



Agenda

Planning Commission Worksession

Wednesday, September 06, 2023 at 5:30 PM

Cowles Council Chambers In-Person & Via Zoom Webinar

Homer City Hall

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

Zoom Webinar ID: 936 2815 3389 Password: 865591

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

CALL TO ORDER, 5:30 P.M.

AGENDA APPROVAL

DISCUSSION TOPIC(S)

- A. Ordinance 23-21(S)(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Section 22.10.050 to Specify that Preliminary Plats Approved by the City Shall Include All Development Commitments Made to the City. Davis/Ericksen. Introduced April 10, 2023 Referred to Planning Commission Public Hearing and Second Reading August 28, 2023 Postponed to September 25, 2023

1. Memorandum PC 23-053 from City Planner as backup.
 - i. Agenda Item Report CC-23-092 April 10, 2023
 - ii. Memorandum from Public Works Director dated August 7, 2023
 - iii. Memorandum from Public Works Director dated August 9, 2023
(provided as a laydown at the August 16, 2023 Regular Meeting)
 - iv. City of Homer Subdivision Development Process Flow Chart

CONSENT AGENDA ITEMS

REGULAR AGENDA ITEMS

COMMENTS OF THE AUDIENCE (3 minute time limit)

ADJOURNMENT

The next Regular Meeting is scheduled for **Wednesday, October 4, 2023 at 6:30 p.m.** A worksession is scheduled for 5:30 p.m. prior to the regular meeting. All Meetings are scheduled to be in the Cowles Council Chambers, City Hall, located at 491 E Pioneer Avenue Homer, Alaska 99603 and via Zoom webinar.



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Planning

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Memorandum PL 23-053

TO: Homer Planning Commission
FROM: Ryan Foster, AICP, City Planner
DATE: August 30, 2023
SUBJECT: Ordinance 23-21(S)(A) Title 22 Subdivision Text Amendment

Introduction

An Ordinance 23-21(S)(A) was introduced at the June 26, 2023 regular meeting and is now before the Planning Commission for your comment and input. Since the text amendments in Ordinance 23-21(S)(A) is relevant to Public Works, I forwarded the Ordinance to Jan Keiser, City Engineer and Public Works Director, for review and comment. Attached are two memorandums with her comments on the draft ordinance for your consideration. At the August 16, 2023 regular meeting, Jan Keiser took the Planning Commission through the subdivision process and highlighted weaknesses and recent changes in code and in the current process and noted how they could be improved.

Key Findings

- The intent of the ordinance is that there is a concern that there were improvements being missed in the subdivision process and the text change is intended to rectify it.
- A flow chart has been created to visually represent the entire subdivision process based on Jan Keiser' memos and explanation of the process in detail at the August 16, 2023 regular meeting.
- Public Works Director Keiser provided information on the following topics:
 - Was under the belief that a developer could not sell lots within the subdivision until construction of improvements, but can be done with a final plat and subdivision agreement.
 - Kenai Peninsula Borough in accordance with State laws can release a preliminary plat if an agreement is made between the Developer and the City and recorded even when no improvements have been constructed and the Developer can then sell the lots – this is uncommon, but currently City Code as written allows it.
 - The Borough will not issue a final plat for recording until receipt of acceptance by the City of Homer stating everything has been completed as required by the subdivision agreement.

