to working together to get these funds into the economy as quickly as possible."

DCCED and the Alaska Industrial Development and Export Authority (AIDEA) are finalizing program details based on these changes. The updated program details and the effective date will be announced in the coming days.

DCCED encourages businesses that will meet the new eligibility criteria for the AK CARES Grant program to begin preparing their application packages now. The application checklist and frequently asked questions are available on the AK CARES Grant website. These items should be reviewed carefully prior to submission of an application.

For additional information about the AK CARES grant program, visit.

www.commerce_alaska_gov/web/ded/AKCARESGrant, For additional information about the
Department of Commerce_Community, and Economic Development and its other agencies,
please visit www.commerce_alaska.gov.

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Media Contact: Glenn Hoskinson, (907) 465-6466, Glenn Hoskinson@Alaska.pov

PAYCHECK PROTECTION PROGRAM

FOR COMMERCIAL FISHERMAN

DEADLINE EXTENSION

The Department of Treasury and Small Business Administration has amended a rule that previously counted crew as independent contractors, and on July 6th passed an extension to the PPP program. Commercial fishing businesses can still apply for Paycheck Protection Program loans that include crew in payroll costs, as well as gloves and masks.

The application deadline is Aug. 8th





For more information contact: Rep. Sarah Vance

907-235-2921 rep.sarah.vance@akleg.gov

The Paycheck Protection Program (PPP) is a <u>federal</u> loan that can be used on employee payroll as well as additional expenses such as gloves, masks, and anything else required to mitigate the spread of COVID-19. <u>The deadline has been extended to August 8th</u>. <u>Applications</u> need to be submitted by that date, even if they aren't processed by then.

NOTE: If you request or receive \$5,000 or more in <u>Federal PPP</u> or EIDL funds, you <u>will</u> become <u>ineligible</u> for AK CARES Act money from the <u>State</u>.

https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/paycheck-protection-program



Dizzy Yet?

There are a <u>lot</u> of programs that offer monetary relief from COVID-19 related hardships. Some conflict with others. How do I know which ones are right for me?

The **wisest** thing to do is to apply for the <u>local</u> grants first and work your way up from there. **Local grants do not need to be repaid**, and are available for businesses within city limits, and from the borough for businesses not within city limits. <u>Local grants expire soon though</u>. APPLY NOW.

The State relief money will be available for longer, and most of it is in the form of a grant, (ex. AK CARES Act). **It does not need to be repaid**. Many businesses have found themselves ineligible for state grants because they received federal loans. In response to this initial conflict, The AK CARES Act was modified on June 17th to accept the applications of those who have received \$5,000 or less in federal PPP/EIDL loans, and the applications of many non-profit businesses. Click here to learn more.

Note: AS of this writing, The AK CARES Act is not yet open to commercial fishermen. They are working tirelessly to fix this, and I will provide updates if you call or email me.

Federal programs are surely the most inclusive, and longest lasting, but they also come with the most risk. Most of them come in the form of a loan, which **must be paid back with interest**. Some loans can turn into a grant if they exceed a certain amount.

ALWAYS read what you are applying for and make sure that you understand and accept the conditions.

Department of Commerce, Community & Economic Development (DCCED) FAQ's:

If I receive funds from a municipal relief program that is distributing CARES Act money, am I ineligible to apply for an AK CARES grant?

No. Businesses that receive money from a municipal relief program are still eligible to apply for an AK CARES grant, assuming they meet the eligibility criteria. However, the business cannot receive reimbursement for expenses that have already been reimbursed through another program i(.e., no "double-dipping").

If I'm a small business owner who received federal money as an individual (as opposed to as a business) from a program such as unemployment, am I ineligible to apply for an AK CARES grant for my business?

No, receiving unemployment as an individual will not make you ineligible for an AK CARES grant for your small business.

As always, please feel free to reach out to my office with your questions or concerns. It is a pleasure serving the people of District 31.

Representative Sarah Vance

Rep.Sarah.Vance@AKleg.gov

(907) 235-2921