- Public Works strongly recommends not deviating from this current process
- City Council recently adopted an ordinance requiring a performance guarantee of 150% of the estimated costs of improvements outlined in the Subdivision Agreement.
- The use of Construction Agreements in the past 10 years over Subdivision Agreements
 - Language in the Subdivision Agreement is more defined
 - Includes performance guarantee requirements and provided options for the developer to choose from to provide a requirement
 - Includes specific remedies if the developer defaults
- Council is requiring commitments that are not codified or captured in the Subdivision Agreement
 - It is believed that the City does not have the legal ability to hold developers to requirements that are not in city code or the signed agreement
- Preliminary, Construction and Asbuilts Drawings
 - In the beginning of the process construction drawings are developed by an Engineer, included in the Subdivision Agreement. Inspections are done pursuant to those drawings. Substantial Completion is based on completion of the work contained in those drawings.
 - Final Acceptance and the Warranty Bond is based on the completion of work in the drawings
 - Final Acceptance results in the delivery of the Asbuilts
 - Asbuilts depict all the work that was done, where construction drawings show what is planned to be built. There are always deviations of some kind in the construction process. Waiting until the project is done until recording a plat is contrary to State and City Code.
- Subdivision Agreements are not submitted to the Kenai Borough for review or approval
 - The Borough is supportive of the City of Homer requirements of adding the comments related to requiring a subdivision agreement, drainage, improvements, etc., on the preliminary plat.
 - This presents a good relationship in as much as the Borough will tell the applicant that they will not issue a final plat until the City notifies them that all the requirements have been met.
- Preliminary Plats now have a time limit of two years to be finalized.
 - The Borough does allow two extensions allowing up to an additional four years, for a total of six years to finalize a plat.
 - If not completed in that timeframe, the entire process must begin again.
- City Attorney has reviewed the Public Works Director's analysis of the process and concurred

Draft Comments

- Recommend an effort to reconcile the Homer City Code for its development processes:
 - Subdivision platting/planning takes place in Title 22, Construction of Subdivisions takes place in Title 11
 - Clean up work and reconciliation of language in city code
- Utilize the following agreements for their intended purpose:
 - Subdivision Agreement: Requirements for subdivision improvements
 - Construction Agreement: Constructing infrastructure such as roads and utilities
 - Installation Agreement: Connecting to City sewer and water
- Ensure preliminary plats provide comments when subdivision, construction, or installation agreements are required
- Provide information/training on the overall development process to City Council and Commissions

Requested Action:

Option #1: Provide comments and recommendations on Ordinance 23-21(S)(A) for the September 25, 2023 City Council regular meeting.

Attachments:

Agenda Item Report CC-23-092 from April 10, 2023

Ordinance 23-21(S)(A): Amending Title 22

Memorandum dated August 7, 2023 from Jan Keiser, City Engineer and Public Works Director

Memorandum dated August 9, 2023 from Jan Keiser, City Engineer and Public Works Director

City of Homer Subdivision Development Process Flow Chart

CITY OF HOMER
HOMER, ALASKA

Davis/Erickson

ORDINANCE 23-21(S)(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE SECTION 22.10.050 TO SPECIFY
THAT PRELIMINARY PLATS APPROVED BY THE CITY SHALL
INCLUDE ALL DEVELOPMENT COMMITMENTS MADE TO THE CITY;
~~AND THAT A FINAL PLAT FOR THE CITY OF HOMER SHALL BE AN~~
~~AS-BUILT SURVEY.~~

WHEREAS, The City of Homer has a responsibility to its residents to ensure that new subdivisions are designed and built with necessary infrastructure for the health and safety of its citizens and the protection of the environment; and

WHEREAS, Developers of new subdivisions often make development commitments to the City related to sidewalks, trails, sewer connections, drainage, storm water controls, grading, slope, setbacks, protection of wetlands, preservation of existing watercourses and/or mitigation of potential downstream impact of watercourse alteration, and other subdivision improvements that may be required by code, or which may not be required by code but may arise in consultations with city staff or in response to public testimony related to the development; and

WHEREAS, The public hearing that is included in the preliminary plat approval process is the primary opportunity for public engagement in the process of developing new subdivisions, and this public engagement sometimes results in additional development commitments being made to the city; and

WHEREAS, In the past there have been instances where development commitments that were made to the City were not implemented as promised; and

WHEREAS, Current city code envisions a final plat to be issued by the Borough on the basis of an agreement to carry out certain commitments, rather than on the basis of those commitments actually having been carried out, **or agreed to contractually**; and

WHEREAS, A policy requiring all development commitments to be **captured in the form of a contractual subdivision agreement that would be signed prior to issuance of** ~~included on the preliminary plat, and requiring the final plat to be an as-built survey showing completion of all the elements included on the preliminary plat~~ would appear to be an effective means of ensuring all commitments undertaken by a subdivider have been implemented.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 22.10.050 entitled "Improvement requirements - General" is hereby amended as follows:

22.10.050 Improvement requirements – General

a. ~~The final plat for a subdivision in the City shall be an as-built survey showing completion of all elements of the previously approved preliminary plat.~~ The Kenai Peninsula Borough shall not release any final plat for a subdivision in the City for filing at the State Recorder's office until the subdivider or developer of the subdivision ~~either enters a subdivision agreement for, or~~ **either enters into a subdivision agreement and** constructs and **or** obtains written City approval of, ~~the following~~ **all agreed to** improvements **therein, including those made** according to the standards and procedures required under HCC Title **11:**

1. Streets in all rights-of-way dedicated by the plat;
2. All other utilities and public improvements to be constructed in the rights-of-way and easements dedicated by the plat, including water, sewer, electric, communications, and gas lines, and applicable means for non-motorized transportation; and
3. Abandonment or relocation of existing water or sewer service lines required due to conflict with new or relocated property lines, as required by the Public Works Department.

b. The Commission may exempt a plat from the provisions of subsection (a) of this section as provided in HCC [22.10.040](#).

c. The subdivider shall be required to dedicate street rights-of-way according to the standards and specifications of Chapter [11.04](#) HCC and the City of Homer Design Criteria Manual. The subdivider shall be required to dedicate ROW or easements required to support non-motorized transportation facilities required by HCC [11.04.120](#). Beyond a minimum of 60 feet, the subdivider may agree to a note attached to said subdivision plat providing sufficient setback to allow future expansion of the right-of-way without removal of improvements. Horizontal alignments are subject to City review; the City may require realignment of streets on proposed plats if the alignments do not conform to Chapter [11.04](#) HCC and the Design Criteria Manual. Final plat approval shall thus be subject to the approval of horizontal alignments by the City Public Works Engineer.

d. All street, utility main improvements and means for non-motorized transportation to be constructed as part of a subdivision agreement shall be constructed according to the procedures of Chapter [11.20](#) HCC. The City shall accept no such improvements unless a subdivision agreement is executed prior to construction of such improvements.

e. Any development commitments made by a subdivider to the City shall be shown on the preliminary plat prior to its transmittal by the City to the Kenai Peninsula Borough. Any plat notes provided in lieu of drawings shall be specific and promissory. Such development commitments may be related to sidewalks, trails, sewer connections, drainage, storm water controls, grading, slope, setbacks, protection of wetlands, preservation of existing watercourses and/or mitigation of potential downstream impact of watercourse alteration, and any other subdivision improvements, whether required by code, or which may not be required by code but may arise in consultations with city staff or in response to public testimony related to the development.

e f. All streets constructed as part of a subdivision improvement project shall be monumented according to the procedures of Chapter [11.20](#) HCC (HCC [11.20.090](#)(d)).

Section 2. This ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE HOMER CITY COUNCIL this ____ day of ____, 2023.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:



AGENDA ITEM REPORT

Ordinance 23-21, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 22.10.050 to Specify that Preliminary Plats Approved by the City Shall Include all Development Commitments made to the City, and that a Final Plat for the City of Homer Shall be an As-Built Survey. Davis/Erickson.

Item Type: Ordinance
Prepared For: Mayor Castner and Homer City Council
Meeting Date: 10 April 2023
From: Council Members Davis and Erickson

The intent of this ordinance is to address the phenomenon of new subdivisions coming into existence in Homer that do not include various development commitments (e.g. sidewalks, trails, easements, drainage routes & infrastructure) that were made to the City during the approvals process for the subdivision, but were never implemented.

The proposed solution is to a) require that all development commitments made to the City be included on the preliminary plat prior to its approval by the City and transmittal to the Kenai Peninsula Borough, and b) to require that the final plat issued by the Borough be an as-built survey showing completion of all the commitments included on the preliminary plat.

Our intent in introducing this ordinance now is not that it be passed immediately, but that it be referred to the Planning Commission for comment and input.

Recommendation:

Introduce Ordinance 23-21 and refer to the Planning Commission, schedule public hearing and second reading on May 22, 2023.

Attachments:

Ordinance 23-21

**CITY OF HOMER
HOMER, ALASKA**

Davis/Erickson

ORDINANCE 23-21

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE SECTION 22.10.050 TO SPECIFY
THAT PRELIMINARY PLATS APPROVED BY THE CITY SHALL
INCLUDE ALL DEVELOPMENT COMMITMENTS MADE TO THE CITY,
AND THAT A FINAL PLAT FOR THE CITY OF HOMER SHALL BE AN
AS-BUILT SURVEY.

WHEREAS, The City of Homer has a responsibility to its residents to ensure that new subdivisions are designed and built with necessary infrastructure for the health and safety of its citizens and the protection of the environment; and

WHEREAS, Developers of new subdivisions often make development commitments to the City related to sidewalks, trails, sewer connections, drainage, storm water controls, grading, slope, setbacks, protection of wetlands, preservation of existing watercourses and/or mitigation of potential downstream impact of watercourse alteration, and other subdivision improvements that may be required by code, or which may not be required by code but may arise in consultations with city staff or in response to public testimony related to the development; and

WHEREAS, The public hearing that is included in the preliminary plat approval process is the primary opportunity for public engagement in the process of developing new subdivisions, and this public engagement sometimes results in additional development commitments being made to the city; and

WHEREAS, In the past there have been instances where development commitments that were made to the City were not implemented as promised; and

WHEREAS, Current city code envisions a final plat to be issued by the Borough on the basis of an agreement to carry out certain commitments, rather than on the basis of those commitments actually having been carried out; and

WHEREAS, A policy requiring all development commitments to be included on the preliminary plat, and requiring the final plat to be an as-built survey showing completion of all the elements included on the preliminary plat would appear to be an effective means of ensuring all commitments undertaken by a subdivider have been implemented.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 22.10.050 entitled "Improvement requirements - General" is hereby amended as follows:

22.10.050 Improvement requirements - General

a. **The final plat for a subdivision in the City shall be an as-built survey showing completion of all elements of the previously-approved preliminary plat.** The Kenai Peninsula Borough shall not release any final plat for a subdivision in the City for filing at the State Recorder's office until the subdivider or developer of the subdivision ~~either enters a subdivision agreement for, or constructs and obtains written City approval of, the following~~ improvements, according to the standards and procedures required under HCC Title [11](#):

1. Streets in all rights-of-way dedicated by the plat;
2. All other utilities and public improvements to be constructed in the rights-of-way and easements dedicated by the plat, including water, sewer, electric, communications, and gas lines, and applicable means for non-motorized transportation; and
3. Abandonment or relocation of existing water or sewer service lines required due to conflict with new or relocated property lines, as required by the Public Works Department.

b. The Commission may exempt a plat from the provisions of subsection (a) of this section as provided in HCC [22.10.040](#).

c. The subdivider shall be required to dedicate street rights-of-way according to the standards and specifications of Chapter [11.04](#) HCC and the City of Homer Design Criteria Manual. The subdivider shall be required to dedicate ROW or easements required to support non-motorized transportation facilities required by HCC [11.04.120](#). Beyond a minimum of 60 feet, the subdivider may agree to a note attached to said subdivision plat providing sufficient setback to allow future expansion of the right-of-way without removal of improvements. Horizontal alignments are subject to City review; the City may require realignment of streets on proposed plats if the alignments do not conform to Chapter [11.04](#) HCC and the Design Criteria Manual. Final plat approval shall thus be subject to the approval of horizontal alignments by the City Public Works Engineer.

d. All street, utility main improvements and means for non-motorized transportation to be constructed as part of a subdivision agreement shall be constructed according to the procedures of Chapter [11.20](#) HCC. The City shall accept no such improvements unless a subdivision agreement is executed prior to construction of such improvements.

e. Any development commitments made by a subdivider to the City shall be shown on the preliminary plat prior to its transmittal by the City to the Kenai Peninsula Borough. Any plat notes provided in lieu of drawings shall be specific and promissory. Such development commitments may be related to sidewalks, trails, sewer connections,

drainage, storm water controls, grading, slope, setbacks, protection of wetlands, preservation of existing watercourses and/or mitigation of potential downstream impact of watercourse alteration, and any other subdivision improvements, whether required by code, or which may not be required by code but may arise in consultations with city staff or in response to public testimony related to the development.

e **f.** All streets constructed as part of a subdivision improvement project shall be monumented according to the procedures of Chapter [11.20](#) HCC (HCC [11.20.090](#)(d)).

Section 2. This ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE HOMER CITY COUNCIL this ____ day of ____, 2023.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:



City of Homer

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Public Works

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DATE: August 7, 2023

TO: Ryan Foster, City Planner

FROM: Janette Keiser, PE, City Engineer and Public Works Director

RE: Proposed Ordinance 23-21(S) regarding preliminary plats

Here are my comments regarding the proposed ordinance:

1. **Reference:** WHEREAS #2 (Line 17) states that “[d]evelopers often make development commitments...which may not be required by code but may arise in consultation with city staff or in response to public testimony...”
Comment: Commitments, which arise “in consultation with city staff” are either grounded in City Code or the City’s technical specifications, and are memorialized in the City’s Standard Specifications, Design Criteria, and the Construction Drawings, which are prepared for the subdivision. Such commitments are then, identified with specificity in the Subdivision Development Agreement, the satisfaction of which is already a pre-requisite to the City’s approval of a Final Plat. Commitments made “in response to public testimony”, which have a basis in the HCC, are also made part of the Subdivision Development Agreement. We do not need a new tool for these kinds of commitments. We should not be requiring, or expecting, developers to make commitments that are not grounded in City Code or the City’s technical specifications.
2. **Reference:** WHEREAS #3 (Line 25) refers to “additional development commitments”.
Comment: These kinds of commitments, if grounded in City Code, should be captured in the Subdivision Development Agreement. There should not be any “additional development commitments” that are not either grounded in City Code or captured in the Subdivision Development Agreement.
3. **Reference:** WHEREAS #4 (Line 30) says “there have been instances where development commitments... were not implemented as promised...”
Comment: As mentioned above, any development commitments must be grounded in City Code and set forth in the Subdivision Development Agreement to be enforceable.
4. **Reference:** WHEREAS #5 (Line 33) says a final plat is issued by the Borough on the basis of a commitment, not the realization of those commitments.
Comment: This is not true. The Borough will not issue a Final Plat until the City signs off on the completion of the improvements set forth in the Subdivision Development Agreement.
5. **Reference:** WHEREAS #6 (Line 37) seems to desire that final plats be issued only when a subdivision agreement has been signed.

Comment: Current practice is that final plats are issued only when the City notifies the Borough that a Subdivision Development Agreement has been, not just signed, but completed. We do not recommend deviating from this practice.

6. **Reference:** Lines 49 – 64. This is current practice.

Comment: Now, the City has the requirement that a developer must post a bond worth 150% of the estimated cost of the improvements, at the time the Subdivision Development Agreement is executed.

7. **Reference:** Lines 91-93. This would require the developer to provide improvements that *“may not be required by code but may arise in consultations with city staff or in response to public testimony...”*

Comment: City staff should not be requiring improvements that are not grounded in City Code. Requiring the developer to provide improvements that are requested in public testimony, but which aren’t set forth in City Code, opens the door to arbitrary and capricious requests for playgrounds, dog parks, street art, sidewalks paved in gold and other spurious ideas. This exposes the City to risks from legal challenges. One of the few things the City, as a municipal body, cannot do is make arbitrary and capricious decisions.

8. **Reference:** Ordinance title states *“a final plat for the City...shall be an as-built survey.”*

Comment: The term *“as-built survey”* is a technical term of art, which refers to the actual configuration, dimensions, materials, elevations, and distances used in the construction of a particular utility or facility. We require the developer to provide as-built drawings as a condition precedent to receiving a Certificate of Final Completion, which is required before the City will notify the Borough that a final plat may be issued. The *“final plat”* is not the *“as-built”* and calling it such is not an appropriate application of this term. Requiring the *“final plat”* to contain the same level of detail as an *“as-built”* is contradictory to best engineering practice.



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Public Works

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Memorandum

TO: Ryan Foster, City Planner

FROM: Janette Keiser, PE, City Engineer and Public Works Director

DATE: August 9, 2023

RE: Legislative History of Regarding Subdivision Development in Homer

Purpose: I have reviewed the legislative history relating to connections between subdivision developments, performance guarantees and platting in Homer, with the goal of clarifying these connections. This memorandum summarizes my findings and conclusions.

Executive Summary: Current regulations allow developers to record a plat if (a) there is a subdivision agreement addressing the development of improvements in City rights-of-way or easements and (2) the developer provides a performance guaranty valued at 150% of the estimated cost of said improvements. The current language of our Subdivision Agreements, which memorializes development permits, supports the premise that developers providing the required performance bond, are able to finalize their Subdivision Agreements, record their plats and thus, sell lots.

Excerpts and citations of applicable legislation supporting the premise:

1. State law clearly puts the City and the Borough, as “authorities having jurisdiction”, in the driver’s seat regarding when plats can be recorded and lots can be sold.
“Before the lots...of any subdivision...may be sold or offered for sale, the subdivision... shall be approved by the authority having jurisdiction...and shall be filed and recorded in the office of the recorder.” AS 40.15.010.
2. Also:
“The owner of land located in a subdivision may not transfer, sell, or enter into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved, filed and recorded...A person may not file or record a plat or other document depicting subdivided land in a public recorder’s office unless the plat... has been approved by the platting authority.” AS 29.40.180.
3. The City’s original regulation, adopted in 1987, required that improvements be constructed before a plat would be released, unless there was an agreement stipulating the improvements would be constructed. The original code about subdivisions and platting said:
“No subdivision plat shall be released by the Kenai Peninsula Borough for filing...until the subdivider or developer...constructs streets...and all other utilities...to be constructed in said rights of way...”

"This provision [HCC 22.10.050(a)] may be waived if the developer signs an agreement with the City of Homer that no building permit may/or request for utility connection will be submitted...for any lot...until such time as the improvements are completed and accepted..." HCC 22.10.050(a)

HCC 22.10.050(a) was adopted by Ord 87-8(s) and revised in 2011 by Ord 10-57.

4. The City's 2011 revisions replaced the 1987 language about the "agreement", with the following new language:

"The Kenai Peninsula Borough shall not release any final plat for a subdivision in the City for filing at the State Recorder's office until the subdivider or developer...either enters into a subdivision agreement for, or constructs and obtains written City approval of, the following improvements..." HCC 22.10.050(a), adopted in 2011, by Ord 10-57.

The current code contains this same language, which clearly allows a plat to be released upon execution of a subdivision agreement. For example, the Canyon Trails Phase II Subdivision Agreement, executed in 2012, states:

"The intent of this Subdivision Agreement is to allow recording of the subdivision plat and marketing...before the punchlist items are completed..."

Further, later Subdivision (or Construction Agreements) issued by Public Works stated, the

"[The] final plat...shall not be recorded until Developers met all conditions of this agreement or provide a performance guaranty...[in the amount equal to the Engineers Estimate plus 10%]"

5. The City's original 1987 regulations required a performance guaranty, but there was a provision for a waiver in the case of new subdivisions:

"A performance bond or other acceptable guarantee in the amount of 100% of the project cost, which bond shall be waived in the case of new subdivisions, in which ROW dedication via plat filing or recordation, cannot occur until improvement are installed and accepted." HCC 11.20.070 as amended by Ord 87-6(s) and later amended in 2023.

6. Even though the HCC allowed performance bonds to be waived in the case of new subdivisions, subdivision agreements issued by Public Works, as far back as 2003 required a performance bond, in the amount of 110% of the estimated costs of improvements. I didn't see where this practice was codified.

7. Our current Subdivision Development Agreement template says,

"The final plat for the subdivision or any portion thereof shall not be recorded until Developer has met all conditions of this agreement (or provides a performance guaranty for work not completed in a form approved by the City)."

8. In 2023, HCC 11.20.070 was amended to require a larger performance bond.

"A performance bond or other acceptable guaranty in the amount of 150 percent of the design engineer's construction cost estimate is required." HCC 11.20.070(f) adopted in 2023 by Ord 23-15.

City of Homer Subdivision Development Process

